

## SENATE BILL No. 173

By Committee on Commerce

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9 AN ACT concerning economic development; enacting the main street  
10 growth and business protection act; amending K.S.A. 68-406 and re-  
11 pealing the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. This act shall be known as the main street growth  
15 and business protection act.

16 New Sec. 2. It shall be the policy of the state of Kansas to grow and  
17 protect main street business by authorizing cities to participate in deter-  
18 mining speed limits, and the designation, the number and the establish-  
19 ment of the locations of access points of ingress to and egress from high-  
20 ways and streets in the state highway system located within the corporate  
21 limits of cities. The purpose of this act is to strengthen the economy in  
22 areas where main street remains the lifeblood of the community.

23 New Sec. 3. The secretary of transportation shall cooperate with the  
24 governing body of a city with respect to speed limits and the designation,  
25 the number and the establishment of the locations of access points of  
26 ingress to and egress from highways and streets in the state highway  
27 system located within the corporate limits of such city. If the secretary of  
28 transportation and the governing body of such city cannot agree upon  
29 speed limits and the number and location of such access points, the gov-  
30 erning body of each city shall determine the speed limits and the number  
31 and location of such access points.

32 Sec. 4. K.S.A. 68-406 is hereby amended to read as follows: 68-406.

33 (a) The secretary of transportation shall designate, adopt and establish  
34 and may lay out, open, relocate, alter, vacate, remove, redesignate and  
35 reestablish highways in every county in the state, the total mileage of  
36 which shall not exceed 10,000 miles. The total mileage of such highways  
37 in each county shall be not less than the sum of the north to south and  
38 east to west diameters of the county. The highways so designated shall  
39 connect the county seats and principal cities and market centers, and all  
40 such highways, including bridges and culverts thereon, shall comprise the  
41 state highway system. The secretary of transportation shall make such  
42 revisions, classifications or reclassifications in the state highway system as  
43 are found on the basis of engineering and traffic study to be necessary,

1 and such revisions, classifications or reclassifications may include, after  
2 due public hearing, removal from the system of roads which have little  
3 or no statewide significance, and the addition of roads which have state-  
4 wide importance and will provide relief for traffic congestion on existing  
5 routes on the system. All roads which have been placed upon the state  
6 highway system shall be a part of the state highway system, but changes  
7 may be made in the state highway system when the public safety, con-  
8 venience, economy, classification or reclassification require such change.  
9 The total mileage of the state highway system shall not be extended except  
10 by act of the legislature. Highways designated under this section shall be  
11 state highways, and all other highways outside of the city limits of cities  
12 shall be either county roads or township roads as provided for by law.  
13 The state highway system thus designated shall be constructed, improved,  
14 reconstructed and maintained by the secretary of transportation from  
15 funds provided by law.

16 (b) In addition to highways of the state highway system, the secretary  
17 of transportation shall designate in those cities on such system certain  
18 streets as city connecting links. "City connecting link" means a routing  
19 inside the city limits of a city which: (1) Connects a state highway through  
20 a city; (2) connects a state highway to a city connecting link of another  
21 state highway; (3) is a state highway which terminates within such city;  
22 (4) connects a state highway with a road or highway under the jurisdiction  
23 of the Kansas turnpike authority; or (5) begins and ends within a city's  
24 limits and is designated as part of the national system of interstate and  
25 defense highways.

26 (c) The secretary of transportation may mark and maintain existing  
27 roads as detours, but detour roads shall not be a part of the state highway  
28 system, except that such roads shall be marked and maintained by the  
29 secretary of transportation only until that portion of the state highway  
30 system for which such road is substituted is completed and open for  
31 travel.

32 (d) The secretary of transportation may use moneys appropriated  
33 from the state highway fund for the purchase of right-of-way, construc-  
34 tion, improvement, reconstruction and maintenance of a highway over  
35 the most direct and practicable routes from state highways to a state lake,  
36 a federal lake or reservoir established by federal authority, any property  
37 managed or controlled by the department of wildlife and parks, national  
38 monuments and national historical sites, military reservations, motor car-  
39 rier inspection stations, approaches and connections within an urban area,  
40 as defined by federal highway laws, places of major scenic attractions  
41 which possess unusual historical interest, as defined by subsections (1)  
42 and (2) of K.S.A. 76-2018, and amendments thereto, on which the state  
43 now holds or may hereafter hold a long-term lease, a state institution,

1 from the city limits of the nearest city to a state institution, a state-owned  
2 natural and scientific preserve, as defined by subsection (b) of K.S.A. 74-  
3 6603, and amendments thereto, or such road or roads located within the  
4 boundaries of a state park and not presently maintained by a federal  
5 agency as shall be designated by the secretary of transportation. Such  
6 highways or roads shall not be a part of the state highway system, and the  
7 secretary of transportation is not required to plan, design or construct  
8 such highways or roads in conformity with the standards applicable to the  
9 state highway system.

10 (e) The secretary of transportation may make reroutings of any por-  
11 tion of the state highway system if such rerouting is required in writing  
12 by the United States department of transportation of the federal highway  
13 administration before it will permit federal funds to be used thereon.  
14 *Except as provided in new section 3, and amendments thereto*, the sec-  
15 retary of transportation shall have control and regulation for purposes of  
16 posting speed limits and establishing access and egress facilities on any  
17 and all portions of streets and roads which are, or have been, a part of  
18 the state highway system, and which have been or may be, placed inside  
19 of the limits of an incorporated city by the creation of a new municipality  
20 or by the extension of the limits or boundaries of any existing municipality.

21 (f) Except pursuant to article 21 of chapter 68 of Kansas Statutes  
22 Annotated, only the secretary of transportation may authorize temporary  
23 closing of any part of the state highway system by any person for any  
24 purpose in the interest of the state. Every authorization granted under  
25 this subsection shall be granted subject to conditions specified by the  
26 secretary to provide for (1) proper detours, signing and markings, (2)  
27 timing which will not unreasonably inconvenience the public, and (3) such  
28 additional conditions as are appropriate to avoid unreasonable risk of in-  
29 jury to any person. Such requests shall be made in writing and submitted  
30 to the secretary at least five days prior to the closing date. In emergencies,  
31 temporary closing may be authorized by the secretary by oral communi-  
32 cations. The secretary may waive all or any part of the notice otherwise  
33 required by this subsection.

34 Except as provided in subsection (g), any person failing or neglecting  
35 to comply with the provisions of this subsection, upon conviction, shall  
36 be guilty of a nonperson unclassified misdemeanor.

37 (g) In cases of sudden emergency, temporary closing of any part of  
38 the state highway system may be authorized by order of a person desig-  
39 nated by the board of county commissioners for an area outside of any  
40 city or a person designated by the governing body of a city for an area  
41 within such city. In such cases of sudden emergency the person author-  
42 izing such closing shall inform the secretary of transportation thereof as  
43 soon as practicable and obtain the authorization of the secretary for any

- 1 additional time thereafter for such closing.
- 2     Sec. 5. K.S.A. 68-406 is hereby repealed.
- 3     Sec. 6. This act shall take effect and be in force from and after its
- 4 publication in the Kansas register.