

SESSION OF 2019

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2373**

As Amended by House Committee on  
Transportation

**Brief\***

HB 2373, as amended, would authorize and direct the Secretary of Transportation (Secretary) to initiate a program to be called the Transportation Planning Program (TPP). It also would require modernization or expansion projects announced under the Transportation Works for Kansas Program (T-Works) be let before construction begins on any new modernization or expansion projects and \$8.0 million be spent or committed to be spent in each county over ten years starting in 2020.

***Transportation Planning Program (Section 1)***

The bill would authorize and direct the Secretary to initiate the TPP in order to plan, develop, and operate or coordinate the development and operation of the various modes and systems of transportation within the state. [Note: Many of the provisions of the TPP would be the same as those of T-Works, in KSA 68-2314b. Differences from T-Works are noted in the Background section.]

The bill would require the TPP to provide for the construction, improvement, reconstruction, and maintenance of the state highway system and for project selection that would allow the flexibility to meet emerging and economic needs. TPP expenditures could be made for purposes including, but not limited to, the following:

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Preservation projects to maintain or improve bridges and pavement condition in its original or improved condition. The bill would express legislative intent that bridges and pavement condition be maintained or improved at both the surface and subsurface levels, as determined by Kansas Department of Transportation (KDOT) performance measures;
- Expansion and economic opportunity projects, selected using criteria determined by KDOT that include, but are not limited to, engineering and traffic data, local consultation, geographic distribution, and an economic impact analysis evaluation; and
- Modernization projects (such as widening lanes or shoulders and building rail grade separations), selected using KDOT criteria that include, but are not limited to, engineering data, local consultation, and geographic distribution.

The bill would require KDOT to develop criteria for the incorporation of practical improvements into designs of those projects. The bill would require the Secretary to determine the projects to be included and that consideration be given to additional selection criteria that could include projects that remove transportation infrastructure from the state highway system, identify priority corridors, or include local participation.

**Local programs.** The bill would require the TPP to provide for assistance, including credit and credit enhancements, to cities and counties in meeting their responsibilities for roads and bridges not on the state system. These expenditures could be made for purposes including, but not limited to, the following:

- Apportionment of the Special City and County Highway Fund;

- Sharing federal aid with cities and counties;
- Aid for replacing or repairing bridges not on the state highway system;
- Programs to assist cities and counties with railroad crossings and city connecting links;
- Local partnership programs to resurface or geometrically improve city connecting links or to promote economic development; or
- Programs to allow local governments to exchange federal aid funds for state funds.

**Other programs.** The bill would require programs within the TPP to preserve and improve freight and passenger rail service in the state; assist with planning, constructing, reconstructing, or rehabilitating the facilities of public use general aviation airports; provide for public transit programs; increase KDOT's participation in other modes of transportation, which could include bicycle and pedestrian transportation in rural and urban areas; and to study the feasibility and implementation of emerging technologies, including, but not limited to, autonomous vehicles, connected vehicles, in-vehicle technology, traffic management systems, or broadband infrastructure across the state highway system. The bill also would require the TPP provide for a multimodal economic development program to assist with transportation-sensitive economic opportunities on a local or regional basis.

The bill would make conforming technical changes to reference provisions of Section 1. (Sections 3 and 4)

***Modernization or Expansion Projects from T-Works  
(Section 2)***

The bill would require modernization or expansion projects authorized under the TPP not begin construction until

all delayed T-Works projects have been let, unless non-state moneys become available for any economic opportunity or emerging needs transportation projects. The bill would require KDOT to consult with local public authorities regarding the T-Works projects before completing any of the delayed projects, to determine that such delayed projects continue to be a priority for the local community. The bill would state nothing in this section or Section 1 should be construed to prevent KDOT from planning future modernization or expansion projects.

### ***\$8 Million Promise (Section 5)***

The bill would require the Secretary to expend or commit to expend at least \$8.0 million in each county from the revenue provided for the TPP for projects or programs authorized under Section 1 between July 1, 2020, and June 30, 2030. These provisions would become effective July 1, 2020.

### **Background**

The bill was introduced by the House Committee on Appropriations at the request of Representative Proehl. It addresses multiple recommendations of the Joint Legislative Transportation Vision Task Force (Task Force).

At the House Committee on Transportation hearing, proponent testimony was provided by the Acting Secretary of Transportation and representatives of the American Council of Engineering Companies of Kansas, Greater Kansas City Chamber of Commerce, Kansas Association of Counties, Kansas Contractors Association, Kansas Society of Professional Engineers, League of Kansas Municipalities, and Wichita Regional Chamber of Commerce. Written-only proponent testimony was provided by METL – The Chambers of Commerce of Manhattan, Emporia, Topeka, and Lawrence and by representatives of Ash Grove Cement Company,

Kansas Aggregate Association/ Kansas Ready Mixed Concrete Association, Olathe Chamber of Commerce, Overland Park Chamber of Commerce, and Travel Industry Association of Kansas. Among the points made by proponents are that the bill would implement recommendations of the Task Force regarding types of projects, modes of transportation other than on highways, planning for additional projects, criteria for selecting projects, finishing delayed T-Works projects, exchange of federal funds, establishing a minimum amount to be spent in each county, alternative project delivery, and new technology; help preserve assets of the Kansas transportation system; require a comprehensive approach to transportation; assist cities and counties in meeting their responsibilities for the construction, improvement, reconstruction, and maintenance of roads and bridges not on the state highway system as part of a comprehensive plan; and lay the groundwork for improvements to the multi-modal transportation system that is vital to the state's economy.

The representative of the American Council of Engineering Companies of Kansas requested an amendment to delay construction of new economic opportunity or emerging needs project until all T-Works modernization and expansion projects have been completed unless "non-state" rather than "federal" funds become available.

No neutral or opponent testimony was provided.

The House Committee amended the bill to add a reference to Section 1 in KSA 68-416, make technical amendments and reference Section 1 in KSA 68-2315, and to substitute "non-state moneys" for "federal funds" in Section 2.

Section 1 of the bill would differ from its T-Works counterpart (KSA 68-2314b) in the following ways:

- Specify the intent of the Legislature that bridge and pavement condition both at the surface and

subsurface levels of the state highway system be maintained or improved;

- Remove outdated language;
- Authorize expenditures for a local bridge improvement program;
- Specify the railroad portion of the program will address both freight and passenger rail and improvement rather than revitalization;
- Require KDOT to increase its participation in other modes of transportation, including active transportation;
- Require KDOT to study the feasibility and implementation of emerging technologies, including, but not limited to, autonomous and connected vehicles, in-vehicle technology, traffic management systems, or broadband infrastructure;
- Require KDOT to work with transportation industry representatives to develop a proposal for utilizing alternative project delivery methods to procure transportation projects and present that proposal to the 2020 Legislature; and
- State consideration shall be given to additional project selection criteria that may include projects that remove transportation infrastructure from the state highway system, identify priority corridors, or include local participation.

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, KDOT notes the bill would not contain any new revenue sources and amounts available for projects and programs of the bill would depend on revenues available to the State Highway Fund (SHF) and the stability of those revenues. KDOT estimates any expenditures could be absorbed within existing resources

assuming future net revenues to the SHF are equal to or higher than net revenues contained in *The FY 2020 Governor's Budget Report*. The provision in the bill regarding an amount to be spent in each county would require expenditures of \$840.0 million from FY 2021 through FY 2030. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.