

1 AN ACT relating to roadways.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO
4 READ AS FOLLOWS:

5 *As of the effective date of this Act, the following roads, which were originally*
6 *constructed with tolls and were known as parkways, shall now be known as freeways:*

7 *(1) The Wendell H. Ford Western Kentucky Freeway;*

8 *(2) The Hal Rogers Freeway;*

9 *(3) The Audubon Freeway;*

10 *(4) The Julian M. Carroll Purchase Freeway;*

11 *(5) The Bert T. Combs Mountain Freeway;*

12 *(6) The Edward T. Breathitt Pennyriple Freeway;*

13 *(7) The Louie B. Nunn Cumberland Freeway;*

14 *(8) The Martha Layne Collins Bluegrass Freeway; and*

15 *(9) The William H. Natcher Freeway.*

16 ➔Section 2. KRS 67A.871 is amended to read as follows:

17 As used in KRS 67A.872 to 67A.894, the following words or terms shall have the
18 respective meanings indicated, unless a different meaning is clearly indicated by the
19 context:

20 (1) "Assessed value basis" means the plan for the levying of improvement benefit
21 assessments upon benefited property for benefits conferred by construction of
22 projects on the basis of the assessed values (land only) of the benefited property,
23 whether such levies are paid in full by benefited property owners or levied annually
24 to amortize bonds. Such plan shall also include the levying of identical
25 improvement benefit assessments upon classified zones of benefited property where
26 determination is made by ordinance of an urban-county government, as provided in
27 KRS 67A.872 to 67A.894, that benefits conferred by construction of a project are

1 substantially equal and that the assessed value (land only) of all benefited property
2 or designated zones thereof shall therefore be deemed equal in respect of a given
3 wastewater collection project.

4 (2) "Benefited property, and property to be benefited" mean the property (land only)
5 proposed to be benefited by construction of a wastewater collection project
6 instituted by an urban-county government for the payment of the costs of which
7 improvement benefit assessments are to be levied against and collected from such
8 benefited property.

9 (3) "Bonds" mean improvement lien bonds authorized and issued by urban-county
10 governments pursuant to authority of KRS 67A.872 to 67A.894 for the purpose of
11 providing costs for the construction of wastewater collection projects.

12 (4) "Construction" means and includes, the following services and facilities provided
13 by an urban-county government:

14 (a) Preliminary planning to determine the economic and engineering feasibility of
15 construction of wastewater collection projects, any engineering, architectural,
16 legal, fiscal and economic investigations and studies necessary thereto, and all
17 necessary surveys, designs, plans, working drawings, specifications,
18 procedures and other required actions incident to the construction of
19 wastewater collection projects;

20 (b) The building, acquisition, installation, erection, alteration, remodeling,
21 improvements, expansion or extension of wastewater collection projects, and
22 any other physical devices or appurtenances in connection with, or reasonably
23 attendant to, such projects;

24 (c) The provision or making available sewer collection services to benefited
25 property by providing sewer facilities to such benefited property although not
26 directly financed by the issuance of bonds; and

27 (d) Inspection and supervision incident to the acquisition, construction and

1 installation of wastewater collection projects.

2 (5) "Costs" as such term shall be applied to any wastewater collection project
3 undertaken under KRS 67A.872 to 67A.894 includes the cost of labor, materials
4 and equipment necessary to acquire, install and complete the project in a
5 satisfactory manner, cost of land acquired, and every expense connected with the
6 project, including construction costs, preliminary and other surveys, financial
7 planning, inspections of the work as construction progresses, engineers' fees and
8 costs, preparation of plans and specifications, publication of ordinances and notices,
9 interest which will accrue on the bonds until the due date of the first annual
10 improvement assessment levied in connection therewith, capitalized interest on the
11 bonds for a period not to exceed three (3) years, a sum equal to any discount in the
12 sale of the bonds (if discount bids are authorized and permitted by the issuing
13 government), all or any portion of the debt service reserve requirement, if
14 determination is made to finance them from bond proceeds, a reasonable allowance
15 for unforeseen contingencies, the printing of bonds and other costs of financing,
16 including payment of attorneys' fees, underwriting and fiscal agency fees, trustees'
17 fees, rating service fees and costs of issuance of bonds.

18 (6) "Debt service reserve requirement" means, with respect to any particular issue of
19 bonds, the maximum annual requirements for payment of principal of and interest
20 on the bond issue, which debt service reserve requirement shall be either funded in
21 whole or in part by application of bond proceeds, or accrued in due course by the
22 levying of improvement benefit assessments as provided in KRS 67A.872 to
23 67A.894.

24 (7) "Government or urban-county government" means an urban-county government
25 which has been duly created and established pursuant to the provisions of this
26 chapter.

27 (8) "Ordinance" means a formal and binding enactment of the urban-county council of

1 an urban-county government entered in connection with the financing by such
2 government of a wastewater collection project.

3 (9) "Public ways" shall include streets, boulevards, avenues, roads, lanes, alleys,
4 freeways~~[parkways]~~, courts, terraces and other courses of travel open to the general
5 public by whatsoever name designated.

6 (10) "Wastewater" means any water or liquid substance containing sewage, industrial
7 waste or other pollutants or contaminants derived from the prior use of such water
8 or liquid substance.

9 (11) "Wastewater collection project or projects" means all or any part of any facilities,
10 devices, objects and systems used and useful in the collection, holding or
11 transmission of wastewater from a benefited property to wastewater treatment
12 plants or other similar facilities for final disposition thereof. Such terms shall
13 include, without limiting the generality of the foregoing, sanitary sewage collection
14 lines, intercepting sewers, outfall sewers, sewer laterals, power stations and
15 pumping stations, and other equipment and their appurtenances necessary to enable
16 the project to fulfill its function, including land acquisition, whether such project
17 facilities are provided by funds derived from issuance of bonds or otherwise
18 provided by a government in any manner.

19 ➔Section 3. KRS 154.22-040 is amended to read as follows:

20 (1) Each year, the authority shall under its Rural Economic Development Assistance
21 Program, on the basis of the final unemployment figures calculated by the Office of
22 Employment and Training within the Department of Workforce Investment in the
23 Education and Workforce Development Cabinet, determine which counties have
24 had a countywide rate of unemployment exceeding the statewide unemployment
25 rate of the Commonwealth in the most recent five (5) consecutive calendar years, or
26 which have had an average countywide rate of unemployment exceeding the
27 statewide unemployment rate of the Commonwealth by two hundred percent

1 (200%) in the most recent calendar year, and shall certify those counties as qualified
2 counties. A county not certified on the basis of final unemployment figures may
3 also be certified as a qualified county if the authority determines the county is one
4 (1) of the sixty (60) most distressed counties in the Commonwealth based on the
5 following criteria with equal weight given to each criterion:

- 6 (a) The average countywide rate of unemployment in the most recent three (3)
7 consecutive calendar years, on the basis of final unemployment figures
8 calculated by the Office of Employment and Training within the Department
9 of Workforce Investment in the Education and Workforce Development
10 Cabinet;
- 11 (b) In each county the percentage of adults twenty-five (25) years of age and older
12 who have attained at least a high school education or equivalent, on the basis
13 of the most recent data available from the United States Department of
14 Commerce, Bureau of the Census; and
- 15 (c) Road quality, as quantified by the access within a county to roads ranked in
16 descending order from best quality to worst quality as follows: two (2) or
17 more interstate highways, one (1) interstate highway, a state four (4) lane
18 freeway~~[parkway]~~, four (4) lane principal arterial access to an interstate
19 highway, state two (2) lane freeway~~[parkway]~~ and none of the preceding road
20 types, as certified by the Kentucky Transportation Cabinet to the authority.

21 If the authority determines that a county which has previously been certified as a
22 qualified county no longer meets the criteria of this subsection, the authority shall
23 decertify that county. The authority shall not provide inducements for any facilities
24 in that county and an approved company shall not be eligible for the inducements
25 offered by KRS 154.22-010 to 154.22-070 unless the tax incentive agreements
26 required herein are entered into by all parties prior to July 1 of the year following
27 the calendar year in which the authority decertified that county. In addition, the

1 authority shall certify coal-producing counties, not otherwise certified as qualified
2 counties in this subsection, for economic development projects involving the new
3 construction of electric generation facilities. A coal-producing county shall mean a
4 county in the Commonwealth of Kentucky that has produced coal upon which the
5 tax imposed under KRS 143.020 was paid at any time. For economic development
6 projects undertaken in a regional industrial park, as defined in KRS 42.4588, or in
7 an industrial park created pursuant to an interlocal agreement in which revenues are
8 shared as provided in KRS 65.245, where the physical boundaries of the industrial
9 park lie within two (2) or more counties of which at least one (1) of the counties is a
10 qualified county under this section, an eligible company undertaking an economic
11 development project within the physical boundaries of the industrial park may be
12 approved for the inducements under KRS 154.22-010 to 154.22-080.

13 (2) The authority shall establish the procedures and standards for the determination and
14 approval of eligible companies and their economic development projects by the
15 promulgation of administrative regulations in accordance with KRS Chapter 13A.
16 The criteria for approval of eligible companies and economic development projects
17 shall include but not be limited to the creditworthiness of eligible companies; the
18 number of new jobs to be provided by an economic development project to
19 residents of the Commonwealth; and the likelihood of the economic success of the
20 economic development project.

21 (3) The economic development project shall involve a minimum investment of one
22 hundred thousand dollars (\$100,000) by the eligible company and shall result in the
23 creation by the eligible company, within two (2) years from the date of the final
24 approval authorizing the economic development project, of a minimum of fifteen
25 (15) new full-time jobs at the site of the economic development project for
26 Kentucky residents to be employed by the eligible company and to be held by
27 persons subject to the personal income tax of the Commonwealth. The authority

1 may extend this two (2) year period upon the written application of an eligible
2 company requesting an extension.

3 (4) (a) Within six (6) months after the activation date, the approved company shall
4 compensate a minimum of ninety percent (90%) of its full-time employees
5 whose jobs were created with base hourly wages equal to either:

6 1. Seventy-five percent (75%) of the average hourly wage for the
7 Commonwealth; or

8 2. Seventy-five percent (75%) of the average hourly wage for the county in
9 which the project is to be undertaken.

10 (b) If the base hourly wage calculated in paragraph (a)1. or 2. of this subsection is
11 less than one hundred fifty percent (150%) of the federal minimum wage, then
12 the base hourly wage shall be one hundred fifty percent (150%) of the federal
13 minimum wage. However, for projects receiving preliminary approval of the
14 authority prior to July 1, 2008, the base hourly wage shall be one hundred fifty
15 percent (150%) of the federal minimum wage existing on January 1, 2007. In
16 addition to the applicable base hourly wage calculated above, the eligible
17 company shall provide employee benefits equal to at least fifteen percent
18 (15%) of the applicable base hourly wage; however, if the eligible company
19 does not provide employee benefits equal to at least fifteen percent (15%) of
20 the applicable base hourly wage, the eligible company may qualify under this
21 section if it provides the employees hired by the eligible company as a result
22 of the economic development project total hourly compensation equal to or
23 greater than one hundred fifteen percent (115%) of the applicable base hourly
24 wage through increased hourly wages combined with employee benefits.

25 (c) The requirements of this subsection shall not apply to eligible companies
26 which are nonprofit corporations established under KRS 273.163 to 273.387
27 and whose employees are handicapped and sheltered workshop workers

1 employed at less than the established minimum wage as authorized by KRS
2 337.295.

3 For an eligible company, within a regional industrial park which lies within two (2)
4 or more counties, the calculation of the wage and benefit requirement shall be
5 determined by averaging the average county hourly wage for all counties within the
6 regional industrial park.

7 (5) No economic development project which will result in the replacement of
8 agribusiness, manufacturing, or electric generation facilities existing in the state
9 shall be approved by the authority; however, the authority may approve an
10 economic development project that:

11 (a) Rehabilitates an agribusiness, manufacturing, or electric generation facility:

12 1. Which has not been in operation for a period of ninety (90) or more
13 consecutive days;

14 2. For which the current occupant of the facility has published a notice of
15 closure so long as the eligible company intending to acquire the facility
16 is not an affiliate of the current occupant; or

17 3. The title to which is vested in other than the eligible company or an
18 affiliate of the eligible company and that is sold or transferred pursuant
19 to a foreclosure ordered by a court of competent jurisdiction or an order
20 of a bankruptcy court of competent jurisdiction;

21 (b) Replaces an agribusiness, manufacturing, or electric generation facility
22 existing in the Commonwealth:

23 1. The title to which shall have been taken under the exercise of the power
24 of eminent domain, or the title to which shall be the subject of a
25 nonappealable judgment granting the authority to exercise the power of
26 eminent domain, in either event to the extent that normal operations
27 cannot be resumed at the facility within twelve (12) months; or

- 1 2. Which has been damaged or destroyed by fire or other casualty to the
2 extent that normal operations cannot be resumed at the facility within
3 twelve (12) months; or
- 4 (c) Replaces an existing agribusiness, manufacturing, or electric generation
5 facility located in the same qualified county, and the existing agribusiness,
6 manufacturing, or electric generation facility to be replaced cannot be
7 expanded due to the unavailability of real estate at or adjacent to the
8 agribusiness, manufacturing, or electric generation facility to be replaced. Any
9 economic development project satisfying the requirements of this subsection
10 shall only be eligible for inducements to the extent of the expansion, and no
11 inducements shall be available for the equivalent of the agribusiness,
12 manufacturing, or electric generation facility to be replaced. No economic
13 development project otherwise satisfying the requirements of this subsection
14 shall be approved by the authority which results in a lease abandonment or
15 lease termination by the approved company without the consent of the lessor.
- 16 (6) With respect to each eligible company making an application to the authority for
17 inducements, and with respect to the economic development project described in the
18 application, the authority shall request materials and make inquiries of the applicant
19 as necessary or appropriate. Upon review of the application and completion of
20 initial inquiries, the authority may, by resolution, give its preliminary approval by
21 designating an eligible company as a preliminarily approved company and
22 authorizing the undertaking of the economic development project. After preliminary
23 approval, the authority may by final approval designate an eligible company to be
24 an approved company.
- 25 ➔Section 4. KRS 154.32-050 is amended to read as follows:
- 26 (1) The authority shall identify and certify or decertify enhanced incentive counties on
27 an annual basis as provided in this section.

- 1 (2) Each fiscal year, the authority shall:
- 2 (a) Obtain from the Office of Employment and Training within the Department of
3 Workforce Investment in the Education and Workforce Development Cabinet,
4 the final unemployment figures for the prior calendar year for each county and
5 for the Commonwealth as a whole;
- 6 (b) Identify those counties which have had:
- 7 1. A countywide unemployment rate that exceeds the statewide
8 unemployment rate in the most recent five (5) consecutive calendar
9 years; or
- 10 2. An average countywide rate of unemployment exceeding the statewide
11 unemployment rate by two hundred percent (200%) in the most recent
12 calendar year; and
- 13 (c) Certify the counties identified in paragraph (b) of this subsection as enhanced
14 incentive counties.
- 15 (3) A county not certified under subsection (2) of this section may also be certified by
16 the authority as an enhanced incentive county if the authority determines the county
17 is one (1) of the sixty (60) most distressed counties in the Commonwealth based on
18 the following criteria with equal weight given to each criterion:
- 19 (a) The average countywide rate of unemployment in the most recent three (3)
20 consecutive calendar years, using the information obtained under subsection
21 (2)(a) of this section;
- 22 (b) The percentage of adults twenty-five (25) years of age and older who have
23 attained at least a high school education or equivalent, on the basis of the most
24 recent data available from the United States Department of Commerce,
25 Bureau of the Census; and
- 26 (c) The quality of the roads in the county. Quality of roads shall be determined by
27 the access within a county to roads, ranked in descending order from best

1 quality to worst quality, as certified to the authority by the Kentucky
2 Transportation Cabinet as follows:

- 3 1. Two (2) or more interstate highways;
- 4 2. One (1) interstate highway;
- 5 3. A state four (4) lane freeway~~[parkway]~~;
- 6 4. A four (4) lane principal arterial access to an interstate highway;
- 7 5. A state two (2) lane freeway~~[parkway]~~; and
- 8 6. None of the preceding road types.

9 (4) (a) If the authority determines that an enhanced incentive county no longer meets
10 the criteria to be certified as an enhanced incentive county under this section,
11 the authority shall decertify that county.

12 (b) Any economic development project located in an enhanced incentive county
13 that was decertified by the authority after May 1, 2009, shall have until July 1
14 of the third year following the fiscal year in which the county was decertified
15 to obtain final approval from the authority.

16 (5) (a) As used in this subsection, "industrial park" means a regional industrial park
17 as defined in KRS 42.4588, or an industrial park created pursuant to an
18 interlocal agreement in which revenues are shared as provided in KRS 65.245.

19 (b) An economic development project undertaken in an industrial park that is
20 located in two (2) or more counties, one (1) of which is an enhanced incentive
21 county, may be approved for the enhanced incentive county incentives set
22 forth in this subchapter.

23 ➔Section 5. KRS 175.590 is amended to read as follows:

24 (1) The authority is hereby authorized and empowered to acquire by purchase,
25 whenever it shall deem such purchase expedient, solely from funds provided
26 pursuant to this chapter, such lands, structures, property, rights, rights of way,
27 franchises, easements and other interests in lands, including lands lying under water

1 and riparian rights, which are located within the Commonwealth, as it may deem
2 necessary or convenient for the construction and operation of any project, upon such
3 terms and at such prices as may be considered by it to be reasonable and can be
4 agreed upon between it and the owner thereof, and to take title thereto in the name
5 of the authority.

6 (2) Whenever a reasonable price cannot be agreed upon, or whenever the owner is
7 legally incapacitated or is absent, unknown or unable to convey valid title, the
8 authority is hereby authorized and empowered to acquire by condemnation or by the
9 exercise of the power of eminent domain any lands, property, rights, rights of way,
10 franchises, easements and other property, including public lands, parks,
11 playgrounds, reservations, highways or freeways~~parkways~~, or parts thereof or
12 rights therein, of any person, copartnership, association, railroad, public service,
13 public utility or other corporation, or municipality or political subdivision, deemed
14 necessary or convenient for the construction or the efficient operation of any project
15 or necessary in the restoration of public or private property damaged or destroyed.
16 Any such proceedings shall be conducted, and the compensation to be paid shall be
17 ascertained and paid, in the manner provided by the Constitution and laws of the
18 Commonwealth then applicable which relate to condemnation or to the exercise of
19 the power of eminent domain by the department. Title to any property acquired by
20 the authority shall be taken in the name of the authority. In any condemnation
21 proceedings the court having jurisdiction of the suit, action or proceeding may make
22 such orders as may be just to the authority and to the owners of the property to be
23 condemned and may require an undertaking or other security to secure such owners
24 against any loss or damage by reason of the failure of the authority to accept and
25 pay for the property, but neither such undertaking or security nor any act or
26 obligation of the authority shall impose any liability upon the Commonwealth
27 except as may be paid from the funds provided under this chapter.

1 (3) If the owner, lessee or occupier of any property to be condemned shall refuse to
2 remove his personal property therefrom or give up his possession thereof, the
3 authority may proceed to obtain possession in any manner now or hereafter
4 provided by law.

5 (4) With respect to any railroad property or right of way upon which railroad tracks are
6 located, any powers of condemnation or of eminent domain may be exercised to
7 acquire only an easement interest therein which shall be located either sufficiently
8 far above or sufficiently far below the grade of any railroad track or tracks upon
9 such railroad property so that neither the proposed project nor any part thereof,
10 including any bridges, abutments, columns, supporting structures and
11 appurtenances, nor any traffic upon it, shall interfere in any manner with the use,
12 operation or maintenance of the trains, tracks, works or appurtenances or other
13 property of the railroad nor endanger the movement of the trains or traffic upon the
14 tracks of the railroad. Prior to the institution of condemnation proceedings for such
15 easement over or under such railroad property or right of way, plans and
16 specifications of the proposed project showing compliance with the above
17 mentioned above or below grade requirements and showing sufficient and safe
18 plans and specifications of such overhead or undergrade structure and
19 appurtenances shall be submitted to the railroad for examination and approval. If
20 the railroad fails or refuses within thirty (30) days to approve the plans and
21 specifications so submitted, the matter shall be submitted to the Public Service
22 Commission of Kentucky whose decision arrived at after due consideration in
23 accordance with its usual procedure, shall be final as to the sufficiency and safety of
24 such plans and specifications and as to such elevations or distances above or below
25 the tracks. Said overhead or undergrade structure and appurtenances shall be
26 constructed only in accordance with such plans and specifications and in accordance
27 with such elevations or distances above or below the tracks so approved by the

1 railroad or the Public Service Commission as the case may be. A copy of the plans
2 and specifications approved by the railroad or the Public Service Commission shall
3 be filed as an exhibit with the petition for condemnation.

4 ➔Section 6. KRS 177.068 is amended to read as follows:

5 The United States Route 431 from the junction of the Wendell H. Ford Western Kentucky
6 Freeway~~[Parkway]~~ to the Kentucky and Tennessee border shall be designated as part of
7 the National Truck Network established pursuant to the federal Surface Transportation
8 Assistance Act of 1982.

9 ➔Section 7. KRS 177.0734 is amended to read as follows:

10 As used in KRS 177.0734 and 177.0736, unless the context requires otherwise:

- 11 (1) "Fully controlled access highways" means highways, limited to interstate and state
12 freeways~~[parkways]~~, that shall give preference to through traffic, shall have access
13 only at selected public roads or streets, shall have no highway grade crossing or
14 intersection, and shall further conform with the Federal Highway Administration's
15 (FHWA's) adopted standards as contained in Federal Highway Program Manual
16 (FHPM) 6-8-3-8 and to administrative regulations promulgated pursuant to KRS
17 Chapter 13A;
- 18 (2) "Logo signs" means signs that consist of a business identification symbol, name,
19 brand, trademark, or combination thereof that may be attached to specific service
20 signs, pursuant to the Manual on Uniform Traffic Control Devices (MUTCD) and
21 administrative regulations promulgated pursuant to KRS Chapter 13A;
- 22 (3) "Specific service signs" means official signs, erected on the rights-of-ways of fully
23 controlled or partially controlled access highways or roads as defined in KRS
24 177.010, that shall include, but not be limited to, the display of the words "Gas",
25 "Food", "Lodging", "Attractions", or "Camping" or combinations thereof and shall
26 have space for one (1) or more logo signs that may be attached to the official signs.
27 The erection and maintenance of the official signs shall conform with the Manual

1 on Uniform Traffic Control Devices (MUTCD) and administrative regulations
2 promulgated pursuant to KRS Chapter 13A; and

3 (4) "Partially controlled access highway" means a highway that gives preference to
4 through traffic, that has access only at selected public roads or streets, and that may
5 have a limited number of highway at-grade intersections and private driveway
6 connections.

7 ➔Section 8. KRS 177.076 is amended to read as follows:

8 As used in KRS 177.076 to 177.079, unless the context requires otherwise:

9 (1) "Historical site" means a cultural or educational site that is officially listed in the
10 National Register of Historical Places;

11 (2) "Fully controlled access highway" means a limited access highway, an interstate
12 highway, and a freeway~~[parkway]~~;

13 (3) "Limited supplemental guide sign" means an official highway guide sign that is
14 erected by the Department of Highways to give directions, furnish advance notice,
15 show mileage or exit indicators, and indicate access to historical sites or to scenic,
16 cultural, and recreational tourist areas or attractions and that conforms to the design
17 standards and requirements set forth in the Manual on Uniform Traffic Control
18 Devices (MUTCD);

19 (4) "Post-interchange guide sign" means an official highway sign that may be used in
20 conjunction with a limited supplemental guide sign and lists the name of a tourist
21 area or attraction or an historical site and the distance from an interstate to a tourist
22 area or attraction or an historical site. A post-interchange guide sign shall conform
23 to the design standards and requirements set forth in the Manual on Uniform Traffic
24 Control Devices (MUTCD);

25 (5) "Rural area" means an area that does not have sufficient population to be designated
26 as an urban area;

27 (6) "Tourist area or attraction" means a cultural, recreational, or entertainment facility,

1 family entertainment center, or an area of natural phenomenon or scenic beauty that
2 is suited for outdoor recreation that receives a major portion of its income or
3 visitors during the normal business season from motorists not residing in the
4 immediate area of the tourist area or attraction. "Tourist area or attraction" does not
5 include any of the following:

- 6 (a) Lodging facilities; or
- 7 (b) Facilities that are primarily devoted to the retail sale of goods, unless the
8 facilities are a family entertainment center or the goods are created by
9 individuals at the tourist area or attraction or if the sale of goods is incidental
10 to the tourist area or attraction; or
- 11 (c) Recreational facilities that do not serve as a likely destination where
12 individuals who are not residents of the state would remain overnight in
13 commercial lodging at or near the tourism area or attraction;

14 (7) "Family entertainment center" means a facility, other than a stand alone shopping
15 center, that meets all of the following criteria:

- 16 (a) Contains a minimum of fifty thousand (50,000) square feet of building space;
- 17 (b) Is located on property encompassing at least five (5) acres adjacent or
18 complementary to a cultural, recreational, or entertainment facility, or natural
19 recreational area;
- 20 (c) Provides a variety of entertainment and leisure options;
- 21 (d) Contains at least one (1) restaurant and at least two (2) additional venues,
22 including, but not limited to, live entertainment, concert halls, museums, zoos,
23 or other cultural, recreational or leisure activities; and
- 24 (e) Is at a location where sixty percent (60%) of the developed property is devoted
25 to entertainment and food options.

26 (8) "City" means an area with a population of one hundred thousand (100,000) or more
27 designated by the United States Department of Commerce, Bureau of the Census.

1 ➔Section 9. KRS 177.220 is amended to read as follows:

2 For the purpose of KRS 177.220 to 177.310, a limited access facility is defined as a
3 highway or street especially designed for through traffic, and over, from or to which
4 owners or occupants of abutting land or other persons have no right or easement or only a
5 limited right or easement of access, light, air, or view by reason of the fact that their
6 property abuts upon such limited access facility or for any other reason.~~[Such highways
7 or streets may be parkways, from which trucks, buses, and other commercial vehicles
8 shall be excluded; or they may be freeways open to use by all customary forms of street
9 and highway traffic.]~~

10 ➔Section 10. KRS 177.317 is amended to read as follows:

11 The Transportation Cabinet shall allow partial control of access on the Hal Rogers
12 Freeway~~[Parkway]~~, between the junction with KY 192 and the junction with KY 80, and
13 establish minimum spacing requirements and the manner in which the access is to be
14 provided. Minimum access spacing under this section shall be no less than one thousand
15 two hundred (1,200) feet.

16 ➔Section 11. KRS 177.420 is amended to read as follows:

17 (1) The department is hereby authorized and empowered to acquire by purchase,
18 whenever it shall deem such purchase expedient, solely from funds provided under
19 the authority of KRS 177.390 to 177.570, such lands, structures, property, rights,
20 rights-of-way, franchises, easements and other interests in lands, including lands
21 lying under water and riparian rights, which are located within the Commonwealth,
22 as it may deem necessary or convenient for the construction and operation of any
23 project, upon such terms and at such prices as may be considered by it to be
24 reasonable and can be agreed upon between it and the owner thereof, and to take
25 title thereto in the name of the Commonwealth for the use and benefit of the
26 department.

27 (2) Whenever a reasonable price cannot be agreed upon, or whenever the owner is

1 legally incapacitated or is absent, unknown or unable to convey valid title, the
2 department is hereby authorized and empowered to acquire by condemnation or by
3 the exercise of the power of eminent domain any lands, property, rights, rights-of-
4 way, franchises, easements and other property, including public lands, parks,
5 playgrounds, reservations, highways or freeways~~[parkways]~~, or parts thereof or
6 rights therein, of any person, copartnership, association, railroad, public service,
7 public utility or other corporation, or municipality or political subdivision, deemed
8 necessary or convenient for the construction or the efficient operation of any project
9 or necessary in the restoration of public or private property damaged or destroyed.
10 Any such proceedings shall be conducted, and the compensation to be paid shall be
11 ascertained and paid, in the manner provided by the Constitution and laws of the
12 Commonwealth then applicable which relate to condemnation or to the exercise of
13 the power of eminent domain by the department. Title to any property acquired by
14 the department shall be taken in the name of the Commonwealth for the use and
15 benefit of the department. In any condemnation proceedings the court having
16 jurisdiction of the suit, action or proceeding may make such orders as may be just to
17 the department and to the owners of the property to be condemned and may require
18 an undertaking or other security to secure such owners against any loss or damage
19 by reason of the failure of the department to accept any pay for the property, but
20 neither such undertaking or security nor any act or obligation of the department
21 shall impose any liability upon the Commonwealth except as may be paid from the
22 funds provided under the authority of KRS 177.390 to 177.570.

23 (3) If the owner, lessee or occupier of any property to be condemned shall refuse to
24 remove his personal property therefrom or give up possession thereof, the
25 department may proceed to obtain possession in any manner now or hereafter
26 provided by law.

27 (4) With respect to any railroad property or right-of-way upon which railroad tracks are

1 located, any powers of condemnation or of eminent domain may be exercised to
2 acquire only an easement interest therein which shall be located either sufficiently
3 far above or sufficiently far below the grade of any railroad track or tracks upon
4 such railroad property so that neither the proposed project nor any part thereof,
5 including any bridges, abutments, columns, supporting structures and
6 appurtenances, nor any traffic upon it, shall interfere in any manner with the use,
7 operation or maintenance of the trains, tracks, works or appurtenances or other
8 property of the railroad nor endanger the movement of the trains or traffic upon the
9 tracks of the railroad. Prior to the institution of condemnation proceedings for such
10 easement over or under such railroad property or right-of-way, plans and
11 specifications of the proposed project showing compliance with the above-
12 mentioned above or below grade requirements and showing sufficient and safe
13 plans and specifications of such overhead or undergrade structure and
14 appurtenances shall be submitted to the railroad for examination and approval. If
15 the railroad fails or refuses within thirty (30) days to approve the plans and
16 specifications so submitted, the matter shall be submitted to the Public Service
17 Commission of Kentucky whose decision, arrived at after due consideration in
18 accordance with its usual procedure, shall be final as to the sufficiency and safety of
19 such plans and specifications and as to such elevations or distances above or below
20 the tracks. Said overhead or undergrade structure and appurtenances shall be
21 constructed only in accordance with such plans and specifications and in accordance
22 with such elevations or distances above or below the tracks so approved by the
23 railroad or the Public Service Commission as the case may be. A copy of the plans
24 and specifications approved by the railroad or the Public Service Commission shall
25 be filed as an exhibit with the petition for condemnation.

26 ➔Section 12. KRS 177.830 is amended to read as follows:

27 As used in KRS 177.830 to 177.890, unless the context requires otherwise:

- 1 (1) "Limited-access highway" means a road or highway or bridge constructed pursuant
2 to the provisions of KRS 177.220 to 177.310;
- 3 (2) "Interstate highway" means any highway, road, street, access facility, bridge, or
4 overpass which is designated as a portion of the national system of interstate and
5 defense highways as may be established by law, or as may be so designated by the
6 Transportation Cabinet in the joint construction of the system by the Transportation
7 Cabinet and the United States Department of Transportation, Bureau of Public
8 Roads;
- 9 (3) "Federal-aid primary highway" means any highway, road, street, appurtenant
10 facility, bridge, or overpass which is designated as a portion of the federal-aid
11 primary highway system as may be established by law or as may be so designated
12 by the Transportation Cabinet and the United States Department of Transportation;
- 13 (4) "Turnpike" means any road or highway or appurtenant facility constructed pursuant
14 to the provisions of KRS 177.390 to 177.570, or pursuant to the provisions of any
15 other definition of "turnpike" in the Kentucky Revised Statutes, or any other
16 highway, road, ~~parkway~~, bridge, or street upon which a toll or fee is charged for
17 the use of motor vehicular traffic;
- 18 (5) "Advertising device" means any billboard, sign, notice, poster, display, or other
19 device intended to attract the attention of operators of motor vehicles on the
20 highways, and shall include a structure erected or used in connection with the
21 display of any device and all lighting or other attachments used in connection
22 therewith. However, it does not include directional or other official signs or signals
23 erected by the state or other public agency having jurisdiction;
- 24 (6) "Highway or highways" as used in KRS 177.830 to 177.890 means limited access
25 highway, interstate highway, federal-aid primary highway, or turnpike as defined in
26 KRS 177.830 to 177.890;
- 27 (7) "Commercial or industrial zone" adjacent to a federal-aid primary highway means

- 1 an area zoned to permit business, commerce or trade pursuant to lawful ordinance
2 or regulation;
- 3 (8) "Unzoned commercial or industrial area" adjacent to a federal-aid primary highway
4 means an area which is not zoned by state or local law, regulation, or ordinance and
5 on which either a commercial or industrial activity is conducted or a permanent
6 structure therefor is located together with the area extending along the highway for
7 such distances as may be determined by regulation promulgated by the secretary of
8 the Transportation Cabinet. Each side of the highway will be considered separately
9 in applying this definition--all measurements shall be from the outer edges of the
10 regularly used buildings, parking lots, storage or processing areas of the activities,
11 not from the property lines of the activities, and shall be along or parallel the edge
12 of the pavement of the highway;
- 13 (9) "Commercial or industrial activities" for purposes of unzoned industrial and
14 commercial areas means those activities generally recognized as commercial or
15 industrial by zoning authorities in this state, except that none of the following
16 activities shall be considered commercial or industrial:
- 17 (a) Outdoor advertising structures;
 - 18 (b) Agricultural, forestry, ranching, grazing, farming, and related activities,
19 including, but not limited to, wayside fresh produce stands;
 - 20 (c) Activities normally or regularly in operation less than three (3) months of the
21 year;
 - 22 (d) Transient or temporary activities;
 - 23 (e) Activities not visible from the main traveled way;
 - 24 (f) Activities more than 300 feet from the nearest edge of the right-of-way;
 - 25 (g) Activities conducted in a building principally used as a residence;
 - 26 (h) Railroad tracks and minor sidings.
- 27 (10) "Urban areas" means those areas having a population of five thousand (5,000) or

1 more which have been designated by the United States Department of Commerce,
2 Bureau of the Census, as an urban area. A list of cities which have designated urban
3 areas shall be maintained by the Transportation Cabinet, Division of Planning,
4 Frankfort, Kentucky 40622. The Transportation Cabinet shall maintain maps
5 indicating the boundaries of the designated areas. The maps shall be available from
6 the Transportation Cabinet for a fee not to exceed five dollars (\$5.00).

7 ➔Section 13. KRS 189.222 is amended to read as follows:

8 (1) Except as provided in subsection (2) of this section, the secretary of the
9 Transportation Cabinet in respect to highways which are a part of the state-
10 maintained system, by official order, may increase on designated highways or
11 portions thereof, the maximum height, length, and gross weight prescribed in KRS
12 189.221, if in the opinion of the secretary, the increased height, length, and weight
13 designated by him are justified by the strength, safety, and durability of the
14 designated highways, and the highways do not appear susceptible to unreasonable
15 and unusual damage by reason of the increases and the secretary may establish
16 reasonable classification of state maintained roads and fix a different maximum for
17 each classification. Any increase in the height, length, or width of any motor truck
18 or tractor semitrailer combinations or any other vehicle combinations including any
19 part of the body or load or designation of highways to be used by the vehicles, shall
20 not, in any way, exceed the federal law or regulations thereunder or jeopardize the
21 allotment or qualification for federal aid funds of the Commonwealth of Kentucky
22 or exceed the following dimensions and weights:

- 23 (a) 1. Height, for vehicles transporting motor vehicles, fourteen (14) feet; and
24 2. Height, for all other vehicles, thirteen and one-half (13-1/2) feet;
25 (b) Length, semitrailers, fifty-three (53) feet; trailers, twenty-eight (28) feet;
26 motor trucks, forty-five (45) feet, not to exceed two (2) trailers per truck
27 tractor;

- 1 (c) Weight, twenty thousand (20,000) pounds per single axle, with axles less than
2 forty-two (42) inches apart to be considered as a single axle; thirty-four
3 thousand (34,000) pounds on two (2) axles in tandem arrangement which are
4 spaced forty-two (42) inches or more apart and less than ninety-six (96) inches
5 apart; forty-eight thousand (48,000) pounds on three (3) axles which are
6 spaced forty-two (42) inches or more apart and less than one hundred twenty
7 (120) inches apart. No single axle in any arrangement shall exceed twenty
8 thousand (20,000) pounds or seven hundred (700) pounds per inch of the
9 aggregate width of all the tires on a single axle, whichever is less. The total
10 gross weight of the vehicle and load shall not exceed eighty thousand (80,000)
11 pounds;
- 12 (d) Except on the interstate highway system, a tolerance of not more than five
13 percent (5%) per axle load shall be permitted before a carrier is deemed to
14 have violated paragraph (c) of this subsection. The gross weight shall not
15 exceed eighty thousand (80,000) pounds;
- 16 (e) Except as provided for in paragraph (f) of this subsection, truck tractor,
17 semitrailer and trailer combinations, and other vehicle combinations may be
18 operated only on the interstate system and on those parts of the federal aid
19 highway system and the state-maintained system which have been designated
20 by the secretary of the Transportation Cabinet by official order as safely
21 allowing same;
- 22 (f) A vehicle or combination of vehicles that is one hundred two (102) inches
23 wide or less and has a gross weight of not more than eighty thousand (80,000)
24 pounds may be driven on any state highway, for a distance of up to fifteen
25 (15) miles from an interstate or ~~freeway~~~~[parkway]~~ exit.
- 26 (2) In addition to the provisions of KRS 189.2226, vehicles with a gross weight of up to
27 eighty thousand (80,000) pounds may travel on any state highway in the

- 1 Commonwealth without obtaining a special permit, if the weight does not exceed
2 any limits mandated by federal law or regulation, any posted bridge weight limit, or
3 the weight limits for the size and type of vehicle established under paragraph (c) of
4 subsection (1) of this section, and if the vehicle is transporting any of the following:
- 5 (a) Meats or agricultural crop products originating from a farm to first market;
 - 6 (b) Livestock or poultry from their point of origin to first market. As used in this
7 paragraph and in paragraph (d) of this subsection, "livestock" means cattle,
8 sheep, swine, goats, horses, alpacas, llamas, buffaloes, or any other animals of
9 the bovine, ovine, porcine, caprine, equine, or camelid species;
 - 10 (c) Primary forest products, including, but not limited to, sawdust, wood chips,
11 bark, slabs, or logs originating from their points of origin to first market; or
 - 12 (d) Supplies, materials, or equipment necessary to carry out a farming operation
13 engaged in the production of agricultural crop products, meats, livestock, or
14 poultry.
- 15 (3) Vehicles registered under KRS 186.050 that are engaged exclusively in the
16 transportation of items listed in subsection (2)(a), (b), and (c) of this section may
17 exceed the gross weight provisions set forth in subsection (1)(c) of this section by a
18 weight tolerance of ten percent (10%), except on the interstate highway system.
- 19 (4) Vehicles exclusively engaged in the transportation of motor vehicles,
20 unmanufactured tobacco, or unmanufactured tobacco products may, on those
21 highways which are a part of the state-maintained system and which have been
22 designated by the secretary of the Transportation Cabinet by official order as safely
23 allowing same, attain the maximum lengths as provided by subsection (1)(b) of this
24 section, excluding the usual and ordinary bumper overhang of the transported
25 vehicles.
- 26 (5) Vehicles engaged exclusively in the transportation of farm or primary forestry
27 products and registered under KRS 186.050(4) or 186.050(9) and vehicles engaged

1 exclusively in the transportation of ready-mixed concrete shall be excluded from the
2 axle weight provisions, except on interstate highways, and subject only to total
3 gross weight provisions.

4 (6) Vehicles registered pursuant to KRS 186.050(3)(b) and engaged in the
5 transportation of primary forest products, including, but not limited to, vehicles
6 transporting sawdust, wood chips, bark, slabs, or logs, may exceed the axle, or gross
7 weight provisions as set forth in accordance with subsection (1)(c) of this section by
8 a weight tolerance of ten percent (10%), except on the interstate highway system.

9 (7) Vehicles designed for and engaged exclusively in the collection and hauling of
10 refuse and registered under KRS 186.050(3)(b) shall be excluded from the axle
11 weight provisions, except when in operation on the federal interstate system, and
12 subject only to total gross weight provisions.

13 (8) The secretary of the Transportation Cabinet may by order increase the weight and
14 height limits prescribed by this chapter for motor vehicles while being operated
15 exclusively on roads or highways being constructed, reconstructed, or repaired
16 under contract with the Transportation Cabinet by the contractor or subcontractor,
17 agent, or employee thereof.

18 (9) Except as otherwise provided in this chapter, the secretary of the Transportation
19 Cabinet shall not authorize the operation of any vehicle or combination of vehicles,
20 upon any part of the federal aid highway system or state ~~freeway~~~~[parkway]~~ system,
21 which exceeds the following dimensions and weights:

22 (a) Width, one hundred two (102) inches, including any part of the body or load;

23 (b) Weight, twenty thousand (20,000) pounds per single axle, with axles less than
24 forty-two (42) inches apart to be considered as a single axle; thirty-four
25 thousand (34,000) pounds on two (2) axles in tandem arrangement which are
26 spaced forty-two (42) inches or more apart and less than ninety-six (96) inches
27 apart; forty-eight thousand (48,000) pounds on three (3) axles which are

1 spaced forty-two (42) inches or more apart and less than one hundred twenty
2 (120) inches apart. The total gross weight of the vehicle and load shall not
3 exceed eighty thousand (80,000) pounds. If any federal law or laws or
4 regulations thereunder are hereafter enacted authorizing weights and
5 dimensions in excess of those set out in paragraphs (a) and (b) of this
6 subsection, the secretary of the Transportation Cabinet may by official order
7 increase the maximum weights and dimensions but the increased weights and
8 dimensions shall not exceed those set out in this section.

9 (10) Except on the interstate highway system, vehicles engaged exclusively in the
10 transportation of crushed stone, fill dirt and rock, soil, bulk sand, coal, phosphate
11 muck, asphalt, concrete, solid waste, tankage or animal residues, livestock, feed for
12 livestock or poultry, and agricultural products shall be permitted a tolerance of ten
13 percent (10%) of the axle weight provisions before a carrier is deemed to have
14 violated paragraph (1)(c) of this section.

15 (11) The Transportation Cabinet may promulgate administrative regulations pursuant to
16 KRS Chapter 13A, relating to the implementation of 23 C.F.R. Part 658 as it relates
17 to state-maintained or locally maintained roads. The enforcement of the provisions
18 of KRS 189.221 and this section on locally maintained roads shall not be the
19 responsibility of the law enforcement officers of the Transportation Cabinet, unless
20 the head of the corresponding local government unit has requested, in writing,
21 enforcement assistance from the Transportation Cabinet.

22 ➔Section 14. KRS 189.378 is amended to read as follows:

23 (1) "Funeral procession," as used in this section, means two (2) or more vehicles
24 accompanying the body of a deceased person when each vehicle has its headlights
25 on or is displaying a pennant attached in such a manner as to be clearly visible to
26 approaching traffic.

27 (2) A vehicle in a funeral procession has the right-of-way at an intersection and may

- 1 proceed through the intersection if the procession is led by an escort vehicle
2 displaying flashing yellow, red, or blue lights, except:
- 3 (a) When the right-of-way is required by an emergency vehicle as defined by
4 KRS 189.910;
 - 5 (b) When vehicles in the procession are directed otherwise by a police or safety
6 officer; or
 - 7 (c) When the vehicle is a train or locomotive.
- 8 (3) Before assuming the right-of-way, a person who drives a vehicle in a funeral
9 procession shall exercise due caution with regard to crossing traffic.
- 10 (4) A person who drives a vehicle that is not part of a funeral procession shall not drive
11 the vehicle between the vehicles of the funeral procession or otherwise interfere
12 with the progress of the procession, except when:
- 13 (a) The person is authorized to do so by a police or safety officer; or
 - 14 (b) The vehicle is an emergency vehicle as defined by KRS 189.910.
- 15 (5) A person who drives a vehicle that is not a part of a funeral procession shall not
16 illuminate the vehicle headlights or engage in any other act for the purpose of
17 securing the right-of-way granted to funeral processions.
- 18 (6) The escort vehicle, hearse, or other vehicles in a procession may be equipped with
19 flashing amber lights for the purpose of notifying the general public of the
20 procession and gaining the right-of-way at intersections, or signaling the end of a
21 procession.
- 22 (7) Persons authorized to use flashing lights as defined in KRS 189.920 may use them
23 while accompanying a funeral procession to warn traffic that a procession is
24 approaching or that it is in progress.
- 25 (8) When a funeral procession is in progress, a person driving a vehicle not in the
26 procession shall not pass or overtake any vehicle in the procession unless:
- 27 (a) The person is directed to do so by a police or safety officer;

1 (b) The procession is on a street, road, or highway outside the corporate limits of
2 a city, town, or urban-county; or

3 (c) The procession is on an interstate highway or a state ~~freeway~~[parkway].

4 (9) Any person who violates this section shall be guilty of a Class B misdemeanor.

5 ➔Section 15. KRS 189.390 is amended to read as follows:

6 (1) As used in this section, unless the context requires otherwise:

7 (a) "Business district" means the territory contiguous to and including a highway
8 if, within six hundred (600) feet along the highway, there are buildings in use
9 for business or industrial purposes that occupy three hundred (300) feet of
10 frontage on one (1) side or three hundred (300) feet collectively on both sides
11 of the highway;

12 (b) "Residential district" means the territory contiguous to and including a
13 highway not comprising a business district if the property on the highway for a
14 distance of three hundred (300) feet or more is improved with residences or
15 residences and buildings in use for business; and

16 (c) "State highway" means a highway or street maintained by the Kentucky
17 Department of Highways.

18 (2) An operator of a vehicle upon a highway shall not drive at a greater speed than is
19 reasonable and prudent, having regard for the traffic and for the condition and use
20 of the highway.

21 (3) The speed limit for motor vehicles on state highways shall be as follows, unless
22 conditions exist that require lower speed for compliance with subsection (2) of this
23 section, or the secretary of the Transportation Cabinet establishes a different speed
24 limit in accordance with subsection (4) of this section:

25 (a) Sixty-five (65) miles per hour on interstate highways and ~~freeways~~[parkways];

26 (b) Fifty-five (55) miles per hour on all other state highways; and

27 (c) Thirty-five (35) miles per hour in a business or residential district.

1 (4) (a) If the secretary of transportation determines, upon the basis of an engineering
2 and traffic investigation, that any speed limit is greater or less than is
3 reasonable or safe under the conditions found to exist at any intersection, or
4 upon any part of a state highway, the secretary of transportation may establish
5 by official order a reasonable and safe speed limit at the location. The
6 secretary shall not increase any speed limit established by subsection (3) of
7 this section in excess of sixty-five (65) miles per hour, except that,
8 notwithstanding the provisions of subsection (3)(a) of this section, the
9 secretary may increase the speed limit on any of the following segments of
10 highway to seventy (70) miles per hour:

- 11 1. Interstate 24 (entire length);
- 12 2. Interstate 64 from Interstate 264 to the West Virginia state line;
- 13 3. Interstate 65 from Interstate 264 to the Tennessee state line;
- 14 4. Interstate 69 (entire length);
- 15 5. Interstate 71 from Interstate 264 to Interstate 275;
- 16 6. Interstate 75 from the Tennessee state line to Interstate 275;
- 17 7. The Audubon **Freeway**~~[Parkway]~~ (entire length);
- 18 8. The Julian M. Carroll Purchase **Freeway**~~[Parkway]~~ (entire length);
- 19 9. The Bert T. Combs Mountain **Freeway**~~[Parkway]~~ from Interstate 64 to
20 the beginning of the Mountain **Freeway**~~[Parkway]~~ Extension (KY 9009)
21 in Wolfe County;
- 22 10. The Edward T. Breathitt Pennyrile **Freeway**~~[Parkway]~~ (entire length);
- 23 11. The Wendell H. Ford Western Kentucky **Freeway**~~[Parkway]~~ (entire
24 length);
- 25 12. The Louie B. Nunn Cumberland **Freeway**~~[Parkway]~~ (entire length);
- 26 13. The Martha Layne Collins Bluegrass **Freeway**~~[Parkway]~~ (entire length);
- 27 and

- 1 14. The William H. Natcher ~~Freeway~~~~[Parkway]~~ (entire length).
- 2 (b) In a highway work zone, the Transportation Cabinet may temporarily reduce
3 established speed limits without an engineering or traffic investigation. A
4 speed limit established under this paragraph shall become effective when and
5 where posted. The Transportation Cabinet shall post signs notifying the
6 traveling public of the temporary highway work zone maximum speed limit.
7 Nothing in this paragraph shall be construed to prevent the Transportation
8 Cabinet from using moveable or portable speed limit signs in highway work
9 zones.
- 10 (5) (a) A city or a county may by ordinance establish speed limits within its own
11 jurisdiction, except as provided in paragraph (b) of this subsection.
- 12 (b) The alteration of speed limits on state highways within a city or a county shall
13 not be effective until the alteration has been approved by the secretary of
14 transportation. The secretary shall not approve any alteration that could
15 increase any speed limit established by subsection (3)(b) or (c) of this section
16 in excess of fifty-five (55) miles per hour.
- 17 (c) If a county determines, upon the basis of an engineering and traffic
18 investigation and study, that it is unsafe to park motor vehicles on or along
19 any highway, other than a state highway, within the unincorporated areas of
20 the county, or that in any business district the congestion of traffic justifies a
21 reasonable limitation on the length of time any one (1) motor vehicle is
22 permitted to park in such district so as to reduce the congestion, the fiscal
23 court may by ordinance establish "no parking" areas on the highway, or limit
24 the length of time any motor vehicle may be parked in any business district.
- 25 (6) The speed limit for motor vehicles in an off-street parking facility offered for public
26 use, whether publicly or privately owned, shall be fifteen (15) miles per hour.
- 27 (7) A person shall not drive a motor vehicle at a speed that will impede or block the

1 normal and reasonable movement of traffic, except when reduced speed is necessary
2 for safe operation or in compliance with law.

3 (8) In every charge for a violation of any speed limit specified in this section, the
4 warrant or citation shall specify the speed at which the defendant is alleged to have
5 driven, and the lawful speed limit applicable at the location where the violation is
6 charged to have occurred.

7 ➔Section 16. KRS 189.580 is amended to read as follows:

8 (1) (a) The operator of any vehicle, whose vehicle, vehicle load, or vehicle
9 equipment which is involved in an accident resulting in injury to or death of
10 any person or resulting only in damage to a vehicle or other property which is
11 driven or attended by any person, shall immediately stop and ascertain the
12 extent of the injury or damage and render reasonable assistance, including the
13 carrying, or making of arrangements for the carrying, of such person to a
14 physician, surgeon, or hospital for medical or surgical treatment if it is
15 apparent that such treatment is necessary, or if such carrying is requested by
16 the injured person. The operator or person having or assuming authority of the
17 operator, or ownership of the vehicle, shall give the occupant of the vehicle, or
18 person struck, if requested, the registration number of the vehicle, if any, and
19 also the names and addresses of the owner, the occupants, and operator. The
20 total names need not exceed five (5) in number.

21 (b) If an accident that occurs on an interstate highway or freeway~~[parkway]~~ or any
22 on-ramp or off-ramp thereto does not involve death, known or visible injury,
23 or the transportation of hazardous material, the operator shall move the
24 vehicle off the roadway to a place as close to the accident scene as practicable
25 without obstructing traffic as soon as the vehicle can be moved without the
26 risk of further injury or damage. The operator or person having or assuming
27 authority of the operator, or ownership of the vehicle, shall give any other

1 person involved in the accident, if requested, the registration number of the
2 vehicle, if any, and also the names and addresses of the owner, the occupants,
3 and the operator of his or her vehicle, and insurance information for the
4 vehicle.

5 (2) The operator of any vehicle which collides with or is involved in an accident with
6 any vehicle or other property which is unattended resulting in any damage to such
7 other vehicle or property shall immediately stop as close to the accident scene as
8 possible without obstructing traffic and shall then and there either locate and notify
9 the operator or owner of such vehicle or other property of his or her name, address,
10 and the registration number of the vehicle he or she is driving or shall attach
11 securely in a conspicuous place in or on such vehicle or other property a written
12 notice giving his or her name, address, and the registration number of the vehicle he
13 or she is driving, or shall file a report with the local police department.

14 (3) If the operator of a vehicle is unable to move a vehicle off the roadway under the
15 provisions of subsections (1) and (2) of this section, the operator or owner may
16 permit any person who possesses a valid operator's license or proper class of
17 commercial driver's license to move the vehicle as provided in this section.

18 (4) Except as provided for in subsection (5) of this section, a peace officer or safety
19 officer may remove or cause to be removed from the roadway of an interstate
20 highway or freeway~~[parkway]~~ or any on-ramp or off-ramp thereto, without consent
21 of the owner or operator, any vehicle, cargo, or other property which is obstructing
22 the roadway, creating or aggravating an emergency situation, or otherwise
23 endangering public safety. Any vehicle, cargo, or other property obstructing the
24 roadway of an interstate highway or freeway~~[parkway]~~ shall be removed by the
25 most expeditious means available to clear the obstruction, giving due regard to the
26 protection of the property removed.

27 (5) (a) In accidents that involve fatalities or known or visible injuries, the removal

1 provisions of subsection (4) of this section shall apply only after all medical
2 assistance, fire supervision, and site investigation have been completed.

3 (b) The removal provisions of subsection (4) of this section shall not apply if an
4 accident involves, or is believed to involve, a release of hazardous materials.

5 (6) (a) The operator of a vehicle involved in an accident on a highway in this state
6 which results in a fatality or a known or visible injury to a person or damage
7 to a vehicle which renders the vehicle inoperable shall immediately notify a
8 public safety answering point, law enforcement agency, or law enforcement
9 officer having jurisdiction, if the operator is physically capable of doing so
10 and has in his or her possession a functioning communications device with
11 which to do so.

12 (b) In the event an operator fails to notify or is incapable of notifying a public
13 safety answering point, law enforcement agency, or law enforcement officer
14 having jurisdiction, the responsibility for reporting the accident within a
15 reasonable amount of time shall rest with the owner of the vehicle or any
16 occupant of the vehicle at the time of the accident, if the owner or occupant is
17 physically capable of doing so, has in his or her possession a functioning
18 communications device with which to do so, and, in the case of the owner,
19 knows of the motor vehicle accident. A law enforcement officer having
20 jurisdiction shall investigate the accident and file a written report of the
21 accident with the officer's agency.

22 (7) The operator of a vehicle involved in an accident on a highway in this state resulting
23 in injury to or death of any person or in which total property damage of five
24 hundred dollars (\$500) or more is sustained, and in which an investigation is not
25 conducted by a law enforcement officer, shall file a written report of the accident
26 with the Department of Kentucky State Police within ten (10) days of the
27 occurrence of the accident upon forms provided by the department.

1 (8) Any agency, including the Commonwealth, that removes property from the roadway
2 may intervene in any civil action arising from the accident to recover any costs
3 expended. An owner of real property shall not be liable for the costs of removal
4 under this section of trees, fences, structures, or other debris which fall into the
5 roadway as a result of fire, severe weather, or other casualty.

6 ➔Section 17. KRS 216.833 is amended to read as follows:

7 (1) The authority may purchase, whenever it shall deem such purchase expedient, from
8 funds provided pursuant to KRS 216.800 to 216.853, lands, structures, property,
9 rights, rights-of-way, franchises, easements and other interests in land, including
10 lands lying under water and riparian rights, which are located within the
11 Commonwealth, as it may deem necessary or convenient for the construction and
12 operation of any project, upon such terms and at such prices as may be considered
13 by it to be reasonable, and can be agreed upon between it and the owner thereof, and
14 to take title thereto in the name of the authority.

15 (2) If a reasonable price cannot be agreed upon, or if the owner is legally incapacitated
16 or is absent, unknown or unable to convey valid title, the authority may acquire by
17 condemnation or by eminent domain any lands, property, rights-of-way, franchises,
18 easements and other property, including public lands, parks, playgrounds,
19 reservations, highways, or freeways~~[parkways]~~, or parts thereof or rights therein, of
20 any person, partnership, association, railroad, public service, public utility or other
21 corporation, or municipality or political subdivision, deemed necessary or
22 convenient for the construction or the efficient operation of any project or necessary
23 in the restoration of public or private property damaged or destroyed. Any such
24 proceedings shall be conducted, and the compensation to be paid shall be
25 ascertained and paid, in the manner provided by the Constitution and laws of the
26 Commonwealth which relate to condemnation or to the exercise of the power of
27 eminent domain. Title to any property acquired by the authority shall be taken in the

1 name of the authority. In any condemnation proceedings the court having
2 jurisdiction of the suit, action or proceeding may make such orders as may be just to
3 the authority and to the owners of the property to be condemned and may require an
4 undertaking or other security to secure such owners against any loss or damage by
5 reason of the failure of the authority to accept and pay for the property, but neither
6 such undertaking or security nor any act or obligation of the authority shall impose
7 any liability upon the Commonwealth except as may be paid from the funds
8 provided under KRS 216.800 to 216.853.

9 (3) If the owner, lessee or occupier of any property to be condemned shall refuse to
10 remove his personal property therefrom or give up his possession thereof, the
11 authority may proceed to obtain possession in any manner provided by law.