

1 AN ACT relating to appropriations providing financing and conditions for the
 2 operations, maintenance, support, and functioning of the Transportation Cabinet of the
 3 Commonwealth of Kentucky.

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

5 ➔Section 1. Notwithstanding KRS 48.100 and 48.300, the Transportation Cabinet
 6 Budget is as follows:

7 **PART I**
 8 **OPERATING BUDGET**

9 **(1) Funds Appropriations:** There is appropriated out of the General Fund, Road
 10 Fund, Restricted Funds accounts, Federal Funds accounts, or Bond Funds accounts for the
 11 fiscal year beginning July 1, 2021, and ending June 30, 2022, for the fiscal year beginning
 12 July 1, 2022, and ending June 30, 2023, and for the fiscal year beginning July 1, 2023,
 13 and ending June 30, 2024, the following discrete sums, or so much thereof as may be
 14 necessary. Appropriated funds are included pursuant to KRS 48.700 and 48.710. Each
 15 appropriation is made by source of respective fund or funds accounts. Appropriations for
 16 the budget units of the Transportation Cabinet are subject to the provisions of Chapters
 17 12, 42, 45, and 48 of the Kentucky Revised Statutes and compliance with the conditions
 18 and procedures set forth in this Act.

19 **A. TRANSPORTATION CABINET**

20 **Budget Units**

21 **1. GENERAL ADMINISTRATION AND SUPPORT**

	2021-22	2022-23	2023-24
23 General Fund	-0-	17,864,000	500,000
24 Restricted Funds	31,400	2,743,400	2,752,300
25 Federal Funds	-0-	69,456,000	-0-
26 Road Fund	1,088,200	81,374,000	81,626,400
27 TOTAL	1,119,600	171,437,400	84,878,700

1 **(1) Biennial Highway Construction Plan:** The Secretary of the Transportation
2 Cabinet shall produce a single document that shall detail the enacted fiscal biennium
3 2022-2024 Biennial Highway Construction Program and the 2024-2028 Highway
4 Preconstruction Program.

5 **(2) Debt Service:** Included in the above Road Fund appropriation is \$343,800 in
6 fiscal year 2022-2023 and \$345,000 in fiscal year 2023-2024 for debt service on
7 previously authorized bonds.

8 **(3) Adopt-A-Highway Litter Program:** The Transportation Cabinet and the
9 Energy and Environment Cabinet may receive, accept, and solicit grants, contributions of
10 money, property, labor, or other things of value from any governmental agency,
11 individual, nonprofit organization, or private business to be used for the Adopt-a-
12 Highway Litter Program or other statewide litter programs. Any contribution of this
13 nature shall be deemed to be a contribution to a state agency for a public purpose and
14 shall be treated as Restricted Funds under KRS Chapter 45 and reported according to
15 KRS Chapter 48, and shall not be subject to restrictions set forth under KRS Chapter
16 11A.

17 **(4) Riverport Improvements:** Included in the above General Fund appropriation
18 is \$500,000 in each fiscal year to improve public riverports within Kentucky. The
19 Secretary of the Transportation Cabinet, in conjunction with the Kentucky Water
20 Transportation Advisory Board, shall determine how the funds are distributed.

21 **(5) Electric Vehicle Charging Program:** Included in the above appropriations
22 are \$17,364,000 in General Fund and \$69,456,000 in Federal Funds in fiscal year 2022-
23 2023 for the Electric Vehicle Charging Program in the Infrastructure Investment and Jobs
24 Act. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward.
25 The Transportation Cabinet shall submit an Electric Vehicle Infrastructure Development
26 Plan to the Interim Joint Committee on Transportation on or before June 30, 2022.

27 **2. AVIATION**

	2021-22	2022-23	2023-24
1			
2 General Fund	-0-	11,400,000	757,000
3 Restricted Funds	77,400	22,690,000	19,130,400
4 Federal Funds	-0-	500,500	500,500
5 Road Fund	30,700	1,866,400	1,875,700
6 TOTAL	108,100	36,456,900	22,263,600

7 **(1) Operational Costs:** Notwithstanding KRS 183.525(5), the above Restricted
8 Funds appropriation includes operational costs of the program in each fiscal year.

9 **(2) Debt Service - Existing Projects:** Included in the above Road Fund
10 appropriation is \$836,100 in fiscal year 2022-2023 and \$835,300 in fiscal year 2023-2024
11 for debt service on previously authorized bonds. Notwithstanding KRS 183.525,
12 \$836,100 in fiscal year 2022-2023 and \$835,300 in fiscal year 2023-2024 is transferred to
13 the Road Fund from the Kentucky Aviation Economic Development Fund to support debt
14 service on those bonds.

15 **(3) Debt Service - New Projects:** Included in the above General Fund
16 appropriation is \$757,000 in fiscal year 2023-2024 for new debt service to support new
17 bonds as set forth in Part II, Capital Projects Budget, of this Act.

18 **(4) General Aviation Airports:** Included in the above General Fund
19 appropriation is a one-time allocation of \$11,400,000 in fiscal year 2022-2023 to provide
20 \$200,000 to each General Aviation airport.

21 **3. DEBT SERVICE**

	2022-23	2023-24
22		
23 Road Fund	134,952,100	136,855,100

24 **(1) Economic Development Road Lease-Rental Payments:** Included in the
25 above Road Fund appropriation is \$134,705,100 in fiscal year 2022-2023 and
26 \$136,605,100 in fiscal year 2023-2024 for Economic Development Road lease-rental
27 payments relating to projects financed by Economic Development Road Revenue Bonds

1 previously authorized by the General Assembly and issued by the Kentucky Turnpike
 2 Authority.

3 **(2) Debt Payment Acceleration Fund Account:** Notwithstanding KRS 175.505,
 4 no portion of the revenues to the state Road Fund provided by the adjustments in KRS
 5 138.220(2), excluding KRS 177.320 and 177.365, shall accrue to the Debt Payment
 6 Acceleration Fund account during the 2022-2024 fiscal biennium.

7 **4. HIGHWAYS**

	2021-22	2022-23	2023-24
8 General Fund	-0-	250,000,000	-0-
10 Restricted Funds	6,826,300	159,157,500	310,375,400
11 Federal Funds	176,904,800	1,391,741,900	1,245,769,800
12 Road Fund	11,583,700	996,115,300	974,783,400
13 TOTAL	195,314,800	2,797,014,700	2,530,928,600

14 **(1) Debt Service:** Included in the above Federal Funds appropriation is
 15 \$77,900,400 in fiscal year 2022-2023 and \$70,356,800 in fiscal year 2023-2024 for debt
 16 service on Grant Anticipation Revenue Vehicle (GARVEE) Bonds previously
 17 appropriated by the General Assembly.

18 **(2) State Supported Construction Program:** Included in the above Road Fund
 19 appropriation is \$477,924,700 in fiscal year 2022-2023 and \$475,689,500 in fiscal year
 20 2023-2024 for the State Supported Construction Program.

21 **(3) Biennial Highway Construction Program:** Included in the Biennial
 22 Highway Construction Program is \$336,324,700 in fiscal year 2022-2023 and
 23 \$334,089,500 in fiscal year 2023-2024 from the Road Fund for state construction projects
 24 and the state match for federal projects in the 2022-2024 Biennial Highway Construction
 25 Program.

26 **(4) Highway Construction Contingency Account:** Included in the State
 27 Supported Construction Program is \$16,600,000 in each fiscal year for the Highway

1 Construction Contingency Account. Notwithstanding KRS 45.247(2), (4), (6), (7), and
 2 (8), the Secretary shall only expend Highway Construction Contingency moneys for
 3 projects of an emergency nature, for projects that relieve a hazardous condition, or to
 4 provide the state match for unanticipated Federal Funds made available as a result of
 5 other states not utilizing their total federal obligations. Notwithstanding KRS 224.43-
 6 505(2), included in the Highway Construction Contingency Account is \$4,000,000 in
 7 each fiscal year to support the Kentucky Pride Fund created in KRS 224.43-505.
 8 Notwithstanding KRS 45.247 and 177.320(4), included in the Highway Construction
 9 Contingency Account is \$290,000 in each fiscal year for the Kentucky Transportation
 10 Center. Also included in the Highway Construction Contingency Account for Railroads is
 11 \$1,600,000 in each fiscal year for public safety and service improvements which shall not
 12 be expended unless matched with non-state funds equaling at least 20 percent of the total
 13 amount for any individual project. Additionally, in each fiscal year, up to \$350,000 of the
 14 \$1,600,000 appropriation may be used to establish and administer the Kentucky Rail
 15 Office in the Kentucky Transportation Cabinet.

16 **(5) 2020-2022 Biennial Highway Construction Plan:** Projects in the enacted
 17 2020-2022 Biennial Highway Construction Plan are authorized to continue their current
 18 authorization into the 2022-2024 fiscal biennium. If projects in previously enacted
 19 highway construction plans conflict with the 2022-2024 Biennial Highway Construction
 20 Plan, the projects in the 2022-2024 Biennial Highway Construction Plan shall control.
 21 The Secretary shall make every effort to maintain highway program delivery by adhering
 22 to the timeframes included in the 2022-2024 Biennial Highway Construction Plan for
 23 those projects.

24 **(6) State Match Provisions:** The Transportation Cabinet is authorized to utilize
 25 Road Fund or General Fund state construction moneys or Toll Credits to match federal
 26 highway moneys.

27 **(7) Federal Aid Highway Funds:** If additional federal highway moneys are made

1 available to Kentucky by the United States Congress, the funds shall be used according to
2 the following priority: (a) Any demonstration-specific or project-specific moneys shall be
3 used on the project identified; and (b) All other funds shall be used to ensure that projects
4 in the fiscal biennium 2022-2024 Biennial Highway Construction Plan are funded. If
5 additional federal moneys remain after these priorities are met, the Transportation
6 Cabinet may select projects from the Highway Preconstruction Program.

7 **(8) Road Fund Cash Management:** The Secretary of the Transportation Cabinet
8 may continue the Cash Management Plan to address the policy of the General Assembly
9 to expeditiously initiate and complete projects in the fiscal biennium 2022-2024 Biennial
10 Highway Construction Plan. Notwithstanding KRS Chapter 45, specifically including
11 KRS 45.242 and 45.244, the Secretary may concurrently advance projects in the Biennial
12 Highway Construction Plan by employing management techniques that maximize the
13 Cabinet's ability to contract for and effectively administer the project work. Under the
14 approved Cash Management Plan, the Secretary shall continuously ensure that the
15 unspent project and Road Fund balances available to the Transportation Cabinet are
16 sufficient to meet expenditures consistent with appropriations provided. The
17 Transportation Cabinet shall provide quarterly reports to the Interim Joint Committee on
18 Appropriations and Revenue when the General Assembly is not in session and the
19 Standing Committees on Appropriations and Revenue when the General Assembly is in
20 session beginning July 1, 2022.

21 **(9) Carry Forward of Appropriation Balances:** Notwithstanding KRS 45.229,
22 unexpended Road Fund and General Fund appropriations in the Highways budget unit for
23 the Construction program, the Maintenance program, and the Research program in fiscal
24 year 2021-2022 and in fiscal year 2022-2023 shall not lapse but shall carry forward.
25 Unexpended Federal Funds and Restricted Funds appropriations in the Highways budget
26 unit for the Construction program, the Maintenance program, the Equipment Services
27 program, and the Research program in fiscal year 2021-2022 and in fiscal year 2022-

1 2023, up to the amount of ending cash balances and unissued Highway and GARVEE
2 Bond Funds, to include any interest income earned on those bond funds, and grant
3 balances shall not lapse but shall carry forward.

4 **(10) Federally Supported Construction Program:** Included in the above Federal
5 Funds appropriation is \$1,026,136,100 in fiscal year 2022-2023 and \$867,771,400 in
6 fiscal year 2023-2024 for federal construction projects.

7 **(11) Highways Maintenance:** Included in the above Highways Road Fund
8 appropriation is \$439,456,200 in fiscal year 2022-2023 and \$423,427,500 in fiscal year
9 2023-2024 for Highways Maintenance.

10 **(12) Delayed Projects Status Report:** The Secretary of the Transportation
11 Cabinet shall report by September 30 of each fiscal year to the Interim Joint Committee
12 on Transportation any project included in the enacted Biennial Highway Construction
13 Plan which has been delayed beyond the fiscal year for which the project was authorized.
14 The report shall include:

- 15 (a) The county name;
- 16 (b) The Transportation Cabinet project identification number;
- 17 (c) The route where the project is located;
- 18 (d) The length of the project;
- 19 (e) A description of the project and the scope of improvement;
- 20 (f) The type of local, state, or federal funds to be used on the project;
- 21 (g) The stage of development for the design, right-of-way, utility, and
22 construction phases;
- 23 (h) The fiscal year in which each phase of the project was scheduled to
24 commence;
- 25 (i) The estimated cost for each phase of the project;
- 26 (j) A detailed description of the circumstances leading to the delay; and
- 27 (k) The same information required in paragraphs (a) to (i) of this subsection for

1 the project or projects advanced with funds initially scheduled for the delayed project.

2 **(13) Maintenance Reentry Employment Program:** Included in the above Road
3 Fund appropriation is \$1,000,000 in each fiscal year to support contracting with a
4 501(c)(3) nonprofit organization that employs individuals on probation or parole
5 supervision to perform crew-based maintenance services. These individuals shall be
6 selected with input from the Department of Corrections and shall provide assistance with
7 litter abatement, graffiti removal, and vegetation control in highway districts three, five,
8 six, and seven.

9 **(14) Federal Highways Match:** Included in the above General Fund appropriation
10 is \$250,000,000 in fiscal year 2022-2023 to match Federal Funds from the Infrastructure
11 Investment and Jobs Act exclusively for the Brent Spence Bridge Project, the Mountain
12 Parkway Widening Project, or the I-69 Ohio River Crossing Project. Notwithstanding
13 KRS 45.229, the General Fund appropriation balance for Federal Highways Match for
14 fiscal years 2021-2022 and 2022-2023 shall not lapse and shall carry forward.

15 **(15) Grant Anticipation Revenue Vehicle (GARVEE) Bonds:** Included in the
16 above Restricted Funds appropriation is \$150,000,000 in fiscal year 2023-2024 for
17 GARVEE Bond Funds to be issued for the Brent Spence Bridge Project.

18 **(16) New Grant Anticipation Revenue Vehicle (GARVEE) Debt Service:**
19 Included in the above Federal Funds appropriation is \$2,106,300 in fiscal year 2023-2024
20 for GARVEE Bonds debt service payments relating to the Brent Spence Bridge Project.

21 **(17) River Crossing Study:** It is the intent of the General Assembly for the
22 Transportation Cabinet to conduct a feasibility study for alternative crossings at the Cave-
23 in-Rock ferry.

24 **5. JUDGMENTS**

25 **(1) Payment of Judgments:** Road Fund resources required to pay judgments
26 shall be transferred from the State Construction Account at the time when actual
27 payments must be disbursed from the State Treasury.

1 **6. PUBLIC TRANSPORTATION**

2		2021-22	2022-23	2023-24
3	General Fund	63,800	15,575,800	15,575,800
4	Restricted Funds	-0-	730,100	730,000
5	Federal Funds	53,200	82,622,700	80,586,000
6	TOTAL	117,000	98,928,600	96,891,800

7 **(1) Nonpublic School Transportation:** Included in the above General Fund
 8 appropriation is \$5,000,000 in each fiscal year for nonpublic school transportation.

9 **7. REVENUE SHARING**

10		2021-22	2022-23	2023-24
11	Road Fund	214,500	372,763,000	364,783,000
12	TOTAL	214,500	372,763,000	364,783,000

13 **(1) County Road Aid Program:** Included in the above Road Fund appropriation
 14 is \$140,877,100 in fiscal year 2022-2023 and \$137,848,400 in fiscal year 2023-2024 for
 15 the County Road Aid Program in accordance with KRS 177.320, 179.410, 179.415, and
 16 179.440.

17 **(2) Rural Secondary Program:** Included in the above Road Fund appropriation
 18 is \$170,900,000 in fiscal year 2022-2023 and \$167,225,900 in fiscal year 2023-2024 for
 19 the Rural Secondary Program in accordance with KRS 177.320, 177.330, 177.340,
 20 177.350, and 177.360.

21 **(3) Municipal Road Aid Program:** Included in the above Road Fund
 22 appropriation is \$59,276,100 in fiscal year 2022-2023 and \$58,001,800 in fiscal year
 23 2023-2024 for the Municipal Road Aid Program in accordance with KRS 177.365,
 24 177.366, and 177.369.

25 **(4) Energy Recovery Road Fund:** Included in the above Road Fund
 26 appropriation is \$141,800 in fiscal year 2022-2023 and \$141,900 in fiscal year 2023-2024
 27 for the Energy Recovery Road Fund in accordance with KRS 177.977, 177.9771,

1 177.978, 177.979, and 177.981.

2 **(5) Continuation of the Flex Funds and 80/20 Bridge Replacement Programs:**

3 The Transportation Cabinet shall continue the Flex Funds and the 80/20 Bridge
4 Replacement Programs within the Rural Secondary Program.

5 **(6) County Judge/Executive Expense Allowance:** Notwithstanding KRS

6 67.220, County Judge/Executives not serving in a consolidated local government that
7 served as a County Judge/Executive prior to November 2022 shall receive an annual
8 expense allowance of \$3,600. County Judge/Executives newly elected in November 2022
9 and those serving in counties with a consolidated local government shall not receive an
10 annual expense allowance.

11 **8. VEHICLE REGULATION**

	2021-22	2022-23	2023-24
13 Restricted Funds	94,400	17,265,100	17,392,200
14 Federal Funds	-0-	4,127,100	4,627,100
15 Road Fund	588,800	46,728,300	47,052,200
16 TOTAL	683,200	68,120,500	69,071,500

17 **(1) Debt Service:** Included in the above Road Fund appropriation is \$1,507,000
18 in each fiscal year for debt service on previously authorized bonds.

19 **(2) Motor Vehicle Commission Additional Personnel:** Included in the above
20 Restricted Funds appropriation is \$350,000 in each fiscal year to support four additional
21 positions for the Motor Vehicle Commission.

22 **TOTAL - TRANSPORTATION CABINET**

	2021-22	2022-23	2023-24
24 General Fund	63,800	294,839,800	16,832,800
25 Restricted Funds	7,029,500	202,586,100	350,380,300
26 Federal Funds	176,958,000	1,548,448,200	1,331,483,400
27 Road Fund	13,505,900	1,633,799,100	1,606,975,800

1	Road Fund	-0-	9,500,000	-0-
2	007. Construct Breckinridge County Maintenance and Salt Storage Facility			
3	Road Fund	-0-	500,000	2,500,000
4	008. Construct Regional Salt Structures			
5	Road Fund	-0-	2,000,000	-0-
6	009. Construct Union County Maintenance and Salt Storage Facility			
7	Road Fund	-0-	500,000	2,500,000
8	010. Construct District 2 Office and Materials Lab			
9	Road Fund	-0-	2,000,000	-0-
10	011. Construct Morgan County Maintenance and Salt Storage Facility			
11	Road Fund	-0-	500,000	-0-
12	012. Construct Bath County Maintenance and Salt Storage Facility			
13	Road Fund	-0-	500,000	-0-
14	013. Construct Hart County Maintenance and Salt Storage Facility			
15	Road Fund	-0-	500,000	-0-
16	014. Construct Mercer County Maintenance and Salt Storage Facility			
17	Road Fund	-0-	500,000	-0-
18	015. Permanent Salt Conveyor System - Graves County			
19	Road Fund	-0-	350,000	-0-
20	016. Construct Boyle County Bridge Crew Facility			
21	Road Fund	-0-	200,000	1,300,000
22	2. AVIATION			
23	001. Aircraft Maintenance Pool - 2022-2024			
24	General Fund	-0-	800,000	100,000
25	Investment Income	-0-	-0-	700,000
26	TOTAL	-0-	800,000	800,000
27	002. Purchase New Jet Fuel Truck			

1	Restricted Funds	-0-	210,000	-0-
2	003. Barkley Regional Airport Improvement Projects Pool			
3	Bond Funds	-0-	-0-	5,300,000
4	004. Mt. Sterling/Montgomery County Airport Improvement Projects Pool			
5	Bond Funds	-0-	-0-	8,000,000
6	005. Bardstown/Nelson County Airport Improvement Projects Pool			
7	Bond Funds	-0-	-0-	7,700,000

8 **3. HIGHWAYS**

9	001. Repair Loadometers and Rest Areas - 2022-2024			
10	Road Fund	-0-	3,000,000	3,000,000
11	002. Various Environmental Compliance - 2022-2024			
12	Road Fund	-0-	500,000	500,000
13	003. Road Maintenance Parks - 2022-2024			
14	Road Fund	-0-	1,250,000	1,250,000
15	004. Jefferson County - Lease			

16 **PART III**

17 **FUNDS TRANSFER**

18 The General Assembly finds that the financial condition of state government
 19 requires the following action.

20 Notwithstanding the statutes or requirements of the Restricted Funds enumerated
 21 below, there is transferred to the General Fund the following amounts in fiscal year 2022-
 22 2023 and fiscal year 2023-2024:

23		2022-23	2023-24
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24 **A. TRANSPORTATION CABINET**

25 **1. Aviation**

26	Agency Revenue Fund		421,100	453,000
27	(KRS 183.525(4) and (5))			

1	2. Aviation		
2	Agency Revenue Fund	-0-	757,000
3	(KRS 183.525(4) and (5))		
4	TOTAL - FUNDS TRANSFER	421,100	1,210,000

PART IV

TRANSPORTATION CABINET BUDGET SUMMARY

OPERATING BUDGET

	2021-22	2022-23	2023-24	
8				
9	General Fund	63,800	294,839,800	16,832,800
10	Restricted Funds	7,029,500	202,586,100	350,380,300
11	Federal Funds	176,958,000	1,548,448,200	1,331,483,400
12	Road Fund	13,505,900	1,633,799,100	1,606,975,800
13	SUBTOTAL	197,557,200	3,679,673,200	3,305,672,300

CAPITAL PROJECTS BUDGET

	2021-22	2022-23	2023-24	
15				
16	General Fund	-0-	800,000	100,000
17	Restricted Funds	-0-	210,000	-0-
18	Road Fund	3,000,000	32,529,000	16,050,000
19	Bond Funds	-0-	-0-	21,000,000
20	Investment Income	-0-	-0-	700,000
21	SUBTOTAL	3,000,000	33,539,000	37,850,000

TOTAL - TRANSPORTATION CABINET BUDGET

	2021-22	2022-23	2023-24	
23				
24	General Fund	63,800	295,639,800	16,932,800
25	Restricted Funds	7,029,500	202,796,100	350,380,300
26	Federal Funds	176,958,000	1,548,448,200	1,331,483,400
27	Road Fund	16,505,900	1,666,328,100	1,623,025,800

1	Bond Funds	-0-	-0-	21,000,000
2	Investment Income	-0-	-0-	700,000
3	TOTAL FUNDS	200,557,200	3,713,212,200	3,343,522,300