

served by a bus company, it must be shown that additional bus route is both necessary and convenient. While evidence in this case showed additional bus service would be convenient, it did not show it to be necessary and commissioner's finding in the facts did not amount to a finding of necessity. (Annotation from former KRS 281.030.) *Shorty's Bus Line v. Gibbs Bus Line* (Ky. 1931) 237 Ky. 494, 35 S.W.2d 868.

6. Rail carriers

State power over intrastate transportation by motor carriers is recognized by 49 USC 10521, which

places such transportation beyond the reach of the interstate commerce commission; nevertheless, where a railroad carries "piggyback" trailers part of a journey on flatcars and drives them the rest of the way by truck, the commission can deem the trailers "transportation... by a rail carrier" instead of "transportation... by a motor carrier" and thus exempt the service from state regulation under 49 USC 10505, which places beyond state control "transportation... by a rail carrier as part of a continuous intermodal movement." *I.C.C. v. Texas* (U.S.Tex. 1987) 107 S.Ct. 787, 479 U.S. 450, 93 L.Ed.2d 809, on remand 813 F.2d 679.

281.612 Authorization for joining interstate compact for overdimensional permits

The secretary of the Transportation Cabinet is hereby authorized to join and negotiate with other states a compact for overdimensional permits. If the secretary joins a compact pursuant to this subsection, the cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A governing the administration and enforcement of a compact on overdimensional permits.

HISTORY: 1994 c 448, § 3, eff. 7-15-94

CERTIFICATES AND PERMITS

Kentucky Administrative Code References

Auditing of U-drive-it permit holders, 601 KAR 1:147

Fair market rental or lease value of vehicles operated pursuant to a U-drive-it permit, 601 KAR 1:146

281.615 Permit for motor carrier required; employment illegal, when

- (1) No person shall act as a motor carrier without first having obtained a certificate or permit, as the case may be, from the department.
- (2) No person shall knowingly employ the services of a motor carrier not authorized to perform such services.

HISTORY: 1964 c 95, § 7, eff. 6-18-64; 1950 c 63, § 10

Cross References

Penalty: 281.990(2)
Collection of excise tax on U-Drive-It, 138.463
Fuel use tax refund to city bus and taxicab companies, 138.446

Inspection and enforcement program for transporting hazardous materials, 174.415

Kentucky Administrative Code References

Application and registration procedures for intrastate motor carriers, 601 KAR 1:040

U-drive-it permit application procedures, 601 KAR 1:140

Division of motor carriers, application for certificate filing, requirements and guidelines, taxicab certificates, 601 KAR 1:031 to 601 KAR 1:115

Research References

Treatises and Practice Aids

Abramson, *Kentucky Practice*, Substantive Criminal Law § 24:10, Motor Carriers.

Notes of Decisions and Opinions

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