

March 5, 2013

The Honorable Richard Proehl, Chairperson
House Committee on Transportation
Statehouse, Room 581-W
Topeka, Kansas 66612

Dear Representative Proehl:

SUBJECT: Fiscal Note for HB 2358 by House Committee on Transportation

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2358 is respectfully submitted to your committee.

HB 2358 would enact the Safety Corridor Act. The Act would authorize the Secretary of Transportation to establish and administer a Safety Corridor Program. The bill defines "safety corridor." The Secretary could designate highway safety corridors on highways that are designated as interstate, United States, or state highways. When within the corporate limits of any city, a safety corridor could not be authorized without a resolution passed by the city governing body. If the city governing body were to remove support for the safety corridor, the Secretary of Transportation would be required to remove the signage dedicating the highway in the city as a safety corridor.

The bill would also create an Executive Safety Council composed of representatives appointed by the Secretary of Transportation who would be charged with developing and maintaining the Strategic Highway Safety Plan. Representatives may be appointed from the Department of Revenue, the Kansas Department of Transportation, the Kansas Department of Health and Environment, the Kansas Legislature, transportation safety academia, transportation safety businesses, law enforcement, or local governments. The Secretary would establish criteria and designate safety corridors at the recommendation of the Executive Safety Council. Criteria would include but not be limited to accident rates and accident fatality rates, which account for the number of collisions; number of collisions resulting in serious injury or death; and traffic volumes.

The Secretary of Transportation would establish guidelines to evaluate whether a highway segment designated as a safety corridor continues to meet established criteria. If the Secretary determines a highway segment no longer meets the criteria, the highway's designation as a safety corridor would be revoked. HB 2358 would require the Secretary to report annually to the House Committee on Transportation and the Senate Committee on Transportation concerning the implementation and operation of the Safety Corridor Act. The report would need to be completed prior to the tenth day of each regular session of the Kansas Legislature.

The bill would also create the Safety Corridor Fund to be administered by the Secretary of Transportation. Expenditures from this fund would be used solely for programs within designated safety corridors, including appropriate signage, education, and other purposes deemed appropriate by the Secretary. HB 2358 would designate 0.9 percent of fines collected by district courts to the Safety Corridor Fund until the time the Secretary of Transportation has recouped all of the costs associated with the creation or acquisition of signage identifying safety corridors. The bill would also designate 12.5 percent of fines collected by district courts to the State Safety Fund and 12.5 percent of fines to the Motorcycle Safety Fund. Fines would double if a person is convicted of a traffic infraction, which is defined as a moving violation in the bill, in a designated safety corridor. In addition, the Safety Corridor Fund would receive half of the doubled fines collected by municipal courts for moving violations within a designated safety corridor. The bill would add that a conviction of exceeding the speed limit by more than five miles per hour within a safety corridor would be considered a moving violation for determining whether a person’s driving privileges should be restricted, suspended, or revoked. A conviction of speeding in a safety corridor by not more than five miles per hour would not be reported to or considered by an insurance company in determining an automobile insurance rate. HB 2358 would also prohibit a diversion agreement in lieu of further criminal proceedings that would prevent the conviction of exceeding the maximum speed limit in a safety corridor from appearing on a person’s record.

Estimated State Fiscal Effect				
	FY 2013 SGF	FY 2013 All Funds	FY 2014 SGF	FY 2014 All Funds
Revenue	--	--	(\$4,900,000)	(\$4,722,700)
Expenditure	--	--	--	\$220,635
FTE Pos.	--	--	--	--

The Kansas Department of Transportation (KDOT) states it anticipates establishing safety corridors on a portion of K-10 Highway in Douglas and Johnson Counties and on a portion of U.S. 54 Highway in Wichita if HB 2358 were enacted. In addition, KDOT would work with the Executive Safety Council to establish criteria and would select three additional safety corridors. Additional expenditures would include five safety corridors requiring \$5,000 in signage per corridor and \$150,500 in additional patrol costs, for a total of \$175,500. These expenditures would be paid for from the Safety Corridor Fund established in the bill. KDOT states the installation of new signs would be a one-time cost for the five planned corridors, but if more safety corridors are established in the future, then there would be approximately \$5,000 in signage for each additional safety corridor. The \$150,500 in additional patrol costs would be an ongoing expenditure. Revenues to the Safety Corridor Fund associated with the 0.9 percent of fines collected by the district court are estimated at \$177,300 by KDOT. KDOT is unable to estimate the additional revenues that would be collected from municipal court collections.

The Honorable Richard Proehl, Chairperson

March 5, 2013

Page 3—HB 2358

The Department of Revenue indicates it would need \$16,335 (\$165 X 99 hours) from agency fee funds to modify the motor vehicle system to implement the provisions of the bill. Additionally, the Department estimates it would need \$28,800 (\$30 X 960 hours) from agency fee funds to make the necessary mainframe modifications to implement HB 2358. The League of Kansas Municipalities states that there would be a fiscal effect to cities that choose to participate in the Safety Corridor Program because of the requirement in the bill that the Safety Corridor Fund would receive half of the fines collected by municipal courts for moving violations within a designated safety corridor; however, the League indicates it is not possible to quantify what the actual fiscal effect to cities would be because the League does not know how many, if any, cities would choose to participate in the Safety Corridor Program, the number of safety corridors that might be established within the corporate limits of a city, and the number of moving violations that may occur within any city. The Office of Judicial Administration states enactment of HB 2358 could require additional time from district court clerks in answering questions from the public regarding safety corridor offenses and in determining if the correct fine has been assessed. Until the courts have been able to operate under the provisions of the bill, the Office is unable to determine a fiscal effect at this time. The Office further states the bill specifies that 12.5 percent of fines be deposited in the State Safety Fund and 12.5 percent of fines would be deposited in the Motorcycle Safety Fund, which would result in an estimated decrease of revenue of \$4.9 million to the State General Fund in FY 2014, according to the Office. Any fiscal effect associated with HB 2358 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Ben Cleeves, KDOT
Steve Neske, Revenue
Melissa Wangemann, KAC
Larry Baer, LKM
Mary Rinehart, Judiciary
Jeff Russell, LAS
Aaron Dunkel, KDHE