

1 AN ACT relating to road fund receipts and declaring an emergency.

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

3 ➔Section 1. KRS 177.320 is amended to read as follows:

4 (1) Twenty-two and two-tenths percent (22.2%) of all funds arising from the imposition
5 of taxes provided by KRS 138.220(1) and (2), 138.660(1) and (2), and 234.320
6 shall be set aside for the construction, reconstruction, and maintenance of secondary
7 and rural roads and for no other purpose, and shall be expended for said purposes
8 by the Transportation Cabinet of the Commonwealth of Kentucky according to the
9 terms and conditions prescribed in KRS 177.330 to 177.360.

10 (2) (a) *In any fiscal year in which the amount of funds available for revenue*
11 *sharing arising from the imposition of taxes provided by KRS 138.220(1)*
12 *and (2), 138.660(1) and (2), and 234.320 is less than or equal to seven*
13 *hundred seventy-five million dollars (\$775,000,000)*~~[On or after July 1,~~
14 ~~1980],~~ eighteen and three-tenths percent (18.3%) of *those*~~[all]~~ funds~~[arising~~
15 ~~from the imposition of taxes provided by KRS 138.220(1) and (2), 138.660(1)~~
16 ~~and (2), and 234.320]~~ shall be set aside for the construction, reconstruction,
17 and maintenance of county roads and bridges provided by KRS 179.410 and
18 179.415.

19 (b) *In any fiscal year in which the amount of funds available for revenue*
20 *sharing arising from the imposition of taxes provided by KRS 138.220(1)*
21 *and (2), 138.660(1) and (2), and 234.320 is greater than seven hundred*
22 *seventy-five million dollars (\$775,000,000), the following amounts shall be*
23 *set aside for the construction, reconstruction, and maintenance of county*
24 *roads and bridges provided by KRS 179.410 and 179.415:*

25 *1. One hundred forty-one million eight hundred twenty-five thousand*
26 *dollars (\$141,825,000); and*

27 *2. Thirteen percent (13%) of those funds in excess of seven hundred*

1 seventy-five million dollars (\$775,000,000).

2 (3) All funds set aside in subsection (2) of this section for the construction,
3 reconstruction, and maintenance of county roads and bridges shall be allocated to
4 the county in accordance with the formula established in KRS 177.360(1) pursuant
5 to KRS 179.410.

6 (4) ~~{On or after July 1, 1986, }~~One-tenth of one percent (0.1%) of all funds arising from
7 the imposition of taxes provided by KRS 138.220(1) and (2), 138.660, and 234.320
8 shall be set aside for the purposes and functions of the Kentucky Transportation
9 Center as established by KRS 177.375 to 177.380, except that the receipts provided
10 to the center by this subsection shall not exceed one hundred ninety thousand
11 dollars (\$190,000) for any fiscal year.

12 ➔Section 2. KRS 177.365 is amended to read as follows:

13 (1) As used in this section:

14 (a) "Construction," "reconstruction," and "maintenance" mean the
15 supervising, inspecting, actual building, and all expenses incidental to the
16 construction, reconstruction, or maintenance of an urban road or street,
17 including:

18 1. Planning, locating, surveying, and mapping or preparing roadway
19 plans;

20 2. Acquisition of rights-of-way;

21 3. Relocation of utilities;

22 4. Lighting;

23 5. Elimination of hazards such as roadway grade crossings; and

24 6. All other items defined in any design, operations, and construction
25 manuals published by the Department of Highways;

26 (b) "Street" means any public way which has been designated by an
27 incorporated city as being a city street and lying within the boundaries of an

1 incorporated city; and

2 (c) "Urban road" means any public way lying within the limits of an
3 unincorporated urban place as defined in KRS 81.015, and as described by
4 the United States Bureau of the Census tracts.

5 (2) (a) In any fiscal year in which the amount of funds available for revenue
6 sharing arising from the imposition of taxes provided by KRS 138.220(1)
7 and (2), 138.660(1) and (2), and 234.320 is less than or equal to seven
8 hundred seventy-five million dollars (\$775,000,000)~~[On and after July 1,~~
9 ~~1980],~~ seven and seven-tenths percent (7.7%) of those funds~~[all amounts~~
10 ~~received from the imposition of the taxes provided for in KRS 138.220(1) and~~
11 ~~(2), 138.660(1) and (2) and 234.320]~~ shall be set aside by the Finance and
12 Administration Cabinet for the construction, reconstruction, and maintenance
13 of urban roads and streets and for no other purpose.

14 (b) In any fiscal year in which the amount of funds available for revenue
15 sharing arising from the imposition of taxes provided by KRS 138.220(1)
16 and (2), 138.660(1) and (2), and 234.320 is greater than seven hundred
17 seventy-five million dollars (\$775,000,000), the following amounts shall be
18 set aside by the Finance and Administration Cabinet for the construction,
19 reconstruction, and maintenance of urban roads and streets and for no
20 other purpose:

21 1. Fifty-nine million six hundred seventy-five thousand dollars
22 (\$59,675,000); and

23 2. Thirteen percent (13%) of those funds in excess of seven hundred
24 seventy-five million dollars (\$775,000,000)~~†~~

25 ~~(2) As used in this section unless the context requires otherwise "construction,"~~
26 ~~"reconstruction," and "maintenance" mean the supervising, inspecting, actual~~
27 ~~building, and all expenses incidental to the construction, reconstruction, or~~

1 maintenance of a road or street, including planning, locating, surveying, and
 2 mapping or preparing roadway plans, acquisition of rights of way, relocation of
 3 utilities, lighting and the elimination of other hazards such as roadway grade
 4 crossings, and all other items defined in the Department of Highways, design,
 5 operations, and construction manuals.

6 (3) ~~"Urban roads" mean all public ways lying within the limits of the unincorporated~~
 7 ~~urban place as defined in KRS 81.015, and as described by the Bureau of Census~~
 8 ~~tracts.~~

9 (4) ~~"Streets" mean all public ways which have been designated by the incorporated city~~
 10 ~~as being city streets and said streets lying within the boundaries of an incorporated~~
 11 ~~city].~~

12 ➔ Section 3. KRS 178.010 is amended to read as follows:

13 (1) As used in this chapter, unless the context otherwise requires:

14 (a) "Construction" includes reconstruction and improvement;

15 (b) **"County road":**

16 **1. Means a**~~["County roads" are]~~ public **road**~~[roads]~~ which **has**~~[have]~~ been
 17 formally accepted by the fiscal court of the county as a part of the
 18 county road system, or **a** private **road**~~[roads]~~, **street**~~[streets]~~, or
 19 **highway**~~[highways]~~ which **has**~~[have]~~ been acquired by the county
 20 pursuant to subsection (3) of this section or KRS 178.405 to 178.425;
 21 **and**~~["County roads"]~~

22 **2.** Includes necessary bridges, culverts, sluices, drains, ditches, waterways,
 23 embankments or retaining walls; and

24 (c) "Hard surface road" means a road the surface of which is asphalt, brick, stone
 25 block, macadam, concrete, gravel or other material of equal merit.

26 (2) ~~[Nothing in]~~ This chapter shall **not** be construed to take from the jurisdiction or
 27 control of the legislative body of any incorporated city any road, bridge, landing or

1 wharf, or any other thing exclusively under the jurisdiction or control of the city.

2 (3) ~~Nothing in~~ This chapter shall ***not*** prevent any fiscal court from acquiring
3 unimproved land by gift for public purposes. However, on and after July 13, 2004, a
4 fiscal court may only accept a private road, street, or highway by gift if the private
5 road, street, or highway has been constructed to meet minimum construction
6 standards established by the fiscal court.

7 (4) ~~Nothing in~~ This chapter, ***and***~~[including]~~ the fact that a municipal street has not
8 been accepted into the county road system, shall ***not*** prevent any county from
9 entering into an agreement, pursuant to the provisions of KRS 65.210 to 65.300,
10 with any city located within the county to perform work upon or to provide
11 personnel, materials or equipment for work to be performed upon any street located
12 within the city. A county may pay one hundred percent (100%), or a lesser
13 percentage, of all or any part of the cost of the joint undertaking, based upon the
14 terms agreed to in the interlocal cooperative agreement required by this subsection.

15 ➔Section 4. KRS 189.503 is amended to read as follows:

16 (1) As used in this section:

17 (a) ***"County road"***~~["County roads"]~~ has the same meaning as in KRS
18 178.010~~[(1)(b)]~~;

19 (b) "Local government" means any city, county, urban-county government,
20 consolidated local government, charter county government, or unified local
21 government of the Commonwealth;

22 (c) "Participant" means any person who drives or maintains a motor vehicle used
23 in a racing event;

24 (d) "Racing event" means a motor vehicle race which is sanctioned by a
25 nationally or internationally recognized racing organization and includes
26 preparations, practices, and qualifications for the race; and

27 (e) ***"Street"***~~["Streets"]~~ has the same meaning as in KRS 177.365~~[(4)]~~.

- 1 (2) A local government may provide permits to allow a racing event within its
2 jurisdiction:
- 3 (a) On county roads;
- 4 (b) On streets;
- 5 (c) On state-maintained highways in accordance with subsection (7) of this
6 section; or
- 7 (d) At airports, subject to approval from the relevant airport board.
- 8 (3) A local government may charge an applicant for a permit under this section:
- 9 (a) An application fee not to exceed one thousand dollars (\$1,000); and
- 10 (b) The cost of any expenses incurred by the local government to facilitate the
11 racing event.
- 12 (4) A local government that issues a permit for a racing event shall ensure the applicant
13 for the permit has:
- 14 (a) Adequate insurance to pay any damages incurred because of loss or injury to
15 any person or property;
- 16 (b) Adequate security, emergency services, and necessary facilities provided
17 during the racing event; and
- 18 (c) The ability to protect the health, safety, and welfare of the citizens of the local
19 government, the race participants, and those attending the racing event.
- 20 (5) For the facilitation of a racing event sanctioned under this section, a local
21 government may:
- 22 (a) Temporarily close roads, streets, highways, alleys, sidewalks, and airport
23 runways;
- 24 (b) Reroute pedestrian and motor vehicle traffic; and
- 25 (c) Waive local ordinances and traffic regulations.
- 26 (6) No less than sixty (60) days prior to a scheduled racing event, a local government
27 shall provide written notice to the Transportation Cabinet of any racing event

- 1 permit issued under this section. The written notice shall include:
- 2 (a) The time, date, and location of the racing event;
- 3 (b) The nationally or internationally recognized racing organization sponsoring
- 4 the event;
- 5 (c) A road closure plan that specifies the streets, roads, highways, alleys,
- 6 sidewalks, and airport runways that will be temporarily closed or obstructed
- 7 during the racing event;
- 8 (d) A traffic control plan that specifies the on-site traffic controls and detour
- 9 routes to be used during the racing event;
- 10 (e) The names and phone numbers of emergency and law enforcement contacts
- 11 overseeing the racing event; and
- 12 (f) If applicable, a request to cross or use a portion of a state-maintained highway
- 13 as part of the route in accordance with subsection (7) of this section.
- 14 (7) The route of a racing event under this section that uses or crosses any state-
- 15 maintained highway shall be subject to prior approval by the Transportation
- 16 Cabinet.
- 17 (8) So long as the participants adhere to all requirements and regulations set forth by
- 18 the nationally or internationally recognized racing organization sponsoring the
- 19 racing event, participants in a racing event under this section shall be exempt from
- 20 all vehicle equipment and operation standards of this chapter.
- 21 ➔Section 5. KRS 176.241 is amended to read as follows:
- 22 As used in KRS 176.241 to 176.249:
- 23 (1) "County population ranking" has the same meaning as in KRS 154.21-015;
- 24 (2) **"County road"**~~["County roads"]~~ has the same meaning as in KRS 178.010;
- 25 (3) "Local Assistance Road Program" or "LARP" means a list of rehabilitation projects
- 26 on county roads, streets, and urban roads identified by the General Assembly for
- 27 funding grants; and

1 (4) "Street"~~["Streets"]~~ and "urban road"~~["urban roads"]~~ have the same meaning as in
2 KRS 177.365.

3 ➔Section 6. KRS 179.010 is amended to read as follows:

4 As used in this chapter, unless the context otherwise requires:

5 (1)~~["County roads"] are as defined in KRS 178.010.~~

6 (2)~~["County engineer"] means county road engineer;~~

7 (2) "County road" has the same meaning as in Section 3 of this Act; and~~["County road"]~~

8 (3) "Obstructions" includes any object which prevents the easy, safe and convenient
9 use of a county road for public travel.

10 ➔Section 7. Whereas this Act establishes a budgetary change that needs to be in
11 place at the beginning of the fiscal year, an emergency is declared to exist, and this Act
12 takes effect upon its passage and approval by the Governor or upon its otherwise
13 becoming a law.