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MEMORANDUM

TO: Members
Interim Joint Committee on Transportation

FROM: Brandon White
Transportation Committee Staff

SUBJECT: 2017 HB 184 Study

DATE: September 30, 2019

In the 2017 Regular Session, the General Assembly passed HB 184. The measure allowed annual and single trip overweight vehicle permits to be issued for the transportation of metal commodities in divisible and nondivisible loads at a gross weight of 80,001 lbs. to a maximum gross weight of 120,000 lbs. The bill also tasked the Interim Joint Committee on Transportation of the Legislative Research Commission to conduct a review of the effect that all overweight and overdimensional vehicles have on the commonwealth's roadways and railroad infrastructure. The study was to include the following:

- (1) Identify major routes traveled by vehicles that operate under overweight or overdimensional permits;
- (2) Obtain from the Transportation Cabinet an assessment of sections of roadways that show possible damage from vehicles operating under an overweight or overdimensional permit;
- (3) Obtain from the rail industry an assessment of sections of regularly damaged rails at railroad crossings;
- (4) Analyze the data to determine whether there is any correlation between overweight or overdimensional vehicles and roadway or rail damage;
- (5) Examine issues of modal parity by determining if an increase in the allowable weight of motor carriers, by permit, has an impact on the diversion of this same freight from other modes; and;

(6) Determine whether fees for overweight permits and taxes paid by motor carriers are at an appropriate level to properly compensate for any increased damage to roadways.

During negotiations regarding 2017 HB 184, this study was added as an incentive for support of the measure. The Commissioner of Vehicle Regulation at the time assured the legislators and staff involved in the discussion that the cabinet would keep the necessary data needed to complete the study. However, that individual left the position just after the session, and subsequently, the data was not collected.

The study required that major routes traveled by overweight/overdimensional vehicles be identified. However, there is no method of maintaining common routes under the current system. Overweight and overdimensional trucks use an online map to determine their routes. Therefore, there is no precise count of the number of trips on individual sections of highway. As opposed to abandoning the study based on lack of data, staff decided to make the transportation of metal commodities the focus of the study. The cabinet was able to provide staff with some information regarding overweight metal commodities routes and permits. Due to the method used by motor carriers when choosing a route, the data provided was cumbersome; therefore, exact common routes and the number of trucks using each route could not be determined.

After combing through the data provided, staff was able to provide the rail industry with an extrapolated list of routes that may be popular for these overweight permits. However, staff was unable to provide them with the specific rail crossings that metal commodity haulers may cross, thus making the inspection of rail along these routes a tedious task. Despite best efforts by staff, there simply was not enough data provided to make a determination regarding any aspect of the study.

In the 2019 Regular Session, the General Assembly passed House Bill 352. The measure allowed the transport of unrefined petroleum to operate at a gross weight not to exceed 120,000 lbs. The bill included a section that created a moratorium on new overweight or overdimensional permits or tolerances for motor carriers. If the General Assembly does not notwithstand 2019 HB 352, the moratorium on overweight vehicles will remain and no other commodities will be allowed to run at weights up to the 120,000 lb. threshold.

If the IJC on Transportation or the General Assembly still seeks to address any overweight/overdimensional issues, including the issues that the study directed by HB 184 sought to determine, staff recommends the use of the Kentucky Transportation Center. The Kentucky Transportation Center is a leader at the state and national levels in multidisciplinary transportation research and is well equipped with the staff and resources to study any transportation related issue that the General Assembly deems necessary. Staff has contacted the Kentucky Transportation Center and the KTC has confirmed that the study is something it can do and is in the purview of its organizational vision.