

COMPARISON, T-WORKS KSA 68-2314b TO 2019 SB 186/ HB 2373

If SB 186/ HB 2373 were amending KSA 68-2314b –

68-2314b. (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 works for Kansas planning program.

(b)(1) The transportation works for Kansas 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 which *that* will allow for the flexibility to meet emerging and economic needs. Program expenditures may include, but not be limited to, the following:

(1) (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;

(2) (B) expansion and economic opportunity projects, which *that* include additions to the transportation system or which *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, ~~except for projects funded by build America bonds, no expansion and economic opportunity projects shall be selected prior to February 1, 2014.~~ 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*

(3) (C) modernization projects, which *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; ~~and~~

(4) ~~not more than one highway demonstration project for the purpose of evaluating the design-build concept which may include financing, design, construction and performance guarantee. Such demonstration project shall be conducted in Johnson or Wyandotte county. The secretary is authorized to procure such demonstration project in the same manner as engineering services are procured under K.S.A. 75-5801 et seq., and amendments thereto, and such demonstration project need not comply with the provisions of K.S.A. 68-410 or 75-430a, and amendments thereto, or any other applicable statute to the procurement of state highway construction contracts. The secretary of transportation shall provide a cost/benefit analysis of such demonstration project to the standing committees on transportation of the house of representatives and the senate on completion of such demonstration project.~~

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

(c) The transportation works for Kansas 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;

~~(3)~~ (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

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

~~(5)~~ (6) programs that allow local governments to exchange federal aid funds for state funds.

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

(e) The transportation ~~works for Kansas~~ 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) The transportation ~~works for Kansas~~ 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 amendments thereto, and K.S.A. [75-5051](#) through [75-5058](#), and amendments thereto.

(g) 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 ~~works for Kansas~~ 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.

(h) (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 works for Kansas 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.

History: L. 2010, ch. 156, § 1; June 3 [Note: SB 186/ HB 2373 as introduced would not repeal KSA 68-2314b.]

Section 2 of the bill is all new language:

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 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.

Section 3 of the bill would require KDOT to “expend or commit to expend” \$8 million in each county between July 1, 2020, and June 30, 2030.

KLRD, 3/7/19