

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Gary Hayzlett at 1:30 p.m. on February 10, 2010, in Room 783 of the Docking State Office Building.

All members were present except:

Representative Shirley Palmer- excused

Committee staff present:

Bruce Kinzie, Office of the Revisor of Statutes
Scott Wells, Office of the Revisor of Statutes
Jill Shelley, Kansas Legislative Research Department
Betty Boaz, Committee Assistant

Conferees appearing before the Committee:

Representative Pat Maloney
Representative Pete DeGraaf

Chairman Hayzlett called the meeting to order and opened the hearing on **HB 2555**.

HB 2555 - Designating parts of K-14, U.S. 160 and K-2 as the SFC David R. Berry/SGT WillSun M. Mock memorial highway.

The Chairman recognized Representative Pat Maloney (Attachment #1) According to Representative Maloney, this bill would name a portion of Highway 14 from Harper, KS to Anthony, KS as the SFC David R. Berry/SGT WillSun M. Mock Memorial Highway. He said the memorializing of this section of Kansas Highway 14, in the middle of Harper County, is a fitting tribute to these local soldiers who were born and raised in Harper County and who died defending America. He said the families of these two soldiers still live in Harper County. Representative Maloney acknowledged the families of SFC Berry and Sgt. Mock who were in attendance. He also acknowledged Fred Bogatay, the Command Sgt. Major, US Army Retired, who initiated this tribute. Representative Maloney introduced Command Sgt. Major Bogatay who stepped forward and made brief comments.

There were no other proponents and no opponents so the Chairman closed the hearing on **HB 2555** and opened hearings on **HB 2602**.

HB 2602 - Rep. Ted Powers memorial exit.

Chairman Hayzlett recognized Representative Pete DeGraaf. (Attachment #2) According to Representative DeGraaf, the purpose of this bill is to honor the memory, service and dedication of Representative Ted Powers. He said Representative Powers served in the legislature for over 17 years. Representative DeGraaf said the turnpike runs through District 81 and Exit 33 is known as the Mulvane Exit. This bill would place additional signs along the bottoms of the North and South Mulvane Exit 33, to signify "Representative Ted Powers Memorial Exit." Representative DeGraaf submitted a balloon amendment (Attachment #3) saying the signage would be removed in 10 years and given to Mr. Powers widow. He stood for questions.

There were no other proponents and no opponents came forward.

Chairman Hayzlett drew the Committee's attention to the written testimony submitted in opposition to **HB 2602** from Michael Johnston, President/CEO of the Kansas Turnpike Authority. (Attachment #4)

There being no other testimony the Chairman closed the hearing on **HB 2602**.

The Chairman opened **HB 2483** to the Committee for discussion, comments and motions. After some discussion Representative Peck made a motion to pass **HB 2483** favorably out of Committee, seconded by Representative Worley. After more discussion the motion carried.

CONTINUATION SHEET

Minutes of the House Transportation Committee at 1:30 p.m. on February 10, 2010, in Room 783 of the Docking State Office Building.

Chairman Hayzlett opened **HB 2485** to the Committee for discussion, comments and motions. The Chairman asked staff to brief the Committee on the bill. Representative Peck made a motion to pass this bill favorable from Committee and due to its non-controversial nature place it on the Consent Calendar. The motion was seconded by Representative Burgess and the motion carried.

There being no further business before the Committee the meeting was adjourned.

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HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
AGRICULTURE AND NATURAL RESOURCES
TRANSPORTATION, COMMERCE AND LABOR

E-Mail: Pat.Maloney@house.ks.gov

February 10, 2010
House Transportation Committee

Testimony on HB2555

Chairman Hayzlett and members of the House Transportation Committee, I am Pat Maloney and I appreciate this opportunity to present testimony on HB2555.

This bill would name a portion of Highway 14 from Harper to Anthony as the SFC David R. Berry/SGT WillSun M. Mock Memorial Highway. Both these young men were born and raised in Harper County. Their families still reside in Harper County. They both died when a makeshift bomb (IED) detonated near their vehicles in or near Baghdad, Iraq. Berry's death occurred on February 22, 2007, and Mock's on October 22, 2006.

The memorializing of this section of Kansas Highway 14, the middle of Harper County, is a fitting tribute to these local soldiers who died defending America and Americans.

I would like to thank Fred Bogatay, Command Sgt. Major, USAR, for initiating this tribute.

The cost of signs for this memorial highway will be raised locally, with no cost to the state.

I'll be glad to stand for questions.

Thank you again for the opportunity to give testimony.

Pat Maloney
State Representative
116th District

House Transportation
Date: 2-10-10
Attachment # 1

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

Home:

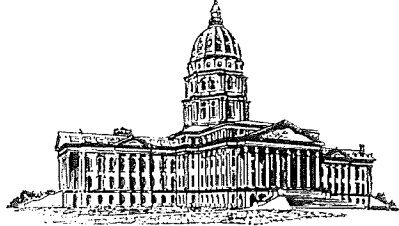
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PETE DEGRAAF
81ST DISTRICT

COMMITTEE ASSIGNMENTS

APPROPRIATIONS
FINANCIAL INSTITUTIONS
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CHILDREN'S ISSUES
SPECIAL COMMITTEE ON KTEC

Wednesday, February 10, 2010

Dear Chairman Hayzlett
and other distinguished members of the Transportation Committee,

I 'm here today in tribute to my predecessor and to specifically ask for your **SUPPORT of HB 2602.**

HB 2602 is the outgrowth of this body's desire to honor the memory, service, and dedication of Representative Ted Powers. **This bill carries the names of 120 co-sponsors** and has tremendous bipartisan support. Representative Powers was a friend and a neighbor. Some of you sitting here today knew Ted better than I did. As you know Ted passed away in May of 2008, while serving the people of the Great State of Kansas and more specifically District 81. Ted was elected to the Kansas House of Representatives in 1992, and served with distinction on various committees for over 17 years. Having lived just outside Mulvane and having taught band for years, Ted was known and loved by all. Ted was passionate about his community and was always seen helping people. His widow, Betty Mae continues to serve Meals on Wheels and is very active in the community.

The Turnpike runs right through District 81 and **Exit 33 is known as the Mulvane Exit.** One of Ted's last acts of service while in the Legislature was to help name a portion of Highway 53 running from Mulvane to the Turnpike Exit 33 in honor of the Patriot Guard which originated in and continues to serve out of the City of Mulvane.

It is the intention of this bill, if passed, **to place additional signs along the bottoms** of both the North and South Mulvane Exit 33 signs (similar to the ones at the El Dorado exits) **to signify "Rep. Ted Powers Memorial Exit"**.

As a side note, last week while discussing this bill with **Michael Johnston, President and CEO of the Turnpike Authority,** he shared that Ted was the first person to ask for and be sold a Pike Pass.

Two weeks ago, Betty Mae was both surprised and verbally appreciative that so many in the House of Representatives would think of honoring Ted in this way. If passed, the signs at Exit 33 will serve as a lasting tribute to Rep. Ted Powers and will bring a sense of pride to those he served. I humbly request that you quickly move HB 2602 to the floor of the House, favorable for passage.

Respectfully,

A handwritten signature in black ink, appearing to read 'Pete DeGraaf', written over a horizontal line.

Rep Pete DeGraaf

House Transportation

Date: 2-10-10

Attachment # 2



HOUSE BILL No. 2602

By Representatives DeGraaf, Aurand, Ballard, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley and Yoder

2-2

24 AN ACT designating plaza 033 on interstate highway 35 as the Rep. Ted
25 Powers memorial exit.

26
27 *Be it enacted by the Legislature of the State of Kansas:*

28 Section 1. Plaza 033 on interstate highway 35 is hereby designated
29 as the Rep. Ted Powers memorial exit. The Kansas turnpike authority
30 shall place signs at plaza 033 to indicate that plaza 033 is the Rep. Ted
31 Powers memorial exit, except that such signs shall not be placed until the
32 Kansas turnpike authority has received sufficient moneys from gifts and
33 donations to reimburse the Kansas turnpike authority for the cost of plac-
34 ing such signs and an additional 50% of the initial cost to defray future
35 maintenance or replacement costs of such signs. The Kansas turnpike
36 authority may accept and administer gifts and donations to aid in obtain-
37 ing and installing suitable signs.

38 Sec. 2. This act shall take effect and be in force from and after its
39 publication in the statute book.

Proposed Amendment to HB 2602

February 10, 2010

Prepared by: Bruce Kinzie, Office of Revisor of Statutes

House Transportation
Date: 2-10-10
Attachment # 3

→ (a)

→ (b) The provisions of this section shall expire on July 1, 2020. Upon the expiration of this section, the signs placed at plaza 033 under subsection (a) shall be removed and such signs shall be given to the surviving spouse, or other family member, if there is no surviving spouse.



Remarks of Michael Johnston, President/CEO of the Kansas Turnpike Authority
Before the House Transportation Committee
February 9, 2010

Representative Gary Hayzlett, Chairman
Representative Jene Vickrey, Vice Chairman
Representative Margaret Long, Ranking Minority Member

Thank you Mr. Chairman for the opportunity to offer these written comments concerning HB 2602, a measure to name Exit 33 near Mulvane on the Kansas Turnpike the Ted Powers Memorial Exit. My remarks are in opposition to the bill.

First of all, let me say that Ted Powers was a wonderfully unique personality who left a rich legacy. In fact, Ted was the turnpike's first KTAG customer by virtue of the fact that he was the first to send money to enroll in the program. As a result, Ted proudly rode in the first vehicle through our dedicated KTAG lane when the program was dedicated on October 25, 1995. Ted was a valued customer of ours until his death.

Though I have a high level of respect for Ted's memory, I must respectfully oppose the bill. While I am sure there are exceptions, such as the one we have with the Nick Badwey Memorial Plaza at Plaza 77 near El Dorado, the Manual of Uniform Traffic Control Devices states, "Freeways and expressways should not be signed as memorial or dedicated highways". The manual does acknowledge that "legislative bodies occasionally adopt an act or resolution memorializing or dedicating a highway, bridge, or other component of the highway". As a result, guidance for such action is provided that would not include signing such as HB 2602 provides. With respect to the Nick Badwey designation, all I can tell you is that action was taken at another time (1988), by another board, and was intended to recognize a person who had a long history of promoting and building the turnpike. I would not support such a designation today for the same reasons I oppose the bill designed to honor Ted.

Finally, there is ample precedent for memorial designations on the state highway system apart from roadways on the interstate system. I will work with the Chairman to find a suitable roadway so that Ted's life and memory can be appropriately recognized.

Thank you for your consideration!

House Transportation
Date: 2-10-10
Attachment # 2

Figure 2M-10. Recreational and Cultural Interest Area Symbol Signs for Winter Recreation



Standard:

- 05 Where such memorial or dedication signs are installed on the mainline, (1) memorial or dedication names shall not appear on directional guide signs, (2) memorial or dedication signs shall not interfere with the placement of any other necessary signing, and (3) memorial or dedication signs shall not compromise the safety or efficiency of traffic flow. The memorial or dedication signing shall be limited to one sign at an appropriate location in each route direction, each as an independent sign installation.
- 06 Memorial or dedication signs shall be rectangular in shape. The legend displayed on memorial or dedication signs shall be limited to the name of the person or entity being recognized and a simple message preceding or following the name, such as “Dedicated to” or “Memorial Parkway.” Additional legend, such as biographical information, shall not be displayed on memorial or dedication signs. Decorative or graphical elements, pictographs, logos, or symbols shall not be displayed on memorial or dedication signs. All letters and numerals displayed on memorial or dedication signs shall be as provided in the “Standard Highway Signs and Markings” book (see Section 1A.11). The route number or officially mapped name of the highway shall not be displayed on the memorial or dedication sign.
- 07 Memorial or dedication names shall not appear on supplemental signs or on any other information sign on or along the highway or its intersecting routes.

Option:

- 08 The lettering for the name of the person or entity being recognized may be composed of a combination of lower-case letters with initial upper-case letters.

Guidance:

- 09 *Freeways and expressways should not be signed as memorial or dedicated highways.*

Support:

- 10 Named highways are officially designated and shown on official maps and serve the purpose of providing route guidance, primarily on unnumbered highways. A highway designated as a memorial or dedication is not considered to be a named highway. Section 2D.53 contains provisions for the signing of named highways.