177.979 Cooperative agreements between Department of Highways and transporters of coal in vehicles exceeding maximum weight limits on state-maintained system.

(1) Any person engaged in the mining, processing, transporting or sale of coal that provides for the transportation of coal in vehicles exceeding the maximum weight limits on the state-maintained system shall enter into a cooperative agreement with the Department of Highways, or give bond for damages as provided by KRS 189.271, if a road to be used is not part of the extended weight coal or coal by-products haul road system. However, if a resolution issued pursuant to KRS 177.9771(9) on a road with a maximum allowable gross weight of eighty thousand (80,000) pounds is approved by the Transportation Cabinet, a cooperative agreement shall not be required. Such cooperative agreements shall provide for an equitable apportionment of the incremental costs for design, maintenance, construction, or reconstruction of those roads and bridges, except those roads and bridges which are part of the federal interstate highway system, resulting from the transportation of coal by trucks transporting coal in excess of the maximum weight limits on the state-maintained system and covered by the cooperative agreement. Nothing contained herein shall effect the continuing validity of any existing agreement.

(2) Notwithstanding KRS Chapter 143 the total tax contributions from any person entering into a cooperative agreement, as specified in this section, shall not exceed, in the aggregate, the sum of five thousand dollars ($5,000) per mile per year on those roads covered by the cooperative agreement, but shall equal a minimum of one thousand two hundred dollars ($1,200) per motor vehicle hauling coal over those cooperative road segments over three (3) miles in length, but such contribution shall not exceed ten cents ($0.10) per ton of coal hauled on cooperative roads per year from an individual coal operator unless otherwise agreed to by the operator. The Transportation Cabinet may allow any person, under the cooperative agreement, to provide for the design, approved maintenance, construction, or reconstruction provided for in subsection (1) of this section in accordance with guidelines or standards prescribed by the cabinet. In the event any person exceeds his annual total tax contribution as authorized under a cooperative agreement, such person may petition the commissioner of vehicle regulation for a carry over for future years liability. All funds collected pursuant to this section shall be expended on those roads covered by the cooperative agreement.

(3) Notwithstanding any provision of KRS 177.976 to 177.981, the Commonwealth shall not be relieved of expending its normal routine maintenance on all roads covered by the cooperative agreements.

(4) Any person who entered into a cooperative agreement may terminate it upon submitted written notice to the Department of Highways.

(5) If the person requesting termination of the cooperative agreement has reported to the Transportation Cabinet that fifty thousand (50,000) or more tons of coal have been transported over the road covered by the cooperative agreement, the Transportation Cabinet shall immediately, by official order or emergency administrative regulation, add the road segment to the list of roads currently comprising the extended weight coal or coal by-products haul road system.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 324, sec. 2, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 236, sec. 1, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 498, sec. 3, effective April 1, 1987. -- Created 1984 Ky. Acts ch. 373, sec. 8, effective July 13, 1984.

Legislative Research Commission Note (7/15/94). Pursuant to KRS 7.136(1)(e), a reference to KRS 186.057 (repealed by 1986 Ky. Acts ch. 498, sec. 8) has been deleted from subsection (3) of this statute.