

177.9771 Extended weight coal or coal by-products haul road system.

- (1) The "extended weight coal or coal by-products haul road system" shall consist of all state-maintained toll roads or state-maintained roads which were previously toll roads and the public highways over which quantities of coal or coal by-products in excess of fifty thousand (50,000) tons were transported by motor vehicles during the period from January 1, 1985, through December 31, 1985, and shall be updated annually thereafter.
- (2) The secretary of the Transportation Cabinet shall by official order on or before November 1, of each year, certify such public highways or portions thereof, as fulfill the criteria in subsection (1) of this section, as the extended weight coal or coal by-products haul road system.
- (3) The total tons of coal or coal by-products transported by motor vehicles over any public highway shall be determined from the official coal or coal by-products road system transportation report required pursuant to KRS 177.977.
- (4) Any vehicle, when registered with a declared gross weight of eighty thousand (80,000) pounds and when transporting coal or coal by-products over public highways which are part of the extended weight coal or coal by-products haul road system or portions thereof, may be operated at the weights as set forth below in excess of the maximum gross weight prescribed in KRS 189.221 and 189.222 and any other maximum weight limitations on state or county maintained systems by paying the corresponding decal fee as set forth below:
 - (a) A single unit truck having one (1) steering axle and two (2) axles in tandem shall be limited to a maximum gross weight of ninety thousand (90,000) pounds with a tolerance of five percent (5%), and pay a decal fee of one hundred sixty dollars (\$160) annually;
 - (b) A single unit truck having one (1) steering axle and three (3) axles in tridem arrangement shall be limited to a maximum gross weight of one hundred thousand (100,000) pounds with a tolerance of five percent (5%), and pay a decal fee of two hundred sixty dollars (\$260) annually;
 - (c) Tractor-semitrailer combinations with five (5) or more axles shall be limited to a maximum gross weight of one hundred twenty thousand (120,000) pounds with a tolerance of five percent (5%), and pay a decal fee of three hundred sixty dollars (\$360) annually;
 - (d) Any motor carrier involved in the transportation of coal or coal by-products which meets gross axle weights of twenty thousand (20,000) pounds per axle and twelve thousand (12,000) pounds for the steering axle may register in excess of eighty thousand (80,000) pounds by payment of eight hundred forty dollars (\$840) plus an additional decal fee of ten dollars (\$10) per one thousand (1,000) pounds of registered weight above eighty thousand (80,000) pounds;
 - (e) For purposes of this section, KRS 177.979, and 189.230, and for purposes of the extended weight coal or coal by-products haul system, the dimensional

requirements of motor vehicles shall conform to all appropriate federal laws and regulations;

- (f) The payment of the decal fee shall be in addition to any state registration fee, user fee, or other decal fee, including the registration fee as specified in KRS 186.050(3);
 - (g) Motor vehicles used in the transportation of coal or coal by-products under cooperative agreements pursuant to KRS 177.979 shall be exempt from the payment of the decal fee as set forth in this section and the registration fee as set forth in KRS 186.050(3) as long as the truck is driven over cooperative roads only while full. The Transportation Cabinet shall issue identifying license plates for those motor vehicles under cooperative agreements;
 - (h) All fees under this section shall be scheduled for payment and prorated pursuant to the provisions of KRS 186.051; and
 - (i) All revenues generated pursuant to this section shall be credited to a special account within the road fund called the "energy recovery road fund."
- (5) Sixty percent (60%) of all energy recovery road funds shall be used by the Department of Highways for construction, maintenance, and repair of the state-maintained portion of the extended weight coal or coal by-products haul road system.
- (6) Forty percent (40%) of all energy recovery road funds shall be distributed to the fiscal court of those counties in which coal or coal by-products are transported for the sole purpose of construction, maintenance, and repair of the county-maintained portion of the extended weight coal or coal by-products haul system. The distribution of funds to the counties shall be proportioned based on the miles of county roads on the extended weight coal or coal by-products haul system in each county compared to the total mileage of county roads in the total extended weight coal or coal by-products haul road system and the tons of coal or coal by-products transported over county roads on the extended weight coal or coal by-products haul system in each county compared to the total tons of coal or coal by-products transported over county roads in the total extended weight coal or coal by-products haul road system.
- (7) Nothing in this section shall be construed or administered to jeopardize the receipt of federal funds for highway purposes and the secretary of transportation shall not act in any manner which shall jeopardize federal highway funds or funds to be received by the Commonwealth. This section shall not be construed to authorize any vehicle to operate on a federal interstate highway in excess of those limits prescribed in KRS 189.222. This section shall not be construed to prohibit the Department of Highways from providing for the public safety and convenience of the traveling public on the highway.
- (8) As soon as practical after the report is prepared and published pursuant to KRS 177.977 for any calendar year after 1985, the secretary shall add to or delete from the extended weight coal or coal by-products haul road system public highways or portions thereof based upon the criteria set out in this section. Deletion of a public road or portion of it from the extended weight coal or coal by-products haul road

system shall not affect the eligibility of the roads for highway funds or programs applicable to the extended weight coal or coal by-products haul road system.

- (9) A fiscal court, a governing body of a city of the first through fourth class, consolidated local government, or urban-county government may by resolution, make recommendation to the secretary of the Transportation Cabinet that certain roads or road segments in the county or corporate city limits pose inherent and definite hazards, special conditions, or greatly impact the economy of the county or city and that the secretary shall meet with said fiscal court or local governing body and take into consideration their concerns before adding to or deleting from the extended weight coal or coal by-products haul system.
- (10) The secretary of the Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A necessary to administer the provisions of this section, KRS 177.9772, 177.979, and 189.230.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 346, sec. 182, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 324, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 236, sec. 2, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 415, sec. 5, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 498, sec. 1, effective April 1, 1987.