



June 12, 2019

2019 BILLS RELATED TO TRANSPORTATION TASK FORCE RECOMMENDATIONS

A package of seven sets of identical Senate and House bills related to the recommendations of the Joint Legislative Transportation Vision Task Force was introduced during the 2019 Session. This memorandum summarizes the bills and 2019 legislative action on them.

SB 186/HB 2373, Authorizing the Transportation Planning Program

What the bills, as introduced, would do if enacted: Provide the policy outline for a Transportation Planning Program. Section 1 would create a new statute that would differ from the Transportation Works for Kansas (T-Works) program authorizing statute in the following ways:

- Authorize expenditures for a local bridge program;
- Specify the railroad portion of the program would address both freight and passenger rail;
- Require the Kansas Department of Transportation (KDOT) to increase its participation in other modes of transportation, including active transportation;
- Require KDOT to study the feasibility and implementation of emerging technologies, including autonomous and connected vehicles, in-vehicle technology, traffic management systems, or broadband infrastructure;
- Require KDOT to work with transportation industry representatives to develop a proposal for utilizing alternative project delivery methods and present that proposal to the 2020 Legislature; and
- Require State consideration be given to additional criteria that may include projects that remove transportation infrastructure from the state highway system, identify priority corridors, or include local participation.

The bills also would require all T-Works modernization or expansion projects to be let before any new modernization or expansion projects, unless federal funds or non-state moneys become available for economic opportunity or emerging needs projects, and it would state nothing would prevent KDOT from planning future modernization or expansion projects. The

bills also would require KDOT to expend or commit to expend \$8.0 million in each county in fiscal year (FY) 2021 through FY 2030.

Status: Pending. The House Committee on Transportation recommended HB 2373 be passed with technical amendments. HB 2373 remained on General Orders of the House as of *Sine Die* on May 29. Hearings were held on SB 186 in the Senate Committee on Ways and Means. Both bills may be considered during the 2020 Session.

SB 187/HB 2371, Increasing Fees for Certain Permits for Oversize or Overweight Vehicles

What the bills, as introduced, would do if enacted: Double the fees for permits authorizing oversize or overweight vehicles to operate on designated routes. [*Note:* The Task Force did not recommend specific amounts.]

Status: Similar provisions enacted. Hearings were held on SB 187 in the Senate Committee on Transportation. HB 2371 was amended by the House Committee on Taxation and passed by the House. It was then referred to the Senate Committee on Transportation. Neither SB 187 nor HB 2371 passed in the 2019 Session, but provisions were enacted in Senate Sub. for HB 2225 with the following permit fee increases starting January 1, 2020:

- For each single-trip permit, from \$20 to \$40;
- For each single-trip permit for a large structure, from \$30 to \$200;
- For each single-trip permit for a superload, from \$50 to \$200; and
- For each annual permit, from \$150 to \$200.

Fees were not increased for five-year permits to move bales of hay on non-interstate highways or for special vehicle combination permits (which are available to only a small number of vehicles in specific areas). As enacted, Senate Sub. for HB 2225 also provides for registration of vehicles required to escort certain oversize or overweight vehicles; the bill contains no fees related to that registration.

SB 188/HB 2370, Increase Motor-fuel Taxes

What the bills, as introduced, would do if enacted: Increase motor-fuel taxes by 1¢ a gallon a year for three years for gasoline, LP-gas (defined as liquefied gasses) other than compressed natural gas and liquefied natural gas, compressed natural gas, liquefied natural gas, and E-85; increase taxes 2¢ a gallon a year for two years for special fuels (*i.e.*, diesel and alcohol); and provide commensurate increases for related trip permits and special LP-gas permits. [*Note:* The Task Force did not recommend specific amounts.]

Status: Pending. The House Committee on Taxation heard HB 2370 and another bill that would increase motor vehicle fuel taxes (HB 2381); the bills remain in committee. SB 188 remains in the Senate Committee on Assessment and Taxation.

SB 189/HB 2372, Registration Fees for Hybrid and Electric Vehicles

What the bills, as introduced, would do if enacted: Add two passenger vehicle registration categories and establish fees for them: \$75 for each vehicle “propelled by more than one power source” [hybrid vehicle] and \$150 for each electric vehicle, starting January 1, 2020. [Note: The Task Force did not recommend specific amounts.]

Status: Similar provisions enacted. Hearings were held on SB 189 in the Senate Committee on Transportation. HB 2372 was amended by the House Committee on Taxation, passed by the House, and referred to the Senate Committee on Transportation. Neither SB 189 nor HB 2372 passed during the 2019 Session, but similar provisions were enacted with the transportation conference committee report for Senate Sub. for HB 2214. As enacted, Senate Sub. for HB 2214 adds two passenger vehicle registration categories and establishes fees for them: \$50 for each electric hybrid or plug-in electric hybrid vehicle and \$100 for each all-electric vehicle, starting January 1, 2020.

SB 190/HB 2367, Authorizing Demand Transfers To Be Used for Transportation Projects

What the bills, as introduced, would do if enacted: Authorize transfers from the State General Fund to the Local *Ad Valorem* Tax Reduction Fund and the County and City Revenue Sharing Fund for counties and cities with approved projects related to expansion or modernization of a road or a bridge, if certain conditions are met and the project plan is approved by the Secretary of Transportation (Secretary).

Status: Pending. SB 190 was heard and amended by the Senate Committee on Ways and Means to specify projects be expansion or modernization projects rather than new construction and to require local match; it remained on General Orders of the Senate as of *Sine Die*. HB 2367 was heard by the House Committee on Taxation; the bill remains in committee.

SB 191/HB 2368, Adding a Transportation-related Exception to the Property Tax Lid

What the bills, as introduced, would do if enacted: Authorize an exception to the property tax lid of a city or county for “expenses relating to transportation projects that do not exceed 20 percent of the appropriation or budget of the next preceding year if the transportation project is first certified by the Secretary of Transportation as a transportation construction project.”

Status: Pending. SB 191 was heard by the Senate Committee on Assessment and Taxation; the bill remains in committee. HB 2368 was heard by the House Committee on Taxation; it also remains in committee.

SB 192/HB 2369, Authorizing Tolloed Projects

What the bills, as introduced, would do if enacted: Authorize the Kansas Turnpike Authority (KTA) to finance a tolled project partly, rather than wholly, through tolls and other operating income, and authorize the Secretary to construct tolled projects on state highways and bridges under certain circumstances.

Status: Similar provisions enacted. Hearings were held on SB 192 in the Senate Committee on Transportation. HB 2369 was amended by the House Committee on Appropriations and the House Committee of the Whole and passed by the House. It was then referred to the Senate Committee on Transportation. Neither SB 192 nor HB 2369 passed in the 2019 Session. A transportation conference committee placed the provisions into Senate Sub. for HB 2007, which was enacted. That bill incorporates amendments to HB 2369 by the House Committee on Appropriations and the House Committee of the Whole. As enacted, Senate Sub. for HB 2007 includes these provisions:

- Authorizing the KTA to issue bonds payable solely or partly from revenues to finance turnpike projects;
- Removing the requirement that any new KTA turnpike project be constructed by the KTA;
- Authorizing the Secretary to construct new toll or turnpike projects that add capacity after meeting certain proposal and approval requirements; approval requirements include at least one public meeting and a joint proposal from the Secretary and affected local units of government presented to the KTA and the State Finance Council; both the KTA and the State Finance Council must approve the project;
- Requiring tolls to be charged only on users of the additional capacity of the KDOT highway or bridge project and on all users of any new project; and
- Requiring toll revenues to be used to pay for the cost of the KDOT project for which the toll was collected and not on any other project.