

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. The Transportation Cabinet Budget is as follows:

6 **PART I**

7 **OPERATING BUDGET**

8 **(1) Funds Appropriations:** There is appropriated out of the General Fund, Road
9 Fund, Restricted Funds accounts, Federal Funds accounts, or Bond Funds accounts for the
10 fiscal year beginning July 1, 2017, and ending June 30, 2018, for the fiscal year beginning
11 July 1, 2018, and ending June 30, 2019, and for the fiscal year beginning July 1, 2019,
12 and ending June 30, 2020, the following discrete sums, or so much thereof as may be
13 necessary. Appropriated funds are included pursuant to KRS 48.700 and 48.710. Each
14 appropriation is made by source of respective fund or funds accounts. Appropriations for
15 the budget units of the Transportation Cabinet are subject to the provisions of Chapters
16 12, 42, 45, and 48 of the Kentucky Revised Statutes and compliance with the conditions
17 and procedures set forth in this Act.

18 **A. TRANSPORTATION CABINET**

19 **Budget Units**

20 **1. GENERAL ADMINISTRATION AND SUPPORT**

	2018-19	2019-20
21		
22 General Fund	500,000	500,000
23 Restricted Funds	2,336,300	2,353,900
24 Road Fund	80,814,900	81,193,100
25 TOTAL	83,651,200	84,047,000

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

1 as follows:

2 Section 1 shall detail the enacted fiscal biennium 2018-2020 Biennial Highway
3 Construction Program and Section 2 shall detail the 2018-2020 Highway Preconstruction
4 Program Plan for fiscal year 2018-2019 through fiscal year 2023-2024 as identified by the
5 2018 General Assembly. This document shall mirror in data type and format the fiscal
6 year 2018-2024 Recommended Six-Year Road Plan as submitted to the 2018 General
7 Assembly. The document shall be published and distributed to members of the General
8 Assembly and the public within 60 days of adjournment of the 2018 Regular Session of
9 the General Assembly.

10 (2) **Debt Service:** Included in the above Road Fund appropriation is \$7,107,800
11 in fiscal year 2018-2019 and \$7,112,200 in fiscal year 2019-2020 for debt service on
12 previously authorized bonds.

13 (3) **Adopt-A-Highway Litter Program:** The Transportation Cabinet and the
14 Energy and Environment Cabinet may receive, accept, and solicit grants, contributions of
15 money, property, labor, or other things of value from any governmental agency,
16 individual, nonprofit organization, or private business to be used for the Adopt-a-
17 Highway Litter Program or other statewide litter programs. Any contribution of this
18 nature shall be deemed to be a contribution to a state agency for a public purpose and
19 shall be treated as Restricted Funds under KRS Chapter 45 and reported according to
20 KRS Chapter 48, and shall not be subject to restrictions set forth under KRS Chapter
21 11A.

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

26 (5) **Riverport Improvements:** Included in the above General Fund appropriation
27 is \$500,000 in each fiscal year to improve public riverports within Kentucky.

1 Improvements shall be limited to dredging and maintenance of access. The Secretary of
 2 the Transportation Cabinet, in conjunction with the Kentucky Water Transportation
 3 Advisory Board, shall determine how the funds are distributed.

4 2. AVIATION

	2018-19	2019-20
6 Restricted Funds	9,763,400	9,615,100
7 Federal Funds	213,700	213,700
8 Road Fund	2,779,600	2,789,000
9 TOTAL	12,756,700	12,617,800

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

12 (2) **Debt Service:** Included in the above Road Fund appropriation is \$1,830,600
 13 in fiscal year 2018-2019 and \$1,829,800 in fiscal year 2019-2020 for debt service on
 14 previously authorized bonds. Notwithstanding KRS 183.525, \$1,830,600 in fiscal year
 15 2018-2019 and \$1,829,800 in fiscal year 2019-2020 is transferred to the Road Fund from
 16 the Kentucky Aviation Economic Development Fund to support debt service on those
 17 bonds.

18 3. DEBT SERVICE

	2018-19	2019-20
20 Road Fund	160,014,400	150,097,400

21 (1) **Economic Development Road Lease-Rental Payments:** Included in the
 22 above Road Fund appropriation is \$159,964,400 in fiscal year 2018-2019 and
 23 \$150,047,400 in fiscal year 2019-2020 for Economic Development Road lease-rental
 24 payments relating to projects financed by Economic Development Road Revenue Bonds
 25 previously authorized by the General Assembly and issued by the Kentucky Turnpike
 26 Authority.

27 (2) **Debt Payment Acceleration Fund Account:** Notwithstanding KRS 175.505,

1 no portion of the revenues to the state Road Fund provided by the adjustments in KRS
 2 138.220(2), excluding KRS 177.320 and 177.365, shall accrue to the Debt Payment
 3 Acceleration Fund account during the 2018-2020 fiscal biennium.

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

7 **4. HIGHWAYS**

8		2018-19	2019-20
9	Restricted Funds	113,329,900	113,199,900
10	Federal Funds	734,670,300	735,446,300
11	Road Fund	806,608,700	796,751,000
12	TOTAL	1,654,608,900	1,645,397,200

13 **(1) Debt Service:** Included in the above Federal Funds appropriation is
 14 \$95,240,600 in fiscal year 2018-2019 and \$95,141,400 in fiscal year 2019-2020 for debt
 15 service on Grant Anticipation Revenue Vehicle (GARVEE) Bonds previously
 16 appropriated by the General Assembly.

17 **(2) State Supported Construction Program:** Included in the above Road Fund
 18 appropriation is \$340,067,000 in fiscal year 2018-2019 and \$282,995,500 in fiscal year
 19 2019-2020 for the State Supported Construction Program.

20 **(3) Biennial Highway Construction Program:** Included in the State Supported
 21 Construction Program is \$309,067,000 in fiscal year 2018-2019 and \$251,995,500 in
 22 fiscal year 2019-2020 from the Road Fund for state construction projects in the fiscal
 23 biennium 2018-2020 Biennial Highway Construction Program.

24 **(4) Highway Construction Contingency Account:** Included in the State
 25 Supported Construction Program is \$31,000,000 in each fiscal year for the Highway
 26 Construction Contingency Account. Notwithstanding KRS 224.43-505(2)(d), included in
 27 the Highway Construction Contingency Account is \$5,000,000 in each fiscal year to

1 support the Kentucky Pride Fund created in KRS 224.43-505. Notwithstanding KRS
2 45.247 and 177.320(4), included in the Highway Construction Contingency Account is
3 \$290,000 in each fiscal year for the Kentucky Transportation Center. Also included in the
4 Highway Construction Contingency Account for Shortline Railroads is \$1,600,000 in
5 each fiscal year for public safety and service improvements which shall not be expended
6 unless matched with non-state funds equaling at least 20 percent of the total amount for
7 any individual project.

8 **(5) 2016-2018 Biennial Highway Construction Plan:** Projects in the enacted
9 2016-2018 Biennial Highway Construction Plan are authorized to continue their current
10 authorization into the 2018-2020 fiscal biennium. If projects in previously enacted
11 highway construction plans conflict with the 2018-2020 Biennial Highway Construction
12 Plan, the projects in the 2018-2020 Biennial Highway Construction Plan shall control.
13 The Secretary shall make every effort to maintain highway program delivery by adhering
14 to the timeframes included in the 2018-2020 Biennial Highway Construction Plan for
15 those projects.

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

18 **(7) Federal Aid Highway Funds:** If additional federal highway moneys are made
19 available to Kentucky by the United States Congress, the funds shall be used according to
20 the following priority: (a) Any demonstration-specific or project-specific moneys shall be
21 used on the project identified; and (b) All other funds shall be used to ensure that projects
22 in the fiscal biennium 2018-2020 Biennial Highway Construction Plan are funded. If
23 additional federal moneys remain after these priorities are met, the Transportation
24 Cabinet may select projects from the Highway Preconstruction Program.

25 **(8) Road Fund Cash Management:** The Secretary of the Transportation Cabinet
26 may continue the Cash Management Plan to address the policy of the General Assembly
27 to expeditiously initiate and complete projects in the fiscal biennium 2018-2020 Biennial

1 Highway Construction Plan. Notwithstanding KRS Chapter 45, specifically including
2 KRS 45.242 and 45.244, the Secretary may concurrently advance projects in the Biennial
3 Highway Construction Plan by employing management techniques that maximize the
4 Cabinet's ability to contract for and effectively administer the project work. Under the
5 approved Cash Management Plan, the Secretary shall continuously ensure that the
6 unspent project and Road Fund balances available to the Transportation Cabinet are
7 sufficient to meet expenditures consistent with appropriations provided. The
8 Transportation Cabinet shall provide quarterly reports to the Interim Joint Committee on
9 Appropriations and Revenue when the General Assembly is not in session and the
10 Standing Committees on Appropriations and Revenue when the General Assembly is in
11 session beginning July 1, 2018.

12 **(9) Carry Forward of Appropriation Balances:** Notwithstanding KRS 45.229,
13 unexpended Road Fund appropriations in the Highways budget unit for the Construction
14 program, the Maintenance program, and the Research program in fiscal year 2017-2018
15 and in fiscal year 2018-2019 shall not lapse but shall carry forward. Unexpended Federal
16 Funds and Restricted Funds appropriations in the Highways budget unit for the
17 Construction program, the Maintenance program, the Equipment Services program, and
18 the Research program in fiscal year 2017-2018 and in fiscal year 2018-2019, up to the
19 amount of ending cash balances and unissued Highway and GARVEE Bond Funds, to
20 include any interest income earned on those bond funds, and grant balances shall not
21 lapse but shall carry forward.

22 **(10) Federally Supported Construction Program:** Included in the above Federal
23 Funds appropriation is \$617,801,000 in fiscal year 2018-2019 and \$618,833,700 in fiscal
24 year 2019-2020 for federal construction projects.

25 **(11) Highways Maintenance:** Included in the above Highways Road Fund
26 appropriation is \$377,068,100 in fiscal year 2018-2019 and \$371,374,100 in fiscal year
27 2019-2020 for Highways Maintenance. Highways Maintenance positions may be filled to

1 the extent the above funding level and the Highways Maintenance continuing
2 appropriation are sufficient to support those positions.

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

7 The report shall include:

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

22 **5. JUDGMENTS**

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

26 **6. PUBLIC TRANSPORTATION**

27

2018-19

2019-20

1	General Fund	5,589,000	5,589,000
2	Restricted Funds	775,400	861,900
3	Federal Funds	25,781,600	25,768,300
4	TOTAL	32,146,000	32,219,200

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

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

10 **7. REVENUE SHARING**

11		2018-19	2019-20
12	Road Fund	336,345,200	337,318,200

13 **(1) County Road Aid Program:** Included in the above Road Fund appropriation
 14 is \$127,056,900 in fiscal year 2018-2019 and \$127,422,900 in fiscal year 2019-2020 for
 15 the County Road Aid Program in accordance with KRS 177.320(1) to (3), 179.410,
 16 179.415, and 179.440. Notwithstanding KRS 177.320(4), no County Road Aid funds are
 17 appropriated to the Highways budget unit for the support of the Kentucky Transportation
 18 Center.

19 **(2) Rural Secondary Program:** Included in the above Road Fund appropriation
 20 is \$154,134,600 in fiscal year 2018-2019 and \$154,578,600 in fiscal year 2019-2020 for
 21 the Rural Secondary Program in accordance with KRS 177.320(1) to (3) and 177.330 to
 22 177.360. Notwithstanding KRS 177.320(4), no Rural Secondary funds are appropriated to
 23 the Highways budget unit for the support of the Kentucky Transportation Center.

24 **(3) Municipal Road Aid Program:** Included in the above Road Fund
 25 appropriation is \$53,461,100 in fiscal year 2018-2019 and \$53,615,100 in fiscal year
 26 2019-2020 for the Municipal Road Aid Program in accordance with KRS 177.365,
 27 177.366, and 177.369. Notwithstanding KRS 177.320(4), no Municipal Road Aid funds

1 are appropriated to the Highways budget unit for the support of the Kentucky
2 Transportation Center.

3 **(4) Energy Recovery Road Fund:** Included in the above Road Fund
4 appropriation is \$320,000 in fiscal year 2018-2019 and \$320,000 in fiscal year 2019-2020
5 for the Energy Recovery Road Fund in accordance with KRS 177.977, 177.9771,
6 177.9772, 177.978, 177.979, and 177.981.

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

10 **(6) County Judge/Executive Expense Allowance:** Notwithstanding KRS
11 67.722, each County Judge/Executive not serving in a consolidated local government
12 shall receive an annual expense allowance of \$2,400 during the 2018-2020 fiscal
13 biennium. Payment shall be made quarterly from the Rural Secondary Program.

14 **8. VEHICLE REGULATION**

	2018-19	2019-20
15		
16	Restricted Funds	15,346,800
17	Federal Funds	4,634,500
18	Road Fund	30,364,200
19	TOTAL	27,323,400
	50,345,500	47,396,300

20 **(1) Debt Service:** Included in the above Road Fund appropriation is \$4,748,800
21 in fiscal year 2018-2019 and \$1,604,000 in fiscal year 2019-2020 for debt service on
22 previously authorized bonds.

23 **TOTAL - TRANSPORTATION CABINET**

	2018-19	2019-20
24		
25	General Fund	6,089,000
26	Restricted Funds	141,551,800
27	Federal Funds	765,300,100
		766,066,000

1	Road Fund	1,416,927,000	1,395,472,100
2	TOTAL	2,329,867,900	2,309,093,100

3 **PART II**

4 **CAPITAL PROJECTS BUDGET**

5 **(1) Capital Construction Fund Appropriations and Reauthorizations:**

6 Moneys in the Capital Construction Fund are appropriated for the following capital
 7 projects subject to the conditions and procedures in this Act. Items listed without
 8 appropriated amounts are previously authorized for which no additional amount is
 9 required. These items are listed in order to continue their current authorization into the
 10 2018-2020 fiscal biennium. Unless otherwise specified, reauthorized projects shall
 11 conform to the original authorization enacted by the General Assembly.

12 **(2) Expiration of Existing Line-Item Capital Construction Projects:** All

13 appropriations to existing line-item capital construction projects expire on June 30, 2018,
 14 unless reauthorized in this Act with the following exceptions: (a) A construction contract
 15 for the project shall have been awarded by June 30, 2018; (b) Permanent financing or a
 16 short-term line of credit sufficient to cover the total authorized project scope shall have
 17 been obtained in the case of projects authorized for bonds, if the authorized project
 18 completes an initial draw on the line of credit within the biennium immediately
 19 subsequent to the original authorization; and (c) Grant or loan agreements, if applicable,
 20 shall have been finalized and properly signed by all necessary parties. Notwithstanding
 21 the criteria set forth in this subsection, the disposition of 2016-2018 fiscal biennium
 22 nonstatutory appropriated maintenance pools funded from Capital Construction
 23 Investment Income shall remain subject to the provisions of KRS 45.770(5)(c).

24 **(3) Bond Proceeds Investment Income:** Investment income earned from bond

25 proceeds beyond that which is required to satisfy Internal Revenue Service arbitrage
 26 rebates and penalties and excess bond proceeds upon the completion of a bond-financed
 27 capital project shall be used to pay debt service according to the Internal Revenue Service

1 Code and accompanying regulations.

2 **(4) Expiring Debt:** The following amount of previously authorized Bond Funds
3 shall expire upon passage of this Act: Grant Anticipation Revenue Vehicle (GARVEE)
4 Bonds for the US-68/KY-80 Lake Barkley and Kentucky Lake Bridges Project
5 (\$59,500,000) as set forth in 2010 (1st Extra. Sess.) Ky. Acts ch. 3, Part I, A., 4., (18).

6 **(5) Appropriations for Projects Not Line-Itemized:** Inasmuch as the
7 identification of specific projects cannot be ascertained with absolute certainty at this
8 time, amounts are appropriated for specific purposes to projects which are not
9 individually identified in this Act in the following area: Aircraft Maintenance Pool. Any
10 projects estimated to cost over \$1,000,000 and equipment estimated to cost over
11 \$200,000 shall be reported to the Capital Projects and Bond Oversight Committee.

12 **A. TRANSPORTATION CABINET**

13 Budget Units	2018-19	2019-20
14 1. GENERAL ADMINISTRATION AND SUPPORT		
15 001. Maintenance Pool - 2018-2020		
16 Road Fund	2,950,000	2,950,000
17 002. Construct Crittenden County Maintenance Facility and Salt Storage		
18 Road Fund	1,850,000	-0-
19 003. Construct Hopkins County Maintenance Facility and Salt Storage		
20 Road Fund	1,800,000	-0-
21 004. Construct Knott County Maintenance Facility and Salt Storage -		
22 Additional Reauthorization (\$1,440,000)		
23 Road Fund	750,000	-0-
24 005. Construct Ballard County Maintenance Facility and Salt Storage -		
25 Reauthorization (\$1,584,000 Road Fund)		
26 006. Construct Clay County District Office - Reauthorization and Reallocation		
27 (\$7,445,000 Road Fund)		

1 **(1) Reauthorization and Reallocation:** The above project is authorized from a
2 reallocation of 2016 Ky. Acts ch. 148, Part II, A., 1., 003..

3 **2. AVIATION**

4 **001.** Aircraft Maintenance Pool - 2018-2020 -

Investment Income	700,000	700,000
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6 **002.** Kentucky Aviation Economic Development Fund Reauthorization and
7 Reallocation (\$18,750,000 Bond Funds)

8 **(1) Reauthorization and Reallocation:** The above project is authorized from a
9 partial reallocation of projects set forth in 2014 Ky. Acts ch. 117, Pt. II, B., 1. and 2016
10 Ky. Acts ch. 149, Pt. II, B., 1. to support the development, rehabilitation, and
11 maintenance of publicly owned or operated aviation facilities.

12 **3. HIGHWAYS**

13 **001.** Repair Loadometer and Rest Areas - 2018-2020

Road Fund	1,500,000	1,500,000
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15 **002.** Road Maintenance Parks - 2018-2020

Road Fund	1,250,000	1,250,000
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17 **003.** Various Environmental Compliance - 2018-2020

Road Fund	490,000	440,000
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19 **004.** Jefferson County - Lease

20 **PART III**

21 **FUNDS TRANSFER**

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

24 Notwithstanding the statutes or requirements of the Restricted Funds enumerated
25 below, there is transferred to the General Fund the following amounts in fiscal year 2018-
26 2019 and fiscal year 2019-2020:

	2018-19	2019-20
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1 **A. TRANSPORTATION CABINET**

2 **1. Aviation**

3	Agency Revenue Fund	426,100	424,000
4	(KRS 183.525(4) and (5))		

5 **2. Vehicle Regulation**

6	Agency Revenue Fund	4,644,800	4,000,000
7	(KRS 186.040(6)(a))		

8 **3. Vehicle Regulation**

9	Agency Revenue Fund	-0-	2,000,000
10	(KRS 186.040(6)(b))		

11 **4. Vehicle Regulation**

12	Agency Revenue Fund	2,300,000	-0-
13	(KRS 186.240(3))		

14	TOTAL - FUNDS TRANSFER	7,370,900	6,424,000
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15 **PART IV**

16 **TRANSPORTATION CABINET BUDGET SUMMARY**

17 **OPERATING BUDGET**

18		2018-19	2019-20
19	General Fund	6,089,000	6,089,000
20	Restricted Funds	141,551,800	141,466,000
21	Federal Funds	765,300,100	766,066,000
22	Road Fund	1,416,927,000	1,395,472,100
23	SUBTOTAL	2,329,867,900	2,309,093,100

24 **CAPITAL PROJECTS BUDGET**

25		2018-19	2019-20
26	Road Fund	10,590,000	6,140,000
27	Investment Income	700,000	700,000

1	SUBTOTAL	11,290,000	6,840,000
2	TOTAL - TRANSPORTATION CABINET BUDGET		
3		2018-19	2019-20
4	General Fund	6,089,000	6,089,000
5	Restricted Funds	141,551,800	141,466,000
6	Federal Funds	765,300,100	766,066,000
7	Road Fund	1,427,517,000	1,401,612,100
8	Investment Income	700,000	700,000
9	TOTAL FUNDS	2,341,157,900	2,315,933,100