

CHAPTER 164**(HB 596)**

AN ACT relating to covered wooden bridges and declaring an emergency.

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

Section 1. KRS 176.400 is amended to read as follows:

- (1) Administrative control of covered wooden bridges designated as state shrines shall be shared by the Transportation Cabinet, the Department of Parks, *the Kentucky Heritage Council*, and the authorities created under KRS 176.410.
- (2) The Transportation Cabinet shall maintain all covered wooden bridges in the Commonwealth which are on public roads and open to vehicular traffic. The cabinet shall maintain the bridges for safety and for historical and aesthetic beauty. The cabinet shall prepare estimates of the cost of maintaining covered wooden bridges which are on public roads and open to vehicular traffic and shall identify and include the total of these estimates in its biennial budget request.
- (3) The cabinet may delegate its responsibility for maintenance of covered bridges located on roads maintained by a county to the local government responsible for such roads. Delegation of responsibility for maintenance of covered bridges to a local government shall require periodic inspection by the cabinet.
- (4) Nothing in this section shall prevent an appropriate unit of government from closing a covered wooden bridge to vehicular traffic.
- (5) The Department of Parks shall be responsible for all covered wooden bridges located in the Commonwealth which are on public property and no longer open to vehicular traffic. The department shall maintain these bridges in sound structural condition and for historical and aesthetic beauty. The department shall prepare estimates of the cost of maintaining covered wooden bridges for which it has a responsibility and shall identify and include the total of these estimates in its biennial budget request.
- (6) When an appropriation is made to a covered wooden bridge authority created under the provisions of KRS 176.410, the Department *of Parks* shall transfer the obligation of maintenance for the bridges designated in the appropriation to that authority.
- (7) An authority may retransfer the right of possession or title and the obligation of maintenance of covered bridges under its jurisdiction to the Department of Parks.
- (8) The Heritage Division *of the Kentucky Heritage Council* may determine that an authority is inactive or unable to discharge its responsibilities and may transfer the right of title or possession to covered bridges under the jurisdiction of the authority to the Department of Parks. The division shall give notice of such an action to the authority and the Department of Parks.
- (9) (a) *Prior to administering a project that involves the preservation, restoration, or maintenance of a covered wooden bridge, the administering entity shall:*
 1. *Consider all recommendations submitted pursuant to Section 2 of this Act by a covered wooden bridge authority pertaining to any bridge involved in the project;*

2. *Consult with the covered wooden bridge authority dedicated to the preservation, restoration, and maintenance of any bridge involved in the project, if such an authority exists; and*
3. *Hold at least one (1) public hearing within the county in which the bridge is located, with due notice given pursuant to KRS Chapter 424. The public hearing shall be held no later than sixty (60) days prior to the date the project is commenced or contracted, whichever is earlier.*

(b) *The requirements of paragraph (a) of this subsection shall not apply to any emergency maintenance project that involves a covered wooden bridge if the project cost is less than fifty thousand dollars (\$50,000).*

(10) *In addition to the requirements set forth in subsection (9) of this section, any project that involves the preservation, restoration, or maintenance of a covered wooden bridge shall require approval by the Kentucky Heritage Council prior to the date the project is commenced or contracted, whichever is earlier.*

Section 2. KRS 176.410 is amended to read as follows:

- (1) Except as provided by KRS 176.400, at the request of citizens or organizations of a county or multicounty region, the Heritage Division *of the Kentucky Heritage Council* shall certify to the Governor the creation of a county or multicounty covered wooden bridge authority for that county or multicounty region.
- (2) (a) An authority shall consist of *members appointed as follows*:
 1. *The Governor shall appoint one (1) member from each participating county, unless the authority has only one (1) participating county, in which case the Governor shall appoint three (3) members from the participating county; and*
 2. *The fiscal court of each participating county shall submit to the Governor a list of three (3) candidates, and the Governor shall appoint one (1) member from each list unless the authority has two (2) or fewer participating counties, in which case the Governor shall appoint two (2) members from each list*~~five (5) members to be appointed by the Governor~~.
- (b) The members of an authority shall hold office for terms of four (4) years and until their successors are appointed and qualify except that the terms of office of the members first appointed shall be *staggered*~~as follows: two (2) members shall be nominated and appointed for two (2) years, and three (3) members shall be nominated and appointed for four (4) years~~. An authority may elect by majority voice officers deemed necessary by its members. A majority of the members shall constitute a quorum. An authority shall meet at the call of its chairman, but at least twice during each calendar year.
- (3) An authority shall be dedicated to the preservation, restoration, and maintenance of all covered wooden bridges~~[not open to vehicular traffic]~~ in the county or multicounty region for which it is created.
 - (a) *For covered wooden bridges not open to vehicular traffic*, the duties and functions of an authority shall be to:

- 1.~~(a)~~ Review, recommend, and administer projects and programs to insure the proper preservation, restoration, and maintenance of covered wooden bridges in the county or multicounty region for which it is created.
- 2.~~(b)~~ Advise, consult, and cooperate with state, local, and national officials and agencies, and with the Heritage Division *of the Kentucky Heritage Council* as provided by KRS 176.400 and 176.410, to accomplish the purposes for which the authority is established.
- (b) *For covered wooden bridges open to vehicular traffic, the duties and functions of an authority shall be to:*
1. *Make recommendations to the Transportation Cabinet and local officials on the proper preservation, restoration, and maintenance of covered wooden bridges in the county or multicounty region for which it is created.*
 2. *Advise, consult, and cooperate with state, local, and national officials and agencies to accomplish the purposes for which the authority is established.*
- (4) An authority may:
- (a) Accept grants or other funds or property from any source, public or private;
 - (b) Enter into such contractual relationships as may be necessary;
 - (c) Acquire real property, by gift or devise or by purchase pursuant to the provisions of KRS 45A.045, and hold the same in the name of the Commonwealth for the use and benefit of the authority;
 - (d) Adopt rules and regulations necessary to the performance of its duties and functions.
- (5) Members of an authority may be reimbursed in accordance with the provisions of KRS Chapters 44 and 45 for actual and reasonable expenses incurred in the furtherance of the authority's activities.
- (6) The receipt, control, and expenditure of funds shall be subject to the general provisions of the Kentucky Revised Statutes governing financial administration of state agencies.
- (7) (a) *For covered wooden bridges not open to vehicular traffic*, each authority shall develop a program for the preservation, restoration, and maintenance of *those* covered wooden bridges in the county or multicounty region for which it was established. It shall select the bridges to be preserved, restored, or maintained within a biennium and shall prepare estimates of the cost of preservation, restoration, or maintenance within that biennium.
- (b)~~(8)~~ The program developed by an authority shall be submitted to the Heritage Division *of the Kentucky Heritage Council*. Upon approval by the division, the authority shall submit its program as its biennial budget request.
- (c)~~(9)~~ When an appropriation is made to an authority to fund its program for the preservation, restoration, and maintenance of covered wooden bridges, title to all covered wooden bridges to be preserved, restored, or maintained under its authority shall be transferred to the authority. Preservation, restoration, and maintenance of covered wooden bridges shall comply with the program approved by the *Heritage Division of the Kentucky Heritage Council*~~division~~ and shall be administered by the authority. Each authority is authorized to enter into any agreement or contract necessary to implement an approved and funded program.

(8) *For covered wooden bridges open to vehicular traffic, each authority shall develop a biennial list of recommendations for the preservation, restoration, and maintenance of those covered wooden bridges in the county or multicounty region for which it was created. This list shall be submitted biennially to the Transportation Cabinet and all fiscal courts within the authority's jurisdiction.*

(9){(10)} There is established the covered wooden bridge authority for the counties of Bracken, Fleming, Lewis, Mason, and Robertson as a pilot project.

Section 3. The membership of any covered wooden bridge authority in existence on the effective date of this Act shall remain intact, but within 30 days of the effective date of this Act, additional members shall be appointed pursuant to subsection (2) of Section 2 of this Act. Terms of the initial members added to an existing authority shall be staggered from two to four years to provide continuity.

Section 4. Whereas proper and timely preservation, restoration, and maintenance of the state's covered wooden bridges is critical to preserving Kentucky's cultural heritage and unique beauty, an emergency is declared to exist, and this Act takes effect upon its passage or approval by the Governor or upon its otherwise becoming a law.

Approved April 22, 2004