

CHAPTER 148**(HB 304)**

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

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

➔Section 1. The Transportation Cabinet Budget is as follows: **PART**

I**OPERATING BUDGET**

(1) Funds Appropriations: There is appropriated out of the General Fund, Road Fund, Restricted Funds accounts, Federal Funds accounts, or Bond Funds accounts for the fiscal year beginning July 1, 2015, and ending June 30, 2016, for the fiscal year beginning July 1, 2016, and ending June 30, 2017, and for the fiscal year beginning July 1, 2017, and ending June 30, 2018, the following discrete sums, or so much thereof as may be necessary. Appropriated funds are included pursuant to KRS 48.700 and 48.710. Each appropriation is made by source of respective fund or funds accounts. Appropriations for the budget units of the Transportation Cabinet are subject to the provisions of Chapters 12, 42, 45, and 48 of the Kentucky Revised Statutes and compliance with the conditions and procedures set forth in this Act.

A. TRANSPORTATION CABINET**Budget Units 1. GENERAL ADMINISTRATION AND SUPPORT**

	2016-17	2017-18
General Fund	500,000	500,000
Restricted Funds	2,127,300	2,141,800
Road Fund	74,340,100	74,651,200
TOTAL	76,967,400	77,293,000

(1) Biennial Highway Construction Plan: The Secretary of the Transportation Cabinet shall produce a single document that ~~contains two separately identified sections, as follows:~~

~~Section 1} shall detail the enacted fiscal biennium 2016-2018 Biennial Highway Construction Program and Section 2 shall detail the 2016-2018 Highway Preconstruction Program Plan for fiscal year 2016-2017 through fiscal year 2021-2022 as identified by the 2016 General Assembly. This document shall mirror in data type and format the fiscal year 2016-2022 Recommended Six Year Road Plan as submitted to the 2016 General Assembly. The document shall be published and distributed to members of the General Assembly and the public within 60 days of adjournment of the 2016 Regular Session of the General Assembly}.~~

(2) Debt Service: Included in the above Road Fund appropriation is \$7,113,600 in fiscal year 2016-2017 and \$7,107,400 in fiscal year 2017-2018 for debt service on previously authorized bonds for the Transportation Cabinet office building and parking structure and the C-1 Garage.

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

(4) SAFE Patrol Program: The Transportation Cabinet shall continue the SAFE Patrol Program at the current service level. The primary mission of the Cabinet's SAFE Patrol shall be motorist assistance. The SAFE Patrol shall be restricted to providing only assistance services on interstates, parkways, and other limited-access highways.

(5) Riverport Improvements: Included in the above General Fund appropriation is \$500,000 in each fiscal year to improve public riverports within Kentucky. Improvements shall be limited to dredging and maintenance of access. The Secretary of the Transportation Cabinet, in conjunction with the Kentucky Water Transportation Advisory Board, shall determine how the funds are distributed.

(6) **Lapse of Road Fund Excess Debt Service Appropriations:** Pursuant to KRS 48.720, any excess Road Fund debt service shall lapse to the Road Fund surplus account unless otherwise directed in this Act.

2. AVIATION

	2016-17	2017-18
Restricted Funds	11,630,400	10,537,200
Federal Funds	663,500	213,700
Road Fund	2,670,900	2,676,100
TOTAL	14,964,800	13,427,000

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

(2) **Debt Service:** Included in the above Road Fund appropriation is \$1,832,200 in fiscal year 2016-2017 and \$1,830,700 in fiscal year 2017-2018 for debt service on previously authorized bonds. Notwithstanding KRS 183.525, \$1,832,200 in fiscal year 2016-2017 and \$1,830,700 in fiscal year 2017-2018 is transferred to the Road Fund from the Kentucky Aviation Economic Development Fund to support debt service on those bonds.

(3) **Bowling Green-Warren County Regional Airport:** Included in the above Restricted Funds appropriation is \$750,000 in fiscal year 2016-2017 for the Bowling Green-Warren County Regional Airport project.

3. DEBT SERVICE

	2016-17	2017-18
Road Fund	160,382,900	165,825,600

(1) **Economic Development Road Lease-Rental Payments:** Included in the above Road Fund appropriation is \$160,332,900 in fiscal year 2016-2017 and \$165,775,600 in fiscal year 2017-2018 for Economic Development Road lease-rental payments relating to projects financed by Economic Development Road Revenue Bonds previously authorized by the General Assembly and issued by the Kentucky Turnpike Authority.

(2) **Debt Payment Acceleration Fund Account:** Notwithstanding KRS 175.505, no portion of the revenues to the state Road Fund provided by the adjustments in KRS 138.220(2), excluding KRS 177.320 and 177.365, shall accrue to the Debt Payment Acceleration Fund account during the 2016-2018 fiscal biennium.

(3) **Excess Lease-Rental Payments:** Any moneys not required to meet lease-rental payments or to meet the administrative costs of the Kentucky Turnpike Authority shall be transferred to the State Construction Account.

4. HIGHWAYS

	2016-17	2017-18
Restricted Funds	103,088,400	103,232,300
Federal Funds	709,785,100	725,106,300
Road Fund	767,032,800	777,426,900
TOTAL	1,579,906,300	1,605,765,500

(1) **Debt Service:** Included in the above Federal Funds appropriation is \$76,000,000 in fiscal year 2016-2017 and \$97,500,000 in fiscal year 2017-2018 for debt service on Grant Anticipation Revenue Vehicle (GARVEE) Bonds previously appropriated by the General Assembly.

(2) **State Supported Construction Program:** Included in the above Road Fund appropriation is \$345,149,400 in fiscal year 2016-2017 and \$353,539,400 in fiscal year 2017-2018 for the State Supported Construction Program.

(3) **Biennial Highway Construction Program:** Included in the State Supported Construction Program is \$189,149,400 in fiscal year 2016-2017 and \$197,539,400 in fiscal year 2017-2018 from the Road Fund for state construction projects in the fiscal biennium 2016-2018 Biennial Highway Construction Program.

(4) **Highway Construction Contingency Account:** Included in the State Supported Construction Program is \$31,000,000 in each fiscal year for the Highway Construction Contingency Account. ~~Notwithstanding KRS 224.43505(2)(d), included in the Highway Construction Contingency Account is \$5,000,000 in each fiscal year to support the Kentucky Pride Fund created in KRS 224.43-505.~~ Also included in the Highway Construction Contingency Account for ~~Shortline~~ Railroads is \$1,600,000 in each fiscal year for public safety ~~and service improvements which~~

~~shall not be expended unless matched with private funds equaling 20 percent of the total amount for any individual project].~~

(5) **2014-2016 Biennial Highway Construction Plan:** Projects in the enacted 2014-2016 Biennial Highway Construction Plan are authorized to continue their current authorization into the 2016-2018 fiscal biennium. If projects in previously enacted highway construction plans conflict with the 2016-2018 Biennial Highway Construction Plan, the projects in the 2016-2018 Biennial Highway Construction Plan shall control. The Secretary shall make every effort to maintain highway program delivery by adhering to the timeframes included in the 2016-2018 Biennial Highway Construction Plan for those projects.

(6) **Kentucky Transportation Center:** Notwithstanding KRS 177.320(4), included in the above Road Fund appropriation is \$290,000 in each fiscal year for the Kentucky Transportation Center.

(7) **State Match Provisions:** The Transportation Cabinet is authorized to utilize state construction moneys or Toll Credits to match federal highway moneys.

(8) **Federal Aid Highway Funds:** If additional federal highway moneys are made available to Kentucky by the United States Congress, the funds shall be used according to the following priority: (a) Any demonstration-specific or project-specific moneys shall be used on the project identified; and (b) All other funds shall be used to ensure that projects in the fiscal biennium 2016-2018 Biennial Highway Construction Plan are funded. If additional federal moneys remain after these priorities are met, the Transportation Cabinet may select projects from the Highway Preconstruction Program.

(9) **Road Fund Cash Management:** The Secretary of the Transportation Cabinet may continue the Cash Management Plan to address the policy of the General Assembly to expeditiously initiate and complete projects in the fiscal biennium 2016-2018 Biennial Highway Construction Plan. Notwithstanding KRS Chapter 45, specifically including KRS 45.242 and 45.244, the Secretary may concurrently advance projects in the Biennial Highway Construction Plan by employing management techniques that maximize the Cabinet's ability to contract for and effectively administer the project work. Under the approved Cash Management Plan, the Secretary shall continuously ensure that the unspent project and Road Fund balances available to the Transportation Cabinet are sufficient to meet expenditures consistent with appropriations provided. The Transportation Cabinet shall provide quarterly reports to the Interim Joint Committee on Appropriations and Revenue when the General Assembly is not in session and the Standing Committees on Appropriations and Revenue when the General Assembly is in session beginning July 1, 2016. ~~The report shall include a monthly forecast by fiscal year for fiscal year 2016-2017 through fiscal year 2021-2022.]~~

(10) **Carry Forward of Appropriation Balances:** Notwithstanding KRS 45.229, unexpended Road Fund appropriations in the Highways budget unit for the Construction Program, the Maintenance Program, and the Research Program in fiscal year 2015-2016 and in fiscal year 2016-2017 shall not lapse but shall carry forward. Unexpended Federal Funds and Restricted Funds appropriations in the Highways budget unit for the Construction Program, the Maintenance Program, the Equipment Services Program, and the Research Program in fiscal year 2015-2016 and in fiscal year 2016-2017, up to the amount of ending cash balances and unissued Highway and GARVEE Bond Funds, to include any interest income earned on those bond funds, and grant balances shall not lapse but shall carry forward.

(11) **Federally Supported Construction Program:** Included in the above Federal Funds appropriation is \$687,884,300 in fiscal year 2016-2017 and \$702,750,400 in fiscal year 2017-2018 for federal construction projects.

~~[(12) State Resurfacing Program: Included in the State Supported Construction Program is \$125,000,000 in each fiscal year from the Road Fund for the State Resurfacing Program.]~~

(13) **Highways Maintenance:** Included in the above Highways Road Fund appropriation is \$347,457,900 in fiscal year 2016-2017 and \$349,072,600 in fiscal year 2017-2018 for Highways Maintenance. Highways Maintenance positions may be filled to the extent the above funding level and the Highways Maintenance continuing appropriation are sufficient to support those positions.

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

- (a) The county name;
- (b) The Transportation Cabinet project identification number;

- (c) The route where the project is located;
- (d) The length of the project;
- (e) A description of the project and the scope of improvement;
- (f) The type of local, state, or federal funds to be used on the project;
- (g) The stage of development for the design, right-of-way, utility, and construction phases;
- (h) The fiscal year in which each phase of the project was scheduled to commence;
- (i) The estimated cost for each phase of the project;

~~{(j) A detailed description of the circumstances leading to the delay; and~~

~~{(k) The same information required in paragraphs (a) to (i) of this subsection for the project or projects advanced with funds initially scheduled for the delayed project.}~~

(15) Transportation Employees Salary Study: The Transportation Cabinet, with the assistance of the Personnel Cabinet, shall conduct a study~~{on all merit employee classifications}~~ within the Transportation Cabinet to develop a plan to ensure salary and benefit parity among Transportation Cabinet employees statewide. The Transportation Cabinet shall submit a report detailing the results of the study to the Interim Joint Committee on Transportation and the Interim Joint Committee on Appropriations and Revenue~~{no later than October 31, 2016}~~.

(16) ~~{Mountain Parkway Extension and }Hal Rogers Parkway:~~ ~~{Notwithstanding the provisions of KRS 175B.005(1) and 175B.030(1) and (2)(a) and (c), the Secretary of the Kentucky Transportation Cabinet shall work with the Secretary of the West Virginia Department of Transportation to study and develop a highway plan to extend the Mountain Parkway from Prestonsburg, Kentucky to Beckley, West Virginia. The Secretary of the Kentucky Transportation Cabinet shall make quarterly reports to the Interim Joint Committee on Transportation regarding the status and progress of the planning, design, and funding options to ensure that both states are working towards the common goal of improving regional mobility by developing a plan to construct an interstate quality highway eastward.~~

~~The Commonwealth of Kentucky and the state of West Virginia shall work collectively to ensure the Mountain Parkway extension project utilizes a common crossing point from either Martin or Pike County in Kentucky and either Mingo or Wayne County in West Virginia. The respective membership shall be established and authorized in accordance with KRS Chapter 175B, and the members shall meet to develop plans, cost estimates, and potential funding scenarios.}~~

The Secretary of the Kentucky Transportation Cabinet shall~~{also develop plans and}~~ provide cost estimates to upgrade the Hal Rogers Parkway to interstate standards and shall submit a~~{full}~~ report on the~~{Mountain Parkway expansion and}~~ upgrade of the Hal Rogers Parkway to the Interim Joint Committee on Appropriations and Revenue~~{before December 1, 2016, on the potential project plans, designs, costs, and funding sources}~~.

~~{(17) Economic Development Priorities: Projects identified by the General Assembly for improving economic development opportunities for the benefit of the citizens of the Commonwealth in the areas to be served shall be given priority by the Transportation Cabinet to facilitate construction as soon as possible.}~~

5. JUDGMENTS

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

6. PUBLIC TRANSPORTATION

	2016-17	2017-18
General Fund	5,728,200	5,728,200
Restricted Funds	692,600	698,700
Federal Funds	25,730,500	25,788,900
TOTAL	32,151,300	32,215,800

(1) Toll Credits: The Transportation Cabinet is authorized to maximize, to the extent necessary, the use of Toll Credits to match Federal Funds for transit systems capital grants.

(2) Nonpublic School Transportation: Included in the above General Fund appropriation is \$3,500,000 in each fiscal year for nonpublic school transportation.

7. REVENUE SHARING

	2016-17	2017-18
Road Fund	330,812,900	332,030,200

(1) **County Road Aid Program:** Included in the above Road Fund appropriation is \$125,097,400 in fiscal year 2016-2017 and \$125,554,900 in fiscal year 2017-2018 for the County Road Aid Program in accordance with KRS 177.320, 179.410, 179.415, and 179.440. Notwithstanding KRS 177.320(2), the above amounts have been reduced by \$38,000 in each fiscal year, which has been appropriated to the Highways budget unit for the support of the Kentucky Transportation Center.

(2) **Rural Secondary Program:** Included in the above Road Fund appropriation is \$151,757,600 in fiscal year 2016-2017 and \$152,312,600 in fiscal year 2017-2018 for the Rural Secondary Program in accordance with KRS 177.320, 177.330, 177.340, 177.350, and 177.360. Notwithstanding KRS 177.320(1), the above amounts have been reduced by \$46,000 in each fiscal year, which has been appropriated to the Highways budget unit for the support of the Kentucky Transportation Center.

(3) **Municipal Road Aid Program:** Included in the above Road Fund appropriation is \$52,636,600 in fiscal year 2016-2017 and \$52,829,100 in fiscal year 2017-2018 for the Municipal Road Aid Program in accordance with KRS 177.365, 177.366, and 177.369. Notwithstanding KRS 177.365(1), the above amounts have been reduced by \$16,000 in each fiscal year, which has been appropriated to the Highways budget unit for the support of the Kentucky Transportation Center.

(4) **Energy Recovery Road Fund:** Included in the above Road Fund appropriation is \$458,000 in fiscal year 2016-2017 and \$460,000 in fiscal year 2017-2018 for the Energy Recovery Road Fund in accordance with KRS 177.977, 177.9771, 177.9772, 177.978, 177.979, and 177.981.

(5) **Continuation of the Flex Funds and the 80/20 Bridge Replacement Programs:** The Transportation Cabinet shall continue the Flex Funds and the 80/20 Bridge Replacement Programs within the Rural Secondary Program.

8. VEHICLE REGULATION

	2016-17	2017-18
Restricted Funds	15,193,500	15,120,500
Federal Funds	4,600,000	4,600,000
Road Fund	26,126,900	27,902,200
TOTAL	45,920,400	47,622,700

(1) **Debt Service:** Included in the above Road Fund appropriation is \$3,143,000 in fiscal year 2016-2017 and \$4,781,300 in fiscal year 2017-2018 for debt service on previously authorized bonds.

TOTAL - TRANSPORTATION CABINET

	2016-17	2017-18
General Fund	6,228,200	6,228,200
Restricted Funds	132,732,200	131,730,500
Federal Funds	740,779,100	755,708,900
Road Fund	1,361,366,500	1,380,512,200
TOTAL	2,241,106,000	2,274,179,800

PART II**CAPITAL PROJECTS BUDGET**

(1) **Capital Construction Fund Appropriations and Reauthorizations:** Moneys in the Capital Construction Fund are appropriated for the following capital projects subject to the conditions and procedures in this Act. Items listed without appropriated amounts are previously authorized for which no additional amount is required.

These items are listed in order to continue their current authorization into the 2016-2018 fiscal biennium. Unless otherwise specified, reauthorized projects shall conform to the original authorization enacted by the General Assembly.

(2) **Expiration of Existing Line-Item Capital Construction Projects:** All appropriations to existing lineitem capital construction projects expire on June 30, 2016, unless reauthorized in this Act with the following exceptions: (a) A construction contract for the project shall have been awarded by June 30, 2016; (b) Permanent financing or a short-term line of credit sufficient to cover the total authorized project scope shall have been obtained in the case of projects authorized for bonds, if the authorized project completes an initial draw on the line of credit within the biennium immediately subsequent to the original authorization; and (c) Grant or loan agreements, if applicable, shall have been finalized and properly signed by all necessary parties. Notwithstanding the criteria set forth in this subsection, the disposition of 2014-2016 fiscal biennium nonstatutory appropriated maintenance pools funded from Capital Construction Investment Income shall remain subject to the provisions of KRS 45.770(5)(c).

(3) **Bond Proceeds Investment Income:** Investment income earned from bond proceeds beyond that which is required to satisfy Internal Revenue Service arbitrage rebates and penalties and excess bond proceeds upon the completion of a bond-financed capital project shall be used to pay debt service according to the Internal Revenue Service Code and accompanying regulations.

A. TRANSPORTATION CABINET

Budget Units	2016-17	2017-18
1. GENERAL ADMINISTRATION AND SUPPORT		
001. Maintenance Pool - 2016-2018		
Road Fund	2,750,000	2,750,000
002. Transportation Enterprise Database II		
Road Fund	1,500,000	1,500,000
003. Construct Manchester (D-11) District Office - Additional Reauthorization (\$6,600,000 Road Fund)		
Road Fund	-0-	845,000
004. Construct Jackson (D-10) District Office - Additional Reauthorization (\$6,600,000 Road Fund)		
Road Fund	426,000	-0-
005. Construct Muhlenberg County Maintenance Facility and Salt Storage Structure - Additional Reauthorization (\$1,440,000 Road Fund)		
Road Fund	151,000	-0-
006. Construct Ballard County Maintenance Facility and Salt Storage Structure - Additional Reauthorization (\$1,440,000 Road Fund)		
Road Fund	144,000	-0-
007. Construct Henderson County Maintenance Facility and Salt Storage Structure - Additional Reauthorization (\$1,440,000 Road Fund)		
Road Fund	83,000	-0-
008. Construct Harrison County Maintenance Facility and Salt Storage Structure - Additional Reauthorization (\$1,440,000 Road Fund)		
Road Fund	45,000	-0-
009. Construct Knott County Maintenance Facility and Salt Storage Structure - Reauthorization (\$1,440,000 Road Fund)		

010.	Construct Nicholas County Maintenance Facility and Salt Storage Structure - Reauthorization (\$1,440,000 Road Fund)		
011.	Upgrade AASHTOWare Reauthorization (\$2,600,000 Road Fund)		
2.	AVIATION		
001.	Aircraft Maintenance Pool - 2016-2018		
	Investment Income	600,000	600,000
3.	HIGHWAYS		
001.	Repair Loadometer and Rest Areas - 2016-2018		
	Road Fund	1,500,000	1,500,000
002.	Road Maintenance Parks - 2016-2018		
	Road Fund	1,250,000	1,250,000
003.	Various Environmental Compliance - 2016-2018		
	Road Fund	600,000	600,000
004.	Jefferson County - Lease		
4.	VEHICLE REGULATION		
001.	International Registration Plan System Upgrade		
	Road Fund	1,250,000	1,250,000

PART III**FUNDS TRANSFER**

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

Notwithstanding the statutes or requirements of the Restricted Funds enumerated below, there is transferred to the General Fund the following amounts in fiscal year 2016-2017 and fiscal year 2017-2018.

	2016-17	2017-18
A. TRANSPORTATION CABINET		
1. Aviation		
Agency Revenue Fund	383,900	388,200
(KRS 183.525(4) and (5))		
2. Vehicle Regulation		
Agency Revenue Fund	4,200,000	4,200,000
(KRS 186.040(6)(a))		
TOTAL - FUNDS TRANSFER	4,583,900	4,588,200

PART IV**TRANSPORTATION CABINET BUDGET SUMMARY****OPERATING BUDGET**

	2016-17	2017-18
General Fund	6,228,200	6,228,200
Restricted Funds	132,732,200	131,730,500
Federal Funds	740,779,100	755,708,900
Road Fund	1,361,366,500	1,380,512,200

ACTS OF THE GENERAL ASSEMBLY

SUBTOTAL	2,241,106,000	2,274,179,800
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CAPITAL PROJECTS BUDGET

	2016-17	2017-18
Road Fund	9,699,000	9,695,000
Investment Income	600,000	600,000
SUBTOTAL	10,299,000	10,295,000

TOTAL - TRANSPORTATION CABINET BUDGET

	2016-17	2017-18
General Fund	6,228,200	6,228,200
Restricted Funds	132,732,200	131,730,500
Federal Funds	740,779,100	755,708,900
Road Fund	1,371,065,500	1,390,207,200
Investment Income	600,000	600,000
TOTAL FUNDS	2,251,405,000	2,284,474,800

Vetoed in part April 27, 2016. Vetoed portions are indicated with brackets and strike-throughs. Portions not vetoed became law April 28, 2016.