Local Government Mandate Statement Kentucky Legislative Research Commission 2021 Regular Session

Part I: Measure Information

Bill Request #: 920
Bill #: _ HB 199 GA
Document ID #: 5341
Bill Subject/Title: AN ACT relating to rights-of-way on state roads.
Sponsor: Representative Brandon Reed
Unit of Government: X City County Urban-County Unified Local
Charter County Consolidated Local Government
Office(s) Impacted: Cities
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New X Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

This legislation amends KRS 177.106 to define "encroachment" on state road rights-of-ways. It clarifies the requirement for an encroachment permit, the power of the Transportation Cabinet to issue notice of violation to the responsible party, and encroachments to be removed or remedied at the responsible parties cost.

Any person who fails to obtain an encroachment permit, shall, upon notice of violation, be subject to a civil fine of \$500 for the first violation, \$1,000 for the second violation within a three-year period, and \$2,000 for a third or subsequent violation within a three-year period. Further, after a third violation within a three-year period, they will be prohibited from receiving an encroachment permit for a period of six-months. Any civil fine imposed, shall be collected by the municipality in which the violation occurred, and be used for public safety or infrastructure.

The overall fiscal impact is indeterminable but expected to have a minimally positive impact as a result of the municipality's ability to collect fines.

According to Kentucky League of Cities, there is no specific data available on the number of encroachments on the rights-of-ways of state-maintained roads. KLC points out that current law does not have any civil penalties associated with noncompliance but expects that compliance with this legislation would increase with few civil penalties being assessed.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to the GA version. The GA version is the same as the bill as introduced. No amendments or substitutes were adopted when the bill passed its chamber of origin.

Data Source(s): <u>Kentucky League of Cities, LRC Staff</u>

Preparer: Mark Offerman **Reviewer:** KHC **Date:** 2/24/21