

AN ACT relating to the Emergency Roadway Blocking and Safety Grant Program, making an appropriation therefor, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 95A IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Commission" has the same meaning as in KRS 95A.210;

(b) "Mobile attenuator" means a safety device attached to a vehicle or trailer designed to absorb the kinetic energy of a vehicle during a crash; and

(c) "Program" means the Emergency Roadway Blocking and Safety Grant Program.

(2) The Emergency Roadway Blocking and Safety Grant Program is hereby established and is designed to:

(a) Provide funding for specialized traffic blockers and impact-absorbing vehicles to first responders while mitigating vehicular collisions on public roadways and highways;

(b) Reduce the severity of secondary collisions and insulate roadside emergency scenes;

(c) Protect the lives of first responders and the motoring public on roadways during emergency responses; and

(d) Provide training to firefighters on tactical vehicle placement, advanced traffic control, safe blocking maneuvers, and visibility operations during roadside accidents.

(3) The program shall receive funds from the Firefighters Foundation Program fund established in Section 2 of this Act.

(4) The commission shall administer the program and make determinations relating to program applications and releasing funds and equipment to fire departments.

(5) The commission shall:

- (a) Create the necessary application forms, any necessary supporting documents, compliance documents, or reporting documents and online submission process for the program through the promulgation of administrative regulations in accordance with KRS Chapter 13A;
- (b) Make a determination of the characteristics of the most cost-effective mobile attenuator systems for use by fire departments participating in the program;
- (c) Make a determination of the manufacturer or manufacturers of technical devices to be purchased with program funds;
- (d) Make a determination of the most cost-effective purchase mechanism and price under KRS Chapter 45A for equipment;
- (e) Create distinct funding categories for apparatus and hardware procurement and firefighter roadway safety training. Funds for apparatus and hardware shall be used exclusively for the purchase, retrofitting, or outfitting of specialized traffic-blocking apparatus, mobile attenuators, and impact-absorbing trailers which meet or exceed Federal Highway Administration crash-test standards. Funds for firefighter roadway safety training shall focus on tactical vehicle placement, advanced traffic control, safe blocking maneuvers, and visibility operations during roadside accidents;
- (f) Prioritize fire departments with a high volume of emergency responses on high-speed corridors or interstate highways, documented history of struck-by apparatus collisions or secondary collisions within their jurisdiction, or a lack of existing specialized traffic control infrastructure;
- (g) Accept and process applications for the purchase of equipment through the program;
- (h) Require recipients of the equipment purchased through the program to file a report no later than one (1) year after receiving grant funds which

includes:

1. An itemized receipt of equipment purchased or training hours completed; and
 2. An assessment of how the implementation of the mobile attenuators has impacted responder safety and reduced firefighting apparatus damage; and
 - (i) Retain the reports required under paragraph (h) of this subsection for evaluation by the commission.
- (6) (a) All fire departments formed under KRS Chapter 65, 75, 95, or 273:
1. Shall be eligible to receive grants through the program; and
 2. May submit an application to the commission, on a form prescribed by the commission, for a grant to purchase equipment and receive training as set forth in subsection (2) of this section.
- (b) A fire department that receives a grant through the program shall not submit another application to the commission for the same grant for a period of two (2) years.
- (c) Fire departments receiving grants for the purchase of equipment through the program shall comply with all reporting requirements and administrative regulations promulgated under subsection (5) of this section. Failure to comply with these reporting requirements shall disqualify a fire department from participation in the program for a period of five (5) years after the date of award of the grant.
- (7) This section may be cited as the Responder Safety and Infrastructure Protection Act.

➔ Section 2. KRS 95A.220 is amended to read as follows:

- (1) For the purposes of this section, "stress injury" means:
 - (a) Post-traumatic stress injury;

- (b) Post-traumatic stress disorder;
- (c) Acute stress disorder; or
- (d) Other specified stress-related disorder, but shall not include complex post-traumatic stress disorder;

as set out in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.

- (2) There is established the ~~Firefighters Foundation Program fund~~ consisting of appropriations from the general fund of the Commonwealth of Kentucky, and insurance premium surcharge proceeds and earnings on the investments of those proceeds which accrue to this fund pursuant to KRS 42.190 and 136.392. The fund may also receive any other funds, gifts or grants made available to the state for distribution to local governments and volunteer fire departments in accordance with the provisions of KRS 95A.200 to 95A.300 and KRS 95A.262.
- (3) All moneys remaining in this fund on July 1, 1982, and deposited thereafter, including earnings from their investment, shall be deemed a trust and agency account. Beginning with the fiscal year 1994-95, through June 30, 1999, moneys remaining in the account at the end of the fiscal year in excess of three million dollars (\$3,000,000) shall lapse, but moneys in the revolving loan fund established in KRS 95A.262 shall not lapse. On and after July 1, 1999, moneys in this account shall not lapse.
- (4) Moneys in the fund are hereby appropriated by the General Assembly for the purposes provided in KRS 95A.200 to 95A.300 **and Section 1 of this Act.**
- (5)
 - (a) A stress injury that arises solely from a legitimate personnel action such as transfer, promotion, demotion, or termination shall not be considered a compensable injury.
 - (b) The firefighter shall be diagnosed, by a psychiatrist, psychologist, or professional counselor credentialed under KRS 335.500 to 335.599, with a

stress injury that has been caused by an event or an accumulation of events that have occurred in the course and scope of his or her employment as a full-time career or volunteer firefighter, regardless of whether or not there is an initial physical injury. The event or an accumulation of events that have occurred in the course and scope of employment as a career or volunteer firefighter shall extend from the firefighter's initial employment or service to the date of a diagnosis with the stress injury.

- (c) Once diagnosed, if a firefighter seeks mental health treatment, after in-network health insurance has been utilized, he or she may submit corresponding receipts for medical bills paid by the firefighter to the commission for reimbursement to the firefighter of out-of-pocket costs incurred from the funds specifically allocated in the commission's budget for firefighter mental health treatment, if applicable. The firefighter shall pay his or her out-of-pocket share for the mental health treatment before submitting for reimbursement.
- (d) From the time a firefighter seeks mental health treatment, there shall not be a limit on the benefit described in paragraph (c) of this subsection, except that a lifetime cap on the benefits described in paragraph (c) of this subsection may be imposed.

➔ Section 3. KRS 95A.260 is amended to read as follows:

- (1) Funds made available to local governments shall be received, held, and expended in accordance with the provisions of KRS 95A.200 to 95A.300 **and Section 1 of this Act**, any rules and regulations issued by the commission, and the following specific restrictions:
 - (a) Funds provided shall be used only as a supplemental distribution to firefighters, and for payments to the defined benefit pension plan to which the firefighter belongs to cover retirement costs on the supplemental distribution.

- (b) Funds provided shall be distributed only to firefighters who have complied with subsections (3) and (4) of KRS 95A.230.
 - (c) Each firefighter shall receive distribution of the state supplement which his or her qualifications brought to the local government.
 - (d) Funds shall not be used to supplement existing salaries or as a substitute for normal salary increases periodically due to firefighters.
- (2) This section shall not apply to funds expended pursuant to KRS 95A.240(3).

➔Section 4. There is hereby appropriated Restricted Funds in the amount of \$6,000,000 in fiscal year 2027-2028 from the Professional Firefighters Foundation Program fund to the Kentucky Fire Commission to facilitate the Emergency Roadway Blocking and Safety Grant Program established in Section 1 of this Act. Of this amount, \$5,000,000 in fiscal year 2027-2028 is provided to purchase apparatus and hardware and \$1,000,000 in fiscal year 2027-2028 is provided for firefighter roadway safety training.

➔Section 5. Whereas the protection of the lives of firefighters is of the utmost importance, and there is an extraordinary cost to local fire departments to replace firefighting apparatuses, it is critical to ensure that firefighters and fire protection equipment are protected while operating on motorways, an emergency is declared to exist, and Sections 1 to 3 of this Act take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.