

1 AN ACT relating to wooden covered bridges.

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

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

- 4 (1) Administrative control of covered wooden bridges designated as state shrines shall  
5 be shared by the Transportation Cabinet, the Department of Parks, the Kentucky  
6 Heritage Council, and the authorities created under KRS 176.410.
- 7 (2) The Transportation Cabinet shall maintain all covered wooden bridges in the  
8 Commonwealth which are on public roads and open to vehicular traffic. The cabinet  
9 shall maintain the bridges for safety and for historical and aesthetic beauty. The  
10 cabinet shall prepare estimates of the cost of maintaining covered wooden bridges  
11 which are on public roads and open to vehicular traffic and shall identify and  
12 include the total of these estimates in its biennial budget request.
- 13 (3) The cabinet may delegate its responsibility for maintenance of covered bridges  
14 located on roads maintained by a county to the local government responsible for  
15 such roads. Delegation of responsibility for maintenance of covered bridges to a  
16 local government shall require periodic inspection by the cabinet.
- 17 (4) Nothing in this section shall prevent an appropriate unit of government from closing  
18 a covered wooden bridge to vehicular traffic.
- 19 (5) The Department of Parks shall be responsible for all covered wooden bridges  
20 located in the Commonwealth which are on public property and no longer open to  
21 vehicular traffic. The department shall maintain these bridges in sound structural  
22 condition and for historical and aesthetic beauty. The department shall prepare  
23 estimates of the cost of maintaining covered wooden bridges for which it has a  
24 responsibility and shall identify and include the total of these estimates in its  
25 biennial budget request.
- 26 (6) When an appropriation is made to a covered wooden bridge authority created under  
27 the provisions of KRS 176.410, the Department of Parks shall transfer the

1 obligation of maintenance for the bridges designated in the appropriation to that  
2 authority.

3 (7) An authority ***shall retain***~~[may retransfer]~~ the right of possession or title and the  
4 obligation of maintenance of covered bridges under its jurisdiction~~[to the~~  
5 ~~Department of Parks]~~.

6 (8) The Heritage Division of the Kentucky Heritage Council may determine that an  
7 authority is inactive or unable to discharge its responsibilities and may transfer the  
8 right of title or possession to covered bridges under the jurisdiction of the authority  
9 to the Department of Parks. The division shall give notice of such an action to the  
10 authority and the Department of Parks.

11 (9) (a) Prior to administering a project that involves the preservation, restoration, or  
12 maintenance of a covered wooden bridge, the administering entity shall:

13 1. Consider all recommendations submitted pursuant to KRS 176.410 by a  
14 covered wooden bridge authority pertaining to any bridge involved in  
15 the project;

16 2. Consult with the covered wooden bridge authority dedicated to the  
17 preservation, restoration, and maintenance of any bridge involved in the  
18 project, if such an authority exists; and

19 3. Hold at least one (1) public hearing within the county in which the  
20 bridge is located, with due notice given pursuant to KRS Chapter 424.  
21 The public hearing shall be held no later than sixty (60) days prior to the  
22 date the project is commenced or contracted, whichever is earlier.

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

26 (10) In addition to the requirements set forth in subsection (9) of this section, any project  
27 that involves the preservation, restoration, or maintenance of a covered wooden

1 bridge shall require approval by the Kentucky Heritage Council prior to the date the  
2 project is commenced or contracted, whichever is earlier.

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

4 (1) Except as provided by KRS 176.400, at the request of citizens or organizations of a  
5 county or multicounty region, the Heritage Division of the Kentucky Heritage  
6 Council shall certify to the Governor the creation of a county or multicounty  
7 covered wooden bridge authority for that county or multicounty region.

8 (2) (a) An authority shall consist of members appointed as follows:

9 1. The Governor shall appoint one (1) member from each participating  
10 county, unless the authority has only one (1) participating county, in  
11 which case the Governor shall appoint three (3) members from the  
12 participating county; and

13 2. The fiscal court of each participating county shall submit to the  
14 Governor a list of three (3) candidates, and the Governor shall appoint  
15 one (1) member from each list unless the authority has two (2) or fewer  
16 participating counties, in which case the Governor shall appoint two (2)  
17 members from each list.

18 (b) The members of an authority shall hold office for terms of four (4) years and  
19 until their successors are appointed and qualify except that the terms of office  
20 of the members first appointed shall be staggered. An authority may elect by  
21 majority voice officers deemed necessary by its members. A majority of the  
22 members shall constitute a quorum. An authority shall meet at the call of its  
23 chairman, but at least twice during each calendar year.

24 (3) An authority shall be dedicated to the preservation, restoration, and maintenance of  
25 all covered wooden bridges in the county or multicounty region for which it is  
26 created.

27 (a) For covered wooden bridges not open to vehicular traffic, the duties and

1 functions of an authority shall be to:

- 2 1. Review, recommend, and administer projects and programs to insure the  
3 proper preservation, restoration, and maintenance of covered wooden  
4 bridges in the county or multicounty region for which it is created.
- 5 2. Advise, consult, and cooperate with state, local, and national officials  
6 and agencies, and with the Heritage Division of the Kentucky Heritage  
7 Council as provided by KRS 176.400 and 176.410, to accomplish the  
8 purposes for which the authority is established.

9 (b) For covered wooden bridges open to vehicular traffic, the duties and functions  
10 of an authority shall be to:

- 11 1. Make recommendations to the Transportation Cabinet and local officials  
12 on the proper preservation, restoration, and maintenance of covered  
13 wooden bridges in the county or multicounty region for which it is  
14 created.
- 15 2. Advise, consult, and cooperate with state, local, and national officials  
16 and agencies to accomplish the purposes for which the authority is  
17 established.

18 (4) An authority may:

- 19 (a) Accept grants or other funds or property from any source, public or private;
- 20 (b) Enter into such contractual relationships as may be necessary;
- 21 (c) Acquire real property, by gift or devise or by purchase pursuant to the  
22 provisions of KRS 45A.045, and hold the same in the name of the  
23 Commonwealth for the use and benefit of the authority;
- 24 (d) Adopt rules and regulations necessary to the performance of its duties and  
25 functions.

26 (5) Members of an authority may be reimbursed in accordance with the provisions of  
27 KRS Chapters 44 and 45 for actual and reasonable expenses incurred in the

1 furtherance of the authority's activities.

2 (6) The receipt, control, and expenditure of funds shall be subject to the general  
3 provisions of the Kentucky Revised Statutes governing financial administration of  
4 state agencies.

5 (7) (a) For covered wooden bridges not open to vehicular traffic, each authority shall  
6 develop a program for the preservation, restoration, and maintenance of those  
7 covered wooden bridges in the county or multicounty region for which it was  
8 established. It shall select the bridges to be preserved, restored, or maintained  
9 within a biennium and shall prepare estimates of the cost of preservation,  
10 restoration, or maintenance within that biennium.

11 (b) The program developed by an authority shall be submitted to the Heritage  
12 Division of the Kentucky Heritage Council. Upon approval by the division,  
13 the authority shall submit its program as its biennial budget request.

14 (c) When an appropriation is made to an authority to fund its program for the  
15 preservation, restoration, and maintenance of covered wooden bridges, title to  
16 all covered wooden bridges to be preserved, restored, or maintained under its  
17 authority shall be transferred to the authority, *if such rights are not currently*  
18 *in the authority's possession*. Preservation, restoration, and maintenance of  
19 covered wooden bridges shall comply with the program approved by the  
20 Heritage Division of the Kentucky Heritage Council and shall be administered  
21 by the authority. Each authority is authorized to enter into any agreement or  
22 contract necessary to implement an approved and funded program.

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

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