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Kansas Legislator Briefing Book 2017

Transportation

K-1 Kansas Turnpike: The Relationship Between KTA and KDOT

The Kansas Turnpike Authority (KTA) is a separate entity from the Kansas Department of Transportation (KDOT), but the two entities work together to serve the transportation needs of Kansas. This article discusses the statutory relationship between KTA and KDOT.

The Relationship Between KTA and KDOT

In 1953, the Kansas Legislature created the KTA as a separate, quasi-public organization. The KTA was tasked with constructing, operating, and maintaining Turnpike projects. The KTA has a statutory relationship with KDOT in terms of governance, contracts, and potentially adding turnpike projects to the state highway system.

The KTA Board

A five-member board oversees KTA operations. Two of these members are appointed by the Governor for four-year terms. The Governor's appointees must be residents of Kansas and be owners of revenue bonds issued by the KTA. One member must be the Secretary of Transportation (Secretary) and another must be the chairperson of the Senate Committee on Transportation. The fifth and final member must be appointed by the Speaker of the House of Representatives. The KTA elects one member as chairperson and another as vice-chairperson. The KTA also must elect a secretary-treasurer who does not need to be a member of the KTA (KSA 68-2003). Thus, KDOT has always had a relationship with KTA by virtue of the Secretary serving on the KTA board.

The Secretary's role as a member of the KTA significantly expanded with enactment of 2013 HB 2234. Beginning on July 1, 2013, the Secretary became the director of operations of the KTA. The provision was set to sunset on July 1, 2016, but enactment of 2015 HB 2085 removed the sunset and changed the title to "director." As director of the KTA, the Secretary is responsible for the daily administration of the toll roads, bridges, structures, and facilities constructed, maintained, or operated by the KTA. The director or the director's designee has such powers as necessary to carry out these responsibilities.

Contracts Between Secretary and KTA

The KTA and KDOT may solidify their partnership by forming contracts with each other. The Secretary and KTA are authorized and empowered to contract with one another to provide personnel and equipment for preliminary project studies and investigations (KSA 2016 Supp. 68-2021). Generally, KSA 68-2021 allows the KTA to contract with KDOT for use of KDOT resources for certain types of work related to KTA projects. These provisions have remained essentially unchanged since 1955.

Another statute, KSA 2016 Supp. 68-2021a, new in 2013, authorizes the Secretary and KTA to contract with each other to provide personnel and equipment and other resources for record-keeping, reporting, administrative, planning, engineering, legal, and clerical functions and for construction, operation, and maintenance of Turnpike projects and highways of the state. Additionally, KSA 68-2021a requires the two parties to minimize duplication of effort, facilities, and equipment in operation and maintenance of turnpikes and highways of the state.

KTA and KDOT contract with one another frequently to minimize duplication of efforts and provide cost savings to the state. According to the Secretary's testimony on 2015 HB 2085, KDOT and KTA have worked more together since the partnership was formalized in 2013. The entities put together six innovation teams for project delivery and construction contracting, legislative and organizational development, revenues and expenditures, technology

capabilities, maintenance, and communications and performance measures.

Other examples of KTA and KDOT working together include forming a Freight Advisory Committee to discuss freight-specific planning and needs in Kansas, opening a co-located facility in Emporia, and working with the city of Wichita to include new intersection designs and improve access to the Turnpike.

Potential for KTA Projects to Become Part of the State Highway System

Although KTA and KDOT have a formalized partnership, the KTA retains its separate identity, powers, and duties (KSA 2016 Supp. 68-2021a). KTA maintains the integrity of bonded indebtedness, but when bonds issued under the provisions of KSA 68-2001 to 68-2020 are paid or a sufficient amount for the payment of all bonds and the interest have been set aside for the benefit of bondholders, the project could become a part of the state highway system and therefore be maintained by KDOT (KSA 68-2017).

When a project becomes a part of the state highway system, the Secretary would have the power currently granted to the KTA under KSA 2016 Supp. 68-2009 to fix, revise, charge, and collect tolls for the use of such Turnpike project. The tolls, rents, and rates of the charges must be sufficient to maintain, repair, operate, regulate, and police that Turnpike (KSA 68-2017). However, subsequent bonds issued for maintenance and rebuilding have meant no Turnpike project has thus far become a part of the state highway system.

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