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Sam Brownback, Governor

**TESTIMONY BEFORE
HOUSE TRANSPORTATION COMMITTEE**

**REGARDING HOUSE BILL 2310
RELATED TO HIGHWAY ADVERTISING CONTROL ACT**

February 20, 2013

Mr. Chairman and Committee Members:

Good afternoon 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), here today to testify on HB 2310, which proposes amendments to the Kansas Outdoor Highway Advertising Control Act, K.S.A. 2012 Supp. 68-2232, 68-2233 and 68-2234 and repealing the existing sections.

Under current law, "spot zoning" for outdoor advertising structures is prohibited. Spot zoning refers to a local zoning action that is not part of comprehensive zoning or is created primarily to permit the erection of outdoor advertising structures. HB 2310 would amend the act to allow outdoor advertising structures erected prior to June 30, 2006, by local zoning authorities to be grandfathered or otherwise considered legal conforming signs. Furthermore, the bill would grandfather locations where spot zoning occurred prior to June 30, 2006. This would allow new advertising structures to be erected in those locations, effectively increasing the number of billboards in areas which were not a part of comprehensive zoning.

The Federal Highway Beautification Act considers "spot zoning" to be a state or a local zoning action created primarily to permit the erection of outdoor advertising structures, and is not part of comprehensive zoning. This action is not recognized for outdoor advertising control purposes by the Federal Highway Administration. The prohibition against "spot zoning" was incorporated in state statute in 2006 to bring the state into compliance with federal law.

Commercial advertising is allowed in all zoned or un-zoned commercial or industrial areas in Kansas. KDOT and representatives from Southeast Kansas have had several conversations over the years about options available concerning the issues near Chanute and Humboldt. The department researched those specific areas for advertising opportunities. Allen County is zoned while Neosho County does not have county-wide zoning. The City of Chanute is zoned and has a three-mile sphere of influence beyond their city limits. There are three areas along US-169 that are zoned Industrial and three areas that are zoned commercial that could be available for outdoor advertising.

The City of Humboldt is zoned within its city limits, as is all of Allen County. The Humboldt city limits do not extend to the US-169 highway. There are conditional use zoning areas along US-169 but they are

limited to quarry activity, and the remaining land along sections of US-169 around Humboldt is zoned agriculture.

In addition to commercial advertising, there are many alternatives for businesses and communities to advertise on routes controlled by the act. The statutes also allow for “Directional” or “Official” type signs. For example, the City of Humboldt has licenses for four “Official” sign structures along US-169 in Allen County (see attached examples on page 3). These licenses allow the city to advertise their city and events as long as they do not place commercial advertising on these structures. Both of these types of structures can be erected in all zoned or un-zoned locations. Directional signs allow public or privately-owned scenic attractions or historical attraction sites that are deemed to be of interest to the traveling public to be advertised.

There are also the TODS (Tourist Oriented Directional) and LOGO (Business Activity) signs that provide additional opportunities of advertising along certain KS highways. This program is a partnership between KDOT and the KS Department of Commerce and is administrated by Kansas Logos Inc.

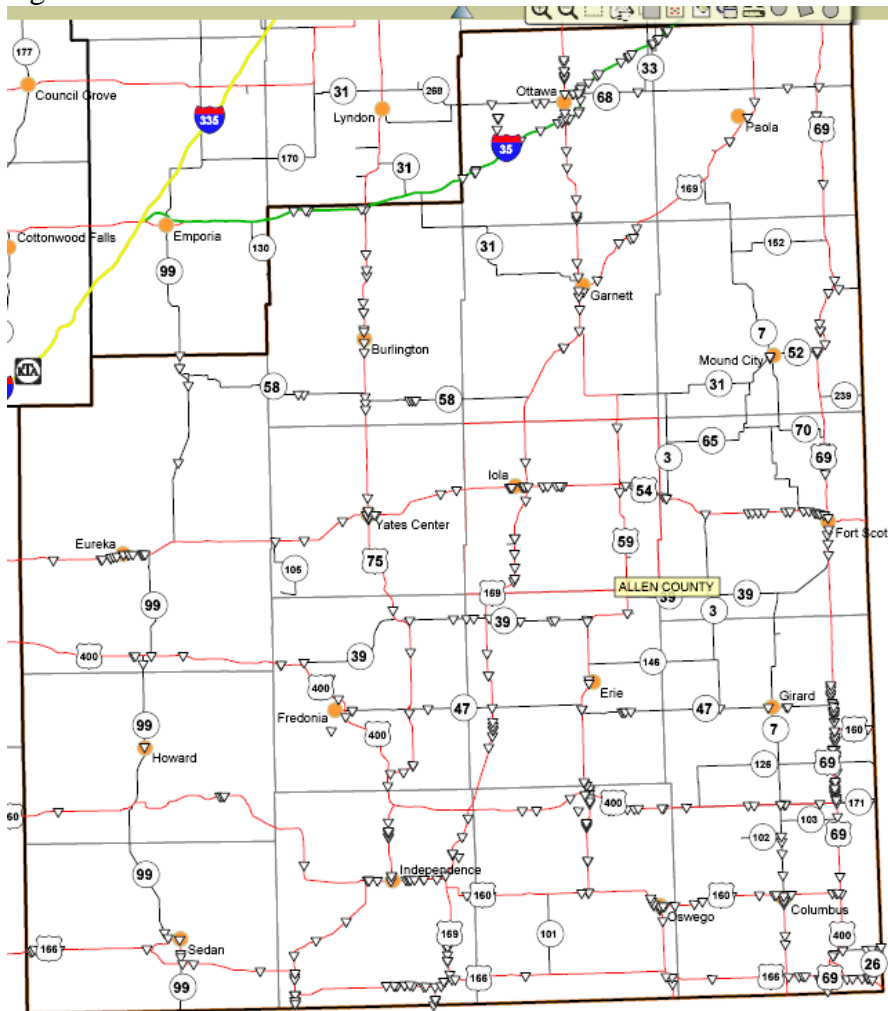
If the proposed legislation were to be enacted, it would amend the Kansas Outdoor Highway Advertising Control Act in a way that would contradict federal law. Thus, KDOT would be at risk of a 10 percent reduction of federal funding for several highway programs, possibly resulting in a loss of \$32 million per year.

Thank you for the opportunity to provide testimony on HB 2310. I will gladly stand for questions at the appropriate time.

Signs owned by the City of Humboldt along US-169 near mile marker 57 & 58.



Sign locations in Southeast Kansas.



Sign locations in Allen County.

