As Amended by House Committee

Session of 2019

HOUSE BILL No. 2373

By Committee on Appropriations

2-18

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g)(f) The transportation planning program shall provide for programs that increase the department of transportation's participation in other modes of transportation, which may include projects that improve on
bicycle and pedestrian transportation in rural and urban areas to address
the increasing demand for an active transportation infrastructure.
(h) The transportation planning program shall provide for a
multimodal economic development program to provide transportation
improvement assistance for transportation-sensitive economic
opportunities on a local or a regional basis.
(i) The transportation planning program shall provide for
programs that 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.
(j) The department of transportation shall work with transportation
industry representatives to develop a proposal for utilization of alternative
project delivery methods to procure transportation projects. Such proposal,
including any recommendations for legislative changes, shall be presented
to the legislature on or before January 31, 2020.
(k) The secretary of transportation shall, using the department of
transportation selection methods and criteria, determine the projects to be
selected for inclusion under the transportation planning program.
Consideration shall be given to additional criteria that may include
projects that: (1) Remove transportation infrastructure from the state
highway system; (2) identify priority corridors; or (3) include local
participation.
New Sec. 2. Modernization or expansion projects authorized under
the transportation planning program pursuant to section 1, and
amendments thereto, shall not begin construction until all delayed projects
under the transportation works for Kansas program have been let, unless
federal funds non-state moneys become available for any economic
opportunity or emerging needs transportation projects. No delayed projects
under the transportation works for Kansas program shall be completed
until after the department of transportation has consulted with local public
authorities to determine that such delayed projects are still a continuing
priority for the local community. Nothing in this section or section 1, and
amendments thereto, shall be construed to prevent the department of
transportation from planning future modernization or expansion projects
pursuant to section 1, and amendments thereto.
Sec. 3. On and after July 1, 2020, K.S.A. 68–416 is hereby
amended to read as follows: 68–416. The state highway fund shall be
apportioned as follows:
(a) The secretary of transportation annually shall apportion and
distribute quarterly, on the first day of January, April, July and
October, to cities on the state highway system from the state highway
fund moneys at the rate of $3,000 per year per lane per mile for the
maintenance of streets and highways in cities designated by the secretary as city connecting links. Unless a consolidated street and highway fund is established pursuant to K.S.A. 12-1,119, and amendments thereto, all moneys distributed by the secretary shall be credited to the street and alley funds of such cities. All moneys so distributed shall be used solely for the maintenance of city connecting links. Maintenance of such city connecting links shall be as prescribed in K.S.A. 68-416a, and amendments thereto. As used in this subsection, "lane" means the portion of the roadway for use of moving traffic of a standard width prescribed by the secretary. In lieu of such apportionment, the secretary, by and with the consent of the governing body of any city within the state of Kansas, may maintain such streets within the city and pay for such maintenance from the highway fund.

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

(1) The construction, improvement, reconstruction and maintenance of the state highway system;
(2) improvements in transportation programs to aid elderly persons, persons with disabilities and the general public;
(3) for any purpose specified in K.S.A. 68-2314b, and amendments thereto, or section 1, and amendments thereto;
(4) the support and maintenance of the department of transportation;
(5) the expenses of administering the motor vehicle registration and drivers' license laws; and
(6) the payment of losses to department of transportation employees authorized by K.S.A. 2018 Supp. 75-5062, and amendments thereto.

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

(a) Summary financial information and a statement of assurance that the department of transportation has prepared a comprehensive financial report of all funds for the preceding year which includes a report by independent public accountants attesting that the financial statements present fairly the financial position of the Kansas department of transportation in conformity with generally accepted accounting principles and a notification that the complete comprehensive financial report, including the auditor's report, is available upon request;
(b) a detailed explanation of the methods or criteria employed in
the selection of transportation projects under subsection (b) of K.S.A.
68-2314b section 1(a)(1), and amendments thereto, and in the
awarding of assistance to cities, counties or other transportation
providers;
(c) the proposed allocation and expenditure of moneys and
proposed work plan for the current fiscal year and at least the next
five years;
(d) information concerning construction work completed in the
preceding fiscal year and construction work in progress;
(e) information concerning the operation and financial condition
of the transportation revolving fund;
(f) the annual allocation and expenditure of moneys from the
coordinated public transportation assistance fund under K.S.A. 75-
5035, and amendments thereto;
(g) the annual allocation and expenditure of moneys from the rail
service improvement fund under K.S.A. 75-5048, and amendments
thereto, including specific information relating to any grants or loans
made under such program;
(h) the annual allocation and expenditure of moneys from the
public use general aviation airport development fund under K.S.A. 75-
5061, and amendments thereto, including specific information relating
to grants made under such program;
(i) specific recommendations for any statutory changes necessary
for the successful completion of the transportation program specified
in K.S.A. 68-2314b section 1, and amendments thereto, or efficient and
effective operation of the Kansas department of transportation; and
(j) an explanation of any material changes from the previous
annual report.

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

Sec. 6. On and after July 1, 2020, K.S.A. 68-416, 68-2315 and 68-
2316-4 are hereby repealed.

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