



2015 KENTUCKY STATEWIDE RAIL PLAN

Kentucky Transportation Cabinet

April 2015



**PARSONS
BRINCKERHOFF**

Kentucky Statewide Rail Plan

Executive Summary

ES 1: INTRODUCTION

The Kentucky Transportation Cabinet (KYTC) contracted with Parsons Brinckerhoff to update the 2002 Kentucky Statewide Rail Plan. The 2015 Kentucky Statewide Rail Plan defines goals, system strategies, and policies to improve the Kentucky rail transportation network and operations while conforming to the goals established in the 2006 KYTC Strategic Plan¹ and Kentucky's 2014 Long-Range Statewide Transportation Plan (LRSTP). In addition, this document consolidates information about Kentucky railroads and identifies future rail project goals to meet Federal Railroad Administration (FRA) requirements for federal funding eligibility.

The 2015 Kentucky Statewide Rail Plan is a high-level policy guidance document. The purposes of the plan are to present information about the current state of operations of the rail mode in Kentucky, including rail issues for all stakeholders and the role of railroads in a multimodal environment, and to develop system-wide strategies and policies consistent with the goals of the KYTC Strategic Plan, the Kentucky LRSTP, and the United States National Freight Policy.

The information and policies gathered in the 2015 Kentucky Statewide Rail Plan will allow the KYTC to identify initiatives to improve rail service and to prioritize those initiatives based on public and private benefits.

The KYTC's mission is to provide a safe, efficient, environmentally sound, and fiscally responsible transportation system that delivers economic opportunity and enhances the quality of life in Kentucky. The KYTC's goal for rail transportation is to support and work with private rail carriers to provide a safe, reliable, efficient, and effective rail transportation system for the movement of passengers and freight within the commonwealth as well as connect Kentucky to domestic and international markets. The KYTC recognizes that an effective rail system will help alleviate highway congestion, contribute to economic development, improve public safety, improve energy efficiency, and reduce greenhouse gas emissions. The following goals and objectives, consistent with the KYTC Strategic Plan, are established as part of the Kentucky Statewide Rail Plan:

Preservation

Encourage the preservation of the largely privately owned and operated rail system within Kentucky.

¹ Kentucky Transportation Cabinet Strategic Plan, 2006

Economic Development

Support economic development by providing roadway connectivity to the state and national rail system and intermodal facilities.

Customer Relationships/Transportation Planning Process

Strengthen customer relationships with the rail industry through communication, cooperation, and information exchange in the KYTC planning process.

Safety and Security

Enhance highway-railroad at-grade crossing safety and reliability to ensure mobility and access.

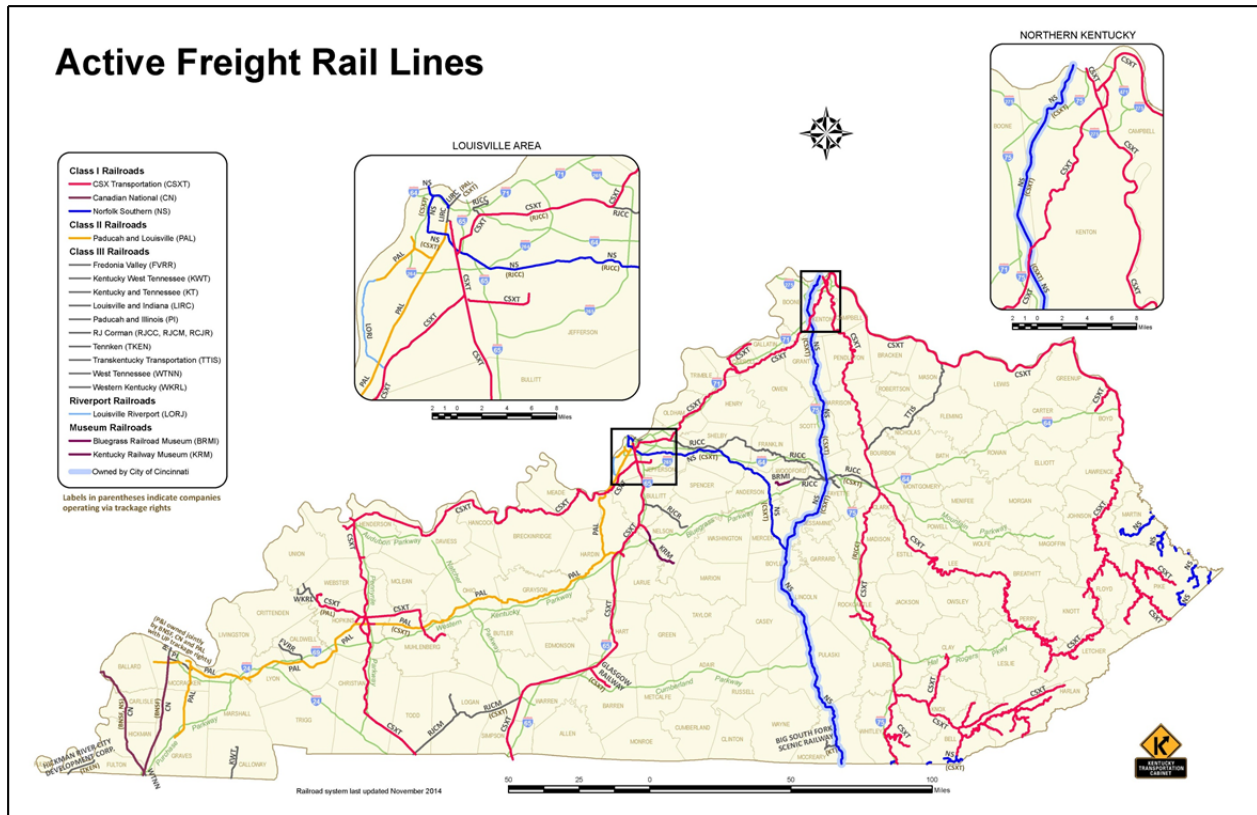
ES 2: FREIGHT AND INTERMODAL

The Kentucky rail system, as seen in **Figure ES-1**, is comprised of 23 railroads (owning, operating, or having trackage rights in Kentucky), including one port railroad and five museum/tourist railroads, three of which operate on private track. Kentucky railroads range in size from short line railroads to the nation's largest railroads serving the United States, Canada, and Mexico.

Railroads operating within Kentucky through ownership or trackage rights include five Class I railroads, one Class II or regional railroad, thirteen Class III railroads, one passenger railroad, and three tourist railroads. Class I railroads, as defined by the Surface Transportation Board (STB) for 2012, are those with annual gross revenue of \$452.7 million or more. Class II railroads, also referred to as regional railroads, are those with annual gross revenue greater than \$36.2 million but less than \$452.7 million. Class III railroads, also known as short line railroads, are those with annual gross revenue less than \$36.2 million. Additional information about class thresholds can be found on the STP website, <http://www.stb.dot.gov/>.²

² [http://www.stb.dot.gov/econdata.nsf/d03c0c2161a050278525720a0044a825/48f3885d7a5b882e852575190052fa79/\\$FILE/Railroad%20Revenue%20Thresholds%20for%20last%205%20years%20thru%202013.pdf](http://www.stb.dot.gov/econdata.nsf/d03c0c2161a050278525720a0044a825/48f3885d7a5b882e852575190052fa79/$FILE/Railroad%20Revenue%20Thresholds%20for%20last%205%20years%20thru%202013.pdf), 2015

Figure ES-1: Kentucky Freight Rail System



Source: KYTC, 2014

Kentucky plays an important role in the United States rail network, and as such, rail is an important component of Kentucky’s economy. Kentucky is centrally located within the eastern and middle United States freight network. All transportation modes in Kentucky have the ability to reach major consumer markets within relatively short distances, particularly on the east coast and Midwest regions of the United States. According to 2011 data from the Association of American Railroads (AAR), Kentucky ranked 6th among all states for originated tonnage, 11th for originated carloads/units, 11th for total tons carried, and is the 3rd largest source of coal shipped by rail after Wyoming and West Virginia. According to the Surface Transportation Board (STB) Carload Waybill Sample (CWS) data, the Kentucky rail network carried 255.4 million tons of freight in 2010 and 267.5 million tons of freight in 2011.

The largest share of freight on the Kentucky rail network in 2011 was overhead freight, the phrase for movements that cross through Kentucky, both originating and terminating in other states. Outbound freight, which originates in Kentucky and terminates in another state, was almost double the tonnage of inbound freight, which originates in another state and terminates in Kentucky. Intrastate freight, freight movements that take place within Kentucky, comprised

the smallest percentage of freight movements in 2011, at less than two percent of carloads/units and less than three percent of tonnage that year. Intermodal freight is freight carried by more than one mode. Most transportation of freight from origin to destination is carried by more than one mode. Rail freight is no exception. Other transportation modes will generally be needed for the first or last segments of freight shipments.

While the STB CWS database provides data on past rail shipments, it is not used for predictions of future rail shipments. Forecasts are completed using the Federal Highway Administration's (FHWA's) Freight Analysis Framework (FAF) – Version 3.4 freight flow database. The FAF predicts Kentucky originating rail freight to decline through 2020, a trend driven by expected declines in coal tonnage. However, if future increases in Western Kentucky coal counteract expected declines in Eastern Kentucky coal, the forecasted total decline will not be as severe as the FAF forecast. In Kentucky, terminating inbound rail movements are expected to increase slightly from 27 million tons in 2011 to 30 million tons in 2040. Originating outbound rail movements are expected to decline from just over 90 million tons in 2011 to 80 million tons in 2040. These forecasts take into account potential increases in auto related and oil shipments.

ES 3: PASSENGER RAIL

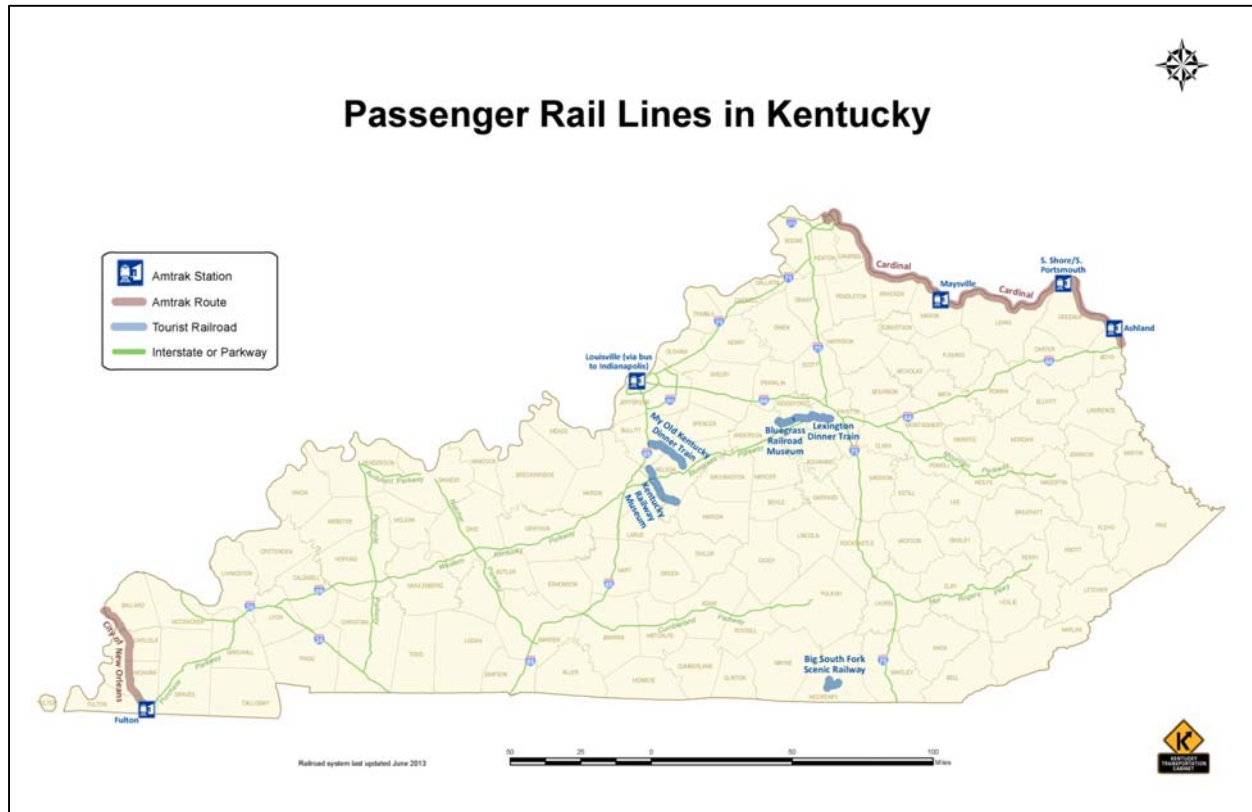
Passenger rail in Kentucky includes Amtrak along with several tourist or excursion rail lines.

Amtrak provides passenger rail services connecting over 500 communities in 46 states, the District of Columbia, and three Canadian provinces. In addition to its intercity service, Amtrak is the nation's largest provider of contract-commuter rail service for state and regional authorities.

Amtrak trains stop at four stations in Kentucky. The *Cardinal* stops in the Kentucky cities of Maysville, South Portsmouth, and Ashland. The *Cardinal* runs three trains per week between Chicago, Illinois and Washington, D.C., offering both sleeper and diner cars. The *City of New Orleans* provides service between Chicago, Illinois and New Orleans, Louisiana, with a stop in Kentucky in the city of Fulton. The *City of New Orleans* offers daily service with sleeper and diner cars.

Tourist or excursion rail lines include the Big South Fork Scenic Railway, My Old Kentucky Dinner Train, R.J. Corman Lexington Dinner Train, the Kentucky Railway Museum, and the Bluegrass Scenic Railroad and Museum. **Figure ES-2** shows the passenger rail lines operating in Kentucky.

Figure ES-2: Passenger Rail Lines in Kentucky



Source: KYTC, 2014

Several studies exploring the potential expansion and feasibility of passenger rail in Kentucky have been completed by various entities. The most relevant studies include the Ohio-Kentucky-Indiana Light Rail Project (1998-2001), the Louisville Transportation Tomorrow Light Rail Project (1998-2006), Examination of I-75, I-64, and I-71 High Speed Rail Corridors (1999), the Midwest Regional Rail Initiative Executive Report (2004), and the Atlanta to Chattanooga to Nashville to Louisville High Speed Rail Study (2012).

ES 4: RAILROAD FUNDING IN KENTUCKY

There are various funding opportunities for railroad needs. However, in Kentucky, rail transportation is largely the responsibility of private rail companies, intermodal shippers, and others involved in the industry. The KYTC has no authority over the management or disposition of the private assets of those companies. Also, any funding that is made available is typically pass-through money from the federal government or is obligated from the Kentucky General Fund and competes against other statewide needs.

Federal programs that have benefited rail in Kentucky include the Transportation Investment Generating Economic Recovery (TIGER) grant program, the FHWA Section 130 Railway-

Highways Crossing Program, the FRA Railroad Rehabilitation and Repair (Disaster Assistance) Program, the Congestion Mitigation and Air Quality (CMAQ) Improvement Program, the Transportation Alternatives Program, and the Railroad Rehabilitation and Improvement Financing (RRIF) Program.

State funding is not a typical source of funding for rail infrastructure improvements in Kentucky. The state highway fund is constitutionally mandated to be used only on highways, and there is no dedicated source of state funding for rail projects in Kentucky.

However, in May 2011, the Kentucky Legislature voted to make Highway Construction Contingency Funds available through the Kentucky Short Line Railroad Assistance (KSRA) Fund, administered by the KYTC. Grants totaling \$3,138,726 were awarded under this program for fiscal years 2011-2012. Also, in October 2013, the state announced that \$3.2 million in grants would be made available through FY 2014 to short line railroads to help fund safety improvements at highway-rail at-grade crossings in Kentucky. The grants, all of which required a dollar-for-dollar match from the applicants, were funded through the Kentucky Railroad Crossing Improvement (KRCI) Program, administered by the KYTC. Another \$3.2 million was entered into the Transportation Budget (HB 236) by the Kentucky Legislature for FY 2015 and FY 2016 to make additional short line rail safety improvements. These funds are restricted to public safety improvements to at-grade crossings, railroad bridge overpasses, and railroad crossing safety equipment.

In addition to grant funding, Kentucky makes certain tax credits available to companies and railroads that invest in rail and rail-related projects. These are administered by and made available through the Kentucky Railroad Assistance Program (KRAP).³

ES 5: RAIL SAFETY AND SECURITY

The United States rail system is comprised of over 138,000 miles of track.⁴ In 2013, this system was crossed at-grade by 211,728 streets, roads, highways, alleys, driveways, unimproved trails, and other thoroughfares – equivalent to more than 1.5 crossings intended for the passage of motor vehicles, bicycles, and/or pedestrians per route-mile of track.⁵

According to the FRA Office of Safety, 4,707 highway-rail at-grade crossings are currently in operation in Kentucky, including 2,293 public and 2,414 private crossings. The KYTC's records of public highway-rail at-grade crossings, which are usually more current than FRA's, indicate 2,088 public crossings in Kentucky.

³ <http://transportation.ky.gov/Railroads/Pages/Railroad-Assistance-Funds.aspx>, 2014

⁴ Association of American Railroads, www.aar.org/keyissues/Pages/Railroads-And-States.aspx#.UORjSfldWgk, 2014

⁵ FRA Office of Safety, <http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/xingqryloc.aspx>, 2014

Highway-rail at-grade crossing accidents have decreased overall in Kentucky since 1994. A total of 49 highway-rail at-grade crossing accidents occurred in Kentucky in 2013, compared to 80 in 1994.

Crossbucks, flashing lights, stop signs, and gates make up the majority of warning devices for all public highway-rail at-grade crossings, and account for nearly 94 percent of crossings at which accidents occurred. Crossings without warning devices, which make up just over one percent of total public at-grade crossings in Kentucky, account for the remaining six percent of accidents.

In 2013, Kentucky was in the top 20 in the United States for both fatalities (No. 15) and injuries (tied for No. 18) at highway-rail at-grade crossing facilities. However, the state has seen a steady decrease in fatalities since 2010, while the trend of injury accidents has been stable. According to the 2007 to 2012 editions of *Kentucky Traffic Accident Facts*,⁶ the biggest contributor to highway-rail at-grade crossing accidents was driver inattention, while failure to yield right of way was the second biggest contributor.

Another major rail safety concern is trespassing on railroad property. A trespasser is defined by FRA as persons who are on the part of railroad property used in railroad operation and whose presence is prohibited, forbidden, or unlawful.⁷ In 2012, 12 fatal and 14 non-fatal injuries occurred as a result of trespassing. In 2013, nine fatal and seven non-fatal injuries occurred as a result of trespassing.

Rail security is a concern for both passengers and freight. In the wake of the United States terrorist attacks of September 11, 2001, and recent train derailments involving hazardous cargo, the discussion of rail security has received more attention at the national and state levels.

Passenger rail security is overseen at the federal level by the Transportation Security Administration (TSA), which routinely provides security and random checks of passengers and luggage on the Amtrak system at various locations and on select transit systems across the United States. These checks can match passengers' identification with issued tickets, checked bags, and other belongings, providing a basic line of security at stations and aboard vehicles.

Rail security is generally a federal responsibility through the Interstate Commerce Clause and related acts. Since the rail system is privately owned and operated in Kentucky, few public programs exist that explicitly address security of the rail system. Without statutory authority and additional resources, the KYTC's primary role in rail security is to provide technical support and act as a clearinghouse for information.

⁶ Kentucky Transportation Center, *Kentucky Traffic Accident Facts*, published annually

⁷ <http://www.fra.dot.gov/eLib/details/L04702>, 2014

ES 6: RAILS TO TRAILS PROGRAM

The most common type of rail trails are public paths that have been created along inactive and/or abandoned railroad corridors. These paths are used for non-motorized activities such as walking, running, bicycling, and equestrian. Currently, more than 21,437 miles of rail trails are in service in the United States, with more planned.⁸

An abandoned rail line is railroad right of way on which rail service has been discontinued and the United States Surface Transportation Board (STB) has approved the abandonment. As of 2014, Kentucky had more than 2,400 miles of active mainline track, down from over 4,000 miles at its peak in the 1930s, resulting in more than 1,000 miles of abandoned railroad beds in the state.⁹

Based on data furnished by Kentucky Rails to Trails Council (KRTC), the state has 75 miles of existing rail trails as of late 2013.¹⁰ An estimated 278 additional miles of rail trails are currently in the planning or development stage throughout Kentucky.

Funding for rails to trails projects can come from many sources, including federal, state and local agencies. Other sources of financial support for rail trails include assistance from foundations, corporations, or individuals.

ES 7: PUBLIC AND INDUSTRY OUTREACH

The KYTC chose to pursue a targeted approach in the solicitation of public and industry opinions on identifying needs in the rail infrastructure and operations in Kentucky.

A special effort was made to involve members of the railroad industry and the general public to obtain responses and comments on the draft 2015 Kentucky Statewide Rail Plan. Efforts included presenting information at the Kentuckians for Better Transportation (KBT) conference in January 2014 and soliciting feedback from attendees, holding two public meetings in February 2014, and meeting with a group of rail industry stakeholders in May 2014. Completed surveys from the public involvement effort of Kentucky's 2014 LRSTP relevant to rail were reviewed. Also included was a 45 day review and comment period for the draft 2015 Kentucky Statewide Rail Plan that took place in August and September of 2014.

Two public meetings were held to solicit feedback on the 2015 Kentucky Statewide Rail Plan, one in the eastern portion of the state in Ashland, Kentucky, and one in the western portion of

⁸ <http://www.railstotrails.org/ourWork/trailBasics/trailStats.html>, 2014

⁹ Kentucky's Abandoned Railroad Corridor Inventory Project of 2003, <http://kyrailbeds.com/>, 2014

¹⁰ <http://www.kyrailtrail.org/>, 2014

the state in Fulton, Kentucky. In addition to their geographic location, these cities were selected due to the presence of passenger rail service via Amtrak.

In addition, a meeting with rail industry stakeholders was held at the KYTC central office. Meeting attendees included representatives from various railroad groups and companies including Bluegrass Railroad Museum, CSXT, Norfolk Southern, Paducah and Louisville Railway, and the R.J. Corman Railroad Group.

ES 8: RECOMMENDATIONS

Recommendations were prepared based on issues and concerns identified during the development of the 2015 Kentucky Statewide Rail Plan. Many of those concerns had been identified during the public outreach and stakeholder engagement process. The four goals from the 2002 Kentucky Statewide Rail Plan were reaffirmed as part of the 2015 Kentucky Statewide Rail Plan update. The KYTC and partner agencies evaluated the goals to identify progress since 2002, as well as specify action items and recommended improvements for each goal.

Overall, the KYTC is making strides in each goal area to work within its organization and with other public and private sector partners to improve rail transportation in Kentucky.

Preservation

Encourage the preservation of the largely privately owned and operated rail system within Kentucky.

Status

The KYTC partners with other agencies to provide technical guidance, planning, and coordination of efforts to help preserve the railroad system in Kentucky. Few rail abandonments have occurred in Kentucky during the past decade, an indication that the rail industry in Kentucky is sustainable.

Recommendations

It is suggested that the KYTC provide information regarding abandoned rail lines to partner agencies and the public. It is further suggested that partner agencies identify opportunities to provide technical guidance and assistance during abandonments, particularly for owners interested in rail banking.

Economic Development

Support economic development by working to provide roadway connectivity to the state and national rail system and intermodal facilities.

Status

The KYTC has worked with the Governor's office and other agencies to make funding available for rail projects through short line assistance grants and has partnered with railroads to support TIGER grant applications. There is no dedicated source of funding for rail projects in Kentucky. Private groups and companies in Kentucky have led rail investment advocacy efforts in the pursuit of a dedicated funding source for rail improvements. Similarly, no dedicated state funds exist for passenger rail development projects to advance passenger rail infrastructure investment, conduct in-depth studies and marketing, and perform facility upgrades, or other improvements.

Recommendations

The KYTC has limited abilities to influence private investment and behaviors, but can encourage partnerships for investment and provide technical analysis related to the feasibility of public investment in rail. Interested parties and rail owners and operators have identified needs that include seeking methods to establish a permanent source of funding for rail improvements, for both passenger and freight. This effort must be initiated by the private sector. A dedicated source of rail funding for improvements and investments is the best tool to achieve economic development successes.

Customer Relationships/Transportation Planning Process

Strengthen customer relationships with the rail industry through communication, cooperation, and information exchange in the KYTC planning process.

Status

The KYTC is engaged in periodic discussions with the rail industry as it relates to transportation planning, and collects annual reports from railroad companies regarding their operations in Kentucky. The Kentucky LRSTP is multimodal in scope and includes a rail element. The KYTC Division of Planning partners with Metropolitan Planning Organizations (MPOs), Area Development Districts (ADDs), local governments, and other planning agencies across Kentucky to coordinate rail planning activities within the statewide transportation network.

Recommendations

It would be helpful for the KYTC to consider amending the annual report it collects from the railroads to include information about the full rail transportation system with details such as yard information and location, track types, and major structures. More complete knowledge of the rail transportation system and needs may improve the KYTC's ability to support upgrades to highways serving important rail infrastructure.

During the stakeholder engagement process, a recommendation suggested the development of a project benefits calculator for examining multimodal investments.

It is recommended that the KYTC continue to engage interested stakeholders in related planning efforts and continue to strengthen relationships with the industry. Periodic rail industry meetings allowing an exchange of information between the KYTC, rail companies, and other stakeholders is also recommended.

Finally, the Rails to Trails Program and its processes are shared by the KYTC, the Department of Parks, and the Department for Local Government (DLG). Continued coordination between these agencies will further advance the program, its mission and effectiveness.

Safety and Security

Enhance highway-railroad at-grade crossing safety and reliability to ensure mobility and access.

Status

The KYTC monitors rail safety and security issues by collecting FRA-required data, including types of warning devices and accidents, on all public highway-rail at-grade crossings within the state. The KYTC provides vehicle visor cards for detailing highway-rail at-grade crossing safety issues as well as railroad contact numbers and information. The KYTC is a supporter of Kentucky's Operation Lifesaver and its educational message.

Recommendations

It would be helpful for the KYTC to continue these activities and consider expansion, including developing a Rail Safety and Security Plan, to identify risks and threats to the rail system and detail countermeasures that the state and other private partners could implement to reduce those risks. This document could detail contingency and action plans in the case of disasters, both manmade and natural, and include coordination with nearby states.

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CHAPTER 1: INTRODUCTION

The Kentucky Transportation Cabinet (KYTC) identified a need to update the 2002 Kentucky Statewide Rail Plan. The 2015 Kentucky Statewide Rail Plan defines goals, system strategies, and policies to improve the Kentucky rail transportation network and operations while conforming to the goals established in the 2006 KYTC Strategic Plan¹ and Kentucky's 2014 Long-Range Statewide Transportation Plan (LRSTP). In addition, this document consolidates information about Kentucky railroads and identifies future rail project goals to meet Federal Railroad Administration (FRA) requirements for federal funding eligibility.

A glossary of abbreviations has been provided in **Appendix A** for reference.

1.1 PURPOSE OF THIS PLAN

The 2015 Kentucky Statewide Rail Plan is a high-level policy guidance document. The purposes of the plan are:

1. To present information about the current state of operations of the rail mode in Kentucky, including rail issues for all stakeholders and the role of railroads in a multimodal environment; and,
2. To develop system-wide strategies and policies consistent with the goals of the KYTC Strategic Plan, the Kentucky LRSTP, and the United States National Freight Policy.

The information and policies gathered in the 2015 Kentucky Statewide Rail Plan will allow the KYTC to identify initiatives to improve rail service and to prioritize those initiatives based on public and private benefits.

The Passenger Rail Investment and Improvement Act of 2008 (PRIIA), codified as Public Law 110-432, stipulated the minimum content of state rail plans. The FRA guidance released in September 2013 further clarified the requirements.² The 2014 version of the Kentucky Statewide Rail Plan is Kentucky's mechanism to satisfy these requirements and provide a high-level policy guidance document for rail transportation in the Commonwealth. The FRA requires that state plans accomplish the following objectives:

- Broaden the understanding of rail issues for all stakeholders;
- Define the role of railroads in a multimodal environment;
- Identify infrastructure and other improvements required to improve rail service;
- Provide a framework to implement rail improvement initiatives;
- Develop methodologies to measure public and private benefits of rail improvements; and,

¹ Kentucky Transportation Cabinet Strategic Plan, 2006

² <http://www.fra.dot.gov/Elib/Details/L04760>, 2014

- Provide support and justification for federal and other rail funding.

1.2 KENTUCKY LEGISLATION RELATING TO RAILROADS

Following the abolition of the Kentucky Railroad Commission, the KYTC has been tasked with the responsibility of regulating railroads within the Commonwealth, pursuant to Kentucky Revised Statute (KRS) 174.057, as described below:

174.057 Railroad regulation -- Division of Planning – Administrative regulations.

The Transportation Cabinet shall have the responsibility of regulating railroads within the Commonwealth. The cabinet shall delegate to the Division of Planning within the Department of Highways' Office of Project Development the powers necessary to carry out the provisions of this section. The secretary may employ such personnel as necessary to perform the duties, functions, and responsibilities associated with the regulation of railroads. The division shall have all the powers previously vested in the Kentucky Railroad Commission. The cabinet shall promulgate administrative regulations under KRS Chapter 13A to carry out the provisions of this section. Effective: June 25, 2009

History: Amended 2009 Ky. Acts ch.13, sec 6, effective June 25, 2009 – Created 2000 Ky. Acts ch. 417, sec 1, effective December 1, 2000.

Legislative Research Commission Note (12/1/2000). The contingency on the effectiveness of this statute set by 2000 Ky. Acts ch. 417, sec. 18, was met, the voters of the Commonwealth having ratified at the general election on November 7, 2000, a constitutional amendment (see 2000 Ky. Acts ch. 399) abolishing the Railroad Commission.

Within the KRS and the Kentucky Administrative Regulations (KAR) are a number of statutes and regulations that relate directly to the rail system, rail safety, and the Rails to Trails Program. Those related to rail safety and the Rails to Trails Program are presented in **Chapters 5 and 6**, respectively. Miscellaneous rail statutes are presented in **Appendix B**. These statutes address a broad range of rail-related topics and are provided for additional reference. Those enforcement duties not transferred to the KYTC are the responsibility of local government.

1.2.1 Constitutional Constraints

The state highway fund is constitutionally mandated to be used only on highways, via Section 230 of the Kentucky Constitution, as listed below:

Section 230: Money not to be drawn from Treasury unless appropriated – Annual publication of accounts – Certain revenues usable only for highway purposes.

No money shall be drawn from the State Treasury, except in pursuance of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually. No money derived from excise or license taxation relating to gasoline and other motor fuels, and no moneys derived from fees, excise or license taxation relating to registration, operation, or use of vehicles on public highways shall be expended for other than the cost of administration, statutory refunds and adjustments, payment of highway

obligations, costs for construction, reconstruction, rights-of-way, maintenance and repair of public highways and bridges, and expense of enforcing state traffic and motor vehicle laws.

Any rail funding provided by the state originates from the Kentucky General Fund and competes against other statewide needs. There is no dedicated source of state funding for rail projects. More information about state funding can be found at <http://www.kentucky.gov>. All constitutional amendments regarding rail can be found in **Appendix B**.


1.2.2 KAR Title 603, Chapter 7, Section 090

In order to monitor Kentucky's rail system, the KYTC promulgated KAR Title 603, Chapter 7, Section 090 to regularly update railroad data. This regulation requires that all freight railroads must submit the following information to the KYTC:

- Kentucky Railroad Annual Report (Form TC 59-102), which can be found in **Figure 1-1**;
- Map of all active routes;
- Written notice of abandonments; and,
- Reports of accidents resulting in a loss of life.

The annual report and map of all active routes are to be submitted to the KYTC's Division of Planning on or before March 31st of each year. With these procedures in place, the KYTC has information readily available for reference purposes, future updates of the Kentucky Statewide Rail Plan, and other planning efforts the KYTC may pursue. For additional information concerning KAR 603 7:090, see **Appendix B**.

Figure 1-1: Kentucky Railroad Annual Report Form



Kentucky Transportation Cabinet
Division of Planning

KENTUCKY RAILROAD ANNUAL REPORT

TC 59-102
01/2014
Page 1 of 1

RAILROAD INFORMATION

YEAR: January 1 - December 31,

NAME OF RAILROAD

CONTACT NAME & TITLE

ADDRESS

CITY, STATE, ZIPCODE

EMAIL ADDRESS

PHONE NUMBER

Contact for Public Relations (Name, Email, Phone #)

Contact for Rail Infrastructure Planning (Name, Email, Phone #)

TOTAL MILES OF TRACK OWNED AND/OR OPERATED ON AT CLOSE OF YEAR WITHIN KENTUCKY

RAILWAY OPERATING REVENUE EARNED WITHIN KENTUCKY

RAILWAY OPERATING EXPENSES WITHIN KENTUCKY

FREIGHT REVENUE HAULED DURING THE YEAR WITHIN KENTUCKY

ROAD PROPERTY & EQUIPMENT INVESTMENT

	BOOK VALUE BEGINNING OF YR	ASSET ADDITIONS	ASSET RETIREMENTS	BOOK VALUE ENDING BALANCE	ACCUMULATED DEPRECIATION	NET BOOK VALUE
LAND						0
ROAD PROPERTY						0
LOCOMOTIVES						0
FREIGHT CARS						0
OTHER						0
TOTAL	0	0	0	0	0	0

ROAD PROPERTY & EQUIPMENT LEASED

	BOOK VALUE BEGINNING OF YR	ASSET ADDITIONS	ASSET RETIREMENTS	BOOK VALUE ENDING BALANCE	ACCUMULATED DEPRECIATION	NET BOOK VALUE
LAND						0
ROAD PROPERTY						0
LOCOMOTIVES						0
FREIGHT CARS						0
OTHER						0
TOTAL	0	0	0	0	0	0

Source: Kentucky Transportation Cabinet (KYTC), 2014

1.3 KYTC OBJECTIVES FOR THE RAIL NETWORK

The KYTC's mission is to provide a safe, efficient, environmentally sound, and fiscally responsible transportation system that delivers economic opportunity and enhances the quality of life in Kentucky. With regard to rail transportation, the KYTC's goal is to support and work with private rail carriers to provide a safe, reliable, efficient, and effective rail transportation system for the movement of passengers and freight within the Commonwealth as well as connect Kentucky to domestic and international markets. The KYTC recognizes that an effective rail system will help alleviate highway congestion, contribute to economic development, improve public safety, improve energy efficiency, and reduce greenhouse gas emissions. The following goals and objectives, consistent with the KYTC Strategic Plan, are established as part of the Kentucky Statewide Rail Plan.

1.3.1 Preservation

Encourage the preservation of the largely privately owned and operated rail system within Kentucky.

Objectives (Actions)

- Provide periodic updates to the Kentucky Statewide Rail Plan to include location, use, and condition of the rail system within the state;
- Work with stakeholders to preserve rail service where it is in the public interest, and to preserve rail right of way where service preservation is not possible or justified;
- Maintain a statewide program of public, highway-rail at-grade crossing evaluations; and,
- Assist in identifying reliable funding sources for the rail system from federal, state, and local governments, as well as the private sector, in order to improve rail infrastructure, maintain safety of operations, and sustain and grow rail traffic.

1.3.2 Economic Development

Support economic development by working to provide roadway connectivity to the state and national rail system and intermodal facilities.

Objectives (Actions)

- Identify rail-intermodal locations and opportunities for effective freight transportation;
- Develop and promote efficient connectivity of the rail system;
- Develop roadway access as needed to rail intermodal facilities, including rail at riverports, rail at airports, and rail at other freight transloading facilities;
- Work with regional and short line (Class II and Class III) railroads to link Kentucky's Class I railroad operators and other major rail operators in Kentucky; and,

- Share the location of rail-served communities and industrial sites with economic development groups throughout the state.

1.3.3 Customer Relationships/Transportation Planning Process

Strengthen customer relationships with the rail industry through communication, cooperation, and information exchange in the KYTC transportation planning process.

Objectives (Actions)

- Communicate with Metropolitan Planning Organizations (MPOs) and other planning organizations regarding rail-intermodal issues and the role of intermodal facilities;
- Involve the railroads in the KYTC transportation planning process, including the development of the Kentucky LRSTP and the KYTC Statewide Rail Plan, as well as in the KYTC project development process;
- Maintain a record of locations of rail and intermodal facilities in Kentucky; and,
- Cooperate with railroads, transportation advocates, and others in the exchange of current information and ideas regarding the rail industry.

1.3.4 Safety and Security

Enhance highway-railroad at-grade crossing safety and reliability to ensure mobility and maintain safe access.

Objectives (Actions)

- Coordinate identification of highway-rail at-grade crossings for enhanced warning devices, grade separation, and/or closure; and,
- Improve rail safety and security through support of rail safety programs.

1.4 HISTORY OF RAIL IN KENTUCKY

Kentucky has a rich railroading heritage dating back to the 1830s when the Lexington and Ohio Railroad was chartered with state dollars. The charter called for building the railroad from Lexington to the Ohio River. By 1834, the railroad had reached Frankfort, but not without setbacks. When disagreements on the Ohio River landing point near Louisville were finally settled, local opposition had prevailed and sections west of Frankfort were not fully connected to those near Louisville. The railroad changed ownership during economic hard times and ultimately failed. The state confiscated its assets as repayment.

The Louisville and Nashville (L&N) Railroad, an iconic railroad name, was chartered in 1850 by Kentucky with state dollars and grew into one of the most successful private businesses of its day. The railroad provided both passenger and freight services continuously under one name in the Southeastern United States for 132 years, surviving the Civil War as well as national

economic boom and bust cycles including the Great Depression. By October 1859, the actual namesake run from Louisville to Nashville, Tennessee (a distance of 187 miles) was possible, with a total cost of over \$7 million for the infrastructure. It was not until the 1860s that the L&N, nicknamed “Old Reliable,” began to thrive in Kentucky. At that time, the mainlines of the L&N and other railroads provided access to industrial development, mining sites, and many towns and cities typically isolated by low water on navigable waterways or lack of roadways. Kentucky and the L&N were also important to Union troop and supply movements during the Civil War. Rail lines running throughout Kentucky were used to supply Union troops with food, ammunition, and medical and other supplies deep into contested territory throughout the war. This led to Confederate forces often raiding the trains.³

The 1870s were the dawn of a new era in Kentucky's transportation history. More markets in Kentucky, the South, and the Eastern Seaboard, cheaper goods, and expanded shopping facilities combined to produce the "Age of Railroading". Railway mileage in Kentucky tripled between 1870 and 1900. Public and private railways sprang up, connecting even the smallest towns. Yet, no widespread competition between the railroads and the state's turnpikes occurred because no system of state highways existed in Kentucky at the time. Counties were responsible for roadway construction and maintenance. Many roads were in such bad condition that residents traveled them only as a last resort.⁴

As with most states, railroads contributed significantly to the early economic growth of Kentucky. They provided a cost effective means to transport tobacco and other agricultural products from farms to eastern markets and to ports for shipment to global markets. The railroads provided access to Kentucky's natural resources of coal and limestone deposits, stimulating the growth of the mining industry in the state. Thanks to improved rail transportation, total coal production rose to one million tons in 1879. By the end of the century, the output equaled more than five million tons. The eastern coal industry welcomed the railroads as an alternative to the uncertainties of slack water navigation. Due to geography, the mountain railroads had to follow the course of the waterways, with tracks often clinging to riverbanks.

Railroads also greatly altered the lifestyles of all but the most isolated Kentuckians by stimulating the industrial and economic development of the state. In addition to facilitating the movement of goods, the railroads also improved the mobility of people living in or visiting the state. The ability of people to move fluidly among economic centers improved commerce among those centers and also supported population migration to areas of increasing activity.

³ Excerpted from *History of Railroad in Kentucky*, William Strategier, December 1950, Gist Historical Society

⁴ Excerpted from Kentucky Educational Television (KET), *Kentucky's Story, Part 8*, undated online documentation, 2014

In the 19th and 20th centuries, the railroads provided needed linkages for both passengers and freight across Kentucky, complementing the newly constructed roadways. Trucks and personal vehicles, however, proved to be too much competition for the railroads, especially after World War II. Rail companies suffered financially and those that were not profitable went out of business.

In an initial effort to reverse the ill fortunes of the railroads after World War II, Amtrak was formed by the federal government to absorb the highly unprofitable passenger rail businesses. While this helped a number of the railroads, the northeastern and many Midwestern railroads were still facing bankruptcy in the 1960s. To save the rail industry in those parts of the country, the failed railroads were combined in 1976 into a new federally created and federally supported company, Conrail, with many unprofitable lines eliminated as part of the consolidation. However, it was not until passage of the Staggers Act in 1980, which essentially deregulated the railroads, that the industry began its turnaround. The Staggers Act gave the railroads pricing freedom and operating flexibility to compete better with motor carriers and permitted them to more easily shed unprofitable lines. Significant merger activity also occurred, eliminating costly redundant lines. In the newly deregulated environment, railroads began to build the capital to invest heavily in their properties. The railroads, without the burden of passenger service and now carrying only freight, had reversed their decline and had become a significant economic force in the country.

Consequently, despite the development of the interstate and state highway systems and the growth of the motor carrier industry, freight railroads still play an important role in the economy of Kentucky. Improvements in service, successful efforts to reduce costs, and growing recognition of the economic, safety, and environmental benefits of rail transportation have increased the demand for transporting freight by rail.

The Kentucky Railroad Commission⁵ (RRC) was formed in 1880 as a statutorily created agency. From 1880 to 1891, the Governor appointed the members of the commission. In 1891, the Constitution established a three-member commission and the commission as a body was in place until November 2000. Each member was elected from separate districts for four-year terms. In the early years, the RRC was responsible for examining the railroad business within the state, reviewing compliance with rail laws, and holding related hearings. This responsibility changed over time. During the 1930s, the federal government became more focused on the regulation of interstate commerce, taking over roles that formerly were left to states and their rail commissions. Finally, in the early 1980s, after the passage of the Staggers Act, the federal government was authorized to deregulate interstate rail transportation, leaving the RRC with little regulatory and enforcement authority.

⁵ Kentucky Legislative Research Commission: Proposed Elimination of Railroad Commission Amendment, 2000

By vote in the November 2000 elections, Kentucky General Assembly, Constitutional Amendment No. 2 was passed, which amended Sections 201, 209, and 218 of the Constitution of Kentucky, and abolished the RRC. The administrative duties of the RRC were subsequently transferred to the KYTC Division of Planning, within the Department of Highways' Office of Project Development. A complete copy of the statutes impacted by the changes is included in **Appendix B.**

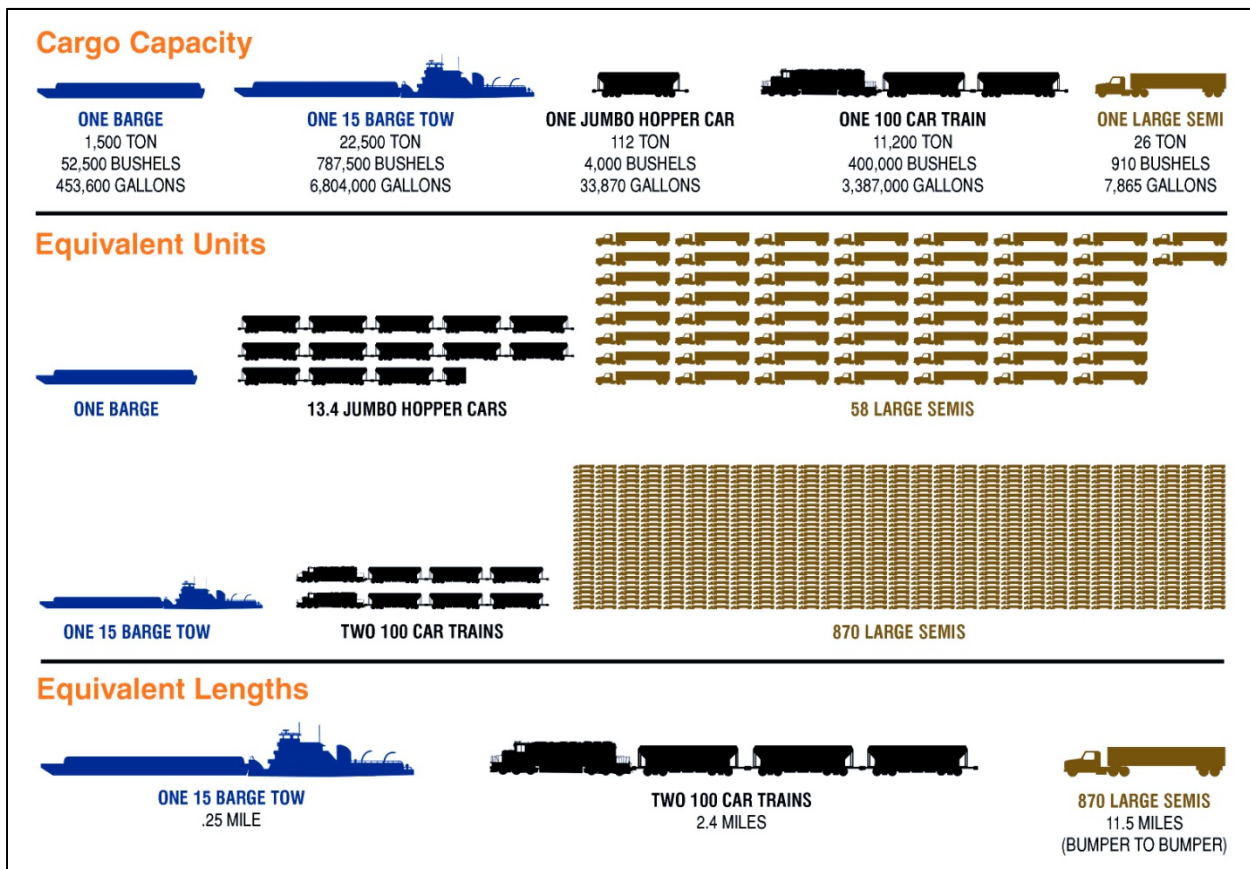
CHAPTER 2: FREIGHT AND INTERMODAL

This chapter defines the Kentucky rail system by describing the major characteristics of each operating freight railroad and details key system-wide trends and conditions. It also depicts major types and quantities of goods shipped from, to, and through Kentucky, including descriptions of some of the multimodal linkages.

Rail transportation is a safe and efficient mode for transporting freight. **Figure 2-1** provides a graphic comparison of cargo carrying capacity by various modes.

All modes have advantages and disadvantages in the movement of freight. The choice between modes is often tied to the location, type of commodity, price of shipment, and connections to other modes. In comparing the cargo capacity of each mode in terms of energy, safety, and environmental impacts, freight rail transportation typically ranks better than trucking but usually does not perform as well as barging.⁶

Figure 2-1: Comparison of Cargo Carrying Capacity by Mode



Source: <http://www.iowadot.gov/compare.pdf>, 2014

⁶ <http://www.aclines.com/site/safety-sustain/environmental-benefits-of-barging.html>, 2014

2.1 FREIGHT RAILROAD COMPANIES OPERATING IN KENTUCKY AND THE REGION

The connection between Kentucky's rail system and the Eastern and Middle United States' Class I railroad system from the east coast to just west of the Mississippi River is displayed in **Figure 2-2**. The Kentucky rail system, shown in **Figure 2-3**, is comprised of 23 railroads (owning, operating, or having trackage rights), including one port railroad and five museum/tourist railroads, three of which operate on private track. Kentucky railroads range in size from short line railroads to the nation's largest railroads serving the United States, Canada, and Mexico.

Railroads operating within Kentucky through ownership or trackage rights include five Class I railroads, one Class II or regional railroad, thirteen Class III railroads, one passenger railroad, and three tourist railroads. Class I railroads, as defined by the Surface Transportation Board (STB) for 2012, are those with annual gross revenue of \$452.7 million or more. Class II railroads, also referred to as regional railroads, are those with annual gross revenue greater than \$36.2 million but less than \$452.7 million. Class III railroads, also known as short line railroads, are those with annual gross revenue less than \$36.2 million. Additional information about class thresholds can be found on the STB website, <http://www.stb.dot.gov/>.⁷

The railroad infrastructure capacity is maximized by carefully controlled timetables in order to eliminate conflicts in the movement of passenger and freight operations. Track control decisions are handled by arrangement hierarchy ranging from ownership to trackage rights. Track control arrangements provide guidance on which railroad is allowed to operate on a section of track, and the window of time those operations are expected to take place. Below are common examples of track control arrangements in Kentucky:

- A railroad is both owner and operator;
- A railroad operates on a line of track owned by a different railroad company under a lease or contract agreement;
- A railroad operates under a trackage rights agreement; or,
- A railroad is operated by a subsidiary company.

Understanding the context of freight rail transportation terminology is important over the next few sections. Below are definitions of common terms used by railroads regarding business operations:

- Switching – “The process of putting cars in a specific order (as in a classification yard), placing cars for loading or retrieving empties (industrial switching), or the process of

⁷ [http://www.stb.dot.gov/econdata.nsf/d03c0c2161a050278525720a0044a825/48f3885d7a5b882e852575190052fa79/\\$FILE/Railroad%20Revenue%20Thresholds%20for%20last%205%20years%20thru%202013.pdf](http://www.stb.dot.gov/econdata.nsf/d03c0c2161a050278525720a0044a825/48f3885d7a5b882e852575190052fa79/$FILE/Railroad%20Revenue%20Thresholds%20for%20last%205%20years%20thru%202013.pdf), 2015

adding or removing cars from a train at an intermediate point. OR The movement of cars from one point to another within the limits of an individual plant, industrial area, or a rail yard.”;⁸

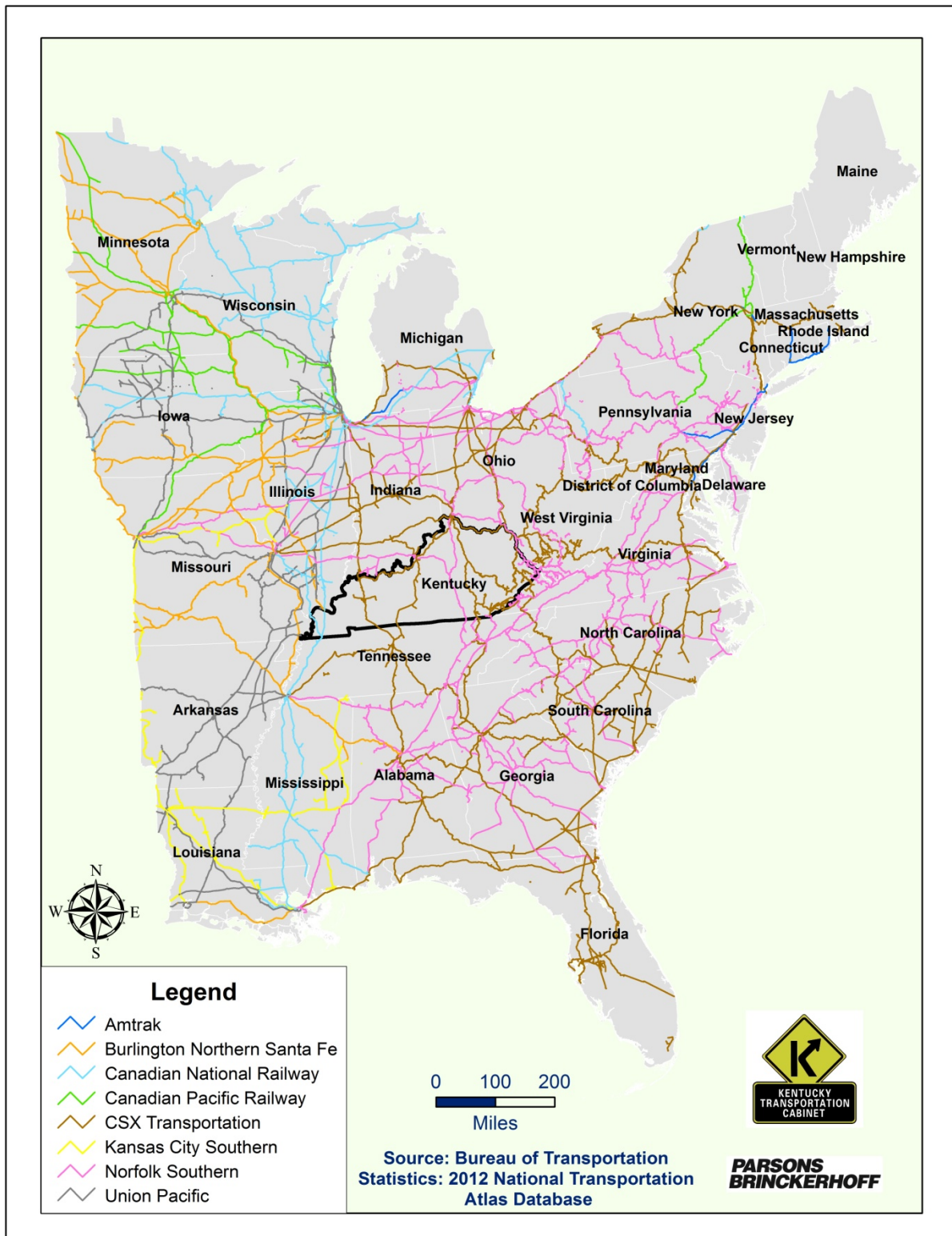
- Unit Train – “A complete train of one type of freight cars and/or cargo typically with one or more locomotives and an end of train marker device. For example a train made up solely of gondola cars containing coal.”;⁹
- Transloading – “Two or more shipments in the same car for different consignees to be stopped en route and transferred to different cars for independent delivery. OR The transfer of lading from one car to another due to a derailment or mechanical failure of the equipment.”;¹⁰

⁸ <http://www.csx.com/index.cfm/about-csx/company-overview/railroad-dictionary/?i=S>, 2014

⁹ <http://www.csx.com/index.cfm/about-csx/company-overview/railroad-dictionary/?i=U>, 2014

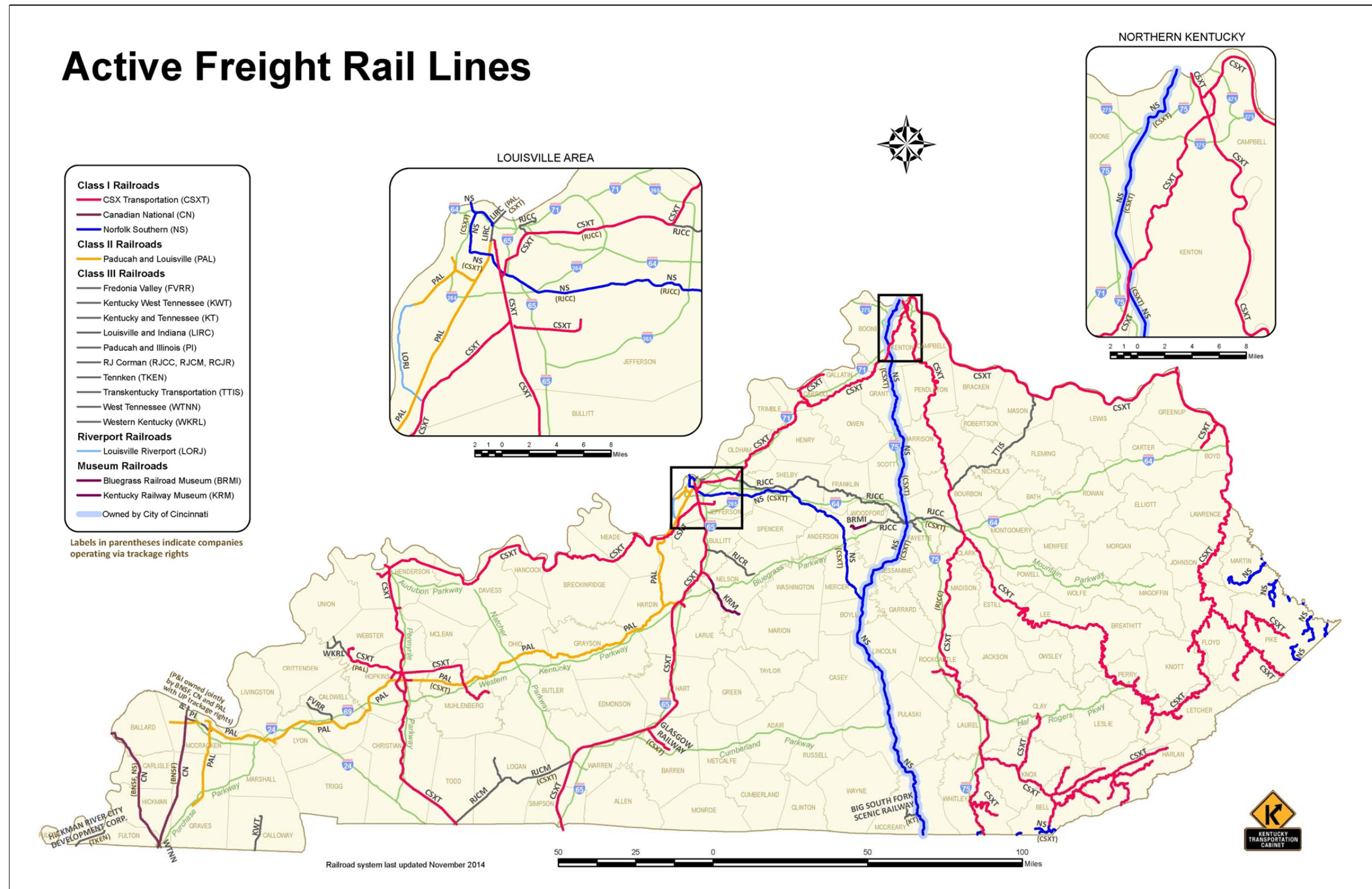
¹⁰ <http://www.csx.com/index.cfm/about-csx/company-overview/railroad-dictionary/?i=T>, 2014

Figure 2-2: Class I Rail System of the Eastern and Middle U.S., 2014



Source: Bureau of Transportation Statistics (BTS): 2012 National Transportation Atlas Database

Figure 2-3: Active Freight Rail Lines of Kentucky



Source: KYTC, 2014

As seen in **Table 2-1**, Kentucky's rail system includes approximately 3,200 route miles. The total extent of routes available for trains to operate is referred to as route miles. Track miles, on the other hand, include the mileage for multiple tracks operating along the route. As an example, for each route mile where there is a double track, there would be two track miles. The five Class I railroads represent approximately 2,300 route miles, or about 73 percent of the Kentucky statewide rail system. These numbers are estimates, since some railroads include siding and auxiliary track mileage in their annual report while others do not.

Table 2-1: Freight Railroad Route Miles Operated in Kentucky (Single Owner)

2013 Mainline Railroad Mileage Reported Owned, Leased or Under Trackage Rights	RR Company Class	Mileage				
		Owned by Self	Owned by Proprietary	Leased	Trackage	Total
Burlington Northern Santa Fe	I	13*	0	0	86*	99
Canadian National (Illinois Central) (Grand Trunk Corp.)	I	86	12*	0	0	98
CSX Transportation	I	1564	64*	11*	46*	1685
Norfolk Southern	I	154	0	212	63*	429
Union Pacific	I	0	0	0	12*	12
Paducah & Louisville	II	265	0	0	15*	280
Carrollton Railroad	III	15*	0	0	0	15
Fredonia Valley Railroad	III	10	0	0	0	10
Kentucky and Tennessee Railway	III	0	0	0	8*	8
KWT Railway (Ky. West Tn.)	III	12	0	0	0	12
Louisville & Indiana Railroad	III	4	0	0	0	4
Paducah & Illinois	III	15*	0	0	0	15
RJ Corman - Bardstown Line	III	20	0	0	0	20
RJ Corman - Central Line	III	114	0	0	0	114
RJ Corman - Memphis Line	III	63	0	0	0	63
TennKen	III	12	0	0	0	12
Transkentucky Transportation	III	50*	0	0	0	50
West Tennessee Railroad	III	1	0	0	0	1
Western KY Railway	III	16	0	0	0	16
Amtrak	Passenger	0	0	0	207*	207
Big South Fork Scenic Railroad	Rec.	12	0	0	0	12
Bluegrass Railroad Museum	Rec.	6	0	0	0	6
Kentucky Railroad Museum	Rec.	23	0	0	0	23
Total		2477	76	223	437	3191

*Denotes mileage that may be reported by multiple owners or operators of track.

(1) Multiple railroads may own, lease or have trackage rights on sections of track; therefore totals may not accurately represent actual mileage.

(2) Mileage reported consists of mainline railroad track miles as reported annually by Class I railroads to the STB and by Class II and III railroads to the KYTC.

Source: KYTC, 2014

In Kentucky, CSX Transportation (CSXT) is the largest railroad company in terms of mainline route mileage, accounting for 1,685 route miles, or 53 percent of the total route miles. The

second largest railroad by mileage is Norfolk Southern (NS), operating on 429 route miles, or 13 percent of the statewide rail system. The third largest railroad company by mainline route mileage is the Paducah and Louisville Railway, Inc. (PAL), which is Kentucky's only Class II regional railroad. PAL operates 280 route miles of mainline railroad, approximately nine percent of the statewide rail system.

Class II and III railroads provide connections from a local business or industry to the national/regional rail network. Short line railroads combine cars from multiple local facilities to make the Class I railroad stops more efficient. They also break up the train segment brought by the Class I railroad and disburse materials back to local businesses. This is known as making and breaking trains.

Table 2-1 lists route miles owned, leased or with trackage rights by railroad companies, as reported to the KYTC on the annual report. Multiple railroads own, lease, or have trackage rights on the same sections of track, which may lead to a discrepancy when compared to the total number of route miles available in the state. Listed individual totals may not accurately represent actual mileage. Some of the railroads operate through subsidiary railroads. **Section 2.1.1** details each freight railroad currently operating within Kentucky, according to railroad class. Detailed information about railroads in this chapter was compiled from a combination of FRA, STB, KYTC, and the individual railroad websites.

There are also connections to mainline rail and rail yards in nearby states. Information about those connections, while not detailed in this plan, can be found in rail and freight plans of other agencies, including those for the Metropolitan Planning Organizations (MPOs).

2.1.1 Class I Railroads

As detailed earlier, the STB defines the classifications of railroads. The following section describes Class I railroads, which have annual gross revenues of \$452.7 million or more.

Burlington Northern and Santa Fe Railway (BNSF) – BNSF operates over 32,500 route miles within the United States and two Canadian provinces. In the United States, it predominantly operates west of the Mississippi River, but it also has short extensions into the southeast region. In Kentucky, BNSF shares ownership of Paducah and Illinois (PI) with Canadian National Railway (CN) and Paducah and Louisville Railway, Inc. (PAL). It also operates over CN track using trackage rights. It generally provides no local switching operations, only pick-up and delivery service. Nationally, commodities hauled by this railroad include agricultural products, consumer products, coal, and industrial products.

Canadian National Railway (CN) – CN's rail network has approximately 20,600 route miles. CN's rail lines span the width of Canada and run north/south generally following the Mississippi River down to the Gulf of Mexico, with connections to all points in North America. In Kentucky,

CN operates along rail lines obtained when CN purchased the Illinois Central Railroad in 1999. CN operates a mainline in Western Kentucky, linking the Port of New Orleans with the upper Midwestern United States. Nationally, CN carries automotive products, coal, forest products, fertilizer, food and beverages, grain and other specialty crops, metals and minerals, and petroleum and other chemicals.

CSX Transportation (CSXT) – CSXT operates approximately 21,000 route miles across 23 states, the District of Columbia, and two Canadian provinces. CSXT serves the major markets in the Eastern United States and is Kentucky’s largest railroad by mileage. In Kentucky, it operates on 1,685 miles of track, 93 percent of which is owned by CSXT. Subsidiaries of CSXT in Kentucky are Transkentucky Transportation Railroad, Inc. (TTI) and the Carrollton Railroad. Commodities hauled by CSXT in Kentucky include containerized consumer goods, coal, finished vehicles, semi-finished steel, and auto parts.

Norfolk Southern Railway (NS) – NS operates approximately 20,000 route miles across 22 states and the District of Columbia. In Kentucky, the railroad operates 429 route miles, making it the second largest railroad company within the state. Of those 429 route miles, 212 route miles are owned by the city of Cincinnati, leased to the Cincinnati Southern Railroad, which then leases it to NS. NS primarily operates in the Louisville and Cincinnati markets. It also accesses coal fields in Eastern Kentucky via mainlines from West Virginia. Nationally, commodities hauled by this railroad include coal, chemicals, agricultural products, consumer products, government shipments, metals and construction materials, finished vehicles and automotive parts, paper, clay, and forest products.

Union Pacific Railroad (UP) – UP operates 32,000 route miles in 23 states covering the western two-thirds of the United States and Mexico. UP does not own any track in Kentucky, but has intermodal and other unit trains passing through Kentucky along track owned by NS, CSXT, and PI. Nationally, commodities hauled include chemicals, agricultural products, consumer products, metals and construction materials, automotive parts, paper, clay, and forest products.

2.1.2 Class II Railroads

The following section describes the Class II railroad, which has annual gross revenue greater than \$36.2 million but less than \$452.7 million, as defined by the STB.

Paducah and Louisville Railway, Inc. (PAL) – PAL was established in 1986 through acquisition of a line owned by the Illinois Central Railroad. PAL is the only Class II railroad within Kentucky, operating on 280 mainline route miles within the state. Branch lines connect the mainline to the cities of Kevil, Mayfield, Elizabethtown, and Cecilia. In Paducah, PAL is part owner of PI and connects to BNSF, CN, and UP, and in Louisville, to NS and CSXT. PAL also connects to CSXT in

Madisonville. PAL's traffic base in Kentucky is diverse, transporting goods to and from chemical plants and other manufacturing companies, coal mines, clay and stone quarries, lumber and propane distributors, farm and mine equipment suppliers, warehouses, transload terminals, bulk terminals, riverports, and Fort Knox.

2.1.3 Class III Railroads

The following section describes Class III railroads which have annual gross revenue less than \$36.2 million.

Fredonia Valley Railroad (FVRR) – FVRR is a short line carrier that operates 10 route miles in Western Kentucky. It is owned by Lafarge North America, which owns the rock quarry in Fredonia. This Class III carrier serves a local market between the cities of Princeton and Fredonia, interchanging with PAL in Princeton.

Kentucky and Tennessee Railway (KT) – KT is located in McCreary County, in the southern portion of the state. Although KT transports some freight and does some switching, the line is owned and operated primarily for the benefit of the Big South Fork Scenic Railway, a recreational carrier. Recreational railroads are further described in **Chapter 3**.

Kentucky West Tennessee Railroad (KWT) – KWT is a short line railroad that operates across 12 route miles in Kentucky and Tennessee. It was acquired by Genesee and Wyoming (GNWR) in 2005. KWT interchanges with CSXT in Tennessee. Primary commodities hauled by this railroad include brick, clay, food, and feed products.

Louisville and Indiana Railroad (LIRC) – LIRC operates 113 route miles in Kentucky and Indiana but only four route miles are located in Kentucky. LIRC crosses the Ohio River in Louisville and continues toward Indianapolis, Indiana. It is a division of the Anacostia Rail Holdings. Primary commodities hauled by this railroad include cement, chemicals, food products, grain, lumber, manufactured goods, paper, plastics, scrap, and steel. CSXT has trackage rights on LIRC from Louisville, Kentucky, to Indianapolis.

Paducah and Illinois (PI) – PI is a short line railroad that owns 15 route miles including a vital bridge crossing of the Ohio River between Paducah, Kentucky, and Metropolis, Illinois. The rail line is equally owned by CN, BNSF, and PAL, and UP has trackage rights.

R.J. Corman Railroad Group/Bardstown Line (RJCR) – RJCR consists of approximately 20 route miles within Nelson and Bullitt counties. The railroad extends from a point near the city of Bardstown and travels west to a CSXT line between Louisville and Elizabethtown. Primary commodities hauled by this railroad include plate steel, plastics, lumber, brick, and distiller's grain. RJCR also operates the My Old Kentucky Home Dinner Train along this track, further described in **Chapter 3**.

R.J. Corman Railroad Group/Central Kentucky Lines (RJCC) – RJCC consists of two geographically separate short line railroads that together total 114 route miles. One line is more than 100 route miles in length and runs from the CSXT interchange at HK Tower in Louisville to another CSXT interchange in Winchester. The second line is more than 14 route miles in length, from Versailles to the interchange with NS in Lexington. RJCC also operates the Lexington Dinner Train over this line, further described in **Chapter 3**. Primary commodities hauled by this railroad include peanuts, aluminum ingots, alcohol, paper, plastic, fertilizer, limestone, sand, scrap paper, brick, corn syrup, and oil.

R.J. Corman Railroad Group/Memphis Line (RJCM) – RJCM operates across a total of 100 route miles in Kentucky and Tennessee. The 63 route miles that are located in Kentucky stretch from the Tennessee border to Bowling Green, with a branch line between Russellville and Lewisburg. RJCM connects with CSXT in Bowling Green and Guthrie, Kentucky. Primary commodities hauled by this railroad include aluminum can stock, grain, fertilizer, steel, lumber, paper, chemicals, wallboard, and zinc.

Tennken Railroad (TKEN) – TKEN operates 51 route miles across Kentucky and Tennessee. The 12 route miles within Kentucky are operated under lease with the Hickman River City Development Corporation, which owns the line. It connects the cities of Hickman, Kentucky, and Dyersburg, Tennessee. Primary commodities hauled by this railroad include coiled steel, petroleum coke, electro binder, plastics, synthetic resin, carbon black, fertilizer, and grain.

Transkentucky Transportation Railroad, Inc. (TTI) – TTI operates as a proprietary company of CSXT, owning 50 route miles between the cities of Paris and Maysville, Kentucky, interchanging with CSXT at each end. The primary commodities hauled by this railroad are coal and aluminum.

Western Kentucky Railway (WKRL) – WKRL was purchased by GNWR in 2005 and operates 16 route miles within Kentucky. This railroad operates within Union and Webster counties in the western portion of the state. The primary commodity hauled by this railroad is coal.

West Tennessee Railroad (WTNN) – WTNN operates between Corinth, Mississippi, and Fulton, Kentucky. WTNN operates on 230 route miles, but only on one route mile within Kentucky to interchange at the yard in Fulton. The railroad interchanges with CN at Fulton, with CSXT at Humboldt, Tennessee, and with NS and Kansas City Southern (KCS) at Corinth, Mississippi. Primary commodities hauled by this railroad include grain, steel, chemicals, paper, wood, scrap metal, plastics, and other finished goods.

2.1.4 Other Railroads

Other railroads in Kentucky include the Cincinnati Southern Railroad, Glasgow Railway, and Carrollton Railroad. Additionally, there are six public riverports in Kentucky that have rail

service. These riverports are: Greenup-Boyd County Riverport, Henderson County Riverport, Hickman-Fulton County Riverport, Louisville-Jefferson County Riverport (owns track and a locomotive; also provides switching services), Owensboro Riverport (owns track), and Paducah-McCracken County Riverport (owns track).

Cincinnati Southern Railroad – The Cincinnati Southern Railroad is the only interstate railroad owned by a municipality. It runs from Cincinnati, Ohio to Chattanooga, Tennessee. The line is leased in a long term deal to Cincinnati, New Orleans and Texas Pacific Railway (CNO&TP), a wholly-owned subsidiary of Norfolk Southern. Commodities hauled along this railroad include coal, chemicals, agricultural products, consumer products, government shipments, metals and construction materials, finished vehicles and automotive parts, paper, clay, and forest products.

Glasgow Railway – The Glasgow Railway is a privately held short line railroad running from Park City, Kentucky to Glasgow, Kentucky. CSXT operates on this railway. In Kentucky, CSXT hauls containerized consumer goods, coal, finished vehicles, semi-finished steel, and auto parts.

Carrollton Railroad – The Carrollton Railroad is a wholly owned subsidiary of CSXT in Carrollton, Kentucky. In Kentucky, CSXT hauls containerized consumer goods, coal, finished vehicles, semi-finished steel, and auto parts.

Louisville Riverport Railroad – The Louisville Riverport Railroad is associated with the Louisville – Jefferson County Riverport Authority. It has connections to PAL and CSXT, and handles coke, coal, bulk shipments and metals.

2.2 RAILROAD TRACK QUALITY CLASSIFICATION SYSTEM

In the United States, rail speed limit ranges are regulated by the FRA, but many railroads also implement and enforce their own speed limits within those FRA ranges. Speed limits are based on a number of factors, including track conditions, terrain the track follows, the physical condition of a train, the presence of grade crossings, signaling type, and curvature of the track. Speed limits for rail tracks and the trains that run on them are measured in miles per hour (mph). Rail speed limits are broken down by class.

Speed ranges based on rail track quality are established by the FRA, as follows:

- **Class 1:** 10 mph for freight, 15 mph for passenger operations. Many yard, branch line, short line, and industrial spur tracks fall into this category;
- **Class 2:** 25 mph for freight, 30 mph for passenger operations. Branch lines, secondary mainlines, many regional railroads, and some tourist operations are included in this class;
- **Class 3:** 40 mph for freight, 60 mph for passenger operations. This commonly includes regional railroad track and Class I secondary mainline track;

- **Class 4:** 60 mph for freight, 80 mph for passenger operations. This is the most common class for mainline track used in passenger and long-haul freight service;
- **Class 5:** 80 mph for freight, 90 mph for passenger operations. Few freight lines in the United States operate at this speed; and,
- **Excepted track:** In addition to the five numbered classes, the FRA track standards also provide for excepted track, which carries a 10 mph speed limit for freight and cannot be used by occupied passenger trains. The FRA permits excepted track under very narrowly defined conditions.¹¹

Most freight lines in Kentucky and in the Eastern United States operate on Class 1 to Class 3 track.

2.3 FREIGHT TRAFFIC ANALYSIS

The Surface Transportation Board (STB), described below, provided Carload Waybill Sample (CWS) data for years 2010 and 2011. The information from the CWS was used to estimate the movement of commodities and traffic densities.

2.3.1 Source of Freight Traffic Information

The STB was established in 1995 as the successor to the Interstate Commerce Commission. Its mission is to “ensure that competitive, efficient, and safe transportation services are provided to meet the needs of shippers, receivers, and consumers.”¹² It is organizationally housed within the U.S. Department of Transportation (USDOT), but makes independent rulings regarding certain surface transportation economic regulatory matters. The STB’s jurisdiction includes railroad rates and service issues, rail restructuring transactions, labor matters, data collection, abandonments, and operational oversight.¹³

STB maintains the CWS database, a stratified sample of waybills for all national rail traffic submitted by rail carriers terminating 4,500 or more revenue carloads annually. A railroad waybill is a document prepared by the railroads moving a particular shipment, and contains some of the following information: rail car identification, date, location of origin and destination, shipper, route(s), commodity code, weight, shipping charges, and other associated fees. The overall sampling of waybills averages to be less than five percent of terminated carloads. The CWS not only represents a sample of movements by railcar, but also by intermodal container or trailer, referred to as units. Multiple units may be shipped on a single railcar. Although the data originates from a relatively small sample, the CWS is regularly used

¹¹ 49 CFR 213.9 and 213.4, <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=e2044c8e9c69adf314bc94e472afe9ab&r=PART&n=49y4.1.1.1.8>, 2014

¹² STB, <http://www.dot.gov>, 2014

¹³ *Ibid.*

for judicial and regulatory purposes, market research and analysis, utilization studies, car cycle analyses, and hazardous material flow and risk assessment.

2.3.2 Commodities and Flows

Kentucky plays an important role in the U.S. rail network, and as such, rail is an important component of Kentucky's economy. Kentucky is centrally located within the eastern and middle U.S. freight network, as shown in **Figure 2-2**. All transportation modes in Kentucky have the ability to reach major consumer markets within relatively short distances, particularly on the east coast and Midwest regions of the U.S. According to 2011 data from the Association of American Railroads (AAR), Kentucky ranked 6th among all states for originated tonnage, 11th for originated carloads/units, 11th for total tons carried, and is the 3rd largest source of coal shipped by rail after Wyoming and West Virginia. Coal is not the only significant commodity carried by rail in Kentucky, however. According to the AAR's 2011 data, Kentucky also ranked 5th nationally for tonnage of originated primary iron (bars, pipe, or sheets of iron) and steel product (steel ingots, plates, bars, pipes, etc.), 8th for terminated metallic ore tons, and 9th for terminated steel product tonnage.

According to the CWS data, the Kentucky rail network carried 255.4 million tons of freight in 2010 and 267.5 million tons of freight in 2011.

2.3.2.1 Profile by Direction and Commodity

The largest share of freight on the Kentucky rail network in 2011 was overhead freight, the phrase for movements that cross through Kentucky, both originating and terminating in other states. Outbound freight, which originates in Kentucky and terminates in another state, was almost double the tonnage of inbound freight, which originates in another state and terminates in Kentucky. Intrastate freight, freight movements that take place solely within Kentucky, comprised the smallest percentage of freight movements in 2011, at less than two percent of carloads/units and less than three percent of tonnage that year. Intermodal freight is freight carried by more than one mode. Most transportation of freight from origin to destination is carried by more than one mode. Rail freight is no exception. Other transportation modes will generally be needed for the first or last segments of freight shipments. **Table 2-2** displays the volume of freight through (Overhead), from (Outbound), to (Inbound), and within (Intrastate) Kentucky.

Table 2-2: Tonnage and Carloads/Units by Movement Type, 2011

Direction	Tons	Percent	Carloads/Units	Percent
Overhead	165,172,308	61.7	3,251,725	74.7
Outbound	65,439,913	24.5	690,064	15.9
Inbound	29,713,888	11.1	340,599	7.8
Intrastate	7,216,502	2.7	69,042	1.6
Total	267,542,611	100.0	4,351,430	100.0

Source: STB CWS, 2011

Overhead

Overhead freight, as noted in **Table 2-2**, carried a total of 3.2 million carloads/units and 165 million tons through Kentucky. The top 10 overhead commodities are listed in **Table 2-3**. Coal was the highest percentage commodity shipped through Kentucky by tonnage. However, when measured by carloads/units, consolidated shipments, representing freight of all kinds, was the highest percentage commodity shipped through Kentucky by carloads/units. The commodity listed as freight all kinds is a shipping industry term for pooling various goods and shipping them together at one freight rate.

Table 2-3: Top 10 Overhead Commodities, by Tonnage and Carloads/Units, 2011

Commodity	Tons	Percent	Carloads/Units	Percent
Coal	46,272,343	28	420,869	13
Farm Products	28,341,923	17	289,986	9
Chemicals or Allied Products	16,494,613	10	201,978	6
Food or Kindred Products	15,945,485	10	258,568	8
Freight All Kinds	10,813,896	7	983,656	30
Hazardous Materials	10,801,345	7	174,801	5
Primary Metal Products	8,504,046	5	97,444	3
Pulp, Paper, or Allied Products	6,610,372	4	156,644	5
Transportation Equipment	4,045,854	2	200,628	6
Clay, Concrete, Glass, or Stone Products	3,835,640	2	42,516	1
Top 10 Sub-total	151,665,517	92	2,827,090	87
Grand Total All Commodities	165,172,308	100	3,251,725	100

Source: STB CWS, 2011

Outbound from Kentucky

Coal was the commodity with the highest percentage of outbound rail shipments, with more than 56 million tons (86 percent by tons) and nearly 500,000 outbound carloads/units (72 percent by carloads/units) in 2011. The 2011 totals of all outbound commodities were approximately 65 million tons and 690,000 carloads/units. The top 10 outbound commodities in 2011 are listed in **Table 2-4**.

Table 2-4: Top 10 Outbound Commodities, by Tonnage and Carloads/Units, 2011

Commodity	Tons	Percent	Carloads/Units	Percent
Coal	56,318,497	86	496,743	72
Primary Metal Products	2,852,240	4	30,520	4
Transportation Equipment	1,275,054	2	53,506	8
Chemicals or Allied Products	910,488	1	10,240	1
Waste or Scrap Materials	729,704	1	9,484	1
Clay, Concrete, Glass, or Stone Products	549,796	1	5,516	1
Hazardous Materials	528,760	1	11,560	2
Farm Products	522,250	1	4,932	1
Pulp, Paper, or Allied Products	384,200	1	5,520	1
Freight All Kinds	382,400	1	38,240	6
Top 10 Sub-total	64,453,389	98	666,261	97
Total All Commodities	65,439,913	100.0	690,064	100.0

Source: STB CWS, 2011

Inbound to Kentucky

Inbound rail freight, originating in other states and terminating in Kentucky, totaled approximately 30 million tons and 340,000 carloads/units in 2011, with coal representing 60 percent of the tonnage and 45 percent of carloads/units. The top 10 inbound commodities are listed in **Table 2-5**.

Table 2-5: Top 10 Inbound Commodities, by Tonnage and Carloads/Units, 2011

Commodity	Tons	Percent	Carloads/Units	Percent
Coal	17,763,751	60	154,700	45
Metallic Ores	2,067,068	7	19,466	6
Chemicals or Allied Products	1,687,292	6	18,360	5
Primary Metal Products	1,395,084	5	16,016	5
Hazardous Materials	1,095,196	4	14,568	4
Waste or Scrap Materials	1,070,404	4	11,676	3
Pulp, Paper, or Allied Products	951,920	3	12,520	4
Food or Kindred Products	847,576	3	10,168	3
Petroleum or Coal Products	517,880	2	6,016	2
Non-metallic Minerals	498,034	2	4,947	1
Top 10 Sub-total	27,894,205	94	268,437	79
Total All Commodities	29,713,888	100.0	340,599	100.0

Source: STB CWS, 2011

Intrastate

Intrastate rail shipments in 2011 totaled more than 7.2 million tons and over 69,000 carloads/units. Intrastate rail shipments consisted primarily of coal, with approximately 6.6 million tons and 58,000 carloads/units. Kentucky's intrastate rail tonnage in 2011 was 92 percent coal. Other top commodity types included chemicals or allied products, lumber or

wood products, and transportation products. The top 10 intrastate commodities are listed in **Table 2-6**.

Table 2-6: Top 10 Intrastate Commodities, by Tonnage and Carloads/Units, 2011

Commodity	Tons	Percent	Carloads/Units	Percent
Coal	6,637,557	92.0	58,048	84.1
Chemicals or Allied Products	154,600	2.1	1,640	2.4
Lumber or Wood Products	133,760	1.9	1,760	2.5
Transportation Products	129,265	1.8	3,602	5.2
Pulp, Paper, or Allied Products	44,400	0.6	680	1.0
Waste or Scrap Materials	35,960	0.5	472	0.7
Petroleum or Coal Products	32,080	0.4	440	0.6
Carriers, Returned Empty	19,600	0.3	1,960	2.8
Hazardous Materials	17,200	0.2	320	0.5
Non-metallic Minerals	8,160	0.1	80	0.1
Top 10 Sub-total	7,212,582	99.9	69,002	99.9
Total All Commodities	7,216,502	100.0	69,042	100.0

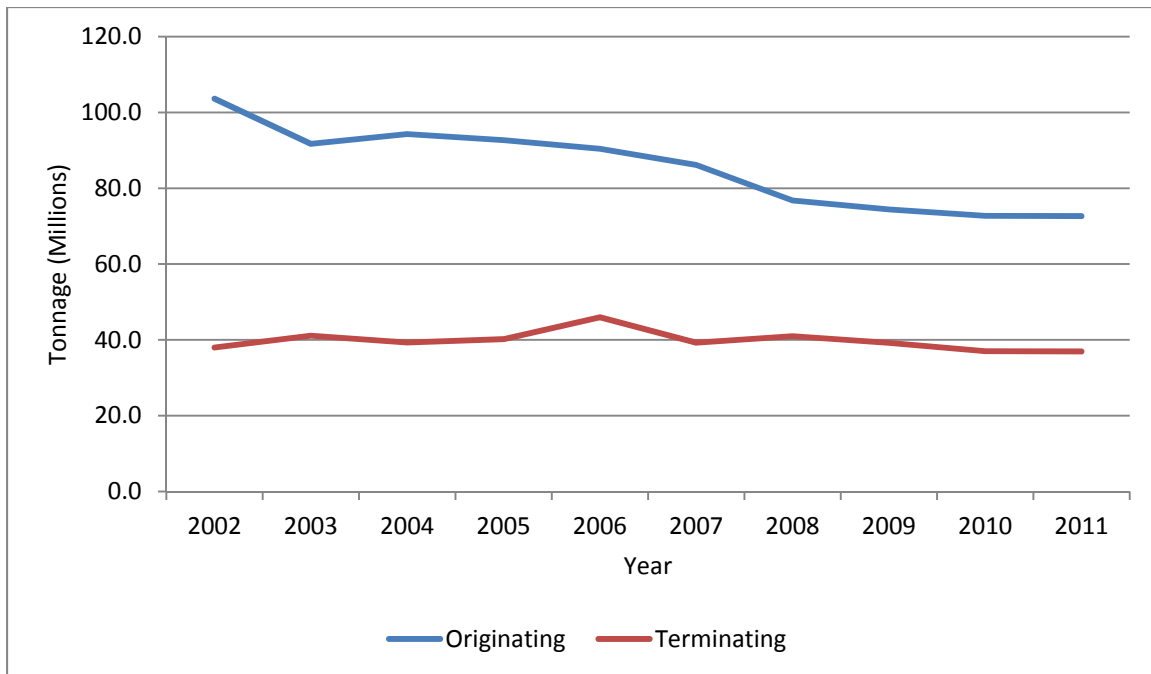
Source: STB CWS, 2011

2.3.2.2 Trends in Kentucky Rail Freight

The volume of originating and terminating rail movements in Kentucky declined between 2002 and 2011, according to data from the USDOT's Bureau of Transportation Statistics (BTS). The following is a discussion of recent trends in rail freight in Kentucky, particularly with regards to three important commodities in the state: coal, automotive products, and oil.

Recent Trends

Kentucky's originating rail tonnage dropped from 103 million tons in 2002 to less than 73 million tons in 2011, a decline of about 30 percent. Terminating rail tonnage declined slightly, from 38 million tons in 2002 to 37 million tons in 2011, a decrease of less than three percent. **Figure 2-4** shows rail tonnage originating and terminating in Kentucky from 2002 to 2011. Intrastate movements that both originate and terminate in Kentucky appear in both the originating and the terminating totals.

Figure 2-4: Rail Tonnage Originating and Terminating in Kentucky

Source: BTS, Kentucky State Transportation Profiles Sample, 2014

The trends shown in **Figure 2-4** reflect a number of commodity-specific changes, some of which counteract each other. Some commodities, such as chemicals and primary metal products, have mirrored recent changes in the economy, declining during the recession of 2008-2009. Inbound and outbound volumes of these commodities declined after 2006, and bottomed out in 2009, but increased through 2011. Petroleum shipments declined during the time period shown in **Figure 2-4**. For example, in 2005, 11 million tons of petroleum products were shipped to and/or from Kentucky, whereas by 2010, this number had dropped to less than one million tons.

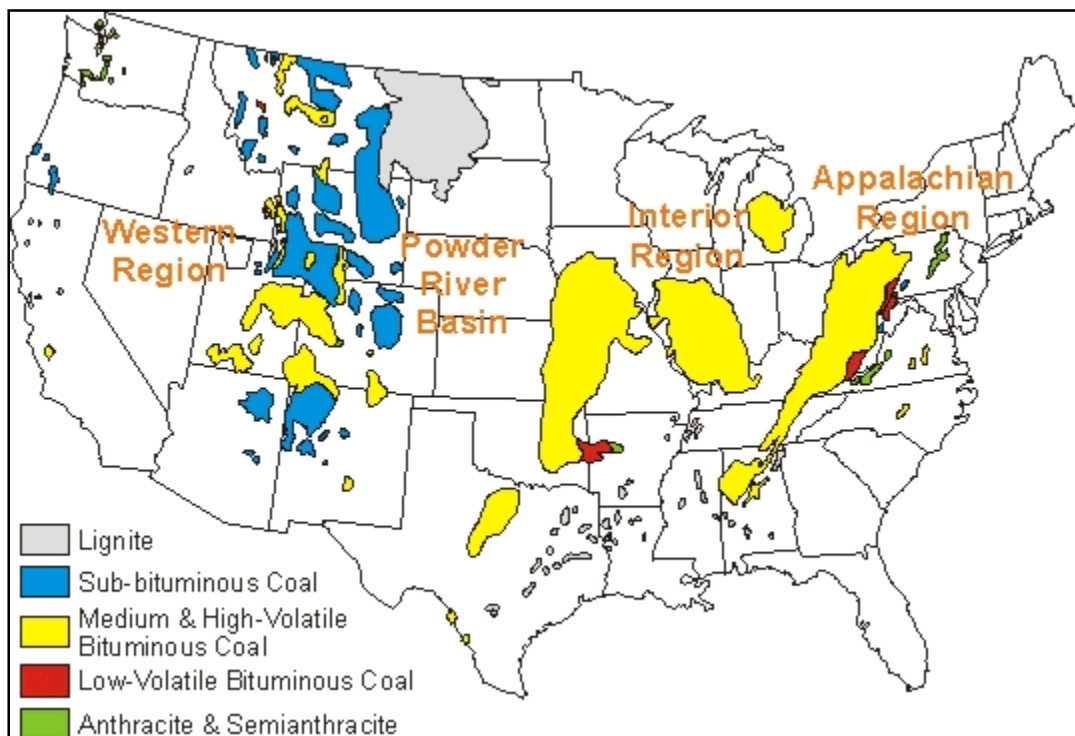
In Kentucky, there are three commodities with market demand that significantly impact rail flows. These are coal, automotive products, and oil. Each of these is profiled in the following sections.

Coal Freight Movements

Coal production in Kentucky has decreased since 1992 and is not expected to return to historic levels within the next 25 years. Historic coal production data shown in **Figure 2-5** is from the Kentucky Energy Database, maintained by the Kentucky Energy and Environment Cabinet, while forecasted changes in production are derived from the U.S. Energy Information Administration's (EIA) 2014 Annual Energy Outlook. **Figure 2-6** shows the Kentucky counties in which coal is produced. Eastern Kentucky produced more coal prior to 2012, however it is anticipated that in the future, the majority of coal will come from Western Kentucky. These

projections assume that Eastern Kentucky coal production trends will mirror those of the larger Central Appalachian coal production region (Southern West Virginia, Virginia, Eastern Kentucky, and Northern Tennessee). Projections also expect that Western Kentucky coal production trends will increase similar to the Eastern Interior coal production region (Illinois, Indiana, Mississippi, and Western Kentucky). The resulting forecast anticipates major declines in Eastern Kentucky coal, but commensurate increases in Western Kentucky coal production. The EIA's forecasted decline in Eastern Kentucky coal is driven by diminishing coal reserves in Central Appalachia, cheaper coal in other regions, a shift from coal to natural gas, and more restrictive environmental regulations. Eastern Interior coal production is expected to increase due to scrubbers installed at existing coal-fired generating units, which allow them to burn the region's higher-sulfur coals at lower costs. **Figure 2-7** provides a graphic display of U.S. coal production by type.

Figure 2-7: U.S. Coal Production by Type, 2014



Source: http://www.coaleducation.org/lessons/MII/image/us_comparison2.gif, 2014

Approximately 6.6 million tons (27.2 percent) of the 24.4 million tons of coal terminating by rail in Kentucky in 2011 was intrastate, originating in Kentucky. Wyoming originates over 8.1 million tons (33 percent) of the coal terminating by rail in Kentucky. Combined with Colorado at 4.8 million tons (20 percent), the top three states of origin provide over 80 percent of the coal terminating by rail in Kentucky. **Table 2-7** shows the state of origin for coal shipments that terminate in Kentucky. Many of the top terminating locations for coal in Kentucky are loading docks for barges. For example, much of the western coal from Wyoming, Utah, or Colorado terminates at coal barge loading facilities near Paducah.

Table 2-7: State of Origin for Coal Movements Terminating in Kentucky, 2011

State of Origin	Tons	Percent
Wyoming	8,169,608	33.6
Kentucky	6,637,557	27.2
Colorado	4,805,483	19.8
Illinois	2,549,170	10.4
Indiana	1,270,112	5.2
West Virginia	846,984	3.6
Utah	83,256	0.3
Pennsylvania	39,138	0.2
Grand Total	24,401,308	100.0

Source: STB CWS, 2011

Counties with the highest production are often the counties that originate the most coal by rail, as shown in **Table 2-8**. However, not all rail loading facilities are located in the same county where coal is mined, which may explain instances where originated coal rail tons are higher than total coal production for a given county. This may be due to the fact that some coal could initially be transported into a county by other modes, such as trucks. As shown, the majority of coal is shipped by rail.

Table 2-8: Tons of Coal Originated by Rail and Produced by County, 2011

County	Rail Originated (in millions)	Produced (in millions)
Pike	14	15
Perry	11	13
Union	N/A	12
Harlan	9	10
Hopkins	6	9
Webster	4	6
Ohio	2	6
Muhlenberg	N/A	6
Martin	4	5
Knott	2	5
Letcher	3	5
Floyd	3	3
Henderson	0	2
Magoffin	0	2
Bell	5	1
Breathitt	0	1
Clay	1	0

Source: STB CWS, 2011

Automotive Freight Movements

The Kentucky rail network is necessary for the automotive industry, especially for auto plants and parts manufacturing facilities. In 2013, about 1.2 million light vehicles were produced in Kentucky, which is one in every 10 light vehicles produced in the United States. General Motors, Ford, and Toyota each have assembly plants in Kentucky. As mentioned previously, Kentucky is a major recipient of steel products, some used by the automotive industry.

In 2011, the Kentucky rail network handled more than 5.3 million tons and over 252,000 carloads/units of freight related to finished vehicles, as well as vehicle parts. Most of this was overhead freight for Kentucky, although about 23 percent originated in the state. **Table 2-9** shows total automotive tonnage, including finished vehicles and parts, by movement type in Kentucky.

Table 2-9: Automotive Tonnage by Movement Type, 2011

Direction	Tons	Percent	Carloads/Units	Percent
Overhead	3,727,400	70.2	188,880	74.9
Outbound	1,222,520	23.0	51,400	20.4
Inbound	247,040	4.7	9,200	3.6
Intrastate	112,120	2.1	2,840	1.1
Total	5,309,080	100.0	252,320	100.0

Source: STB CWS, 2011

In Kentucky, finished automobiles and trucks account for more than 75 percent of all automotive commodities shipped by rail inbound, outbound, overhead, and intrastate. These are typically shipped in multilevel flat cars in unit train quantities.

Based on STB CWS data, intermodal units play a minor role in shipping commodities categorized as automotive parts, accounting for only 1.4 percent of automotive commodity shipments that originate, terminate, or are shipped within Kentucky. However, intermodal shipments typically are categorized as Miscellaneous Mixed Shipments, so automotive parts may comprise a larger portion of intermodal freight inbound, outbound, or intrastate than the CWS indicates. **Tables 2-10** and **2-11** list automotive tonnage in Kentucky respectively by commodity type and rail equipment type.

Table 2-10: Automotive Tonnage and Carloads/Units Shipped Inbound, Outbound, Overhead, or Intrastate, by Commodity Type, 2011

Commodities	Tons	Percent	Carloads/Units	Percent
Passenger Vehicles	41,280	65.1	944,720	59.7
Trucks	11,640	18.3	266,800	16.9
Vehicle Parts	5,160	8.1	241,120	15.2
Vehicle Frames	3,160	5.0	107,040	6.8
Vehicle Engines	2,200	3.5	22,000	1.4
Total	1,581,680	100.0	63,440	100.0

Source: STB CWS, 2011

Table 2-11: Automotive Tonnage and Carloads/Units Shipped Inbound, Outbound, Overhead, or Intrastate, by Rail Equipment Type, 2011

Equipment Type	Tons	Percent	Carloads/Units	Percent
Multilevel Flat	1,211,520	76.6	52,920	83.4
All Other Flat Cars	191,440	12.1	5,160	8.1
Equipped Box	156,320	9.9	3,120	4.9
Intermodal Container	22,400	1.4	2,240	3.5
Total	1,581,680	100.0	63,440	100.0

Source: STB CWS, 2011

Kentucky automotive freight rail traffic (including automotive parts and finished automobiles) originates from Christian, Hardin, Jefferson, Scott, and Shelby counties. The largest origin of automotive freight rail traffic is from Jefferson County (Louisville), where the Ford Motor Company has located two manufacturing plants. One Ford plant is located near the Louisville International Airport and produces automobiles and small sport utility vehicles (SUVs). The other Ford plant is located along I-265 to the east of downtown and produces light and heavy duty trucks. Over half of the Kentucky tonnage of automotive freight rail traffic originates from Jefferson County. Scott County (Georgetown) is the second largest originator of automotive freight rail traffic. The Toyota Motor Manufacturing Kentucky (TMMK) plant in Georgetown

produces automobiles and vehicle engines, along with other parts. Shelby County (Shelbyville) is the third largest originator of automotive freight rail traffic with the Martinrea body stamping plant and the Norfolk Southern automotive distribution center rail yard. Next is Hardin County (Radcliff and Elizabethtown), with the Akebona Brake Corporation as the primary manufacturer. Finally, Christian County (Hopkinsville) is the location of several manufacturers including Denso Air Systems and Grupo Antolin North America.

Oil Freight Movements

Petroleum shipments to and from Kentucky declined sharply between 2005 and 2011, a decrease of about 11 million tons. However, petroleum shipments are expected to increase, particularly for crude oil. Technological improvements in oil and gas extraction, including hydraulic fracturing in nearby states, have made large deposits of oil and gas in non-permeable shale rock recoverable. As a result of these developments, domestic crude oil production has grown dramatically. In 2008, production had declined to only about five million barrels per day. However, by the summer of 2013, production had increased to 7.5 million barrels per day.

Crude oil is of little use until it is refined. Most refineries are concentrated in areas where crude oil was traditionally extracted, namely Texas and Oklahoma, or areas along the coasts that could easily be accessed by tanker ships. Much of the recent increase in oil production has occurred in places that traditionally produced minimal oil, such as the northern plains. Therefore, oil must now be shipped from areas of historically minimal production to areas with refinery capacity. **Figure 2-8** depicts refinery locations and capacities across the country. Also symbolized in that figure is the Petroleum Administration for Defense District's (PADDs) geographic aggregation of states to facilitate analysis of patterns of petroleum product movements throughout the nation.

There are two oil refineries located in Kentucky, including one large refinery in Catlettsburg, and a smaller refinery located in Somerset. The refinery in Somerset reopened in 2013 after being closed for several years. These refineries could see increased rail traffic due to growing demand for refined petroleum products and the proximity of the plants to Class I rail lines.

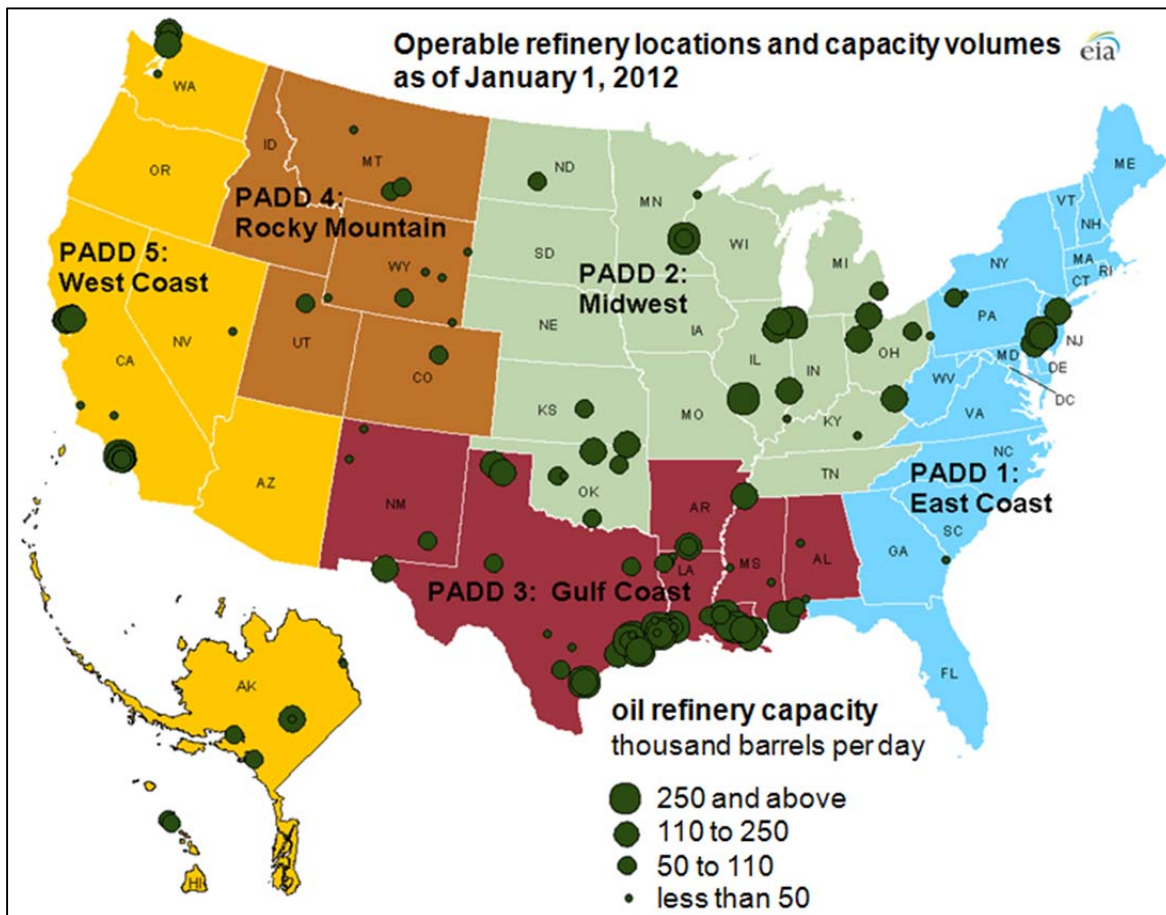
Until recently, oil was shipped primarily by pipeline, but railroads have captured a significant share of the new crude oil domestic transportation. Rail's current prominence as a transportation option for crude oil is due to several trends, including a lack of pipeline capacity at remote production areas and the lower initial capital cost of using rail compared to building new pipelines. Additionally, the scalability of rail transport and rail's flexibility in serving multiple locations are responsible for the mode's rise in transporting oil. However, oil transportation by rail is more expensive than pipeline transportation, so it is possible that once new pipeline capacity is built, rail's role in crude oil shipping may decline. Furthermore, high profile derailments have raised safety concerns over the large quantities of oil that now move

by rail. Despite these moderating influences, crude oil shipments by rail are expected to increase in the short-term.

In May 2014, the FRA issued emergency action rules requiring notification of larger shipments and strongly recommended the use of safer railroad cars for the shipment of oil.¹⁴ This was largely due to several high-profile incidents involving the transport of oil by rail. It is anticipated that more regulations from the FRA may be pending.

According to the AAR, Class I railroads originated nearly 9,500 carloads of crude oil in 2008. By 2012, crude oil shipments had risen significantly to 234,000 carloads, and almost doubled by 2013 to originate approximately 400,000 carloads of crude oil on Class I railroads.

Figure 2-8: U.S. Refinery Locations and Capacity



Source: U.S. Energy Information Administration, 2012

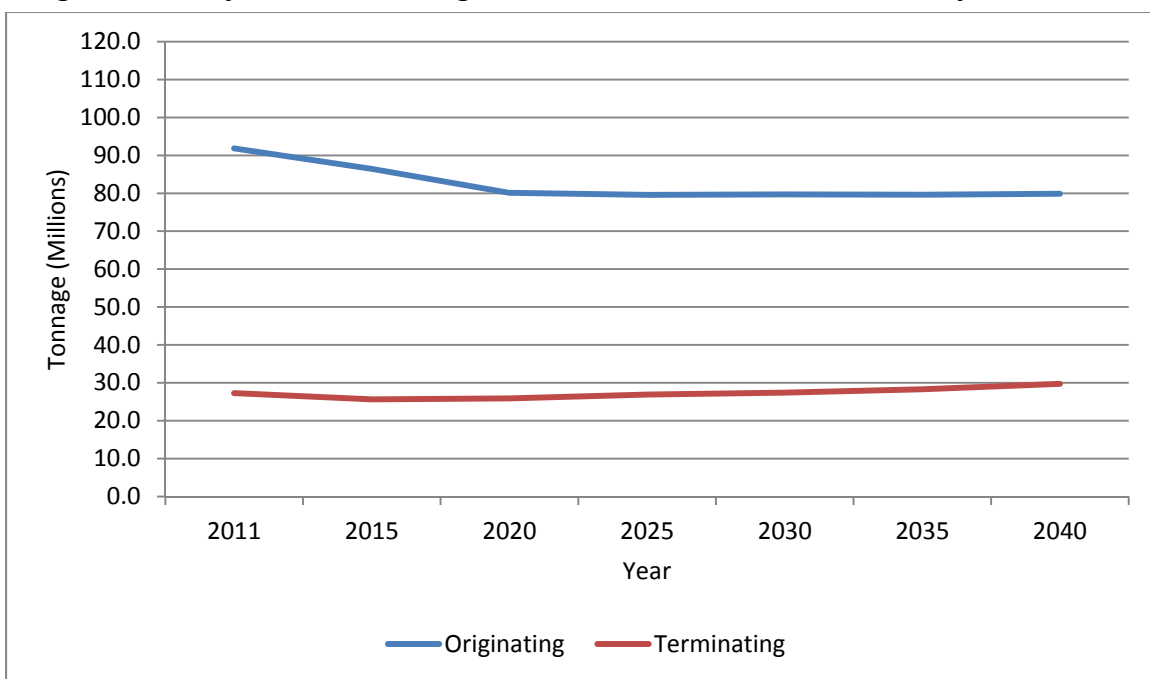
2.3.2.3 Forecasted Trends

While the CWS database provides data on past rail shipments, it is not used for predictions of future rail shipments. Forecasts are completed using the Federal Highway Administration’s

¹⁴ <http://www.fra.dot.gov/eLib/details/L05223>, 2014

(FHWA’s) Freight Analysis Framework (FAF) – Version 3.4 freight flow database. As shown in **Figure 2-9**, for Kentucky inbound and outbound rail traffic, the FAF predicts Kentucky originating rail freight to decline through 2020, a trend driven by expected declines in coal tonnage. If future increases in Western Kentucky coal counteract expected declines in Eastern Kentucky coal as indicated in **Figure 2-6**, these declines may be lower than the FAF forecast that appears in **Figure 2-9**. In Kentucky, terminating inbound rail movements are expected to increase slightly from 27 million tons in 2011 to 30 million tons in 2040. Originating outbound rail movements are expected to decline from just over 90 million tons in 2011 to 80 million tons in 2040. This also takes into account potential increases in auto related and oil shipments.

Figure 2-9: Projected Rail Tonnage Inbound and Outbound in Kentucky, 2011–2040



Source: FAF, 2013

2.3.2.4 Geography of Kentucky Rail Freight Flows

Top Domestic Trading Partners

According to the STB, the states generating the greatest inbound rail tonnage to Kentucky in 2011 were Wyoming, Colorado, Illinois, Ohio, and Indiana. The primary commodity shipped from these states was coal. Ohio was the exception, with the primary commodity of metallic ores. The largest outbound rail tonnage from Kentucky was shipped to Georgia, South Carolina, Virginia, North Carolina, and Florida.

Table 2-12 shows that Wyoming, as the top state of origin for rail movements terminating in Kentucky, accounted for almost 8.2 million tons (27 percent) and over 69,000 carloads/units (20 percent) in 2011. Colorado followed, originating 4.8 million tons (16 percent) and nearly 43,000

carloads/units (13 percent) that year. Illinois contributed almost 4.1 million tons (14 percent) and nearly 56,000 carloads/units (16 percent).

Table 2-12: Kentucky Inbound Tonnage and Carloads/Units, by State, 2011

State	Tons	Percent	Carloads/Units	Percent
Wyoming	8,177,408	27.5	69,634	20.4
Colorado	4,805,483	16.2	42,882	12.6
Illinois	4,085,294	13.7	55,788	16.4
Ohio	3,005,236	10.1	30,210	8.9
Indiana	1,794,960	6.0	18,248	5.4
West Virginia	977,175	3.3	9,205	2.7
Kentucky	780,618	2.6	8,919	2.6
Texas	540,920	1.8	6,520	1.9
New Jersey	519,360	1.7	5,868	1.7
Georgia	511,244	1.7	6,416	1.9
Top 10 Sub-total	25,197,698	84.8	253,420	74.4
Total All States	29,713,888	100.0	340,599	100.0

Source: STB CWS, 2011

States receiving the most rail shipments in 2011 from Kentucky, by volume, were Georgia with 11.1 million tons (17 percent) and more than 107,000 carloads/units (15 percent), South Carolina with 10.3 million tons (16 percent) and nearly 92,000 carloads/units (13 percent), and Virginia with nearly 8.5 million tons (13 percent) and 98,000 carloads/units (14 percent). Coal was the primary commodity shipped to most of the states. **Table 2-13** shows the top ten states receiving shipments from Kentucky in 2011.

Table 2-13: Kentucky Outbound Tonnage and Carloads/Units, by State, 2011

State	Tons	Percent	Carloads/Units	Percent
Georgia	11,109,628	17.0	107,745	15.6
South Carolina	10,338,508	15.8	91,860	13.3
Virginia	8,460,385	12.9	98,131	14.2
North Carolina	8,336,576	12.7	74,248	10.8
Florida	7,886,329	12.1	75,381	10.9
Ohio	5,424,123	8.3	56,927	8.2
Alabama	2,617,359	4.0	23,880	3.5
Tennessee	2,414,251	3.7	25,072	3.6
Michigan	2,280,634	3.5	20,630	3.0
West Virginia	1,244,807	1.9	11,683	1.7
Top 10 Sub-total	60,112,600	91.9	585,557	84.9
Total All States	65,439,913	100.0	690,064	100.0

Source: STB CWS, 2011

Counties with the Highest Shipment Volumes

As shown in **Table 2-14**, nearly 80 percent of inbound rail tonnage and 77 percent of carloads/units were bound for destinations in only five counties in Kentucky. These counties, in order of tonnage received, were Marshall, Livingston, McCracken, Boyd, and Jefferson. Tonnage terminating in these counties ranged from Marshall County with 7.2 million tons (24 percent) and almost 63,000 carloads/units (18 percent) to Jefferson County with 3.2 million tons (11 percent) and nearly 77,000 carloads/units (23 percent) in 2011. Marshall and Livingston counties are home to major coal river terminals. McCracken and Jefferson counties are home to coal-fired electric power generators. Boyd County is a steel producing area with a major refinery in Catlettsburg, receiving metallic ores, and is also home to major river coal terminals.

Table 2-14: Kentucky Inbound Rail Tonnage and Carloads/Units, by County of Destination, 2011

County	Tons	Percent	Carloads/Units	Percent
Marshall County	7,239,438	24.4	62,915	18.5
Livingston County	5,105,761	17.2	44,885	13.2
McCracken County	4,518,201	15.2	40,590	11.9
Boyd County	3,442,462	11.6	35,490	10.4
Jefferson County	3,225,781	10.9	76,945	22.6
Lawrence County	739,344	2.5	6,400	1.9
Carroll County	387,336	1.3	4,264	1.3
Daviess County	352,156	1.2	4,584	1.3
Henderson County	335,532	1.1	3,492	1.0
Boone County	331,760	1.1	4,480	1.3
Top 10 Sub-total	25,677,771	86.4	284,045	83.4
Total All Counties	29,713,888	100.0	340,599	100.0

Source: STB CWS, 2011

Kentucky's top 10 counties for outbound rail movements in 2011, shown in **Table 2-15**, are all coal-producing counties. The majority of tonnage originates in three counties with Pike County originating 14.3 million tons (22 percent) and nearly 130,000 carloads/units (19 percent), Perry County with 10.2 million tons (16 percent) and over 88,000 carloads/units (13 percent), and Harlan County with 8.6 million tons (13 percent) and 74,000 carloads/units (11 percent). These top three counties of origin accounted for over 50 percent of Kentucky's outbound tonnage and over 42 percent of Kentucky's outbound carloads/units.

Table 2-15: Kentucky Outbound Rail Tonnage and Carloads/Units, by County of Origin, 2011

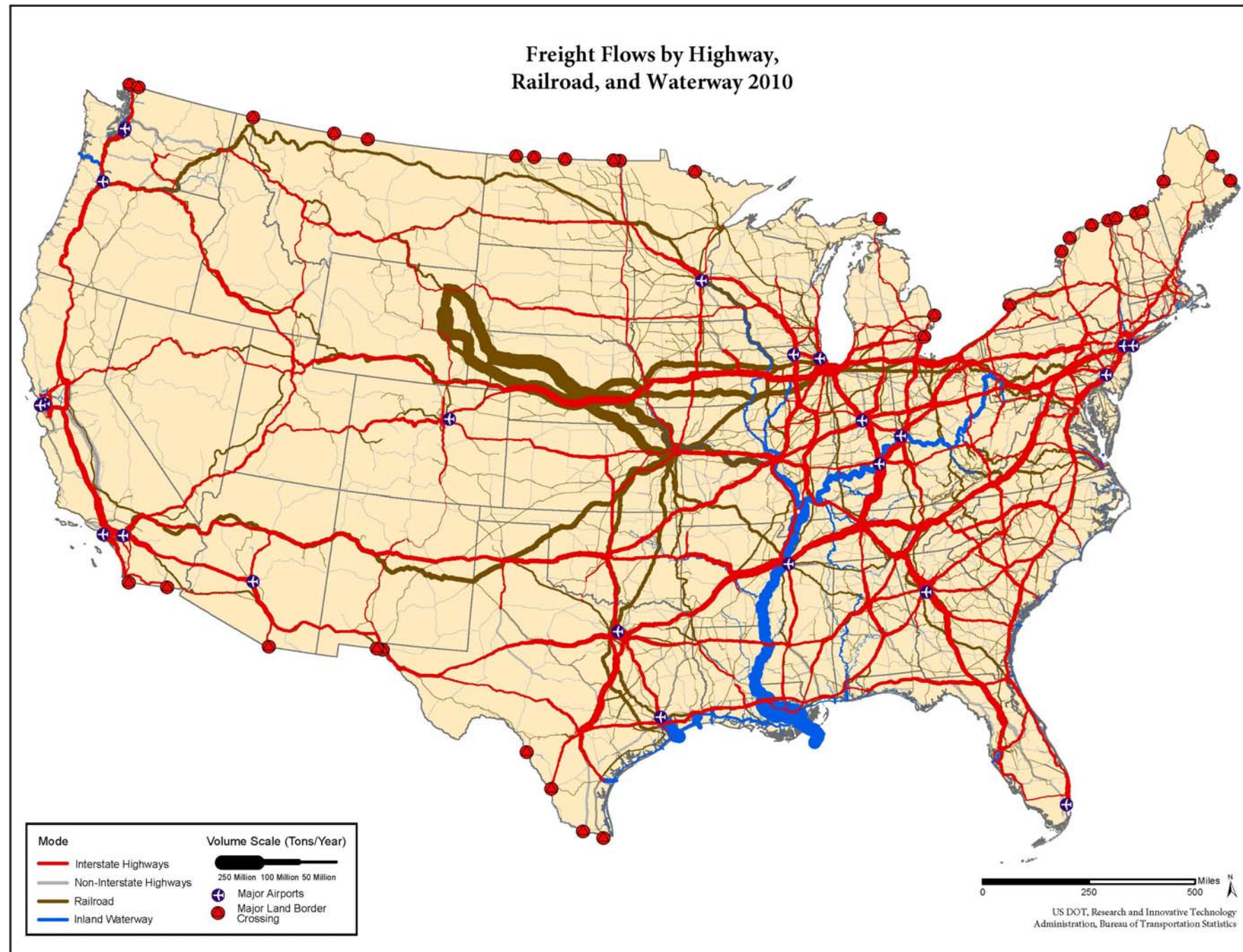
State	Tons	Percent	Carloads/Units	Percent
Pike County	14,346,132	21.9	129,992	18.8
Perry County	10,187,280	15.6	88,519	12.8
Harlan County	8,561,083	13.1	74,356	10.8
Bell County	4,518,083	6.9	40,574	5.9
Martin County	4,065,624	6.2	35,721	5.2
Hopkins County	2,987,102	4.6	25,290	3.7
Webster County	2,794,315	4.3	23,578	3.4
Boyd County	2,704,298	4.1	29,244	4.2
Letcher County	2,513,726	3.8	22,319	3.2
Floyd County	2,466,265	3.8	21,586	3.2
Top 10 Sub-total	55,144,378	84.3	491,109	71.2
Total All Counties	65,439,913	100.0	690,064	100.0

Source: STB CWS, 2011

2.3.3 Role of Kentucky's Freight Network within the Region and Nation

Kentucky's rail lines are a key component of the national rail network, particularly for rail flows that connect the Midwest and Great Lakes regions to the Southeast. **Figure 2-10** depicts the national freight flows throughout the United States via other modes and linkages to rail.

Figure 2-10: National Freight Flows Map



Sources:

U.S. Department of Transportation (USDOT), Research and Innovative Technology Administration (RITA), Bureau of Transportation Statistics (BTS), Transportation Statistics Annual Report 2012

Air —U.S. Department of Commerce, U.S. Census Bureau, Foreign Trade Division, USA Trade Online

Land —BTS TransBorder Freight Data

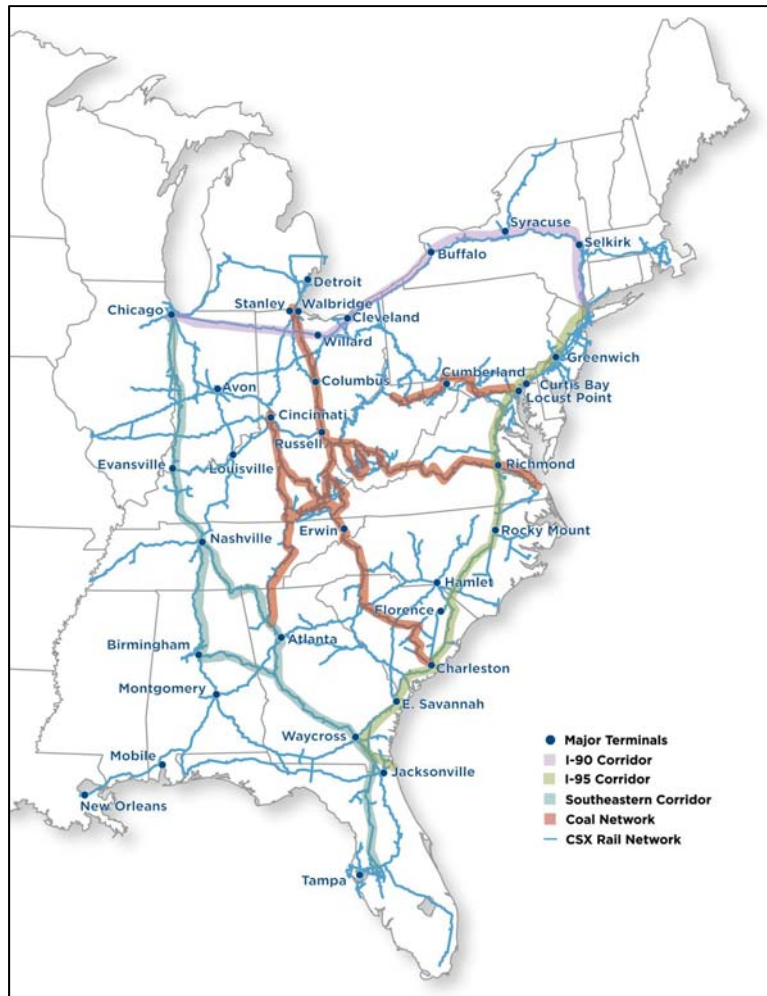
Water — U.S. Army Corps of Engineers, Navigation Data Center, personal communication, as cited in BTS' National Transportation Statistics, Table 1-51, retrieved from http://www.bts.gov/publications/national_transportation_statistics/, October 2012.

2.3.3.1 Kentucky in the CSXT Freight Network

The CSXT Coal Network serves the eastern portion of Kentucky. One line runs south from Cincinnati, Ohio, into Kentucky, and splits at Winchester, with one line extending toward Atlanta, Georgia, and another toward Charleston, South Carolina. Another portion of the CSXT Coal Network has a northern terminus near Toledo, Ohio, and then runs through Columbus, Ohio, through the Eastern Kentucky region, splitting at Catlettsburg with one line extending to Hampton Roads, Virginia, and another extending toward Charleston, South Carolina.

Western Kentucky is crossed by CSXT’s Southeastern Corridor, running between Evansville, Indiana, and Nashville, Tennessee. This corridor connects CSXT’s western gateways with the Southeast, hauling mostly intermodal shipments (containers on flat car and trailers on flat car, or COFC and TOFC respectively; see **Section 2.4.1.1**), automotive, general merchandise, and coal. **Figure 2-11** shows the CSXT freight network.

Figure 2-11: CSXT Network Map



Source: CSXT, 2013

2.3.3.2 Kentucky in the NS Freight Network

The Norfolk Southern line owned by the Cincinnati Southern Railroad runs south from Cincinnati, Ohio, through Lexington, Kentucky, toward Chattanooga, Tennessee. This important line is the primary conduit for agricultural and manufacturing shipments between the carrier's western gateways, the Great Lakes region, and the Southeast. **Figure 2-12** shows how Kentucky's NS rail system connects to the East Coast and larger NS network.

Figure 2-12: NS Network Map

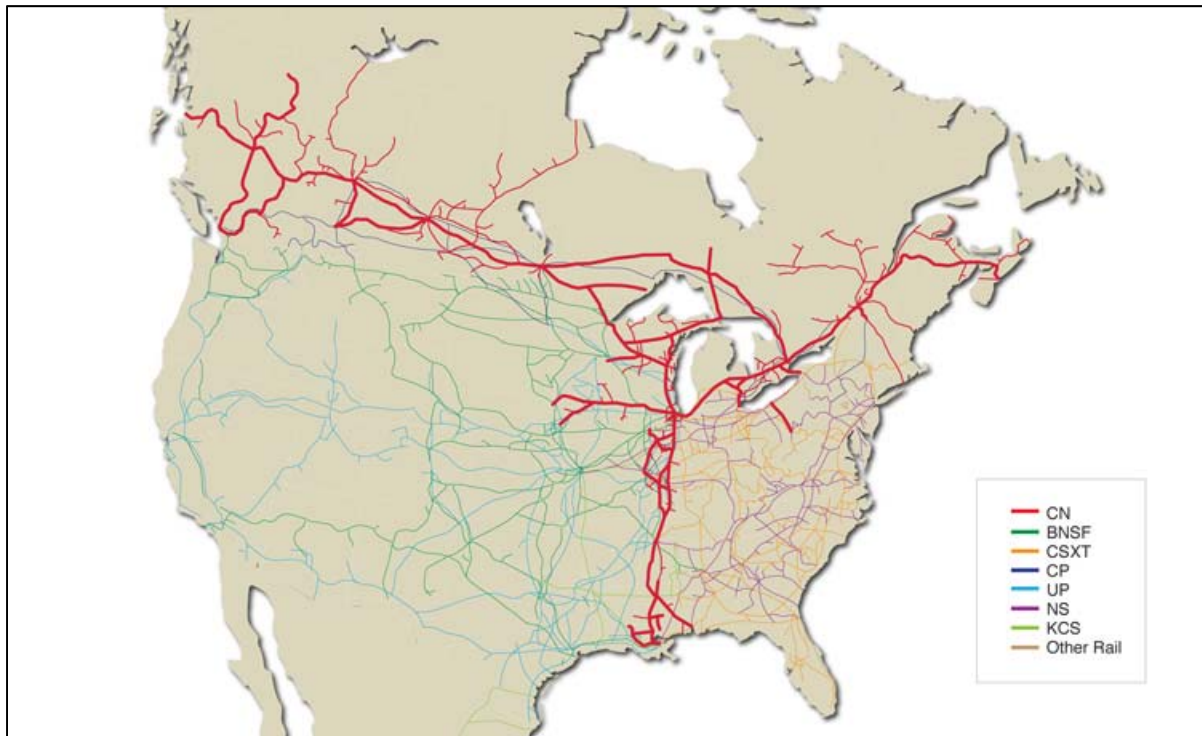


Source: http://www.atlantarails.com/uploads/1/0/3/5/10352997/2723854_orig.gif?251, 2014

2.3.3.3 Kentucky in CN Freight Network

The CN has a line in western Kentucky near Fulton primarily connecting the Chicago, Illinois area with the Port of New Orleans along the old Illinois Central Line. In Kentucky, the CN carries coal and consumer goods. The NS also uses the line through a trackage rights agreement. A map of the CN network is shown in **Figure 2-13**.

Figure 2-13: CN Network Map



Source: CN, 2014

2.3.3.4 Kentucky in the PAL Freight Network

PAL connects the Kentucky rail network to other parts of the Western U.S., with connections to BNSF, CN, CP, and CSXT. Its network carries a variety of commodities and products including coal, clay, stone, lumber, farm and mine equipment, and is bounded by Paducah on the western end and Louisville on the eastern end. A map of the PAL network is shown in **Figure 2-14**.

Figure 2-14: PAL Network Map



Source: PAL, 2014

2.4 INTERMODAL FREIGHT TRAFFIC ANALYSIS

Many companies have direct rail access, but others are not located on a rail line or spur. Those who have rail access may not have direct access to other transportation options. Companies, therefore, rely on intermodal connections between Kentucky's rail, highway, air, pipeline, and waterway modes to deliver their products. Furthermore, intermodal transportation can serve a consolidation function. For example, trucks may make relatively short trips to bring goods (as in the case of containerized freight) to a rail intermodal center, so that efficient unit train rail connections can provide long distance service between intermodal hubs.

Freight is generally classified in categories including bulk, intermodal, and break bulk. Bulk describes goods that must be loaded individually or in large quantities, such as oil or grain. Break bulk cargo is transported in smaller containers such as bags, boxes, crates, drums, barrels or on pallets.

Typically within the railroad industry, intermodal is defined as cargo carried inside containers or trailers and often by different modes. Containers can be transferred between truck, rail, or marine modes, while trailers (sometimes referred to as piggyback) can be transferred between truck and rail. Rail intermodal shipments are carried either by trailer on flatcar (TOFC) or container on flatcar (COFC) shipments.

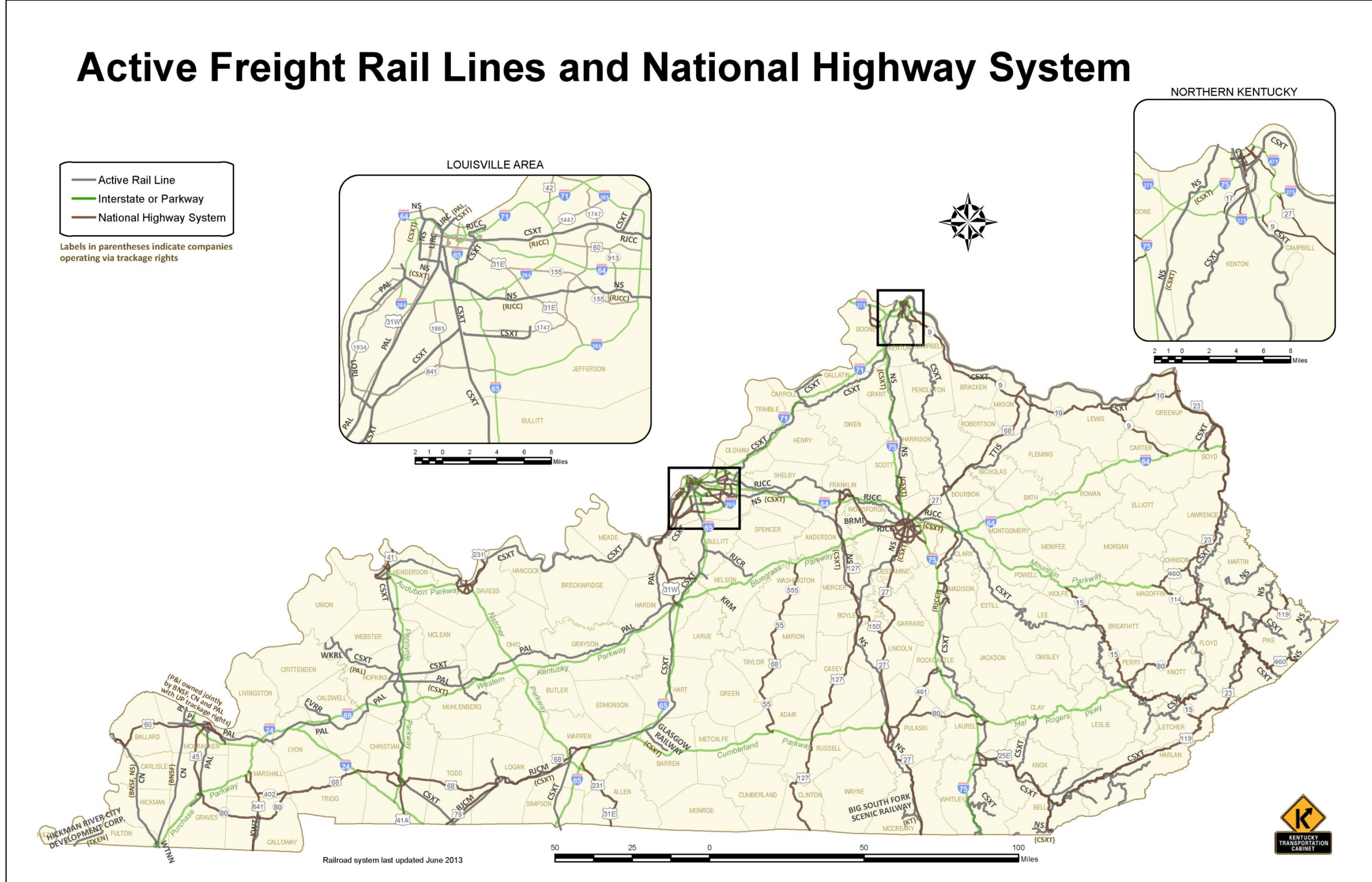
Facilities for transferring bulk freight or break bulk freight between truck and rail are often referred to as transload facilities. These can have a broad range of facility designs. Examples of transload facilities can include rail-served warehouses, open areas where dimensional freight (such as lumber or steel) is moved between truck and rail, or open areas where dry or wet bulk materials, such as coal, sand, or cement are transferred.

2.4.1 Rail to Truck or Truck to Rail

The truck mode serves the majority of the first and last miles of all freight shipments. **Figure 2-15** shows Kentucky's freight rail network's connections to the truck mode via the interstates, parkways, and the National Highway System (NHS).

Figure 2-15: Kentucky's Freight Rail Lines and National Highway System

Active Freight Rail Lines and National Highway System



Source: KYTC, 2014

2.4.1.1 Trailer on Flat Car (TOFC)/Container on Flat Car (COFC)

Kentucky's rail network is an important component of the national intermodal rail network. Four intermodal terminals are located in Kentucky. These terminals are transfer points between truck and rail modes. NS operates three terminals, two in Louisville and one in Georgetown. CSXT opened a terminal in Louisville in 2012. **Table 2-16** lists intermodal facilities in Kentucky.

Table 2-16: Intermodal Facilities in Kentucky

Facility Name	Address	Serving RR
CSXT Louisville	8021 National Turnpike Road, Louisville, KY 40214	CSXT
NS Georgetown	601 Cherry Blossom Way, Georgetown, KY 40324	NS
NS Louisville – Appliance Park	4000 Buechel Bank Road Louisville, KY 40225	NS
NS Louisville - Buechel	4705 Jennings Lane Louisville KY 40218	NS

Source: NS and CSXT, 2014

According to the STB CWS, the vast majority (about 94 percent) of the intermodal units handled in Kentucky were overhead, or passing through the state, with non-Kentucky origins and terminations. Of the remaining six percent, three percent originated in Kentucky and three percent terminated in Kentucky. Empty containers traveled within the state (intrastate) while being relocated from one intermodal terminal to another, increasing overall freight costs. **Table 2-17** lists intermodal units hauled in Kentucky in 2011 by movement type.

Table 2-17: Intermodal Units by Movement Type, 2011

Direction	Units	Percent
Overhead	1,608,760	93.6
Outbound	56,560	3.3
Inbound	51,832	3.0
Intrastate	1,960	0.1
Total	1,719,112	100

Source: STB CWS, 2011

In Kentucky, many railroads carry intermodal freight. CSXT's Southeastern Corridor, crossing through Western Kentucky between Evansville, Indiana and Nashville, Tennessee, is by far their highest volume intermodal corridor in the state. Within the NS network, the most heavily used line in Kentucky begins in Cincinnati, Ohio, passes through Georgetown, Kentucky, and then extends southward toward Atlanta, Georgia.

Intermodal trains allow greater efficiency when the containers are double-stacked. Double-stacked trains allow railroads to ship more containers per train due to the increased capacity. The cost per container then declines with the resulting economies of scale. However, in Kentucky, some corridors are restricted by vertical clearances. Double-stacked trains require about 21 feet of vertical clearance from the top of the rails, much taller than the maximum height of any railcars in service at the time when many rail lines were built, resulting in some corridors being unable to accommodate double-stacked cars. The CSXT coal routes south of Cincinnati, Ohio handle intermodal trains but are unable to accommodate double-stack trains due to overhead height restrictions of tunnels and other infrastructure. Specifically, the line that crosses Kentucky between Cincinnati, Ohio and Knoxville, Tennessee is limited to 18 feet above the rails, which precludes some types of shipments and most double-stacked trains.

2.4.2 Non-Containerized Truck/Rail and Rail/Truck Facilities

Additional non-containerized rail to truck transfer facilities are listed in **Table 2-18**, including automotive distribution facilities, grain elevators, and transload facilities. Finished vehicles may be loaded onto trains at the automotive assembly plants within the state. Automotive distribution facilities are locations where rail shipments of vehicles are unloaded from trains and either delivered locally by truck or accumulated into unit trains for long-distance shipment. Not included in **Table 2-18** are dozens of rail-served warehouses within Kentucky, which also facilitate the transfer of freight between truck and rail.

Table 2-18: Non-Containerized Truck/Rail and Rail/Truck Facilities in Kentucky, 2014

Facility Name	City	Serving RR	Facility Type
NS Shelbyville Automotive Distribution	Shelbyville	NS	Automotive Distribution
Total Distribution Services Automotive	Louisville	CSXT	Automotive Distribution
Bluegrass Grain Company	Lexington	CSXT	Grain Elevator
Christian County Grain	Pembroke	NS	Grain Elevator
Henderson County Riverport	Henderson	CSXT	Grain Elevator / Transload
Hickman-Fulton County Riverport	Hickman	TKEN	Grain Elevator / Transload
Hopkinsville Elevator Company	Guthrie	CSXT, RJCM	Grain Elevator
Hopkinsville Elevator Company	Hopkinsville	CSXT	Grain Elevator
Hopkinsville Milling Company	Hopkinsville	CSXT	Grain Elevator
Mayfield Grain Company	Mayfield	PAL	Grain Elevator
Maysville-Mason County Riverport	Maysville	TTIS	Transload
Owensboro Riverport	Owensboro	CSXT	Grain Elevator / Transload
Paducah-McCracken County Riverport	Paducah	CSXT, PAL	Grain Elevator / Transload
Pilgrim's Pride	Mayfield	PAL	Grain Elevator
MARTTS - Mid America Truck Transfer System	Louisville	PAL	Transload
NS Independent Bulk Transfer Terminal	Louisville	NS	Transload
R&L Transport	Leitchfield	PAL	Transload
Thoroughbred Bulk Terminal	Louisville	NS	Transload
Thoroughbred Bulk Terminal	Somerset	NS	Transload
TRANSFLO	Louisville	CSXT	Transload
TTI Railroad	Paris	TTIS	Transload

Source: KYTC and riverport websites (Henderson County, Hickman-Fulton, Maysville-Mason County, Owensboro, Paducah-McCracken County), 2014

2.4.3 Rail/Barge Facilities

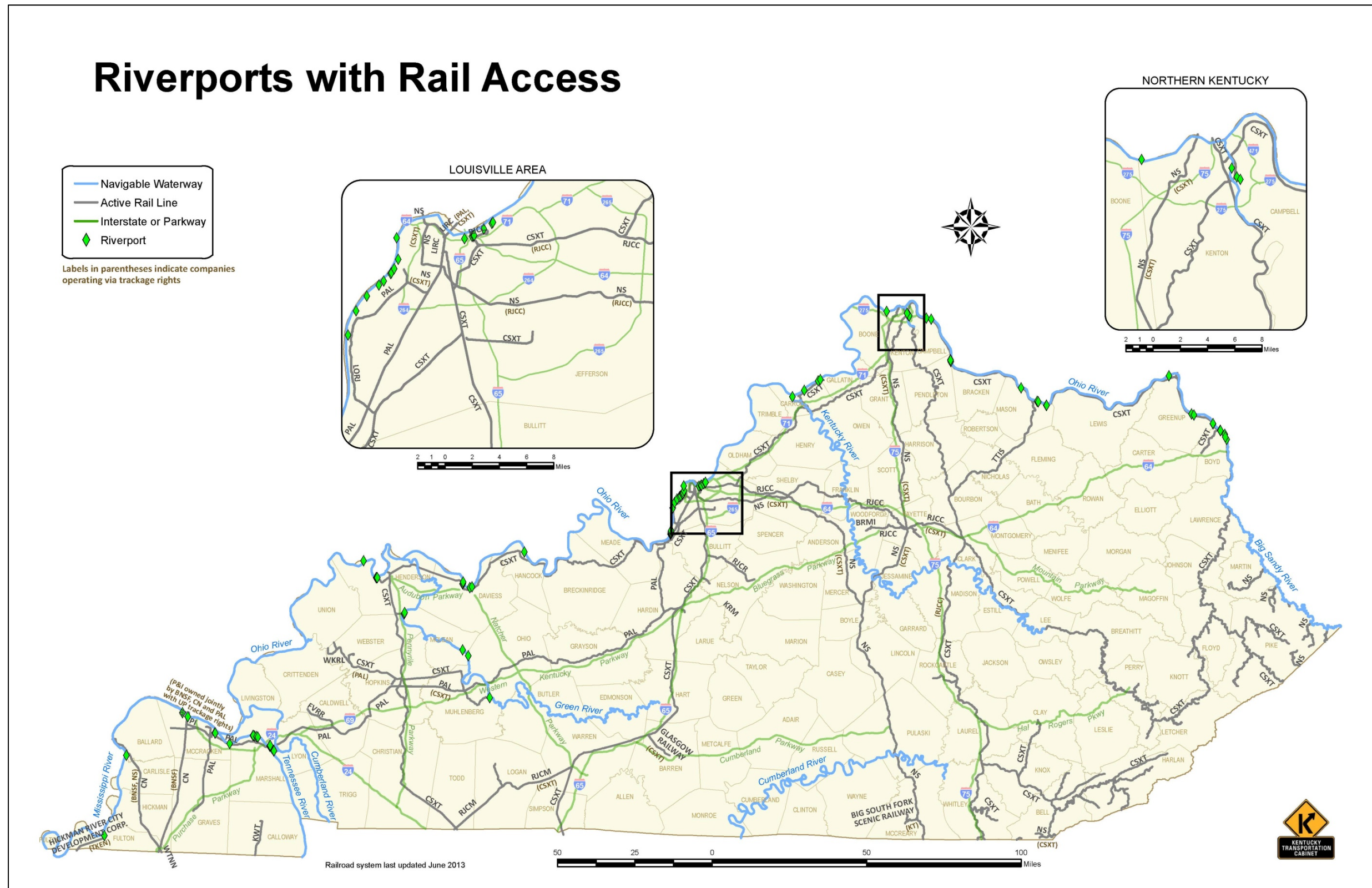
Kentucky is served by more than 1,980 miles of navigable waterways.¹⁵ According to data from the U.S. Army Corps of Engineers (USACE), Kentucky riverports handled about 95 million tons of freight in 2012, making Kentucky the seventh largest state for total waterborne commerce in the nation based on tonnage. Kentucky ranks behind only Louisiana, Texas, California, New Jersey, Washington, and Illinois in waterborne freight tonnage. The majority of waterborne freight is energy-related, including coal and petroleum products. Other waterborne freight commodities include sand, gravel, metals/metallic ores, and agricultural products. Most riverport terminals in Kentucky are privately owned, including some of the highest volume coal terminals. The state's publicly owned terminals include seven active public riverports and five developing public riverports. The Ohio River is the largest component of the nine river waterway system, with 665 miles along the northern border of Kentucky.

¹⁵ KYTC, 2014

Rail is a vital part of the operations of many of Kentucky's riverports. The 2014 USACE Port Facility Spreadsheet¹⁶ lists 83 rail-accessed riverport terminals in the state, as depicted in **Figure 2-16**.

¹⁶ USACE Navigation Data Center, <http://www.navigationdatacenter.us/ports/ports.asp>, 2014

Figure 2-16: Rail-Served Riverport Facilities



Source: KYTC, 2014

2.5 STRATEGIC RAIL CORRIDOR NETWORK

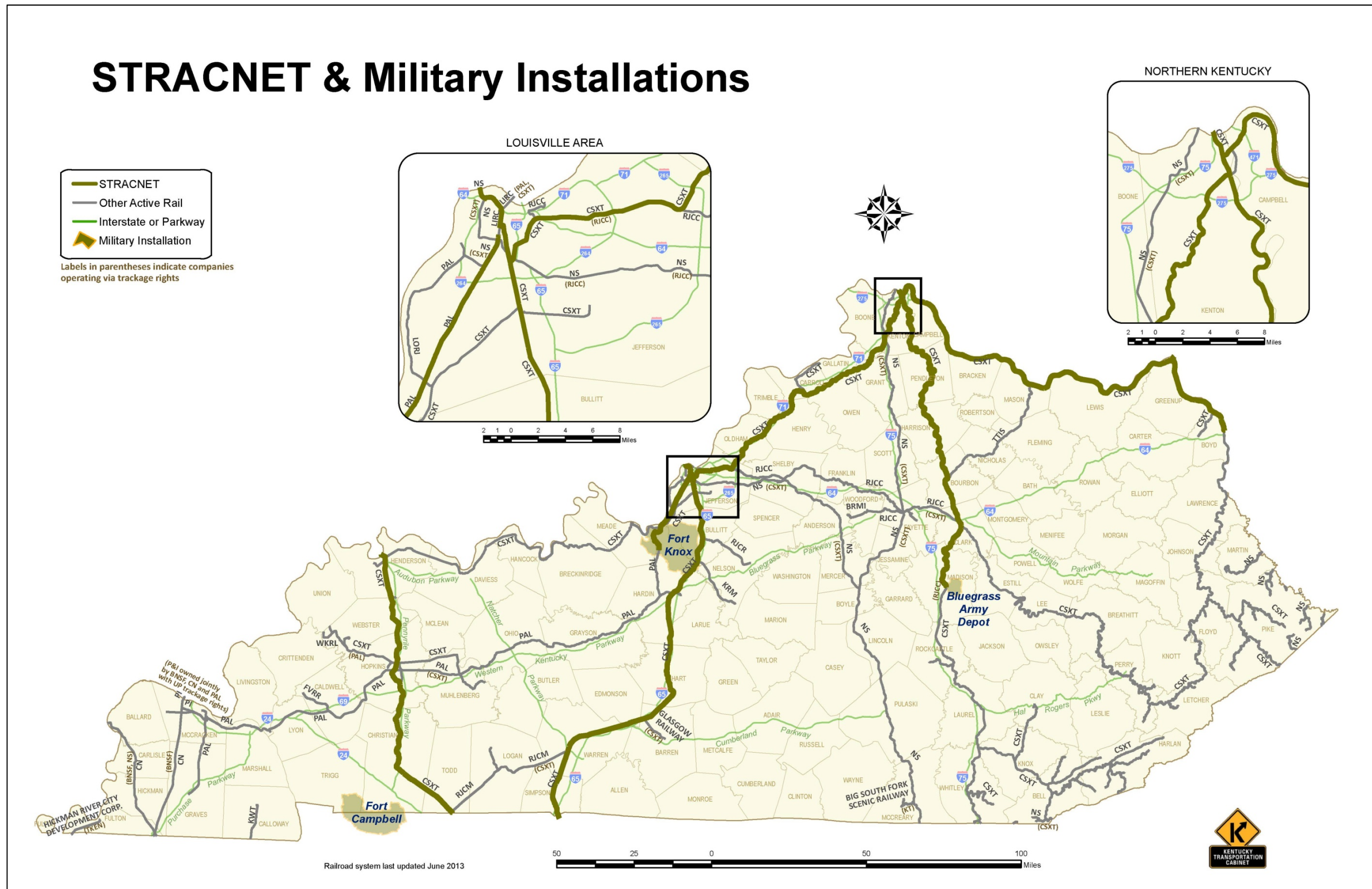
The United States Department of Defense (DoD) has designated the Strategic Rail Corridor Network (STRACNET), a network of 30,000 miles of rail corridors that are considered important to national defense. The STRACNET was developed through analysis of mobilization needs, deployment needs, and peacetime traffic. The FRA designated a rail mainline to satisfy each STRACNET corridor. Also designated are connector rail lines to provide links between the STRACNET and military installations or activities that require rail service.

STRACNET lines are required to be maintained to at least FRA Track Class 2 Standards, with a minimum speed of 25 mph for freight. The low density lines connecting STRACNET routes to military installations are to be maintained to at least FRA Track Class 1 Standards with a minimum speed of 10 mph for freight. STRACNET lines must be able to accommodate railcars that are 12 feet wide and 16.92 feet tall.

STRACNET main lines pass through Kentucky, and connectors provide rail access to Fort Knox, Fort Campbell, and the Blue Grass Army Depot. **Figure 2-17** shows the state's STRACNET lines and military installations in Kentucky.

Figure 2-17: STRACNET and Military Installations in Kentucky

STRACNET & Military Installations



Source: KYTC, 2014

CHAPTER 3: PASSENGER RAIL

This chapter highlights past and present Amtrak operations, bus connections to Amtrak, tourist/excursion rail lines, and passenger rail-related studies.

3.1 AMTRAK

Amtrak provides passenger rail services connecting over 500 communities in 46 states, the District of Columbia, and three Canadian provinces. **Figure 3-1** shows Amtrak's national system. In addition to its intercity service, Amtrak is the nation's largest provider of contract-commuter rail service for state and regional authorities. Originally created in 1970 as a for-profit government corporation to relieve the freight railroads of the burden of unprofitable passenger operations, Amtrak was granted a monopoly to provide intercity rail transportation. It officially began service on May 1, 1971 with 185 trains serving 314 destinations. Amtrak received \$1.2 billion in federal funds for operating and capital support for fiscal year (FY) 2013.¹⁷

In 1971, Amtrak's nationwide monthly ridership was over 1.2 million passengers or over 14.8 million annually. In 2013, its monthly ridership had grown to more than 2.6 million passengers or nearly 31.6 million annually. By comparison, in 2013, the Kentucky total of just over 11,000 passengers annually represented 0.04 percent of the total annual nationwide ridership.¹⁸

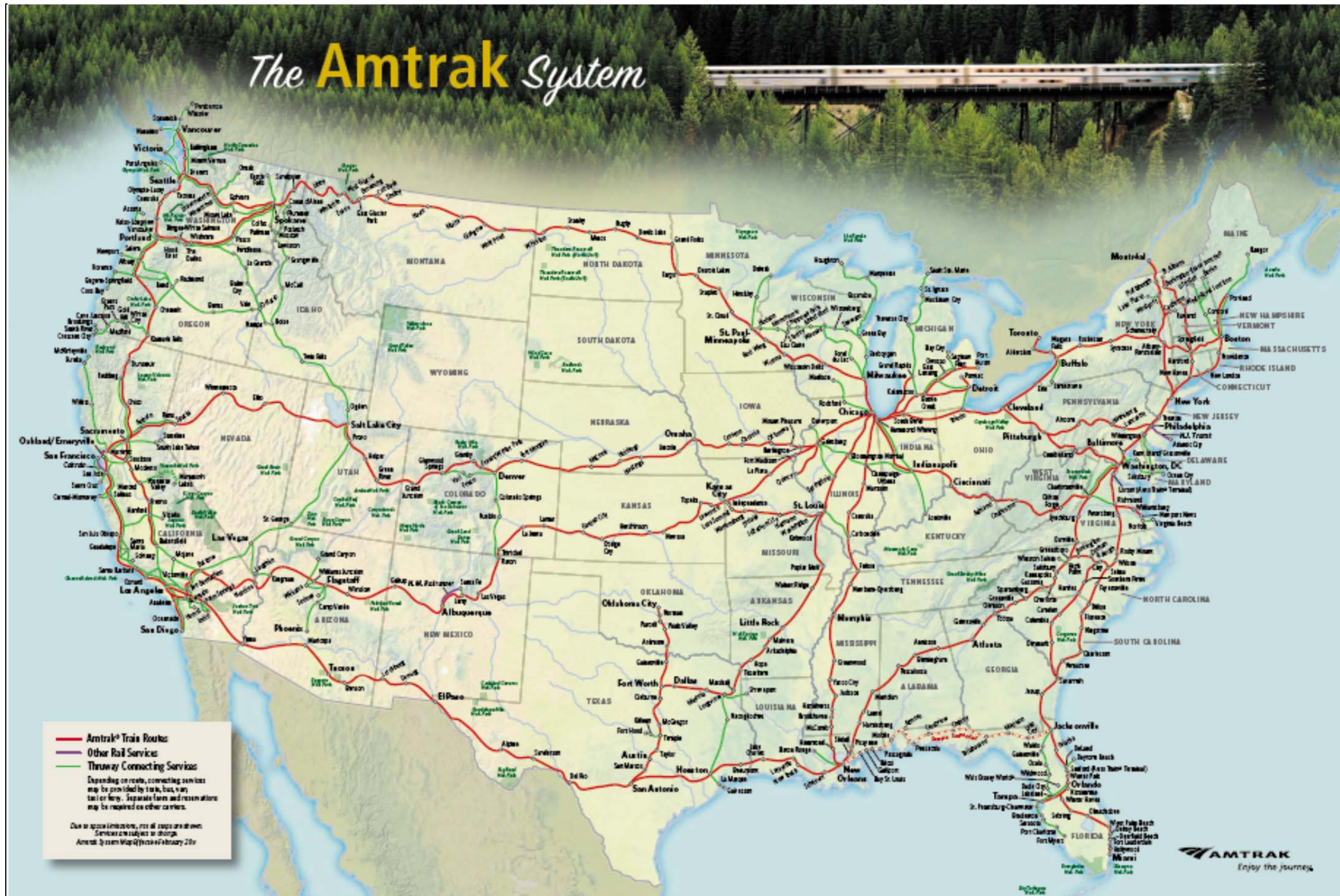
As discussed earlier, railroad infrastructure capacity is managed carefully to eliminate conflicts in the movement of passenger and freight operations through track control arrangements. These arrangements provide guidance on railroad operations for each section of track, and the window of time those operations are expected to take place. Seventy-two percent of Amtrak train operation occurs on freight railroad infrastructure. According to 49 U.S.C. 24308 (c), 1973, passenger trains operated by Amtrak receive priority over freight trains. However, the operational track control decisions are made by non-Amtrak dispatchers and other non-Amtrak employees. Amtrak's ability to meet performance expectations and maintain on-time schedules depends on the prioritization of Amtrak trains on freight railroads. Note that in late 2014, the freight railroads challenged Amtrak's priority and the case was heard before the U.S. Supreme Court. The outcome is not yet known at the time of publication of this plan.

Figure 3-2 depicts the two passenger rail routes and four passenger rail stations located in Kentucky. Amtrak ridership for FY 2005 through FY 2013 at stations in Kentucky and the nearby cities of Cincinnati, Ohio and Indianapolis, Indiana is summarized in **Table 3-1**. As seen from the Kentucky station statistics, ridership has increased overall in Kentucky from FY 2005 to FY 2013 by 54 percent.

¹⁷ Amtrak, <http://www.amtrak.com/>, 2014

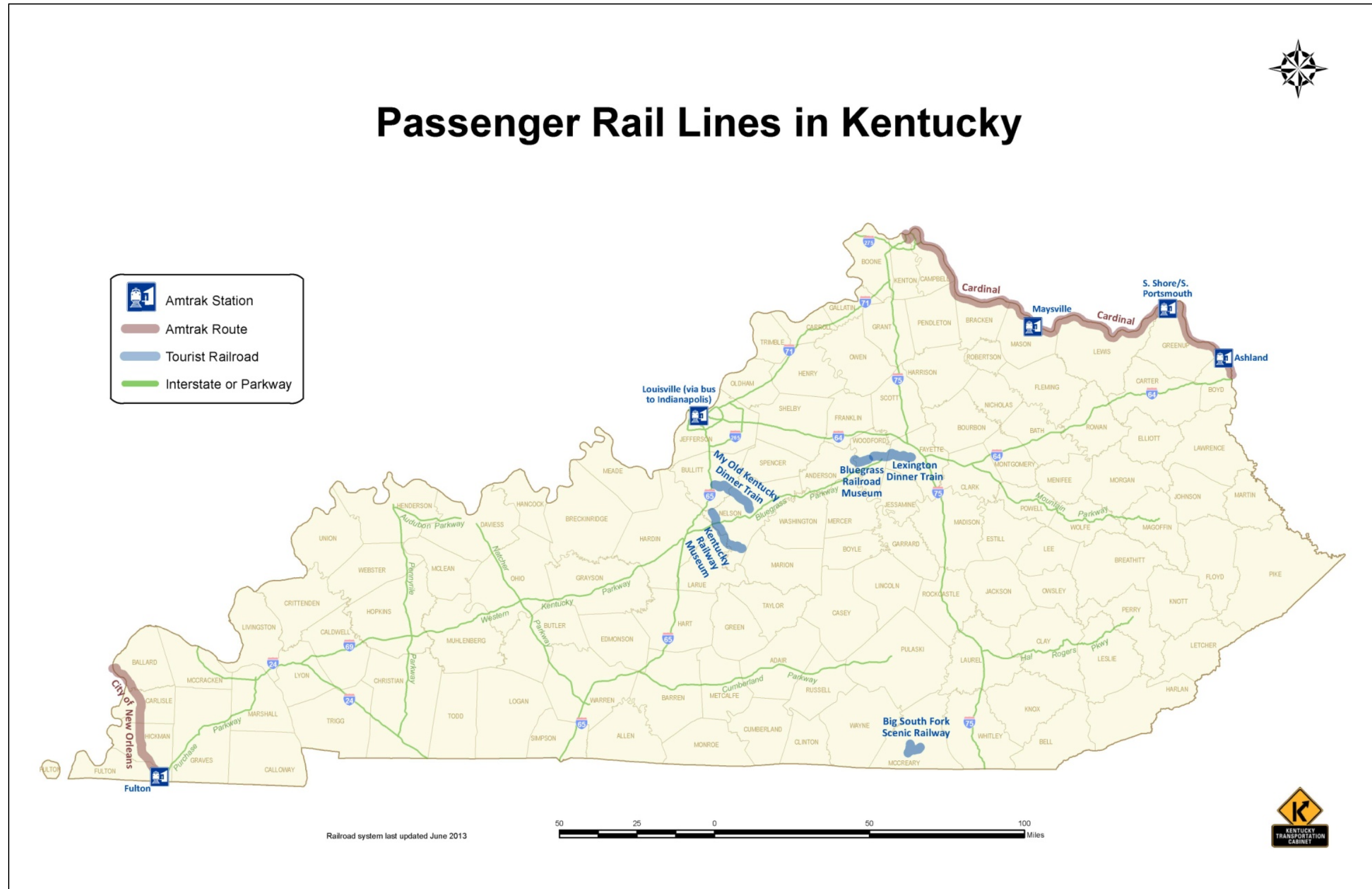
¹⁸ Ibid.

Figure 3-1: Amtrak National System



Source: http://www.amtrak.com/ccurl/948/674/System0211_101web_0.pdf, 2014

Figure 3-2: Passenger Rail Lines in Kentucky



Source: KYTC, 2014

Table 3-1: Amtrak Annual Total Ridership for Selected Years and Cities

City	2005	2006	2007	2008	2009	2010	2011	2012	2013
Kentucky Stations									
Ashland	2,374	2,880	2,829	2,909	2,925	2,771	2,820	2,999	3,007
Fulton	2,304	2,288	2,743	3,683	3,445	3,578	3,548	4,038	4,588
Maysville	1,733	1,604	1,772	1,707	1,855	1,933	1,817	2,507	2,411
S. Portsmouth	734	873	715	811	771	1,019	856	1,037	1,010
Kentucky Total	7,145	7,645	8,059	9,110	8,996	9,301	9,041	10,581	11,016
Regional Stations									
Cincinnati, OH	12,407	14,043	12,753	14,654	14,377	13,852*	15,056*	15,846*	15,213*
Indianapolis, IN	23,404	22,798	28,363	33,035	31,651	31,343	33,344	33,714	35,300
Regional Total	35,811	36,841	41,116	47,689	46,028	45,195	48,400	49,560	50,513

* Denotes that ridership data is from U.S. House of Representatives KY District 4 Fact Sheet, 2010-2013

Source: www.amtrak.com – About Amtrak – Facts & Services – State Fact Sheets, 2005-2013

3.1.1 Amtrak Routes in Kentucky

Amtrak trains stop at four stations in Kentucky. The *Cardinal* stops in the Kentucky cities of Maysville, South Portsmouth, and Ashland. The *Cardinal* runs three trains per week between Chicago, Illinois and Washington, D.C., offering both sleeper and diner cars. The *City of New Orleans* provides service between Chicago and New Orleans, Louisiana, with a stop in Kentucky in the city of Fulton. The *City of New Orleans* offers daily service with sleeper and diner cars. Between 1999 and 2003, Amtrak operated the former *Kentucky Cardinal*, which connected Louisville and Chicago, through Jeffersonville and Indianapolis, Indiana. The service was discontinued in 2003, due to delays crossing the Ohio River, low track speeds, and low ridership. Riders in Louisville may now take a connecting bus to Indianapolis to meet the *Cardinal*.

3.1.2 Bus Services Connecting Passengers to Amtrak Routes

Thruway Motorcoach Service, operated by Greyhound, provides bus connections from Amtrak stations to other communities not currently served by Amtrak. Guaranteed connections to an Amtrak train station, through-fares, and common ticketing are provided in most cases. A Thruway bus connection is provided at Louisville, connecting Louisville and Indianapolis, Indiana, and continuing on to Chicago, Illinois. The Thruway connection out of Cincinnati provides a link to Columbus, Ohio and Pittsburgh, Pennsylvania. Bus connections are also available to Amtrak passengers at Ashland and Fulton.

3.2 TOURIST/EXCURSION RAIL LINES

Five tourist/excursion trains operate in Kentucky, as described below with locations noted in **Figure 3-2**.

3.2.1 Big South Fork Scenic Railway

Located in Stearns, the Big South Fork Scenic Railway is an excursion railroad that takes passengers on a 14-mile roundtrip tour to the National Park Service's Blue Heron Coal Mining Camp representation within the Big South Fork National River Recreation Area. It operates on a line that is owned by the McCreary County Heritage Foundation in McCreary County and features tunnels, walking paths, an abandoned mine, a snack bar, and a gift shop. The train is in operation from April through December.¹⁹ The line operates over one mile of Kentucky and Tennessee Railroad's yard track to connect its station to its rail line.

3.2.2 Bluegrass Scenic Railroad and Museum

Located near downtown Versailles, the Bluegrass Scenic Railroad and Museum offers an 11-mile/90-minute roundtrip tour within the Bluegrass Region of Kentucky, from Versailles toward the Kentucky River, along the only railroad line in Kentucky not used to transport freight. This tour uses the former mainline of the now defunct Louisville Southern Railroad. In addition to the tour, the museum exhibits include a display car.²⁰

3.2.3 Kentucky Railway Museum

Located in New Haven, the Kentucky Railway Museum operates over 22 roundtrip miles of track that were formerly part of the Lebanon Branch of the Louisville & Nashville Railroad (a CSXT predecessor) through Nelson and LaRue counties. The main depot is located in New Haven with a passenger boarding area in Boston. In addition to a scenic tour, the museum offers a collection of artifacts such as locomotives and cars, train memorabilia, and a gift shop.²¹

3.2.4 My Old Kentucky Dinner Train

Located in Bardstown, My Old Kentucky Dinner Train began operation in 1988. Originally constructed by the Bardstown and Louisville Railroad in 1860, the branch was purchased from CSXT in 1987 by the R.J. Corman Railroad Group. The train travels through Bernheim Forest, and the Jim Beam distillery property, to Limestone Springs and back to Bardstown. The trip is a 37-mile roundtrip excursion taking approximately two and a half hours. My Old Kentucky Dinner Train offers special children's excursions for ages three through 12 and breakfast excursions that are each approximately one and a half hours. My Old Kentucky Dinner Train primarily runs on the R.J. Corman Railroad Group's Bardstown Line in Nelson County.²²

¹⁹ Big South Fork Scenic Railway, <http://bsfsry.com/>, 2014

²⁰ Bluegrass Scenic Railroad and Museum, <http://www.bgrm.org/>, 2014

²¹ Kentucky Railway Museum, <http://www.kyrail.org/>, 2014

²² My Old Kentucky Dinner Train and R.J. Corman's Lexington Dinner Train, <http://www.kydinnertrain.com/>, 2014

3.2.5 R.J. Corman Lexington Dinner Train

The R.J. Corman Railroad Group's Lexington Dinner Train, which began in 2013, travels approximately 30 miles roundtrip from R.J. Corman's Lexington Station past the Keeneland Race Course, the Village of Pisgah, to the city of Versailles. The train ride is approximately two hours for lunch trips and two and a half hours for dinner excursions. Children's excursions for ages three through 12 and breakfast excursions are each approximately one and a half hours. The R.J. Corman Lexington Dinner Train runs on the R.J. Corman Railroad Group's Central Kentucky Line in Fayette and Woodford counties.²³

3.3 STUDIES REGARDING PASSENGER RAIL IN KENTUCKY

Several studies exploring the potential expansion and feasibility of passenger rail in Kentucky have been completed by various entities. The most relevant studies are described below.

3.3.1 Ohio-Kentucky-Indiana Light Rail Project (1998-2001) ²⁴

In March 1998, the Ohio-Kentucky-Indiana Regional Council of Governments (OKI), the MPO of the Cincinnati - Northern Kentucky urbanized area, completed the I-71 Major Investment Study (MIS). The MIS included the selection of a locally preferred alternative that recommended the design and construction of a 43-mile light rail transit (LRT) line. LRT is an electrified train system that can run at street level in mixed traffic or on its own exclusive track and is powered by overhead electric lines.

The 43-mile LRT line included a 19-mile minimum operating segment (MOS-1) from 12th Street in Covington, Kentucky north to downtown Cincinnati, and terminated in Blue Ash, Ohio. The MOS-1 included 24 proposed stations. In accordance with federal regulations regarding the metropolitan planning process, the project was included in the OKI Long Range Transportation Plan (LRTP) and Transportation Improvement Program (TIP). Using \$5.8 million in Federal Transit Administration (FTA) Section 5307 flexible funds, the Southwest Ohio Regional Transit Authority (SORTA) purchased several portions of active and abandoned railroad right of way for the proposed LRT project.

In December 1998, FTA approved the initiation of preliminary engineering and the preparation of a Draft Environmental Impact Statement (DEIS) for MOS-1. The DEIS was completed in 2001.²⁵ Section 3030(b) (66) of the federal transportation bill, Transportation Equity Act for the 21st Century (TEA-21), authorized the Cincinnati/Northern Kentucky Northeast Corridor for final design and construction. Through FY 2001, the U.S. Congress had appropriated \$9.75 million in FTA Section 5309 New Starts funds for the proposed project.

²³ Ibid.

²⁴ http://www.fta.dot.gov/printer_friendly/12304_2923.html, 2014

²⁵ Ohio-Kentucky-Indiana Regional Council of Governments, <http://www.oki.org/allstudies/i-71-corridor-deis/>, 2014

However, the FTA gave the project an overall rating of Not Recommended based on the project's poor cost-effectiveness, absence of transit-supportive land use policies in the corridor, and the lack of local financial commitment to build and operate the proposed LRT system. With no other source for ongoing funding, the project was abandoned.²⁶

3.3.2 Louisville Transportation Tomorrow Light Rail Project (1998-2006)²⁷

The Transit Authority of River City (TARC), Louisville, Kentucky's urban transit service provider, examined the feasibility of LRT in the Louisville and southern Indiana region through the development of the Transportation Tomorrow (T2) MIS.

Three subsequent phases of T2 examined the system's benefits or sought to develop design documents and provide environmental reports. Phase I took place from 1994 to 1996 with the MIS concluding that a LRT system in Louisville was generally feasible. Phase II from 1997 to 1998 examined the benefits that a LRT system would bring to Louisville. These benefits included improved mobility, development and redevelopment of certain neighborhoods, reduced air pollution, and the easing of congestion on I-65. Alternatives to a LRT system included doing nothing, enhancing bus service, improving roadways, and adding bus-ways and high occupancy vehicle lanes.

Phase III took place from 1998 to 2000. It reaffirmed LRT as the preferred mode and chose a general route for the system. The study concluded with a proposed route as shown in **Figure 3-3**, preliminary cost estimates for capital and operating expenses, planning level design, and estimated ridership. T2 was entered into the FTA's New Starts Program. In accordance with federal regulations regarding the metropolitan planning process, the project was included in the Kentuckiana Regional Planning and

Figure 3-3: TARC T2 Proposed Light Rail Route



Source:

https://www.ridetarc.org/uploadedFiles/About_TARC/Long_Range_Plan/Long%20Range%20Plan.pdf, 2014

²⁶ Federal Transit Administration, http://www.fta.dot.gov/12304_3149.html, 2014

²⁷ <http://insiderlouisville.com/news/making-case-louisville-streetcar-learned-public-transit-trip-portland-ore/>, 2014

Development Agency's (KIPDA's) Long Range Transportation Plan (LRTP) and Transportation Improvement Program (TIP). The project then progressed into the preliminary engineering phase after both the FTA issued a Recommended rating for New Starts and the DEIS was completed, but not released for public review. From 2004 to 2006, the FTA indicated that the project's movement into the final design phase was not possible without a secured local funding match. According to TARC, the project was withdrawn from the New Starts Program due to the inability to secure local funding.²⁸

3.3.3 Examination of I-75, I-64, and I-71 High Speed Rail Corridors (1999)²⁹

A review of high-speed rail services, proposals, and a preliminary assessment of the potential for high-speed rail transportation between three Kentucky cities: Lexington, Louisville, and Covington, was performed for the KYTC in 1999. Connections to Frankfort, Kentucky and Cincinnati, Ohio, were also evaluated in the study.

Annual ridership was estimated to be 94,000 passengers, which included rail passengers connecting to airline service at the Cincinnati/Northern Kentucky International Airport in Covington and a Cincinnati connection with the Midwest Regional Rail Initiative (MWRRI). Capital costs were estimated to be \$5.48 billion, with annual operations and maintenance costs of approximately \$40 million. Annual revenues were expected to range from \$5.5 to \$7.7 million based on a fare of \$34.50 to and from the cities of Cincinnati, Lexington, and Louisville. The fare for the Frankfort to Lexington trip was priced at \$6.50.

It was concluded that the proposed service faced a number of challenges, of which the most significant was that fares would only return 15 percent of the operating costs – meaning that in order to cover these costs, the fares would have to be raised to \$190 per leg or \$245 for a roundtrip. In addition, it was determined that adjacent and parallel highways would offer faster travel times and speeds, making it difficult to attract sufficient ridership to support operating costs.

3.3.4 Midwest Regional Rail Initiative Executive Report (2004)³⁰

The Midwest Regional Rail Initiative (MWRRI) was formed in 1996 by several states including Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, and Wisconsin, in an effort to improve and expand passenger rail service in the Midwest. Its objectives are to increase operating speeds, train frequencies, system connectivity over the existing network, and service reliability. The consortium has also developed the proposed Midwest Regional Rail System (MWRRS) to improve the level and

²⁸ Transit Authority of River City, http://www.ridetarc.org/faq/#Light_Rail, 2014

²⁹ <http://transportation.ky.gov/Railroads/Documents/Examination%20of%20I-75,%20I-64%20and%20I-71%20High%20Speed%20Rail.PDF>, 2014

³⁰ http://www.michigan.gov/documents/mdot/MDOT-MWRRSServiceDevelopmentPlan_Exec_330322_7.pdf, 2014

quality of existing regional passenger rail service, and thereby improving mobility as well as stimulating economic development.

Various studies have been produced by MWRRRI in 1998, 2000, 2004, and most recently in 2007.³¹ Participants included the states of Indiana, Illinois, Michigan, Minnesota, Missouri, Nebraska, North Dakota, and Wisconsin. Amtrak and the FRA also participated. Kentucky is not currently participating in the MWRRRI because no funding is presently available to support MWRRS development. The KYTC has reserved the right to reconsider its position if funding were to become available. Connections to Kentucky are proposed by bus.

The proposed MWRRS network is comprised of nine corridors consisting of 3,000 route miles, as shown in **Figure 3-4**. The majority of the system is owned by freight railroads with the remainder owned by Amtrak and Metra (Chicago, Illinois' commuter rail operator). The proposed passenger rail system would have a station located in Cincinnati, Ohio, with feeder bus service connecting to the Kentucky cities of Lexington, Paducah, and in Illinois, the city of Carbondale.

The initial implementation of the proposed MWRRS service was part of a 10-year phased program, as called for in the 2004 MWRRRI Executive Report.³²

³¹ <http://miprc.org/Portals/0/pdfs/railmidwest1.pdf>, 2014

³² <http://miprc.org/Portals/0/pdfs/feb2000mwrrrireport.pdf>, 2014

Figure 3-4: Proposed MWRRS System Map



Source: <http://www.dot.state.mn.us/passengerrail/pdfs/mwrrioverallmap.pdf>, 2014

According to the MWRRI Executive Report, the capital costs of MWRRS include two components: rolling stock and infrastructure. Total capital investments are projected to be \$7.7 billion, with rolling stock costs expected to be approximately \$1.1 billion and infrastructure costs estimated at \$6.6 billion. Infrastructure costs include the implementation of a positive train control (PTC) signaling system, improvement of highway-rail at-grade crossings, and construction or renovation of passenger stations.

3.3.5 Atlanta to Chattanooga to Nashville to Louisville High Speed Rail Study (2012)³³

This study was undertaken by the Georgia Department of Transportation (GDOT) to evaluate the need for, and effectiveness of, several potential rail corridors connecting Atlanta, Georgia with other cities in the region. Three corridors were examined:

³³ <http://www.dot.ga.gov/travelingingeorgia/rail/Documents/HighSpeedRail/Final%20Report.pdf>, 2014

- Atlanta-Birmingham;
- Atlanta-Macon-Jacksonville; and,
- Atlanta-Chattanooga-Nashville-Louisville (Atlanta-Louisville corridor).

The feasibility of both Emerging High-Speed Rail (90-110 mph) service and Express High-Speed Rail (180-220 mph) service, as designated by the FRA, was examined in each corridor. The former can be operated on track shared with freight railroads, while the latter requires dedicated track and right of way.

In addition, a maglev alternative (more than 220 mph) was evaluated in the Atlanta-Louisville corridor. Maglev, a term derived from magnetic levitation, is a method of propulsion that uses magnetic levitation to propel trains with magnets rather than with wheels, axles, and bearings. With maglev, a train or car is levitated a short distance above a guideway, using magnets to create both lift and thrust. High-speed maglev trains promise dramatic improvements for travel.³⁴

A representative route was identified for each corridor and service type. These were not intended to be the preferred or recommended alternatives, but served as representative examples to evaluate high-speed rail performance in the corridors. Each route could have several alignments which would be analyzed in more detail as part of the federally required environmental review, if the route is selected for future analysis.

With respect to Kentucky, the Atlanta-Louisville corridor would extend from Hartsfield-Jackson Atlanta International Airport to downtown Louisville, as shown in **Figure 3-5**.

³⁴ <http://namti.org/magnetic-levitation-transport-explained/>, 2014

Figure 3-5: Proposed High Speed Rail Route from Atlanta to Louisville



Source: Atlanta to Chattanooga to Nashville to Louisville High Speed Rail Study, Georgia Department of Transportation (GDOT), 2012

The Emerging High-Speed Rail service, a shared use route, is proposed to follow a CSXT line. The Express High-Speed Rail Route, a dedicated use route would follow I-75 from Atlanta, Georgia to Chattanooga, Tennessee; I-24 from Chattanooga to Nashville, Tennessee; and I-65

from Nashville to Louisville, Kentucky. With the exception of Marietta, Georgia, which would only have a station under the Emerging High Speed Rail scenario, both scenarios would have stations at these locations:

- Hartsfield-Jackson Atlanta International Airport, Atlanta, Georgia;
- Atlanta Multi-Modal Passenger Terminal, Atlanta, Georgia;
- Cumberland/Galleria, Georgia;
- Marietta, Georgia;
- Cartersville, Georgia;
- Dalton, Georgia;
- Lovell Airport Field, Tennessee;
- Downtown Chattanooga, Tennessee;
- Murfreesboro, Tennessee;
- Nashville International Airport, Tennessee;
- Downtown Nashville, Tennessee;
- Bowling Green, Kentucky;
- Elizabethtown, Kentucky;
- Louisville International Airport, Kentucky; and,
- Downtown Louisville, Kentucky.

The analysis showed that the trip time between Atlanta and Louisville in the shared use scenario would be approximately 6 hours and 55 minutes with an average speed of 72 mph. Comparatively, the trip would take approximately the same time as driving along the nearest interstate highway.³⁵ Conventional high speed trains operating on a passenger-only track would average 122 mph for an approximate trip time of 3 hours and 32 minutes between the two cities, substantially faster than driving. Finally, the maglev service would operate at an average speed of 143 mph, completing the trip in approximately 3 hours and 2 minutes.

Estimated capital costs, operations and maintenance costs, as well as ridership and revenue, are depicted in **Table 3-2** for the years 2021 to 2040.

Table 3-2: Estimated Costs & Operational Statistics for Atlanta to Louisville High Speed Rail Scenarios, 2021-2040

	Emerging High Speed	Express High Speed	Maglev
Ridership	101.9 million	110.6 million	116.1 million
Capital Costs	\$11.5 billion	\$32.6 billion	\$43 billion
O&M Costs	\$2.8 billion	\$5.8 billion	\$4.5 billion
Revenue	\$4.2 billion	\$6.4 billion	\$6.8 billion
Avg. Fare	\$41.22	\$57.87	\$58.57

Source: Atlanta to Chattanooga to Nashville to Louisville High Speed Rail Study, Georgia Department of Transportation (GDOT), 2012

³⁵ <http://www.dot.ga.gov/travelingingeorgia/rail/Documents/HighSpeedRail/Final%20Report.pdf>, 2014

The Emerging High-Speed Rail, Express High-Speed Rail, and maglev alternatives performed well under the operating ratio analysis, resulting in anticipated ridership versus estimated revenue ratios well above the necessary benefit-cost ratio for all three scenarios. When revenues exceed operating costs, operating subsidies are not required. The excess funds could be reinvested in the rail service or used to pay existing debt. The operating revenue surplus could encourage investment from the private sector, reducing public financing required.

Taking into account the operating ratios and benefit-cost ratios, the study recommended that the results be used to set priorities for future state planning and corridor development activities. In particular, this study found that high-speed passenger rail service is feasible in the Atlanta-Chattanooga-Nashville-Louisville Corridor.³⁶

The study concluded that high-speed rail service in the Atlanta-Chattanooga-Nashville-Louisville Corridor presents an opportunity to provide needed transportation solutions and promote economic development. While high-speed rail is not the only transportation solution, this study showed that high-speed passenger rail would give consumers improved mobility and transportation mode choices, with connectivity to major cities such as Atlanta, Chattanooga, Nashville, and Louisville through commercial centers and national destinations.

³⁶ Ibid.

CHAPTER 4: RAILROAD FUNDING IN KENTUCKY

This chapter identifies railroad funding opportunities in Kentucky, including options at the federal and state levels.

4.1 FEDERAL FUNDING SOURCES

Various federal funding sources are available for railroad needs. Most federal funding options require at least a portion of the cost of the project to be matched by the project owner so that the total federal share of the project is less than 100 percent. However, some of the discretionary funds and grants available may cover 100 percent of the cost of the project for conditions such as safety and emergency actions. Certain funding programs require additional eligibility determinations. A summary of federal funding sources is provided below.

4.1.1 Federal Funding of Intercity Passenger Rail

4.1.1.1 Passenger Rail Investment and Improvement Act (PRIIA)³⁷

The Passenger Rail Investment and Improvement Act (PRIIA) was enacted in October 2008. In addition to reauthorizing Amtrak, PRIIA tasks Amtrak, the USDOT, the FRA, states, and other stakeholders to improve operations, facilities, and services related to passenger rail. PRIIA focuses on intercity passenger rail, including Amtrak's long-distance routes and the Northeast Corridor (NEC), state-sponsored corridors throughout the nation, and the development of high-speed rail corridors. PRIIA provided more than \$13 billion between 2009 and 2013 for these activities. No funds for rail projects were allocated to Kentucky under PRIIA.

4.1.1.2 High Speed Intercity Passenger Rail Program (HSIPR)³⁸

Following the passage of the American Recovery and Reinvestment Act (ARRA) of 2009, the FRA established the High-Speed Intercity Passenger Rail Program (HSIPR), under which the FRA solicited applications for more than \$10 billion in grant funding. Federal fiscal year (FY) 2010 was the last year to include funding for the HSIPR program, with no further funding for the program included in the USDOT budgets. No funds for rail projects were allocated to Kentucky through ARRA or HSIPR.

4.1.2 Transportation Investment Generating Economic Recovery (TIGER)³⁹

The first round of the Transportation Investment Generating Economic Recovery (TIGER) grant program was included in the 2009 ARRA legislation. Five additional rounds of TIGER grants, from 2010 – 2014, have since been authorized by the U.S. Congress. These grants are awarded by the USDOT on a competitive basis for all modes of transportation including road, rail, transit, riverport, air, bicycle, and pedestrian projects that are judged to create a significant impact on

³⁷ <https://www.fra.dot.gov/eLib/details/L02692>, 2014

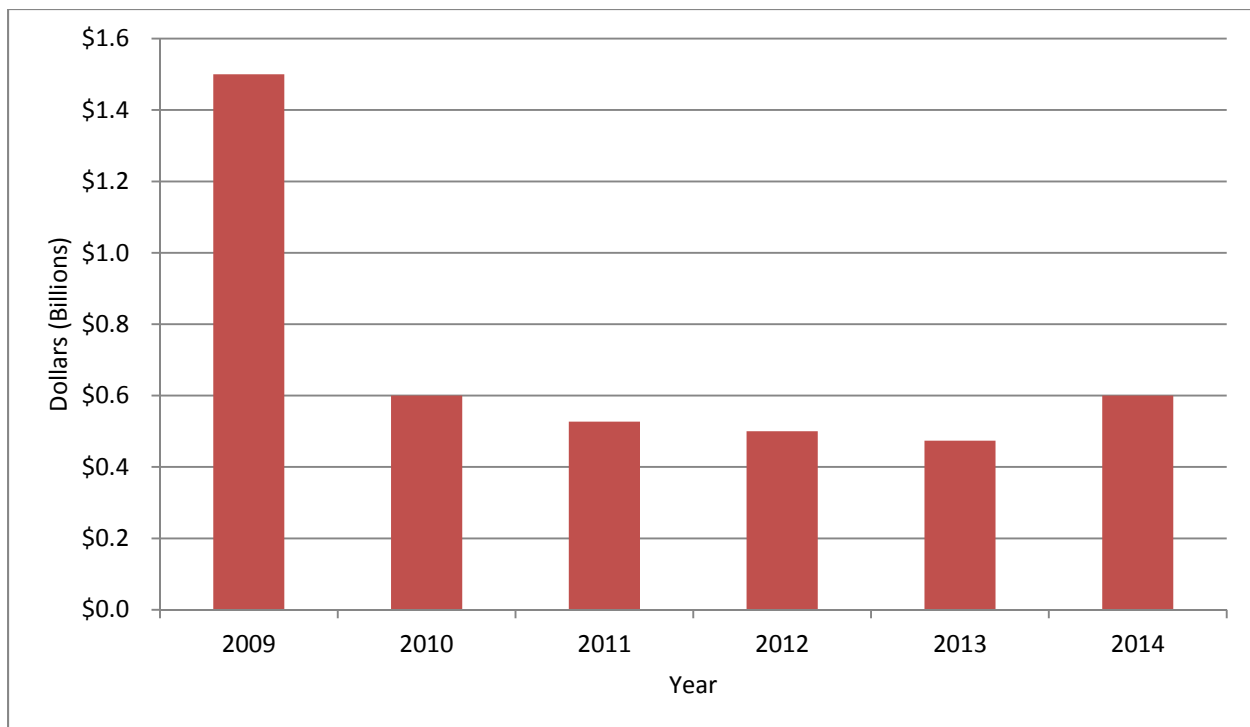
³⁸ <http://www.fra.dot.gov/Page/P0060>, 2014

³⁹ <http://www.dot.gov/tiger>, 2014

the nation, a region, or a metropolitan area. All grants must be applied to publicly accessible transportation infrastructure. Projects generally must be shovel ready, ready for construction within a specified length of time, although TIGER II (2010) and TIGER VI (2014) allowed some money to be used for planning studies or research.

TIGER grants are designed to fund up to 80 percent of an infrastructure improvement, with the remaining 20 percent to be provided by a non-federal source. Applications are typically considered more competitive if they request a smaller federal percentage by providing a more substantial investment from local government agencies or private companies. From FY 2009 through FY 2012 (TIGER I through IV), a total of \$3 billion in funding was available through the TIGER program. TIGER V funds totaled \$474 million in 2013. TIGER VI funds totaled \$600 million in 2014, including \$120 million dedicated to rural areas and up to \$35 million for planning activities. **Figure 4-1** shows the total funds awarded or available through TIGER grants since inception in 2009. More information about this grant can be found at: http://www.dot.gov/sites/dot.gov/files/docs/Tiger_I_Awards.pdf, 2014.

Figure 4-1: TIGER Funds Awarded Nationally, 2009-2014



Source: USDOT, 2014

TIGER grants have funded several rail projects in Kentucky. The R.J. Corman Railroad Group received a \$17.5 million TIGER grant in 2010 for the Appalachian Regional Short-Line Rail project to improve rail infrastructure on five short line railroads operating in Kentucky, Tennessee, and West Virginia. The portion of the grant for improvements in Kentucky was

\$12.9 million, of which the R.J. Corman Group contributed approximately \$3 million and the state contributed \$200,000. The Kentucky portion of the project involved upgrades to 120 miles of track along the R.J. Corman Railroad Group's Memphis, Central Kentucky, and Bardstown Lines in 12 counties. Work in Kentucky included improvements to rail, at-grade crossings, and bridges.⁴⁰

The Paducah and Louisville Railway, Inc. (PAL) was awarded a \$14.4 million grant in 2011 to replace two bridges near Fort Knox. The railroad contributed approximately 20 percent of the total, (about \$2.9 million) and the state contributed \$1.0 million.⁴¹

4.1.3 FHWA Section 130 Railway-Highways Crossing Program

The Federal Highway Administration (FHWA) Section 130 Railway-Highways Crossing Program provides federal support for projects that improve safety at public highway-rail at-grade crossings, including crossings of roadway, bicycle, and pedestrian facilities. Funds may be used to install or upgrade warning devices, eliminate at-grade crossings through grade separation, or consolidate or close at-grade crossings. The federal share of these funds is 90 percent and the local, or typically the railroad's share, is 10 percent. Funds are allocated to each state by a formula that is partly based on number of crossings in the state, with the state acting as a pass-through and managing the funds. In order for states to receive funds from this program, they must conduct an annual survey of all public crossings and prioritize them for improvement. In Kentucky, FHWA Section 130 funds are prioritized annually by the KYTC Division of Right of Way and Utilities, Railroad Section. A total of 32 rail crossing projects were identified by the KYTC for years 2012-2014, with a total program cost of more than \$7.0 million.

4.1.4 FRA Railroad Rehabilitation & Repair (Disaster Assistance) Program

The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, provided \$20.0 million in grants for necessary expenses to repair and rehabilitate Class II and Class III railroad infrastructure damaged by natural disasters, such as hurricanes and floods, that have been declared by the President as a major disaster.⁴² Kentucky has received two grants under this program, both to PAL. The first grant was for repairs due to damage from winter weather such as snow and ice. The second grant was for repairs due to flooding damage. The federal share of these funds is 80 percent and the local, or typically the railroad's share, is 20 percent. There were three application cycles for this funding, with the last solicitations requested in 2013.

⁴⁰ http://www.dot.gov/sites/dot.gov/files/docs/Tiger_I_Awards.pdf, 2014

⁴¹ http://www.dot.gov/sites/dot.gov/files/docs/TIGER_2011_AWARD.pdf, 2014

⁴² <http://www.fra.dot.gov/Page/P0129>, 2014

4.1.5 Federal Funding for Surface Transportation Programs

The following discussions are about federal transportation budget bills. Moving Ahead for Progress in the 21st Century (MAP-21) is the most recent federal transportation bill, and has been extended in continuing resolutions since expiring in 2014. In Kentucky, federal discretionary funding is administered by the KYTC Office of Local Programs (OLP).⁴³ The most current KYTC guidance for federal discretionary programs is located on the KYTC OLP website.

4.1.5.1 Congestion Mitigation and Air Quality (CMAQ) Improvement Program⁴⁴

Funding for the Congestion Mitigation and Air Quality (CMAQ) program is available for nonattainment areas, those that do not meet the National Ambient Air Quality Standards (NAAQS), as well as former nonattainment areas that are now in compliance, referred to as maintenance areas. Since April 2012, the counties of Boone, Kenton, and Campbell are all considered to be nonattainment areas for the eight-hour ozone standard.⁴⁵ Since April 2005, Bullitt and Jefferson counties are considered nonattainment areas for particulate matter (PM).⁴⁶ Other counties eligible for CMAQ funding in Kentucky include: Boyd, Christian, Daviess, Edmonson, Fayette, Greenup (partial county designation), Hancock (partial county designation), Knott, Lawrence, Livingston (partial county designation), Marshall, Oldham, and Scott. All of these counties currently have rail access.

The program provides funds for transportation projects and programs that improve air quality or reduce transportation-related emissions of criteria pollutants under the NAAQS established by the federal Clean Air Act. In Kentucky, R.J. Corman Railroad Group used CMAQ funds to replace two conventional diesel locomotive engines with locomotive engine-generator sets in 2014. Nationally, CMAQ funds have been used to construct intermodal terminals, improve rail access to ports, improve rail yards, and a variety of other rail infrastructure projects.

MAP-21 places emphasis on selected project types that reduce PM 2.5 (microns) pollution, including electric and natural gas vehicle infrastructure and diesel retrofits. State departments of transportation and metropolitan planning organizations (MPOs) select and approve projects for funding. The federal share of these funds is 80 percent, with the remaining 20 percent provided by state, local, or private funding. Applications for CMAQ funds are prioritized by the KYTC Office of Local Programs through a competitive application process. The 2012 Kentucky Highway Plan made \$12.9 million available per year. The 2014 Kentucky Highway Plan made \$13.1 million available per year.⁴⁷

⁴³ <http://transportation.ky.gov/Local-Programs/Pages/default.aspx>, 2014

⁴⁴ <http://transportation.ky.gov/Local-Programs/Pages/Congestion-Mitigation-and-Air-Quality.aspx>, 2014

⁴⁵ Standard is based on the highest daily concentrations for 8 hours during 25 days per year.

⁴⁶ Standard is based on the annual average over 3 years.

⁴⁷ <http://transportation.ky.gov/Local-Programs/Pages/Congestion-Mitigation-and-Air-Quality.aspx>, 2014

4.1.5.2 Transportation Alternatives Program (TAP)⁴⁸

The FHWA Transportation Alternatives Program (TAP) provides funding at 80 percent federal share of a project's cost with the remaining 20 percent matched by the project sponsor. These funds are restricted to activities related to surface transportation. Several of these activities are relevant to rail, including rail corridor preservation via rail trail facilities and preservation of historic rail facilities, as well as scenic overlooks and turnouts. In 2014, \$9.6 million per year was made available. Examples of previous Kentucky TAP projects include the Ashland Depot and the TARC T2 Rail Study.⁴⁹

4.1.5.3 Surface Transportation Program (STP)

The FHWA Surface Transportation Program (STP) is a grant program available for improvement of any federal-aid highway, bridge, or transit capital project. Eligible improvements related to rail involve increasing the vertical clearance of highway bridges over rail, eliminating highway-rail crossings, and improving intermodal connectors. The federal share is 80 percent and a 20 percent state and/or local match is required.⁵⁰

4.1.5.4 Transportation Infrastructure Finance and Innovation Act (TIFIA)⁵¹

The Transportation Infrastructure Finance and Innovation Act (TIFIA) provides credit assistance for transportation projects with a capital cost of \$50 million (or 33.3 percent of a state's annual apportionment of federal-aid funds, whichever is less). There are no limits on the amount financed by TIFIA. Eligible applicants include state and local governments, transit agencies, railroads, special authorities, special districts, and private entities. TIFIA provides three types of financial assistance:

- Secured direct loans: These have a maximum term of 35 years after project completion. Repayment may begin up to five years after project completion;
- Loan guarantees: The federal government guarantees a borrower's repayments to a non-federal lender. Loan repayments to the lender must begin no later than five years after project completion; and,
- Standby line of credit: A federal loan serves as a contingent source of cash to supplement project revenues. Standby financing is available during the first 10 years after project completion.⁵²

⁴⁸ http://transportation.ky.gov/Local-Programs/Pages/transportation_alternatives.aspx, 2014

⁴⁹ Ibid.

⁵⁰ <http://www.grants.gov/web/grants/home.html>, 2014

⁵¹ <http://www.fhwa.dot.gov/ipd/tifial/>, 2014

⁵² <http://www.fhwa.dot.gov/ipd/tifial/defined/>, 2014

MAP-21 established a multi-step application process that begins with a letter of intent and determination of eligibility. All projects eligible for STP funding are eligible for TIFIA, as well as intercity passenger rail facilities and vehicles, publicly owned freight rail facilities, intermodal freight transfer facilities, access to intermodal freight transfer facilities, and projects located within the boundary of a port terminal under certain conditions

4.1.6 Federal Funding for Non-Surface Transportation Programs

4.1.6.1 FRA Railroad Rehabilitation and Improvement Financing (RRIF) Program⁵³

The Railroad Rehabilitation and Improvement Financing (RRIF) Program provides direct federal loans and loan guarantees to finance the development of railroad infrastructure. Eligible applicants include railroads, state and local governments, government-sponsored authorities and corporations, joint ventures, and shippers served by a single railroad who wish to build a connection to a competing carrier. Eligible costs include improvements to, rehabilitation of, or acquisition of freight and passenger railroad equipment, track, structures, multimodal facilities, as well as refinancing of associated debt. Direct loans can provide up to 100 percent of project cost with repayment periods up to 35 years. Interest rates are equal to the U.S. Treasury Rate, but fees must be paid to the government to defray the cost of making the loan. R.J. Corman Railroad Group obtained approximately \$58.9 million worth of RRIF financing in 2006 to purchase 24 locomotives, 200 center beam flat cars, and 100 coal hopper cars. No additional loans have been made under the program in Kentucky since then.⁵⁴

4.1.6.2 U.S. Department of Commerce, Economic Development Administration (EDA)

The Economic Development Administration (EDA) provides grants for projects in economically distressed areas. An area is economically distressed if per capita income is 80 percent less than the national average or unemployment over the past 24 months exceeds the national average by one percent or more.⁵⁵ Programs can provide between 50 and 80 percent of the total project cost, depending upon the level of economic distress in the area. According to the Appalachian Regional Commission (ARC), 37 of the 120 counties in Kentucky are considered distressed as of March 2015.⁵⁶ According to the Delta Regional Authority (DRC), 21 counties in Kentucky are distressed.⁵⁷ **Table 4-1** identifies the ARC distressed counties in Kentucky. **Table 4-2** identifies the DRC distressed counties in Kentucky.

⁵³ <http://www.fra.dot.gov/Page/P0128>, 2014.

⁵⁴ Ibid.

⁵⁵ <http://www.fhwa.dot.gov/economicrecovery/guidancedistressed.htm>, 2014

⁵⁶ http://www.arc.gov/research/MapsofAppalachia.asp?MAP_ID=90, 2015

⁵⁷ <http://www.westkyjournal.com/news.php?viewStory=5050>, 2015

Table 4-1: ARC Distressed Counties in Kentucky

Bath	Bell	Breathitt	Carter	Casey
Clay	Clinton	Cumberland	Elliott	Estill
Floyd	Harlan	Jackson	Johnson	Knott
Knox	Lawrence	Lee	Leslie	Letcher
Lewis	Lincoln	McCreary	Magoffin	Martin
Menifee	Metcalfe	Monroe	Morgan	Owsley
Perry	Powell	Rockcastle	Rowan	Wayne
Whitley	Wolfe			

Source: <http://www.arc.gov/research/MapsofAppalachia.asp?MAPID=90>, 2015

Table 4-2: DRC Distressed Counties in Kentucky

Ballard	Caldwell	Carlisle	Calloway	Christian
Crittenden	Fulton	Graves	Henderson	Hopkins
Livingston	Lyon	Marshall	McCracken	McLean
Muhlenberg	Todd	Trigg	Union	Webster

Source: <http://www.westkyjournal.com/news.php?viewStory=5050>, 2015

The EDA Public Works program is aimed at helping areas improve physical infrastructure to attract new industry, encourage business expansion, diversify local economies, and generate or retain long-term private sector jobs and investment. The EDA Economic Adjustment program helps communities that are experiencing economic disruptions such as natural disasters, military base closures, trade-related disruptions, or major private sector employer restructurings.

Examples of rail EDA grants include the reconstruction of damaged rail infrastructure, rail spurs, and access projects. According to the American Short Line and Regional Railroad Association (ASLRA), more than \$55 million in EDA grants have been allocated to rail projects since 2008, with an average grant amount of \$1.9 million per project.⁵⁸ No rail projects in Kentucky have been funded by EDA grants in recent years.

4.1.6.3 U.S. Environmental Protection Agency, Diesel Emission Reduction Act (DERA) National Funding Assistance Program⁵⁹

Diesel Emission Reduction Act (DERA) funding is available through the U.S. Environmental Protection Agency (EPA) for projects that lower locomotive emissions. These include retrofit technologies, idle-reduction technologies, aerodynamic technologies, and early engine replacement or repower. For FY 2014, \$9 million in funding was available. The federal match

⁵⁸ http://www.aslrra.org/news_publications/Views_News/results.cfm?articleid=4956, 2014

⁵⁹ <http://www.epa.gov/cleandiesel/prgnational.htm>, 2014

depends upon the type of project. Although there is no requirement for a project to be located in an air quality nonattainment area, applications are scored higher for those projects.

4.1.6.4 Private Activity Bonds

The USDOT and FHWA administer the allocation of private activity bonds. A private activity bond for rail purposes is a tax-exempt municipal bond issued by a local or state government to advance freight transfer projects on behalf of a private project sponsor. Up to \$15 billion can be used for transportation infrastructure and freight transfer facilities, such as private rail-truck facilities. For example, this type of bond was recently issued to finance rail-related intermodal development by CenterPoint, a development company, in Chicago, Illinois, and in Kansas City, Missouri. At least 95 percent of the net proceeds of bond issues must be expended within five years of issue date.⁶⁰

4.1.7 Federal Tax Incentives

Section 45G of the Internal Revenue Code provides federal tax credits for short line railroad infrastructure investments. Originally enacted in January 2005, the Section 45G provision enables short line and regional railroads to claim a tax credit of 50 percent for every dollar spent on capital improvements, with a cap of \$3,500 per mile of track. This tax credit technically expired on December 31, 2014, although legislation was introduced in early 2015 to extend the tax credit through 2016.⁶¹

4.2 STATE FUNDING SOURCES

The following section discusses Kentucky sources of rail funding. The state highway fund is constitutionally mandated, as noted in **Section 1.2.1**, to be used only on highways, with no dedicated source for rail funding. However, the Kentucky General Fund provides the mechanism for state funding for rail projects on a competitive basis with other statewide needs. More information about state spending can be found at <http://www.kentucky.gov>.

4.2.1 Recent Kentucky Rail Funding Initiatives

4.2.1.1 Kentucky Short Line Railroad Assistance (KSRA) Fund

In May 2011, the Kentucky Legislature voted to make Highway Construction Contingency Funds available through the Kentucky Short Line Railroad Assistance (KSRA) Fund, administered by the KYTC. Grants totaling \$3,138,726 were awarded under this program for fiscal year 2011-2012. All but one of the grants represented 50 percent of the cost of a project, with each railroad providing the remainder as a match. The exception was a project to replace a PAL bridge at Muldraugh in Hardin County. That grant was \$1 million and the total project cost was \$8 million.

⁶⁰ www.fhwa.dot.gov/ipd/finance/legislation/federal_debt/pabs.aspx, 2014

⁶¹ www.aslrra.org/legislative/Short_Line_Tax_Credit_Extension, 2014

A summary of KSRA grants made in 2011 includes:

- **R.J. Corman Railroad Group**
\$463,038 for rail maintenance and crossing repair between Bowling Green and Russellville
\$645,828 for rail line expansion in Lexington, Fayette County;
- **Paducah and Louisville Railway, Inc.**
\$1 million for bridge replacement at Muldraugh, Hardin County
\$39,150 for crossing rehabilitation on KY 1646 in Elizabethtown, Hardin County
\$34,740 for crossing rehabilitation on KY 920 in Leitchfield, Grayson County
\$25,344 for crossing rehabilitation on KY 907 in Louisville, Jefferson County;
- **Tennken Railroad**
\$196,740 for rail replacement in Fulton County;
- **Louisville and Indiana Railroad**
\$183,635 for repair of Ohio River bridge pier in Jefferson County;
- **Transkentucky Transportation Railroad**
\$359,901 for tie replacement and rail bed rehabilitation in Bourbon, Nicholas, Fleming, and Mason counties; and,
- **Kentucky Railway Museum**
\$190,350 for track and crossing rehabilitation and repairs in Nelson and LaRue counties.

4.2.1.2 Kentucky Railroad Crossing Improvement (KRCI) Program

In October 2013, the state announced that \$3.2 million in grants would be made available through FY 2014 to short line railroads to help fund safety improvements at highway-rail at-grade crossings in Kentucky. The grants, all of which required a dollar-for-dollar match from the applicants, were funded through the Kentucky Railroad Crossing Improvement (KRCI) Program, administered by the KYTC.

In late 2013, the KYTC processed applications for 172 projects at 165 crossing locations. These projects included 57 crossing reconstructions and 115 signal improvements, including upgrades to existing signage, equipment, and light emitting diode (LED) lighting.

The R.J. Corman Railroad Group received grant money for 86 of the projects. PAL received grant money for 64 of the projects. TTI received grant money for 22 of the projects. At least 11 of the projects were located at at-grade crossings with at least one crash involving motor vehicles or pedestrians in the last five years. Six of the projects were at at-grade crossings on excepted track, where passenger trains are prohibited and the speed limit for freight trains is 10 mph.

While this is a non-recurring funding source, another \$3.2 million (\$1.6 million per year) was entered into the Transportation Budget (HB 236) by the Kentucky Legislature for FY 2015 and FY 2016 to make additional short line rail safety improvements. These funds are restricted to public safety improvements to at-grade crossings, railroad bridge overpasses, and railroad crossing safety equipment. Unlike the FY 2013-2014 grants, which required a 50 percent local match, the FY 2015-2016 funding will be available with an 80 percent state share and 20 percent local match.

4.2.2 Kentucky Tax Credits

In addition to grant funding, Kentucky makes certain tax credits available to companies and railroads that invest in rail and rail-related projects. These are administered by and made available through the Kentucky Railroad Assistance Program (KRAP).⁶²

The three main programs under the KRAP are discussed below:

- **Economic Development Tax Credit** – “This tax credit is for corporations, limited liability corporations (LLCs), partnerships, limited partnerships, business trusts or other entities in manufacturing, agribusiness, non-retail service, technology or national or regional headquarters operations for investment in the construction and installation of railroad spurs as needed to connect economic development projects to existing railroads.”⁶³ Specific language about this tax credit can be found in KRS 154.32-010(14)(a)7 or at <http://www.lrc.ky.gov/Statutes/statute.aspx?id=2862>;
- **Nonrefundable Tax Credit for Railroad Improvement (50% Tax Credit)** - This is a 50 percent tax credit for Class II and Class III railroads, “or any person who transports property using the rail facilities of a Class II railroad or Class III railroad located in Kentucky or furnishes railroad-related property or services to a Class II railroad or Class III railroad located in Kentucky, to maintain or improve railroads located in Kentucky, including roadbeds, bridges, and related structures.”⁶⁴ Specific language about this tax credit can be found in KRS 141.385 or at <http://www.lrc.ky.gov/Statutes/statute.aspx?id=29125>; and,
- **Nonrefundable Tax Credit for Railroad Expansion or Upgrade to Accommodate Transportation of Fossil Energy Resources or Biomass Resources (25% Tax Credit)** – “This 25 percent tax credit is for corporations that own fossil energy resources or biomass resources and transports these resources using rail facilities; or for railway

⁶² <http://transportation.ky.gov/Railroads/Pages/Railroad-Assistance-Funds.aspx>, 2014

⁶³ Ibid.

⁶⁴ Ibid.

companies that serve a corporation that owns fossil energy resources to expand or upgrade railroad track, including roadbeds, bridges, and related track structures, to accommodate the transport of fossil energy resources or biomass resources.”⁶⁵ Specific language about this tax credit can be found in KRS 141.386 or at <http://www.lrc.ky.gov/Statutes/statute.aspx?id=29126>.

⁶⁵ Ibid.

CHAPTER 5: RAIL SAFETY AND SECURITY

This chapter focuses on rail safety and security in Kentucky, including general concerns regarding safety, accident statistics, accident types, the KYTC Railroad Crossing Safety Program, nationwide initiatives, and state regulations, roles, and policies. A focal point of the Railroad Crossing Safety Program is the intersection of the state's highway and rail networks at highway-rail at-grade crossings. One goal of the program is to provide a crossing identification sign at every highway-rail at-grade crossing. The sign includes a contact number and location information for reporting malfunctioning equipment. Also, in the case of a highway-rail crossing accident, a photograph of the crossing ID sign will facilitate the recording of the location and reporting requirements.



Example Crossing ID Sign, Louisville Kentucky
Photo by Parsons Brinckerhoff, 2014

5.1 NATIONAL HIGHWAY-RAIL CROSSING STATISTICS

The U.S. rail system is comprised of over 138,000 miles of track.⁶⁶ In 2013, this nationwide system was crossed at-grade by 211,728 streets, roads, highways, alleys, driveways, unimproved trails, and other thoroughfares – equivalent to more than 1.5 crossings intended for the passage of motor vehicles, bicycles, and/or pedestrians per route-mile of track.⁶⁷

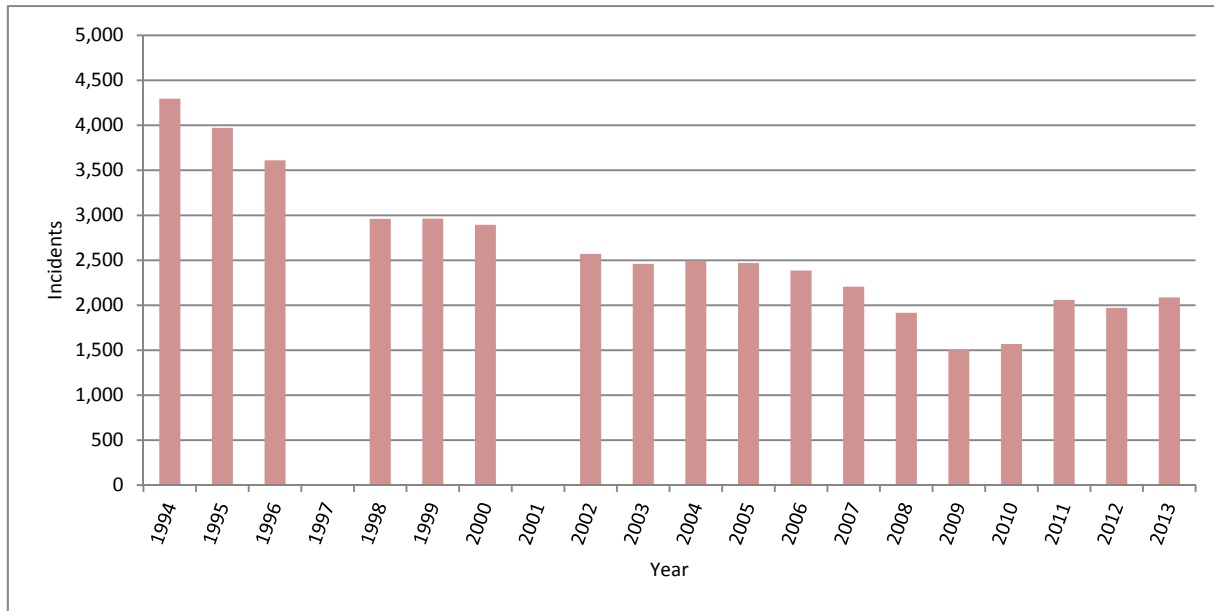
The FRA Office of Safety maintains statistics dating back to 1994 on highway-rail crossing accidents, categorized by warning device.⁶⁸ Highway-rail at-grade crossing incidents have been steadily decreasing since the mid-1990s. **Figure 5-1** shows the number of highway-rail at-grade crossing accidents nationally from 1994 through 2013. There are no records for 1997 and 2001. Nationwide, in 2013, a total of 2,087 highway-rail crossing accidents occurred, a decrease of more than 50 percent from 1994.

⁶⁶ Association of American Railroads, www.aar.org/keyissues/Pages/Railroads-And-States.aspx#.UORjSfldWqk, 2014

⁶⁷ FRA Office of Safety, <http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/xingqryloc.aspx>, 2014

⁶⁸ FRA, Office of Safety <http://safetydata.fra.dot.gov/officeofSafety/default.aspx>, 2014

Figure 5-1: U.S. Highway-Rail At-Grade Crossing Accidents, 1994-2013



Source: Federal Railroad Administration (FRA) Office of Safety, 2013

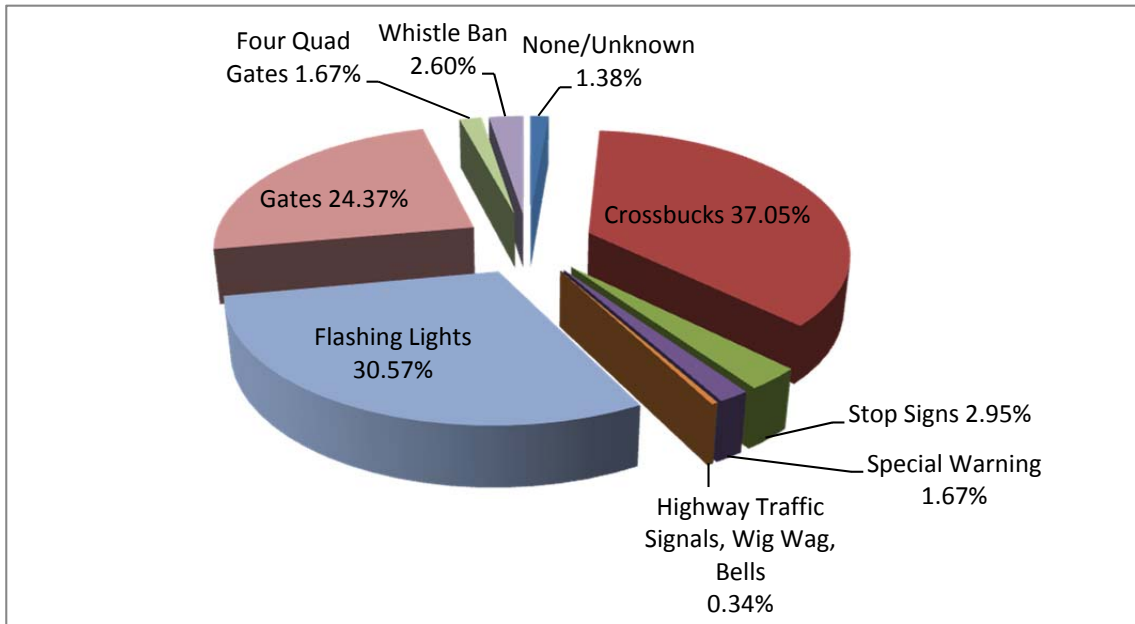
Note: No data was available for 1997 or 2001

5.1.1 Kentucky Highway-Rail At-Grade Crossing Statistical Summary

According to the FRA Office of Safety, 4,707 highway-rail at-grade crossings are currently in operation in Kentucky, including 2,293 public and 2,414 private crossings. This is equivalent to more than 1.1 crossings per route-mile of track, just under the national average of 1.5.

The KYTC’s records of public highway-rail at-grade crossings, which are usually more current than the FRA’s, indicate 2,088 public crossings in Kentucky. According to the KYTC data, just over one percent of the public highway-rail at-grade crossings in Kentucky have either no warning devices or the type of protection is unknown. **Figure 5-2** shows the distribution of public highway-rail at-grade crossing types by warning device in Kentucky in 2013.

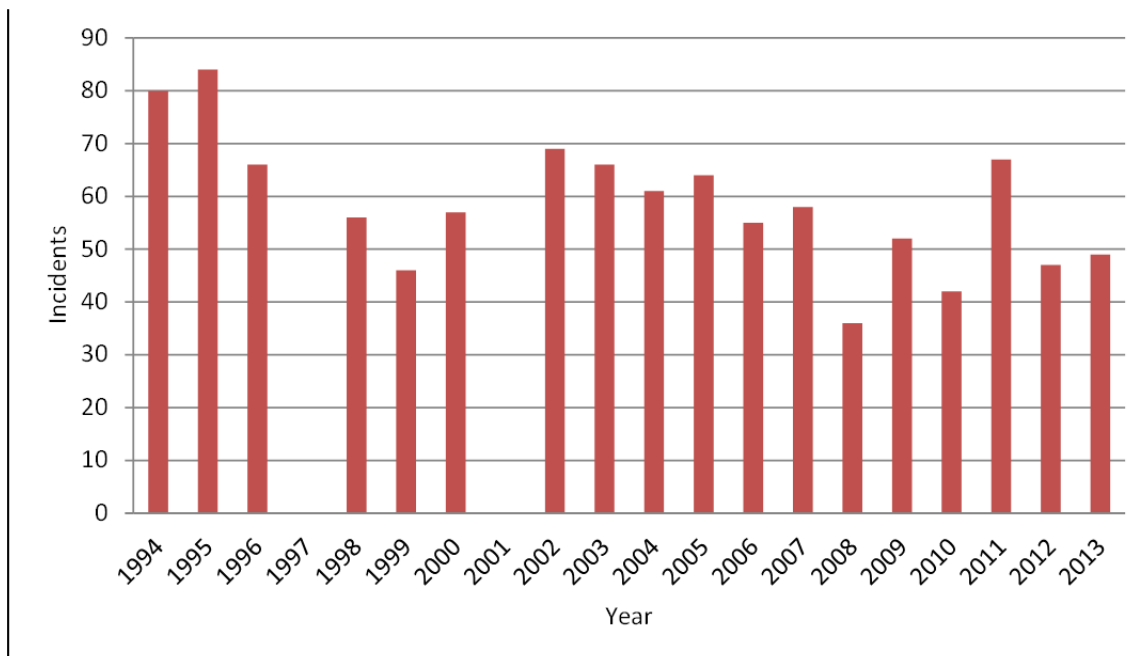
Figure 5-2: Kentucky Highway-Rail At-Grade Crossings by Warning Device, 2013



Source: KYTC Division of Right of Way and Utilities, Rail Safety Branch, 2013

Highway-rail at-grade crossing accidents have decreased overall in Kentucky since 1994. **Figure 5-3** shows Kentucky highway-rail at-grade crossing accidents from 1994 to 2013. A total of 49 highway-rail at-grade crossing accidents occurred in Kentucky in 2013, compared to 80 in 1994.

Figure 5-3: Kentucky Highway-Rail At-Grade Crossing Accidents, 1994-2013

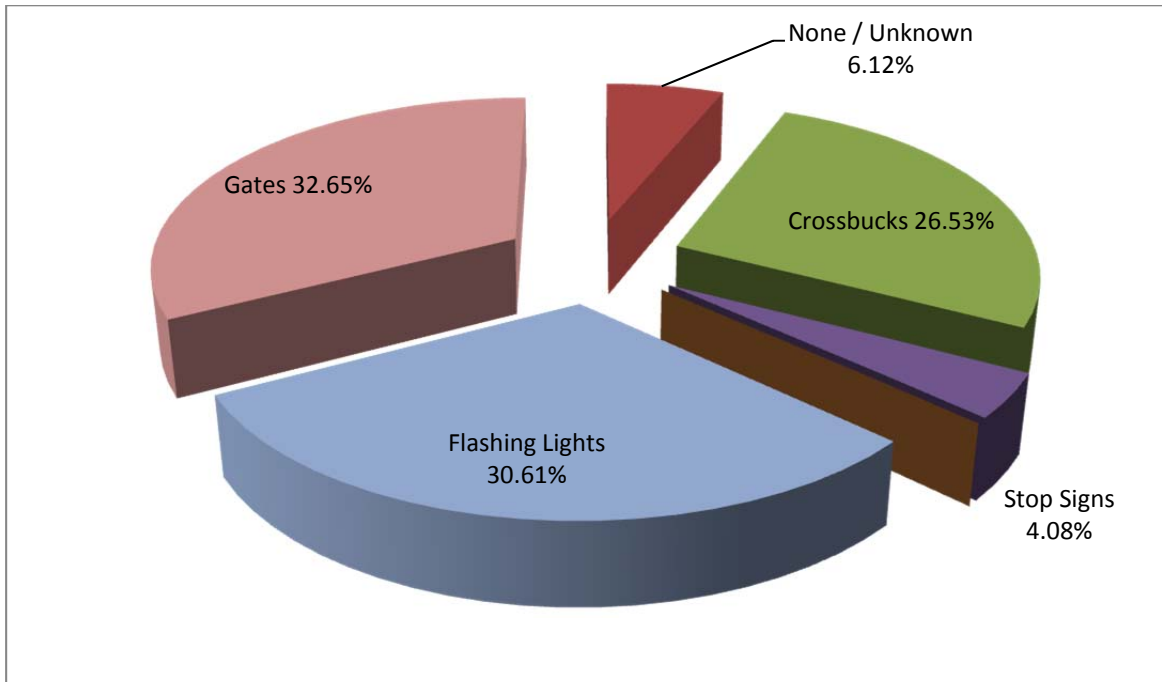


Source: FRA Office of Safety, 2014

Note: No data was available for 1997 or 2001

Figure 5-4 shows Kentucky public highway-rail at-grade crossing accidents for 2013 by warning device. Crossbucks, flashing lights, stop signs, and gates make up the majority of warning devices for all public highway-rail at-grade crossings, and account for nearly 94 percent of crossings at which accidents occurred. Crossings without warning devices, which make up just over one percent of total public at-grade crossings in Kentucky, account for the remaining six percent of accidents.

Figure 5-4: Kentucky Highway-Rail Crossing Accidents by Warning Device, 2013



Source: FRA Office of Safety, 2013

In addition to statistics on crossing warning devices, the FRA also maintains statistics on the number of fatalities and injuries at highway-rail at-grade crossing and pedestrian trespass locations. In 2013, Kentucky was in the top 20 in the United States for both fatalities (No. 15) and injuries (tied for No. 18) at highway-rail at-grade crossing facilities. However, the state has seen a steady decrease in fatalities since 2010, while the trend of injury accidents has been stable. **Table 5-1** shows the fatality and injury accidents since 2008.

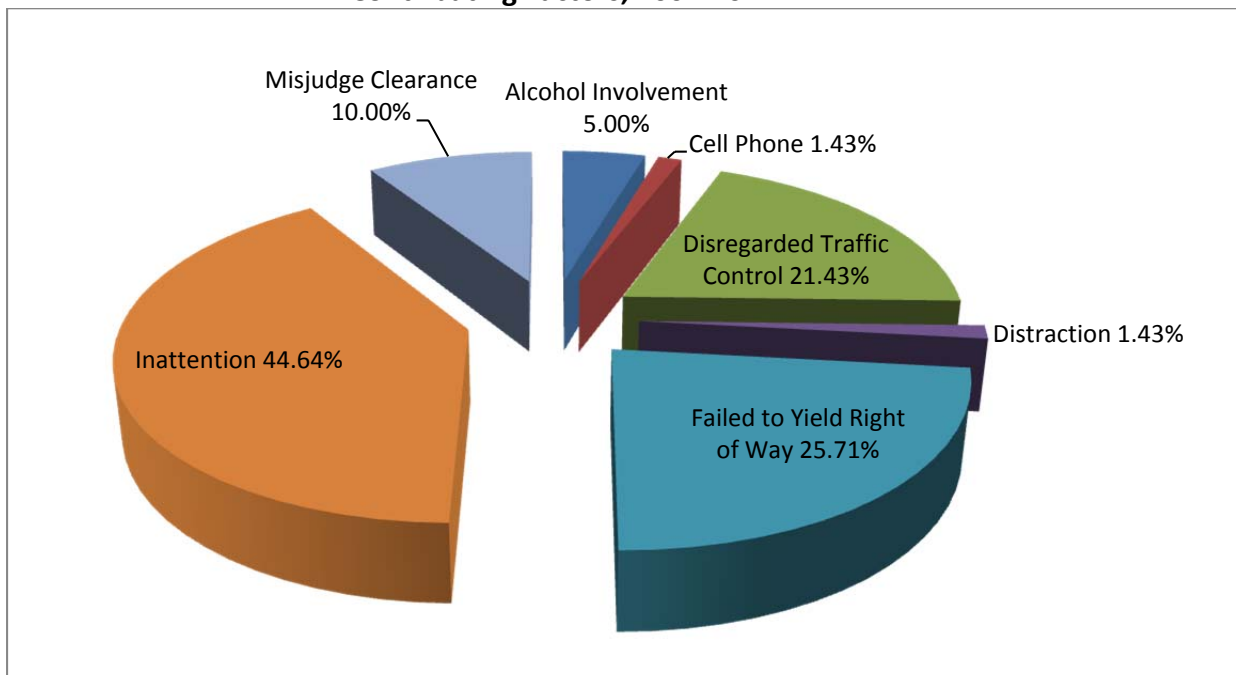
Table 5-1: Injury and Fatality Highway-Rail At-Grade Accidents, 2008-2013

	Fatalities	Injuries
2008	4	17
2009	1	22
2010	10	23
2011	7	29
2012	5	24
2013	5	23

Source: FRA Office of Safety, 2013

Figure 5-5 details highway-rail at-grade crossing accidents by motorist action. According to the 2007 to 2012 editions of Kentucky Traffic Accident Facts,⁶⁹ the biggest contributor to highway-rail at-grade crossing accidents was driver inattention, while failure to yield right of way was the second biggest contributor. Multiple factors contribute to some accidents, resulting in the sum of percentages being higher than 100 percent.

Figure 5-5: Kentucky Highway-Rail Crossing Accidents (Total) by Driver Contributing Factors, 2007-2012



Source: Kentucky Traffic Accident Facts, Kentucky State Police, www.kentuckystatepolice.org/pdf/KY_Traffic_Collision_Facts_2012.pdf, 2014

⁶⁹ Kentucky Transportation Center, *Kentucky Traffic Accident Facts*, published annually

5.1.2 Kentucky Highway-Rail At-Grade Crossing Accidents

Highway-rail at-grade crossings make up the largest portion of rail accident locations in Kentucky. In **Figure 5-6**, accidents over a three-year period are mapped by location and identified by severity, utilizing data from the FRA Office of Safety.

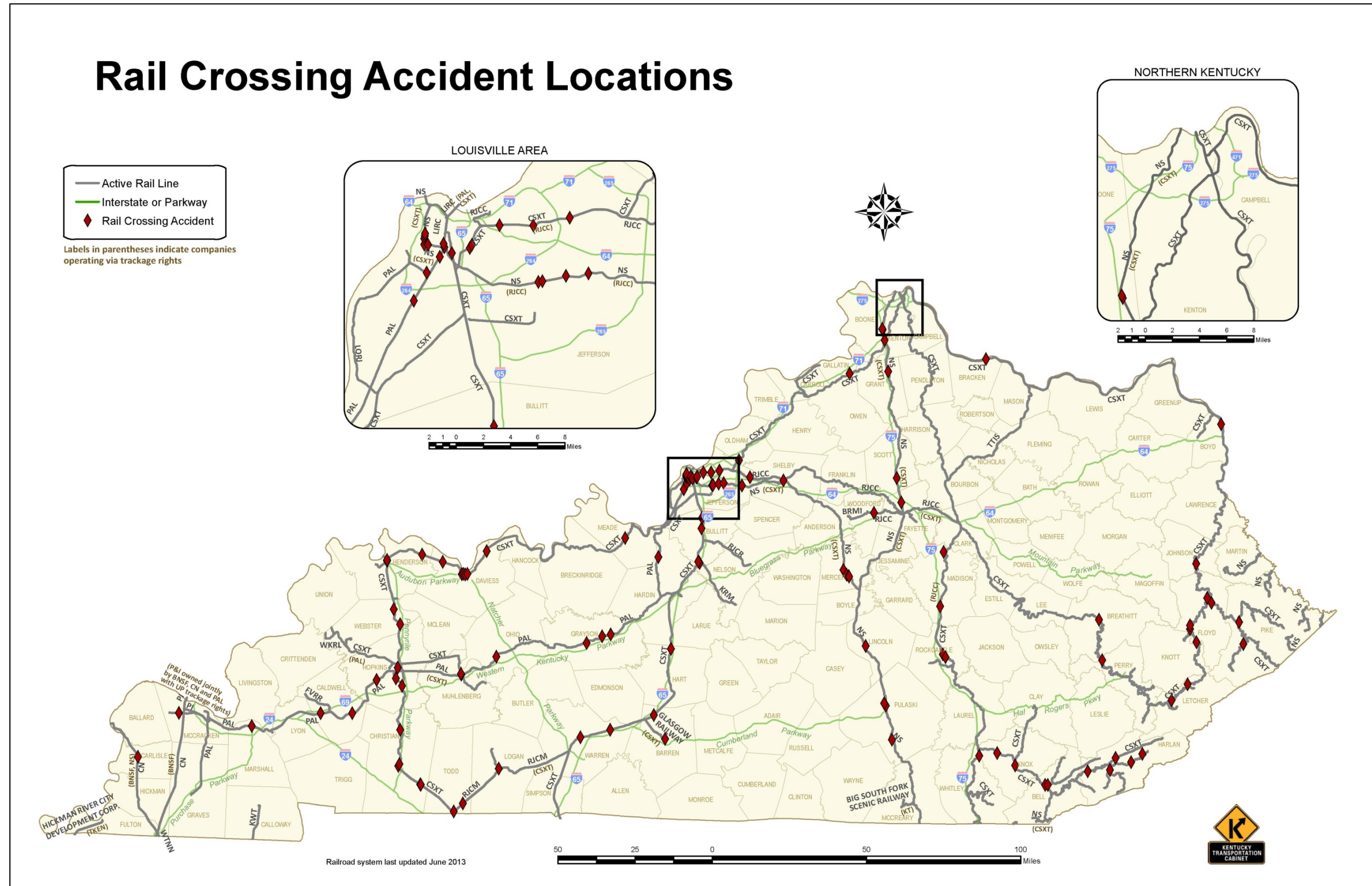
In **Table 5-2**, the 2008-2013 FRA data is used to identify locations of Kentucky's fatal highway-rail crossing accidents. Four of the 28 locations have no type of warning device in place. During the six-year span contained in the table, each location has had only one fatal accident.

Another major rail safety concern is trespassing on railroad property. Trespassers are defined by the FRA as persons who are on the part of railroad property used in railroad operation and whose presence is prohibited, forbidden, or unlawful.⁷⁰ In Kentucky, railroad trespass is a misdemeanor crime and is punishable by law.⁷¹ An overwhelming majority of accidents and fatalities for non-vehicle incidents are due to trespass. In 2012, 12 fatal and 14 non-fatal injuries occurred as a result of trespassing. In 2013, nine fatal and seven non-fatal injuries occurred as a result of trespassing.

⁷⁰ <http://www.fra.dot.gov/eLib/details/L04702>, 2014

⁷¹ <http://www.lrc.ky.gov/Statutes/statute.aspx?id=14027>, 2014

Figure 5-6: Kentucky Highway-Rail At-Grade Crossing Accidents, 2010-2012



Source: KYTC, 2014

Table 5-2: Kentucky Highway-Rail At-Grade Crossing Fatalities in Kentucky, 2008-2012

Crossing ID	County	Fatal Incidents	Total Fatalities	Total Non-Fatal Injuries	Railroad Code	Route Number	Route Name	Crossing Type	Warning Device Type
229342M	Bracken	1	1	0	CSXT	PR 1316	Private Road	Private	None
229435G	Campbell	1	1	0	CSXT	PR 1355	Aquaramp	Private	Crossbucks
345246C	Christian	1	3	1	CSXT	CS 2006	Duffy Street	Public	Crossbucks
345292D	Christian	1	1	0	CSXT	CS4015	Brown Street	Public	Gates
343654F	Edmonson	1	3	0	CSXT	CR 1119	Ray Houchins Road	Private	Crossbucks
724515N	Fayette	1	1	0	NS	KY 1977	Spur Road	Public	Gates
346848W	Fayette	1	1	0	CSXT	KY 2335	Houston Antioch Road	Public	Flashing Lights
347275U	Harlan	1	1	0	CSXT	CR 1329	Murphy Lane	Public	Crossbucks
345400X	Henderson	1	1	0	CSXT	CS 1368	Washington St.	Public	Gates
345318D	Hopkins	1	1	0	CSXT	CS 3016	W Moss Ave.	Public	Flashing Lights
343952F	Jefferson	1	1	0	CSXT	CS1080G	Shelby Street	Public	Gates
344857N	Knox	1	1	0	CSXT	KY 2421	Cumberland Ave.	Public	Gates
344841S	Knox	1	1	0	CSXT	CR 1370	Arkle Road	Public	Crossbucks
229154X	Lewis	1	1	0	ATK	PR 1093	Private Road	Private	None
353537M	Madison	1	1	0	CSXT	CS 2324	Mayde Street	Public	Flashing Lights
344070R	Meade	1	1	1	CSXT	KY 1736	SR 1736	Public	Crossbucks
735674B	Mercer	1	1	0	NS	KY 390	Bohon Road	Public	Flashing Lights
353572B	Rockcastle	1	1	0	CSXT	CR 1004	Cover Branch Road	Public	Crossbucks
343668N	Warren	1	1	0	CSXT	CS 5002	Vine Street	Public	Flashing Lights
343731D	Warren	1	1	0	CSXT	CR 1272	Memphis	Public	Flashing Lights
345359H	Webster	1	1	0	CSXT	CR 1084	Sebree Springs	Public	Crossbucks
349122X	Whitley	1	1	1	CSXT	CR 1056	Brick Pond Road	Public	Gates
850983C	Jefferson	1	1	0	CSXT	CS 1045	25th Street	Public	Flashing Lights
229386M	Campbell	1	1	1	CSXT	-	Private Entrance	Private	None
352483F	Harlan	1	1	1	CSXT	-	Private Entrance	Private	None
296921C	Grayson	1	1	1	PAL	CR 1066	Hughes Mill Road	Public	Crossbucks
344312J	Henderson	1	1	0	CSXT	-	Private Entrance	Private	Crossbucks
349155K	Whitley	1	1	0	CSXT	CS 1132	2nd Street	Public	Flashing Lights
Total:		28	32	6					

Source: FRA Office of Safety, 2012

5.2 RAILWAY-HIGHWAY CROSSING PROGRAMS

As discussed in **Section 4.2.1**, in 2013, Kentucky announced that \$3.2 million from the Highway Construction Contingency Fund would be made available to help short line railroads fund safety improvements at highway-rail at-grade crossings in Kentucky. This contingency fund is derived from the Kentucky Legislature's allocation of the General Fund and is not affiliated with the dedicated KYTC Highway Fund. Another \$3.2 million (\$1.6 million per year) was entered into the Transportation Budget (HB 236) by the Kentucky Legislature for FY 2015 and FY 2016 for more short line rail safety improvements.

As discussed in **Section 4.1.3**, the FHWA Section 130 Railway-Highways Crossing Program was established by FHWA to fund highway-rail at-grade crossing improvements. As of early 2014, approximately 522 of 2,088 open, public highway-rail at-grade crossings have been fully upgraded to include automatic gates. The remaining 1,566 public crossings have cross buck signs, flashing lights, are either with or without a bell(s), or have no warning devices at all. These remaining crossings are candidates for being upgraded under the KYTC Railroad Crossing Safety Program.

5.3 OPERATION LIFESAVER

The Operation Lifesaver Program is one of the most widely known and effective programs working to make railroads and highways safer. It is a nationwide, non-profit organization dedicated to ending collisions, deaths, and injuries at highway-rail at-grade crossings and along railroad corridors. Operation Lifesaver works to accomplish its task through promoting education, engineering, and enforcement. Their programs are co-sponsored by federal, state, and local governmental agencies, highway safety organizations, and individual railroad companies.

Kentucky's Operation Lifesaver Program is funded by federal, state, local, and private partners. The KYTC, the Kentucky Department of Agriculture, the Kentucky Community and Technical College System, and the Kentucky Fire Commission each have a spot on the Kentucky Operation Lifesaver Board of Directors. Kentucky currently participates in Operation Lifesaver through its School Bus Driver Training, Safety Blitz, and Officers on Trains programs. The target audiences for Operation Lifesaver programs are school groups, driver education classes, professional drivers, law enforcement officers, and emergency responders. The KYTC has provided funding for educational materials and printing services for Kentucky's Operation Lifesaver.

5.4 KYTC HIGHWAY-RAIL AT-GRADE CROSSING EVALUATION

KRS 189.561⁷² charges the KYTC with the responsibility of investigating any public highway-rail at-grade crossing that meets all of the following criteria:

- Crossing is not equipped with gates;
- Crossing has an average daily traffic of 4,000 vehicles or more; and,
- Crossing has two or more accidents within a consecutive five-year period involving a train and a vehicle traversing the crossing (qualifying accidents are detailed in 603 KAR 9:020⁷³).

A highway-rail at-grade crossing identified as a safety concern based on the above criteria is investigated to determine if additional safety equipment is needed at the crossing, or if the crossing needs to be closed. After collaborating with the affected local government and railroad company, the KYTC may contract out the installation of proper safety equipment or close the crossing. The cost of the safety equipment is typically split between the KYTC (90 percent) and the railroad (10 percent). The local government incurs no cost.

Whenever deemed necessary for public safety, the KYTC can also order any company owning or operating a railroad in the state to eliminate a public highway-rail at-grade crossing or change an existing overpass or underpass structure. It can subsequently determine whether a substitute crossing should be constructed and the form that crossing takes, e.g. overpass or underpass.

The KYTC has the responsibility of developing a list of highway-rail at-grade crossings proposed to be closed. The criteria for a crossing to be considered for closure are detailed in 603 KAR 9:010⁷⁴ as follows:

- An alternate highway-rail crossing is available within one-quarter track mile in urban areas and the highway has a current average daily traffic count of 500 vehicles or less; or,
- An alternate highway-rail crossing is available within one track mile in rural areas and the highway crossing has a current average daily traffic count of 150 vehicles or less; or,
- The highway-rail at-grade crossing has sight distance obstructions or other geometric characteristics which create unsafe conditions, the closure of the crossing is an economically preferable alternative to correcting the deficiencies at the site, and an alternate crossing is available nearby.

⁷² <http://www.lrc.ky.gov/statutes/statute.aspx?id=6414>, 2014

⁷³ <http://www.lrc.state.ky.us/kar/603/009/020.htm>, 2014

⁷⁴ <http://www.lrc.state.ky.us/kar/603/009/010.htm>, 2014

The full text of the applicable KRS and KAR sections regarding railroad crossings can be found in **Appendix B**.

5.5 FEDERAL RAILROAD ADMINISTRATION (FRA) SAFETY ACTIVITIES

The FRA's mission is "to enable the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future."⁷⁵ It works to accomplish this mission primarily through issuance, implementation, and enforcement of safety regulations, selective investment in rail corridors across the country, and research and technology development.

The FRA employs approximately 400 safety inspectors operating out of eight regional offices throughout the country.⁷⁶ Kentucky is in the FRA's Region III, headquartered in Atlanta, Georgia. Regular inspections are conducted for compliance with safety regulations. Safety areas include:

- Hazardous materials;
- Motive power and equipment;
- Operating practices;
- Signal and train control; and,
- Track condition.⁷⁷

The FRA's safety efforts in the past decade have contributed to the decline in the number of rail-related accidents and incidents by 22 percent. Total rail accidents have dropped by 28 percent while fatalities and injuries have fallen by 27 percent, and highway-rail at-grade crossing accidents have decreased by 36 percent.⁷⁸

5.5.1 FRA Purpose and Activities

Between 2007 and 2010, the FRA's responsibilities grew from a primary focus on improving safety to a multidimensional core of safety and development activities. The Rail Safety Improvement Act of 2008 (RSIA), Passenger Rail Investment and Improvement Act of 2008 (PRIIA), American Recovery and Reinvestment Act of 2009 (ARRA), and subsequent appropriation bills have transformed the FRA with new requirements and initiatives and provided more than \$10 billion for rail corridor improvement, development, and planning grants.⁷⁹

⁷⁵ FRA, <http://www.fra.dot.gov/Page/P0002>, 2014

⁷⁶ FRA, <http://www.fra.dot.gov/Page/P0010>, 2014

⁷⁷ FRA, <http://www.fra.dot.gov/Page/P0010>, 2014

⁷⁸ FRA, <http://www.fra.dot.gov/Page/P0351>, 2014

⁷⁹ FRA, <http://www.fra.dot.gov/Page/P0351>, 2014

The RSIA appropriated \$1.3 billion between 2009 and 2013 for railroad safety improvements. Title II of RSIA provides guidance for highway-rail at-grade crossings, pedestrian safety, and trespasser prevention. Topics discussed in Title II include:

- Pedestrian crossing safety;
- State action plans;
- Improvements to sight distance at highway-rail at-grade crossings;
- National crossing inventory;
- Posting of telephone number to report at-grade crossing problems;
- Operation Lifesaver;
- Federal grants to states for highway-rail at-grade crossing safety;
- Trespasser prevention and highway-rail at-grade crossing safety;
- Accident reporting; and,
- Fostering introduction to new technology to improve safety at highway-rail at-grade crossings.⁸⁰

5.5.2 FRA Rule-Quiet Zones

The FRA has been instrumental in developing and formalizing legislation and subsequent rules for locomotive horn use. Existing regulations require that a locomotive horn be sounded while a train is approaching and entering any public highway-rail at-grade crossing to warn motorists and pedestrians of its approach. Quiet zones are intended to give a community an alternative to the sounding of locomotive horns. They may be established by negotiating with the affected railroad and with the FRA and agreeing on a set of safety measures to counteract the removal of the train horn warning.

The quiet zone rule, entitled Use of Locomotive Horns at Highway-Rail Grade Crossings, is part of the Code of Federal Regulations (CFR) Title 49, Parts 222.⁸¹ The Louisville quiet zones are an example of the benefits of this legislation. To be considered for a quiet zone designation, the following must be true:

1. The locomotive speed is 15 mph or less and the train crew or appropriately equipped flaggers provide warning to



Quiet Zone Signage Located in Louisville, KY
Photo by Parsons Brinckerhoff, 2014

⁸⁰ FRA, <http://www.fra.dot.gov/eLib/Details/L03588>, 2014

⁸¹ CFR http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr222_main_02.tpl, 2015

motorists;

2. Corridors are equipped with supplemental safety measures as detailed by CFR 49 at each public highway-rail at-grade crossing; and,
3. Corridors have a Quiet Zone Risk Index (QZRI) at or below the Nationwide Significant Risk Threshold (NSRT), or the Risk Index With Horns (RIWH).

A quiet zone must be at least one-half mile in length, and all crossings within the corridor must, at a minimum, be equipped with gates and lights. Guidance on the quiet zone designation process can be found on the FRA's website at <http://www.fra.dot.gov/Page/P0689>.

5.5.2.1 Quiet Zones in Kentucky

In 2009, working closely with the FRA, Louisville Metro Government and CSXT created the country's first major quiet zones in the Germantown and Shelby Park areas of Louisville, Kentucky. The corridor is located along CSXT's Louisville Division Line and includes 12 highway-rail at-grade crossings. The objectives of this Louisville Quiet Zone were as follows:⁸²

- Provide a highway/rail safety plan that will discontinue the use of locomotive horns;
- Close certain street and alley crossings; and,
- Improve safety at crossings not designated for closure.

In establishing the Louisville Quiet Zone, Louisville Metro Government gained local agreement to close four street crossings and three alley crossings. In the process, they opened one new alley crossing, added cul-de-sacs on streets where crossings were closed, cut curbs, added bollards, and widened one street to accommodate two-way traffic. In addition, the project allowed each of the pedestrian crossings to remain open. Several sources of funding were utilized to successfully implement this project: FHWA Section 130 funds, Louisville Metro General Funds, CSXT funds, and KYTC Highway Safety Funds. A total of 10 quiet zones have been established in Kentucky, including nine in the Louisville area and one in Covington.

5.6 RAIL SECURITY

The following sections discuss rail security in Kentucky.

5.6.1 Homeland Security

Rail security is a concern for both passengers and freight. In the wake of the U.S. terrorist attacks of September 11, 2001, and recent train derailments involving hazardous cargo, the discussion of rail security has received more attention at the national and state levels. For example, after a major CSXT derailment, CSXT gave the Kentucky Office of Homeland Security real time access to their rail traffic. Most operating railroads have a plan for ensuring rail

⁸² <http://www.facers.org/wp-content/uploads/2011/01/quietzonereport.pdf>, 2014

security, including action plans to deploy during manmade or natural incidents. Increased coordination among federal, state, local, and private partners is ongoing.⁸³

There are additional concerns with the transportation of hazardous materials. The FRA issued Emergency Order No. 28 following the July 6, 2013, catastrophe in Lac-Mégantic, Quebec, a derailment which resulted in an explosion, a massive crude oil spill, and the deaths of 47 people. Emergency Order No. 28 established additional requirements for the monitoring and security of certain freight trains and vehicles on mainline track or mainline siding outside of a yard or terminal. The FRA also began working on regulations governing the importance of proper characterization, classification, and selection of a packing group for Class 3 materials, and the corresponding requirements in the federal hazardous materials regulations for safety and security planning. In addition, the FRA emphasized its expectation for shippers and rail carriers to revise safety and security plans required by the federal hazardous materials regulations. This included completion of required risk assessments and addressing safety and security issues identified in the FRA's Emergency Order No. 28 and the Safety Advisory issued jointly with the Pipeline and Hazardous Materials Safety Administration (PHMSA) on August 7, 2013. In May 2014, the FRA issued emergency action rules requiring notification of larger shipments of oil and strongly recommended the use of safer railroad cars for the shipment of oil.⁸⁴ Currently, the FRA is considering new safer tank car manufacturing regulations that would improve safety of tank cars involved in a crash.

Passenger rail security is overseen at the federal level by the Transportation Security Administration (TSA), which routinely provides security and random checks of passengers and luggage on the Amtrak system at various locations and on select transit systems across the United States. These checks can match passengers' identification with issued tickets, checked bags, and other belongings, providing a basic line of security at stations and aboard vehicles.

Rail security is generally a federal responsibility through the Interstate Commerce Clause and related acts. Some states have taken action to enhance rail security, such as Georgia's Program Standard for Rail Safety and Security.⁸⁵ This document introduces and sets forth the legislative authority for the Georgia Department of Transportation (GDOT) State Safety Oversight (SSO) program, which establishes oversight of local and regional transit and freight or intercity passenger rail.

Since the rail system is privately owned and operated in Kentucky, few public programs exist that explicitly address security of the rail system. Without statutory authority and additional resources, the KYTC's primary role in rail security is to provide technical support and act as a

⁸³ FRA, <http://www.fra.dot.gov/Page/P0322>, 2014

⁸⁴ <http://www.fra.dot.gov/eLib/details/L05223>, 2014

⁸⁵ GDOT, <http://www.dot.ga.gov/travelingingeorgia/rail/Documents/ProgramStandard-RailSafety.pdf>, 2014

clearinghouse for information. All Class I railroads, Amtrak, and some of the smaller railroads employ law enforcement officers to patrol and protect their assets and customers. Kentucky Homeland Security provides some monitoring of railroads and has developed a contingency plan to protect rail bridges at key locations, such as crossings of the Ohio River.

5.6.2 Seismic Incidents

As previously mentioned, each railroad has a safety and security plan, and an action plan to respond to incidents. Seismic incidents are included in those plans. Railroads in this region are coordinating with federal, state, and local partners through the Central United States Earthquake Consortium to plan a response to a seismic event on or near the New Madrid Fault. The group's planning activities include multimodal scenarios that involve railroads. Railroads have contingency operating plans and the ability to reroute traffic after an incident while the conditions of their facilities are assessed.

CHAPTER 6: RAILS TO TRAILS PROGRAM

This chapter presents Kentucky's Rails to Trails Program, including a description of the program, trail development, controlling legislation, agency coordination, funding, and the current status of the rails to trails system in Kentucky.

6.1 INTRODUCTION

The most common type of rail trails are public paths that have been created along inactive and/or abandoned railroad corridors. These paths are used for non-motorized activities such as walking, running, bicycling, and equestrian. Currently, more than 21,437 miles of rail trails are in service in the U.S., with more planned.⁸⁶

An abandoned rail line is railroad right of way on which rail service has been discontinued and the STB has approved the abandonment (further discussed in **Section 6.3**). Rail banking is a method of preserving rail right of way for interim trail use while giving the railroad the option to reactivate service and/or reinstall the tracks at a later date. The right of way must be rail banked after the railroad has filed for abandonment but before STB issues final approval. Non-profit groups or governmental agencies may assume the taxes and responsibility for the rail corridor, including liability and maintenance. Once this process is complete, a trail along the corridor can be created.

In addition to rail trails converted from abandoned rail corridors, another type of rail trail is rails-with-trails, whereby the rail trail coexists alongside an active rail corridor. A Kentucky example of this arrangement can be found in Bullitt County, where portions of the Bernheim Hike Bike Trail are located within the Bardstown Line rail corridor right of way, owned by the R.J. Corman Railroad Group.

6.2 PROGRAM DESCRIPTION

In 1980, Congress passed the Staggers Act, which allowed the deregulation of railroads and the closure of unprofitable rail lines. A result of the Staggers Act was an increased number of rail line abandonments and growth of the Rails to Trails movement.

In 1983, Congress passed an amendment to the National Trails System Act. This legislation made it possible for state and local governments and other interested parties to preserve rail corridors during the abandonment process through rail banking, allowing those corridors to be preserved and possibly converted into trails and linear parks at a later date. These parks could be established with the understanding that, if in the future a railroad wished to re-establish an active railway within a corridor, they would be permitted to buy back the line at fair market value and re-establish service.

⁸⁶ <http://www.railstotrails.org/ourWork/trailBasics/trailStats.html>, 2014

Pursuant to 1998 Kentucky House Concurrent Resolution 77, *A Study on the Feasibility, Benefits, and Implementation of a Strategy for a Rails to Trails Program throughout the Commonwealth*⁸⁷ was completed by a special committee established by the Legislative Research Commission (LRC). Much of this study centered on abandoned rail lines and their potential recreational use. Subsequently, House Bill 221 was passed by the Kentucky Legislature in 2000, which provided for the establishment of an Office of Rail Trail Programs in the Department for Local Government (DLG). The Office, as further discussed in **Section 6.4.1**, monitors abandonments and commissioned the Kentucky Abandoned Railroad Corridor Inventory. At the time the report was published in 2003, more than 1,200 miles of abandoned railroad lines existed in Kentucky.⁸⁸ An inventory of Kentucky's abandoned rail lines by location, a detailed assessment of lines that may be the most suitable for recreational trail use, and an inventory of historic railroad structures were also included in the report.

6.3 ABANDONMENT

As of 2014, Kentucky had more than 2,400 miles of active mainline track, down from over 4,000 miles at its peak in the 1930s, resulting in more than 1,000 miles of abandoned railroad beds in the state.⁸⁹ In some cases, the lines supported industries that no longer exist. In other cases, the condition of the lines deteriorated to such an extent that restoration was considered uneconomical by rail line owners. State regulations regarding the abandonment process in Kentucky are covered in KRS 277.400 and KRS 277.402. More information on alternatives to abandonment is available on the Rails-to-Trails Conservancy's website.⁹⁰ It is important to note that most abandoned rail right of way is now privately owned, often by the adjacent land owner.

In order to officially abandon a rail line, railroads must either go through the STB abandonment procedure or be granted an exemption from it. An exemption may be granted when the railroad can demonstrate that the line has been out of service for two years, any overhead freight traffic on the line has been or can be rerouted, and no complaints over service are pending. An exemption can also be granted for rail lines with so little traffic on the line that the railroad cannot make a profit on it. If a railroad is granted an exemption, the requirement of public notification of intent to abandon is removed. Procedures are available for parties who wish to request that the STB stay or revoke the granting of exemption.

Under the STB's railroad abandonment procedure, at least 60 days before filing an abandonment application, railroads must file a system diagram map with the STB that depicts the rail line(s) to be abandoned. One to three weeks before filing the abandonment

⁸⁷ <http://www.lrc.ky.gov/lrcpubs/RM486.pdf>, 2014

⁸⁸ Kentucky's Abandoned Railroad Corridor Inventory Project, <http://kyrailbeds.com/>, 2014

⁸⁹ Ibid.

⁹⁰ <http://www.railstotrails.org>, 2014

application, they must file a notice of intent to abandon. Following completion of these two steps, the railroad may then file the application. The abandonment application provides detailed information on the costs and revenues of the line to be abandoned as well as the overall financial condition of the railroad company. The STB then initiates a procedure whereby any party wishing to protest the abandonment may do so in the 45 days that follow the filing of the application. This is also typically the time when rail trail interested parties apply to rail bank the right of way. If any protests arise, they are usually attempting to demonstrate that discontinuance of service results in more economic harm to customers than the railroad suffers by continuing to serve the line. It is important to note that in some cases the rails may be physically removed, but the line may not be officially abandoned.

According to the STB, “the ICC Termination Act and the National Rails to Trails Act, along with the STB’s regulations, give interested parties the opportunity to negotiate voluntary agreements to use a railroad right of way that otherwise would be abandoned for recreational or other public use, such as commuter rail service or highway.”⁹¹ The method of preserving a railroad corridor for the possibility of future use as a railroad is known as rail banking. Many railroads do not own the land on which their tracks lie. Rather, they have easements over the land of adjoining property owners. Unless those easements are rail banked by converting them to a trail or other public use, the easements are extinguished and the property reverts back to the original landowner.⁹²

As further stated by the STB, “to begin the trail use process, a trail proponent must file a use request in the abandonment proceeding initiated by the railroad. A trail use request has no effect on the Board’s decision whether to give a railroad permission to abandon. It is considered only after the Board has decided to permit the abandonment. Trail use requests must be filed within 45 days of the railroad’s abandonment application, or 25 days after the publication of the application in the Federal Register.”⁹³ Interested parties may contact the STB⁹⁴ for further information regarding rail abandonment or exemption actions.

6.4 PUBLIC ORGANIZATION INVOLVEMENT IN RAIL TRAILS

Legislation covering Kentucky’s Rails to Trails Program has been codified in the KRS. The most recent significant legislation is House Bill 221 (HB 221) passed in the 2000 Regular Session of the Kentucky General Assembly. This act amended sections of the KRS to reorganize and enhance Kentucky’s rail trail process.

⁹¹ <http://www.stb.dot.gov/stb/docs/Abandonments%20and%20Alternatives1.pdf>, 2014

⁹² Ibid.

⁹³ Ibid.

⁹⁴ <http://www.stb.dot.gov/stb/index.html>, 2014

In addition to notifying STB, any railroad wishing to discontinue service or proceed with abandonment in Kentucky must notify the DLG Rail Trail Development Office, the Kentucky Tourism, Arts and Heritage Cabinet's Department of Parks, and the KYTC.

6.4.1 Kentucky Department for Local Government – Rail Trail Development Office

House Bill 221 created a Rail Trail Development Office in the DLG, responsible for monitoring abandonment applications under consideration by the STB. The Rail Trail Development Office disseminates information and coordinates efforts among governmental agencies, including the KYTC and the Department of Parks. This office is also responsible for assisting local governments or other entities with funding applications to support conversion to public use trails, or with applications regarding rail banking and public use condition requests.

6.4.2 Kentucky Tourism, Arts & Heritage Cabinet

As specified in House Bill 221, Chapter 338, the Department of Parks has responsibility for maintaining public trails and adding public use facilities where required.⁹⁵ This department reviews abandonment declarations by the STB for the possibility of adding sections to the trail system. The commissioner may request that a corridor be rail banked.

The Department of Parks operates the Dawkins Line Rail Trail, a linear state park currently extending from Hagerhill in Johnson County to Royalton in Magoffin County.

Adventure Tourism is an organization supported by the Kentucky Department of Travel and Tourism that promotes multiple outdoor activities in Kentucky, including rail trail development and promotion. This organization sponsors the Kentucky Trail Town program. Once a local area has met the qualifications and been approved and designated as a Kentucky Trail Town, Adventure Tourism promotes the area as a tourist destination.

Adventure Tourism also assists state and local tourism and development agencies with the development of trails, the identification of funding for trail facilities and promotion, and the promotion of trails in the Adventure Tourism materials.

More information can be found at the website www.kentuckytourism.com.

6.4.3 Kentucky Transportation Cabinet (KYTC)

As specified in House Bill 221, Chapter 338,⁹⁶ and codified as KRS 174.130,⁹⁷ the KYTC is responsible for keeping a record of rail line abandonments. This record must include a description of the line, the former line operator, whether the line has been rail banked, and other pertinent information.

⁹⁵ <http://www.lrc.state.ky.us/Statrev/ACTS2000/0338.pdf>, 2014

⁹⁶ Ibid.

⁹⁷ <http://www.lrc.ky.gov/Statutes/statute.aspx?id=5016>, 2015

6.4.4 Kentucky Heritage Council

The Kentucky Heritage Council, in their capacity as the State Historic Preservation Office (SHPO), is notified of abandoned rail lines within the state. This organization is responsible for identifying structures of historic significance along potential trails. More information can be found at the website www.heritage.ky.gov.

6.4.5 Kentucky Bicycle and Bikeways Commission (KBBC)

The Kentucky Bicycle and Bikeway Commission (KBBC) was formed by the Kentucky Legislature in 1992. The KBBC offers knowledge in design, planning, and promotion that can assist in furthering the state's rail trail efforts.⁹⁸

As specified in KRS 174.125, the Commission is tasked with the following:

- Represent the interests of bicyclists in advising the Secretary of the KYTC on all matters pertaining to the use of bicycles and the extent and location of bikeways;
- Assist the bicycle and bikeway program in the exercise of its duties within the KYTC; and,
- Promote the best interests of the bicycling public, within the context of the total transportation system, to governing officials, and the public at large.

6.4.6 Rails-To-Trails Conservancy

The mission of the Rails-To-Trails Conservancy, which was founded in 1986, is to enrich the United States of America's communities and countryside by creating a nationwide network of public trails from former rail lines and connecting corridors. The Rails-To-Trails Conservancy is the largest trails organization in the country, and connects people and communities to the assistance and resources of citizen groups, public agencies, railroad companies, and other organizations. The Conservancy also provides direct assistance for rail trail and greenway projects.⁹⁹

6.4.7 Kentucky Rails to Trails Council (KRTC), Inc.

The mission of the KRTC is to enhance the quality of life in communities by developing a statewide rail trail program. Formed in 1994, KRTC, a not-for-profit volunteer organization, works with local organizations to develop trails and greenways and seeks to increase public awareness of the benefits of rail trails. KRTC is a source of information on project funding, design, and management and has also financed rail banking. The council maintains a website at www.kyrailtrail.org and is a trail partner of the national Rails-to-Trails Conservancy, described in the previous section. Included among the active local chapters of the KRTC are the Bluegrass Rail to Trail Foundation and the Lake Cumberland Trail Foundation.

⁹⁸ <http://transportation.ky.gov/bike-walk/pages/kentucky-bicycle-and-bikeway-commission.aspx>, 2014

⁹⁹ <http://www.railstotrails.org/>, 2014

6.5 KENTUCKY'S EXISTING AND PROPOSED RAIL TRAILS

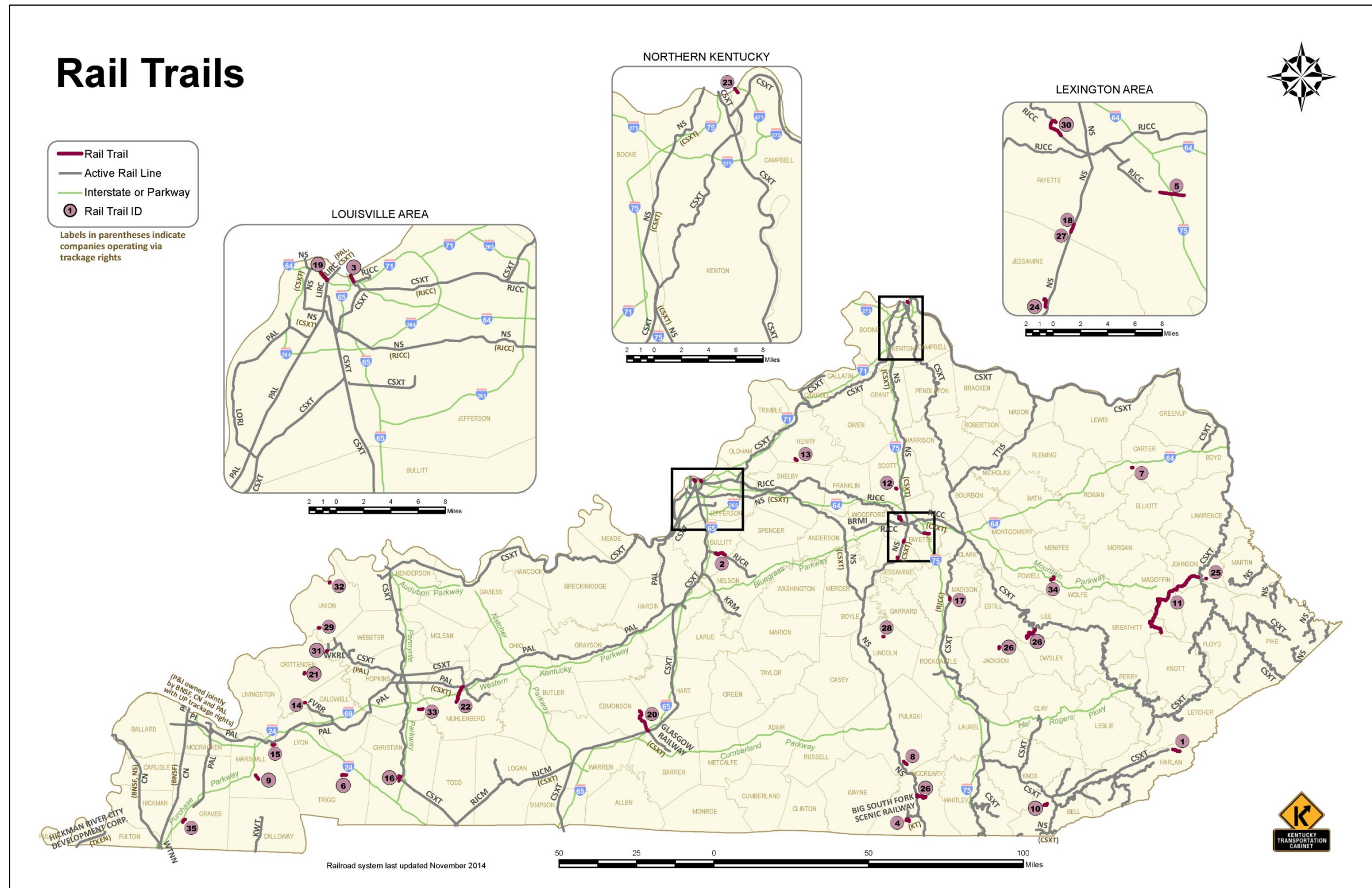
Currently, several rail trail organizations are assisting in the development, funding, and promotion of rail trails in Kentucky, including both governmental and non-governmental agencies.

Based on data furnished by the KRTC, the state has 75 miles of existing rail trails as of late 2013.¹⁰⁰ An estimated 278 additional miles of rail trails are currently in a planning or development stage throughout Kentucky. The location of each of these trails can be seen in **Figure 6-1**, and a description follows of the existing and proposed rail trail projects, where available.¹⁰¹ More information including trail use and hours available to the public can be found at the KRTC website, <http://www.kyrailtrail.org/>.

¹⁰⁰ <http://www.kyrailtrail.org/>, 2014

¹⁰¹ <http://www.kyrailtrail.org/projects/>, 2014

Figure 6-1: Kentucky Rail Trails



Source: Kentucky Rails to Trails Council (KRTC), 2014

Descriptions of known Kentucky rail trails are composed of information submitted by KRTC and the DLG, and are current as of November 2014.

Benham Trail (Harlan County) - Existing/Proposed

The Benham Trail, also known as the Benham Walking Trail and Coal Miners Walking Trail is located in Harlan County, with approximately 2.5 miles on an abandoned CSX line complete. This rail trail is currently used by pedestrians and has concrete barriers to prevent motorized vehicle access (including motorcycles).

Bernheim Hike-Bike Trail (Bullitt County) - Existing

The Bernheim Hike-Bike Trail is a rail-with-trail that runs along Lick Creek and generally parallels KY 245. It is a 3.2 mile trail with endpoints at the Bernheim Forest and KY 1064 at Lotus. The surface of this trail is crushed stone.

Big Four Bridge, (Louisville, Jefferson County) – Existing

The Louisville Big Four Bridge is a former railroad truss bridge that crosses the Ohio River, connecting Louisville with Jeffersonville, Indiana. It has been converted to a multi-use path, allowing only bicyclists and pedestrians. The bridge is 0.5 mile in length.



**Big Four Bridge in Louisville, Kentucky
Photo by KYTC, 2014**

Blue Heron Trail (McCreary County) - Existing

This rail trail is part of the Blue Heron Loop trail in the Big South Fork National River and Recreation Area. The Blue Heron Loop is a 6.5 mile hiking trail with about two miles of rail trail.

Brighton East Rail Trail (Fayette County) - Existing

The Brighton East Rail Trail, located on the east side of Fayette County, is 1.8 miles long. It begins at the intersection of Man O' War Boulevard and Bryant Road and ends at Walnut Grove Lane. It is a 12-foot wide asphalt/concrete trail intended for non-motorized traffic. It was partially funded by KYTC Transportation Enhancement Funds.

Cadiz Railroad Trail (Trigg County) - Existing

The Cadiz Railroad Trail, located in downtown Cadiz, is 1.5 miles long. The surface is asphalt and it is used for hiking, jogging, bicycling, rollerblading, and skateboarding. This rail trail is the site of the former Cadiz Railroad that connected with the Illinois Central and Louisville & Nashville Railroads. The rail trail was dedicated in 1989, making it the first rail trail in Kentucky.

Carter County Rail Trail (Carter County) - Existing/Proposed

The Carter County Rail Trail consists of 0.5 mile of rail trail located in Olive Hill. The city of Olive Hill was selected and approved for Recreation Transportation Program funding in 2012 to provide maintenance of the existing trail and acquire 0.75 mile of additional rail trail.

Cathy Crockett Memorial Trail (McCreary and Pulaski Counties) - Existing/Proposed

The Cathy Crockett Memorial Trail begins in Sloans Valley and ends in McCreary County. The trail is currently about 1.5 miles long with a gravel surface. Most of this trail is on remnants of the old Cincinnati-Southern rail bed and is used for walking, running, and bicycling. The project was funded by a federal Transportation, Community, and System Preservation (TCSP) grant.

Clarks River National Wildlife Refuge Rail Trail (Marshall County) - Existing

This rail trail is located in the city of Benton and runs along 1.5 miles of the Clarks River. Right of way for the project was purchased as a National Wildlife Refuge and was funded by a Recreational Trails Program grant.

Clear Creek Trail (Bell County) - Existing

The Clear Creek Trail traverses through the campus of Clear Creek Baptist Bible College, in the Kentucky Ridge State Forest, adjacent to the Pine Mountain State Resort Park. There are approximately 1.6 miles of existing trail along what was formerly a spur from the Louisville & Nashville Railroad. It is commonly used by hikers, runners, mountain bikers, and fishermen.

Dawkins Line Corridor (Breathitt, Johnson, and Magoffin Counties) - Existing/Proposed

Currently, 18 miles of the proposed 36 mile Dawkins rail trail have been completed. The completed section runs from Hagerhill in Johnson County to Royalton in Magoffin County, and was opened to hikers, cyclists, and horseback riders in June 2013. The rail trail follows the old Dawkins Line railroad bed, most recently owned by the R.J. Corman Railroad Group before the company abandoned it in 2004. It is the longest rail trail in Kentucky.



**The Dawkins Line Trail
Photo by Don Fields, 2014**

Elkhorn Creek Trail (Scott County) - Existing

This rail trail is part of the Elkhorn Corridor Trail System, located in Scott County. The trail system is comprised of three trails.

Eminence Trail (Henry County) - Existing

The Eminence Trail is 0.8 mile in length and located in Henry County.

Fredonia Trail (Caldwell County) - Existing

The Fredonia Trail is a 0.2 mile rail trail located in Caldwell County.

Grand Rivers (Livingston County) - Existing

This is a 0.6 mile rail trail in Livingston County.

Hopkinsville Rail Trail (Christian County) – Existing

On September 27, 2014, 3.15 miles of this proposed 15 mile trail using the abandoned Fort Campbell rail spur was opened for public use. It runs from the Hopkinsville Riverwalk trailhead at North Street southward to Pardue Lane.

Industrial Park Rail Trail (Madison County) - Existing

The Industrial Park Rail Trail is a 0.8 mile rail trail in Madison County.

Lafayette Trail (Fayette County) - Existing/Proposed

The Lafayette Trail, located on the south side of Fayette County, is approximately 0.15 mile long with another 0.6 mile proposed.

Louisville Riverwalk (Jefferson County) - Existing

The Louisville Riverwalk is located in Louisville, predominantly along the Ohio River. It is comprised of two separate segments that are each approximately six miles long and connected by city streets. It runs between the Belvedere river wharf and Chickasaw Park. The surface is paved asphalt and concrete. Approximately 0.5 mile of this total project is considered a rail trail.

Mammoth Cave Hike and Bike Trail (Barren and Edmonson Counties) - Existing

The Mammoth Cave Trail is eight miles long and paved with crushed stone. A five mile segment of the trail extends from Park City to Mammoth Cave National Park, and three miles of the trail follow an old rail corridor of the Mammoth Cave Railroad.

Marion Crittenden County Park Trail – Existing

This paved trail in the city of Marion is approximately 0.4 mile long and is part of a larger loop trail around the inside of the Marion Crittenden County Park. It is located along a section of rail bed that was operated by the Western Kentucky Railway.

Muhlenberg County Rails to Trails (Muhlenberg County) - Existing

This rail trail is located on right of way previously owned by PAL, with the end points in Central City and Greenville. The paved rail trail is approximately six miles long.

Purple People Bridge (Campbell County) - Existing

The Purple People Bridge is a 0.3 mile long bridge across the Ohio River and connects the proposed Ohio River Trail in Cincinnati with the proposed River Path in Kentucky. The bridge is

open to pedestrians and bicyclists. On the Cincinnati side, a rail trail connects the Great American Ball Park with the Theodore Berry International Friendship Park and a bike path.

Riney B Park Trail (Jessamine County) - Existing

This is a one mile rail trail located in Jessamine County.

Rucker Park Rail Trail (Johnson County) - Existing

This approximately 0.2 mile rail trail in Johnson County is owned by the Van Lear Historical Society and is a former Chesapeake and Ohio corridor.

Sheltowee Trace (McCreary, Lee, and Jackson Counties) - Existing

The Sheltowee Trace is a 307 mile national recreation trail that runs through the Daniel Boone National Forest, Big South Fork National Recreation Area, Natural Bridge, Cumberland Falls, and Pickett State Parks in Kentucky and Tennessee.¹⁰² Currently, 3.6 miles of the trail located in McCreary County, near Whitley City, is a rail trail along Railroad Fork and Barren Fork. The right of way was part of the Barren Fork Coal Camp. It is in Section 30 of Sheltowee Trace and horses are permitted. Another 9.6 miles of rail trail are located in Lee and Jackson counties.

South Elkhorn Trail (Lexington, Fayette County) - Existing

This is a 0.4 mile asphalt rail trail that extends from Man O' War Boulevard to Waveland State Historic Site, south of Shillito Park, near the Norfolk Southern railroad tracks.

Stanford Depot and Rail Trail (Lincoln County) - Existing

This is a 0.3 mile asphalt rail trail that extends two city blocks in downtown Stanford. It includes the historic restored Louisville & Nashville Depot.

Sturgis Trail (Union County) - Existing

This paved rail trail is located in southern Union County in the community of Sturgis and is approximately 0.5 mile in length.

Town Branch Trail (Fayette County) - Existing/Proposed

The Town Branch Trail, located on the west side of Fayette County, extends 1.8 miles from Masterson Station to Alexandria Drive.

Tradewater (Blackford Bridge) Rail Trail (Webster and Crittenden Counties) - Existing

This rail trail is approximately 0.5 mile in length and utilizes an abandoned railroad bridge across the Tradewater River in Blackford, providing pedestrian access for both sides. The Tradewater River separates Crittenden and Webster counties in western Kentucky. The project was funded through the KYTC Transportation Enhancements Program.

¹⁰² <http://www.sheltoweetrace.com/>, 2014

Uniontown Trail (Union County) - Existing

The Uniontown Rail Corridor Trail is an existing 0.35 mile long asphalt trail that lies in northern Union County in western Kentucky. It is used for walking, jogging, rollerblading, skateboarding, in-line scooters, and bicycling. This trail was funded through the KYTC Recreational Trails Program and the KYTC Transportation Enhancements Program.

White Plains Trail (Hopkins County) - Existing

This eight-foot wide paved trail is located in White Plains, which lies in southeastern Hopkins County. The length of the trail is 1.5 miles.

Whittleton Branch Trail (Powell County) - Existing

This rail trail is a 1.8 mile section of the Whittleton Branch Trail that begins at the Natural Bridge camping area and extends northward to an intersection with KY 15.

Wingo Trail (Graves County) - Existing/Proposed

The Wingo Trail is located in Graves County in western Kentucky. This rail trail is 1.3 miles in length and is built on an Illinois Central abandonment.

6.6 FUNDING SOURCES FOR RAIL TRAILS

Funding for rails to trails projects can come from many sources, including federal, state and local agencies. Some of these funding types have already been discussed in **Chapter 4**, but are identified as specifically available for rail trails, below. Other sources of financial support for rail trails include assistance from foundations, corporations, or individuals.

Any person with a legal interest in land adjoining or traversed by a rail trail has the right to grant a conservation easement for tax purposes. This easement may be granted for a specified duration or in perpetuity, and could encourage neighboring landowners to grant easements for rail trail developments. The easements are administered through the Department of Parks.

6.6.1 Federal Funding Sources

6.6.1.1 Transportation Alternatives

MAP-21, the most recent federal transportation funding law, consolidated a number of transportation funding programs previously available under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) into a single program called the Transportation Alternatives Program (TAP). This program expands travel choices and enhances the transportation experience by integrating modes and improving the cultural, historic, and environmental aspects of our transportation infrastructure. The TAP funds provide the primary federal transportation funding for recreational trail development. TAP funds are administered by the KYTC's Office of Local Programs. The federal share of a project is generally 80 percent of the total cost, leaving project sponsors with the responsibility for 20 percent of

the project's cost. Entities eligible to receive TAP funds include local governments, regional transportation authorities, transit agencies, natural resource or public land agencies, schools, school districts, local education agencies, tribal governments, or other local/regional government agencies as designated by the KYTC.

6.6.1.2 Congestion Mitigation Air Quality Program

The Congestion Mitigation Air Quality (CMAQ) program was discussed in more detail in **Chapter 4**. CMAQ funds may be used for pedestrian and non-recreational bicycle transportation infrastructure that contributes to reduction in travel by single-occupancy vehicles. CMAQ funds are administered by the KYTC's Office of Local Programs.

6.6.1.3 Recreational Trails Program

The Recreational Trails Program (RTP) is another program authorized under MAP-21. This program is administered through the DLG. It provides funding for acquisition, construction, and maintenance for both motorized and non-motorized recreational trails, including rail trails. Federal funding is available to cities, counties, and non-profit organizations, and requires a 50 percent non-federal match. The program is intended to be competitive and projects that meet certain criteria are considered for funding. Approximately \$1.1 million was available in Kentucky through this program in fiscal year 2013.

6.6.1.4 Land and Water Conservation Fund

The Land and Water Conservation Fund is a federal fund administered in Kentucky by the DLG. This program supports land acquisition and development for all types of outdoor recreation facilities, including rail trails. Approximately \$0.6 million was available through this program in fiscal year 2013 for Kentucky.

6.6.1.5 Community Development Block Grant Program (CDBG)

The Community Development Block Grant Program, which is offered by the United States Department of Housing and Urban Development, is administered in Kentucky by the DLG. Rail trails are eligible for this program, which funds projects for cities and towns that produce community-wide benefits.

6.6.1.6 Federal Lands Transportation Program

The Federal Lands Transportation Program funds projects that improve access within the federal estate (national forests, national parks, national wildlife refuges, national recreation areas, and other federal public lands). This program is restricted to transportation facilities in the national federal lands transportation inventory that are owned and maintained by the federal government. In Kentucky, federal lands include Mammoth Cave National Park, the Land Between the Lakes, and some property within the various National Forest areas. Among the eligible uses are facilities for pedestrians and bicycles, such as rail trails. About 45 percent of

the project to develop the Mammoth Cave Railroad Bike & Hike Trail came from the National Park Service within the Federal Lands Program.

6.6.2 State Funding Sources

Although some rail trail projects such as the Dawkins Line Rail Trail were funded from the Kentucky Highway Construction Contingency Funds, no permanent or recurring sources of funding for rail to trail projects have been identified at the state level.

CHAPTER 7: PUBLIC AND INDUSTRY OUTREACH

The KYTC chose to pursue a targeted approach in the solicitation of public and industry opinions on identifying needs in the rail infrastructure and operations in Kentucky. While seeking input, however, the KYTC also needed to make clear the limitations faced in funding projects and encouraging changes in operations. In Kentucky, rail transportation is largely the responsibility of private rail companies, intermodal shippers, and others involved in the industry. The KYTC has no authority over the management or disposition of the private assets of those companies. Also, any funding that is made available is typically pass-through money from the federal government or is obligated from the Kentucky General Fund and competes against other statewide needs. As discussed in **Chapter 1**, the state highway fund is constitutionally mandated to be used only on highways. There is no dedicated funding source for rail projects.

A special effort was made to involve members of the railroad industry and the general public to obtain responses and comments on the draft 2015 Kentucky Statewide Rail Plan. Efforts included presenting information at the Kentuckians for Better Transportation (KBT) conference in January 2014, and soliciting feedback from attendees, holding two public meetings in February 2014, and meeting with a group of rail industry stakeholders in May 2014. Also included was a 45 day review and comment period in August and September 2014. These activities and the feedback received are summarized in this section and detailed in **Appendix C**.

7.1 KENTUCKIANS FOR BETTER TRANSPORTATION

The KBT 2014 Kentucky Transportation Conference was held January 9-10, 2014, in Lexington. The KBT is a statewide association advocating for improvements in all modes of transportation (highway, rail, waterway, air, and transit) and has 240 members including air, highway, and rail carriers, industry associations, chambers of commerce, city and county governments, contractors, suppliers, academia, engineering firms, and riverports. A summary of the Kentucky Statewide Rail Plan effort was presented at a breakout session at the conference.

Issues / Problems / Needs

Surveys seeking information on the role of the rail industry in Kentucky were distributed to the audience and 14 were returned. Of those who responded to the survey, one was a current or former railroad employee, two were shippers that use railroad services, and seven have current or former jobs related to rail. Most respondents saw value in the rail industry in Kentucky, wanted it to grow and be healthy, and wanted to expand opportunities for both freight and passenger rail.

Comments regarding opportunities for freight rail and passenger rail expansion focused on:

- Expanding auto industry and potentially more shipments via rail;

- Coal shipments, their potential decline;
- Rail shipments and expansion related to the Panama Canal;
- Potential for the return of Amtrak's Floridian; and,
- Potential for passenger rail from Lexington to Louisville and to Northern Kentucky.

Comments regarding rail system efficiency focused on:

- Double tracking;
- Welded heavy rail and elimination of at-grade crossings;
- Bypassing Lexington and Louisville;
- Provide a high speed railroad bed north of Louisville to tie into Midwest high speed rail north of Kentucky; and,
- Establish a higher speed rail crossing into Indiana from Louisville.

Comments regarding rail policy changes focused on:

- A rail construction and maintenance organization similar to Illinois Department of Transportation;
- Partnerships; and,
- State money to help subsidize Amtrak's *Floridian*.

Comments regarding capital improvement needs focused on:

- Tax breaks for rail construction and maintenance; and
- Investment in improved rail beds and welded rail.

Next Steps

Many of the comments were general, given the audience and long term nature of the draft plan. The comments primarily focused on the potential for a rail renaissance in Kentucky. Most comments are addressed in **Chapter 8**, particularly those dealing with preservation and economic development.

7.2 PUBLIC MEETINGS

Two public meetings were held to solicit feedback on the 2015 Kentucky Statewide Rail Plan, one in the eastern portion of the state in Ashland, Kentucky, and one in the western portion of the state in Fulton, Kentucky. In addition to their geographic location, these cities were selected due to the presence of passenger rail service via Amtrak. The meetings were held on February 25, 2014 (Ashland), and February 27, 2014 (Fulton).

7.2.1 Ashland Public Meeting

The meeting in Ashland was held at the Ashland Transportation Center, the location of the Amtrak station and public bus terminal, from 4 to 7 p.m. In addition to the consultant team and the KYTC central office and district staff, there were 14 attendees. One survey form was returned at the meeting.

Issues / Problems / Needs

Comments gathered from the meeting included the following:

- Encourage railroads to maintain and improve tracks and other infrastructure in an effort to make rail a more attractive option and attract more industry to Kentucky; and,
- Encourage Amtrak to offer more service on *The Cardinal*.

Next Steps

The survey comment suggested additional investments in infrastructure. Recommendations to address this comment are identified in **Chapter 8**.

7.2.2 Fulton Public Meeting

The meeting in Fulton was held at the Pontotoc Civic Center from 4 to 7 p.m. In addition to the consultant team and the KYTC central office staff, 17 people attended the meeting. Fulton is served by Amtrak's *City of New Orleans* train. One rail system comment was received.

Issues / Problems / Needs

The comment received from Fulton identified the following needs:

- A larger structure with more amenities, better roadway access, staffing, ticketing, and additional Amtrak service is desirable.

Next Steps

Like the meeting in Ashland, the Fulton comment had to do with infrastructure investments, namely the station in Fulton, which is located on leased land. Recommendations to address this comment are identified in **Chapter 8**.

Additional information about the responses from both meetings can be found in **Appendix C**.

7.2.3 Additional Feedback

In addition to the public meetings, comment forms were received from the Kentucky Indiana Rail & Transit Advocates, a Kentucky Council Member from the National Association of Railroad Passengers, and a rail enthusiast. The submitted comments can be found in **Appendix C**.

Issues / Problems / Needs

Below is a summary of comments and recommendations received from these groups:

- Encourage Amtrak to expand service throughout the state;
- Provide bus service to existing Amtrak stations in other states to allow for easier connections to national passenger rail networks;
- Explore feasibility of commuter rail service between Lexington and Louisville; and,
- Restore and preserve rail lines in Louisville for future commuter service.

Next Steps

Many of the comments advocate changes or expansions of the current passenger rail services provided in Kentucky. Recommendations included in **Chapter 8** address these comments, and in particular those related to economic development and transportation planning.

7.3 INDUSTRY STAKEHOLDER MEETING

A meeting with rail industry stakeholders was held at the KYTC central office in Frankfort, Kentucky, on May 14, 2014, at 9:30 a.m. Meeting attendees included representatives from various railroad groups and companies including Bluegrass Railroad Museum, CSXT, Norfolk Southern, Paducah and Louisville Railway, and the R.J. Corman Railroad Group. Additionally, a representative from BNSF joined via video conference. Citizens with rail trail interests, representatives of the KYTC, FHWA, KBT, and the consultant team were also present. Prior to the meeting, a copy of the draft plan and a survey were sent to all invitees. The survey was also made available online with a link provided in the meeting invitation.

Issues / Problems / Needs

Eight surveys were returned with suggestions to improve passenger rail transportation, transit, and freight transportation, including:

- Expand or increase support for rail investment;
- Develop and hold a freight rail forum;
- Develop and fund a rail rehabilitation and access program; and,
- Recommend and fund improvements in rail safety.

Meeting minutes for the stakeholder meeting and the project team meeting, as well as survey responses from attendees and other invitees not present at the meeting are included in **Appendix C**.

Next Steps

Many of the comments advocate changes in current rail services, infrastructure or funding. Others were specific to making the freight rail system competitive with the freight highway system. The recommendations in **Chapter 8** identify policy level suggestions to consider for further action.

7.4 KENTUCKY LONG-RANGE STATEWIDE TRANSPORTATION PLAN – PUBLIC INVOLVEMENT

As part of the public engagement process for the development of Kentucky’s 2014 Long-Range Statewide Transportation Plan (LRSTP), an on-line survey was used to gather feedback.

Issues / Problems / Needs

Twenty-two survey responses were returned to the KYTC that contained comments and suggestions about passenger rail transportation, transit, and freight transportation, including:

- Expand or restore these systems to their former status;
- Efficiency of freight rail versus trucks, efficiency of passenger rail versus motor vehicles, and a need for public rail investment commensurate with European countries; and,
- In urban areas, trains passing through block vehicles at crossings and limit the movement of adjacent vehicles, especially when they pass through downtown areas.

Next Steps

Many of the comments advocate changes regarding the status and investment in systems. **Chapter 8** includes recommendations and limitations facing the KYTC in addressing these comments.

More information about the responses can be found in **Appendix C**.

CHAPTER 8: RECOMMENDATIONS

This chapter summarizes recommendations based on the goals and objectives presented in **Chapter 1** and other issues and concerns identified within this document. In addition, recommendations incorporate input received during the public outreach and stakeholder engagement process that took place during the development of the Kentucky Statewide Rail Plan, as discussed in **Chapter 7**.

The following four goals were reaffirmed as part of the 2015 Kentucky Statewide Rail Plan update:

Preservation

Encourage the preservation of the largely privately owned and operated rail system within Kentucky.

Economic Development

Support economic development by working to provide roadway connectivity to the state and national rail system and intermodal facilities.

Customer Relationships/Transportation Planning Process

Strengthen customer relationships with the rail industry through communication, cooperation, and information exchange in the KYTC planning process.

Safety and Security

Enhance highway-railroad at-grade crossing safety and reliability to ensure mobility and access.

The above goals are similar to the goals established for the 2002 Kentucky Statewide Rail Plan. The KYTC and partner agencies evaluated the goals to identify progress since 2002, as well as specify action items and recommended improvements for each goal.

Overall, the KYTC is making strides in each goal area to work within its organization and with other public and private sector partners to improve rail transportation in Kentucky. A status update of each of the Kentucky Statewide Rail Plan goals, progress in meeting the goals, and recommendations for future actions are included in the following sections.

8.1 PRESERVATION

Status

The KYTC partners with other agencies to provide technical guidance, planning, and coordination of efforts to help preserve the railroad system in Kentucky. The state has funded nearly \$10 million in rail infrastructure improvements over the last several years. Additionally, few rail abandonments have occurred in Kentucky during the past decade, an indication that the rail industry in Kentucky is sustainable. The KYTC continues to maintain information and records about abandoned railroads.

Recommendations

It is suggested that the KYTC provide information regarding abandoned rail lines to partner agencies and the public. Additional rail line abandonment records are available and can be requested by contacting the Surface Transportation Board and/or the Kentucky Rail Trail Office. It is further suggested that partner agencies identify opportunities to provide technical guidance and assistance during abandonments, particularly for owners interested in rail banking, as described in **Chapter 6**.

8.2 ECONOMIC DEVELOPMENT**Status**

The KYTC is tasked with maintaining and improving the state's transportation network. Transportation is the key to a healthy economy and an integral part of the transportation network is a robust rail system. The KYTC has worked with the Governor's Office and other agencies to make funding available for rail projects through short line assistance grants and has partnered with railroads to support TIGER grant applications. Kentucky funding for rail projects consists primarily of federal government grants and competitive general sources. The state highway fund can only be spent on highway projects. Although nearby states, such as Pennsylvania and Ohio, have developed dedicated funds for rail development projects, there is no dedicated source of state funding for rail projects in Kentucky. Private groups and companies in Kentucky have led rail investment advocacy efforts in the pursuit of a dedicated funding source for rail improvements.

Similarly, no dedicated state funds exist for passenger rail development projects to advance passenger rail infrastructure investment, conduct in-depth studies and marketing, and perform facility upgrades, or other improvements. During the stakeholder engagement process, numerous comments mentioned the need for Amtrak station upgrades in Fulton, the most heavily used Amtrak station in the state.

Recommendations

The KYTC has limited abilities to influence private investment and behaviors, but can encourage partnerships for investment and provide technical analysis related to the feasibility of public investment in rail. The KYTC can also partner with other agencies and the private sector to continue to study the potential expansion of rail within its borders and strengthen the transportation planning process.

Interested parties and rail owners and operators have identified needs that include seeking methods to establish a permanent source of funding for rail improvements, for both passenger and freight. This effort must be initiated by the private sector. A dedicated source of rail funding for improvements and investments is the best tool to achieve economic development successes.

8.3 CUSTOMER RELATIONSHIPS AND TRANSPORTATION PLANNING PROCESS

Status

The KYTC is engaged in periodic discussions with the rail industry as it relates to transportation planning. The KYTC also collects yearly reports from railroad companies regarding their operations in Kentucky. The Kentucky LRSTP is multimodal in scope and includes a rail element. The KYTC Division of Planning partners with Metropolitan Planning Organizations (MPOs), Area Development Districts (ADDs), local governments, and other planning agencies across Kentucky to coordinate rail planning activities within the statewide transportation network. The KYTC is moving towards a performance based project selection process for developing future highway plans. Efforts are underway to determine criteria for this performance based selection process. However, Kentucky's Highway Plan will continue to be subject to legislative review during each biennial adoption.

Recommendations

It would be helpful for the KYTC to consider amending the annual report it collects from the railroads to include information about the full rail transportation system. This information would include details such as yard information and location, track types (mainline, sidings), and major structures such as railroad bridges. More complete knowledge of the rail transportation system and needs may improve the KYTC's ability to support upgrades to highways serving important rail infrastructure.

During the stakeholder engagement process, it was recommended that the KYTC, federal, state, and local representatives, private organizations, railroad companies, and economic development groups participate in research to develop a project benefits calculator for examining multimodal investments. As the KYTC performance based project selection process is in the development stage, industry support and guidance would be helpful in originating policy language and procedures in project value estimations.

It is recommended that the KYTC continue to engage interested stakeholders in related planning efforts and continue to strengthen relationships with the industry. Periodic rail industry meetings allowing an exchange of information between the KYTC, rail companies, and other stakeholders is also recommended.

Finally, the Rails to Trails Program and its processes are shared by the KYTC, the Department of Parks, and the DLG. Continued coordination between these agencies will further advance the program, its mission and effectiveness.

8.4 SAFETY AND SECURITY

Status

The KYTC monitors rail safety and security issues by collecting data required by the FRA,

including types of warning devices and accidents, on all public highway-rail at-grade crossings within the state. The KYTC provides vehicle visor cards for detailing highway-rail at-grade crossing safety issues as well as railroad contact numbers and information. The KYTC is a supporter of Kentucky's Operation Lifesaver and its educational message.

Recommendations

It would be helpful for the KYTC to continue monitoring these activities and consider expanding the programs. In addition, the development of a Rail Safety and Security Plan would be helpful to identify risks and threats to the rail system and detail countermeasures that the state and other private partners could implement to reduce those risks. This document could detail contingency and action plans in the case of disasters, both manmade and natural, and include coordination with nearby states.

Appendix A: Glossary of Abbreviations

Glossary of Abbreviations

AAR	Association of American Railroads
AASHTO	American Association of State Highway and Transportation Officials
ADD	Area Development District
ARC	Appalachian Regional Commission
ARRA	American Recovery and Reinvestment Act
ASLRA	American Short Line and Regional Railroad Association
BRADD	Barren River Area Development District
BRMI	Bluegrass Railroad Museum
BLUE	Bluegrass Railroad
BNSF	Burlington Northern and Santa Fe Railway
BTS	Bureau of Transportation Statistics
CDBG	Community Development Block Grant Program
CMAQ	Congestion Mitigation and Air Quality
CN	Canadian National Railroad
CNO&TP	Cincinnati, New Orleans and Texas Pacific Railway
COFC	Container on Flat Car
CP	Canadian Pacific Railway
CSXT	CSX Transportation
CWS	Carload Waybill Sample
DEIS	Draft Environmental Impact Study
DERA	Diesel Emission Reduction Act
DLG	Department for Local Government
DOD	Department of Defense
DRA	Delta Regional Authority
DVMT	Daily Vehicle Miles of Travel
EDA	Economic Development Administration
EIA	Energy Information Administration
EPA	Environmental Protection Agency
FAF	Freight Analysis Framework
FHWA	Federal Highway Administration
FRA	Federal Railway Administration
FTA	Federal Transit Administration
FVRR	Fredonia Valley Railroad
GDOT	Georgia Department of Transportation
GIS	Geographic Information Systems
GPS	Global Positioning System
HSIPR	High-Speed Intercity Passenger Rail Program
HSRR	Hardin Southern Railroad
IC	Illinois Central Railroad
ICC	Interstate Commerce Commission
ISTEA	Intermodal Surface Transportation Efficiency Act
KAR	Kentucky Administrative Regulations
KBBC	Kentucky Bicycle and Bikeways Commission
KBT	Kentuckians for Better Transportation

KCS..... Kansas City Southern Railroad
 KIPDAKentuckiana Regional Planning and Development Agency
 KRA Kentucky Railroad Association
 KRAP Kentucky Railroad Assistance Program
 KRM Kentucky Railway Museum
 KRS.....Kentucky Revised Statutes
 KRTC Kentucky Rails to Trails Council
 KSRAKentucky Short Line Railroad Assistance Fund
 KT..... Kentucky and Tennessee Railway
 KTC Kentucky Transportation Center
 KWT Kentucky, West Tennessee Railroad
 KYTC..... Kentucky Transportation Cabinet
 L&N Louisville and Nashville Railroad
 LDL..... Light Density Rail Lines
 LFRA Local Freight Rail Assistance
 LIRCLouisville and Indiana Railroad
 LLC..... Limited Liability Corporation
 LORJ..... Louisville Riverport Railroad
 LRC Legislative Research Commission
 LRSA Local Rail Service Assistance
 LRSTP..... Long-Range Statewide Transportation Plan
 LRTPLong Range Transportation Plan
 LRT Light Rail Transit
 LXOHLexington & Ohio Railroad
 MAP-21 Moving Ahead for Progress in the 21st Century
 MIS.....Major Investment Study
 MOS Minimum Operating Segment
 MPO Metropolitan Planning Organization
 MWRR1..... Midwest Regional Rail Initiative
 MWRRS Midwest Regional Rail System
 NAFTA North American Free Trade Agreement
 NEC..... Northeast Corridor
 NHS.....National Highway System
 NAAQS..... National Ambient Air Quality Standards
 NS Norfolk Southern Railway
 NSRT Nationwide Significant Risk Threshold
 NTAD National Transportation Atlas Database
 OLP..... Office of Local Programs
 OKI..... Ohio Kentucky Indiana Regional Council of Governments
 PADD Petroleum Administration for Defense District
 PAL Paducah and Louisville Railway
 PHMSA Pipeline and Hazardous Materials Safety Administration
 PI..... Paducah and Illinois Railroad
 PM..... Particulate Matter
 PRIIA..... Passenger Rail Investment and Improvement Act of 2008
 QZRI..... Quiet Zone Risk Index

RAIL-21 Railroad Advancement and Infrastructure Law of the 21st Century
 RIDE-21 Rail Infrastructure Development and Expansion Act of the 21st Century
 RIWH..... Risk Index With Horns
 RJCC..... R.J. Corman Railroad / Central Kentucky Lines
 RJCM R.J. Corman Railroad / Memphis Line
 RJCR..... R.J. Corman Railroad / Bardstown Line
 RRC Railroad Commission
 RRIF..... Rail Rehabilitation and Improvement Financing
 RRRR..... Railroad Revitalization and Regulatory Reform Act
 RSIA..... Rail Safety Improvement Act
 RTP..... Recreational Trails Program
 SACP Safety Assurance and Compliance Program
 SAFETEA-LU
 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
 SHPO..... State Historic Preservation Office
 SORTA..... Southwest Ohio Regional Transit Authority
 SSO..... State Safety Oversight Program
 STB..... Surface Transportation Board
 STP..... Surface Transportation Program
 STRACNET..... Strategic Rail Corridor Network
 SUV..... Sport Utility Vehicle
 TAP..... Transportation Alternatives Program
 TARC Transit Authority of River City
 TCSP..... Transportation, Community and System Preservation
 TEA-21..... Transportation Equity Act for the 21st Century
 TIFIA..... Transportation Infrastructure Finance and Innovation Act
 TIGER..... Transportation Investment Generating Economic Recovery Program
 TIP..... Transportation Improvement Program
 TEP..... Transportation Enhancement Program
 TKEN..... Tennken Railroad
 TMMK..... Toyota Motor Manufacturing Kentucky
 TOFC..... Trailer on Flat Car
 TSA..... Transportation Security Administration
 TTI..... Transkentucky Transportation Railroad, Inc.
 UP..... Union Pacific Railroad
 UPS..... United Parcel Service
 USACE..... United States Army Corps of Engineers
 USDOT..... United States Department of Transportation
 WKRL..... Western Kentucky Railway
 WTNN West Tennessee Railroad

Appendix B: Railroad Legislation

1. Kentucky Administrative Regulations
2. Kentucky Revised Statutes
3. Kentucky Constitution
4. House Bill 221
5. House Bill 236
6. U.S. Code

Kentucky Administrative Regulations

Kentucky Administrative Regulations

600 KAR 3:030. Relocation or reconstruction of utility and rail facilities; recordkeeping and audit requirements

603 KAR 7:050. Local Rail Service Assistance Program

603 KAR 7:090. Railroads

603 KAR 9:010. Railroad crossing closure procedure

603 KAR 9:020. Automatic gates at public grade crossings

Kentucky Revised Statutes

Kentucky Revised Statutes

CHAPTER 15 DEPARTMENT OF LAW

15.145 Repealed, 2000

CHAPTER 174 TRANSPORTATION CABINET

174.057 Railroad regulation -- Division of Planning – Administrative regulations.

174.130 Cabinet's duty to transmit information concerning abandonment of railroad corridors to Department of Parks and Railtrail Development Office -- Records and maps of railroad lines.

CHAPTER 177 STATE AND FEDERAL HIGHWAYS -- LIMITED ACCESS FACILITIES -- TURNPIKES -- ROAD BONDS -- BILLBOARDS -- RECYCLERS

177.110 Railroad crossings -- Construction of KRS 177.120 to 177.210.

177.120 Department may order elimination of grade crossings or substitution -- Standards to be set by administrative regulations -- Closure of grade crossings.

177.130 Hearing -- Order -- Plans, specifications, and estimates of cost

177.140 Railroad company to present plans and estimates of cost

177.150 Final hearing -- Notice -- Final order -- Waiver of proceedings – Appeal

177.160 Rejection of bids -- Department may do work

177.170 Division of costs – Payment

177.180 Highway engineer to approve contracts

177.190 Appeal by railroad company to Circuit Court

177.200 Appeal to Court of Appeals

177.210 Department may bring action to enforce order

CHAPTER 189 TRAFFIC REGULATIONS -- VEHICLE EQUIPMENT AND STORAGE

189.550 Vehicles used for transporting children to stop at railroad crossings

189.560 Railroad crossings -- Duties of motor vehicle operators and commercial drivers -- Railroad's liability for death or injury.

189.561 Investigation of certain public grade crossings not equipped with gates -- Results -- Costs.

189.562 Duty of railroad company when warning device incorrectly remains activated.

189.565 Operator of motor vehicle used in transporting inflammable liquids or explosives to stop vehicle at railroad crossings -- Exceptions.

189.570 Pedestrians.

CHAPTER 276 RAILROAD COMMISSION -- RATES AND SERVICE OF COMMON CARRIERS

276.010 Repealed, 2000

276.020 Repealed, 2000

276.030 Repealed, 2000

276.040 Repealed, 2000

276.050 Repealed, 2000

276.060 Repealed, 2000

276.070 Repealed, 2000

276.080 Repealed, 2000

276.090 Repealed, 2000

276.100 Repealed, 2000

276.110 Repealed, 2000

276.120 Repealed, 2000

276.130 Repealed, 2000

276.140 Repealed, 2000

276.150 Repealed, 2000

276.160 Repealed, 2000

276.170 Repealed, 2000

276.180 Repealed, 2000

276.190 Repealed, 2000

276.200 Repealed, 2000

276.210 Repealed, 2000

276.220 Repealed, 2000

276.230 Repealed, 2000

276.240 Repealed, 2000

276.250 Repealed, 2000

276.260 Repealed, 2000

276.270 Repealed, 2000

276.280 Repealed, 2000

276.290 Repealed, 2000

276.300 Repealed, 2000

276.310 Repealed, 2000

276.320 Repealed, 2000

276.330 Repealed, 2000

276.340 Repealed, 2000

276.350 Repealed, 2000

276.360 Repealed, 2000

276.370 Repealed, 2000

276.380 Repealed, 2000

276.390 Repealed, 2000

276.400 Repealed, 2000

276.410 Repealed, 2000

276.420 Repealed, 2000

276.430 Repealed, 2000

276.440 Repealed, 2000

276.450 Repealed, 2000

276.460 Repealed, 2000

276.470 Repealed, 2000

276.480 Repealed, 2000

276.490 Repealed, 2000

276.500 Repealed, 2000

276.510 Repealed, 2000

276.530 Commission's duty to transmit information concerning abandonment of railroad corridor to Department of Parks and Railtrail Development Office.

276.550 Repealed, 2000

276.990 Repealed, 2000

CHAPTER 277 RAILROADS -- ORGANIZATION AND OPERATING REGULATIONS

277.010 Repealed, 1972

277.020 Repealed, 2000

277.030 Repealed, 2000

277.040 Person operating mine or quarry may construct railroad line, truck road, overhead conveyor or pipeline to transport material

277.050 Corporation constructing or operating union station may condemn land

277.060 Powers and duties of railroad companies as to construction, alteration and maintenance of railroad line.

277.065 Allocation of costs of eliminating grade crossings between railroad and governmental unit

277.070 Map of route to be recorded -- Notice to Transportation Cabinet if another railroad crossed.

277.080 Railroad company may transport by motor vehicle and by air

277.090 Railroad company may operate ferry

277.100 Repealed, 2000

277.110 Contract or lease under which railroad is operated to be recorded

277.120 Repealed, 2000

277.130 Repealed, 2000

277.140 Repealed, 2000

277.150 Repealed, 2000

277.160 Signs at railroad crossings -- Imitation forbidden

277.170 Flagman or gate at crossing of railroad with highway.

277.180 Railroad crossings, when trains to stop before reaching.

277.190 Bell to be rung or whistle sounded at crossings -- Local government regulation of sounding train whistles at night.

277.200 Period of obstructing highway, street or navigable stream limited.

277.210 Air brake, passenger trains required to have.

277.220 Repealed, 1964.

277.230 Frogs on tracks.

277.240 Height of bridges and passways over railroad tracks -- Telltales.

277.245 Required equipment on cars for transportation of railroad employees.

277.250 Getting on or off moving train.

277.260 Repealed, effective December 15, 1988.

277.270 Railroad policemen, how appointed and removed.

277.280 Bond, powers and compensation of railroad policemen.

277.290 Badges of railroad policemen -- Insignia of passenger train employees.

277.300 Notice of fatal accident to be given to Transportation Cabinet.

277.310 Liability of railroads for injury or death of employees.

277.315 Liability insurance requirement for special passenger excursion trains -- Limitation of damages.

277.320 Contributory negligence -- Assumption of risk.

277.330 Liability of railroads for killing or injuring cattle -- How damages divided.

277.340 Repealed, effective January 2, 1978.

277.350 Criminal trespass on railroad property.

277.355 Prohibition against damage, disturbance, or disruption of railroads, trains, or tracks -- Penalties.

277.360 Prohibition against requiring train crew members to show motor vehicle operator's license in investigations of train accidents or operation.

277.400 Entities eligible to file declaration of state railbanking -- Use of property subject to declaration -- Claims of aggrieved persons.

277.402 Preservation of railroad corridors -- Public policy -- Preliminary declaration of state railbanking.

277.404 Conservation easement under KRS 382.800 to 382.860 over land adjoining or traversed by a railtrail.

277.406 Duty of railroad proposing to discontinue service or to abandon railroad corridor to notify Railtrail Development Office and Department of Parks.

CHAPTER 281 MOTOR CARRIERS

281.745 Passenger vehicles required to stop at railroad crossings.

CHAPTER 426 ENFORCEMENT OF JUDGMENTS

426.180 Railroads -- Property subject to execution -- Receiver to enforce judgment.

Kentucky Constitution

Kentucky Constitution

Section 201

Public utility company not to consolidate with, acquire or operate competing or parallel system -- Common carriers not to share earnings with one not carrying -- Telephone companies excepted under certain conditions.

No railroad, telegraph, telephone, bridge or common carrier company shall consolidate its capital stock, franchises or property, or pool its earnings, in whole or in part, with any other railroad, telegraph, telephone, bridge or common carrier company owning a parallel or competing line or structure, or acquire by purchase, lease or otherwise, any parallel or competing line or structure, or operate the same; nor shall any railroad company or other common carrier combine or make any contract with the owners of any vessel that leaves or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying: Provided, however, That telephone companies may acquire by purchase or lease, or otherwise, and operate, parallel or competing exchanges, lines and structures, and the property of other telephone companies, if the state agency as may have jurisdiction over such matters shall first consent thereto, and if, further, each municipality wherein such property or any part thereof is located shall also first consent thereto as to the property within its limits, but under any such acquisition and operation toll line connections with the property so acquired shall be continued and maintained under an agreement between the purchasing company and the toll line companies then furnishing such service, and in the event they are unable to agree as to the terms of such an agreement the state agency as may have jurisdiction over such matters, shall fix the term of such agreement.

Text as Ratified on: November 7, 2000.

History: 2000 amendment was proposed by 2000 Ky. Acts ch. 399, sec. 1; 1917 amendment was proposed by 1916 Ky. Acts ch. 125, sec. 1, and ratified on November 6, 1917; original version ratified August 3, 1891, and revised September 28, 1891.

Section 209

(Repealed 2000)

Catchline at time of repeal: "Railroad Commission -- Election, term, and qualifications of Commissioners -- Commissioners' districts -- Powers and duties -- Removal -- Vacancies.

Repeal Ratified on: November 7, 2000.

History: Repeal was proposed by 2000 Ky. Acts ch. 399, sec. 3; original version ratified August 3, 1891, and revised September 28, 1891.

Section 210

Common carrier corporation not to be interested in other business.

No corporation engaged in the business of common carrier shall, directly or indirectly, own, manage, operate, or engage in any other business than that of a common carrier, or hold, own, lease or acquire, directly or indirectly, mines, factories or timber, except such as shall be necessary to carry on its business, and the General Assembly shall enact laws to give effect to the provisions of this section.

Text as Ratified on: August 3, 1891, and revised September 28, 1891.
History: Not yet amended.

Section 211

Foreign railroad corporation may not condemn or acquire real estate.

No railroad corporation organized under the laws of any other State, or of the United States, and doing business, or proposing to do business, in this State, shall be entitled to the benefit of the right of eminent domain or have power to acquire the right of way or real estate for depot or other uses, until it shall have become a body corporate pursuant to and in accordance with the laws of this Commonwealth.

Text as Ratified on: August 3, 1891, and revised September 28, 1891.
History: Not yet amended.

Section 212

Rolling stock, earnings, and personal property of railroads subject to execution or attachment.

The rolling stock and other movable property belonging to any railroad corporation or company in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals. The earnings of any railroad company or corporation, and choses in action, money and personal property of all kinds belonging to it, in the hands, or under the control, of any officer, agent or employee of such corporation or company, shall be subject to process of attachment to the same extent and in the same manner, as like property of individuals when in the hands or under the control of other persons. Any such earnings, choses in action, money or other personal property may be subjected to the payment of any judgment against such corporation or company, in the same manner and to the same extent as such property of individuals in the hands of third persons.

Text as Ratified on: August 3, 1891, and revised September 28, 1891.
History: Not yet amended.

Section 213

Railroad companies to handle traffic with connecting carriers without discrimination.

All railroad, transfer, belt lines and railway bridge companies organized under the laws of Kentucky, or operating, maintaining or controlling any railroad, transfer, belt lines or bridges, or doing a railway business in this State, shall receive, transfer, deliver and switch empty or loaded cars, and shall move, transport, receive, load or unload all the freight in car loads or less quantities, coming to or going from any railroad, transfer, belt line, bridge or siding thereon, with equal promptness and dispatch, and without any discrimination as to charges, preference, drawback or rebate in favor of any person, corporation, consignee or consignor, in any matter as to payment, transportation, handling or delivery; and shall so receive, deliver, transfer and transport all freight as above set forth, from and to any point where there is a physical connection between the tracks of said companies. But this section shall not be construed as requiring any such common carrier to allow the use of its tracks for the trains of another engaged in like business.

Text as Ratified on: August 3, 1891, and revised September 28, 1891.
History: Not yet amended.

Section 214

Railroad not to make exclusive or preferential contract.

No railway, transfer, belt line or railway bridge company shall make any exclusive or preferential contract or arrangement with any individual, association or corporation, for the receipt, transfer, delivery, transportation, handling, care or custody of any freight, or for the conduct of any business as a common carrier.

Text as Ratified on: August 3, 1891, and revised September 28, 1891.
History: Not yet amended.

Section 215

Freight to be handled without discrimination.

All railway, transfer, belt lines or railway bridge companies shall receive, load, unload, transport, haul, deliver and handle freight of the same class for all persons, associations or corporations from and to the same points and upon the same conditions, in the same manner and for the same charges, and for the same method of payment.

Text as Ratified on: August 3, 1891, and revised September 28, 1891.
History: Not yet amended.

Section 216

Railroad must allow tracks of others to cross or unite.

All railway, transfer, belt lines and railway bridge companies shall allow the tracks of each other to unite, intersect and cross at any point where such union, intersection and crossing is reasonable or feasible.

Text as Ratified on: August 3, 1891, and revised September 28, 1891.
History: Not yet amended.

Section 217

Penalties for violating Sections 213, 214, 215, or 216 -- Attorney General to enforce.

Any person, association or corporation, willfully or knowingly violating any of the provisions of Sections 213, 214, 215, or 216, shall, upon conviction by a court of competent jurisdiction, for the first offense be fined two thousand dollars; for the second offense, five thousand dollars; and for the third offense, shall thereupon, ipso facto, forfeit its franchises, privileges or charter rights; and if such delinquent be a foreign corporation, it shall, ipso facto, forfeit its right to do business in this State; and the Attorney-General of the Commonwealth shall forthwith, upon notice of the violation of any of said provisions, institute proceedings to enforce the provisions of the aforesaid sections.

Text as Ratified on: August 3, 1891, and revised September 28, 1891.

History: Not yet amended.

Section 218

Long and short hauls.

It shall be unlawful for any person or corporation, owning or operating a railroad in this State, or any common carrier, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of property of like kind, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier, or person or corporation, owning or operating a railroad in this State, to receive as great compensation for a shorter as for a longer distance: Provided, That upon application to the state agency as may have jurisdiction over such matters, such common carrier, or person or corporation owning or operating a railroad in this State, may in special cases, after investigation by the appropriate state agency, be authorized to charge less for longer than for shorter distances for the transportation of passengers, or property; and the appropriate state agency may, from time to time, prescribe the extent to which such common carrier, or person or corporation, owning or operating a railroad in this State, may be relieved from the operation of this section.

Text as Ratified on: November 7, 2000.

History: 2000 amendment proposed by 2000 Ky. Acts ch. 399, sec. 2; original version ratified August 3, 1891, and revised September 28, 1891.

Section 230

Money not to be drawn from Treasury unless appropriated -- Annual publication of accounts -- Certain revenues usable only for highway purposes.

No money shall be drawn from the State Treasury, except in pursuance of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually. No money derived from excise or license taxation relating to gasoline and other motor fuels, and no moneys derived from fees, excise or license taxation relating to registration, operation, or use of vehicles on public highways shall be expended for other than the cost of administration, statutory refunds and adjustments, payment of highway obligations, costs for

construction, reconstruction, rights-of-way, maintenance and repair of public highways and bridges, and expense of enforcing state traffic and motor vehicle laws.

Text as Ratified on: November 6, 1945.

History: 1945 amendment was proposed by 1944 Ky. Acts ch. 9, sec. 1; original version ratified August 3, 1891, and revised September 28, 1891.

House Bill 221

AN ACT relating to wastewater.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) The General Assembly finds that regionalization of utility services can benefit Kentuckians by sharing the capital and operating costs of facilities among many users while protecting and enhancing the water quality of the Commonwealth's watersheds, creeks, lakes, and rivers. The General Assembly additionally finds and declares that:

(a) Continued economic growth in the Commonwealth is dependent upon the expansion of infrastructure to promote industrial, commercial, and residential development;

(b) Industrial, commercial, institutional, and residential development must be undertaken in a manner consistent with applicable planning, and in a manner that safeguards the waters of the Commonwealth from pollution;

(c) The challenges of improving and safeguarding the quality of the Commonwealth's watersheds, creeks, streams, lakes, and rivers through improvements in wastewater infrastructure and expanded wastewater treatment capacity favor a cooperative, regional approach;

(d) The Base Realignment and Closure (BRAC) Commission has realigned the mission at Fort Knox, a one hundred nine thousand (109,000) acre military reservation located in three (3) counties of the Commonwealth, resulting in significant economic expansion in the region encompassing the post;

(e) The ongoing regional economic expansion in the Fort Knox area of Hardin, Bullitt, and Meade counties resulting from BRAC, and the industrial, commercial and residential development throughout the Salt River Basin, including expansion in the adjacent counties of Oldham,

Spencer, Jefferson, and Nelson, provide a unique opportunity to illustrate the advisability of adopting a regionally integrated approach to wastewater management as a cost-effective and more affordable way to preserve Kentucky's water resources; and

(f) It is therefore the intent of the General Assembly to authorize the creation of a regional wastewater commission in accordance with Sections 1 to 12 of this Act, within the counties of Bullitt, Hardin, Jefferson, Meade, Nelson, Oldham, and Spencer, or portions of those counties, for the purposes of preserving water quality and developing infrastructure in the Salt River Basin sufficient to promote and sustain industrial, commercial, and residential development.

(2) Sections 1 to 12 of this Act shall constitute full and complete authority for the creation of a regional wastewater commission and for carrying out the powers and duties of the commission.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 12 of this Act, the following definitions shall apply:

(1) "Commission" means a regional wastewater commission established pursuant to Section 3 of this Act;

(2) "Member entity" means any of the following entities located in the counties of Bullitt, Hardin, Jefferson, Meade, Nelson, Oldham, or Spencer, that are participating in or that are eligible to participate in a regional wastewater commission:

(a) A city that owns a wastewater system;

(b) An urban-county government that owns a wastewater system;

(c) A sanitation district created pursuant to KRS Chapters 67 and 220;

(d) A metropolitan sewer district or a joint sewer agency established under KRS

Chapter 76;(e) A water district that owns a wastewater system established under KRSChapter 74; and(f) An agency of the federal, state, or local government owning a wastewater system subject to regulation by the Kentucky Division of Water;(3) "Organizing official" means the chief elected official of the unit of general purpose local government having the greatest population to be served by the proposed regional wastewater commission. The organizing official may be a county judge/executive, a city mayor, or a mayor of an urban-county government or a consolidated local government; and(4) "Wastewater" means raw, untreated, or partially treated sewage and other polluted waters collected by lateral and main lines from residential, commercial, and industrial customers of wastewater systems owned by or under contract with a member entity of a commission and properly conveyed to designated receiving points for further transportation or treatment. "Wastewater" includes stormwater.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) Any two (2) or more member entities owning wastewater systems may jointly:(a) Acquire and construct wastewater collection, transportation, and treatment facilities;(b) Operate and manage those facilities; and(c) Improve and extend those facilities in any manner permitted under law.(2) The governing body of a member entity owning a wastewater system that wants to form a regional wastewater commission shall adopt a resolution or ordinance electing to participate with other member entities to perform any of the functions authorized under subsection (1) of this section.

(3) Upon the adoption of an ordinance or resolution by the governing body of each member entity or a decision by a local, state, or federal agency owning a wastewater system to participate in a commission, a certified copy of each member entity's action shall be filed with the organizing official.

(4) Prior to the adoption by the governing body of any member entity of a resolution or ordinance proposing participation in a commission, that governing body shall publish notice in accordance with KRS Chapter 424 and shall set a date for a public hearing regarding the creation of the commission and shall give at least thirty (30) days' prior notice of the hearing. The notice shall include, at a minimum:

(a) An explanation of the scope of the geographic area proposed to be served by a commission; and

(b) A description of the anticipated benefits to the residents in the geographic area served by the member entity of membership by that entity in a commission.

A resident, sewer customer, or citizen of the Commonwealth affected by a member entity proposing to establish a commission may submit written or oral comments and objections to the member entity, which shall provide a written statement of consideration of comments received.

(5) The member entity shall enter an order of decision along with specific findings for the decision. The organizing official among the member entities seeking to form a commission shall establish the commission designating it as a "regional wastewater commission" if, after the public hearing and consideration of all comments and objections received, those member entities have adopted a resolution or ordinance, as appropriate, finding that:

(a) The establishment of a commission is in the furtherance of the public health, convenience, and benefit to the customers of the member entities

proposing the creation of the commission; and

(b) The establishment of a commission can reasonably be expected to result in the improvement of the environment over that which would occur in the absence of the formation of the commission.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) After establishment of a commission, the chief executive officer of each member entity shall appoint one (1) commissioner to represent that member entity. A commissioner shall be a customer, a resident, or an authorized representative of the member entity, and shall be a resident of the county where the member entity that the commissioner is appointed to represent is located. The appointment shall be subject to the approval of the governing body of that member entity.

(2) There shall be no fewer than three (3) commissioners appointed by member entities to a commission, and the commission shall always have an odd number of commissioners. If the total number of commissioners is less than three (3) or is an even number, then the legislative bodies for the geographic areas served by the two (2) member entities shall jointly appoint one (1) additional member. The additional member shall be a resident of either of the service areas of the two (2) member entities.

(3) Commissioners shall serve a term of four (4) years and may be reappointed. Terms shall commence from the first day of the month when the order establishing the commission was entered. Upon the expiration of a commissioner's term, a successor shall be appointed in the manner of the commissioner's original appointment. Each commissioner shall serve until a qualified successor is appointed, and any vacancy shall be filled for the balance of the unexpired term.

(4) Initial commissioners shall serve the following terms:

- (a) One-third (1/3) of the commissioners shall serve for a term of two (2) years;
- (b) One-third (1/3) of the commissioners shall serve for a term of three (3) years; and
- (c) The remaining commissioners shall serve for a term of four (4) years.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

- (1) Any entity listed in subsection (2) of Section 2 of this Act that did not participate in the initial creation of the commission may elect to participate in the operation and appoint a commissioner to an existing commission. To elect participation, the governing body of the prospective member entity shall follow the process set forth in subsections (2) to (5) of Section 3 of this Act.
- (2) After the process set forth in subsections (2) to (5) of Section 3 of this Act is complete, inclusion of the prospective member entity in the existing commission shall be granted if the organizing official finds that such inclusion:
 - (a) Satisfies the criteria set forth in subsection (5)(a) and (b) of Section 3 of this Act; and
 - (b) Will assist in achievement of the purposes of this Act and will be advantageous both for the customers of the prospective member entity and for the customers of the existing member entities of the commission.
- (3) If inclusion is granted, the organizing official shall enter an order authorizing the inclusion of the member entity. The chief executive officer of the member entity shall appoint a commissioner to the commission in accordance with the process and restrictions set forth in Section 4 of this Act.
- (4) The term of the newly appointed commissioner shall be determined in accordance with subsection (4) of Section 4 of this Act, but may be adjusted by the commission so that no more than one-third (1/3) of the terms of the commissioners expire each year.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

- (1) The commission shall organize by appointing a chair from among its members and a secretary and a treasurer, who need not be commissioners. The secretary shall keep a record of all proceedings of the commission. The treasurer shall be the lawful custodian of all funds of the commission and shall make expenditures as authorized by the commission. The secretary and treasurer shall perform other duties pertaining to the affairs of the commission and may receive salaries prescribed by the commission.
- (2) The commission shall:

 - (a) Adopt bylaws and rules of procedure;
 - (b) Establish a regular meeting time, date, and location; and
 - (c) Decide upon other matters for conduct of its business.
- (3) The commission may employ and fix reasonable compensation for a qualified general manager and other personnel comparable to the salary and benefits of the personnel for similarly sized wastewater entities based on regional or national standards. The commission may contract with and fix reasonable compensation for the services of officers, agents, operators, and consultants, including engineers, attorneys, accountants, fiscal agents, and other professional persons.
- (4) Each commissioner shall receive the same compensation fixed by agreement among the member entities and paid out of the commission's funds. Reasonable expenses incurred by a commissioner in the course of commission business shall be authorized and verified by the commission and shall be paid with commission funds.
- (5) Each commissioner shall have one (1) vote on matters requiring a vote. The commissioners, secretary, treasurer, and general manager shall be bonded for faithful performance of his or her official duties pursuant to Section 14 of this

Act. Bond shall be in an amount prescribed by the commission, shall be comparable to bonds required of individuals among the member entities, and the cost of bonding shall be borne by the commission.

(6) Commission meetings and records shall be subject to KRS 61.805 to 61.850 and 61.870 to 61.884, respectively.

→SECTION 7. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) A commissioner may be removed for cause by the chief executive officer of the member entity he or she represents. The chief executive officer shall give the commissioner thirty (30) days' written notice of the hearing. The notice shall identify the charges brought against that commissioner, and the hearing shall be conducted by an impartial hearing officer appointed by the governing body of the member entity. The commissioner may elect to be represented by private legal counsel and shall bear any cost associated with private legal counsel.

(2) After a formal evidentiary hearing under subsection (1) of this section, the hearing officer shall submit written findings to the governing body of the member entity for approval or disapproval. If the governing body approves the charges brought against the commissioner, then the position shall be declared vacant.

→SECTION 8. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) Any member entity of the commission may withdraw its participation by submitting an ordinance or resolution, as appropriate, of its governing body to all member entities at least ninety (90) days prior to the effective date of the withdrawal, conditioned solely upon that member having made prior payment in full or making other financial arrangements agreeable to the member entities to meet contract obligations, retire any cost, or pay any portion of any debt or other obligations incurred on its behalf by the commission.

(2) Vacancies on the commission that result from a withdrawal of a member entity shall be filled in the manner prescribed in Section 4 of this Act.

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) The commissioners shall constitute the managing board of the commission. The commission shall be a public corporation, and a public body corporate and politic, and a local public agency with the powers and duties in its corporate name to:

(a) Execute contracts or be contracted with;

(b) Sue and be sued;

(c) Adopt and alter its corporate seal, at its own pleasure;

(d) Make loans and issue and repay revenue bonds, or other instruments of indebtedness;

(e) Receive proceeds from loans and grants;

(f) Purchase, acquire, own, hold, and dispose of all real and personal property necessary for carrying out its corporate purposes; and

(g) Exercise any powers, duties, and requirements for carrying out its corporate purposes in the manner prescribed in KRS 58.010 to 58.190 and Chapter 224A.

(2) The commission shall have full and complete supervision, management, and control over all of its facilities. The commission shall prescribe standards for the quality and characteristics of the wastewater it accepts into its facilities including standards as are required under state and federal law. All matters relating to the following shall be clearly set forth in commission policy and procedures and promulgated to the governing bodies of all the member entities of the commission:

(a) Procurement of professional services;

- (b) Construction of facilities;
- (c) Accepting, metering, conveying, and treating influent from all waste streams; and
- (d) Handling of treatment process solids and effluent.
- (3) It shall be the role and duty of the commission to:

 - (a) Plan for and provide site and technology appropriate facilities and services relating to any type or aspect of wastewater collection, transportation, or treatment to achieve the best benefit for the customers of its member entities;
 - (b) Protect and enhance the environmental quality of the watershed in which those facilities and services are located;
 - (c) Actively participate in the planning activities of the 2020 water management planning councils established pursuant to KRS Chapter 151, that serve the regions in which the commission has facilities;
 - (d) Use the configuration of available and proposed wastewater facilities that is the most cost-effective in safeguarding the waters of the Commonwealth from pollution, and providing wastewater infrastructure appropriate for the customers of the member entities; and
 - (e) Assure that any construction or expansion of any wastewater facility proposed by a commission is consistent with the regional facilities plan adopted by the member entities of the commission and approved by either the Division of Water or the United States Environmental Protection Agency.
- (4) For the purpose of ensuring proper collection, transportation, and treatment of wastewater and in the furtherance of its purpose, the commission may collect and treat or contract with others to collect and treat any portion of its overall waste load.

- (5) The commission's property and income, along with any bonds or financial instruments issued by the commission or income derived from those bonds or financial instruments, shall be exempt from taxation.
- (6) The commission shall adopt and comply with KRS 45A.343, 45A.345 to 45A.360, 45A.735, 45A.740, 45A.745, and 45A.750 of the Kentucky Model Procurement Code and conduct all its business and financial activities according to approved governmental fiscal procedure. The commission shall procure the services of a certified public accountant to conduct an audit of all funds and fiscal transactions annually, providing copies of the audit report to the governing bodies of its member entities.

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

- (1) The commission shall provide all services on a wholesale contract basis and shall have no retail customers. The commission shall not be deemed a utility under KRS 278.010(3), but any contract between a commission and a utility that is regulated by the Public Service Commission regarding provision of services that would result in an increase in the rates paid by customers of that utility shall be subject to review and approval by the Public Service Commission in accordance with KRS Chapter 278. Contracts entered into between the commission and its member entities or other parties shall include covenants for the establishment of rates and charges as provided in subsection (5) of this section.
- (2) In addition to providing services to its member entities by contract, the commission may contract with cities, city-owned utilities, urban-county governments, consolidated local governments, sanitation districts, Metropolitan sewer districts, joint sewer agencies, water districts, and agencies of local, state, and federal government that are not members of the commission. The commission may contract to provide services to wastewater entities in

neighboring states that are not members of the commission under terms mutually agreed upon by the respective parties.

(3) The commission shall not enter into a service contract with any entity that is obtaining the same wastewater collection, transportation, or treatment services by agreement with another wastewater service provider that has incurred debt obligations to be retired in whole or in part from revenue generated from providing the service to the entity unless the wastewater service provider releases the entity from its wastewater service agreement.

(4) All services provided by the commission to member entities or other parties shall be set out in contracts that shall contain, at minimum, the following elements:

(a) A comprehensive description of any type of services to be provided;

(b) A statement of term, with beginning and ending times, dates, and a specific delineation of automatic term extensions of the contract, if any;

(c) A provision that the commission shall be the exclusive service provider for all or a designated geographic portion of a member entity's wastewater collection system;

(d) Statements that:

1. All service shall be metered at each point of service and that the contractee shall be responsible for initial capital costs and construction of metering stations subject to the commission's specifications;

2. The commission shall take ownership and provide security for all metering stations for purposes of management;

3. The commission shall arrange for testing of all meters according to manufacturer's recommended schedule;

4. Testing and metering station maintenance costs shall be shared equally between the commission and the contractee;

5. Metering stations shall be accessible to both parties; and
6. Meters shall be read at least monthly or more often according to a mutually agreed upon schedule;
- (e) A statement setting out allowed minimum volumes, if any, and allowed maximum volumes expressed in gallons per minute for each meter;
- (f) Identification of collected wastewater sources and allowed quality of influent to commission facilities at each meter;
- (g) A statement of rates and charges for access to services, for allowed minimum volumes, if any, expressed in dollars per thousand gallons, and for allowed maximum volumes, expressed in dollars per thousand gallons;
- (h) A statement that all rates or charges are subject to adjustment based on periodic cost-of-service analyses and an associated cost-allocation plan funded equitably between the commission and contractees, and a statement that any rates and charges adjustment that may occur in the interim between the times of full cost-of-service analyses with cost-allocation plans, if any, are subject to clauses citing time frames, volumes of influent, or other triggering elements tied to designated indexing method and proper notice;
- (i) A requirement that either party provide immediate notification to the other party regarding changes in volume or the quality of influent, instances of mechanical failure, or other critical circumstance affecting operations when and as changes are known or can be reasonably anticipated;
- (j) A statement regarding any modifications or restrictions in service by either the commission or the contractee during emergencies;
- (k) A statement delineating any special condition binding one (1) or both parties, or citation of a particular action that, if taken by either party or if either party allows a third party to take, will constitute a breach of contract

or invoke specifically identified penalties;

(l) A statement requiring both parties to provide current contact information of the respective parties' agents for both administrative matters and for emergencies; and

(m) A statement that the commission and the governing body of the contractee agree to meet at least annually to review any contract issues, assess service delivery, and plan for future service needs.

(5) Any contract entered into by the commission to supply designated wastewater services to either a member entity or other party shall provide that charges assessed by the commission and payments made by the entity or party shall be sufficient to cover all costs associated with the service. The commission's rates and charges may be modified to compensate for increased operating costs, pursuant to covenants set forth in contract. Contracts for services shall be fully binding on the parties but shall not be construed to be a debt of the commission member entities within the meaning of any statutory or constitutional limitations.

(6) If a commission contracts for management of a wastewater facility owned by a member entity or other party, the commission shall become a signatory on any federal, state, or local wastewater-related permits issued to and held by that member entity or other party.

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) The rates and charges to be assessed by the commission to its member entities and other parties shall be the verified cost of providing the services as prescribed in this section, and shall be allocated based on usage and the cost of service. However, the commission may negotiate and establish temporary initial service terms without strict regard to actual dollar cost or value in every instance in furtherance of its basic purpose to assist the member entities in providing

wastewater services and protect the environment.

(2) The commission shall establish wholesale charges and rates for its services to its member entities and to any other party to which it provides service under contract that is sufficient at all times to:

(a) Pay the cost of operation and maintenance of any facility that it may own or lease to provide wastewater services contracted to its member entities or other parties;

(b) Pay the principal and interest on any bonds, loans, or other instruments or obligations secured in the name of the commission; and

(c) Provide an adequate fund for renewals, replacements, and reserves.

(3) The commission's procedure for establishing or changing rates and charges levied on member entities and other parties that contract for service shall be as follows:

(a) Every five (5) years, or more often if circumstances warrant, the commission shall procure, pursuant to KRS 45A.343, 45A.345 to 45A.460, 45A.735, 45A.740, 45A.745 and 45A.750 the professional consulting services of an independent accounting firm or individual accountant qualified and experienced in conducting cost-of-service studies. The commission shall invite the governing body of each member entity to designate a special representative to participate in the consultant selection process;

(b) The firm or individual selected in consultation with the commission's designated engineers, operators, and other knowledgeable individuals shall perform a cost-of-service study to:

1. Determine the actual or probable cost of operating and maintaining the commission's respective wastewater facilities;

2. Determine the cost of servicing any associated debt obligations and

administrative costs;

3. Devise a comprehensive cost allocation plan and recommend that the commission establish and levy specific rates for treatment services and appropriate charges for other services to offset these costs; and

4. Devise and recommend a standard method of formulary whereby the commission may conduct regular financial analyses internally, based on sound accounting policy, allowing for the application of inflation indices and other equitable methods of determining service rates;

(c) The commission shall determine final rates and charges based on:

1. The cost-of-service study and recommendations of the consultant; and

2. Consultation with the governing bodies of member entities during the cost-of-service study;

(d) Initial rates and charges and any subsequent changes to rates and charges shall be approved by the commission; and

(e) The commission shall provide not less than sixty (60) days' written notice to the governing bodies of the member entities prior to the effective date of any change in rates or charges for service.

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) For the purpose of acquiring all or part of the facilities necessary to collect, transport, and treat wastewater, the commission may purchase facilities and equipment from member entities and others for mutually agreed upon terms not to exceed the actual value of the facilities and equipment. Notwithstanding any provision of law to the contrary, a member entity of the commission or other entity may convey ownership of the facility or equipment to the commission without an election or voter approval.

(2) If a member entity has any outstanding debt obligation related to any facility or

equipment proposed to be acquired by the commission, the commission may either make sufficient purchase payment to the owner to cover debt obligations or assume the debt obligations in its name pursuant to a sales agreement and any other instruments deemed appropriate by legal counsel. If the commission makes cash payment to the owner for the equipment or facility, it shall be a condition of sale that any outstanding debt obligation associated with the equipment or facility be retired by the owner at the time of sale.

(3) The commission may secure funding from state and federal grants and loan programs, nonprofit associations, and private lending institutions and may issue revenue bonds to acquire, construct, improve, or extend facilities for the collection, transportation, or treatment of wastewater. Loans and bonds shall be payable solely from the revenues derived pursuant to contracts for wastewater collection, transportation, and treatment services with member entities or other entities.

(4) For the purpose of securing appropriate sites, facilities, and required funding, the commission shall be vested with all the powers, duties, and responsibilities as delegated and granted to a governmental agency under the terms and provisions of KRS 58.010 to 58.190 and Chapter 224A.

(5) A commission shall not assume responsibility for payment of any fines or penalties incurred by a member entity or other party and owed at the time of formation of a commission or contracting with that party, as a result of an agreed order, enforcement action, or other resolution of alleged violation of any provision of the Clean Water Act.

➔Section 13. KRS 58.010 is amended to read as follows:

As used in KRS 58.010 to 58.140, unless the context requires otherwise:

(1) "Public project" means any lands, buildings, or structures, works or facilities (a) suitable for and intended for use as public property for public purposes or suitable

for and intended for use in the promotion of the public health, public welfare or the conservation of natural resources, including medical office buildings contiguous to hospital facilities, and shall also include the planning of any such lands, buildings, structures, works or facilities; or (b) suitable for and intended for use for the purpose of creating or increasing the public recreational, cultural and related business facilities of a community, including such structures as concert halls, museums, stadiums, theaters and other public facilities, together with related and appurtenant parking garages, offices and office buildings for rental in whole or in part to private tenants, dwelling units and apartment buildings for rental in whole or in part to private tenants, commercial and retail businesses, stores or other establishments, and any structure or structures or combination of the foregoing, or other structures having as their primary purpose the creation, improvement, revitalization, renewal or modernization of a central business or shopping community, and shall also include existing lands, buildings, structures, works and facilities, as well as improvements or additions to any such lands, buildings, structures, works or facilities.

- (2) "Public project" as defined herein shall include projects intended for use as public property for public purposes by another governmental agency, including the United States government, other than the governmental agency acquiring the land or constructing the building, structure or facility.
- (3) "Governmental agency" means the Commonwealth of Kentucky as such acting by or through any department, instrumentality or agency thereof, or any county, city, agency, or instrumentality, *including a regional wastewater commission established under Sections 1 to 12 of this Act,* or other political subdivision of the Commonwealth.

➔Section 14. KRS 65.067 is amended to read as follows:

- (1) All officers, officials, and employees of cities, counties, urban-county governments,

charter county governments, *a regional wastewater commission*, and special districts who handle public funds in the execution of their duties shall give a good and sufficient bond to the local governing body for the faithful and honest performance of his or her duties and as security for all money coming into that person's hands or under that person's control. The bond amount shall be based upon the maximum amount of public funds the officer, official, or employee handles at any given time during a fiscal year cycle. The local governing body shall pay the cost of the bond.

- (2) Elected officials who post bond as required by statute, and employees of their offices covered by a blanket or umbrella bond, shall be deemed to have complied with subsection (1) of this section.

➔Section 15. KRS 224A.011 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Administrative fee" means a fee assessed and collected by the authority from borrowers under assistance agreements, to be used for operational expenses of the authority.
- (2) "Applicable interest rate" means the rate of interest which shall be used as part of the repayment criteria for an assistance agreement between a governmental agency and the authority, and shall be determined by the authority pertinent to the source of funds from which the assistance agreement is funded.
- (3) "Assistance agreement" means the agreement to be made and entered into by and between a governmental agency and the authority, as authorized by this chapter, providing for a lease, loan, services, or grant to the governmental agency or for the purchase of obligations issued by the governmental agency, and for the repayment thereof to the authority by the governmental agency.
- (4) "Authority" means the Kentucky Infrastructure Authority, which is created by this chapter.

- (5) "Authority revenues" means the totality of all:
- (a) Service charges;
 - (b) Utility tax receipts, to the extent not otherwise committed and budgeted by the authority during any fiscal period of the authority;
 - (c) Any gifts, grants, or loans received, to the extent not otherwise required to be applied;
 - (d) Any and all appropriations made to the authority by the General Assembly of the Commonwealth of Kentucky, to the extent not otherwise required to be applied;
 - (e) All moneys received in repayment of and for interest on any loans made by the authority to a governmental agency, except as provided in KRS 224A.111, 224A.1115, and 224A.112, or as principal of and interest on any obligations issued by a governmental agency and purchased by the authority, or as receipts under any assistance agreement;
 - (f) The proceeds of bonds or long-term debt obligations of governmental agencies pledged to the payment of bond anticipation notes issued by the authority on behalf of the said governmental agency to provide interim construction financing; and
 - (g) Payments under agreements with any agencies of the state and federal government.
- (6) "Borrower or borrowing entity" means any agency of the state or its political subdivisions, any city, or any special district created under the laws of the state acting individually or jointly under interagency or interlocal cooperative agreements to enter into assistance agreements with the authority.
- (7) "Community flood damage abatement project" means any structural or nonstructural study, plan, design, construction, development, improvement, or other activity to provide for flood control.

- (8) "Construction" means and includes, but is not limited to:
- (a) Preliminary planning to determine the economic and engineering feasibility of infrastructure projects, the engineering, architectural, legal, fiscal, and economic investigations, and studies necessary thereto, and surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the construction of infrastructure or solid waste projects;
 - (b) The erection, building, acquisition, alteration, remodeling, improvement, or extension of infrastructure or solid waste projects; and
 - (c) The inspection and supervision of the construction of infrastructure or solid waste projects and all costs incidental to the acquisition and financing of same. This term shall also relate to and mean any other physical devices or appurtenances in connection with, or reasonably attendant to, infrastructure or solid waste projects.
- (9) "Dams" means any artificial barrier, including appurtenant works, which does or can impound or divert water, and which either:
- (a) Is or will be twenty-five (25) feet or more in height from the natural bed of the stream or watercourse at the downstream toe of the barrier, as determined by the Environmental and Public Protection Cabinet; or
 - (b) Has or will have an impounding capacity at maximum water storage elevation of fifty (50) acre feet or more.
- (10) "Distribution facilities" means all or any part of any facilities, devices, and systems used and useful in obtaining, pumping, storing, treating, and distributing water for agricultural, industrial, commercial, recreational, public, and domestic use.
- (11) "Environmental and Public Protection Cabinet" means the Kentucky Environmental and Public Protection Cabinet, or its successor, said term being meant to relate specifically to the state agency which is designated as the water pollution agency for the Commonwealth of Kentucky, for purposes of the federal act.

- (12) "Federal act" means the Federal Clean Water Act (33 U.S.C. secs. 1251 et seq.) as said federal act may be amended from time to time in the future, or any other enactment of the United States Congress providing funds that may assist in carrying out the purposes of the authority.
- (13) "Federally assisted wastewater revolving fund" means that fund which will receive federal and state funds or the proceeds from the sale of revenue bonds of the authority for the purpose of providing loans to finance construction of publicly owned treatment works as defined in Section 212 of the federal act and for the implementation of a management program established under Section 319 of the federal act and for the development and implementation of a conservation and management plan under Section 320 of the federal act.
- (14) "Governmental agency" means any incorporated city or municipal corporation, or other agency, or unit of government within or a department or a cabinet of the Commonwealth of Kentucky, now having or hereafter granted, the authority and power to finance, acquire, construct, or operate infrastructure or solid waste projects. This definition shall specifically apply but not by way of limitation to incorporated cities; counties, including any counties containing a metropolitan sewer district; sanitation districts; water districts; water associations if these associations are permitted to issue interest-bearing obligations which interest would be excludable from gross income under Section 103 of the Internal Revenue Code of 1986 as amended; sewer construction districts; metropolitan sewer districts; sanitation taxing districts; **a regional wastewater commission established under Sections 1 to 12 of this Act;** and any other agencies, commissions, districts, or authorities (either acting alone, or in combination with one another in accordance with any regional or area compact, or intergovernmental cooperative agreements), now or hereafter established in accordance with the laws of the Commonwealth of Kentucky having and possessing the described powers described in this subsection.

- (15) "Industrial waste" means any liquid, gaseous, or solid waste substances resulting from any process of industry, manufacture, trade, or business, or from the mining or taking, development, processing, or recovery of any natural resources, including heat and radioactivity, together with any sewage as is present therein, which pollutes the waters of the state, and specifically, but not by way of limitation, means heat or thermal differentials created in the waters of the state by any industrial processing, generating, or manufacturing processes.
- (16) "Infrastructure project" means any construction or acquisition of treatment works, *facilities related to the collection, transportation, and treatment of wastewater as defined in Section 2 of this Act*, distribution facilities, or water resources projects instituted by a governmental agency or an investor-owned water utility which is approved by the authority and, if required, by the Environmental and Public Protection Cabinet, Public Service Commission, or other agency; solid waste projects; dams; storm water control and treatment systems; gas or electric utility; broadband deployment project; or any other public utility or public service project which the authority finds would assist in carrying out the purposes set out in KRS 224A.300.
- (17) "Infrastructure revolving fund" means that fund which will receive state funds, the proceeds from the sale of revenue bonds of the authority or other moneys earmarked for that fund for the purpose of providing loans or grants to finance construction or acquisition of infrastructure projects as defined in this section.
- (18) "Loan or grant" means moneys to be made available to governmental agencies by the authority for the purpose of defraying all or any part of the total costs incidental to construction or acquisition of any infrastructure project.
- (19) "Market interest rate" means the interest rate determined by the authority under existing market conditions at the time the authority shall provide financial assistance to a governmental agency.

- (20) "Obligation of a governmental agency" means a revenue bond, bond anticipation note, revenue anticipation note, lease, or other obligation issued by a governmental agency under KRS 58.010 et seq. or other applicable statutes.
- (21) "Person" means any individual, firm, partnership, association, corporation, or governmental agency.
- (22) "Pollution" means the placing of any noxious or deleterious substances ("pollutants"), including sewage and industrial wastes, in any waters of the state or affecting the properties of any waters of the state in a manner which renders the waters harmful or inimical to the public health or to animal or aquatic life, or to the use, present or future, of these waters for domestic water supply, industrial or agricultural purposes, or recreational purposes.
- (23) "Prioritization schedules" means the list of wastewater treatment works, distribution facilities and water resources projects which the Environmental and Public Protection Cabinet has evaluated and determined to be of priority for receiving financial assistance from the federally assisted wastewater revolving fund and the federally assisted drinking water revolving fund, or the list of infrastructure projects which the authority has evaluated and determined to be of priority for receiving financial aid from the infrastructure revolving fund. The evaluation by the authority of infrastructure projects for water systems shall be undertaken with input from the appropriate area development district. The evaluation by the authority of infrastructure for broadband deployment projects shall be undertaken with consideration given to input from area development districts, telecommunications businesses, information services, technology industries, governmental entities, and Kentucky-based nonprofit organizations, including ConnectKentucky.
- (24) "Solid waste project" means construction, renovation, or acquisition of a solid waste facility which shall be instituted and owned by a governmental agency.
- (25) "Recovered material" means those materials which have known current use, reuse,

or recycling potential, which can be feasibly used, reused, or recycled, and which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing but does not include materials diverted or removed for purposes of energy recovery or combustion except refuse-derived fuel (RDF), which shall be credited as a recovered material in an amount equal to that percentage of the municipal solid waste received on a daily basis at the processing facility and processed into RDF; but not to exceed fifteen percent (15%) of the total amount of the municipal solid waste received at the processing facility on a daily basis.

- (26) "Recovered material processing facility" means a facility engaged solely in the storage, processing, and resale or reuse of recovered material but does not mean a solid waste facility if solid waste generated by a recovered material processing facility is managed in accordance with KRS Chapter 224 and administrative regulations adopted by the cabinet.
- (27) "Revenue bonds" means special obligation bonds issued by the authority as provided by the provisions of this chapter, which are not direct or general obligations of the state, and which are payable only from a pledge of, and lien upon, authority revenues as provided in the resolution authorizing the issuance of the bonds, and shall include revenue bond anticipation notes.
- (28) "Service charge" means any monthly, quarterly, semiannual, or annual charge to be imposed by a governmental agency, or by the authority, for any infrastructure project financed by the authority, which service charge arises by reason of the existence of, and requirements of, any assistance agreement.
- (29) "Sewage" means any of the waste products or excrements, or other discharges from the bodies of human beings or animals, which pollute the waters of the state.
- (30) "Solid waste" means "solid waste" as defined by KRS 224.01-010(31)(a).
- (31) "Solid waste facility" means any facility for collection, handling, storage,

transportation, transfer, processing, treatment, or disposal of solid waste, whether the facility is associated with facilities generating the waste or otherwise, but does not include a container located on property where the waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, or a recovered material processing facility.

- (32) "Solid waste revolving fund" means that fund which shall receive state funds, the proceeds from the sale of revenue bonds of the authority, or other moneys earmarked for the purpose of providing loans or grants to finance solid waste projects defined in this section.
- (33) "State" means the Commonwealth of Kentucky.
- (34) "System" means the system owned and operated by a governmental agency with respect to solid waste projects, treatment works, or infrastructure projects financed as provided by the assistance agreement between the governmental agency and the authority.
- (35) "Treatment works" or "wastewater treatment works" means all or any part of any facilities, devices, and systems used and useful in the storage, treatment, recycling, and reclamation of wastewater or the abatement of pollution, including facilities for the treatment, neutralization, disposal of, stabilization, collecting, segregating, or holding of wastewater, including without limiting the generality of the foregoing, intercepting sewers, outfall sewers, pumping power stations, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof, and any wastewater treatment works, including site acquisition of the land that will be an integral part of the wastewater treatment process, or is used for ultimate disposal of residues resulting from wastewater treatment, together with any other facilities which are deemed to be treatment works in accordance with the federal act.
- (36) "Variable rate revenue bonds" means revenue bonds the rate of interest on which

fluctuates either automatically by reference to a predetermined formula or index or in accordance with the standards set forth in KRS 224A.120.

- (37) "Wastewater" means any water or liquid substance containing sewage, industrial waste, or other pollutants or contaminants derived from the prior use of these waters.
- (38) "Water resources" means all waters of the state occurring on the surface, in natural or artificial channels, lakes, reservoirs, or impoundments, and in subsurface aquifers, which are available, or which may be made available to agricultural, industrial, commercial, recreational, public, and domestic users.
- (39) "Water resources project" means any structural or nonstructural study, plan, design, construction, development, improvement, or any other activity including programs for management, intended to conserve and develop the water resources of the state and shall include all aspects of water supply, facilities to collect, transport, and treat wastewater as defined in Section 2 of this Act, flood damage abatement, navigation, water-related recreation, and land conservation facilities and measures.
- (40) "Waters of the state" means all streams, lakes, watercourses, waterways, ponds, marshes, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural, surface, or underground waters.
- (41) "Utility tax" means the tax which may be imposed by the authority on every purchase of water or sewer service in the Commonwealth of Kentucky.
- (42) "Broadband deployment project" means the construction, provision, development, operation, maintenance, leasing, or improvement of broadband infrastructure, broadband services, or technologies that constitute a part of, or are related to, broadband infrastructure or broadband services, to provide for broadband service in

unserved areas of the Commonwealth.

(43) "Unserved area" means any place where broadband service is not available.

➔Section 16. KRS 278.010 is amended to read as follows:

As used in KRS 278.010 to 278.450, 278.541 to 278.544, 278.546 to 278.5462, and 278.990, unless the context otherwise requires:

- (1) "Corporation" includes private, quasipublic, and public corporations, and all boards, agencies, and instrumentalities thereof, associations, joint-stock companies, and business trusts;
- (2) "Person" includes natural persons, partnerships, corporations, and two (2) or more persons having a joint or common interest;
- (3) "Utility" means any person except **a regional wastewater commission established pursuant to Section 3 of this Act and**, for purposes of paragraphs (a), (b), (c), (d), and (f) of this subsection, a city, who owns, controls, operates, or manages any facility used or to be used for or in connection with:
 - (a) The generation, production, transmission, or distribution of electricity to or for the public, for compensation, for lights, heat, power, or other uses;
 - (b) The production, manufacture, storage, distribution, sale, or furnishing of natural or manufactured gas, or a mixture of same, to or for the public, for compensation, for light, heat, power, or other uses;
 - (c) The transporting or conveying of gas, crude oil, or other fluid substance by pipeline to or for the public, for compensation;
 - (d) The diverting, developing, pumping, impounding, distributing, or furnishing of water to or for the public, for compensation;
 - (e) The transmission or conveyance over wire, in air, or otherwise, of any message by telephone or telegraph for the public, for compensation; or
 - (f) The collection, transmission, or treatment of sewage for the public, for compensation, if the facility is a subdivision collection, transmission, or

treatment facility plant that is affixed to real property and is located in a county containing a city of the first class or is a sewage collection, transmission, or treatment facility that is affixed to real property, that is located in any other county, and that is not subject to regulation by a metropolitan sewer district or any sanitation district created pursuant to KRS Chapter 220;

- (4) "Retail electric supplier" means any person, firm, corporation, association, or cooperative corporation, excluding municipal corporations, engaged in the furnishing of retail electric service;
- (5) "Certified territory" shall mean the areas as certified by and pursuant to KRS 278.017;
- (6) "Existing distribution line" shall mean an electric line which on June 16, 1972, is being or has been substantially used to supply retail electric service and includes all lines from the distribution substation to the electric consuming facility but does not include any transmission facilities used primarily to transfer energy in bulk;
- (7) "Retail electric service" means electric service furnished to a consumer for ultimate consumption, but does not include wholesale electric energy furnished by an electric supplier to another electric supplier for resale;
- (8) "Electric-consuming facilities" means everything that utilizes electric energy from a central station source;
- (9) "Generation and transmission cooperative" or "G&T" means a utility formed under KRS Chapter 279 that provides electric generation and transmission services;
- (10) "Distribution cooperative" means a utility formed under KRS Chapter 279 that provides retail electric service;
- (11) "Facility" includes all property, means, and instrumentalities owned, operated, leased, licensed, used, furnished, or supplied for, by, or in connection with the business of any utility;

- (12) "Rate" means any individual or joint fare, toll, charge, rental, or other compensation for service rendered or to be rendered by any utility, and any rule, regulation, practice, act, requirement, or privilege in any way relating to such fare, toll, charge, rental, or other compensation, and any schedule or tariff or part of a schedule or tariff thereof;
- (13) "Service" includes any practice or requirement in any way relating to the service of any utility, including the voltage of electricity, the heat units and pressure of gas, the purity, pressure, and quantity of water, and in general the quality, quantity, and pressure of any commodity or product used or to be used for or in connection with the business of any utility, but does not include Voice over Internet Protocol (VoIP) service;
- (14) "Adequate service" means having sufficient capacity to meet the maximum estimated requirements of the customer to be served during the year following the commencement of permanent service and to meet the maximum estimated requirements of other actual customers to be supplied from the same lines or facilities during such year and to assure such customers of reasonable continuity of service;
- (15) "Commission" means the Public Service Commission of Kentucky;
- (16) "Commissioner" means one (1) of the members of the commission;
- (17) "Demand-side management" means any conservation, load management, or other utility activity intended to influence the level or pattern of customer usage or demand, including home energy assistance programs;
- (18) "Affiliate" means a person that controls or that is controlled by, or is under common control with, a utility;
- (19) "Control" means the power to direct the management or policies of a person through ownership, by contract, or otherwise;
- (20) "CAM" means a cost allocation manual which is an indexed compilation and

- documentation of a company's cost allocation policies and related procedures;
- (21) "Nonregulated activity" means the provision of competitive retail gas or electric services or other products or services over which the commission exerts no regulatory authority;
- (22) "Nonregulated" means that which is not subject to regulation by the commission;
- (23) "Regulated activity" means a service provided by a utility or other person, the rates and charges of which are regulated by the commission;
- (24) "USoA" means uniform system of accounts which is a system of accounts for public utilities established by the FERC and adopted by the commission;
- (25) "Arm's length" means the standard of conduct under which unrelated parties, each party acting in its own best interest, would negotiate and carry out a particular transaction;
- (26) "Subsidize" means the recovery of costs or the transfer of value from one (1) class of customer, activity, or business unit that is attributable to another;
- (27) "Solicit" means to engage in or offer for sale a good or service, either directly or indirectly and irrespective of place or audience;
- (28) "USDA" means the United States Department of Agriculture;
- (29) "FERC" means the Federal Energy Regulatory Commission;
- (30) "SEC" means the Securities and Exchange Commission;
- (31) "Commercial mobile radio services" has the same meaning as in 47 C.F.R. sec. 20.3 and includes the term "wireless" and service provided by any wireless real time two (2) way voice communication device, including radio-telephone communications used in cellular telephone service, personal communications service, and the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communications service, or a network radio access line; and
- (32) "Voice over Internet Protocol" or "VoIP" has the same meaning as in federal law.

House Bill 236

AN ACT relating to fiscal matters and making an appropriation therefor.

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

➔Section 1. The Transportation Cabinet Budget is as follows:

PART I
OPERATING BUDGET

(1) **Funds Appropriations:** There is appropriated out of the General Fund, Road Fund, Restricted Funds accounts, Federal Funds accounts, or Bond Funds accounts for the fiscal year beginning July 1, 2013, and ending June 30, 2014, for the fiscal year beginning July 1, 2014, and ending June 30, 2015, and for the fiscal year beginning July 1, 2015, and ending June 30, 2016, the following discrete sums, or so much thereof as may be necessary. Appropriated funds are included pursuant to KRS 48.700 and 48.710. Each appropriation is made by source of respective fund or funds accounts. Appropriations for the budget units of the Transportation Cabinet are subject to the provisions of Chapters 12, 42, 45, and 48 of the Kentucky Revised Statutes and compliance with the conditions and procedures set forth in this Act.

A. TRANSPORTATION CABINET

Budget Units

1. GENERAL ADMINISTRATION AND SUPPORT

	2014-15	2015-16
General Fund	500,000	500,000
Restricted Funds	1,989,100	1,989,100
Road Fund	70,871,200	72,006,800
TOTAL	73,360,300	74,495,900

(1) **Biennial Highway Construction Plan:** The Secretary of the Transportation Cabinet shall produce a single document that contains two separately identified sections, as follows:

Section 1 shall detail the enacted fiscal biennium 2014-2016 Biennial Highway

Construction Program and Section 2 shall detail the 2014-2016 Highway Preconstruction Program Plan for fiscal year 2014-2015 through fiscal year 2019-2020 as identified by the 2014 General Assembly. This document shall mirror in data type and format the fiscal year 2014-2020 Recommended Six-Year Road Plan as submitted to the 2014 General Assembly. The document shall be published and distributed to members of the General Assembly and the public within 60 days of adjournment of the 2014 Regular Session of the General Assembly.

(2) **Debt Service:** Included in the above Road Fund appropriation is \$6,401,000 in fiscal year 2014-2015 and \$6,780,500 in fiscal year 2015-2016 for debt service on previously authorized bonds for the Transportation Cabinet office building and parking structure.

(3) **Adopt-A-Highway Litter Program:** The Transportation Cabinet and the Energy and Environment Cabinet may receive, accept, and solicit grants, contributions of money, property, labor, or other things of value from any governmental agency, individual, nonprofit organization, or private business to be used for the Adopt-a-Highway Litter Program or other statewide litter programs. Any contribution of this nature shall be deemed to be a contribution to a state agency for a public purpose and shall be treated as Restricted Funds under KRS Chapter 45 and reported according to KRS Chapter 48, and shall not be subject to restrictions set forth under KRS Chapter 11A.

(4) **Debt Service:** Included in the above Road Fund appropriation is \$208,000 in fiscal year 2014-2015 and \$415,000 in fiscal year 2015-2016 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(5) **SAFE Patrol Program:** The Transportation Cabinet shall continue the SAFE Patrol Program at the current service level. The primary mission of the Cabinet's SAFE Patrol shall be motorist assistance. The SAFE Patrol shall be restricted to providing only assistance services on interstates, parkways, and other limited-access highways.

(6) **Riverport Improvements:** Included in the above General Fund appropriation is \$500,000 in each fiscal year to improve public riverports within Kentucky. Improvements shall be limited to dredging and maintenance of access. The Secretary of the Transportation Cabinet, in conjunction with the Kentucky Water Transportation Advisory Board, shall determine how the funds are distributed.

(7) **Ferry Boat Captain Licensure:** If the United States Congress exempts any small passenger vessels from the operator licensing requirements of 46 U.S.C. sec. 8902, the Transportation Cabinet shall establish a system of state licensure for the operators of any small passenger vessels so affected.

2. AVIATION

	2014-15	2015-16
Restricted Funds	10,412,000	10,421,500
Federal Funds	611,700	611,700
Road Fund	2,862,000	2,884,500
TOTAL	13,885,700	13,917,700

(1) **Operational Costs:** Notwithstanding KRS 183.525(5), the above Restricted Funds appropriation includes operational costs of the program in each fiscal year.

(2) **Debt Service:** Included in the above Road Fund appropriation is \$1,894,500 in fiscal year 2014-2015 and \$1,898,800 in fiscal year 2015-2016 for debt service on previously authorized bonds. Notwithstanding KRS 183.525, \$992,500 in fiscal year 2014-2015 and \$996,800 in fiscal year 2015-2016 is transferred to the Road Fund from the Kentucky Aviation Economic Development Fund to support debt service on those bonds.

(3) **Bowling Green-Warren County Regional Airport:** Included in the above Restricted Funds appropriation is \$750,000 in fiscal year 2014-2015 for the Bowling Green-Warren County Regional Airport project. No funds shall be disbursed unless \$1,250,000 from other fund sources, including up to \$300,000 in in-kind contributions, is

available to complete the project.

(4) **Pikeville Commercial Air Service:** Included in the above Restricted Funds appropriation is \$250,000 in fiscal year 2014-2015 for the City of Pikeville for the Pikeville Commercial Air Service project.

(5) **Eastern Kentucky University Aviation Program:** Included in the above Restricted Funds appropriation is \$2,000,000 in fiscal year 2014-2015 for hangars, flight simulators, maintenance, and renovations for the Eastern Kentucky University Aviation Program.

3. DEBT SERVICE

	2014-15	2015-16
Road Fund	154,035,300	170,387,700

(1) **Economic Development Road Lease-Rental Payments:** Included in the above Road Fund appropriation is \$153,910,300 in fiscal year 2014-2015 and \$170,262,700 in fiscal year 2015-2016 for Economic Development Road lease-rental payments relating to projects financed by Economic Development Road Revenue Bonds previously authorized by the General Assembly and issued by the Kentucky Turnpike Authority.

(2) **Debt Payment Acceleration Fund Account:** Notwithstanding KRS 175.505, no portion of the revenues to the state Road Fund provided by the adjustments in KRS 138.220(2), excluding KRS 177.320 and 177.365, shall accrue to the Debt Payment Acceleration Fund account during the 2014-2016 fiscal biennium.

(3) **Excess Lease-Rental Payments:** Any moneys not required to meet lease-rental payments or to meet the administrative costs of the Kentucky Turnpike Authority shall be transferred to the State Construction Account.

4. HIGHWAYS

	2013-14	2014-15	2015-16
Restricted Funds	100,000,000	349,341,800	199,952,100

Federal Funds	-0-	697,940,400	699,967,300
Road Fund	-0-	821,913,600	779,181,500
TOTAL	100,000,000	1,869,195,800	1,679,100,900

(1) **Debt Service:** Included in the above Federal Funds appropriation is \$68,477,200 in fiscal year 2014-2015 and \$91,415,700 in fiscal year 2015-2016 for debt service on Grant Anticipation Revenue Vehicle (GARVEE) Bonds previously appropriated by the General Assembly.

(2) **State Supported Construction Program:** Included in the above Road Fund appropriation is \$393,011,900 in fiscal year 2014-2015 and \$345,306,800 in fiscal year 2015-2016 for the State Supported Construction Program.

(3) **Biennial Highway Construction Program:** Included in the State Supported Construction Program is \$265,019,900 in fiscal year 2014-2015 and \$217,323,800 in fiscal year 2015-2016 from the Road Fund for state construction projects in the fiscal biennium 2014-2016 Biennial Highway Construction Program.

(4) **Highway Construction Contingency Account:** Included in the State Supported Construction Program is \$31,000,000 in each fiscal year for the Highway Construction Contingency Account. Included in the Highway Construction Contingency Account is \$5,000,000 in each fiscal year to support the Kentucky Pride Fund created in KRS 224.43-505. Also included in the Highway Construction Contingency Account for Shortline Railroads is \$1,600,000 in each fiscal year for public safety improvements to at-grade railroad crossings, railroad bridge overpasses, and railroad crossing safety equipment, which shall not be expended unless matched with private funds equaling 20 percent of the total amount for any individual project. Except in the case of a declared emergency, the Governor and the Secretary shall not expend or encumber in the aggregate more than 55 percent of the funds appropriated by this Act to the Highway Construction Contingency Account during the first half of fiscal year 2015-2016.

(5) **2014-2016 Biennial Highway Construction Plan:** Projects in the enacted

2012-2014 Biennial Highway Construction Plan are authorized to continue their current authorization into the 2014-2016 fiscal biennium. If projects in previously enacted highway construction plans conflict with the 2014-2016 Biennial Highway Construction Plan, the projects in the 2014-2016 Biennial Highway Construction Plan shall control. The Secretary shall make every effort to maintain highway program delivery by adhering to the timeframes included in the 2014-2016 Biennial Highway Construction Plan for those projects.

(6) **Kentucky Transportation Center:** Notwithstanding KRS 177.320(4), included in the above Road Fund appropriation is \$290,000 in each fiscal year for the Kentucky Transportation Center.

(7) **New Highway Equipment Purchases:** Notwithstanding KRS 48.710(3), included in the above Restricted Funds appropriation is \$1,500,000 in each fiscal year from the sale of surplus equipment to purchase new highway equipment.

(8) **State Match Provisions:** The Transportation Cabinet is authorized to utilize state construction moneys or Toll Credits to match federal highway moneys.

(9) **Federal Aid Highway Funds:** If additional federal highway moneys are made available to Kentucky by the United States Congress, the funds shall be used according to the following priority: (a) Any demonstration-specific or project-specific money shall be used on the project identified; and (b) All other funds shall be used to ensure that projects in the fiscal biennium 2014-2016 Biennial Highway Construction Plan are funded. If additional federal moneys remain after these priorities are met, the Transportation Cabinet may select projects from the Highway Preconstruction Program.

(10) **Road Fund Cash Management:** The Secretary of the Transportation Cabinet may continue the Cash Management Plan to address the policy of the General Assembly to expeditiously initiate and complete projects in the fiscal biennium 2014-2016 Biennial Highway Construction Plan. Notwithstanding KRS Chapter 45, specifically including KRS 45.242 and 45.244, the Secretary may concurrently advance projects in the Biennial

Highway Construction Plan by employing management techniques that maximize the Cabinet's ability to contract for and effectively administer the project work. Under the approved Cash Management Plan, the Secretary shall continuously ensure that the unspent project and Road Fund balances available to the Transportation Cabinet are sufficient to meet expenditures consistent with appropriations provided. The Transportation Cabinet shall provide quarterly reports to the Interim Joint Committee on Appropriations and Revenue when the General Assembly is not in session and the Standing Committees on Appropriations and Revenue when the General Assembly is in session beginning July 1, 2014. The report shall include a monthly forecast by fiscal year for fiscal year 2014-2015 through fiscal year 2019-2020.

(11) Carry Forward of Appropriation Balances: Notwithstanding KRS 45.229, unexpended Road Fund appropriations in the Highways budget unit for the Construction Program, the Maintenance Program, and the Research Program in fiscal year 2013-2014 and in fiscal year 2014-2015 shall not lapse but shall carry forward. Unexpended Federal Funds and Restricted Funds appropriations in the Highways budget unit for the Construction Program, the Maintenance Program, the Equipment Services Program, and the Research Program in fiscal year 2013-2014 and in fiscal year 2014-2015, up to the amount of ending cash balances and unissued Highway and GARVEE Bond Funds, to include any interest income earned on those bond funds, and grant balances shall not lapse but shall carry forward.

(12) Federally Supported Construction Program: Included in the above Federal Funds appropriation is \$676,524,300 in fiscal year 2014-2015 and \$678,551,200 in fiscal year 2015-2016 for federal construction projects.

(13) State Resurfacing Program: Included in the State Supported Construction Program is \$97,000,000 in each fiscal year from the Road Fund for the State Resurfacing Program.

(14) Highways Maintenance: Included in the above Highways Road Fund

appropriation is \$334,723,000 in fiscal year 2014-2015 and \$338,751,200 in fiscal year 2015-2016 for Highways Maintenance. Highways Maintenance positions may be filled to the extent the above funding level and the Highways Maintenance continuing appropriation are sufficient to support those positions.

(15) Delayed Projects Status Report: The Secretary of the Transportation Cabinet shall report by September 30 of each fiscal year to the Interim Joint Committee on Transportation any project included in the enacted Biennial Highway Construction Plan which has been delayed beyond the fiscal year for which the project was authorized. The report shall include:

- (a) The county name;
- (b) The Transportation Cabinet project identification number;
- (c) The route where the project is located;
- (d) The length of the project;
- (e) A description of the project and the scope of improvement;
- (f) The type of local, state, or federal funds to be used on the project;
- (g) The stage of development for the design, right-of-way, utility, and construction phases;
- (h) The fiscal year in which each phase of the project was scheduled to commence;
- (i) The estimated cost for each phase of the project;
- (j) A detailed description of the circumstances leading to the delay; and
- (k) The same information required in paragraphs (a) to (i) of this subsection for the project or projects advanced with funds initially scheduled for the delayed project.

(16) Transportation Engineering Salaries: The Transportation Cabinet and the Personnel Cabinet shall develop a plan to revise the Transportation Engineering Series salaries in a manner that allows the Transportation Cabinet to become competitive with state transportation engineering salaries in surrounding states and private entities. The

Transportation Cabinet shall submit a report detailing the plan to the Interim Joint Committee on Transportation and the Interim Joint Committee on Appropriations and Revenue no later than October 31, 2014.

(17) Interstate Connecting Spur: The Secretary of the Transportation Cabinet shall submit a report on interstate opportunities using existing infrastructure as it relates to the William H. Natcher Parkway as a connecting spur to I-65 to the Legislative Research Commission and the Interim Joint Committee on Transportation by September 30, 2015.

(18) Jessamine County Bypass: It is the intent of the General Assembly in the 2016-2018 Biennial Highway Construction Plan to provide \$15,000,000 in federal highway funds in fiscal year 2016-2017 for the East Nicholasville Bypass, Section IA.

5. JUDGMENTS

(1) Payment of Judgments: Road Fund resources required to pay judgments shall be transferred from the State Construction Account at the time when actual payments must be disbursed from the State Treasury.

6. PUBLIC TRANSPORTATION

	2014-15	2015-16
General Fund	5,728,200	5,728,200
Restricted Funds	484,200	495,600
Federal Funds	25,341,400	25,667,200
TOTAL	31,553,800	31,891,000

(1) Toll Credits: The Transportation Cabinet is authorized to maximize to the extent necessary the use of Toll Credits to match Federal Funds for transit systems capital grants.

(2) Nonpublic School Transportation: Included in the above General Fund appropriation is \$3,500,000 in each fiscal year for nonpublic school transportation.

7. REVENUE SHARING

	2014-15	2015-16
Road Fund	396,861,000	390,753,800

(1) **County Road Aid Program:** Included in the above Road Fund appropriation is \$149,967,100 in fiscal year 2014-2015 and \$147,643,000 in fiscal year 2015-2016 for the County Road Aid Program in accordance with KRS 177.320, 179.410, 179.415, and 179.440. Notwithstanding KRS 177.320(2), the above amounts have been reduced by \$38,000 in each fiscal year, which has been appropriated to the Highways budget unit for the support of the Kentucky Transportation Center.

(2) **Rural Secondary Program:** Included in the above Road Fund appropriation is \$181,927,400 in fiscal year 2014-2015 and \$179,108,000 in fiscal year 2015-2016 for the Rural Secondary Program in accordance with KRS 177.320, 177.330, 177.340, 177.350, and 177.360. Notwithstanding KRS 177.320(1), the above amounts have been reduced by \$46,000 in each fiscal year, which has been appropriated to the Highways budget unit for the support of the Kentucky Transportation Center.

(3) **Municipal Road Aid Program:** Included in the above Road Fund appropriation is \$63,100,900 in fiscal year 2014-2015 and \$62,123,000 in fiscal year 2015-2016 for the Municipal Road Aid Program in accordance with KRS 177.365, 177.366, and 177.369. Notwithstanding KRS 177.365(1), the above amounts have been reduced by \$16,000 in each fiscal year, which has been appropriated to the Highways budget unit for the support of the Kentucky Transportation Center.

(4) **Energy Recovery Road Fund:** Included in the above Road Fund appropriation is \$903,000 in each fiscal year for the Energy Recovery Road Fund in accordance with KRS 177.977, 177.9771, 177.9772, 177.978, 177.979, and 177.981.

8. VEHICLE REGULATION

	2014-15	2015-16
Restricted Funds	8,952,800	13,663,100
Federal Funds	2,868,600	2,886,600

Road Fund	31,769,200	28,464,000
TOTAL	43,590,600	45,013,700

(1) **Debt Service:** Included in the above Road Fund appropriation is \$4,802,000 in fiscal year 2014-2015 and \$4,803,800 in fiscal year 2015-2016 for debt service on previously authorized bonds.

TOTAL - TRANSPORTATION CABINET

	2013-14	2014-15	2015-16
General Fund	-0-	6,228,200	6,228,200
Restricted Funds	100,000,000	371,179,900	226,521,400
Federal Funds	-0-	726,762,100	729,132,800
Road Fund	-0-	1,478,312,300	1,443,678,300
TOTAL	100,000,000	2,582,482,500	2,405,560,700

PART II

CAPITAL PROJECTS BUDGET

(1) **Capital Construction Fund Appropriations and Reauthorizations:** Moneys in the Capital Construction Fund are appropriated for the following capital projects subject to the conditions and procedures in this Act. Items listed without appropriated amounts are previously authorized for which no additional amount is required. These items are listed in order to continue their current authorization into the 2014-2016 fiscal biennium. Unless otherwise specified, reauthorized projects shall conform to the original authorization enacted by the General Assembly.

(2) **Expiration of Existing Line-Item Capital Construction Projects:** All appropriations to existing line-item capital construction projects expire on June 30, 2014, unless reauthorized in this Act with the following exceptions: (a) A construction contract for the project shall have been awarded by June 30, 2014; (b) Permanent financing or a short-term line of credit sufficient to cover the total authorized project scope shall have been obtained in the case of projects authorized for bonds, if the authorized project

completes an initial draw on the line of credit within the biennium immediately subsequent to the original authorization; and (c) Grant or loan agreements, if applicable, shall have been finalized and properly signed by all necessary parties. Notwithstanding the criteria set forth in this subsection, the disposition of 2012-2014 fiscal biennium nonstatutory appropriated maintenance pools funded from Capital Construction Investment Income shall remain subject to the provisions of KRS 45.770(5)(c).

(3) Bond Proceeds Investment Income: Investment income earned from bond proceeds beyond that which is required to satisfy Internal Revenue Service arbitrage rebates and penalties and excess bond proceeds upon the completion of a bond-financed capital project shall be used to pay debt service according to the Internal Revenue Service Code and accompanying regulations.

A. TRANSPORTATION CABINET

Budget Units	2014-15	2015-16
1. GENERAL ADMINISTRATION AND SUPPORT		
001. Maintenance Pool – 2014-2016		
Road Fund	3,000,000	3,000,000
002. Construct C-1 Garage		
Bond Funds	5,000,000	-0-
003. Upgrade AASHTOWare		
Road Fund	1,300,000	1,300,000
004. Construct Ballard County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,440,000 Road Fund)		
005. Construct Crittenden County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,340,000 Road Fund)		
006. Construct Harrison County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,440,000 Road Fund)		
007. Construct Henderson County Maintenance Facility and Salt Storage		

	Structure Reauthorization (\$1,440,000 Road Fund)		
008.	Construct Knott County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,440,000 Road Fund)		
009.	Construct Menifee County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,440,000 Road Fund)		
010.	Construct Muhlenberg County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,440,000 Road Fund)		
011.	Construct Nicholas County Maintenance Facility and Salt Storage Structure Reauthorization (\$1,440,000 Road Fund)		
012.	Construct Jackson (D-10) District Office		
	Road Fund	1,300,000	5,300,000
013.	Construct Manchester (D-11) District Office		
	Road Fund	1,300,000	5,300,000
2.	AVIATION		
001.	Aircraft Major Maintenance Pool - 2014-2016		
	Investment Income	600,000	600,000
3.	HIGHWAYS		
001.	Road Maintenance Parks - 2014-2016		
	Road Fund	1,500,000	1,500,000
002.	Repair Loadometer and Rest Areas - 2014-2016		
	Road Fund	750,000	750,000
003.	Various Environmental Compliance - 2014-2016		
	Road Fund	583,000	555,000
4.	VEHICLE REGULATION		
001.	Replace Kentucky Driver Licensing System Reauthorization (\$12,500,000 Bond Funds)		

PART III

FUNDS TRANSFER

The General Assembly finds that the financial condition of state government requires the following action.

Notwithstanding the statutes or requirements of the Restricted Funds enumerated below, there is transferred to the General Fund the following amounts in fiscal year 2014-2015 and fiscal year 2015-2016:

	2014-15	2015-16
A. TRANSPORTATION CABINET		
1. Aviation		
Agency Revenue Fund (KRS 183.525(4) and (5))	468,000	468,000
2. Vehicle Regulation		
Agency Revenue Fund (KRS 186.040(6)(a))	4,100,000	4,100,000
3. Vehicle Regulation		
Agency Revenue Fund (KRS 186.240(3))	3,000,000	3,000,000
4. Vehicle Regulation		
Agency Revenue Fund (KRS 138.710(2) and 45.345(2))	250,000	-0-
TOTAL - FUNDS TRANSFER	7,818,000	7,568,000

PART IV

ROAD FUND BUDGET REDUCTION PLAN

Notwithstanding 2014 Regular Session HB 235/EN, Part VIII, there is established a Road Fund Budget Reduction Plan for fiscal year 2014-2015 and fiscal year 2015-2016. Pursuant to KRS 48.130, in the event of an actual or projected revenue shortfall in Road Fund revenue receipts of \$1,546,700,000 in fiscal year 2014-2015 and \$1,558,400,000 in

fiscal year 2015-2016 as determined by KRS 48.120 and modified by related Acts and actions of the General Assembly in an extraordinary or regular session, the Governor shall implement sufficient reductions as may be required to protect the highest possible level of service.

PART V

BUDGET RESERVE TRUST FUND

The Budget Reserve Trust Fund Account (KRS 48.705) balance as appropriated in 2014 Regular Session HB 235/EN shall be reduced by \$1,617,800 for General Fund moneys appropriated in Part I of this section.

PART VI

TRANSPORTATION CABINET BUDGET SUMMARY

OPERATING BUDGET

	2013-14	2014-15	2015-16
General Fund	-0-	6,228,200	6,228,200
Restricted Funds	100,000,000	371,179,900	226,521,400
Federal Funds	-0-	726,762,100	729,132,800
Road Fund	-0-	1,478,312,300	1,443,678,300
SUBTOTAL	100,000,000	2,582,482,500	2,405,560,700

CAPITAL PROJECTS BUDGET

	2013-14	2014-15	2015-16
Road Fund	-0-	9,733,000	17,705,000
Bond Funds	-0-	5,000,000	-0-
Investment Income	-0-	600,000	600,000
SUBTOTAL	-0-	15,333,000	18,305,000

TOTAL - TRANSPORTATION CABINET BUDGET

	2013-14	2014-15	2015-16
General Fund	-0-	6,228,200	6,228,200

Restricted Funds	100,000,000	371,179,900	226,521,400
Federal Funds	-0-	726,762,100	729,132,800
Road Fund	-0-	1,488,045,300	1,461,383,300
Bond Funds	-0-	5,000,000	-0-
Investment Income	-0-	600,000	600,000
TOTAL FUNDS	100,000,000	2,597,815,500	2,423,865,700

➔Section 2. Notwithstanding KRS 68.197 or any other statute to the contrary, the provisions of this section shall apply as follows from the effective date of this Act through June 30, 2016:

- (1) Any set-off or credit of city license fees against county license fees that exists between a city and county as of the effective date of this Act, shall remain in effect as it is on the effective date of this Act;
- (2) The provisions of subsection (7) of KRS 68.197 shall not apply to a city and county unless both the city and the county have levied and are collecting license fees on the effective date of this Act;
- (3) Any agreement between a city and county related to the sharing of revenues from a license fee that is in effect on the effective date of this Act shall remain in effect, regardless of whether the agreement, by its terms, was set to expire prior to June 30, 2016; and
- (4) Any city and county subject to the provisions of subsections (1) to (3) of this section may enter into an interlocal agreement to establish a revenue-sharing arrangement that differs from the requirements of this section.

➔Section 3. (1) Notwithstanding KRS 68.197 or any other statute to the contrary, the provisions of this section shall only apply to the levy of license fees by a county that levied a license fee that was in effect on the effective date of this Act, and a city within that county that has levied but not collected a license fee as of the effective date of this Act.

(2) From July 1, 2014, through June 30, 2015, the credit established by subsection (7) of KRS 68.197 shall only apply to the first one-tenth of one percent (0.10%) of the tax rate imposed by the county within the corporate limits of the city.

(3) From July 1, 2015, through June 30, 2016, the credit established by subsection (7) of KRS 68.197 shall only apply to the first two-tenths of one percent (0.20%) of the tax rate imposed by the county within the corporate limits of the city.

(4) Any city and county subject to this section may enter into an interlocal agreement to establish a revenue-sharing arrangement that differs from the requirements of this section.

➔Section 4. Notwithstanding the provisions of KRS 68.197, KRS 68.199, or any other statute to the contrary, any county that:

- (1) Enacted an occupational license fee under the authority of KRS 67.083 at a rate of greater than one percent (1%) prior to reaching a population of thirty thousand (30,000); and
- (2) Has an agreement with the largest city in the county to share revenues from the occupational license fee levied by the county;

may increase the occupational license fee rate above the rate that was imposed at the time the population of the county grew to beyond thirty thousand (30,000) if the county and the largest city within the county enter into an agreement approving the rate increase, and providing an agreed distribution of revenues from the levy to the city and the county. Other cities within the county may also be parties to the agreement if agreed to by all the parties.

U.S. Code

U.S. Code: Title 49 – Transportation

PART A — SAFETY (§§ 20101–21311)

PART B — ASSISTANCE (§§ 22101–22706)

PART C — PASSENGER TRANSPORTATION (§§ 24101–24910)

PART D — HIGH-SPEED RAIL (§§ 26101–26106)

PART E — MISCELLANEOUS (§§ 28101–28505)

U.S. Code: Title 45 – Rail Roads

CHAPTER 1 — SAFETY APPLIANCES AND EQUIPMENT ON RAILROAD ENGINES AND CARS, AND PROTECTION OF EMPLOYEES AND TRAVELERS (§§ 1_to_14–44_to_46)

CHAPTER 2 — LIABILITY FOR INJURIES TO EMPLOYEES (§§ 51–60)

CHAPTER 3 — HOURS OF SERVICE OF EMPLOYEES (§§ 61_to_64b–65,_66)

CHAPTER 4 — CARE OF ANIMALS IN TRANSIT (§§ 71_to_74–75,_76)

CHAPTER 5 — GOVERNMENT-AIDED RAILROADS (§§ 81_to_92–94,_95)

CHAPTER 6 — MEDIATION, CONCILIATION, AND ARBITRATION IN CONTROVERSIES BETWEEN CARRIERS AND EMPLOYEES (§§ 101_to_125–126)

CHAPTER 7 — ADJUSTMENT BOARDS AND LABOR BOARDS (§ 131_to_146)

CHAPTER 8 — RAILWAY LABOR (§§ 151–188)

CHAPTER 9 — RETIREMENT OF RAILROAD EMPLOYEES (§§ 201_to_208–231v)

CHAPTER 10 — TAX ON CARRIERS AND EMPLOYEES (§§ 241_to_253–261_to_273)

CHAPTER 11 — RAILROAD UNEMPLOYMENT INSURANCE (§§ 351–369)

CHAPTER 12 — TEMPORARY RAILROAD UNEMPLOYMENT INSURANCE PROGRAM (§§ 401–404)

CHAPTER 13 — RAILROAD SAFETY (§§ 421–431_to_447)

CHAPTER 14 — RAIL PASSENGER SERVICE (§§ 501_to_502–651_to_658)

CHAPTER 15 — EMERGENCY RAIL SERVICES (§§ 661–669)

CHAPTER 16 — REGIONAL RAIL REORGANIZATION (§§ 701–797m)

CHAPTER 17 — RAILROAD REVITALIZATION AND REGULATORY REFORM (§§ 801–856)

CHAPTER 18 — MILWAUKEE RAILROAD RESTRUCTURING (§§ 901–922)

CHAPTER 19 — ROCK ISLAND RAILROAD EMPLOYEE ASSISTANCE (§§ 1001–1018)

CHAPTER 20 — NORTHEAST RAIL SERVICE (§§ 1101–1116)

CHAPTER 21 — ALASKA RAILROAD TRANSFER (§§ 1201–1214)

CHAPTER 22 — CONRAIL PRIVATIZATION (§§ 1301–1347)

Appendix C: Public and Industry Outreach Materials and Feedback

1. KBT Completed Surveys
2. Public Meeting Boards
3. Ashland Public Meeting (2/25/2014) Meeting Notice, Sign in sheet and Completed paper survey
4. Fulton Public Meeting (2/27/2014) Meeting Notice, Sign in sheet and letter from Mayor
5. Additional Feedback Received After Public Meetings
6. Industry Stakeholder Meeting (5/14/14) Sign-in sheet, Survey summary and completed surveys
7. Kentucky Long-Range Statewide Transportation Plan

KBT Completed Survey

Kentuckians for Better Transportation

Kentucky Statewide Rail Plan Input Form – January 2014

Survey contact person's town LONDON Five digit ZIP code 40503

(Optional) Name KEVIN COX Organization BAW ENGINEERS

Please check all that apply.

- I am a current or former railroad employee _____
- I am a shipper/user of railroad services _____
- My current or former job related to rail X
- My primary rail interest relates to freight rail X
- My primary rail interest relates to passenger rail _____
- My primary rail interest relates to safety _____
- Other interest in rail transportation _____

Vision

1. What potential opportunities for freight rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?
— EXPANSION OF AUTO INDUSTRY WOULD HELP.
— OIL UP & LOAD DOWN.
2. What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?
— THE UNLIKELY RETURN OF AMTRAK'S FLORIDIAN.
3. How can the overall efficiency of the freight rail system in Kentucky be improved?
— FUEL EFFICIENCY IS KEY.
4. How can the overall efficiency of the passenger rail system in Kentucky be improved?
—

5. What changes to freight rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

— A RAIL CONSTRUCTION & MAINTENANCE ORGANIZATION LIKE ILLINOIS DID IT, WOULD BE A HUGE PLUS FOR INDUSTRIAL DEVELOPMENT,

6. What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

— STATE MONEY WILL BE NECESSARY TO HELP SUBSIDIZE THE FLORIDIAN, POLITICAL WILL FOR THAT?

7. Are there any service, capital improvements or competitive access improvements that would increase the use of railroad services?

— TAX BREAKS FOR RAIL CONSTRUCTION & MAINTENANCE,

General

8. Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on?

— ONLINE RAIL GIS, DATABASE ACCESSIBLE TO THE PUBLIC?

— INCREASED FUNDING FOR OPERATION LIFE SAVER TO HELP KEEP KIDS WITH EAR BUDS OFF THE TRACKS,

Kentuckians for Better Transportation

Kentucky Statewide Rail Plan Input Form – January 2014

Survey contact person's town Courtside Five digit ZIP code 40208

(Optional) Name Gary McCall Organization Courtside Rwyport

Please check all that apply.

- I am a current or former railroad employee
- I am a shipper/user of railroad services
- My current or former job related to rail
- My primary rail interest relates to freight rail
- My primary rail interest relates to passenger rail
- My primary rail interest relates to safety
- Other interest in rail transportation

Vision

1. What potential opportunities for freight rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

yes, primarily freight

2. What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

?

3. How can the overall efficiency of the freight rail system in Kentucky be improved?

4. How can the overall efficiency of the passenger rail system in Kentucky be improved?

5. What changes to freight rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

6. What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

7. Are there any service, capital improvements or competitive access improvements that would increase the use of railroad services?

General

8. Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on?

Kentuckians for Better Transportation

Kentucky Statewide Rail Plan Input Form – January 2014

Survey contact person's town Edgewood Five digit ZIP code 41017
(Optional) Name Bob Porter Organization CONGRESSMAN MASSIE DISTRICT FIELD DIRECTOR

Please check all that apply.

- I am a current or former railroad employee _____
- I am a shipper/user of railroad services _____
- My current or former job related to rail _____
- My primary rail interest relates to freight rail _____
- My primary rail interest relates to passenger rail _____
- My primary rail interest relates to safety _____
- Other interest in rail transportation _____

CONGRESSMAN MASSIE
HOUSE TRANS. COMMITTEE
RAIL + PIPELINE SUB-COMMITTEE

Vision

1. What potential opportunities for freight rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

Rail/Barge - CINC. PORT EXPANSION

2. What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

Tourism

3. How can the overall efficiency of the freight rail system in Kentucky be improved?

N/A

4. How can the overall efficiency of the passenger rail system in Kentucky be improved?

N/A

5. What changes to freight rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

N/A

6. What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

N/A

7. Are there any service, capital improvements or competitive access improvements that would increase the use of railroad services?

BARGE / RAIL

General

8. Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on?

Kentuckians for Better Transportation

Kentucky Statewide Rail Plan Input Form - January 2014

Survey contact person's town WARK-ERLANGER LINE-LEX five digit ZIP code 40509

(Optional) Name STEVE BROWN Organization TOYOTA

Please check all that apply.

- I am a current or former railroad employee
- I am a shipper/user of railroad services
- My current or former job related to rail
- My primary rail interest relates to freight rail
- My primary rail interest relates to passenger rail
- My primary rail interest relates to safety
- Other interest in rail transportation

EMPLOYED PUBLIC
RAIL CITY TO CITY
LEX - NKY

Vision

1. What potential opportunities for freight rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

YES - AS INDUSTRY GROWS
WITH ECONOMIC IMPROVEMENTS
RAIL CAN GROW IF ITS DEPENDABLE
AND CONSISTENT

2. What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

LEXINGTON TO CINCINNATI
TOYOTA CREATES TRAFFIC DAILY ALONG WITH
AIRPORT / RETAIL ACCESS.

3. How can the overall efficiency of the freight rail system in Kentucky be improved?

4. How can the overall efficiency of the passenger rail system in Kentucky be improved?

I'M INTERESTED IN HEARING
MORE AND PROVIDING INPUT TO THE
RAIL PLAN

5. What changes to freight rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

6. What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

7. Are there any service, capital improvements or competitive access improvements that would increase the use of railroad services?

General

8. Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on?

Kentuckians for Better Transportation

Kentucky Statewide Rail Plan Input Form - January 2014

Survey contact person's town Madisonville Five digit ZIP code 42431

(Optional) Name Wm. Corum Organization M-Hopkins Co EDC + C-HNK

Please check all that apply.

- I am a current or former railroad employee _____
- I am a shipper/user of railroad services _____
- My current or former job related to rail _____
- My primary rail interest relates to freight rail
- My primary rail interest relates to passenger rail
- My primary rail interest relates to safety _____
- Other interest in rail transportation

gaining at-grade crossings in developed areas.

Vision

1. What potential opportunities for freight rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?
Coal - opportunity related to Panama Canal, coal traffic lower but could be the driving force for growth.
2. What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?
N/S. rail Indianapolis or Chicago thru Ky. to Atlanta & Florida.
3. How can the overall efficiency of the freight rail system in Kentucky be improved?
Double tracking; welded heavy rail; eliminate at-grade crossings.
4. How can the overall efficiency of the passenger rail system in Kentucky be improved?
High speed Railroad bed North of Louisville to tie into Midwest High Speed Rail North of Kentucky. Establish a higher speed rail crossing into Indiana from Louisville.

5. What changes to freight rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

6. What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

7. Are there any service, capital improvements or competitive access improvements that would increase the use of railroad services?

General

8. Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on?

Kentuckians for Better Transportation

Kentucky Statewide Rail Plan Input Form – January 2014

Survey contact person's town Hopkinsville Five digit ZIP code 42240
(Optional) Name Craig Morris Organization Penyrds ADD

Please check all that apply.

- I am a current or former railroad employee _____
- I am a shipper/user of railroad services _____
- My current or former job related to rail _____
- My primary rail interest relates to freight rail _____
- My primary rail interest relates to passenger rail _____
- My primary rail interest relates to safety _____
- Other interest in rail transportation ✓

Vision

1. What potential opportunities for freight rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?
There is a need for a study to determine the feasibility of a new multi-modal port for container traffic that may be able to ship containers inland from the new mobile fl port ~~etc~~ when the new Panama Canal is open.
2. What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

3. How can the overall efficiency of the freight rail system in Kentucky be improved?

4. How can the overall efficiency of the passenger rail system in Kentucky be improved?

5. What changes to freight rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

6. What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

7. Are there any service, capital improvements or competitive access improvements that would increase the use of railroad services?

General

8. Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on?

Kentuckians for Better Transportation

Kentucky Statewide Rail Plan Input Form – January 2014

Survey contact person's town Frankfort Five digit ZIP code 40601
(Optional) Name Bob Lewis Organization KYTC

Please check all that apply.

- I am a current or former railroad employee _____
- I am a shipper/user of railroad services _____
- My current or former job related to rail _____
- My primary rail interest relates to freight rail _____
- My primary rail interest relates to passenger rail
- My primary rail interest relates to safety _____
- Other interest in rail transportation _____

Vision

1. What potential opportunities for freight rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

Coal will decrease

2. What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

Need Louisville link

3. How can the overall efficiency of the freight rail system in Kentucky be improved?

by pass Lexington & Louisville

4. How can the overall efficiency of the passenger rail system in Kentucky be improved?

river crossing in Louisville

5. What changes to freight rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

inter-modal connection

6. What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

Nice Bus^x Connections from Louisville Lexington
*wifi-like Eugene or to Portland O.

7. Are there any service, capital improvements or competitive access improvements that would increase the use of railroad services?

General

8. Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on?

Kentuckians for Better Transportation

Kentucky Statewide Rail Plan Input Form - January 2014

Survey contact person's town Versailles Five digit ZIP code 40383

(Optional) Name Joe Crabtree Organization KY Transportation Center

Please check all that apply.

- I am a current or former railroad employee _____
- I am a shipper/user of railroad services _____
- My current or former job related to rail _____
- My primary rail interest relates to freight rail _____
- My primary rail interest relates to passenger rail _____
- My primary rail interest relates to safety _____
- Other interest in rail transportation _____ (Research)

Vision

1. What potential opportunities for freight rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

Would love to see an intentional strategy to shift freight transportation (where it makes sense) from highway to rail and water. This makes sense from the standpoint of safety, fuel savings, emissions, congestion, and hwy preservation.
2. What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

Would love to see rail ~~to~~ service for the triangle (Lex-Lou - N.Ky)

3. How can the overall efficiency of the freight rail system in Kentucky be improved?
4. How can the overall efficiency of the passenger rail system in Kentucky be improved?

I don't know.

Need to invest in it and make it a priority.
(But I understand that we are a highway-centric society and ~~the~~ passenger rail tends to not be self-supporting.)

5. What changes to freight rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

6. What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

7. Are there any service, capital improvements or competitive access improvements that would increase the use of railroad services?

General

8. Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on?

Kentuckians for Better Transportation

Kentucky Statewide Rail Plan Input Form – January 2014

Survey contact person's town Highland Five digit ZIP code 40356

(Optional) Name _____ Organization B.S. Company

Please check all that apply.

- I am a current or former railroad employee
- I am a shipper/user of railroad services
- My current or former job related to rail
- My primary rail interest relates to freight rail
- My primary rail interest relates to passenger rail
- My primary rail interest relates to safety
- Other interest in rail transportation

Vision

1. What potential opportunities for freight rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

There is becoming more competitive U.S. & U.S.
energy cost & infrastructure constraints

2. What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

3. How can the overall efficiency of the freight rail system in Kentucky be improved?

upgrading the quality of assets to
improve throughput

4. How can the overall efficiency of the passenger rail system in Kentucky be improved?

5. What changes to freight rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

LOOK AT NEW RAIL CORRIDORS

6. What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

7. Are there any service, capital improvements or competitive access improvements that would increase the use of railroad services?

General

8. Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on?

Kentuckians for Better Transportation

Kentucky Statewide Rail Plan Input Form – January 2014

Survey contact person's town Nicholasville Five digit ZIP code 40356

(Optional) Name _____ Organization _____

Please check all that apply.

- I am a current or former railroad employee _____
- I am a shipper/user of railroad services _____
- My current or former job related to rail ✓
- My primary rail interest relates to freight rail ✓
- My primary rail interest relates to passenger rail _____
- My primary rail interest relates to safety _____
- Other interest in rail transportation _____

Vision

1. What potential opportunities for freight rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?
Yes. Transportation can not meet Highway Needs. Truck freight needs to have some move to rail.
2. What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?
None
3. How can the overall efficiency of the freight rail system in Kentucky be improved?
Develop partnerships + Transparency
4. How can the overall efficiency of the passenger rail system in Kentucky be improved?
?

5. What changes to freight rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

Partnerships, promotion

6. What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

Not enough regulations

7. Are there any service, capital improvements or competitive access improvements that would increase the use of railroad services?

General

8. Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on?

Kentuckians for Better Transportation

Kentucky Statewide Rail Plan Input Form – January 2014

Survey contact person's town Lexington Five digit ZIP code 40505

(Optional) Name Bill Leake Organization SENE, INC.

Please check all that apply.

- I am a current or former railroad employee _____
- I am a shipper/user of railroad services _____
- My current or former job related to rail _____
- My primary rail interest relates to freight rail _____
- My primary rail interest relates to passenger rail _____
- My primary rail interest relates to safety
- Other interest in rail transportation

Vision

1. What potential opportunities for freight rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?
*Material movement sand, gravel, coal
Growth will be slow
Loss of coal movement
Reducing highway hauling*
2. What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?
Location of passenger service in KY
3. How can the overall efficiency of the freight rail system in Kentucky be improved?
Keep upgrading existing rail service lines.
4. How can the overall efficiency of the passenger rail system in Kentucky be improved?
Offer service through central part of the State

5. What changes to freight rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

6. What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

7. Are there any service, capital improvements or competitive access improvements that would increase the use of railroad services?

General

8. Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on?

Kentuckians for Better Transportation

Kentucky Statewide Rail Plan Input Form – January 2014

Survey contact person's town LOUISVILLE Five digit ZIP code 40206

(Optional) Name _____ Organization _____

Please check all that apply.

- I am a current or former railroad employee _____
- I am a shipper/user of railroad services _____
- My current or former job related to rail _____
- My primary rail interest relates to freight rail _____
- My primary rail interest relates to passenger rail _____
- My primary rail interest relates to safety _____
- Other interest in rail transportation _____

Vision

1. What potential opportunities for freight rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

It will continue to grow. Panama canal expansion will increase freight in all modes.

2. What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

Rail traffic from CIN TO LOU TO LEX would be great.

3. How can the overall efficiency of the freight rail system in Kentucky be improved?

Extra tracks; more grade separated intersections

4. How can the overall efficiency of the passenger rail system in Kentucky be improved?

MORE SERVICE BESIDES ON THE EDGES OF KY. N-S such as Indy to Atlanta

5. What changes to freight rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

6. What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

7. Are there any service, capital improvements or competitive access improvements that would increase the use of railroad services?

General

8. Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on?

Kentuckians for Better Transportation

Kentucky Statewide Rail Plan Input Form – January 2014

Survey contact person's town Owensboro Five digit ZIP code 42301
(Optional) Name Randy Spaw Organization BBIT

Please check all that apply.

- I am a current or former railroad employee _____
- I am a shipper/user of railroad services _____
- My current or former job related to rail _____
- My primary rail interest relates to freight rail _____
- My primary rail interest relates to passenger rail _____
- My primary rail interest relates to safety _____
- Other interest in rail transportation _____

Vision

1. What potential opportunities for freight rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

*Intermodal
River Access w/ opening of Panama Canal*

2. What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

Do not know. Would not be preferred mode of Transportation for me given other alternatives

3. How can the overall efficiency of the freight rail system in Kentucky be improved?

4. How can the overall efficiency of the passenger rail system in Kentucky be improved?

5. What changes to freight rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

6. What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

Metropolitan Commuter Access alternatives

7. Are there any service, capital improvements or competitive access improvements that would increase the use of railroad services?

General

8. Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on?

Kentuckians for Better Transportation

Kentucky Statewide Rail Plan Input Form – January 2014

Survey contact person's town Russellville Five digit ZIP code 42276
(Optional) Name Tom Harned Organization Logan Econ Dev

Please check all that apply.

- I am a current or former railroad employee _____
- I am a shipper/user of railroad services _____
- My current or former job related to rail _____
- My primary rail interest relates to freight rail _____
- My primary rail interest relates to passenger rail _____
- My primary rail interest relates to safety _____
- Other interest in rail transportation _____

Vision

1. What potential opportunities for freight rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

Many ED Prod are requesting Rail
YES
Green Energy Savings

2. What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

North - South Upper Mid west to/from Florida
Through Louisville, BG, Nashville

3. How can the overall efficiency of the freight rail system in Kentucky be improved?

Close grade crossings

4. How can the overall efficiency of the passenger rail system in Kentucky be improved?

expand service

5. What changes to freight rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

Seamless Switching

6. What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

Expanded service

7. Are there any service, capital improvements or competitive access improvements that would increase the use of railroad services?

Improved rail beds & welded rail

General

8. Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on?

Expanded passenger service

Public Meeting Boards (displayed at all public and stakeholder meetings)

Welcome

Kentucky Statewide Rail Plan 2014 Update



Plan Overview

- Required by KY Railroad Revitalization and Regulatory Reform Act of 1976 (RRRR Act)
- Required by PRIAA
- First plan in 1978
- 2014 version is Update of 2002 version
- Largely freight focused



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BRINCKERHOFF

Goals and Objectives

- Comply with federal and state guidance
- Conform to KYTC's Strategic Plan
- Make updates relevant to 21st century railroad operations
- Capture the Public's expectations for involvement /actions

- Four Specific Objectives / Action Areas
 - Preservation
 - Economic Development
 - Customer Relations / Transportation Planning Process
 - Safety and Convenience



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Preservation

Preserve the existing rail system to the extent the Kentucky Transportation Cabinet can influence the largely privately owned and operated Kentucky rail system.

- Objectives (Actions)
 - Maintain current knowledge of Kentucky's rail system and its components including use and condition, updating the Statewide Rail Plan on a periodic basis.
 - Work to preserve rail service where it is in the public interest and rights- of-way where service preservation is possible and/or justified.
 - Identify funding that can be used for rail projects.



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Economic Development

Support economic development by identifying Kentucky rail system connectivity to the national rail system and Kentucky's transportation system.

Objectives (Actions)

- Work to identify adequate rail access to Kentucky's intermodal facilities such as riverports and other freight transloading points.
- Work to develop adequate access for other modes to rail intermodal facilities.
- Work with economic development groups throughout Kentucky to identify and promote rail-served industrial sites and assist with the location of rail-using industry.
- Partner with neighboring states to develop initiatives that promote efficient connectivity to the national rail system and the global market place.



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Customer Relationships / Transportation Planning Process

Strengthen customer relationships with the rail industry through coordination and cooperation in the transportation planning process.

Objectives (Actions)

- Work to involve the railroads in the public planning process, including the development of the Kentucky Statewide Rail Plan.
- Understand and document the citizens' wants and needs for freight and passenger rail services.
- Educate Metropolitan Planning Organizations (MPOs) and other planning organizations in rail issues, the role that rail plays in transportation in Kentucky, and the Cabinet's position regarding the rail mode.
- Support Operation Lifesaver and other rail safety programs.



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Safety and Convenience

Enhance rail transportation safety and convenience to ensure mobility and access.

Objectives (Actions)

- Work with the railroads to identify grade crossings of particular concern for closure, enhanced warning devices, or grade separation.
- Pursue a program of crossing evaluations on a corridor basis.
- Identify and support potential future funding sources that address heightened rail security concerns.
- Identify rail-related intermodal opportunities or opportunities for rail to provide an effective alternative transportation choice.
- Identify and evaluate passenger rail transportation opportunities and opportunities to improve connections to other modes of passenger transportation.



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BRINCKERHOFF**

KY Freight Rail Highlights

- ~2,800 miles across state
- 99 rail yards
- Largest operator is CSX
- 5 Class Is, 1 Class II and 9 Class IIIs
- Coal is a big commodity
 - Out / In / Through



**PARSONS
BRINCKERHOFF**

KY Passenger Rail Highlights

- Passenger stations at:
 - Ashland
 - Fulton
 - Maysville
 - South Shore
- Passenger Lines:
 - Cardinal
 - City of New Orleans
- 11,000 + passengers in FY 2013



**PARSONS
BRINCKERHOFF**

Ashland Public Meeting (2/25/2014) Meeting Notice, Sign in sheet and Completed paper survey:

Public Meeting Notice

The Kentucky Transportation Cabinet (KYTC), along with consulting firm Parsons Brinckerhoff, has assembled a project team to update the Kentucky Statewide Rail Plan. The plan is a policy document that details freight and rail passenger operations and trends in Kentucky, and focuses on setting a framework for high level goals and policies that can be used by decision makers, industry officials, and others interested in rail in the commonwealth.

You are invited to participate in an open-house Public Meeting for the update of the Kentucky Rail Plan. The meeting will be held on February 25, 2014, and will begin promptly at 4:00 PM and will close at 7 PM. Drop by anytime between those hours. We will meet at:

Ashland Transportation Center
99 15th Street
Ashland, Kentucky 41101

The purpose of the meeting is to gather feedback about rail transportation issues and needs in the state. Be prepared to offer your input on the rail plan! KYTC, along with Parsons Brinckerhoff, will have information to share regarding the rail plan, including previously identified issues and goals for the state's rail transportation system. We seek feedback on these goals as well as other concerns to include your community needs regarding improvements to the system, noting that there are limited funds available for public investment.

For additional information, please contact Lynn Soporowski or Casey Wells at KYTC's Division of Planning by phone at (502) 564-7183 or by e-mail at lynn.soporowski@ky.gov or casey.wells@ky.gov. Please address all written correspondence to the address below by March 18, 2014. Include a return address on your correspondence so we may send you a response.

Division of Planning – Rail Plan
Kentucky Transportation Cabinet
200 Mero Street, 5th Floor
Frankfort, KY 40622

Public Meeting Sign in sheet

**Kentucky Statewide Rail Plan Update
Ashland Meeting (2-25-14)
Sign in Sheet
(Please print)**

No.	NAME	ADDRESS	PHONE	EMAIL (OPTIONAL)
1	J.R. Reed (Carey Thomas Russell)		324-9898	
2	CHARLES E. MONTAGUE, III	2724 JACKSON AVE ASHLAND, Ky FLOYD/KNOX	325-1989	montaguocel@yahoo.com
3	Teri Sickling	400 Third Ave. Huntington WV 25701	304-523-7434	TSICKLING@ntelos.net
4	Chuck Charles	627 MURPHY ST., ASHLAND, KY 41101	606/232-7485	ccharles@ashlandky.org
5	Tom Hinderdorf	1000 SHELBY AVE. ASHLAND, KY 41102	606-339-0239	Kyhickop@AOL.COM
6	ALED LADD	814 STEPPERSO2 AVE, HUNTINGTON, WV 25704	(606) 529-4867	
7	Marion Russell	2036 Wiltshire Blvd., Ashland Ky 41101	606/327-2007	mrussell@ashlandky.org
8				
9				
10				
11				
12				
13				
14				
15				

**Kentucky Statewide Rail Plan Update
Ashland Meeting (2-25-14)
Sign in Sheet
(Please print)**

No.	NAME	ADDRESS	PHONE	EMAIL (OPTIONAL)
16	Leslie Wilson	PO Box 422; Garrison, KY 41141	606-757-0874	leslie@framconstructioninc.com
17	Terry Ledasker	PO Box 250; Garrison, Ky 41141	606-757-4874	" "
18	Bob Helton	PO Box 288, Nicholasville Ky 40352	855-881-2412	bob.helton@rcorman.com
19	Bethany Wild	400 3rd Avenue Huntington, WV 25701	304-523-7454	bwild@ntelos.net
20	KEVIN GUNDERSON	P.O. Box 1839 ASHLAND		KevinGundersonK@AOL.com
21	Bill Hopkins	133 PARTRIDGE DR. RUSSELL KY 41169	606-422-0839	RUSSELLWCHIT@AOL.COM
22	Dwayne Justice	1517 NICHOLS BL	325-7511	
23				
24				
25				
26				
27				
28				
29				
30				

Public Meeting Sign in sheet (continued)

KYTC
Kentucky Statewide Rail Plan Update
Ashland Meeting (2-25-14)
Sign in Sheet
 (Please print)

No.	NAME	ADDRESS	PHONE	EMAIL (OPTIONAL)
31	ALLEN BLAIR	Flemingstown, KY	606-745-3716	allen.blair@ky.gov
32	Brant Wells	" " "	606-845-2551	Brant.Wells@ky.gov
33	Joe Callahan	" "	" "	JOE.CALLAHAN@KY.GOV
34	Lynn Sopokowski	Frankfort	502/782-5083	Lynn.Sopokowski@ky.gov
35	Carol Brent	Frankfort	502/782-5048	Carol.Brent@ky.gov
36	Casey Wells	Frankfort	502/782-5095	caseywells@ky.gov
37				
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42				
43				
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45				

Public Meeting Completed Survey

Kentucky Statewide Rail Plan Input Form – February 2014

Survey contact person's town ASHLAND Five digit ZIP code 41102

(Optional) Name CHARLES E. MONTAGNINI Organization FORMER AMTRAK CARETAKER

Do you work for or are a customer of a railroad or shipper? (Circle one) Yes No
WAS AMTRAK CARETAKER ATHLETSBURG, KY 1987-1998.

Goals and Objectives

1. What if anything is missing from the Plan's Goals and Objectives or needs to be re-worded? Please be specific.

KENTUCKY SHOULD ENCOURAGE RAILROADS TO MAINTAIN TRACKAGE HERE BY MAKING KENTUCKY MORE ATTRACTIVE TO HEAVY INDUSTRY. SUCH INDUSTRY SEEMS TO BYPASS KENTUCKY & GO FURTHER SOUTH. OUR AREA HAS ALLOWED SUCH EMPLOYERS TO LEAVE US.

2. What potential opportunities for freight and/or passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region/state? What is going to drive the growth (decrease)? What investments are needed to fulfill that?

AMTRAK MAY OPERATE THE CARDINAL ON A DAILY BASIS AT SOME FUTURE DATE.

3. What parts of Kentucky's rail system operations need to be upgraded and why?

WOULD LIKE TO SEE COALTON, KY TO WINCHESTER, KY LINE RETURN TO SERVICE. MAKING HEAVY INDUSTRY ONCE AGAIN POSSIBLE IN MOREHEAD, MT. STERLING, OLIVE HILL ETC.

4. How can the overall efficiency of the freight and passenger rail system(s) in Kentucky be improved?

BETTER SIGNALING OR MORE TRACKS TO AVOID CONGESTION (STOPPED TRAINS ARE LOSING MONEY) AND IMPROVE VELOCITY OF SHIPPING. TAX BREAKS COULD BE USED TO CAUSE SUCH CONSTRUCTION TO HAPPEN.

Public Meeting Completed Survey (continued)

Policy

5. What changes to rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive and competitive location to conduct business and a better place to live? **THERE MUST BE MORE RAIL TRAFFIC FOR RAILROADS TO IMPROVE TRACKAGE. TAX BREAKS AGAIN COULD MAKE KENTUCKY AN ATTRACTIVE PLACE TO BUILD INDUSTRY AND HENCE RAIL TRAFFIC**

Investment

6. Are there any service, capital improvements or competitive access improvements that would increase the use of railroads? Please describe them.

① improved velocity of service on railroads make them more attractive than over the road trucking. **FREIGHT RAILROADS.**

- ② **AMTRAK HAS LITTLE IN THEIR BUDGETS FOR ON LINE STATION REPAIRS. LIGHTING ON PLATFORMS FOR NIGHT DEPARTURE OF AMTRAK TRAINS NEED UP GRADES AND REGULAR REPAIRS.**

- General
7. Is there anything else you would like to add? Any questions we did not ask? Any other issues you would like us to address in the plan? **CSX TRANSPORTATION;**

WITH COAL TRAFFIC DRIPPING OFF IN THIS AREA WILL CSX CONTINUE TO SEND OTHER TRAFFIC OVER THIS LINE & MAINTAIN ITS IMPORTANCE?

Thanks for responding and providing input to the plan.

Fulton Public Meeting (2/27/2014) Meeting Notice, Sign in sheet and letter from Mayor:

Public Meeting Notice

The Kentucky Transportation Cabinet (KYTC), along with consulting firm Parsons Brinckerhoff, has assembled a project team to update the Kentucky Statewide Rail Plan. The plan is a policy document that details freight and rail passenger operations and trends in Kentucky, and focuses on setting a framework for high level goals and policies that can be used by decision makers, industry officials, and others interested in rail in the commonwealth.

You are invited to participate in an open-house Public Meeting for the update of the Kentucky Rail Plan. The meeting will be held on February 25, 2014, and will begin promptly at 4:00 PM and will close at 7 PM. Drop by anytime between those hours. We will meet at:

Pontotoc Center
112 East State Line Street
Fulton, Kentucky 42041

The purpose of the meeting is to gather feedback about rail transportation issues and needs in the state. Be prepared to offer your input on the rail plan! KYTC, along with Parsons Brinckerhoff, will have information to share regarding the rail plan, including previously identified issues and goals for the state's rail transportation system. We seek feedback on these goals as well as other concerns to include your community needs regarding improvements to the system, noting that there are limited funds available for public investment.

For additional information, please contact Lynn Soporowski or Casey Wells at KYTC's Division of Planning by phone at (502) 564-7183 or by e-mail at lynn.soporowski@ky.gov or casey.wells@ky.gov. Please address all written correspondence to the address below by March 18, 2014. Include a return address on your correspondence so we may send you a response.

Division of Planning – Rail Plan
Kentucky Transportation Cabinet
200 Mero Street, 5th Floor
Frankfort, KY 40622

Public Meeting Sign in sheet

Kentucky Statewide Rail Plan Update
Ashland Meeting (2-25-14)
Sign in Sheet
 (Please print)

No.	NAME	ADDRESS	PHONE	EMAIL (OPTIONAL)
46	Kevin McEwan	200 Clark Street Paducah, KY 42003	(270) 444-4557	kmcewand@palr.com
47	Mary Ellen Johnston	1002 W 2nd Fulton Ky 42041	270 472-3332	emjohnston@bell.net
48	Kyle Jones	5040 HALEWOOD DR Paducah, KY 42001	270-559-3322	Kyle@jads.com
49	J. D. RUCHE	4381 4th way 452 Fulton, KY	270-748-6246	RD, yardmaster@att.net
50	MARK DAVIS	1002 MEDICAL DR PO BOX 588 MAXFIELD KY 42001	270-251-6126	mark.davis@purchaseadd.org
51	Kenay Clark	302 ESTADORE DR FULTON KY 42041	270 472-0669	tracyrc@arr.net
52	Tracy Pulley	1001 WEST 5th St Fulton KY 42041	270/472-6124	tracy.pulley@ fultrind.kgscholar.us
53	Dean Hodge	52 Newton Rd, Fulton 42041	270/210-0126	Ky diesel @ 76fuel.com
54	Case R Stages	400 P.O. Box 1350 Fulton, KY 42041	270-472-1320 x4	fultrind@kgs.com
55	JEFF LEBLANC	2507 SR 1501 E, FULTON KY 42041	270-519-5415	
56	DAVID GALLAGHER	2216 Myron Cory Dr Hickman Ky 42050	270-236-2519	Faye@bellsouth.net
57	Mary Potter	113 N. WAIN St. Clinton, KY 42031	270-653-3312	soliton@westkyjournal.com
58	Ivan Potter	" "	270-207-8744	ivan@westkyjournal.com
59	Greg Curlich	625 Catlett Street Hickman, Ky 42050	270-236-2563	greg@hickmanriverport.com
60	Tommy Hodges	2216 MYRON CORY DR. Hickman, KY 42050	270-236-2594	tom_hodges@BellSouth.net

Kentucky Statewide Rail Plan Update
Ashland Meeting (2-25-14)
Sign in Sheet
 (Please print)

No.	NAME	ADDRESS	PHONE	EMAIL (OPTIONAL)
61	Benita Fuzzell	610 Fulton Lecker Haus, P.O. Box 1300 Fulton, KY 42041	270-472-1121	loacternous@bellsouth.net
62	Thea Vowell	610 Fulton Tourism, P.O. Box 1516 Fulton, KY 42041	472-9200	fultrintourism@live.com
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75				

Letter from Mayor of Fulton

City of Fulton

P.O. Box 1350
Fulton, Kentucky 42041

City Hall
Fax

270-472-1320
270-472-0686



February 28, 2014

Ms. Lynn Soporowski
Division of Planning – Rail Plan
Kentucky Transportation Cabinet
200 Mero Street, 5th floor
Frankfort, Kentucky 40622

RECEIVED

MAR 17 2014

Div. of Planning

Dear Ms. Soporowski:

The City of Fulton and the Fulton County Transit Authority would like to thank you for the opportunity to provide input into the Kentucky Statewide Rail Plan. The City and Transit Authority believe that passenger rail service is a vital asset to the community and the region. As you are aware over 4,500 individuals utilized the Fulton service in 2103, which generated approximately \$398,000 in revenue for Amtrak. In addition this traffic generates substantial revenue for local businesses and as a result the Community as a whole is jointly working to further develop the passenger rail service offered by Amtrak in Fulton.

In 2011 the Transit Authority started offering service to the Fulton Amtrak station in order to provide better access to this service for the citizens of the region. The Authority offers home pick up or parking at the Transit Center and service to the Amtrak Station seven days per week. Not only does Transit staff deliver passengers, they wait until the train arrives. This is particularly important because of the early morning hours when the service passes through Fulton.

The Community feels that this facility has unrealized potential and continues to seek ways to upgrade the existing station. One low cost measure that would aid travelers is additional signage for the Fulton station. Additional signage along the I-69 corridor as well as U.S. 51 and U.S. 45 would assist members of the traveling public that might not be familiar with the Fulton station location.

If you have questions or need additional information regarding the impact of passenger rail service in the Fulton area please feel free to contact either one of us.

Sincerely,

Elaine Forrester, Mayor
City of Fulton

Kenney Etherton, Executive Director
Fulton County Transit Authority

Additional Feedback Received After Public Meetings

3619 Johnston Way
Louisville, KY 40220

April 17, 2014

Division of Planning – Rail Plan
Kentucky Transportation Cabinet
200 Mero St., 5th floor
Frankfort, KY 40622

The following are comments regarding the current update of the Statewide Rail Plan:

With a trend across the country of less driving by younger folks, as well as less ability to drive among older Americans, the Commonwealth should be bold in its ambitions for passenger rail. Kentucky should become a member state in the Midwest Regional Rail Initiative. Improvement of passenger rail service will also be imperative as oil prices continue to rise with the passage of the peak oil threshold, which has been foreseen by several organizations, including the Coalition for the Advancement of Regional Transportation (CART) in Louisville, and for which the inevitability is evident from the trajectory of oil prices in the last few years.

Kentucky should work on passenger service from Louisville to Lexington, as well as connecting more to the national network, e.g., by working with Amtrak to reestablish service from Louisville to Chicago and possibly extending this further south through Kentucky. Kentucky should also join other states in the region in urging Amtrak to expand the Cardinal from thrice-weekly service to daily. In light of the fact that driving is continuing to decline nationwide and Amtrak ridership and transit use continue to increase, Kentucky should also look into commuter rail for Louisville and Northern Kentucky, including the possibility of establishing passenger service along the Paducah and Louisville rail line from Louisville to Elizabethtown through Fort Knox and the now-shelved light rail proposal along I-65 in Louisville from downtown to the Snyder Freeway. It should also encourage KIPDA to reinstate TARC's "advanced transit" projects that were removed from its Long Range Transportation Plan in 2006 and should encourage the development of streetcars, such as the one now in discussion for W. Market St. in Louisville. A complete network of rail transit would be a boon to economic development in any city or state, as is being discovered now all over the country.

In nine out of the last ten years, Amtrak has set ridership records, and Kentucky's Amtrak ridership, in spite of very inconvenient arrival and departure times, has increased by 4.1% in FY13 v. FY12, with an average of about 7 boardings and alightings every time a train makes a stop in the Commonwealth, most often in the middle of the night and in very rural areas. This doesn't include what are probably numerous other Kentuckians who board or alight from Amtrak in Cincinnati. Local fixed track trolleys and light rail systems are seeing a boom in ridership, in many cases in cities no larger than Louisville.

One place where federal money is definitely available is for crossing upgrades and that should be kept in mind when putting the rail plan together.

It would also be helpful if Kentucky would set up a fund to help its shortlines (Class III railroads) upgrade their infrastructure to be competitive, as a number of other states do.

Thank you for your consideration.

RECEIVED

MAR 18 2014

Div. of Planning

Sincerely,



Ronald Schneider, Jr.
Kentucky Council Member, National
Association of Railroad Passengers (NARP)

Recommendations for Statewide Rail Plan

The Kentucky Indiana Rail & Transit Advocates the states oldest rail advocacy organization would like to submit the following ideas for consideration

1. Working with Amtrak, In Dot, to reestablish rail passenger services between Indianapolis to Louisville once the proposed L&I Csx track rehabilitation is complete to allow 60 mph operation over the 110 mile Indianapolis- Louisville route.
2. Extension of service via CSX from Louisville to E-town- Cave City- Bowling Green- Franklin in Kentucky and Gallatin- Nashville in Tennessee
Note Indiana is currently funding the Hoosier State from Chicago to Indianapolis

Coordination with Ildot to create thruway bus service from Paducah to Carbondale To and from Amtrak's two Ill Dot state funded trains the Illini and Saluki and it National service the City of New Orleans. Such a service would provide direct public transportation from Paducah to Chicago. Current Greyhound services in Paducah go westward to St Louis and southward to Nashville.

Creating a Northern Kentucky Amtrak Greyhound station at Covington Union Station

This would allow connections from Louisville and Lexington to North Eastern Kentucky towns of Maysville, South Shore, and Ashland

Expanding Ashland KY Amtrak – Greyhound Bus Lines facility to include scheduled service from South Eastern Kentucky via Sandy Valley Transportation from Louisa, Paintsville, Pikeville and Jenkins- This service would provide much needed transportation for the job corps center at Prestonsburg and Pikeville College

Exploration for Passenger Rail Service between Louisville- Frankfort Lexington and Winchester for Commuters

Exploration for Commuter Rail Service over the Paducah and Louisville Railway from Louisville- Fort Knox and Elizabethtown with bus feeder services to Brandenburg, Hogensville and Litchfield

Extension from Cincinnati of the Cincinnati Streetcar project to Newport KY via the Purple Bridge Study to connect Greater Cincinnati Airport.

Preservation by Rail banking former IC – right of way along river front in Louisville for future commuter rail use, also preservation of former L&N right of way to current RJCR track at Clay Street to Yum Center

Restoration of double track on CSX short line from Louisville from New Main Street in Louisville to Westport Road in Louisville for Future Commuter Rail

Adding third track from Westport Road to Lyndon Lane on CS

Reconstruction of track on Former Interurban right of way Lyndon to Anchorage for Eastward Commuter Rail

Resurrecting two Louisville Street Railway Lines by uncovering buried track work on Market Street from Shawnee Park to Baxter Avenue then southward on Bardstown Road to Taylorsville Road Wallace Avenue Loop.

Resurrection of 4th street streetcar line from 4th and Market to 4th and Central to Churchill Downs to Louisville International Airport via Central Overpass and former 2nd street car tracks to Standiford Field

Proposed Bus Connector

Chicago- Carbondale- Paducah

A

Illini 393	Amtrak Train	City of NO 58	
4:05 P.M.	Chicago, IL Union Sta	9:00 A.M.	
9:35 P.M.	Carbondale IL Amtrak	3:16 A.M.	
TW 393	<i>Thruway Bus</i>	TW 58	
11:00 PM	Carbondale, IL Amtrak	2:47 AM	0:25
11:25 PM	Anna, IL (Shell Oil)	2:13 AM	0:51
12:16 AM	Metropolis, IL (Harrahs)	1:22 AM	0:22
12:38 AM	Paducah Ky (PATS)	1:00 AM	0:10

Bus Start Point

carb

B

City NO 59	Amtrak Train	Saluki 390	
8:05 P.M.	Chicago, IL Union Sta	1:00 P.M.	
1:21 A.M.	Carbondale IL Amtrak	7:30 A.M.	
TW 59	<i>Thruway Bus</i>	TW390	
3:00 AM	Carbondale, IL Amtrak	6:47 AM	0:25
3:25 AM	Anna, IL (Shell Oil)	6:13 AM	0:51
4:16 AM	Metropolis, IL (Harrahs)	5:22 AM	0:22
4:38 AM	Paducah Ky (PATS)	5:00 AM	0:10

carb

C

Saluki 391	Amtrak Train	Illini 392	
8:15 A.M.	Chicago, IL Union Sta	9:45 P.M.	
1:45 P.M.	Carbondale IL Amtrak	4:15 P.M.	
TW 391	<i>Thruway Bus</i>	TW 392	
3:00 PM	Carbondale, IL Amtrak	2:37 PM	0:25
3:25 PM	Anna, IL (Shell Oil)	2:13 PM	0:51
4:16 PM	Metropolis, IL (Harrahs)	1:22 PM	0:22
4:38 PM	Paducah Ky (PATS)	1:00 PM	0:10

pad

Proposed Bus Connector

Chicago- Carbondale- Paducah

A

Illini 393	Amtrak Train	City of NO 58	
4:05 P.M.	Chicago, IL Union Sta	9:00 A.M.	
9:35 P.M.	Carbondale IL Amtrak	3:15 A.M.	
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4:38 PM	Paducah Ky (PATS)	1:00 PM	0:10

Bus Start Point

carb

carb

pad

Barrow, Christopher P.

From: Barrow, Christopher P.
Sent: Thursday, May 15, 2014 1:46 PM
To: Barrow, Christopher P.
Subject: FW: Rail system

From: Soporowski, Lynn (KYTC) [mailto:Lynn.Soporowski@ky.gov]
Sent: Monday, March 03, 2014 10:56 AM
To: Brian Crum
Cc: Wells, Casey (KYTC); Dikes, Shawn P.
Subject: RE: Rail system

Thank you for your comments. We will incorporate them into the 2014 Rail Plan update.

No, I haven't taken Southwest trip on rail...yet. I look forward to it in my future.

Lynn

Lynn Jonell Soporowski, P.E.
Transportation Engineering Branch Manager
Multimodal Programs, Freight, Air Quality, Forecasting, and Modeling Planning Sections
Division of Planning
200 Mero St.-- 5th Floor
Frankfort, KY 40622
W-502/782-5083 ***** New Phone Number *****
C-502/226-0005
F-502/564-2865
Lynn.Soporowski@ky.gov

From: Brian Crum [mailto:radiow0nw@gmail.com]
Sent: Friday, February 28, 2014 1:30 PM
To: Soporowski, Lynn (KYTC)
Subject: Rail system

Dear Lynn - It's just my dream to see rail systems throughout the state and beyond. Lot's to learn from the UK and europe. Many cities are missing out on tourist dollars by not having rail systems showing off the National parks and points of interest. Have you ever take a ride on the Durango - Silverton rail or Chama New Mexico line. KY is missing out on a great income source.

Best of luck - Brian Crum .. Morehead KY

Industry Stakeholder Meeting – Survey Summary

Kentucky Rail Plan Stakeholder Meeting Input Form
Kentucky Transportation Cabinet, Frankfort, KY
May 14, 2014, 9:30 AM to 11:30 AM

Responses to all fields are encouraged and optional.

Company/Organization name:

ID # 1 – NARP, KRTC – Louisville – Ron Schneider@netzero.net

ID # 2 – Bluegrass Railroad – Versailles – Charles H. bogart/President – cbogart@fewpb.net

ID # 3 – Transkentucky Transportation Railroad Inc. – Paris/Bourbon/Nicholas/Fleming/Mason – Russell Rodgers/President – rrogers@ttirailroad.com

ID # 4 – CSX Transportation – Louisville – David Hall/Resident Vice President – david_a_hall@csx.com

ID # 5 – KYTC – Frankfort – Troy Hern/Bike & Ped program coordinator – troy.hern@ky.gov

ID # 6 – Kentucky Rail Museum – New Haven and Nelson County – Executive Director – 502-549-5470

ID # 7 – Bluegrass ADD – Central KY (15 Counties) – Chris Chaney/ Regional Transportation Planner –

cchaney@bgadd.org

ID # 8 – CART – Louisville – Philip H Adams/ Retired – 502-895-2352

Please check all that apply and respond to following sections.

I am a current or former railroad employee	<u>ID # 2,3,4, 6 and 8</u>
I am a shipper/user of railroad services	<u>ID # 6</u>
My current or former job related to rail	<u>ID # 1,2 and 6</u>
My primary rail interest relates to freight rail	<u>ID # 3, 4 and 8</u>
My primary rail interest relates to passenger rail	<u>ID # 1,2, 6 and 8</u>
My primary rail interest relates to safety	<u>ID # 2 and 4</u>
Other interest in rail transportation (please specify)	<u>ID # 5 (rails with trails and rail trails), 7 (General Transportation) and 8 (Rail Transit - Local)</u>

Would you be interested in an annual KYTC-Rail meeting? 8 YES NO

FREIGHT RAIL

What changes to freight rail policies and freight rail programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

ID # 2 – A map showing rail lines and terminals

ID # 4 – Increased support for freight rail investment by dedicated public funds for infrastructure investment

ID # 7 – No current opinion

In the future, what do you think will drive the volume of goods shipped by rail to increase, decrease, or stay the same?

ID # 2 – Coal decrease others increase

ID # 5 – If gas prices go up, rail freight will become more common/higher demand

ID # 7 – No current opinion

What potential opportunities for freight rail transportation do you foresee in Kentucky?

ID # 2 – Serve as a north south corridor

ID # 4 – Increase intermodal business

ID # 7 – No Current Opinion

How can the overall efficiency of the freight rail system in Kentucky be improved?

ID # 2 – Develop interface between rail, water and highway

ID # 8 – Yes

For shipping, you are currently using rail for (circle all that apply) INBOUND or OUTBOUND?

What type of rail service do you currently use? (check all that apply)

- Carload (manifest)
- Unit train
- Intermodal

In the future, do you expect your usage of rail to:

- Increase (ID #2)
- Decrease
- Stay the same (ID # 5)

Why? _____

Some states fund freight rail infrastructure projects through grants or low interest loans. The State of Kentucky does not currently have any recurring programs to fund railroad infrastructure improvements. Following is a list of other states' funded rail programs. Please rate your level of agreement for how you think each program would benefit Kentucky.

	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
A rehabilitation program where public and private entities can apply for assistance to rehabilitate rail lines	1,2 & 4	5, 7 & 8	-	-	-
An industrial access program to provide assistance to improve or construct new rail connections to industrial or commercial sites	2 & 4	7 & 8	-	-	5
Assistance program for the acquisition of rail lines to prevent service ending or to preserve the line or right of way for future rail development	2, 4,5, 7 & 8	1	-	-	-

What other types of freight rail programs would you recommend for the state?

ID # 4 – A dedicated program for public at-grade crossing improvements

Following is a list of common freight rail issues. On a scale of 1-5 (1 being not significant to 5 being very significant), how significant are these issues in the state of Kentucky? A comment box is provided if you'd like to share any thoughts about your ranking.

How significant are these issues in the state of Kentucky?

1 being not significant to 5 being very significant

	Score 1-5	Comments
Condition of rail lines in the state	5 by #2 4 by #8	
Abandonments/shrinkage of the rail network	5 by #2 & 8	We have lost some track that could be used today
Mainline capacity/rail bottlenecks	5 by #2 & 8	Louisville – Cincinnati at Max
Competition, competitive access impacting rates and service	5 by #2 2 by #8 1 by #4	
Weight restrictions on rail lines	5 by #2 2 by #8 1 by #4	Need program to help upgrade track
Height or width restrictions on rail lines (e.g. unable to accommodate double stack intermodal, auto carriers, or hi cube boxcars)	5 by #2 & 8	
Sufficient markets to drive demand for railroad services	2 by #8	
Availability of rail-served industrial locations for new shippers	5 by #2 4 by #8	
Availability of truck/rail intermodal container terminals	5 by #2 4 by #8	
Availability of other truck/rail multimodal connections, such as transload	5 by #2 4 by #8	
Availability of river/rail multimodal connections	5 by #2 4 by #8	
Connectivity between rail lines	5 by #2 4 by #8	
Other (please specify in comments)		

For the issues identified above, are there any specific locations, areas of opportunities, or areas of concern?

What general improvements to rail infrastructure or services would encourage you to increase your rail usage?

ID # 2 – stop raising weight and length of trucks on highway

Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on (be as specific as possible)?

PASSENGER RAIL

What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

ID # 1 – Possibility of Louisville to Lexington service, Running through KY en route from Chicago to FL, Regional service such as light rail in Louisville and possibly Northern KY , increasing frequency on existing routes. Yes, fuel prices and less desire among young people to drive

ID # 2 – Yes, north-south through Louisville – Autotrain

ID # 6 – Potential as already planned for a passenger route from Louisville to Nashville with spurs west and east

How can the overall efficiency of the passenger rail system in Kentucky be improved?

ID # 1 – Improve track conditions

ID # 2 – Make the Cardinal daily

ID # 6 – Needs to be put in service with some parallel tracks so freight service will have minimal to no disruptions with additional passenger service etc

ID # 8 – More frequent service

What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

ID # 1 – Regional rail transit in Louisville and NKY, as well as increased intercity service as described above

ID # 8 – Give equal importance of rail with highway policies

Following is a list of common passenger rail issues. On a scale of 1-5 (1 being not important to 5 being very important), how important are these issues in the state of Kentucky? A comment box is provided if you'd like to share any thoughts about your ranking.

How significant are these issues in the state of Kentucky?

1 being not important to 5 being very important

	Score 1-5	Comments
Improved scheduling of Amtrak service via more convenient times	5 by #1, 2 & 8	ID # 2 – Cardinal to Daily
Increased frequency of Amtrak service	5 by #1, 2 & 8	
Improved Amtrak facilities (please elaborate in comments)	5 by #2	ID # 5 – Service to and from Frankfort/Lexington/Louisville
Increased private investment in passenger rail service to non-Amtrak served communities	5 by #2 3 by #8	ID # 5 – Service to and from Frankfort/Lexington/Louisville

Public transit bus service is available in every county in Kentucky. Several options exist that provide intercity bus service. There are instances of multiple bus services operating within single urban areas. What is your take on the current public transit system available in Kentucky?

ID # 1 – Not adequate

ID # 2 – Very Poor

ID # 6 – Not well planned or coordinated in some areas

ID # 8 - Inadequate

How do the economics of converting the current freight-rail system to a freight-passenger-rail system compare to the existing bus system?

ID # 1 – Buses are more expensive than is apparent, due to subsidy of roads, train service is more desirable and thus attract more patrons

ID # 2 – Very expensive

ID # 6 – In large urban areas current system of buses and public transportation far outstrip in most circumstances a nonexistent rail system

Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on (be as specific as possible)?

RAIL SAFETY

Following is a list of common rail safety issues. How concerning are these issues in the state of Kentucky? A comment box is provided if you'd like to share any thoughts about your response.

How concerning are these issues in the state of Kentucky?

	Very	Some	None	Comments
Safety at highway-rail at-grade crossings	2, 4 & 8	1, 5 & 6		
Trains blocking at highway-rail at-grade crossings	2, 5 & 8	4 & 6		
Poor surface or surface elevated at highway-rail at-grade crossing so that some vehicles "bottom out"	2, 4, 5 & 8	6		
Safety of rail right-of-way, risk that trespassers could be struck by trains	2 & 4	1,5, 6 & 8		
Coal dust from passing trains	2 & 5	6 & 8	4	6 – minimal as coal operations continue to dwindle
Hazardous materials passing through a community	1,5 & 6	2, 4 & 8		6 – Major concern for public
Other				

For the issues identified above, are there any specific locations of concern?

In 2013, Governor Beshear made available \$3.2M from the General Fund for short line railroads to improve highway-rail at-grade crossings in Kentucky. Grants for improvements at 165 crossings were approved for 172 projects throughout the state (some crossings were granted funds for multiple projects). While this is a non-recurring funding source, another \$3.2M was entered into the proposed FY 15 and FY 16 Transportation Budget (HB 236) for more short line railroad crossing improvements.

What efforts need to be made to improve safety at highway-rail at-grade crossings?

ID # 2 – Expand the crossing fund to include crossing on Class I rail lines

ID # 6 – Continued improvements and rebuilding of some crossings

Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on (be as specific as possible)?

ID # 4 – The State needs to ensure that the needs of all classes of railroads are considered when developing a funding program

RAILS TO TRAILS

Chapter 6 of the Rail Plan document has a list of existing and proposed rail trails in Kentucky, as well as a list of rail trail organizations in Kentucky.

List any rail trails that we may have missed:

ID # 1 – Possibility of one from Owensboro to Fordsville

List any rail trail organizations that we may have missed:

Industry Stakeholder Meeting – Completed Surveys

Kentucky Rail Plan Stakeholder Meeting Input Form
Kentucky Transportation Cabinet, Frankfort, KY
May 14, 2014, 9:30 AM to 11:30 AM

Responses to all fields are encouraged and optional.

Company/Organization name: Bluegrass ADD

City/County: fifteen counties in central KY

Respondent's name/position: Regional Transportation Planner

Respondent's email/phone: cchaney@bgadd.org

Please check all that apply and respond to following sections.

- I am a current or former railroad employee
- I am a shipper/user of railroad services
- My current or former job related to rail
- My primary rail interest relates to freight rail
- My primary rail interest relates to passenger rail
- My primary rail interest relates to safety
- Other interest in rail transportation (please specify) General transportation

Would you be interested in an annual KYTC-Rail meeting? YES NO

FREIGHT RAIL

What changes to freight rail policies and freight rail programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

no current opinion

In the future, what do you think will drive the volume of goods shipped by rail to increase, decrease, or stay the same?

no current opinion

What potential opportunities for freight rail transportation do you foresee in Kentucky?

no current opinion

How can the overall efficiency of the freight rail system in Kentucky be improved?

For shipping, you are currently using rail for (circle all that apply) **INBOUND** or **OUTBOUND**?
 What type of rail service do you currently use? (check all that apply)

- Carload (manifest)
- Unit train
- Intermodal

In the future, do you expect your usage of rail to:

- Increase
- Decrease
- Stay the same

Why? _____

Some states fund freight rail infrastructure projects through grants or low interest loans. The State of Kentucky does not currently have any recurring programs to fund railroad infrastructure improvements. Following is a list of other states' funded rail programs. Please rate your level of agreement for how you think each program would benefit Kentucky.

	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
A rehabilitation program where public and private entities can apply for assistance to rehabilitate rail lines		X			
An industrial access program to provide assistance to improve or construct new rail connections to industrial or commercial sites		X			
Assistance program for the acquisition of rail lines to prevent service ending or to preserve the line or right of way for future rail development	X				

What other types of freight rail programs would you recommend for the state?

Following is a list of common freight rail issues. On a scale of 1-5 (1 being not significant to 5 being very significant), how significant are these issues in the state of Kentucky? A comment box is provided if you'd like to share any thoughts about your ranking.

How significant are these issues in the state of Kentucky?

1 being not significant to 5 being very significant

	Score 1-5	Comments
Condition of rail lines in the state	5	
Abandonments/shrinkage of the rail network	5	
Mainline capacity/rail bottlenecks	4	
Competition, competitive access impacting rates and service	3	
Weight restrictions on rail lines	4	
Height or width restrictions on rail lines (e.g. unable to accommodate double stack intermodal, auto carriers, or hi cube boxcars)	3	
Sufficient markets to drive demand for railroad services	4	
Availability of rail-served industrial locations for new shippers	5	
Availability of truck/rail intermodal container terminals	5	
Availability of other truck/rail multimodal connections, such as transload	4	
Availability of river/rail multimodal connections	5	
Connectivity between rail lines	4	
Other (please specify in comments)		

For the issues identified above, are there any specific locations, areas of opportunities, or areas of concern?

What general improvements to rail infrastructure or services would encourage you to increase your rail usage?

Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on (be as specific as possible)?

PASSENGER RAIL

What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

Need to identify needs

How can the overall efficiency of the passenger rail system in Kentucky be improved?

What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

*Need serious conversations about light rail
and commuter rail*

Following is a list of common passenger rail issues. On a scale of 1-5 (1 being not important to 5 being very important), how important are these issues in the state of Kentucky? A comment box is provided if you'd like to share any thoughts about your ranking.

How significant are these issues in the state of Kentucky?

1 being not important to 5 being very important

	Score 1-5	Comments
Improved scheduling of Amtrak service via more convenient times	4	
Increased frequency of Amtrak service	4	
Improved Amtrak facilities (please elaborate in comments)	3	
Increased private investment in passenger rail service to non-Amtrak served communities	5	

Public transit bus service is available in every county in Kentucky. Several options exist that provide intercity bus service. There are instances of multiple bus services operating within single urban areas. What is your take on the current public transit system available in Kentucky?

Increase access between rural and urban areas

How do the economics of converting the current freight-rail system to a freight-passenger-rail system compare to the existing bus system?

Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on (be as specific as possible)?

RAIL SAFETY

Following is a list of common rail safety issues. How concerning are these issues in the state of Kentucky? A comment box is provided if you'd like to share any thoughts about your response.

How concerning are these issues in the state of Kentucky?

	Very	Some	None	Comments
Safety at highway-rail at-grade crossings		X		
Trains blocking at highway-rail at-grade crossings		X		
Poor surface or surface elevated at highway-rail at-grade crossing so that some vehicles "bottom out"	X			
Safety of rail right-of-way, risk that trespassers could be struck by trains			X	
Coal dust from passing trains	X			
Hazardous materials passing through a community	X			
Other				

For the issues identified above, are there any specific locations of concern?

In 2013, Governor Beshear made available \$3.2M from the General Fund for short line railroads to improve highway-rail at-grade crossings in Kentucky. Grants for improvements at 165 crossings were approved for 172 projects throughout the state (some crossings were granted funds for multiple projects). While this is a non-recurring funding source, another \$3.2M was entered into the proposed FY 15 and FY 16 Transportation Budget (HB 236) for more short line railroad crossing improvements.

What efforts need to be made to improve safety at highway-rail at-grade crossings?

Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on (be as specific as possible)?

RAILS TO TRAILS

Chapter 6 of the Rail Plan document has a list of existing and proposed rail trails in Kentucky, as well as a list of rail trail organizations in Kentucky.

List any rail trails that we may have missed:

List any rail trail organizations that we may have missed:

Kentucky Rail Plan Stakeholder Meeting Input Form
Kentucky Transportation Cabinet, Frankfort, KY
May 14, 2014, 9:30 AM to 11:30 AM

Responses to all fields are encouraged and optional.

Company/Organization name: CART Coalition for The Advancement of Regional Transportation
City/County: Louisville Jefferson County
Respondent's name/position: Phillip H Adams Retired
Respondent's email/phone: (602)895-2352

Please check all that apply and respond to following sections.

I am a current or former railroad employee
I am a shipper/user of railroad services
My current or former job related to rail
My primary rail interest relates to freight rail
My primary rail interest relates to passenger rail
My primary rail interest relates to safety
Other interest in rail transportation (please specify) Rail Transit (Local)

Would you be interested in an annual KYTC-Rail meeting? YES NO

FREIGHT RAIL

What changes to freight rail policies and freight rail programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

In the future, what do you think will drive the volume of goods shipped by rail to increase, decrease, or stay the same?

What potential opportunities for freight rail transportation do you foresee in Kentucky?

How can the overall efficiency of the freight rail system in Kentucky be improved?

Yes

For shipping, you are currently using rail for (circle all that apply) **INBOUND** or **OUTBOUND**?
 What type of rail service do you currently use? (check all that apply)

- Carload (manifest)
- Unit train
- Intermodal

In the future, do you expect your usage of rail to:

- Increase
- Decrease
- Stay the same

Why? _____

Some states fund freight rail infrastructure projects through grants or low interest loans. The State of Kentucky does not currently have any recurring programs to fund railroad infrastructure improvements. Following is a list of other states' funded rail programs. Please rate your level of agreement for how you think each program would benefit Kentucky.

	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
A rehabilitation program where public and private entities can apply for assistance to rehabilitate rail lines		✓			
An industrial access program to provide assistance to improve or construct new rail connections to industrial or commercial sites		✓			
Assistance program for the acquisition of rail lines to prevent service ending or to preserve the line or right of way for future rail development	✓				

What other types of freight rail programs would you recommend for the state?

Following is a list of common freight rail issues. On a scale of 1-5 (1 being not significant to 5 being very significant), how significant are these issues in the state of Kentucky? A comment box is provided if you'd like to share any thoughts about your ranking.

How significant are these issues in the state of Kentucky?

1 being not significant to 5 being very significant

	Score 1-5	Comments
Condition of rail lines in the state	4	
Abandonments/shrinkage of the rail network	5	
Mainline capacity/rail bottlenecks	5	
Competition, competitive access impacting rates and service	2	
Weight restrictions on rail lines	4	
Height or width restrictions on rail lines (e.g. unable to accommodate double stack intermodal, auto carriers, or hi cube boxcars)	5	
Sufficient markets to drive demand for railroad services	2	
Availability of rail-served industrial locations for new shippers	4	
Availability of truck/rail intermodal container terminals	4	
Availability of other truck/rail multimodal connections, such as transload	4	
Availability of river/rail multimodal connections	4	
Connectivity between rail lines	4	
Other (please specify in comments)		

For the issues identified above, are there any specific locations, areas of opportunities, or areas of concern?

What general improvements to rail infrastructure or services would encourage you to increase your rail usage?

Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on (be as specific as possible)?

PASSENGER RAIL

What potential opportunities for passenger rail transportation do you foresee in Kentucky? Do you see rail traffic growing in the region? What is driving the growth (decrease)?

How can the overall efficiency of the passenger rail system in Kentucky be improved?

More frequent service

What changes to passenger rail policies and programs in Kentucky can be made to better meet transportation needs while making Kentucky a more attractive location to conduct business and a better place to live?

Give equal importance of rail with highway policies

Following is a list of common passenger rail issues. On a scale of 1-5 (1 being not important to 5 being very important), how important are these issues in the state of Kentucky? A comment box is provided if you'd like to share any thoughts about your ranking.

How significant are these issues in the state of Kentucky?

1 being not important to 5 being very important

	Score 1-5	Comments
Improved scheduling of Amtrak service via more convenient times	5	
Increased frequency of Amtrak service	5	
Improved Amtrak facilities (please elaborate in comments)		
Increased private investment in passenger rail service to non-Amtrak served communities	3	

Public transit bus service is available in every county in Kentucky. Several options exist that provide intercity bus service. There are instances of multiple bus services operating within single urban areas. What is your take on the current public transit system available in Kentucky?

Inadequate

How do the economics of converting the current freight-rail system to a freight-passenger-rail system compare to the existing bus system?

Is there anything else you would like to add? Any questions we did not ask? Any issues you would like us to comment on (be as specific as possible)?

RAIL SAFETY

Following is a list of common rail safety issues. How concerning are these issues in the state of Kentucky? A comment box is provided if you'd like to share any thoughts about your response.

How concerning are these issues in the state of Kentucky?

	Very	Some	None	Comments
Safety at highway-rail at-grade crossings	✓			
Trains blocking at highway-rail at-grade crossings	✓			
Poor surface or surface elevated at highway-rail at-grade crossing so that some vehicles "bottom out"	✓			
Safety of rail right-of-way, risk that trespassers could be struck by trains		✓		
Coal dust from passing trains		✓		
Hazardous materials passing through a community	✓			
Other				

For the issues identified above, are there any specific locations of concern?

In 2013, Governor Beshear made available \$3.2M from the General Fund for short line railroads to improve highway-rail at-grade crossings in Kentucky. Grants for improvements at 165 crossings were approved for 172 projects throughout the state (some crossings were granted funds for multiple projects). While this is a non-recurring funding source, another \$3.2M was entered into the proposed FY 15 and FY 16 Transportation Budget (HB 236) for more short line railroad crossing improvements.

What efforts need to be made to improve safety at highway-rail at-grade crossings?

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List any rail trails that we may have missed:

List any rail trail organizations that we may have missed:

Kentucky Long-Range Statewide Transportation Plan

KYC District	CMY_LIVE	Survey_Comment	228 Rail Transportation: Light Rail (urban system)	542 Rail Transportation: Inter-city Passenger	21 Rail Transportation: Freight	If statement
2	DAVLESS	<p>KYTC Survey - Rail section</p> <p>Good transportation on highways will improve business, industry, and tourism for our state. Better freight rail transportation will help reduce long-haul heavily-loaded trucks on our highways and improve their longevity and reduce maintenance costs.</p> <p>I would like to see all Railroad crossings to be eliminated so no vehicles can/will have access to set and wait on tracks. I live on a road where people continue to do this and our rail service have the right away on them and should be able to run without having to anticipate cars on the tracks. It is not fair to them. I would like to see roads in Grant County to be ditched so that water does not set under the road and erode them away, ditches and culverts would help to eliminate this issue in most cases. Maybe work with homeowners to share cost of placing culbert in driveways to help the flow of access rain water to flow in ditches away from roads. My driveway is on a downward slope and I get all the rain water from neighbors across the road therefore always having to buy gravel because their water flow washes it away. I live on the east side of RR tracks on Gardnersville Road (491east), therefore I would like to see a road connecting to US 25 that RR tracks are not needed to cross and gain access to US25. This is very important to me and would love to see this happen in Grant County. Thank You for reviewing my concerns for our Grant County Roads.</p>	no	no	yes	yes
4			no	no	yes	yes
5	GRAYSON	<p>It is difficult to understand why the United States does not invest more in rail passenger transit along with freight transit by rail. China, Japan and Europe all have invested in passenger rail travel. Rail is a more energy-efficient way to travel—and one that has great potential to benefit the travel and tourism industry while minimizing pollution. As the baby boomers continue to age, rail travel offers more travel and mobility options to persons who may seek a greener way to travel, opportunities to travel and enjoy the scenery on the way—something that is less likely when driving and contending with traffic or flying. The impacts on the environment are likely much less than building more highways and having more cars on them, paying the costs of maintaining roads over time, etc.</p>	no	yes	yes	yes
5	FRANKLIN	<p>Rail for freight improvements gets heavy loads off the highways, or at least reduces it</p>	no	no	yes	yes
5	FRANKLIN	<p>Truckers complain about the taxes and fees they pay. But something like 80% of the damage done to roadways is due to the weight of the trucks. Trucks are also the deciding factor on lane width, curves, bridges and many other items that increase construction and maintenance costs. Rail is a much more efficient way to move freight. And you can see exactly how much of the cost of maintaining their roadway is due to the trains themselves.</p>	no	no	yes	yes

5	JEFFERSON	<p>Move as much freight off of roads and onto rail, especially long-distance loads. Increase oversight, responsibility and taxes on commercial trucks. On my 45 minute commute, the most dangerous drivers are ALWAYS the truckers, who also tear up the roads. I don't know how many more times I need to be almost run off the road by a trucker before I finally get in a terrible wreck, but I don't want to know. More trains, less trucks. Also a Lexington to Frankfort to Louisville and back commuter train would be a huge boon for the state and further connect our economic core.</p> <p>Encourage freight-train shipping as it is more cost-effective for the current facilities and the environment. It means less tractor-trailers on the highways which would conserve the roads.</p> <p>I would like to see the "fairness in transportation act" enabled (my own invention). Those who use the roads and bridges pay for the bridges. Large trucks do the most damage and pay the least. I kid you not, bridges are designed 40 times stronger because the taxpayer agrees to foot the bill for all bridges so that all trucks can drive on them 1). 2) Railroad is 50 times more efficient for moving bulk goods than trucks on our highways. 3) why is trucking so much cheaper than Rail? because it has to pay to maintain every bridge and rail it's cargo rides on. Trucks pay NOTHING! The user of the roads should pay for the roads. Trucks generate more pollution, inconvenience the public and move more goods in a public way. Let's put more freight on rail and save ourselves some money!</p>	no	no	yes	yes
5	JEFFERSON	<p>Monitor maintenance of the railroad systems that now run through residential areas! Loss of life, income and investment in properties is possible in a flash with the rails flying through our neighborhoods as we have seen.</p> <p>I believe that reducing heavy truck traffic needs to be studied and stepping back and look to the railroads to carry more interstate goods. The rail seems to carry more goods per fuel consumed. In addition passenger rail system should be studied for its economic stand point even if it is within the state itself. Over weighted trucks needs to be stopped and yes I realize that it may mean the trucker gets paid more per ton. Big trucks weight, tear the roads up and break the equipment down. Speed cause accidents that hurts or causes deaths and vehicles extreme damage. That in itself would probably save dollars.</p> <p>We must maintain the bridges and the Rail ways - as much as the Roads - All traffic is important for commerce.</p> <p>There need to be east-west busses so people can travel throughout Kentucky counties daily. Railroads must be cultivated for both freight and passenger service as gasoline will continue to get more and more expensive!</p> <p>Fix the delays occurring because the train stops in the middle of the roads in Lawrenceburg. Speed up the wait time with traffic lights and add more lights instead of stop signs in Lawrenceburg and Frankfort to reduce the number of accidents. Need to make sure roads are smooth and not bumpy and has no pot-holes.</p>	no	no	yes	yes
5	JEFFERSON	<p>Trucks generate more pollution, inconvenience the public and move more goods in a public way. Let's put more freight on rail and save ourselves some money!</p>	no	no	yes	yes
5	JEFFERSON	<p>Monitor maintenance of the railroad systems that now run through residential areas! Loss of life, income and investment in properties is possible in a flash with the rails flying through our neighborhoods as we have seen.</p> <p>I believe that reducing heavy truck traffic needs to be studied and stepping back and look to the railroads to carry more interstate goods. The rail seems to carry more goods per fuel consumed. In addition passenger rail system should be studied for its economic stand point even if it is within the state itself. Over weighted trucks needs to be stopped and yes I realize that it may mean the trucker gets paid more per ton. Big trucks weight, tear the roads up and break the equipment down. Speed cause accidents that hurts or causes deaths and vehicles extreme damage. That in itself would probably save dollars.</p> <p>We must maintain the bridges and the Rail ways - as much as the Roads - All traffic is important for commerce.</p> <p>There need to be east-west busses so people can travel throughout Kentucky counties daily. Railroads must be cultivated for both freight and passenger service as gasoline will continue to get more and more expensive!</p> <p>Fix the delays occurring because the train stops in the middle of the roads in Lawrenceburg. Speed up the wait time with traffic lights and add more lights instead of stop signs in Lawrenceburg and Frankfort to reduce the number of accidents. Need to make sure roads are smooth and not bumpy and has no pot-holes.</p>	no	no	yes	yes
6	JEFFERSON CARROLL	<p>We must maintain the bridges and the Rail ways - as much as the Roads - All traffic is important for commerce.</p> <p>There need to be east-west busses so people can travel throughout Kentucky counties daily. Railroads must be cultivated for both freight and passenger service as gasoline will continue to get more and more expensive!</p> <p>Fix the delays occurring because the train stops in the middle of the roads in Lawrenceburg. Speed up the wait time with traffic lights and add more lights instead of stop signs in Lawrenceburg and Frankfort to reduce the number of accidents. Need to make sure roads are smooth and not bumpy and has no pot-holes.</p>	no	no	yes	yes
6	KENTON	<p>Trucks generate more pollution, inconvenience the public and move more goods in a public way. Let's put more freight on rail and save ourselves some money!</p>	no	yes	yes	yes
7	ANDERSON	<p>Trucks generate more pollution, inconvenience the public and move more goods in a public way. Let's put more freight on rail and save ourselves some money!</p>	no	no	yes	yes

7	ANDERSON PULASKI	Enhance or develop a process where traffic lights are monitored and when the main highways are not busy make it where side-road traffic lights are quicker and promotes less time waiting at traffic lights. Place more traffic lights in locations that currently only use stop signs which should reduce the number of accidents occurring because people don't pay attention to who's turn it is to go. REDUCE the times when freight trains are permitted to travel through towns where the railroad goes through main street (such as with Anderson County, Lawrenceburg, KY). Oftentimes a train will completely stop in the middle of several main streets (Main Street, Woodford Street, Court Street) making it impossible for traffic to flow creating havoc and causing long delays to and from work, school and important appointments. For example, no train should go through a town where the track dissects the main streets/roads between the hours of 6:30 AM and 9:00 AM and between the hours of 3:00 PM and 6:30 PM.	no	no	yes	yes
8	ANDERSON PULASKI	Take the heavy trucks off the hwy. use the rail system more ! adding more turning lanes through the towns/cities when there is four lane road, have a complete lane to turning. Speed limits in some area are too slow for the amount of travel. need to have turning lanes for railroad crossings on major highway. Especially when there are 8 or more crossings within a 1/2 mile. Make once place to turn to the area instead of 6 different streets to turn on to get the the same desired area. thanks	no	no	yes	yes
9	BOYD	Roads that go over railroad tracks need mainta ined for the protection of all. Roads near waterways need to be checked more often as high water not only leaves debris but damages the road.	no	no	yes	yes
11	LEWIS BELL	Existing railroad crossings are in horrible shape. KY-38 is in desperate need of repair. Coal trucks are damaging the road as well as hindering traffic. I feel that railways would be a much better way to transport the coal. There are no caution lights at the railroad crossing in the community of Shields in Harlan County.	no	no	yes	yes
11	HARLAN KNOX	We need to maintain roads and bridges that we currently have and make additions to those where needed. Then build additional roads to connect or merge which allow access for people who are more isolated or travel farther to major highways for travel. The issues of bus and/or rail travel do not apply to rural areas, funding could be used for these services in larger cities perhaps. Rail transportation of goods does apply to rural areas and should be improved and maintained as well. Benefits VS costs should be well addressed first. Other means before taxes should be used to met costs as working people already carry too much of the tax burden already - taxes to support transportation should be levied in a manner that everyone could help pay as EVERYONE uses the roadway!	no	no	yes	yes
	Other (please specify)	Better access to bulk rail transportation. Currently can't get more than ~40,000 lbs on a rail container because they have to go over the road to get to a rail loading.	no	yes	yes	yes
	#N/A					

2015 KENTUCKY STATEWIDE RAIL PLAN

