

**TESTIMONY BEFORE THE  
HOUSE APPROPRIATIONS COMMITTEE**

**REGARDING HB 2369 RELATING TO AUTHORIZING THE SECRETARY OF  
TRANSPORTATION TO DESIGNATE OR CONSTRUCT TOLLING PROJECTS  
AND CHANGING FINANCE REQUIRMENTS**

**MARCH 20, 2019**

Mr. Chairman and Committee Members:

Good morning, I am Julie Lorenz, Acting Secretary of the Kansas Department of Transportation (KDOT). I would like to begin my testimony by thanking the Kansas Transportation Vision Task Force. House Bill 2369 originated from their recommendations. The Task Force was led by Chairman Proehl and Chairwoman McGinn. I would also like to thank Chairman Waymaster, Representative Claeys, Representative Francis, and Rep. Helgerson for serving on the task force and contributing to the recommendations.

Before speaking specifically to this bill, I want to acknowledge and underscore the importance of their overarching recommendation that consistent and reliable transportation funding is critical to the health of our transportation system and necessary to support our state's economy. KDOT largely stopped working in 2015 and 2016 on T-WORKS projects, the state bonded for light preservation actions and no long-term planning has been completed. Consequently, the health of our highway system is in decline and the State is not well positioned to take advantage of economic opportunities nor increased federal funds should those be made available.

The work of the Task Force has reversed this trend. With this bill, we're now talking about the future of transportation again – and communities, stakeholders and KDOT greatly appreciate your direction to look forward.

**Modernize tolling**

The State's approach to tolling was established in 1953. Since that time, technology and the Kansas Turnpike Authority (KTA) have advanced, but the State's use of tolling hasn't kept pace. With open road tolling, it's vastly easier for motorists to choose whether they want to use tolled lanes or "free lanes." The bill before you today modernizes our approach and increases the odds Kansas can succeed as we face the national trend of leveraging federal, state, and local funds. As competition for federal funds gets more

intense, having tools like tolling allows Kansas grant applications more opportunities to be successful. At its core, this bill provides greater opportunity for collaboration between KTA, KDOT and local units of government

### **Use tolls as local match to cover a portion of project costs**

Recognizing limited State resources, one of the most important directions of the task force is to look to local units of government to help fund transportation improvements. In order to do that, local governments need more methods by which to bring money to the table.

The bill will allow a toll to cover a portion of the cost of a project. Currently, tolls must cover 100 percent of the design, right of way, construction and maintenance of a highway. There is no facility in the state that could be built from the ground up with toll revenues alone. The first, most important consideration is to allow tolling to fund portion of the project cost.

### **Amendments address concerns**

Based on conversations with legislators and other stakeholders, KDOT worked with KTA on the attached balloon amendments to clarify the bill language and intent and make technical corrections. It is the same amendment included by the Senate Transportation committee. I would like to explain how the original bill and amendment work together to provide assurances that Kansas is taking proper and measured steps forward to modernize tolling by providing solid legislative checks and balances AND meaningful local community and KTA involvement.

### **Measured step: Tolls cannot be levied on existing highways/bridges/existing capacity**

To be clear, no existing lane of any state highway could be tolled under the existing language or in the proposed balloon amendment. A new lane (like a hot lane) could be installed to allow traffic willing to pay the toll to use the added lane, while traffic that chooses not to pay the toll can still drive “for free” on the lanes that exist today. It’s also possible that a bypass or other new facility could be constructed that would include tolling as part of the funding package but whatever “free” lanes that exist in the area today would remain free. Only IMPROVEMENTS would be tolled.

Open road technology, which exists today, makes it very easy to collect tolls from those drivers who choose to use the improvement, for short or long distances. Signage, and potentially physical barriers, would be used to make sure everyone understands the new lane is a toll lane. There are several examples of this in other states.

### **Local government approval of the toll implementation**

We understand there are concerns with updating the State’s approach to tolling. Thus, we have added language through the proposed amendment to explain how the partnership with the community would

occur. The approach is two pronged: 1) technical analysis, and 2) community engagement. KDOT would work with the community through the feasibility process.

If the State does not have enough funding to pay for an expansion project that the local community wants in the timeframe in which the community thinks the project is needed, that community could request KDOT partner with them to conduct a toll feasibility study. Together, we would:

- Review traffic counts to determine if a more detailed study makes sense.
- In those rare cases where traffic is high enough, KDOT would conduct a full feasibility study to determine what percentage of the traffic would use the new tolled capacity, what percentage would choose to use the existing “free” facility, and what the toll price would have to be to make the toll worthwhile to capture revenue for the project.
- The feasibility study also includes the public involvement process to ascertain public support for implementing a toll.

Many states across the country are looking at different segments of highways to toll, and this approach of conducting a feasibility study is a very common process used in the industry.

We have included language in the amendment that directs once a feasibility study has been conducted, a joint proposal from KDOT and the community would be brought forward to the KTA and the State Finance Council to show that both parties support moving forward with the tolling project.

### **KTA and Legislative Checks and Balances**

While rather commonplace across the US, this is a significant policy change that I take very seriously. KDOT is bringing forward the amendment to ensure proper understanding and oversight exist to make a change in how user fees can be collected. As rare as these situations may be, it is important to have statewide transparency and oversight when a project like this would be brought forward.

The requesting community and KDOT would bring forward a joint proposal for review by the KTA board. As the tolling experts in the state, the KTA board has the unique expertise to understand feasibility studies as they relate to creating a new toll facility.

If the KTA board approves the project, the proposal could then be brought to the State Finance Council for consideration. This review process ensures the community is certain of their commitment, and the project could be approved as a priority for the state highway system with involvement of legislative leadership.

### **Consistency with KTA Management**

There are two additional issues that the underlying bill did not address, but KDOT recommends including in the statute. As the KTA operates today, all classes of vehicles are tolled and we recommend all classes of vehicles using the new capacity be tolled. We do not want to single out any one vehicle type and only toll it.

Also, toll revenue collected from a facility would only be used on that facility. This is critical to how the KTA operates today also. All toll revenue is protected in statute and allowed to only be used on that roadway. Tolls collected on any new capacity would be collected and used on the construction and maintenance of the improvement. Duration and amount of the toll in the project proposal will be determined with the community through the feasibility process.

There will never be a new Kansas turnpike. We do not have the population density to make a project like that work today. But there are bottlenecks on the system today that could be addressed faster by leveraging state dollars with a local user fee match. I ask for your favorable consideration of this bill to provide the State and communities an expanded tool to fund transportation improvements with the safeguards as outlined.

Thank you for allowing me to testify today. I am happy to stand for questions at the appropriate time.

HOUSE BILL No. 2369

By Committee on Taxation

2-18

Proposed Amendments  
2019 House Bill No. 2369  
Prepared by: Adam Siebers  
Office of Revisor of Statutes  
Toll and turnpike project requirements

1 AN ACT concerning transportation; relating to toll projects; authorizing  
2 the secretary of transportation to designate or construct toll projects;  
3 changing toll project financing requirements; amending K.S.A. 68-  
4 2002, 68-2004, 68-2008, 68-20,120 and 68-2301 and repealing the  
5 existing sections.  
6

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

8 Section 1. K.S.A. 68-2002 is hereby amended to read as follows: 68-  
9 2002. In order to provide for the construction of modern express highways  
10 or superhighways embodying, where feasible and necessary, safety  
11 devices, including center division, ample shoulder widths, long-sight  
12 distances, multiple lanes in each direction and grade separation at  
13 intersections with other highways and railroads, and thereby facilitate  
14 vehicular traffic, provide better connections between the highway system  
15 of Kansas and the highway systems of the adjoining states, remove many  
16 of the present handicaps and hazards on the congested highways in the  
17 state, and promote the agricultural and industrial development of the state,  
18 the Kansas turnpike authority ~~thereafter created~~ is hereby authorized  
19 and empowered to construct, maintain, repair and operate turnpike projects  
20 ~~(as heretofore defined), and to issue revenue bonds of the authority,~~  
21 ~~payable solely partly from revenues, to finance such projects. No toll road~~  
22 ~~project shall be undertaken unless and until such project and the proposed~~  
23 ~~location therefor have been thoroughly studied with respect to traffic,~~  
24 ~~engineering, cost and financing nor unless such study shows:~~

25 (a) That public funds for construction of a free expressway are not  
26 available;

27 (b) that the construction of a toll expressway can be financed ~~wholly~~  
28 ~~partly~~ through the investment of private funds in toll road revenue bonds;  
29 and

30 (c) that the project and indebtedness incurred therefor ~~will can be~~  
31 ~~entirely self-financing financed partly~~ through tolls and other income  
32 from operation of the project.

33 Sec. 2. K.S.A. 68-2004 is hereby amended to read as follows: 68-  
34 2004. (a) The authority is hereby authorized and empowered to:

35 (1) Adopt bylaws for the regulation of its affairs and the conduct of  
36 its business;

- 1 (2) adopt an official seal and alter the same at pleasure;
- 2 (3) maintain an office at such place or places within the state as it
- 3 may designate;
- 4 (4) sue and be sued in its own name, plead and be impleaded;
- 5 (5) determine the location, subject to the approval of the secretary of
- 6 transportation, of each turnpike project financed under the provisions of
- 7 this act, determine its design and the materials of construction, and
- 8 construct, maintain, repair and operate the same;
- 9 (6) issue turnpike revenue bonds of the authority for any of its
- 10 corporate purposes, payable ~~setely~~ *partly* from the tolls and revenues
- 11 pledged for their payment, and to refund its bonds, all as provided in this
- 12 act;
- 13 (7) fix and revise from time to time and charge and collect tolls for
- 14 transit over each turnpike project constructed by it;
- 15 (8) adopt rules and regulations for the use of any such turnpike
- 16 project, and adopt rules and regulations for traffic control on such project;
- 17 (9) acquire, hold and dispose of real and personal property in the
- 18 exercise of its powers and the performance of its duties under this act;
- 19 (10) designate the locations, and establish, limit and control such
- 20 points of ingress to and egress from each turnpike project as may be
- 21 necessary or desirable in the judgment of the authority to insure the proper
- 22 operation and maintenance of such project, and to prohibit entrance to
- 23 such project from any point or points not so designated;
- 24 (11) make and enter into all contracts and agreements necessary or
- 25 incidental to the performance of its duties and the execution of its powers
- 26 under this act;
- 27 (12) employ consulting engineers, attorneys, accountants,
- 28 construction and financial experts, superintendents, managers, and such
- 29 other employees and agents as may be necessary in its judgment, and to fix
- 30 their compensation;
- 31 (13) receive and accept from any federal agency grants for or in aid
- 32 of the construction of any turnpike project, and to receive and accept aid or
- 33 contributions from any source of either money, property, labor or other
- 34 things of value, to be held, used and applied only for the purposes for
- 35 which such grants and contributions may be made; and
- 36 (14) do all acts and things necessary or convenient to carry out the
- 37 powers expressly granted in this act.
- 38 (b) Violation of any of the rules and regulations adopted under this
- 39 section shall be unlawful and subject to the penalties contained in K.S.A.
- 40 8-2116, and amendments thereto.
- 41 Sec. 3. K.S.A. 68-2008 is hereby amended to read as follows: 68-
- 42 2008. Revenue bonds issued under the provisions of this act shall not be
- 43 deemed to constitute a debt of the state or of any political subdivision

1 thereof or a pledge of the faith and credit of the state or of any such  
 2 political subdivision thereof, but all such bonds shall be payable ~~solely~~  
 3 ~~partly~~ from the funds ~~herein provided~~ ~~therefor~~ from revenues. All such  
 4 revenue bonds shall contain on the face ~~thereof~~ a statement to the effect  
 5 that neither the state nor the authority shall be obligated to pay the same or  
 6 the interest thereon except from revenues of the project or projects for  
 7 which they are issued and that neither the faith and credit nor the taxing  
 8 power of the state or any political subdivision thereof is pledged to the  
 9 payment of the principal of or the interest on such bonds.

10 All expenses incurred in carrying out the provisions of this act shall be  
 11 payable ~~solely partly~~ from funds provided under the authority of this act  
 12 and no liability or obligation shall be incurred by the authority ~~hereunder~~  
 13 beyond the extent to which moneys shall have been provided under the  
 14 provisions of this act.

15 Sec. 4. K.S.A. 68-20,120 is hereby amended to read as follows: 68-  
 16 20,120. In addition to other powers and duties granted to the secretary of  
 17 transportation:

18 (a) (1) The secretary of transportation may study the feasibility of  
 19 constructing a new toll project or turnpike project or ~~designating existing~~  
 20 ~~highways or any portion of such highways, including bridges, as a toll~~  
 21 ~~project or turnpike project to increase capacity on such existing highways.~~  
 22 (2) The study of the feasibility of such toll project or turnpike project  
 23 shall include, but not be limited to:

24 (A) The total cost of such project;

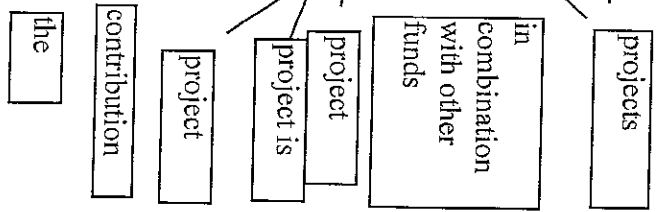
25 (B) a determination of the funding of such projects, including the use  
 26 of ~~one or a combination of public funds, private funds or toll revenues;~~

27 (C) a determination of the duration of the collection of tolls on such  
 28 projects and if such projects are to become toll-free, a projected date when  
 29 such projects would become toll-free; and

30 (D) a determination, after consulting with local officials, that traffic  
 31 volume, local participation or other relevant reasons make such tolling  
 32 project feasible ~~and would be acceptable to the affected local community;~~  
 33 and

34 (E) such other data deemed necessary by the secretary for a  
 35 determination of the project's feasibility.

36 (b) After conducting the feasibility study under subsection (a) and if  
 37 such feasibility study provides a favorable result, the secretary of  
 38 transportation may recommend the construction of construct a new toll  
 39 project or turnpike project or the designation of designate an existing  
 40 highway or any portion of such highway, including bridges, as a toll  
 41 project or turnpike project to increase capacity on such existing highway.  
 42 Sec. 5. K.S.A. 68-2301 is hereby amended to read as follows: 68-  
 43 2301. (a) In order to provide for the construction of modern express



(c) Toll projects or turnpike projects constructed under subsection (b) shall only be constructed to add capacity to existing highways or bridges, or to construct new highways or bridges where a highway or bridge did not exist previously.

(d) Prior to constructing a toll project or turnpike project, the secretary and local unit or units of government shall prepare a joint proposal for the construction of the toll project or turnpike project and present the joint proposal to the Kansas turnpike authority and the state finance council. The secretary and local unit or units of government must receive:

- (1) A resolution passed by the Kansas turnpike authority approving of the construction of the toll project or turnpike project; and
- (2) a resolution passed by the state finance council approving the construction of the toll project or turnpike project;

(e) For purposes of subsection (d):

- (1) "Local unit or units of government" means the city council if the toll project or turnpike project will be located partially or wholly within the limits of a city, and the county commission where the toll project or turnpike project is located if the toll project or turnpike project is not wholly located within the limits of a city or cities.
- (2) "Approving" by the Kansas turnpike authority and state finance council means a vote approving the construction of the toll project or turnpike project by a majority of the members present, when a quorum of the members are present for the vote.

(f) Tolls shall be charged only on users of the additional capacity of the highway or bridge constructed as a toll project or turnpike project. Tolls shall be charged on all users of toll projects or turnpike projects that construct highways or bridges where none previously existed.

(g) The secretary shall use toll revenue for payment of the cost of the toll project or turnpike project for which the toll was collected. The secretary shall not use the toll revenue for payment of costs not associated with the toll project or turnpike project for which the toll was collected.

(h) Tolls shall be charged on all users of the toll project or turnpike project regardless of class, size or kind of traffic.

(i) The approvals by the state finance council required by subsection (d) are hereby characterized as matters of legislative delegation and amendments thereto. Such approvals may be given by the state finance council when the legislature is in session.

1 highways and freeways to link the principal population centers of the state  
2 with the major express highways and freeways in this and other states,  
3 facilitate vehicular traffic in the areas to be served, remove many of the  
4 present handicaps and hazards on the congested highways in the state and  
5 promote the agricultural and industrial development of the state, the  
6 secretary of transportation is hereby authorized, empowered and directed  
7 to establish and construct a state system of modern express highways and  
8 freeways. The express highways and freeways within said system shall be  
9 constructed pursuant to the criteria established in subsection (b) ~~of this~~  
10 ~~section~~ and shall be located by the secretary of transportation within the  
11 following corridors:

12 (1) Commencing in the vicinity of the intersection of U.S. highway  
13 54 and the Kansas-Oklahoma border, thence proceeding in a northeasterly  
14 and easterly direction, within a corridor including and generally delineated  
15 by said U.S. highway 54, to the vicinity of the point in Butler county  
16 where said U.S. highway 54 and state highway 96 divide; thence  
17 proceeding in an easterly and southeasterly direction, generally described  
18 by said highway 96, to the vicinity of the juncture of state highway 96 and  
19 state highway 39; thence in a southeasterly direction, within a corridor  
20 including and generally delineated by state highway 96, U.S. highway 160  
21 and state highway 57, to the Kansas-Missouri border;

22 (2) Commencing in the vicinity of the intersection of interstate  
23 highway 70 and U.S. highway 183, near the city of Hays in Ellis county;  
24 thence in a southeasterly direction to the general vicinity of the  
25 intersection of the east city limits of the city of Great Bend in Barton  
26 county and state highway 96; thence in an easterly and southeasterly  
27 direction, within a corridor including and generally delineated by state  
28 highway 96, to the vicinity of the juncture of state highway 96 and U.S.  
29 highway 54 in Sedgwick county;

30 (3) Commencing in the vicinity of the intersection of the north city  
31 limits of the city of Hutchinson in Reno county and state highway 61;  
32 thence in a northeasterly direction, within a corridor including and  
33 generally delineated by state highway 61, to a point near the south city  
34 limits of the city of McPherson in McPherson county;

35 (4) Commencing in the vicinity of the intersection of U.S. highway 75  
36 and the Kansas-Nebraska border; thence in a southerly direction, within a  
37 corridor including and generally delineated by U.S. highway 75, to a point  
38 near the intersection of said U.S. highway 75 and the proposed right-of-  
39 way for interstate highway 35, in the vicinity of the Osage-Coffey county  
40 line;

41 (5) Commencing in the vicinity of the intersection of U.S. highway 36  
42 and the Kansas-Missouri border; thence in a westerly direction, within a  
43 corridor including and generally delineated by U.S. highway 36, to a point



1 near the intersection of U.S. highways 36 and 81; thence in a southerly  
2 direction to a point in the vicinity of the intersection of said U.S. highway  
3 81 and interstate highway 70;

4 (6) commencing in the vicinity of the intersection of the city limits of  
5 the city of Atchison in Atchison county and state highway 7; thence in a  
6 southerly direction to the vicinity of the intersection of state highway 7  
7 and interstate highway 35, near the city of Olathe in Johnson county;

8 (7) commencing in the vicinity of the intersection of U.S. highway 69  
9 and interstate highway 435; thence in a southerly direction, within a  
10 corridor including and generally delineated by U.S. highway 69, to the  
11 Kansas-Oklahoma border;

12 (8) commencing in the vicinity of the city of Lawrence in Douglas  
13 county; thence in a southerly direction within a corridor which includes the  
14 areas between U.S. highways 75, 59 and 169, to the Kansas-Oklahoma  
15 border in the general vicinity of a point approximately between the cities  
16 of Caney and Coffeyville in Montgomery county; and

17 (9) commencing in the vicinity of the intersection of the city limits of  
18 the city of Lawrence in Douglas county and state highway 10; thence in an  
19 easterly direction, within a corridor including and generally delineated by  
20 state highway 10, to the vicinity of the intersection of interstate highway  
21 35 and U.S. highways 50 and 56 in the city of Merriam in Johnson county.

22 (b) All of the moneys deposited in the state freeway fund created in  
23 K.S.A. 79-3425, and amendments thereto, except moneys accruing to such  
24 fund as a result of the interest or earnings from the investment of moneys  
25 in the state freeway fund or in the state freeway construction fund, as  
26 provided in ~~subsection (d) of~~ K.S.A. 68-2311(d), and amendments thereto,  
27 shall be subject to transfer to the state highway fund, as provided by  
28 K.S.A. 79-3425, and amendments thereto. After any such transfer, and  
29 subject to the provisions of K.S.A. 68-2311, and amendments thereto, the  
30 moneys remaining in the state freeway fund shall be expended by the  
31 secretary of transportation for: The construction, reconstruction,  
32 improvement and maintenance of the state system of express highways  
33 and freeways established in subsection (a) of this section; for the  
34 retirement of highway bonds and highway refunding bonds issued under  
35 the provisions of this act; and for the purpose of making payments to the  
36 Kansas turnpike authority pursuant to the provisions of K.S.A. 68-2096,  
37 and amendments thereto, except that such payments shall not be made  
38 from the interest or earnings from the investment of moneys in the state  
39 freeway construction fund, as provided in K.S.A. 68-2311, and  
40 amendments thereto. Moneys in the state freeway fund may be transferred  
41 to the state highway fund and may be expended from such fund for:

42 (1) The construction of state highways within the corridors  
43 designated in subsection (a) and approved by the secretary of

1 transportation prior to the effective date of this act;  
2 (2) the construction of bypass routes not exceeding five miles in  
3 length; and

4 (3) the reconstruction, improvement and maintenance of state  
5 highways, whether or not such highways are within the corridors  
6 designated in subsection (a). Such reconstruction, improvement and  
7 maintenance shall be according to need as determined by priorities  
8 assigned to such state highways by the secretary of transportation in  
9 accordance with established standards and criteria.

10 The allocation and programming of funds within the state system in  
11 each fiscal year shall be according to need, as determined by a schedule of  
12 priorities assigned to segments of the existing highways which generally  
13 delineate the corridors of said state system of express highways and  
14 freeways. The secretary of transportation shall determine the length of  
15 each such segment in establishing said priorities, and the schedule of  
16 priorities shall be updated every four years on the basis of current criteria  
17 at that time. Immediately after the effective date of this act, the secretary  
18 of transportation shall evaluate the schedule of priorities and, where  
19 necessary, reestablish such schedule in accordance with the following  
20 standards and criteria: Except where it is specifically provided by law that  
21 any of the highways to be constructed within the corridors designated in  
22 subsection (a) shall be constructed so as to include multiple lanes in each  
23 direction on roadways separated by a median, barrier or other center  
24 division, all highways constructed within the state system of modern  
25 express highways and freeways after the effective date of this act may be  
26 constructed either with multiple lanes in each direction on roadways  
27 separated by a median, barrier or other center division or may be  
28 constructed with two lanes on a single roadway. Whenever the secretary of  
29 transportation deems it necessary and appropriate for the safety of  
30 vehicular traffic, such highways shall be designed and constructed to  
31 include controlled access, passing lanes, expanded shoulder width, long-  
32 sight distances, grade separations at intersections with other roads and  
33 highways and railroads. Nothing herein shall be construed as abrogating,  
34 limiting or otherwise affecting the construction of any highway for which  
35 bids for the construction thereof have been solicited and received prior to  
36 the effective date of this act, nor shall the foregoing be construed as  
37 precluding the secretary of transportation, whenever the secretary deems it  
38 feasible and appropriate, from acquiring right-of-way sufficient to  
39 accommodate the eventual construction of multiple-lane divided highways  
40 within any corridor designated in subsection (a).

41 (c) In constructing or reconstructing the state system of modern  
42 express highways and freeways established in this section, the secretary  
43 shall evaluate from time to time the feasibility of designating a portion or

new or added capacity

1 portions of any of the modern express highways and freeways within the  
 2 system as a toll road. If the secretary shall determine that the designation  
 3 of any such portion as a toll road is feasible, based on the projected traffic,  
 4 engineering, cost and financing of the proposed toll road and a  
 5 determination that adequate public funds for construction of such toll road  
 6 are not available and that the construction of such toll road can be financed  
 7 entirely *partly* through proceeds of the bonds issued pursuant to this act,  
 8 the secretary shall submit to the legislature a recommendation that such  
 9 ~~portion be considered~~ *may construct any portion or portions of any of the*  
 10 ~~modern express highways and freeways within the system as a toll road.~~  
 11 ~~The recommendation, together with any supporting information deemed~~  
 12 ~~necessary by the secretary, may be submitted with or as a part of the~~  
 13 ~~annual report required of the secretary in K.S.A. 68-2315. Nothing in this~~  
 14 ~~subsection shall be construed as abrogating, limiting or otherwise affecting~~  
 15 ~~any obligations or duties imposed upon the secretary of transportation~~  
 16 ~~under this section with respect to the construction, reconstruction,~~  
 17 ~~improvement and maintenance of the state system of modern express~~  
 18 ~~highways and freeways, including without limitation location studies,~~  
 19 ~~engineering, right-of-way acquisition and public hearings, nor shall it~~  
 20 ~~affect in any way the allocation, programming or priority of funds therefor.~~  
 21 ~~Sec. 6. K.S.A. 68-2002, 68-2004, 68-2008, 68-20,120 and 68-2301~~  
 22 ~~are hereby repealed.~~

23 Sec. 7. This act shall take effect and be in force from and after its  
 24 publication in the statute book.

new or added capacity

may construct such toll road after meeting the requirements of K.S.A. 60-20,120, and amendments thereto

**68-2001. Definitions.** As used in this act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word "authority" shall mean the Kansas turnpike authority, created by K.S.A. 68-2003, or, if said authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the authority shall be given by law.

(b) The word "project" or the words "turnpike project" shall mean any express highway or superhighway constructed under the provisions of this act ~~by the authority~~, including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service stations, and administration, storage and other buildings and facilities which the authority may deem necessary for the operation of such project, together with all property, rights, easements, and interests which may be acquired by the authority for the construction or the operation of such project.

(c) The word "cost" as applied to a turnpike project shall embrace the cost of construction, the cost of the acquisition of all land, rights-of-way, property, rights, easements and interests acquired by the authority for such construction, and the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if deemed advisable by the authority, for a period of not exceeding one year after completion of construction, cost of traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost, and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such project, administrative expense, and such other expenses as may be necessary or incident to the construction of the project, the financing of such construction and the placing of the project in operation. Any obligation or expense hereafter incurred by the department of transportation with the approval of the authority for traffic surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of a project shall be regarded as a part of the cost of such project and shall be reimbursed to said department out of the proceeds of turnpike revenue bonds hereinafter authorized.

(d) The words "public highways" shall include all public highways, roads and streets in the state, whether maintained by the state or by any county, city, town or other political subdivision.

(e) The word "bonds" or the words "turnpike revenue bonds" shall mean revenue bonds of the authority authorized under the provisions of this act.

Turnpike provisions

Insert sections

strike

(f) The word "owner" shall include all individuals, copartnerships, associations or corporations having any title or interest in any property, rights, easements and interest authorized to be acquired by this act.

68-2004. Same; general grant of powers. (a) The authority is hereby authorized and empowered to:

- (1) Adopt bylaws for the regulation of its affairs and the conduct of its business;
- (2) adopt an official seal and alter the same at pleasure;
- (3) maintain an office at such place or places within the state as it may designate;
- (4) sue and be sued in its own name, plead and be impleaded;
- (5) determine the location, subject to the approval of the secretary of transportation, of each turnpike project financed under the provisions of this act, determine its design and the materials of construction, and construct, maintain, repair and operate the same;
- (6) issue turnpike revenue bonds of the authority for any of its corporate purposes, payable solely from the tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this act;
- (7) fix and revise from time to time and charge and collect tolls for transit over each turnpike project ~~constituted by it;~~
- (8) adopt rules and regulations for the use of any such turnpike project, and adopt rules and regulations for traffic control on such project;
- (9) acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;
- (10) designate the locations, and establish, limit and control such points of ingress to and egress from each turnpike project as may be necessary or desirable in the judgment of the authority to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;
- (11) make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;

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(12) employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

(13) receive and accept from any federal agency grants for or in aid of the construction of any turnpike project, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and

(14) do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

(b) Violation of any of the rules and regulations adopted under this section shall be unlawful and subject to the penalties contained in K.S.A. 8-2116 and amendments thereto.