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Session of 2021

**SENATE BILL No. 116**

By Committee on Transportation

2-1

1 AN ACT concerning transportation; relating to the Eisenhower legacy  
2 transportation program; decreasing the threshold amount required for  
3 alternate delivery projects; providing for the usage of federal stimulus  
4 funds for certain projects; calculating KDOT bonding and debt cap  
5 authority; amending K.S.A. 68-2320 and 68-2328 and K.S.A. 2020  
6 Supp. 68-2314c, 68-2332 and 75-5094 and repealing the existing  
7 sections.  
8

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

10 Section 1. K.S.A. 2020 Supp. 68-2314c is hereby amended to read as  
11 follows: 68-2314c. (a) In order to plan, develop and operate or coordinate  
12 the development and operation of the various modes and systems of  
13 transportation within the state, the secretary of transportation is hereby  
14 authorized and directed to initiate the Eisenhower legacy transportation  
15 program.

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

22 (A) Preservation projects to efficiently maintain a state highway  
23 system in its original or improved condition and in a state of good repair.  
24 The secretary shall establish targets for the state highway system condition  
25 that reflect the reasonable, realistic expectations that have historically  
26 existed in providing a safe and efficient state highway system. The  
27 secretary shall utilize reasonable, sound and accepted methods to  
28 determine the annual preservation investment needed to achieve the state  
29 targets and provide optimum cost effectiveness in keeping the long-term  
30 state highway system condition meeting such targets. It is the intent of the  
31 legislature that the secretary, prior to completion of the transportation  
32 program, shall spend or encumber from the state highway fund  
33 preservation projects in an amount equal to or exceeding 10 times the  
34 determined average annual preservation investment. The secretary shall  
35 manage cash-flow and project lettings such that there is reasonable  
36 assurance that preservation projects shall be fully funded each year.

1 Pursuant to this subparagraph, preservation projects refer to maintenance,  
2 repairs or replacement of existing infrastructure. Federal funding from  
3 federal grants or federal stimulus may be used for preservation projects;

4 (B) preservation plus projects to efficiently maintain a state highway  
5 system and include additional safety or technology elements, or both, in  
6 the preservation project. Such additional elements may include, but may  
7 not be limited to, adding paved shoulders, adding passing lanes, adding  
8 traffic signals, adding intelligent transportation system elements or laying  
9 broadband fiber or the conduit for broadband fiber. It is the intent of the  
10 legislature that the secretary has the authority to enhance preservation plus  
11 projects with the addition of safety or technology improvements, or both.  
12 Federal funding from federal grants or federal stimulus may be used for  
13 preservation plus projects;

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

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

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

33 (c) Except as further provided, the Eisenhower legacy transportation  
34 program shall provide for the completion of modernization and expansion  
35 projects selected for construction under the transportation works for  
36 Kansas program pursuant to K.S.A. 68-2314b, and amendments thereto.  
37 Such projects shall be let prior to July 1, 2023. The secretary shall let to  
38 construction contract at least one phase of each remaining transportation  
39 works for Kansas program project before any new modernization or  
40 expansion project, or both, under the Eisenhower legacy transportation  
41 program are let to construction. A transportation works for Kansas  
42 program selected project in Harvey county generally described as an  
43 approximate one-mile reconstruction of the I-135 and 36<sup>th</sup> street

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1 interchange may not be constructed. If such project is not constructed, the  
 2 estimated construction costs for such project shall be used on other  
 3 construction projects in the Kansas department of transportation's south-  
 4 central district. *Notwithstanding the provisions of this subsection, the*  
 5 *secretary may let to construction at any time any modernization or*  
 6 *expansion projects under the Eisenhower legacy transportation program*  
 7 *that utilize federal stimulus funds regardless of whether transportation*  
 8 *works for Kansas program projects, or any phase thereof, have been let.*

9 (d) The Eisenhower legacy transportation program shall provide for  
 10 assistance, including credit and credit enhancements, to cities and counties  
 11 in meeting their responsibilities for the construction, improvement,  
 12 reconstruction and maintenance of transportation improvements. Such  
 13 programs may use criteria developed by the Kansas department of  
 14 transportation for the incorporation of practical improvements into designs  
 15 of projects. Expenditures under this subsection may include, but may not  
 16 be limited to, the following:

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

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

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

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

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

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

34 (e) The Eisenhower legacy transportation program shall provide for a  
 35 railroad program to provide assistance in accordance with K.S.A. 75-5040  
 36 through 75-5050, and amendments thereto, for the preservation and  
 37 revitalization of rail service in the state.

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

42 (g) The Eisenhower legacy transportation program shall provide for  
 43 public transit programs to aid elderly persons, persons with disabilities and

(2)

paragraph (1)

No moneys received from federal stimulus funds shall be expended pursuant to this paragraph unless the expenditure either has been approved by an appropriation or other act of the legislature or has been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto.