

**175.520 Tolls for use of turnpikes -- Contracts for utility and service facilities
-- Disposition of toll revenues.**

- (1) The authority, while having the right to control tolls under this chapter or any lease, and the department, while having such right under this chapter or any such lease, are hereby authorized to fix, revise, charge, and collect tolls for the use of each turnpike project and the different parts or sections thereof.
- (2) The authority, with the approval of the department, is hereby authorized to contract with any person, partnership, association, or corporation desiring the use of any part of a project, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light, or power lines; service stations, garages, stores, hotels, motels, and restaurants; or for any other purpose except for tracks for railroad or railway use, and to fix the terms, conditions, rents, and rates of charges for such use. A sufficient number of service stations shall be authorized to be established in each service area along any such turnpike to permit reasonable competition by private business in the public interest.
- (3) During any period when tolls are under the control of the authority, such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the turnpike project or projects in connection with which the bonds of any issue shall have been issued under the provisions of this chapter as to provide funds sufficient, with any other available funds, to pay:
 - (a) The cost of maintaining, repairing and operating such turnpike project or projects, unless such cost or any part thereof is being paid by the department as authorized in this chapter; and
 - (b) The principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes.

Such tolls shall not be subject to supervision or regulation by any other department, commission, board, bureau, or agency of the Commonwealth. The tolls and all other revenues derived from the turnpike project or projects in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair, and operation and to provide such reserves therefor as may be provided for in the proceedings authorizing the issuance of such bonds or the trust indenture securing the same, shall be set aside in a sinking fund or funds which are hereby pledged to and charged with the payment of the principal of and the interest on such bonds as the same shall become due and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the proceedings nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the authority and the department. The use and disposition of moneys to the credit of any such sinking fund shall be

subject to the provisions of the proceedings authorizing the issuance of such bonds or of such trust indenture. Except as may otherwise be provided in such proceedings or in such trust indenture, any such sinking fund shall be a fund for all bonds provided to be payable therefrom without distinction or priority of one (1) over another.

- (4) Notwithstanding any of the foregoing provisions of this section, the department may, by separate proceedings ancillary to the proceedings of the authority authorizing the issuance of revenue bonds or revenue refunding bonds under the provisions of this chapter, covenant to pay all or any part of the cost of maintaining, repairing, and operating any project constructed under the provisions of this chapter, and the department may, in such proceedings, covenant to make up all or any part of any deficiency in the fund or funds pledged to and charged with the payment of the principal of and the interest on such bonds from any funds or tax revenues available for general purposes of the department and not required by law to be devoted to some other purpose, and, inasmuch as such project will have been constructed by agreement with the department for the use and benefit of the Commonwealth and will eventually become the property of the Commonwealth, any such covenant shall have the force of contract between the Commonwealth and the holders of such revenue bonds or revenue refunding bonds.
- (5) Notwithstanding any of the foregoing provisions of this section, the authority may, in the proceedings authorizing the issuance of revenue bonds or revenue refunding bonds for any turnpike project or projects under the provisions of this chapter or in the trust agreement securing such bonds, pledge to the payment of such bonds all motor fuel taxes and surtaxes collected by the Commonwealth on gasoline and other motor fuels consumed on such project or projects (except the two-sevenths (2/7) of said motor fuel taxes provided by KRS 138.220 to be set aside for the construction, reconstruction and maintenance of rural and secondary roads) and paid over to the authority by the department as revenues of such project or projects, and covenant to deposit such motor fuel taxes from time to time in the sinking fund or funds pledged to the payment of such bonds. In determining the amount of motor fuel consumed on any turnpike project the department shall divide the total miles traveled on such project by passenger automobiles, single unit trucks, and semitrailer trucks and buses as determined by the department by the average number of miles per gallon of motor fuel consumed by each of those classes of motor vehicle on the following basis:

Passenger automobiles
15 miles per gallon
Single unit trucks
10 miles per gallon
Semitrailer trucks and buses
5 miles per gallon

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 249, sec. 2, effective July 15, 1996. -- Amended 1988 Ky. Acts ch. 270, sec. 1, effective July 15, 1988. -- Created 1960 Ky. Acts ch. 173, sec. 12, effective March 25, 1960.