AN ACT concerning transportation; relating to toll projects; authorizing
the secretary of transportation to designate or construct toll projects;
changing toll project financing requirements; amending K.S.A. 68-
existing sections.

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

Section 1. K.S.A. 68-2002 is hereby amended to read as follows: 68-
2002. In order to provide for the construction of modern express highways
or superhighways embodying, where feasible and necessary, safety
devices, including center division, ample shoulder widths, longsight
distances, multiple lanes in each direction and grade separation at
intersections with other highways and railroads, and thereby facilitate
vehicular traffic, provide better connections between the highway system
of Kansas and the highway systems of the adjoining states, remove many
of the present handicaps and hazards on the congested highways in the
state, and promote the agricultural and industrial development of the state,
the Kansas turnpike authority (hereinafter created) is hereby authorized
and empowered to construct, maintain, repair and operate turnpike projects
(as hereinbefore defined), and to issue revenue bonds of the authority,
payable solely partly from revenues, to finance such projects. No toll road
project shall be undertaken unless and until such project and the proposed
location therefor have been thoroughly studied with respect to traffic,
engineering, cost and financing nor unless such study shows:

(a) That public funds for construction of a free expressway are not
available;

(b) that the construction of a toll expressway can be financed wholly
partly through the investment of private funds in toll road revenue bonds;
and

(c) that the project and indebtedness incurred therefor will can be
entirely self-liquidating financed partly through tolls and other income
from operation of the project.

Sec. 2. K.S.A. 68-2004 is hereby amended to read as follows: 68-
2004. (a) The authority is hereby authorized and empowered to:

(1) Adopt bylaws for the regulation of its affairs and the conduct of
its business;
(2) adopt an official seal and alter the same at pleasure;
(3) maintain an office at such place or places within the state as it may designate;
(4) sue and be sued in its own name, plead and be impleaded;
(5) determine the location, subject to the approval of the secretary of transportation, of each turnpike project financed under the provisions of this act, determine its design and the materials of construction, and construct, maintain, repair and operate the same;
(6) issue turnpike revenue bonds of the authority for any of its corporate purposes, payable solely partly from the tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this act;
(7) fix and revise from time to time and charge and collect tolls for transit over each turnpike project constructed by it;
(8) adopt rules and regulations for the use of any such turnpike project, and adopt rules and regulations for traffic control on such project;
(9) acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;
(10) designate the locations, and establish, limit and control such points of ingress to and egress from each turnpike project as may be necessary or desirable in the judgment of the authority to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;
(11) make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;
(12) employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;
(13) receive and accept from any federal agency grants for or in aid of the construction of any turnpike project, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and
(14) do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

(b) Violation of any of the rules and regulations adopted under this section shall be unlawful and subject to the penalties contained in K.S.A. 8-2116, and amendments thereto.

Sec. 3. K.S.A. 68-2008 is hereby amended to read as follows: 68-2008. Revenue bonds issued under the provisions of this act shall not be deemed to constitute a debt of the state or of any political subdivision
thereof or a pledge of the faith and credit of the state or of any such political subdivision thereof, but all such bonds shall be payable solely from the funds therein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the state nor the authority shall be obligated to pay the same or the interest thereon except from revenues of the project or projects for which they are issued and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledge to the payment of the principal of or the interest on such bonds.

All expenses incurred in carrying out the provisions of this act shall be payable solely partly from funds provided under the authority of this act and no liability or obligation shall be incurred by the authority hereunder beyond the extent to which moneys shall have been provided under the provisions of this act.

Sec. 4. K.S.A. 68-20,120 is hereby amended to read as follows: 68-20,120. In addition to other powers and duties granted to the secretary of transportation:

(a) (1) The secretary of transportation may study the feasibility of constructing a new toll project or turnpike project or designating existing highways or any portion of such highways, including bridges, as a toll project or turnpike project to increase capacity on such existing highway.

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

(A) The total cost of such project;

(B) a determination of the funding of such projects, including the use of one or a combination of public funds, private funds or toll revenues;

(C) a determination of the duration of the collection of tolls on such projects and if such projects are to become toll-free, a projected date when such projects would become toll-free; and

(D) a determination, after consulting with local officials, that traffic volume, local participation or other relevant reasons make such tolling project feasible and would be acceptable to the affected local community; and

(E) such other data deemed necessary by the secretary for a determination of the project's feasibility.

(b) After conducting the feasibility study under subsection (a) and if such feasibility study provides a favorable result, the secretary of transportation may recommend the construction of construct a new toll project or turnpike project or the designation of designate an existing highway or any portion of such highway, including bridges, as a toll project or turnpike project to increase capacity on such existing highway.

Sec. 5. K.S.A. 68-2301 is hereby amended to read as follows: 68-2301. (a) In order to provide for the construction of modern express
highways and freeways to link the principal population centers of the state
with the major express highways and freeways in this and other states,
facilitate vehicular traffic in the areas to be served, remove many of the
present handicaps and hazards on the congested highways in the state and
promote the agricultural and industrial development of the state, the
secretary of transportation is hereby authorized, empowered and directed
to establish and construct a state system of modern express highways and
freeways. The express highways and freeways within said system shall be
constructed pursuant to the criteria established in subsection (b) of this
section and shall be located by the secretary of transportation within the
following corridors:

(1) Commencing in the vicinity of the intersection of U.S. highway
54 and the Kansas-Oklahoma border, thence proceeding in a northeasterly
and easterly direction, within a corridor including and generally delineated
by said U.S. highway 54, to the vicinity of the point in Butler county
where said U.S. highway 54 and state highway 96 divide; thence
proceeding in an easterly and southeasterly direction, generally described
by said highway 96, to the vicinity of the juncture of state highway 96 and
state highway 39; thence in a southeasterly direction, within a corridor
including and generally delineated by state highway 96, U.S. highway 160
and state highway 57, to the Kansas-Missouri border;

(2) commencing in the vicinity of the intersection of interstate
highway 70 and U.S. highway 183, near the city of Hays in Ellis county;
thence in a southeasterly direction to the general vicinity of the
intersection of the east city limits of the city of Great Bend in Barton
county and state highway 96; thence in an easterly and southeasterly
direction, within a corridor including and generally delineated by state
highway 96, to the vicinity of the juncture of state highway 96 and U.S.
highway 54 in Sedgwick county;

(3) commencing in the vicinity of the intersection of the north city
limits of the city of Hutchinson in Reno county and state highway 61;
thence in a northeasterly direction, within a corridor including and
generally delineated by state highway 61, to a point near the south city
limits of the city of McPherson in McPherson county;

(4) commencing in the vicinity of the intersection of U.S. highway 75
and the Kansas-Nebraska border; thence in a southerly direction, within a
corridor including and generally delineated by U.S. highway 75, to a point
near the intersection of said U.S. highway 75 and the proposed right-of-
way for interstate highway 35, in the vicinity of the Osage-Coffey county
line;

(5) commencing in the vicinity of the intersection of U.S. highway 36
and the Kansas-Missouri border; thence in a westerly direction, within a
corridor including and generally delineated by U.S. highway 36, to a point
(6) commencing in the vicinity of the intersection of the city limits of
the city of Atchison in Atchison county and state highway 7; thence in a
southerly direction to the vicinity of the intersection of state highway 7
and interstate highway 35, near the city of Olathe in Johnson county;
(7) commencing in the vicinity of the intersection of U.S. highway 69
and interstate highway 435; thence in a southerly direction, within a
corridor including and generally delineated by U.S. highway 69, to the
Kansas-Oklahoma border;
(8) commencing in the vicinity of the city of Lawrence in Douglas
county; thence in a southerly direction within a corridor which includes the
areas between U.S. highways 75, 59 and 169, to the Kansas-Oklahoma
border in the general vicinity of a point approximately between the cities
of Caney and Coffeyville in Montgomery county; and
(9) commencing in the vicinity of the intersection of the city limits of
the city of Lawrence in Douglas county and state highway 10; thence in an
easterly direction, within a corridor including and generally delineated by
state highway 10, to the vicinity of the intersection of interstate highway
35 and U.S. highways 50 and 56 in the city of Merriam in Johnson county.
(b) All of the moneys deposited in the state freeway fund created in
K.S.A. 79-3425, and amendments thereto, except moneys accruing to such
fund as a result of the interest or earnings from the investment of moneys
in the state freeway fund or in the state freeway construction fund, as
provided in subsection (d) of K.S.A. 68-2311(d), and amendments thereto,
shall be subject to transfer to the state highway fund, as provided by
K.S.A. 79-3425, and amendments thereto. After any such transfer, and
subject to the provisions of K.S.A. 68-2311, and amendments thereto, the
moneys remaining in the state freeway fund shall be expended by the
secretary of transportation for: The construction, reconstruction,
improvement and maintenance of the state system of express highways
and freeways established in subsection (a) of this section; for the
retirement of highway bonds and highway refunding bonds issued under
the provisions of this act; and for the purpose of making payments to the
Kansas turnpike authority pursuant to the provisions of K.S.A. 68-2096,
and amendments thereto, except that such payments shall not be made
from the interest or earnings from the investment of moneys in the state
freeway construction fund, as provided in K.S.A. 68-2311, and
amendments thereto. Moneys in the state freeway fund may be transferred
to the state highway fund and may be expended from such fund for:
(1) The construction of state highways within the corridors
designated in subsection (a) and approved by the secretary of
transportation prior to the effective date of this act;

(2) the construction of bypass routes not exceeding five miles in length; and

(3) the reconstruction, improvement and maintenance of state highways, whether or not such highways are within the corridors designated in subsection (a). Such reconstruction, improvement and maintenance shall be according to need as determined by priorities assigned to such state highways by the secretary of transportation in accordance with established standards and criteria.

The allocation and programming of funds within the state system in each fiscal year shall be according to need, as determined by a schedule of priorities assigned to segments of the existing highways which generally delineate the corridors of said state system of express highways and freeways. The secretary of transportation shall determine the length of each such segment in establishing said priorities, and the schedule of priorities shall be updated every four years on the basis of current criteria at that time. Immediately after the effective date of this act, the secretary of transportation shall evaluate the schedule of priorities and, where necessary, reestablish such schedule in accordance with the following standards and criteria: Except where it is specifically provided by law that any of the highways to be constructed within the corridors designated in subsection (a) shall be constructed so as to include multiple lanes in each direction on roadways separated by a median, barrier or other center division, all highways constructed within the state system of modern express highways and freeways after the effective date of this act may be constructed either with multiple lanes in each direction on roadways separated by a median, barrier or other center division or may be constructed with two lanes on a single roadway. Whenever the secretary of transportation deems it necessary and appropriate for the safety of vehicular traffic, such highways shall be designed and constructed to include controlled access, passing lanes, expanded shoulder width, long-sight distances, grade separations at intersections with other roads and highways and railroads. Nothing herein shall be construed as abrogating, limiting or otherwise affecting the construction of any highway for which bids for the construction thereof have been solicited and received prior to the effective date of this act, nor shall the foregoing be construed as precluding the secretary of transportation, whenever the secretary deems it feasible and appropriate, from acquiring right-of-way sufficient to accommodate the eventual construction of multiple-lane divided highways within any corridor designated in subsection (a).

(c) In constructing or reconstructing the state system of modern express highways and freeways established in this section, the secretary shall evaluate from time to time the feasibility of designating a portion or
portions of any of the modern express highways and freeways within the
system as a toll road. If the secretary shall determine that the designation
of any such portion as a toll road is feasible, based on the projected traffic,
engineering, cost and financing of the proposed toll road and a
determination that adequate public funds for construction of such toll road
are not available and that the construction of such toll road can be financed
totally or partly through proceeds of the bonds issued pursuant to this act,
the secretary shall submit to the legislature a recommendation that such
portion be constructed. May construct any portion or portions of any of the
modern express highways and freeways within the system as a toll road.
The recommendation, together with any supporting information deemed
necessary by the secretary, may be submitted with or as a part of the
annual report required of the secretary in K.S.A. 68-2315. Nothing in this
subsection shall be construed as abrogating, limiting or otherwise affecting
any obligations or duties imposed upon the secretary of transportation
under this section with respect to the construction, reconstruction,
 improvement and maintenance of the state system of modern express
highways and freeways, including without limitation location studies,
engineering, right-of-way acquisition and public hearings, nor shall it
affect in any way the allocation, programming or priority of funds therefor.

are hereby repealed.

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