

HOUSE BILL No. 2296

By Committee on Transportation

2-9

Proposed Amendments to HB 2296
For House Committee on Transportation
February 18, 2021
Prepared by: Office of Revisor of Statutes

1 AN ACT concerning transportation; relating to the secretary of
2 transportation; permitting the secretary of transportation to contract
3 with the Kansas turnpike authority to enforce toll payments; permitting
4 the secretary of transportation to use tolls to support public transit and
5 other improvements on a toll project; amending K.S.A. 2020 Supp. 68-
6 20,120 and repealing the existing section.

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

9 Section 1. K.S.A. 2020 Supp. 68-20,120 is hereby amended to read as
10 follows: 68-20,120. ~~In addition to other powers and duties granted to the~~
11 ~~secretary of transportation:~~

12 (a) (1) The secretary of transportation may study the feasibility of
13 constructing toll projects or turnpike projects.

14 (2) The study of the feasibility of such toll project or turnpike project
15 shall include, but not be limited to:

16 (A) The total cost of such project;
17 (B) a determination of the funding of such projects, including the use
18 of toll revenues in combination with other funds;

19 (C) a determination of the duration of the collection of tolls on such
20 project and if such project is to become toll-free, a projected date when
21 such project would become toll-free;

22 (D) a determination, after consulting with local officials, that traffic
23 volume, local contribution or other relevant reasons make such tolling
24 project feasible;

25 (E) such other data deemed necessary by the secretary for a
26 determination of the project's feasibility; and

27 (F) at least one local public meeting to review the project during the
28 feasibility study process.

29 (b) After conducting the feasibility study under subsection (a) and if
30 such feasibility study provides a favorable result, the secretary of
31 transportation may construct the toll project or turnpike project.

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

36 (d) Prior to constructing a toll project or turnpike project, the

exempting bridge projects from toll
project restrictions under certain
conditions

Except as provided in subsection
(k),

1 secretary and local unit or units of government shall prepare a joint
2 proposal for the construction of the toll project or turnpike project and
3 present the joint proposal to the Kansas turnpike authority and the state
4 finance council. The secretary and the local unit or units of government
5 ~~must shall~~ receive:

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

10 (e) ~~For purposes of subsection (d):~~

11 ~~(1) "Local unit or units of government" means the city council, if the~~
12 ~~toll project or turnpike project will be located partially or wholly within~~
13 ~~the limits of a city, and the county commission where the toll project or~~
14 ~~turnpike project is located, if the toll project or turnpike project is not~~
15 ~~wholly located within the limits of a city or cities.~~

16 ~~(2) "Approving" means a vote by the Kansas turnpike authority or the~~
17 ~~state finance council approving the construction of the toll project or~~
18 ~~turnpike project by a majority of the members present, when a quorum of~~
19 ~~the members are present for the vote.~~

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

24 ~~(g) The secretary shall use toll revenue for payment of the cost of~~
25 ~~the toll project or turnpike project for which the toll was collected. The~~
26 ~~secretary shall not use the toll revenue for payment of costs not associated~~
27 ~~with the toll project or turnpike project for which the toll was collected.~~
28 *The secretary may use toll revenue to support public transit or other*
29 *transportation improvements on the corridor where the toll project or*
30 *turnpike project was constructed.*

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

33 ~~(h)(h) The approvals by the state finance council required by~~
34 ~~subsection (d) are hereby characterized as matters of legislative delegation~~
35 ~~and subject to the guidelines prescribed in K.S.A. 75-3711(c), and~~
36 ~~amendments thereto. Such approvals may be given by the state finance~~
37 ~~council when the legislature is in session.~~

38 *(i) The secretary of transportation may contract with the Kansas*
39 *turnpike authority to set, collect and enforce non-payment of tolls for a*
40 *project developed under this section. In performing its obligations under a*
41 *contract entered into pursuant to this section, the Kansas turnpike*
42 *authority may set, collect and enforce non-payment of tolls on behalf of*
43 *the secretary in the same manner as provided in article 20 of chapter 68 of*

1 the Kansas Statutes Annotated, and amendments thereto.

2 (j) Notwithstanding the provisions of this section or the provisions of
3 article 20 of chapter 68 of the Kansas Statutes Annotated, and
4 amendments thereto, the secretary may exempt public transit vehicles from
5 being charged tolls when using the tolled lanes of any toll project or
6 turnpike project constructed by the Kansas department of transportation.

7 (k) ~~As used in this section:~~

8 (1) "Approving" means a vote by the Kansas turnpike authority or the
9 state finance council approving the construction of the toll project or
10 turnpike project by a majority of the members present, when a quorum of
11 the members are present for the vote.

12 (2) "Local unit or units of government" means the city council where
13 the toll project or turnpike project is located, if the toll project or turnpike
14 project will be located partially or wholly within the limits of a city, and
15 the county commission in the county where the toll project or turnpike
16 project is located, if the toll project or turnpike project is not wholly
17 located within the limits of a city.

18 (3) "Public transit" means transportation provided by a public entity
19 by bus, rail or other conveyance that provides the general public with
20 general or special service, including charter service, on a regular and
21 continuing basis. "Public transit" does not mean school transportation,
22 transportation by aircraft or intercity or commuter rail transportation.

23 Sec. 2. K.S.A. 2020 Supp. 68-20,120 is hereby repealed.

24 Sec. 3. This act shall take effect and be in force from and after its
25 publication in the statute book.

The Kansas department of transportation may replace a bridge that currently exists and charge tolls on such bridge replacement project without adding additional capacity to a bridge or constructing a new bridge if a local unit or units of government enters into a cost share agreement for such bridge replacement project with the Kansas department of transportation. Tolls charged on the bridge replacement project may be used as the local money provided for such cost share agreement between a local unit or units of government and the Kansas department of transportation.

(1)