

1 AN ACT relating to the transportation of unrefined petroleum products and making
2 an appropriation therefor.

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

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

6 *(1) The provisions of this section shall be in effect until June 30, 2033.*

7 *(2) As used in this section and Section 2 of this Act, "extended weight unrefined*
8 *petroleum products haul road system" consists of all state-maintained highways*
9 *over which quantities of unrefined petroleum products in excess of fifty thousand*
10 *(50,000) tons were transported by motor vehicles during the period from January*
11 *1, 2022, through December 31, 2022, and annually thereafter.*

12 *(3) (a) Except as provided for in paragraph (b) of this subsection, on or before*
13 *November 1, 2022, and annually thereafter on November 1 of each year, the*
14 *secretary of the Transportation Cabinet shall, by official order, certify the*
15 *highways or portions thereof, which meet the criteria in subsection (2) of*
16 *this section, as the extended weight unrefined petroleum products haul road*
17 *system.*

18 *(b) If, during the year 2022, a quantity of unrefined petroleum products that*
19 *meets the threshold set out in subsection (2) of this section is transported on*
20 *any state-maintained highway, the secretary of the Transportation Cabinet*
21 *shall, within thirty (30) days by official order, certify those highways or*
22 *portions thereof, as part of the extended weight unrefined petroleum*
23 *products haul road system.*

24 *(4) The total tons of unrefined petroleum products transported by motor vehicles*
25 *over any public highway shall be determined from the reports required by Section*
26 *2 of this Act.*

27 *(5) (a) Any vehicle, when registered with a declared gross weight of eighty*

- 1 thousand (80,000) pounds and when transporting unrefined petroleum
2 products over state-maintained highways which are part of the extended
3 weight unrefined petroleum products haul road system, may be operated at
4 weights in excess of the maximum gross weight prescribed in KRS 189.221
5 and 189.222 and any other maximum weight limitations on state- or county-
6 maintained systems, if it complies with the requirements of this subsection.
- 7 (b) Trucks configured using an axle system approved by the Transportation
8 Cabinet in accordance with paragraph (c) of this subsection may operate up
9 to a maximum gross weight of one hundred twenty thousand (120,000)
10 pounds with a gross weight tolerance of five percent (5%).
- 11 (c) The Transportation Cabinet shall promulgate administrative regulations in
12 accordance with KRS Chapter 13A to specify approved axle configurations
13 that may be used when operating under this section.
- 14 (d) For purposes of this section and KRS 189.230, the dimensional
15 requirements of motor vehicles shall conform to all appropriate federal laws
16 and regulations.
- 17 (e) The decal fee for each truck operated under this section shall be one
18 thousand two hundred fifty dollars (\$1,250) annually.
- 19 (f) The payment of the decal fee shall be in addition to any state registration
20 fee, user fee, or other decal fee, including the registration fee as specified in
21 KRS 186.050(3).
- 22 (6) All revenues generated pursuant to this section shall be credited to the road fund
23 and shall be appropriated for the uses of that fund.
- 24 (7) (a) Nothing in this section shall be construed or administered to jeopardize the
25 receipt of federal funds for highway purposes, and the secretary of
26 transportation shall not act in any manner which jeopardizes federal
27 highway funds or funds to be received by the Commonwealth.

1 (b) This section shall not be construed to:

2 1. Authorize any vehicle to operate on a federal interstate highway in
3 excess of those limits prescribed in KRS 189.222; or

4 2. Prohibit the Department of Highways from providing for the public
5 safety and convenience of the traveling public on the highway,
6 including by limiting travel on roads with bridges having weight
7 restrictions.

8 (8) As soon as practical after the report is prepared and published pursuant to
9 Section 2 of this Act for any calendar year after 2022, the secretary shall add to
10 or delete from the extended weight unrefined petroleum products haul road
11 system any sections of state-maintained highways based upon the criteria set out
12 in this section. Deletion of a public road or portion of it from the extended weight
13 unrefined petroleum products haul road system shall not affect the eligibility of
14 the roads for highway funds or programs applicable to the extended weight
15 unrefined petroleum products haul road system.

16 (9) A fiscal court, a governing body of a city, consolidated local government, or
17 urban-county government may by resolution make recommendations to the
18 secretary of the Transportation Cabinet that certain roads or road segments in
19 the county or corporate city limits pose inherent and definite hazards. A
20 representative of the Transportation Cabinet shall meet with the fiscal court or
21 local governing body, and the secretary shall take into consideration their
22 concerns before adding a road to the extended weight unrefined petroleum
23 products haul road system.

24 (10) The Transportation Cabinet may promulgate administrative regulations pursuant
25 to KRS Chapter 13A necessary to administer this section.

26 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 177 IS CREATED TO
27 READ AS FOLLOWS:

- 1 (1) The provisions of this section shall be in effect until June 30, 2033.
- 2 (2) The Transportation Cabinet shall publish a directory, including supporting maps
3 and other documents, designating the extended weight unrefined petroleum
4 products haul road system, which shall include all state-maintained highways
5 and bridges over which quantities of unrefined petroleum products in excess of
6 the amount identified in subsection (2) of Section 1 of this Act have been
7 transported in the immediately preceding year. The cabinet shall further publish
8 the total county mileage of the extended weight unrefined petroleum products
9 haul road system for that preceding year. Publication of the information in this
10 subsection may be by electronic means.
- 11 (3) Beginning January 1, 2022, every person, producer, or processor shipping or
12 transporting unrefined petroleum products over any state-maintained highway or
13 bridge shall file with the Transportation Cabinet information for the purpose of
14 identifying those state-maintained highways comprising the extended weight
15 unrefined petroleum products haul road system and the quantities of unrefined
16 petroleum products transported thereon, in order that the cabinet can accurately
17 calculate total ton-miles within each county.
- 18 (4) The Transportation Cabinet shall promulgate administrative regulations
19 pursuant to KRS Chapter 13A to carry out the requirements of this section,
20 including publication of the information outlined in subsection (2) of this section
21 and establishment of a reporting system for transporters of unrefined petroleum
22 products.

23 ➔Section 3. Sections 1 and 2 of this Act are repealed June 30, 2033.