

As Amended by House Committee

Session of 2019

HOUSE BILL No. 2373

By Committee on Appropriations

2-18

1 AN ACT concerning transportation; providing for a transportation
2 planning program; amending K.S.A. **68-416, 68-2315 and 68-2316** and
3 repealing the existing ~~section~~ **sections**.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) In order to plan, develop and operate or
7 coordinate the development and operation of the various modes and
8 systems of transportation within the state, the secretary of transportation is
9 hereby authorized and directed to initiate a transportation planning
10 program.

11 (1) The transportation planning program shall provide for the
12 construction, improvement, reconstruction and maintenance of the state
13 highway system. The program shall provide for the selection of projects
14 that will allow for the flexibility to meet emerging and economic needs.
15 Program expenditures may include, but not be limited to, the following:

16 (A) Preservation projects to efficiently maintain a safe state highway
17 system in its original or improved condition. It is the intent of the
18 legislature that bridges and pavement condition of the state highway
19 system be maintained or improved both at the surface and subsurface
20 levels as determined by the Kansas department of transportation's
21 performance measures;

22 (B) expansion and economic opportunity projects that include
23 additions to the transportation system or projects that improve access,
24 relieve congestion and enhance economic development opportunities. The
25 Kansas department of transportation shall develop and utilize criteria for
26 the selection of expansion and economic opportunity projects. The
27 selection criteria shall include, but not be limited to, engineering and
28 traffic data, local consultation, geographic distribution and an economic
29 impact analysis evaluation; or

30 (C) modernization projects that include improvements to the
31 transportation system by widening lanes or shoulders, making geometric
32 improvements, upgrading interchanges or building rail grade separations to
33 improve the safety, condition or service of the highway system. The
34 Kansas department of transportation shall develop and utilize criteria for
35 the selection of modernization projects. The selection criteria shall include,
36 but not be limited to, engineering data, local consultation and geographic

1 distribution.

2 (2) The department of transportation shall develop criteria for the
3 incorporation of practical improvements into designs of the projects
4 specified in this subsection.

5 ~~(e)~~**(b)** The transportation planning program shall provide for
6 assistance, including credit and credit enhancements, to cities and counties
7 in meeting their responsibilities for the construction, improvement,
8 reconstruction and maintenance of the roads and bridges not on the state
9 highway system. These expenditures may include, but not be limited to,
10 the following:

11 (1) Apportionment of the special city and county highway fund to
12 assist cities and counties with their responsibilities for roads and bridges
13 not on the state highway system;

14 (2) programs to share federal aid with cities and counties to assist
15 with their responsibilities for roads and bridges not on the state highway
16 system;

17 (3) programs similar to the department of transportation's Kansas
18 local bridge improvement program to aid local public authorities in
19 replacing or repairing bridges not on the state highway system;

20 (4) programs to assist cities and counties with railroad crossings of
21 roads not on the state highway system;

22 (5) programs to assist cities with the maintenance of city connecting
23 links as specified in K.S.A. 68-416, and amendments thereto, and local
24 partnership programs to resurface or geometrically improve city
25 connecting links or to promote economic development; or

26 (6) programs that allow local governments to exchange federal aid
27 funds for state funds.

28 ~~(d)~~**(e)** The transportation planning program shall provide for a
29 railroad program to provide assistance in accordance with K.S.A. 75-5040
30 through 75-5050 and 75-5089, and amendments thereto, for the
31 preservation and improvement of freight and passenger rail service in the
32 state.

33 ~~(e)~~**(d)** The transportation planning program shall provide for an
34 aviation program to provide assistance for the planning, constructing,
35 reconstructing or rehabilitating the facilities of public use general aviation
36 airports, in accordance with K.S.A. 75-5061, and amendments thereto.

37 ~~(f)~~**(e)** The transportation planning program shall provide for public
38 transit programs to aid elderly persons, persons with disabilities and the
39 general public, in accordance with K.S.A. 75-5032 through 75-5038 and
40 75-5051 through 75-5058, and amendments thereto.

41 ~~(g)~~**(f)** The transportation planning program shall provide for programs
42 that increase the department of transportation's participation in other
43 modes of transportation, which may include projects that improve on

1 bicycle and pedestrian transportation in rural and urban areas to address
2 the increasing demand for an active transportation infrastructure.

3 ~~(h)~~(g) The transportation planning program shall provide for a
4 multimodal economic development program to provide transportation
5 improvement assistance for transportation-sensitive economic
6 opportunities on a local or a regional basis.

7 ~~(i)~~(h) The transportation planning program shall provide for
8 programs that study the feasibility and implementation of emerging
9 technologies, including, but not limited to, autonomous vehicles,
10 connected vehicles, in-vehicle technology, traffic management systems or
11 broadband infrastructure across the state highway system.

12 ~~(j)~~(i) The department of transportation shall work with transportation
13 industry representatives to develop a proposal for utilization of alternative
14 project delivery methods to procure transportation projects. Such proposal,
15 including any recommendations for legislative changes, shall be presented
16 to the legislature on or before January 31, 2020.

17 ~~(k)~~(j) The secretary of transportation shall, using the department of
18 transportation selection methods and criteria, determine the projects to be
19 selected for inclusion under the transportation planning program.
20 Consideration shall be given to additional criteria that may include
21 projects that: (1) Remove transportation infrastructure from the state
22 highway system; (2) identify priority corridors; or (3) include local
23 participation.

24 New Sec. 2. Modernization or expansion projects authorized under
25 the transportation planning program pursuant to section 1, and
26 amendments thereto, shall not begin construction until all delayed projects
27 under the transportation works for Kansas program have been let, unless
28 ~~federal funds~~ **non-state moneys** become available for any economic
29 opportunity or emerging needs transportation projects. No delayed projects
30 under the transportation works for Kansas program shall be completed
31 until after the department of transportation has consulted with local public
32 authorities to determine that such delayed projects are still a continuing
33 priority for the local community. Nothing in this section or section 1, and
34 amendments thereto, shall be construed to prevent the department of
35 transportation from planning future modernization or expansion projects
36 pursuant to section 1, and amendments thereto.

37 **Sec. 3. On and after July 1, 2020, K.S.A. 68-416 is hereby**
38 **amended to read as follows: 68-416. The state highway fund shall be**
39 **apportioned as follows:**

40 **(a) The secretary of transportation annually shall apportion and**
41 **distribute quarterly, on the first day of January, April, July and**
42 **October, to cities on the state highway system from the state highway**
43 **fund moneys at the rate of \$3,000 per year per lane per mile for the**

1 maintenance of streets and highways in cities designated by the
2 secretary as city connecting links. Unless a consolidated street and
3 highway fund is established pursuant to K.S.A. 12-1,119, and
4 amendments thereto, all moneys distributed by the secretary shall be
5 credited to the street and alley funds of such cities. All moneys so
6 distributed shall be used solely for the maintenance of city connecting
7 links. Maintenance of such city connecting links shall be as prescribed
8 in K.S.A. 68-416a, and amendments thereto. As used in this
9 subsection, "lane" means the portion of the roadway for use of moving
10 traffic of a standard width prescribed by the secretary. In lieu of such
11 apportionment, the secretary, by and with the consent of the
12 governing body of any city within the state of Kansas, may maintain
13 such streets within the city and pay for such maintenance from the
14 highway fund.

15 (b) All of the remainder of such highway fund shall be used by
16 the secretary of transportation for:

17 (1) The construction, improvement, reconstruction and
18 maintenance of the state highway system;

19 (2) improvements in transportation programs to aid elderly
20 persons, persons with disabilities and the general public;

21 (3) for any purpose specified in K.S.A. 68-2314b, and
22 amendments thereto, *or section 1, and amendments thereto*;

23 (4) the support and maintenance of the department of
24 transportation;

25 (5) the expenses of administering the motor vehicle registration
26 and drivers' license laws; and

27 (6) the payment of losses to department of transportation
28 employees authorized by K.S.A. 2018 Supp. 75-5062, and amendments
29 thereto.

30 Sec. 4. On and after July 1, 2020, K.S.A. 68-2315 is hereby
31 amended to read as follows: 68-2315. Annually, prior to the 10th day of
32 each regular session of the legislature, the secretary of transportation
33 shall submit a written report to the governor and each member of the
34 legislature providing:

35 (a) Summary financial information and a statement of assurance
36 that the department of transportation has prepared a comprehensive
37 financial report of all funds for the preceding year ~~which~~ *that* includes
38 a report by independent public accountants attesting that the financial
39 statements present fairly the financial position of the Kansas
40 department of transportation in conformity with generally accepted
41 accounting principles and a notification that the complete
42 comprehensive financial report, including the auditor's report, is
43 available upon request;

1 **(b) a detailed explanation of the methods or criteria employed in**
2 **the selection of transportation projects under subsection (b) of K.S.A.**
3 **~~68-2314b~~ section 1(a)(1), and amendments thereto, and in the**
4 **awarding of assistance to cities, counties or other transportation**
5 **providers;**

6 **(c) the proposed allocation and expenditure of moneys and**
7 **proposed work plan for the current fiscal year and at least the next**
8 **five years;**

9 **(d) information concerning construction work completed in the**
10 **preceding fiscal year and construction work in progress;**

11 **(e) information concerning the operation and financial condition**
12 **of the transportation revolving fund;**

13 **(f) the annual allocation and expenditure of moneys from the**
14 **coordinated public transportation assistance fund under K.S.A. 75-**
15 **5035, and amendments thereto;**

16 **(g) the annual allocation and expenditure of moneys from the rail**
17 **service improvement fund under K.S.A. 75-5048, and amendments**
18 **thereto, including specific information relating to any grants or loans**
19 **made under such program;**

20 **(h) the annual allocation and expenditure of moneys from the**
21 **public use general aviation airport development fund under K.S.A. 75-**
22 **5061, and amendments thereto, including specific information relating**
23 **to grants made under such program;**

24 **(i) specific recommendations for any statutory changes necessary**
25 **for the successful completion of the transportation program specified**
26 **in ~~K.S.A. 68-2314b~~ section 1, and amendments thereto, or efficient and**
27 **effective operation of the Kansas department of transportation; and**

28 **(j) an explanation of any material changes from the previous**
29 **annual report.**

30 ~~Sec. 3.~~ **5.** On and after July 1, 2020, K.S.A. 68-2316 is hereby
31 amended to read as follows: 68-2316. For the period beginning July 1,
32 ~~2010~~ 2020, through June 30, ~~2020~~ 2030, the secretary of transportation
33 shall expend or commit to expend, from the revenue provided under the
34 provisions of the ~~transportation works for Kansas program~~ *transportation*
35 *planning program*, at least \$8,000,000 for projects or programs authorized
36 under ~~K.S.A. 68-2314b~~, and amendments thereto *section 1, and*
37 *amendments thereto*, in each county of the state.

38 ~~Sec. 4.~~ **6.** On and after July 1, 2020, K.S.A. ~~68-416, 68-2315 and 68-~~
39 ~~2316~~ **is** hereby repealed.

40 ~~Sec. 5.~~ **7.** This act shall take effect and be in force from and after its
41 publication in the statute book.