

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 8:30 a.m. on March 3, 2011, in Room 152-S of the Capitol.

All members were present except:

Senator Les Donovan-excused
Senator Anthony Hensley-excused

Committee staff present:

Scott Wells, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Chris Courtwright, Kansas Legislative Research Department
Jill Shelley, Kansas Legislative Research Department
Toni Beck, Committee Assistant

Conferees appearing before the Committee:

Jerry Younger, State Transportation Engineer, Kansas Department of Transportation
Julie Steiner, board member, Frontier Military Scenic Byway
Representative Elaine Bowers, District 107, Kansas Senate

Others attending:

See attached list.

Approval of Senate Transportation Committee minutes as written for February 22, 2011, were made with a motion by Senator Reitz. Seconded by Senator Marshall. Motion passed.

Chairperson Umbarger opened the hearing on **HB2175-Abolishing the Highway Advisory Commission.**

Jerry Younger provided additional testimony as a proponent for the bill. (Attachment 1) He commented the advisory commissions role and focus has changed a lot over the years and the members now find that their role is outdated and the need to have such a committee is unnecessary. There were no further conferees.

Chairperson Umbarger closed the hearing on **HB2175** with no further action taken.

Chairperson Umbarger opened the hearing on **HB2230-Repealing KSA 68-1038.**

Jerry Younger provided testimony in support of the bill. (Attachment 2) The repeal of KSA 68-1038 would allow the byway to be re-designated in the Kansas Byway program as the Frontier Military Historic Byway. The byway runs from Leavenworth south to the Kansas/Oklahoma border. Chairman asked if signage would be available; which it would be. Julie Steiner provided testimony in support of the bill. (Attachment 3) The change to an historic byway would allow for additional grant funding for byway projects. Senator Huntington commented on the opportunity of a possible name change to the byway.

There being no further conferees, Chairperson Umbarger closed the hearing on **HB2230.**

Chairperson Umbarger opened the hearing on **HB2003-Designating part of K-18 highway as the Medal of Honor recipient Donald K Ross memorial highway**

Representative Elaine Bowers testified in support of the bill. (Attachment 4) Her testimony was on behalf of Joe Cassell, USN retired, and Jack Meili, Lincoln County. The legislation would be on behalf of Medal of Honor recipient, Donald K. Ross for his contribution on the USS Nevada during the Pearl Harbor attack, December 7, 1941, during WWII. Captain Ross was born in Beverly, Kansas.

There being no further conferees Chairperson Umbarger closed the hearing on **HB2003.**

Senator Schmidt made a motion to place the bill on the Consent Calendar. Seconded by Senator Kultala. Motion carried.

CONTINUATION SHEET

The minutes of the Senate Transportation Committee at 8:30 a.m. on March 3, 2011, in Room 152-S of the Capitol.

Senator Huntington moved to amend **HB2175** by adding the contents of **HB2230**; seconded by Senator Kultala. Motion carried.

Senator Huntington moved to recommend **HB 2175** as amended favorably for passage; seconded by Senator Reitz. Motion carried.

The next meeting is scheduled for March 8, 2011. The meeting was adjourned at 9:00 a.m.

DATE: March 3
THURSDAY

[illegible]



Deb Miller, Secretary

Kansas Department of Transportation

Sam Brownback, Governor

**TESTIMONY BEFORE
SENATE TRANSPORTATION COMMITTEE**

**REGARDING HOUSE BILL 2175
ABOLISHING THE HIGHWAY ADVISORY COMMISSION**

March 3, 2011

Mr. Chairman and Committee Members:

Good morning Mister Chairman, members of the committee. I am Jerry Younger, Deputy Secretary for Engineering and State Transportation Engineer for the Kansas Department of Transportation (KDOT), writing in support of HB 2175.

In 1975, the Kansas Legislature established the Kansas Department of Transportation and transferred to it all of the powers, duties, obligations, and functions of the preceding State Highway Commission. The State Highway Advisory Commission was also established at that time. The Commission's twelve members, two from each of KDOT's six geographical districts, are appointed by the Governor. The Commission is responsible to disapprove, by a two-thirds vote, the location of a highway or its construction.

Like many advisory commissions the role and focus of the commission has changed a lot over the years and the members now find that their role is outdated and the need to have such a committee is unnecessary. KDOT appreciates the commission members who have served over the last 35 years and the commitment they have shown in ensuring that the public's concerns are recognized and acted on by the department.

As KDOT has taken on a multi-modal focus, developed multiple methods for communicating with the public and relied on various working groups and task forces around specific topics to gain input, the current commission has questioned the value of their role. Department programs include rail, transit, and aviation in addition to highways. We have worked very closely with industry and public partners to ensure that our programs are meeting their needs. For example, the T-LINK Task Force was created to develop recommendations for the T-WORKS transportation program, which includes highway preservation, modernization and expansion, along with transit, aviation, and rail. It was through these discussions and our local consultation process that the department has continued to get input on public priorities. The task force and workgroup processes have worked very well, and the department will continue to use these tools in the future.

The Commission has requested that KDOT bring this legislation on their behalf. It is with respect to the members that have served and are currently serving on this Commission that we honor the Commission's request and ask that you support HB 2175.

Thank you for the opportunity to provide information to the committee on HB 2175.

Senate
Transp.
Att 3-3-11
1

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Deb Miller, Secretary

Kansas Department of Transportation

Sam Brownback, Governor

**TESTIMONY BEFORE
SENATE TRANSPORTATION COMMITTEE**

**REGARDING HOUSE BILL 2230
RELATING TO REPEALING THE FRONTIER MILITARY
SCENIC BYWAY**

March 3, 2011

Mr. Chairman and Committee Members:

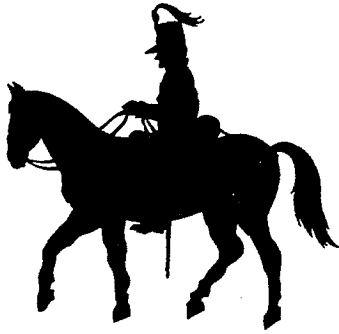
I am Jerry Younger, Deputy Secretary for Engineering and State Transportation Engineer for the Kansas Department of Transportation (KDOT). I am here to provide testimony in support of House Bill 2230, repealing the designation of the Frontier Military Scenic Byway.

The Frontier Military Scenic Byway local committee has proposed this legislation to repeal K.S.A. 68-1038 to allow byway to be re-designated in the Kansas Byway program as the Frontier Military Historic Byway. The Kansas Byway Committee supports the request of the historic designation under the program as it is a more appropriate designation for the route.

This byway runs from Leavenworth south to the Kansas/Oklahoma border and travels through mostly metro communities, with much of the route on high speed four lane highway. The department concurs with the local committee that the route is better suited as a "historic" byway. The traveler will discover the history along the route by exiting the main highway and exploring the historic sites and museums along the route.

Thank you for the opportunity to testify today. I will gladly stand for questions at the appropriate time.

Senate
Transp.
Att: 3-3-11
2



Testimony in favor of HB 2230

By Julie Steiner

March 3, 2011

*Frontier Military Scenic Byway
9001 W. 110th St., Ste. 100
Overland Park, KS 66210
913-491-0123*

*Frontier Military Scenic Byway
extends 167 miles in
eastern Kansas, including the
following counties:*

*Leavenworth County
Wyandotte County
Johnson County
Miami County
Linn County
Bourbon County
Crawford County
Cherokee County*

*Frontier Military Scenic Byway
Leadership:*

*Amy Garton
Chair*

*Kevin Fern
Advocacy Chair*

*Scott Shields
KS Byways Program Liaison*

*Sue Stringer
KS Byways Program Liaison*

Mister Chair and Honorable Committee Members,

Thank you for the opportunity to present testimony in favor of HB 2230. On behalf of the Frontier Military Scenic Byway (FMSB) Committee, I would like to offer support for repealing K.S.A. 68-1038, which would allow the Byway to move under the Kansas Byways Program and its management and marketing efforts.

At the September 7, 2010 meeting of the FMSB Committee, the Byway representatives voted to move forward with this repeal request. We are seeking this repeal in order to move under the Kansas Byways Program. The Program Manager has indicated that this would happen seamlessly. Upon moving under this program some important marketing efforts could take place that cannot happen under the current statute, including a Byway name change to the Frontier Military Historic Byway – a name that better reflects the intrinsic qualities of the Byway to travelers. According to the National Byways Committee, when we applied for national byway designation in 2008, this name change would have assisted in our application process, which was denied in part due to the way the FMSB represented its intrinsic qualities.

A Byway name change would result in a need for new signage; however, it is the Committee's understanding that the Kansas Byways Program and the Kansas Department of Transportation is planning updated signage for the FMSB currently.

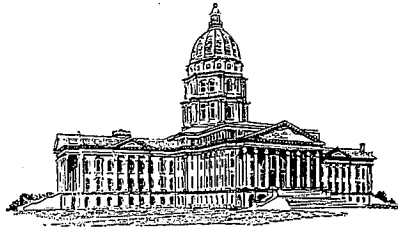
In the future, the Byway may be able to re-apply for national byway designation as a historic byway if this change occurred, allowing for additional grant funding for byway projects.

Thank you for the opportunity to address you and express our support of HB 2230.

Senate
Transp.
Att: 3-3-11
3

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

ELAINE S. BOWERS
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AND NW DICKINSON COUNTY
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ELAINE S. BOWERS
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March 3, 2011

Thank you for allowing me to testify today on behalf of Joe Cassell and Jack Meili from Lincoln County. These two gentlemen started the process of honoring their friend, Captain Donald K. Ross, earlier in the year by working with KDOT to place "Home of" signs at his childhood home at Beverly in Lincoln County. They then learned that in order to rename a portion of Highway 18 that they must have special legislation. We have been working on this project since the summer with Lee Holmes, State Traffic Signing Engineer, KDOT. Reviser Bruce Kinze drafted the bill renaming Donald K. Ross Memorial Highway for us and pre-filed the bill in December 2010.

As I researched the Medal of Honor Award – I learned just how prestigious this award is. The Medal of Honor bill was introduced as United States Senate #82 on December 9, 1861 by Iowa Senator James Grimes and signed into law by President Lincoln on December 21st, 1861. It authorized 200 medals to be produced "which shall be bestowed upon such petty officers, seamen, landsmen and marines as shall distinguish themselves by their gallantry in action and other seamanlike qualities during the present war (Civil War)." The Medal of Honor is the highest military decoration awarded by the United States government. It is bestowed by the United States Congress on members of the United States Armed Forces who distinguish themselves through "conspicuous gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in an action against an enemy of the United States. Members of all branches of the armed forces are eligible to receive the medal, and there are three versions (one for the Army, one for the Air Force, and one for the Navy, Marine Corps and Coast Guard). The Medal of Honor is bestowed upon an individual by the passing of a Joint Resolution in the Congress; and is then personally presented to the recipient or, in the case of posthumous awards, to next of kin, by the President of the United States, on behalf of the Congress, representing and recognizing the gratitude of the American people as a whole.

The first award of the Medal of Honor was made March 25, 1863 and the last November 16, 2010 to Salvatore Giunta. To date, there have been 3,454 recipients of the Medal of Honor and today there are 85 living recipients.

Donald K. Ross was born in Beverly, Kansas in 1910. He was awarded the Medal of Honor for his actions on December 7th, 1941 at Pearl Harbor serving on the USS Nevada. He was presented the Medal of Honor by Admiral Chester Nimitz on April 18, 1942. He also participated in the landings at Normandy and Southern France. He retired from in July 1956 after 27 years of service and was promoted to Captain on the basis of his combat awards. In 1997, the guided-missile destroyer USS Ross was commissioned in 1997 and is still in service honoring his name. As he spoke at the 50th anniversary of Pearl Harbor he said that the battle was "*not a story about a defeat. It's a story about a job well done.*" He died on May 27, 1992.

Two signs, one east and one west bound, west from US Highway 81 to the Russell County line through Ottawa and Lincoln Counties (a stretch of 43 miles) will be designated **Donald K. Ross Medal of Honor Recipient Memorial Highway** by House bill #2003. The total cost of both signs – upfront payment due – of \$2160.00 will be paid for by local donations. The "Home of" signs are already up and paid for in full. A ceremony and unveiling is being planned in late spring with Captain Ross's family and other guests attending.

A quote by his daughter sums up this Kansas WWII hero: *My father inspired a lot of people to apply their best efforts and work hard in achieving goals that would strengthen our nation. He pulled together teams of sailors who could accomplish amazing things.*

Thank you for your time - Rep. Elaine Bowers

Senate
Transp.
Att: 3-3-11
4

I am Joe Cassell from Salina, Ks. (formerly from Beverly) and this is Jack Meili who was born in Beverly and has lived there his entire life. We are here today to tell you about a home town hero and ask that you consider dedicating a portion of K-18 highway through Lincoln county to honor him and the many veterans who have been the forgotten heroes.

Don Ross was born in Beverly, Ks. in 1910 and joined the navy in 1928. He was at Pearl Harbor on the battleship Nevada when the Japanese attacked. He was responsible for firing up the boilers so the ship could be moved out of the harbor, even though he was blinded and passed out twice before the ship was underway--the only battleship to do so during the attack.

For this action he received the Congressional Medal of Honor, presented by Admiral Chester Nimitz. He was the first person to be presented this medal in World War II.

The portion of K-18 Highway to be dedicated would be from the junction of US81 west to the Lincoln and Russell county lines.

All funding for this project have been raised through private donations. This is approximately 46 miles.

We're ready to move if you approve.

Thank you

Donald Kirby Ross (December 8, 1910 – May 27, 1992) was an officer of the United States Navy who received his Medal of Honor for actions in World War II. This award was made for his actions during the Japanese attack on Pearl Harbor.



Biography

Donald Ross was born on December 8, 1910 in Beverly, Kansas. He enlisted in the U.S. Navy in Denver, Colorado on June 3, 1929 and graduated as company honor man from basic training, San Diego, Calif.. He completed Machinist Mate School, Norfolk, Virginia first in his class and was assigned to the USS *Henderson* on a China service run.

While serving aboard the hospital ship USS *Relief* (AH-1), Ross saw his first action (with the U.S. Marines) in Nicaragua in 1931. Advancing through the rates on the minesweeper USS *Brant* (AM-24), destroyer USS *Simpson* (DD-221) and cruiser USS *Minneapolis* (CA-36), he attained the rank of Warrant Officer Machinist in October 1940, and was assigned to the battleship USS *Nevada* (BB-36).

During the December 7, 1941 Japanese air raid on Pearl Harbor, *Nevada* was badly damaged by bombs and torpedoes. Ross distinguished himself by assuming responsibility to furnish power to get the ship underway — the only battleship to do so during the Japanese attack.

"When his station in the forward dynamo room became almost untenable due to smoke, steam and heat," reads Ross' citation, "he forced his men to leave that station and performed all the duties himself until blinded and unconscious. Upon being rescued and resuscitated, he returned and secured the forward dynamo room and proceeded to the after dynamo room, where he was later again rendered unconscious by exhaustion. Upon recovering consciousness, he returned to his station, where he remained until directed to abandon it."

He was presented the Medal of Honor by Admiral Chester Nimitz on April 18, 1942. Ross was promoted to Chief Machinist in March 1942 and was commissioned an Ensign in June 1942. Later in the war, he also participated in the landings at Normandy and Southern France.

He rose steadily in temporary rank to Lieutenant Commander by the end of the war, reverting to Lieutenant at its conclusion. He again received promotion to Lieutenant Commander in 1949 and to Commander in November 1954. Upon his retirement from active duty in July 1956, after twenty-seven years' of service aboard every type of surface ship then afloat, he was promoted to Captain on the basis of his combat awards.

Making his home in Washington State after leaving the Navy, Captain Ross was active in farm life and community affairs, and in perpetuating the memory of the Pearl Harbor attack, which he described as "not a story about a defeat. It's a story about a job well done". He wrote a book about his fellow Medal of Honor recipients — *Men of Valor* — published in 1980.

He attended 50th Anniversary ceremonies at Pearl Harbor on December 7, 1991, during which a memorial was dedicated to his old ship, the USS *Nevada*.

Captain Donald K. Ross died at Bremerton, Washington, on May 27, 1992. His ashes were scattered at sea over the USS *Nevada*.