

SENATE BILL No. 192

By Committee on Ways and Means

2-14

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, longslight
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 ~~(hereinafter 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;

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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 ~~setely~~
 3 ~~party~~ from the funds ~~hereta~~ 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 pledge 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 ~~setely~~ ~~party~~ from funds provided under the authority of this act
 12 and no liability or obligation shall be incurred by the authority ~~thereunder~~
 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

projects

in combination with other funds

project

project is

project

contribution

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(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) 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.

(e) 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.

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

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 constructed~~ *may construct any portion or portions 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