

1 AN ACT relating to roads and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 179 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Chip seal" means a pavement surface treatment that combines one (1) or*
7 *more layers of asphalt with one (1) or more layers of gravel or fine*
8 *aggregate; and*

9 *(b) "Reclaimed asphalt pavement" or "RAP" means removed or reprocessed*
10 *pavement materials containing asphalt and aggregates generated when*
11 *asphalt pavements are removed for reconstruction, resurfacing, or to obtain*
12 *access to buried utilities.*

13 *(2) Beginning July 1, 2026, and ending June 30, 2030, the Department of Rural and*
14 *Municipal Aid shall oversee a pilot project evaluating the use of chip seal and*
15 *RAP on gravel roads.*

16 *(3) Subject to the limitations in subsection (4) of this section, a county may use funds*
17 *allocated to it under KRS 177.320(2) to use chip seal or RAP on existing gravel*
18 *roads in that county's road system.*

19 *(4) The maximum percentage of county road aid funds a county may use in any*
20 *fiscal year on chip seal or RAP for county roads under subsection (3) of this*
21 *section shall be equal to the percentage of roads in that county's county road*
22 *system that are surfaced with gravel on July 1 of that fiscal year.*

23 *(5) No later than October 31, 2027, and annually thereafter until October 31, 2030,*
24 *the Department of Rural and Municipal Aid shall submit a report to the*
25 *Legislative Research Commission for referral to the Interim Joint Committee on*
26 *Appropriations and Revenue and the Interim Joint Committee on Transportation*
27 *on the use of chip seal and RAP on county roads.*

1 **(6) The report required under subsection (5) of this section shall include:**

2 **(a) 1. A listing of road miles chip sealed, by county;**

3 **2. The cost per mile of chip sealing, by county;**

4 **3. An evaluation of the durability of chip seal pavement; and**

5 **4. An evaluation of chip seal pavement quality; and**

6 **(b) 1. A listing of road miles using RAP, by county;**

7 **2. The cost per mile of using RAP, by county;**

8 **3. An evaluation of the durability of RAP; and**

9 **4. An evaluation of RAP pavement quality.**

10 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 176 IS CREATED TO
11 READ AS FOLLOWS:

12 **(1) As used in this section, "reclaimed asphalt pavement" or "RAP" has the same**
13 **meaning as in Section 1 of this Act.**

14 **(2) The Transportation Cabinet shall not restrict the use of recycled asphalt products**
15 **used on a project, provided that the asphalt mixture meets the performance**
16 **standards and criteria used by the cabinet.**

17 **(3) No later than October 31, 2026, and annually thereafter, the cabinet shall submit**
18 **a report to the Legislative Research Commission for referral to the Interim Joint**
19 **Committee on Appropriations and Revenue and the Interim Joint Committee on**
20 **Transportation on the use of RAP in projects undertaken by the cabinet. This**
21 **report shall include an analysis of the use of RAP as opposed to traditional**
22 **asphalt according to the following criteria:**

23 **(a) The amount of road miles using each substance;**

24 **(b) The cost per mile of each substance;**

25 **(c) An comparison of pavement durability; and**

26 **(d) An comparison of pavement quality.**

27 ➔Section 3. Whereas, the pilot project set out under Section 1 of this Act is most

- 1 efficiently and effectively administered at the beginning of the fiscal year, an emergency
- 2 is declared to exist, and this Act takes effect July 1, 2026.