

Kansas Administrative Regulations

Kansas Department of Transportation

Article 41.—Public Safety Communication System and Revolving Fund

36-41-5. Prevailing rates.

(a) The rate charged to any authorized nongovernmental entity pursuant to an access lease agreement shall be the prevailing rate in effect on the effective date of the access lease agreement. This rate may include fees determined reasonable by the secretary for services provided by the department related to the access lease agreement.

(b) The prevailing rate to be charged to an authorized nongovernmental entity for communication system equipment access shall be established for the access location sought by that entity for the communication system equipment access. The prevailing rate shall be calculated using the average of rates for similar access and any services related to the access charged by entities other than the entity seeking access and the department, within a 40-mile radius of the location for which access is sought. A good faith effort shall be made by the secretary to secure estimates for the service and access from at least three entities. If estimates from three entities can not be secured within the 40-mile radius, then the radius shall be expanded by the secretary in 10-mile increments until three estimates are received.

(Authorized by K.S.A. 2004 Supp. 75-5076; implementing K.S.A. 2004 Supp. 75-5074; effective, T-36-2-18-05, Feb. 18, 2005; effective July 22, 2005.)

***** Authenticated Kansas Administrative Regulation *****