

SESSION OF 2009

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2382

As Amended by House Committee on
Transportation

Brief*

HB 2382 would state the intent of the Legislature regarding a new transportation program, would change the limit on the bonding authority available to the Kansas Department of Transportation (KDOT) for transportation projects, and would require that the annual report submitted to the Legislature by the Secretary of Transportation include, for all types of projects, an explanation of the methods or criteria used to choose projects.

Although the bill would add a new section to the statutes, its main section regarding legislative intent is very similar to KSA 68-2314a, which outlines legislative intent for the Comprehensive Transportation Program (CTP) enacted in 1999. It varies in these ways:

- It adds that "The program shall provide for the selection of projects which will allow for the flexibility to meet emerging and economic needs";
- It refers to "preservation projects" rather than to a "maintenance program";
- It changes allowing expenditures for "construction and reconstruction programs" and "system enhancement projects" to allowing expenditures in these areas:
 - Capacity and economic opportunity projects. Selection criteria for these projects would include, but not be

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

limited to, engineering data, local consultation, geographic distribution, and an economic impact analysis evaluation;

- Modernization projects, *e.g.*, widening lanes, making geometric improvements, and upgrading interchanges. Selection criteria for these projects would include, but not be limited to, engineering data, local consultation, and geographic distribution;
- It does not specify the amount to be spent on system enhancement projects (the CTP language had specified \$1.050 billion);
- It would require that KDOT develop criteria for incorporating “practical improvements” (*e.g.*, shoulders more narrow than those meeting federal design standards) into designs of the types of projects listed above;
- It would allow expenditures for programs that would allow local governments to exchange federal aid funds for state funds;
- It would require that the transportation program provide for a multi-modal (*e.g.*, highway and rail) economic development program to provide assistance for transportation-sensitive economic opportunities on a local or regional basis;
- It would allow the program, contingent on the findings of an Amtrak feasibility study currently under way, to develop a passenger rail program to provide passenger rail service in the state;
- It would require the Secretary, using KDOT selection methods and criteria, to determine projects to be included in the program; and
- The program authorized by the section would not be implemented until funding is provided.

The bill would authorize the Secretary to issue bonds for amounts for which annual debt service payments would not exceed, within the next three years, 18 percent of the annual adjusted total agency revenue. (Current law sets a limit on the total principal amount of the bonds KDOT may issue.) The bill defines “total agency revenue” as excluding funds of the Special City and County Highway Fund, the County Equalization and Adjustment Fund, bond proceeds, and extraordinary income. It would allow the Secretary to reserve a portion of the bonding capacity to provide funds for emerging projects that may have a significant economic impact.

Background

Proponents of the bill who presented testimony were Tim Rogers, Executive Director of the Salina Airport Authority and co-chair of the Governor’s Transportation - Leveraging Investments in Kansas (T-LINK) Task Force; Bernie Hayen, Finance Director for the City of Manhattan and T-LINK member; Pat Weaver, Executive Director of the University of Kansas Transportation Center and T-LINK member; Howard Partington, City Administrator of Great Bend; KDOT Secretary Deb Miller; and representatives of the Kansas Public Transit Association, the League of Kansas Municipalities, and the Kansas Chamber of Commerce. There was no other testimony on the bill.

The House Committee on Transportation amended the bill to allow the transportation program to include a passenger rail program.

The bill does not provide additional funding. According to the fiscal note provided by the Division of the Budget, KDOT has stated that it does not anticipate incurring any additional expenditures beyond those planned given current funding sources.