

**177.985 Extended weight unrefined petroleum products haul road system.
(Repealed Effective June 30, 2028)**

- (1) The provisions of this section shall be in effect until June 30, 2028.
- (2) As used in this section and KRS 177.986, "extended weight unrefined petroleum products haul road system" consists of all state-maintained highways over which quantities of unrefined petroleum products in excess of fifty thousand (50,000) tons were transported by motor vehicles during the period from January 1, 2022, through December 31, 2022, and annually thereafter.
- (3)
 - (a) Except as provided for in paragraph (b) of this subsection, on or before November 1, 2022, and annually thereafter on November 1 of each year, the secretary of the Transportation Cabinet shall, by official order, certify the highways or portions thereof, which meet the criteria in subsection (2) of this section, as the extended weight unrefined petroleum products haul road system.
 - (b) If, during the year 2022, a quantity of unrefined petroleum products that meets the threshold set out in subsection (2) of this section is transported on any state-maintained highway, the secretary of the Transportation Cabinet shall, within thirty (30) days by official order, certify those highways or portions thereof, as part of the extended weight unrefined petroleum products haul road system.
- (4) The total tons of unrefined petroleum products transported by motor vehicles over any public highway shall be determined from the reports required by KRS 177.986.
- (5)
 - (a) Any vehicle, when registered with a declared gross weight of eighty thousand (80,000) pounds and when transporting unrefined petroleum products over state-maintained highways which are part of the extended weight unrefined petroleum products haul road system, may be operated at weights in excess of the maximum gross weight prescribed in KRS 189.221 and 189.222 and any other maximum weight limitations on state- or county-maintained systems, if it complies with the requirements of this subsection.
 - (b) Trucks configured using an axle system approved by the Transportation Cabinet in accordance with paragraph (c) of this subsection may operate up to a maximum gross weight of one hundred twenty thousand (120,000) pounds with a gross weight tolerance of five percent (5%).
 - (c) The Transportation Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to specify approved axle configurations that may be used when operating under this section.
 - (d) For purposes of this section and KRS 189.230, the dimensional requirements of motor vehicles shall conform to all appropriate federal laws and regulations.
 - (e) The permit fee for each truck operated under this section shall be two thousand dollars (\$2,000) annually. Upon renewal of an annual permit issued under this section, the permit holder shall report to the cabinet the number of trips made and the total miles driven under the permit during the previous year.

- (f) The payment of the permit fee shall be in addition to any state registration fee, user fee, or other permit fee, including the registration fee as specified in KRS 186.050(3).
 - (g) Each truck operating under a permit pursuant to this section shall be equipped with global positioning system technology that keeps a record of locations traveled. The travel records of trucks operating under a permit shall be open to inspection by the Transportation Cabinet.
 - (h) Any driver of a vehicle identified in this section operating under a permit shall, in addition to possessing a valid Class A commercial driver's license, be approved by the Kentucky State Police to operate a vehicle under this section.
- (6) All revenues generated pursuant to this section shall be credited to the road fund and shall be appropriated for the uses of that fund.
- (7) (a) Nothing in this section shall be construed or administered to jeopardize the receipt of federal funds for highway purposes, and the secretary of transportation shall not act in any manner which jeopardizes federal highway funds or funds to be received by the Commonwealth.
- (b) This section shall not be construed to:
- 1. Authorize any vehicle to operate on a federal interstate highway in excess of those limits prescribed in KRS 189.222; or
 - 2. Prohibit the Department of Highways from providing for the public safety and convenience of the traveling public on the highway, including by limiting travel on roads with bridges having weight restrictions.
- (8) As soon as practical after the report is prepared and published pursuant to KRS 177.986 for any calendar year after 2022, the secretary shall add to or delete from the extended weight unrefined petroleum products haul road system any sections of state-maintained highways based upon the criteria set out in this section. Deletion of a public road or portion of it from the extended weight unrefined petroleum products haul road system shall not affect the eligibility of the roads for highway funds or programs applicable to the extended weight unrefined petroleum products haul road system.
- (9) A representative of the Transportation Cabinet shall transmit a report of roads to be included in the extended weight unrefined petroleum products haul road system to the fiscal court of each county in which a road or road segment is eligible for inclusion in the system. The secretary shall take into consideration any concerns expressed by a fiscal court before adding a road to the extended weight unrefined petroleum products haul road system.
- (10) The Transportation Cabinet shall inspect all of the routes in the extended weight unrefined petroleum products haul road system annually to determine the extent of degradation of any segments of road or bridges.
- (11) The Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A necessary to administer this section.

Effective: June 27, 2019

History: Created 2019 Ky. Acts ch. 126, sec. 1, effective June 27, 2019.