

## 2020 Kansas Statutes

**68-20,120. Secretary of transportation, feasibility of new toll projects; factors to be considered; funding; joint proposal for construction of toll project or turnpike project; approval by state finance council.** In addition to other powers and duties granted to the secretary of transportation:

(a) (1) The secretary of transportation may study the feasibility of constructing toll projects or turnpike projects.

(2) The study of the feasibility of such toll project or turnpike project shall include, but not be limited to:

(A) The total cost of such project;

(B) a determination of the funding of such projects, including the use of toll revenues in combination with other funds;

(C) a determination of the duration of the collection of tolls on such project and if such project is to become toll-free, a projected date when such project would become toll-free;

(D) a determination, after consulting with local officials, that traffic volume, local contribution or other relevant reasons make such tolling project feasible;

(E) such other data deemed necessary by the secretary for a determination of the project's feasibility; and

(F) at least one local public meeting to review the project during the feasibility study process.

(b) After conducting the feasibility study under subsection (a) and if such feasibility study provides a favorable result, the secretary of transportation may construct the toll project or turnpike project.

(c) Toll projects or turnpike projects constructed under subsection (b) shall only be constructed to add capacity to existing highways or bridges, or to construct new highways or bridges where a highway or bridge did not previously exist.

(d) Prior to constructing a toll project or turnpike project, the secretary and local unit or units of government shall prepare a joint proposal for the construction of the toll project or turnpike project and present the joint proposal to the Kansas turnpike authority and the state finance council. The secretary and the local unit or units of government must receive:

(1) A resolution passed by the Kansas turnpike authority approving the construction of the toll project or turnpike project; and

(2) a resolution passed by the state finance council approving the construction of the toll project or turnpike project.

(e) For purposes of subsection (d):

(1) "Local unit or units of government" means the city council, if the toll project or turnpike project will be located partially or wholly within the limits of a city, and the county commission where the toll project or turnpike project is located, if the toll project or turnpike project is not wholly located within the limits of a city or cities.

(2) "Approving" means a vote by the Kansas turnpike authority or the state finance council approving the construction of the toll project or turnpike project by a majority of the members present, when a quorum of the members are present for the vote.

(f) Tolls shall be charged only on users of the additional capacity of the highway or bridge constructed as a toll project or turnpike project. Tolls shall be charged on all users of toll projects or turnpike projects that construct highways or bridges where none previously existed.

(g) The secretary shall use toll revenue for payment of the cost of the toll project or turnpike project for which the toll was collected. The secretary shall not use the toll revenue for payment of costs not associated with the toll project or turnpike project for which the toll was collected.

(h) Tolls shall be charged on all users of the toll project or turnpike project regardless of class, size or kind of traffic.

(i) The approvals by the state finance council required by subsection (d) are hereby characterized as matters of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto. Such approvals may be given by the state finance council when the legislature is in session.

**History:** L. 1996, ch. 192, § 1; L. 2010, ch. 156, § 22; L. 2019, ch. 49, § 5; July 1.