



COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET

transportation.ky.gov

Andy Beshear
GOVERNOR

Jim Gray
SECRETARY

TRAFFIC OPERATIONS MEMO NO. 02-22, CONSTRUCTION MEMO NO. 22-06

TO: Chief District Engineers
Branch Managers for Engineering Support
Branch Managers for Project Delivery and Preservation

FROM: Tim Tharpe, P.E.
Director
Division of Traffic Operations

A handwritten signature in blue ink, appearing to read "Tim Tharpe".

Matt Simpson, P.E.
Director
Division of Construction

A handwritten signature in blue ink, appearing to read "MPS".

DATE: September 14, 2022

SUBJECT: Electrical Inspections for KYTC Projects – Change in Regulations

The purpose of this memorandum is to provide updated guidance on the electrical inspection process as it relates to KYTC highway projects and KYTC-owned assets.

During the 2022 Legislative Session, the General Assembly passed House Bill 192 (HB-192), which modifies Kentucky Revised Statute (KRS) 227.460. This modification, which became effective on July 14, 2022, adds a second section to this statute that states the following:

(2) Notwithstanding any other provision of this chapter, for electrical work not related to buildings for human occupancy performed between the service disconnect and a facility owned or operated by an electric utility by or on behalf of the Kentucky Transportation Cabinet by prequalified electrical contractors within the public right-of-way, the electrical contractor shall have the option of having the electrical inspection conducted by an electrical inspector:

- (a) Appointed by a local government under KRS 227.480; or*
(b) Approved by the Kentucky Transportation Cabinet.

This amendment highlights two very important changes. One, it now allows the electrical contractor that is prequalified by KYTC the ability to select the electrical inspector of their choosing, either by using one that is contracted with the local government or by using one that is approved by KYTC. The approved electrical inspector for KYTC shall be the Department of Housing, Buildings, and Construction (HBC).

This amendment also clarifies the level of electrical inspection to be performed on KYTC-owned assets such as traffic signals, beacons, and lighting. As stated above, this will include work between the utility service point and NOT beyond the service disconnect for these devices. In addition to the aforementioned, all electrical inspectors will be responsible for inspecting any wiring or fittings that are within or attached to the service disconnect if available.

In addition to this KRS change, a related Kentucky Administrative Regulation (KAR) was modified as well and became effective on May 18, 2022.

Under Section 3 of 815 KAR 35.020, "Electrical Inspections", the following modification (underlined below) has been made:

(1) Except as provided in subsection (2) of this section, the department or a local certified electrical inspector having jurisdiction shall inspect each electrical construction, installation, alteration, or repair to ensure compliance with NFPA 70, the National Electrical Code, incorporated by reference in 815 KAR 7:120, Kentucky Building Code, 815 KAR 7:125, Kentucky Residential Code, and 815 KAR 10:060, Kentucky Standards of Safety.

(2) Exemptions from Electrical Inspections. Electrical inspections shall not be required for:

(f) Electrical work performed beyond the service disconnect by or on behalf of the Kentucky Transportation Cabinet by pre-qualified contractors within the public right of way, which is not related to buildings for human occupancy.

This amendment means work for KYTC beyond the service disconnect that is for traffic signals, roadway lighting, and similar installations are now exempt from inspections.

Starting July 14, 2022, any contractor that would like to exercise the new amendment mentioned above for existing permits will need to petition the HBC by e-mailing Darryl Morgan (darryl.morgan@ky.gov) and Debra Bailey-Smith (debra.baileysmith@ky.gov). Once HBC has received the request, any permits submitted prior to the effective date will be exempt from inspections beyond the service disconnect. Any existing violations found on the electrical system, not beyond the service disconnect, will need to be addressed before final inspection can be given and Certificate of Approval issued.

Going forward for state inspections, when applying for a permit, the contractor will need to state the electrical permit type as “Electrical System”. When ready for the service to be inspected, please choose the “Electrical Final” inspection type. Submittals will not be required any longer for work under the exemption. On the permit under “Project Description”, make sure to add “Traffic Signal Service Inspection” or “Roadway Lighting Service Inspection”, whichever applies. Complete the rest of the required fields and then the permit will be ready to be issued.

For local permitting, the contractor will need to contact the local authority to find out how to acquire an electrical permit. Sometimes it is issued by the inspector and others are issued by a local zoning and planning office.

If you have any questions regarding the contents of this memorandum, please contact the Department of Housing, Buildings, and Construction at 502-573-1797, the Division of Traffic Operations at 502-564-3020, or the Division of Construction at 502-564-4780.