

SENATE BILL No. 124

AN ACT relating to roads and highways; concerning the classification thereof; amending K.S.A. 68-101, 68-402b, 68-506, 68-506f, 68-516, 68-588, 68-592, 68-1109, 68-1137, 68-1701, 68-1703 and 68-1704 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 68-1702.

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

New Section 1. Whenever any county major collector road or county minor collector road is located partly within and partly without a city or connects any such road or highway with a city, by and with the consent of the governing body, the board of county commissioners is hereby given power and authority and required to designate such public road or highway as a part of the county road or highway system. Such road or highway shall be improved and maintained as other parts of the county road system, except that the governing body of such city may aid in the construction, maintenance and improvement of such road or highway as it would were the road or highway wholly within the corporate limits of the city and may improve any such city boundary line road or street in the manner provided by K.S.A. 12-693, and amendments thereto. When a road or highway is being, or has been improved by the county where state or federal aid has been extended in the improvement of such road or highway, and such road or highway terminates at the city limits, and where a road or highway has been or shall be constructed with federal aid, which such road or highway terminates at a state line, and the state line is the corporate limits of a city within this state, the secretary of transportation is hereby authorized and empowered to extend federal aid, and the board of county commissioners, on the application of the governing body of the city, shall declare such city through which a street or streets form a connection between such roads or highways, a benefit district, and shall extend state aid on that part of the road or highway lying within the city limits in the same way and in the same manner as they extend aid in the improvement of the road or highway outside of the city limits. The secretary of transportation is hereby authorized and empowered to cooperate and deal with the governing body of the city, board of county commissioners, or other interested parties that provide funds to take care of the local part of the costs of the improvement of the road or highway lying within the city limits, and such improvement shall be under the supervision and direction of the secretary as provided for in the improvement of other roads and highways of like nature in the county.

Sec. 2. K.S.A. 68-101 is hereby amended to read as follows: 68-101. Unless the context clearly indicates otherwise, the following terms shall have the meanings herein ascribed to them wherever they appear in chapter 68 of the Kansas Statutes Annotated, and ~~acts amendatory thereof or supplemental amendments~~ thereto:

~~(1) The terms~~ (a) “Highway commissioners,” “township board of highway commissioners,” “township commissioners,” “township board,” or “township governing body” ~~shall mean~~ means the governing body of the township composed of the township trustee, the township clerk and the township treasurer.

~~(2) The term~~ (b) “Class A roads” ~~shall mean~~ means all roads in county unit road counties, not designated as part of the county primary or county ~~secondary major collector~~ road systems nor as part of the state or federal road systems. ~~It is intended, and the term~~ “Class A roads” shall ~~be construed to mean~~ and include the roads formerly under the jurisdiction of the township, unless otherwise designated and classified by the county engineer and the board of county commissioners.

~~(3) The term~~ (c) “County roads” ~~shall mean~~ means all roads designated as such by the board of county commissioners, including roads on the county ~~secondary major collector~~ road system and class A roads in county road unit counties.

~~(4) The terms~~ (d) “State roads” and “state highways” ~~shall mean~~ means all roads designated as a part of the state highway system by the secretary of transportation.

~~(5) The term~~ (e) “Township roads” ~~shall mean~~ means all roads within a township not within a county road unit county other than federal, state, and county roads.

Sec. 3. K.S.A. 68-402b is hereby amended to read as follows: 68-402b. (a) Authority is hereby granted to counties, cities and political subdivisions in this state to enter into contracts through or with the secretary of transportation, to enable the state and such counties, cities and political

subdivisions to participate in the benefits to be secured from federal-aid funds, or funds made available from the federal government for highway, road or street purposes or for purposes relating to the various other modes and systems of transportation. Contracts so entered into by the boards of county commissioners or the governing bodies of cities or other political subdivisions shall be binding on them or their successors. The secretary of transportation may negotiate and enter into contracts with the federal government, federal departments or federal agencies and take all steps and proceedings necessary to secure such benefits for such counties, cities or other political subdivisions.

The secretary of transportation may determine amounts to be paid from the state highway fund on account of any federal-aid project on the highway system in any county, city or other political subdivision constructed under the provisions of the federal-aid highway act of 1956 or prior federal-aid acts and all acts amendatory thereof or supplemental thereto, or relating to the various other modes and systems of transportation, and approve vouchers therefor. The counties' share of the cost of all such contracts so entered into by them under the federal-aid highway act of 1956 or prior federal aid acts and all acts amendatory thereof or supplemental thereto and federal acts relating to other modes and systems of transportation shall be paid by the proper county from the road and bridge fund of such county, or from any special fund available for such purpose.

Federal aid for ~~secondary~~ county major collector roads or minor collector roads shall be allocated by the secretary of transportation to each of the several counties in the proportion that the total gross amount of moneys received by each county from the special city and county highway fund and the county equalization and adjustment fund in the preceding calendar year prior to distribution of any such moneys bears to the total amount of moneys received by all counties from such fund in such year. If any county does not provide matching funds for federal aid allocated to such county, then the secretary of transportation may allocate such federal-aid funds to other counties or to the state ~~secondary road~~ highway system, and the secretary may accumulate any federal-aid moneys allocated to any or all counties over such period of time as the secretary deems necessary. Also the secretary may allow an advanced allocation of federal-aid funds to any county which establishes a need for additional federal-aid funds. Any such advanced allocation shall be made from accumulated federal-aid funds. Such federal-aid advanced allocations shall be credited back to such accumulated federal-aid funds if, or when, federal-aid funds are subsequently allocated to the counties that have received such advance allocations.

(b) In addition to the powers granted by subsection (a), the secretary may negotiate and enter into contracts with the federal government, federal departments, federal agencies or any other entity and may pledge any federal aid funds or other funds made available from the federal government for that or any other highway, road or street purposes within the state to repay funds which were advanced by counties, cities or political subdivisions of this state for highway, road or street purposes pursuant to the approval of the secretary of transportation.

Sec. 4. K.S.A. 68-506 is hereby amended to read as follows: 68-506. (a) In ~~counties which have~~ any county which has not adopted the county unit road system, it shall be the duty of the ~~boards~~ board of county commissioners with the approval of the county ~~engineers in their respective counties,~~ engineer to classify and designate the roads and highways within such county within the following classes:

(1) ~~“Secondary roads or highways”~~ “County major collector roads” which shall include all county roads and highways designated for inclusion in the ~~secondary~~ major collector road system in accordance with K.S.A. 68-1701 to 68-1704, and amendments thereto;

(2) “county minor collector roads ~~or highways~~” which shall include all county roads and highways, not designated for inclusion in the ~~secondary~~ major collector road system, which are *other* main traveled roads utilized ~~and designed~~ primarily for the movement of traffic between different areas of the county; ~~and~~

(3) “township minor collector roads” which shall include all township roads and highways not designated for inclusion in the major collector

road system, which are other main traveled roads utilized primarily for the movement of traffic between different areas of the county; and

~~(3)~~ (4) “township or local service roads” which shall include all township roads and highways not designated for inclusion in the secondary major collector road system or as county or township minor collector roads or highways.

~~(b)~~—Whenever any county secondary road or highway or county minor collector road or highway is located partly within and partly without a city or connects any such road or highway with a city, by and with the consent of the governing body the board of county commissioners is hereby given power and authority and required to designate such public road or highway as a part of the county road or highway system, and it shall be improved and maintained as other parts of the county road system, except that the governing body of such city may aid in the construction, maintenance and improvement of such road or highway as it would were the road or highway wholly within the corporate limits of the city and may improve any such city boundary line road or street in the manner provided by K.S.A. 12-693, and amendments thereto. When a road or highway is being, or has been, improved by the county where state or federal aid has been extended in the improvement of such road or highway, and such road or highway terminates at the city limits, and where a road or highway has been or shall be constructed with federal aid, which such road or highway terminates at a state line, and the state line is the corporate limits of a city within this state, the secretary of transportation is hereby authorized and empowered to extend federal aid, and the board of county commissioners, on the application of the governing body of the city, shall declare such city through which a street or streets form a connection between such roads or highways, a benefit district, and shall extend state aid on that part of the road or highway lying within the city limits in the same way and in the same manner as they extend aid in the improvement of the road or highway outside of the city limits. The secretary of transportation is hereby authorized and empowered to cooperate and deal with the governing body of the city, board of county commissioners, or other interested parties that provide funds to take care of the local part of the costs of the improvement of the road or highway lying within the city limits, and such improvement shall be under the supervision and direction of the secretary as provided for in the improvement of other roads and highways of like nature in the county.

~~(c)~~ (b) The county engineer and the boards board of county commissioners may shift road or highway mileage from one county road or highway classification to another as continuing study indicates that such changes are needed by reason of changing traffic needs or for other reasons substantiated by engineering analysis, except that no road or highway mileage may be shifted to or from the secondary major collector road system except as provided in article 17 of chapter 68 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 5. K.S.A. 68-506f is hereby amended to read as follows: 68-506f. The board of county commissioners of any county and the governing body of any city having a population of less than 5,000 which is located within such county are hereby authorized to enter into agreements for the maintenance of streets within such cities which form connecting links in the system of county roads and highways included in the secondary major collector road system pursuant to article 17 of chapter 68 of the Kansas Statutes Annotated, and amendments thereto, or in the system of county minor collector roads and highways. Such agreements may provide for the maintenance of such connecting links by such cities and the reimbursement or payment of compensation to such cities by the county therefor. In the absence of agreement between the county and such cities regarding the maintenance of such connecting links it shall be the duty of the county to maintain all such connecting links in the county road and highway system. Payments to such cities for the maintenance of connecting links in county road and highway systems shall be made from the road and bridge fund of the county.

Sec. 6. K.S.A. 68-516 is hereby amended to read as follows: 68-516. (a) All the roads and highways in county unit road counties shall be classified, constructed and maintained according to the following classification system:

(1) ~~“Secondary roads or highways”~~ “*County major collector roads*” which shall include all county roads and highways designated for inclusion in the ~~secondary major collector~~ road system in accordance with K.S.A. 68-1701 to 68-1704, and amendments thereto;

(2) “county minor collector roads ~~or highways~~” which shall include all county roads and highways, not designated for inclusion in the ~~secondary major collector~~ road system, which are *other* main traveled roads utilized ~~and designed~~ primarily for the movement of traffic between different areas of the county; and

(3) “local service roads” which shall include all public roads *and highways* not designated for inclusion in the ~~secondary major collector~~ road system and not designated as county minor collector roads or highways *and not included in the state highway system or other state or federal systems*.

(b) Such classification shall be made by the board of county commissioners, with the approval of the county engineer. The county engineer and the board of county commissioners may shift road or highway mileage from one road or highway classification to another as continuing study indicates that such changes are needed by reason of changing traffic needs or for other reasons substantiated by engineering analysis, except, that no road or highway mileage may be shifted to or from the ~~secondary major collector~~ road system except as provided in article 17 of chapter 68 of the Kansas Statutes Annotated, and ~~acts amendatory thereof or supplemental amendments~~ thereto.

Sec. 7. K.S.A. 68-588 is hereby amended to read as follows: 68-588. The county commissioners are hereby authorized to contract, as provided by law, for the supervision of any work performed in the construction of any highway commenced under the provisions of K.S.A. 68-586, *and amendments thereto*, but all such highways shall conform to minimum federal *or state generally recognized and prevailing* standards for ~~secondary roads~~ *the designated road classification*.

Sec. 8. K.S.A. 68-592 is hereby amended to read as follows: 68-592. (a) All the roads and highways in any county adopting the provisions of this act shall be classified, constructed and maintained according to the following classification system:

(1) ~~“Secondary roads or highways”~~ “*County major collector roads*” which shall include all county roads and highways designated for inclusion in the ~~secondary major collector~~ road system in accordance with K.S.A. 68-1701 to 68-1704, and amendments thereto;

(2) “county minor collector roads ~~or highways~~” which shall include all county roads and highways, not designated for inclusion in the ~~secondary major collector~~ road system, which are *other* main traveled roads utilized ~~and designed~~ primarily for the movement of traffic between different areas of the county; and

(3) “local service roads” which shall include all public roads *and highways* not designated for inclusion in the ~~secondary major collector~~ road system and not designated as county minor collector roads or highways *and not included in the state highway system or other state or federal systems*.

(b) Such classification shall be made by the board of county commissioners, with the approval of the county engineer. The county engineer and the board of county commissioners may shift road or highway mileage from one road classification to another as continuing study indicates that such changes are needed by reason of changing traffic needs or for other reasons substantiated by engineering analysis, except, that no road or highway mileage may be shifted to or from the ~~secondary major collector~~ road system except as provided in article 17 of chapter 68 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 9. K.S.A. 68-1109 is hereby amended to read as follows: 68-1109. (a) Except as otherwise ~~hereinafter~~ provided, all bridges constructed on county ~~secondary major collector~~ roads or highways and on county minor collector roads or highways shall have a clear roadway of not less than 24 feet. Except as otherwise ~~hereinafter~~ provided, bridges constructed on township and local service roads and highways shall have a clear roadway of not less than 20 feet. A bridge over 100 feet in length constructed on a county ~~secondary major collector~~ road or highway or on a county minor collector road or highway may have a clear roadway of

less than 24 feet, if approved by the ~~state transportation~~ *county* engineer, and a bridge over 100 feet in length constructed on a township or local service road or highway may have a clear roadway of less than 20 feet when approved by the ~~state transportation~~ *county* engineer.

(b) All culverts constructed on county ~~secondary~~ *major collector* roads or highways or on county minor collector roads or highways shall have a clear roadway of not less than 24 feet, ~~and the grade of any approach to or over any such culvert shall not exceed 5% uniform grade.~~ The roadway of any bridge hereafter constructed on any public road or highway over the tracks of any railroad shall not be less than 24 feet wide for any county ~~secondary~~ *major collector* road or highway or county minor collector road or highway and not less than 20 feet wide for any township or local service road or highway, ~~and the approaches thereto shall be at least 30 feet wide, and at least 24 feet wide, respectively, and the grade of such approach shall not exceed 5% uniform grade.~~

Sec. 10. K.S.A. 68-1137 is hereby amended to read as follows: 68-1137. The secretary of transportation is hereby authorized and directed to make noninterest bearing loans and advances to any county to provide such county with funds to pay its share of the cost of building or reconstructing a bridge over a navigable stream and construction of the approaches thereto where such stream comprises the boundary line or part of the boundary line between counties and which bridge is located on a county ~~secondary~~ *major collector* road which is not a part of the regular state highway system, provided that the total amount of such loans and advances outstanding at any one time shall not exceed ~~two million dollars (\$2,000,000)~~ \$2,000,000.

Sec. 11. K.S.A. 68-1701 is hereby amended to read as follows: 68-1701. There shall be designated in the state of Kansas a system of roads ~~and highways~~ which, for the purposes of this act, shall be known as the ~~secondary county major collector road system, including farm-to-market roads selected in accordance with the provisions of this act, rural mail routes and school bus routes not on the state highway system meeting the requirements of title 23 of the code of federal regulations,~~ the construction, reconstruction and maintenance of which shall be under the jurisdiction of the board of county commissioners of each county.

Sec. 12. K.S.A. 68-1703 is hereby amended to read as follows: 68-1703. In the selection of the mileage of road to be designated in each county for inclusion in the ~~secondary~~ *major collector* road system consideration shall be given to the inclusion of principal county and township roads so located as to provide adequate intertown and intercounty connections to best serve the rural population of the state. The determination of the mileage to be included in the ~~secondary~~ *major collector* road system shall be based on factual data obtained by the county commissioners and the secretary of transportation, cooperating with the federal government *in accordance with title 23 of the code of federal regulations.*

~~All mileage of existing county and township roads which heretofore have been approved by the federal government as being eligible for participation in federal aid funds, shall for the purposes of this act become a part of said secondary road system. All other roads selected for inclusion in the secondary road system as covered by this act shall be those county and township roads which upon investigation are found to be eligible for the expenditure of federal aid funds thereon.~~ The designation of the road mileage to be included in the ~~secondary~~ *major collector* road system shall hereafter be the joint responsibility of the boards of county commissioners and the secretary of transportation, the board of county commissioners making the recommendation and ~~said~~ *the* secretary concurring in the recommendation.

Sec. 13. K.S.A. 68-1704 is hereby amended to read as follows: 68-1704. Any road mileage selected for inclusion in the ~~secondary~~ *major collector* road system which is found to be a part of the township system of roads in any county, shall ~~thereupon~~ become a county road and shall thereafter come under the jurisdiction of the board of county commissioners of ~~said such~~ *county* ~~without regard to any county road mileage limitations now prescribed by law.~~

Sec. 14. K.S.A. 68-101, 68-402b, 68-506, 68-506f, 68-516, 68-588, 68-592, 68-1109, 68-1137, 68-1701, 68-1703 and 68-1704 and K.S.A. 2004 Supp. 68-1702 are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.