

SENATE BILL No. 375

By Committee on Ways and Means

Proposed Amendments
2020 Senate Bill No. 375
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FORWARD program

1 AN ACT concerning transportation; providing for the FORWARD
2 transportation program; amending K.S.A. 68-416, 68-2315, 68-2316,
3 75-5035, 75-5048, 75-5061, 79-3603 and 79-3703 and repealing the
4 existing sections.
5

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

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

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

18 (A) Preservation projects to efficiently maintain a state highway
19 system in its original or improved condition and in a state of good repair.
20 ~~The secretary shall determine the average annual preservation investment~~
21 ~~needed to maintain the state highway system in a state of good repair by~~
22 ~~determining the annual preservation investment needed using Kansas~~
23 ~~department of transportation performance measures.~~ It is the intent of the
24 legislature that the secretary, prior to completion of the FORWARD
25 transportation program, shall spend or encumber from the state highway
26 fund preservation projects in an amount equal to or exceeding 10 times the
27 determined average annual preservation investment;

28 (B) preservation plus projects to efficiently maintain a state highway
29 system and include additional safety or technology elements, or both, in
30 the preservation project. Such additional elements may include, but may
31 not be limited to, adding paved shoulders, adding passing lanes, adding
32 traffic signals, adding intelligent transportation system elements or laying
33 broadband fiber or the conduit for broadband fiber. It is the intent of the
34 legislature that the secretary has the authority to enhance preservation plus
35 projects with the addition of safety or technology improvements, or both;

36 (C) expansion and economic opportunity projects, that include

The secretary shall establish targets for the state highway system condition that reflect the reasonable realistic expectations that have historically existed in providing a safe and efficient state highway system. The secretary shall utilize reasonable, sound and accepted methods to determine the annual preservation investment needed to achieve the state targets and provide optimum cost effectiveness in keeping the long-term system condition meeting targets.

The secretary shall manage cash-flow and project lettings such that there is reasonable assurance that preservation will be fully funded each year.

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

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

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

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

12 (e) The FORWARD transportation program shall provide for a
13 railroad program to provide assistance in accordance with K.S.A. 75-5040
14 through 75-5050, and amendments thereto, for the preservation and
15 revitalization of rail service in the state.

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

20 (g) The FORWARD transportation program shall provide for public
21 transit programs to aid elderly persons, persons with disabilities and the
22 general public, in accordance with K.S.A. 75-5032 through 75-5038 and
23 75-5051 through 75-5058, and amendments thereto.

24 (h) The FORWARD transportation program shall provide for a
25 transportation technology program to provide for multimodal
26 transportation-related projects that support innovative technology, in
27 accordance with section 2, and amendments thereto.

28 (i) The FORWARD transportation program shall provide for a
29 multimodal program to provide transportation improvement assistance for
30 bike facilities, pedestrian facilities or other transportation-sensitive
31 economic opportunities on a local or a regional basis.

32 (j) The FORWARD transportation program shall allow the secretary
33 to award certain state highway system projects using alternative delivery
34 procurement methods, other than an award of a design-bid-build, as
35 provided for in section 4, and amendments thereto.

36 (k) The FORWARD transportation program shall provide for a
37 broadband infrastructure construction program, in accordance with section
38 3, and amendments thereto.

39 ~~(l) (1) Motor fuel taxes and vehicle registration revenues shall be
40 used in the following order of priority:~~

41 (A) To pay bond covenant obligations;

42 (B) to pay for agency operations;

43 (C) to make city connecting link payments authorized under K.S.A.

State highway fund revenues that include, but are not limited to, motor fuel taxes, vehicle registrations, sales and compensating use taxes and eligible federal aid shall be used in the following order of priority:

1 68-416, and amendments thereto; and
2 (D) to pay for needed preservation projects as set forth in subsection
3 (b)(1).

4 (2) Any such revenues not spent pursuant to subsection (l)(1)(A)
5 through (D) may be used for other purposes and authority given to the
6 secretary.

7 (m) (1) The secretary shall, using the Kansas department of
8 transportation selection methods and criteria, determine the projects to be
9 selected for inclusion under the FORWARD transportation program.
10 Consideration may be given to additional criteria that may include projects
11 that:

- 12 (A) Remove transportation infrastructure from the state highway
- 13 system;
- 14 (B) identify priority corridors;
- 15 (C) include local monetary participation; or
- 16 (D) reduce project size.

17 (2) The secretary shall select projects for development every two
18 years. The secretary shall select projects for construction every two years.
19 The secretary is not required to construct every project selected for
20 development. The selection of projects for development and construction
21 shall take place every two years, after consultation with local jurisdictions.
22 Prior to June 30, 2030, not less than three expansion or modernization
23 projects shall be selected for development from each of the Kansas
24 department of transportation's six districts.

25 (n) The secretary, prior to June 30, 2030, shall develop a long-range
26 transportation plan that examines, but is not limited to, transportation
27 policy, project selection criteria and selection methods used in the
28 FORWARD transportation program, transportation funding sources and
29 FORWARD transportation program project categories. The long-range
30 transportation plan shall make recommendations for a new transportation
31 program for the state of Kansas. The long-range transportation plan shall
32 be developed after consultation with the governor of the state of Kansas
33 and state and local elected officials.

34 New Sec. 2. (a) The secretary of transportation is hereby authorized
35 and empowered to participate in projects or make grants for projects, the
36 purpose of which is the planning, assessment and fielding of new
37 capabilities and innovative technology for all modes of transportation,
38 including, but not limited to, aviation and highway transportation. Such
39 new capabilities should represent increased efficiency for state operations,
40 public cost savings, increased safety or economic development.

41 (b) There is hereby established in the state treasury the transportation
42 technology development fund. All moneys credited to such fund shall be
43 used to provide assistance with the planning, assessment and fielding of

The legislative intent would be that the secretary will develop a metric driven process that fairly distributes state highway fund revenue available for the construction of modernization and expansion projects across the six Kansas department of transportation districts such that the accumulated funds spent on constructed modernization and expansion projects in each district over the 10 years will fall within the range determined.
(3)

It is the intent of the legislature that the secretary take the actions necessary to have transportation improvement projects ready to let to construction as cash-flow management allows.
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