

603 KAR 5:220. Cooperative agreements for transportation of coal.

RELATES TO: KRS 177.9771, 177.979, 189.230, 351.175(6), 350.060(11)

STATUTORY AUTHORITY: KRS 177.9771

NECESSITY, FUNCTION, AND CONFORMITY: KRS 177.979 provides for the Department of Highways to enter into cooperative agreements for the transportation of coal. This administrative regulation is necessary to define procedures, requirements, and limitations for cooperative agreements.

Section 1. Applications for Cooperative Agreements.

(1) Any person engaged in the mining, processing, transporting, or sale of coal who desires to enter into a cooperative agreement pursuant to KRS 177.979 for the transportation of coal in vehicles exceeding the maximum weight limits on state-maintained highways shall apply to the Department of Highways for a cooperative agreement. Application forms shall be prescribed by the Department of Highways and may be obtained from any highway district office or the department's Division of Maintenance in Frankfort, Kentucky.

(2) The application form prescribed by the Department of Highways shall require such information as is necessary to identify the applicant and each segment of state maintained highway which the applicant proposes to utilize. The application shall be accompanied by a copy of the certified transportation plan obtained by the applicant pursuant to 601 KAR 35:020 for the route or routes to be included in the agreement. The application must also be accompanied by a list of vehicles to be used to transport coal pursuant to the cooperative agreement. The following information must be provided for each vehicle:

- (a) Vehicle owner;
- (b) Current registration number;
- (c) Vehicle identification number;
- (d) Vehicle make and year;
- (e) Vehicle type (tandem, tridem, or tractor).

(3) The application shall be submitted to the chief district engineer for the highway district in which the transportation of coal originates.

Section 2. Negotiation of Cooperative Agreements.

(1) Upon receipt of proper application the Department of Highways shall meet with the applicant to negotiate the terms and conditions of the agreement. An equitable apportionment of the incremental costs to the Department of Highways of the proposed coal transportation shall be provided by the agreement based upon, but not limited to, the following factors:

- (a) The cost of surface design, maintenance, construction and reconstruction;
- (b) The cost of shoulder design, maintenance, construction and reconstruction;
- (c) The cost of bridge design, maintenance, construction and reconstruction;
- (d) The tonnage of coal to be shipped;
- (e) The types and number of vehicles to be used;
- (f) Other pertinent factors related to the transportation of coal at extended weights on the roads to be included in the agreement.

(2) When agreement is reached, the Department of Highways shall enter into the cooperative agreement with the applicant. Upon execution of the agreement the Department of Highways shall issue a certificate of identification to the applicant for each vehicle to be operated pursuant to the agreement.

Section 3. Limitations and Requirements.

(1) Cooperative agreements are applicable only for the transportation of coal.

(2) All trucks operating pursuant to cooperative agreements must be registered with a declared gross weight of 80,000 pounds.

(3) Any vehicle being operated pursuant to a cooperative agreement must at all times contain a copy of the certificate of identification issued pursuant to Section 2 of this administrative regulation.

(4) If a truck is exempted from the payment of registration and decal fees pursuant to KRS 177.9771(4)(g), it may be operated on the roads covered by the agreement in accordance with the terms of the agreement; it may be operated on roads not covered by the agreement only if empty.

(5) No person shall load or knowingly cause to be loaded or operate or knowingly cause to be operated any vehicle in excess of the weight limits specified in the cooperative agreement.

(6) No person shall operate or knowingly cause to be operated, on any bridge posted pursuant to KRS 189.230, any vehicle which weighs in excess of the posted weight limit of said bridge.

(7) Only state maintained roads may be included in cooperative agreements with the Department of Highways.

Section 4. Existing Cooperative Agreements. The Department of Highways will honor all existing cooperative agreements entered into by the Department of Vehicle Regulation pursuant to KRS 177.979 prior to April 1, 1987.

Section 5. Effective Date. The effective date of this administrative regulation is April 1, 1987.

(13 Ky.R. 1358; eff. 2-10-1987; Crt eff. 3-11-2019.)