

**178.330 County through road system for county containing city of first class or consolidated local government -- Establishment -- Effect.**

- (1) It is hereby declared that in counties containing a city of the first class or a consolidated local government a system of county through roads over which traffic can be routed or which can serve as major connecting links to state highways is a necessary and integral part of a unified system of highways, roads, and streets needed for the movement of traffic in such a metropolitan area and that the construction, reconstruction, widening, relocation, repair, maintenance, and improvement of such a system of county through roads is a proper and legitimate public function as an alternative to other authorizations or requirements.
- (2) The fiscal court of a county containing a city of the first class or the consolidated local government, acting upon the basis of an engineering and traffic investigation by the county road engineer, may designate for purposes of construction, reconstruction, widening, relocation, repair, maintenance, and improvement from among the public roads within the county certain roads proposed to constitute the "county through road system." County through roads may include:
  - (a) Main traveled roads;
  - (b) Roads in unincorporated areas necessary for the circulation of traffic within the county;
  - (c) Streets and roads through, within, or adjacent to cities of any class necessary for the circulation of traffic within the county; or
  - (d) Major roads connecting two (2) primary roads maintained by the state.County through roads shall not include roads on the state highway system.
- (3) As soon as the proposed county through roads are designated as provided in subsection (2) of this section, the fiscal court or a consolidated local government shall cause such county through roads to be marked on a map to be deposited with the county road engineer and to be open to public inspection. Upon the filing of the map, the clerk of the fiscal court or the clerk of a consolidated local government shall, in conformance with KRS 424.130(1)(b), have published in a newspaper of bona fide general circulation within the county:
  - (a) A notice of the proposed adoption of a county through road system;
  - (b) A description of roads or portions thereof proposed to be included;
  - (c) Notice of the date upon which the fiscal court or a consolidated local government will consider the adoption of the county through road system; and
  - (d) Notice that the map of the proposed county through road system is open to inspection in the office of the county road engineer.
- (4) At any time before the adoption of the county through road system, any freeholder of the county may file a petition with the county road engineer asking for any change in the designated county through roads, setting forth the reason for the proposed change. Such petition shall be accompanied by a plat showing such proposed change. Any such petition shall be considered by the fiscal court or the consolidated local government at its meeting held on the date advertised in

accordance with subsection (3) of this section. The fiscal court or the consolidated local government may accept or reject any such suggested changes in the proposed county through road system. The fiscal court or the consolidated local government may continue the consideration to a later meeting which must be advertised as provided in subsection (3) of this section. The roads which the fiscal court or the consolidated local government so designated by official resolution shall be conclusively established as the county through road system.

- (5) Classifications or designations of a county through road system established by this section shall not affect or change classifications or designations made by other sections of the Kentucky Revised Statutes such as "county roads," "main county roads," "rural and secondary roads," "turnpikes," "city streets," or similar terms; except that when there is an irreconcilable conflict arising from the actual application of this section in a given instance and a designation or classification made in other sections of the Kentucky Revised Statutes, this section shall prevail. Nothing in KRS 178.020 to 178.040, 178.117, 178.330 to 178.337, 179.070, and 179.330 shall preclude the expenditure on the county through road system, including portions within cities, of state funds allocated for public highways under the provisions of KRS 179.410 and 179.415, or 177.320 to 177.369, or any other section of the Kentucky Revised Statutes in accordance with the provisions of KRS 177.330, 177.340, or 179.440.
- (6) The provisions of KRS 178.050 to 178.100 shall not apply to a county through road system established or maintained under KRS 178.330 to 178.337.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 346, sec. 186, effective July 15, 2002. -- Amended 1980 Ky. Acts ch. 188, sec. 136, effective July 15, 1980. -- Created 1964 Ky. Acts ch. 80, sec. 1.