

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Les Donovan at 3:07 p.m. on February 2 at the 3rd Floor Rail of the Capitol.

All members were present.

Committee staff present:

Bruce Kinzie, Revisors of Statutes

Conferees appearing before the committee:

Others attending:

None

The committee met after session at the rail for the purpose of responding to a written request from Daryl Lutz, Butler County Engineer, for a bill to make technical changes to the County road and County Engineer Statutes. (Attachment 1)

Senator Palmer made a motion to introduce the bill. Senator Schmidt seconded the motion. The motion carried.

Meeting adjourned 3:09 p.m.

Next scheduled meeting is Tuesday, February 7th.

From: "Darryl Lutz" <dlutz@bucoks.com>
To: "Senator Les Donovan (E-mail)" <donovan@senate.state.ks.us>
Date: Mon, Jan 23, 2006 2:44 PM
Subject: Kansas County Highway Association Legislation

Senator Donovan:

Over the last 3 years, you have assisted the Kansas County Highway Association in introducing legislation in the Senate Transportation Committee to update the County road and County Engineer Statutes. Great progress has been made. Last year, 2 bills were introduced in your committee and eventually passed into law to further this work. While every effort is made to make sure that proposed statute revisions are technically correct in language and that adequate due diligence review is made, it appears that 1 technical error has been found with SB 124 introduced and passed into law during the 2005 legislative session.

I have attached for your consideration a proposed technical correction that needs to be made in SB 124. SB 124 updated all of the county road classification systems in Kansas and made the classifications align with classification systems used by the Federal Highway Administration and by the KDOT. The update also was needed to allow federal-aid highway improvement funds to be distributed to Kansas Counties in accordance with the correct road classification names. During this process, a road classification was inadvertently omitted from the language that was otherwise covered in the old language. The road classification omission technically could prevent Counties from using federal aid STP funds for road projects within the fringe areas around some cities known as the urban area or the urbanized area. This omission impacts cities with populations over 5,000 and cities in major metropolitan areas.

The omission resulted in not giving a road classification name for County major and minor collector routes that cross through the fringe areas outside of cities over population 5000 known as the urban area or the urbanized area. Under the current legislation, federal aid funding can be extended to County major collector roads and to County minor collector roads. The problem is that under title 23 code of federal regulations, the classification on county major collector roads changes to major arterial, minor arterial, collector or local road within the urban and urbanized areas. The statutory language passed into law in 2005 did not include these fringe area classification names for eligibility for County federal aid funding. The technical correction proposed addresses this issue.

KDOT and KCHA missed this error last year. KDOT discovered the problem last summer when working with a County on an urban area project request. KDOT studied the problem and came up with the language that is being proposed. Since SB 124 was a KCHA initiative and KDOT has not included this proposal in their adopted legislative agenda, KDOT has asked the KCHA to request introduction of a bill to correct the road classification omission. The Executive Committee of the KCHA considered the proposed revision during its meeting on January 18th and gave their approval to request introduction of legislation.

I respectfully request that the Senate Transportation Committee consider introducing a bill to make the proposed technical corrections to SB 124. I will make myself available along with representatives from KDOT to explain the issue in greater detail and to support passage of such legislation.

Thank you for consideration of this matter. I look forward to hearing from your office.

Darryl C. Lutz, P.E.
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<<SB 124 Correction Proposal-2006.pdf>>

SENATE BILL No. 124

AN ACT relating to roads and highways; concerning the classification thereof; amending K.S.A. 68-101, 68-402b, 68-506, 68-506f, 68-516, 68-588, 68-592, 68-1109, 68-1137, 68-1701, 68-1703 and 68-1704 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 68-1702.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. Whenever any county major collector road or county minor collector road is located partly within and partly without a city or connects any such road or highway with a city, by and with the consent of the governing body, the board of county commissioners is hereby given power and authority and required to designate such public road or highway as a part of the county road or highway system. Such road or highway shall be improved and maintained as other parts of the county road system, except that the governing body of such city may aid in the construction, maintenance and improvement of such road or highway as it would were the road or highway wholly within the corporate limits of the city and may improve any such city boundary line road or street in the manner provided by K.S.A. 12-693, and amendments thereto. When a road or highway is being, or has been improved by the county where state or federal aid has been extended in the improvement of such road or highway, and such road or highway terminates at the city limits, and where a road or highway has been or shall be constructed with federal aid, which such road or highway terminates at a state line, and the state line is the corporate limits of a city within this state, the secretary of transportation is hereby authorized and empowered to extend federal aid, and the board of county commissioners, on the application of the governing body of the city, shall declare such city through which a street or streets form a connection between such roads or highways, a benefit district, and shall extend state aid on that part of the road or highway lying within the city limits in the same way and in the same manner as they extend aid in the improvement of the road or highway outside of the city limits. The secretary of transportation is hereby authorized and empowered to cooperate and deal with the governing body of the city, board of county commissioners, or other interested parties that provide funds to take care of the local part of the costs of the improvement of the road or highway lying within the city limits, and such improvement shall be under the supervision and direction of the secretary as provided for in the improvement of other roads and highways of like nature in the county.

Sec. 2. K.S.A. 68-101 is hereby amended to read as follows: 68-101. Unless the context clearly indicates otherwise, the following terms shall have the meanings herein ascribed to them wherever they appear in chapter 68 of the Kansas Statutes Annotated, and acts amendatory thereof or supplemental amendments thereto:

(1) The terms (a) "Highway commissioners," "township board of highway commissioners," "township commissioners," "township board," or "township governing body" shall mean means the governing body of the township composed of the township trustee, the township clerk and the township treasurer.

(2) The term (b) "Class A roads" shall mean means all roads in county unit road counties, not designated as part of the county primary or county secondary major collector road systems nor as part of the state or federal road systems. It is intended, and the term "Class A roads" shall be construed to mean and include the roads formerly under the jurisdiction of the township, unless otherwise designated and classified by the county engineer and the board of county commissioners.

(3) The term (c) "County roads" shall mean means all roads designated as such by the board of county commissioners, including roads on the county secondary major collector road system, and class A roads in county road unit counties.

(4) The terms (d) "State roads" and "state highways" shall mean means all roads designated as a part of the state highway system by the secretary of transportation.

(5) The term (e) "Township roads" shall mean means all roads within a township not within a county road unit county other than federal, state, and county roads.

Sec. 3. K.S.A. 68-402b is hereby amended to read as follows: 68-402b. (a) Authority is hereby granted to counties, cities and political subdivisions in this state to enter into contracts through or with the secretary of transportation, to enable the state and such counties, cities and political

and federal aid designated routes that extend from major or minor collectors into the area between urban or urbanized limits and city limits defined in title 23 code of federal regulations.

subdivisions to participate in the benefits to be secured from federal-aid funds, or funds made available from the federal government for highway, road or street purposes or for purposes relating to the various other modes and systems of transportation. Contracts so entered into by the boards of county commissioners or the governing bodies of cities or other political subdivisions shall be binding on them or their successors. The secretary of transportation may negotiate and enter into contracts with the federal government, federal departments or federal agencies and take all steps and proceedings necessary to secure such benefits for such counties, cities or other political subdivisions.

The secretary of transportation may determine amounts to be paid from the state highway fund on account of any federal-aid project on the highway system in any county, city or other political subdivision constructed under the provisions of the federal-aid highway act of 1956 or prior federal-aid acts and all acts amendatory thereof or supplemental thereto, or relating to the various other modes and systems of transportation, and approve vouchers therefor. The counties' share of the cost of all such contracts so entered into by them under the federal-aid highway act of 1956 or prior federal aid acts and all acts amendatory thereof or supplemental thereto and federal acts relating to other modes and systems of transportation shall be paid by the proper county from the road and bridge fund of such county, or from any special fund available for such purpose.

or other federal aid classified routes.

Federal aid for ~~secondary county major collector roads~~ ~~or~~ ~~minor collector roads~~ shall be allocated by the secretary of transportation to each of the several counties in the proportion that the total gross amount of moneys received by each county from the special city and county highway fund and the county equalization and adjustment fund in the preceding calendar year prior to distribution of any such moneys bears to the total amount of moneys received by all counties from such fund in such year. If any county does not provide matching funds for federal aid allocated to such county, then the secretary of transportation may allocate such federal-aid funds to other counties or to the state ~~secondary road highway~~ system, and the secretary may accumulate any federal-aid moneys allocated to any or all counties over such period of time as the secretary deems necessary. Also the secretary may allow an advanced allocation of federal-aid funds to any county which establishes a need for additional federal-aid funds. Any such advanced allocation shall be made from accumulated federal-aid funds. Such federal-aid advanced allocations shall be credited back to such accumulated federal-aid funds if, or when, federal-aid funds are subsequently allocated to the counties that have received such advance allocations.

(b) In addition to the powers granted by subsection (a), the secretary may negotiate and enter into contracts with the federal government, federal departments, federal agencies or any other entity and may pledge any federal aid funds or other funds made available from the federal government for that or any other highway, road or street purposes within the state to repay funds which were advanced by counties, cities or political subdivisions of this state for highway, road or street purposes pursuant to the approval of the secretary of transportation.

Sec. 4. K.S.A. 68-506 is hereby amended to read as follows: 68-506.

(a) In counties which have any county which has not adopted the county unit road system, it shall be the duty of the ~~boards~~ ~~board~~ of county commissioners with the approval of the county ~~engineers in their respective counties~~ ~~engineer~~ to classify and designate the roads and highways within such county within the following classes:

(1) ~~"Secondary roads or highways"~~ "County major collector roads" which shall include all county roads and highways designated for inclusion in the ~~secondary major collector road system~~ in accordance with K.S.A. 68-1701 to 68-1704, and amendments thereto;

(2) "county minor collector roads ~~or highways~~" which shall include all county roads and highways, not designated for inclusion in the ~~secondary major collector road system~~, which are ~~other main traveled roads utilized and designed primarily for the movement of traffic between different areas of the county; and~~

(3) "township minor collector roads" which shall include all township roads and highways not designated for inclusion in the major collector