

INTERIM JOINT COMMITTEE ON TRANSPORTATION

Minutes of the 1st Meeting of the 2023 Interim

June 6, 2023

Call to Order and Roll Call

The 1st meeting of the Interim Joint Committee on Transportation was held on June 6, 2023, at 1:00 PM in Room 149 of the Capitol Annex. Senator Jimmy Higdon, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Jimmy Higdon, Co-Chair; Representative John Blanton, Co-Chair; Senator Karen Berg, Senator Robby Mills, Senator Brandon Smith, Senator Johnnie Turner, Senator Phillip Wheeler, Senator Mike Wilson, Senator Gex Williams, Representative Josh Branscum, Representative Randy Bridges, Representative Jonathan Dixon, Representative Daniel Elliott, Representative Ken Fleming, Representative David Hale, Representative Keturah Herron, Representative John Hodgson, Representative Thomas Huff, Representative Mary Beth Imes, Representative Derek Lewis, Representative Bobby McCool, Representative Amy Neighbors, Representative Ruth Ann Palumbo, Representative Rachel Roberts, Representative Tom Smith, Representative Ashley Tackett Laferty, Representative Walker Thomas, Representative Ken Upchurch, Representative Bill Wesley, and Representative Wade Williams.

Guests: Jim Gray, Secretary, Kentucky Transportation Cabinet (KYTC); John Moore, Assistant State Highway Engineer, KYTC; Justin Harrod, NEVI Project Manager, KYTC; Matt Cole, Commissioner, Department of Vehicle Regulation, KYTC; Tom McDaniel, Division Director, Department of Vehicle Regulation, KYTC; and Mary Cook, Assistant Director, Department of Vehicle Regulation, KYTC

LRC Staff: John Snyder, Dana Fugazzi, Ashley Nash, and Christina Williams.

Prior to entering into the agenda, the committee recognized former Representative Lamin Swann, who passed away in May. After comments from Co-Chair John Blanton and Representative Roberts, a moment of silence was observed in his memory.

Chairman Higdon also welcomed 12 new members of the Interim Joint Committee on Transportation, including Co-Chair Blanton.

Update on Major Projects and Issues facing KYTC

Jim Gray, Secretary, KYTC, updated the committee on major projects and issues facing KYTC. The cabinet has diligently started implementing the 2022-2024 Biennial Highway Plan. More than 30 percent of planned project funding commitments have been accomplished thus far in the biennium. The KYTC works to assign funding for the various project phases as quickly as project development allows, with the goal of getting projects to construction letting. The KYTC is working to deliver an annual construction program that approaches or exceeds \$1 billion each year.

As of April 2023 for calendar year 2023, there have been 247 projects awarded, worth \$380.5

million. At the same point in CY 2022, there were 282 projects awarded, worth \$415.2 million. For all of CY 2022, there were 674 projects awarded at just under \$1.2 billion, putting the cabinet slightly behind last year's pace, however, the Brent Spence Bridge Corridor Project design-build contract is on the horizon.

Secretary Gray gave an update on three mega projects. Approximately 70 percent of the Mountain Parkway is under construction or has been completed. Magoffin County West is under construction and is expected to be completed in 2024, which includes several bridges and culverts being built in that segment. The Wolfe County segment has been under construction for approximately one year, with nearly one million cubic yards of earth moved. Construction will be ongoing all summer in Wolfe and Magoffin counties. Morgan County, Magoffin County Central, and Salyersville Restaurant Row segments have all been completed. The Magoffin-Floyd Section is currently under development as a design build project, and preconstruction work will continue this summer. The KYTC hosted a public meeting in February to showcase the preferred option for the extension from Magoffin to Floyd counties. The goal is to release the final request for proposal (RFP) in June 2023, and award the project later in the summer.

When I-69 is completed nationally, it will be a north-south corridor to move people and products from Canada to Mexico. The I-69 corridor is the final connection of I-69 between Evansville, Indiana, and Henderson, Kentucky. Section one of the project, on the Kentucky side, will extend I-69 by six miles and will include three new interchanges at KY 351, U.S. 41, and U.S. 60. Construction on the Kentucky approach began in 2022 and is now entering its second full construction season. The Indiana approach begins construction early next year.

Kentucky and Indiana are currently working on a bi-state development agreement, that will outline responsibilities of financing, construction, and operations and maintenance of the river crossing. The states are also prepping for the next round of grant requests to supplement financing, providing an opportunity to accelerate the river crossing, which is currently planned to begin in 2027.

Regarding the Brent Spence Bridge Corridor Project, Kentucky and Ohio are negotiating grant agreements (\$1.635 billion in total) with the Federal Highway Administration (FHWA). The KYTC is working diligently with FHWA to accelerate the planning/environmental update that confirms that the 2012 record of decision, with refinements, is still valid. The KYTC is negotiating contractual terms with a potential design-build team. The design-build team's first task in 2023 is to look at further refinements that will reduce costs and meet project goals. They will also complete the bridge type selection process during this time. The project team has been actively encouraging businesses and individuals to prepare for job opportunities with this project.

Secretary Gray briefed the committee on disaster relief in Eastern Kentucky. Currently 41 bridges have been replaced and 35 others have been repaired. In the first phase of debris cleanup, contractors picked up nearly 490,000 tons of debris from roadsides and streams. In the second phase, contractors have picked up debris from private property that could not be moved to the roadside. Property owners requested this service through fiscal court. In the latest phase, contractors are beginning demolition of property that was irreparably damaged. In both Eastern and Western Kentucky, the Transportation Cabinet aided disaster victims with emergency shelter through fleets of travel trailers. KYTC crews are now decommissioning travel trailers as families make the transition to permanent housing, cleaning the units, and storing them for future use.

Co-Chair Blanton expressed his excitement for the progress and soon to be completion of the Mountain Parkway and commended KYTC on the quality of work they do all across the state.

In response to a question asked by Co-Chair Blanton concerning the Brent Spence Bridge, Secretary Gray stated he hopes the probable design changes on the Ohio side will not impact the Kentucky side of the project. He added the design efforts always involve attempting to obtain the best value for every dollar, and part of that is examining the size of the actual bridge crossing itself and the number of lanes needed. Secretary Gray stated he is optimistic that the issues will be worked through.

Senator Mills praised the work on I-69, but voiced concern for the traffic congestion around the Bi-State Vietnam Gold Star Bridges. In response to a question by Senator Mills, Secretary Gray stated he is thankful the relief effort trailers were not already decommissioned between the two major disasters in Western and Eastern Kentucky, and those trailers will continue to be stored so they will be available for future use.

Chairman Higdon reminded the members that the Road Fund was not overprogrammed this year and every project has the possibility of being built. He added if a project is not built it will not be because of funding, except for possible inflation issues.

In response to a question asked by Chairman Higdon, Secretary Gray stated many of the projects that have been awarded, have been at or below the engineers estimate. He added they are adjusting the estimates for current inflation conditions, and should be able to meet the plans utilizing current funds.

In response to a question asked by Representative Tackett Laferty with regard to debris removal in Floyd County, John Moore, Assistant State Highway Engineer, KYTC, stated Floyd County has not been identified as a county that has a large amount of debris in need of removal. However, Secretary Gray stated to contact KYTC if at any time help is needed for debris removal.

Update on the State's NEVI Plan

John Moore, Assistant State Highway Engineer, KYTC; and Justin Harrod, NEVI Project Manager, KYTC gave an update on the Kentucky Electric Vehicle (EV) Charging Program. The federal funds for the EV infrastructure resulted from the 2021 Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL) which funded the National Electric Vehicle Infrastructure (NEVI) Program. Over five years, the NEVI Program includes \$5 billion in formula funds, of which Kentucky's share is \$69.5 Million, and \$2.5 billion in discretionary grant funds, which are competitive grants open to all states.

The EV Charging Program Plan will be updated summer 2023, once the United States Department of Transportation (USDOT) issues further guidance. Updates are expected to enhance contracting, continued stakeholder engagement, equity, and cybersecurity. The update will secure \$1.5 million for Fiscal Year (FY) 2024; this is in addition to the first \$25 million in NEVI formula program funds for FY 2022 and 2023 that was secured when the initial plan was filed last year.

The parameters of the NEVI program initially restricted the use of formula funds to the Alternative Fuels Corridors (AFCs), which in Kentucky are interstates and parkways. It is required

that the AFCs have charging stations every 50 miles, are within one mile from the corridor, have at least four 150 Kilowatt (KW) direct current (DC) fast charging ports , and are open to the general public 24 hours a day, seven days a week. The KYTC will not own, operate, or maintain any Direct Current Fast Charging (DCFC) station locations. The industry partners will be responsible for the construction and installation of the stations, ownership, operations, and maintenance of the stations.

Based on a cost estimate of \$1.8 million per site (construction and five years of operations and maintenance), \$1.44 million in construction costs will be utilized after the notice to proceed to construct the station. Of that figure, \$1.15 million of that would be the 80 percent maximum federal share match, with the site developer putting up the remaining \$290,000 (20 percent). There will then be \$360,000, based on the same 80/20 cost split, which will be used to operate and maintain each site over the first five years. The final RFP release date is anticipated for June 2023. Kentucky is expected to be about among the first 10 to 15 states to issue its RFP.

The Charging and Fueling Infrastructure (CFI) Discretionary Program has two categories: Corridor Programs and Community Programs. To date, several Area Development Districts and cities have filed Community Program grant applications. These applicants have requested letters of support from the KYTC.

Chairman Higdon requested members the committee staff to receive a copy of the RFP once it is issued.

In response to a question asked by Senator Mills, Mr. Moore stated the goal is for there to be an approximate charge time of 30 minutes at these charging stations.

In response to a question by Senator Mills, Mr. Harrod stated there has been a mixture of entities that have shown interest in charging stations including utilities, petroleum marketers, and the private industry. Senator Mills voiced his concern of the dismantling of the convenience store industry with the roll out of charging stations.

In response to a question asked by Representative Hodgson, Mr. Moore stated the program is laid out for federal funds to be matched with local and private funds, it is not anticipated that any Road Fund or Kentucky taxpayer dollars will be used to deploy the charging stations.

In response to a question asked by Representative Williams, Mr. Moore stated, to date, there have been no concerns about the availability of electricity to support the stations, partially because the construction and utilization of the stations will be gradual.

Update on Vision Testing for Driver's License Renewal (Eff. 7/1/24)

Matt Cole, Commissioner, Department of Vehicle Regulation, KYTC, updated the committee on vision testing for Driver's License Renewal. The KYTC Vision Testing Work Group includes the Commissioner's Office of Department of Vehicle Regulation, Division of Driver Licensing, Office of Information Technology, KYTC Legal Team, Medical Review Board Staff, and the Kentucky State Police. The mission of the work group is to create streamlined regulations and process to meet the July 1, 2024, implementation date to efficiently and effectively carryout vision testing in driver licensing online renewal process.

The work group is drafting vision testing regulations. The KYTC screening process needs to be

equal to the current Kentucky State Police process for new drivers. The creation of a vision testing form for Kentucky optometrist and ophthalmologist is also being drafted. The work group is researching vision testing equipment for regional driver licensing offices and county popup events. The group also must confirm that regulations match the capability of vision testing equipment prior to ordering. The group works with Kentucky State Police and vendors to confirm setup and configuration times. The online renewal continuation plan will require an applicant to upload a vision screening form to renew online, and a manual review process for KYTC staff will be put in place.

The working group is also developing materials and a timeline to train staff to ensure successful vision testing by the July 1, 2024, launch, which includes ordering equipment and having it delivered, installed, configured, and calibrated so training can begin and go-live is successful. The working group has ongoing communications with lawmakers, eye doctors, state agencies, and Kentucky residents.

In response to a question asked by Chairman Higdon, Commissioner Cole stated they will be ready to implement this by the July 2024 date.

In response to a question asked by Co-Chair Blanton, Commissioner Cole stated optometrists are involved in this process.

In response to a question asked by Senator Turner, Commissioner Cole stated citizens can receive the eye test the same day as they take their driving test, or they can provide a vision testing form from their eye specialist. Commissioner Cole stated at this time there is not a plan to charge for the eye exam if it is given by KYTC.

In response to a question asked by Chairman Higdon, Commissioner Cole stated prior to the Kentucky legislation passing, there were 17 states that did not do vision testing upon license renewal, but that number continues to dwindle.

Fee Structure for Overweight / Over dimensional Permits

Matt Cole, Commissioner, Department of Vehicle Regulation, KYTC; Mary Cook, Assistant Director, Department of Vehicle Regulation, KYTC; and Tom McDaniel, Division Director, Department of Vehicle Regulation, KYTC, gave an update on the fee structure for overweight / over dimensional permits. In Kentucky, the movement of any load operating on our Interstates or designated highways with a gross weight over 80,000 pounds, over 13'6" high, or over 8'6" wide requires an overweight over dimensional (OWOD) permit. Kentucky offers eight different OWOD annual permits which includes unlimited moves for one year. Also offered is two single trip permits that allows for one move in a ten-day time frame. There were 91,017 permits issued in FY 2022 and total Road Fund revenue collected of \$8,165,490.

The online system has made the OWOD permitting process more efficient for the customer who has 24 hours a day, seven days a week access, auto-issuance limited to specific routes, and access to electronic permits. Staffing for the OWOD system includes a permit system that houses all functionality under one platform including routing, a restriction manager, a payment engine, and reporting.

A chart was provided that compared surrounding state's permit fees to Kentucky's single trip permit fee of \$60 to \$100 and the annual permit fee of \$80 to \$1,500. Some other states

included a per mile fee, cents per ton fee, bridge fee, damage fee, or application fee.

At the urging of Chairman Higdon, Commissioner Cole stated the KYTC would put together an example showing comparisons of the cost of various sample permit trips in each state so a more focused comparison in price could be made.

Senator Mills called attention to aggressive ticketing in neighboring states of OWOD situations. Ms. Cook stated that problem would be best addressed with enforcement.

In response to a question asked by Co-Chair Blanton, Ms. Cook stated the average turnaround on an OWOD permit could be instantaneous, or a couple of hours. She clarified that if a load is considered a super load, that process could take up to 10 days to receive a permit. In response to a follow-up question, Ms. Cook stated employees are now working back in the office, not at home.

Adjournment

Chairman Higdon adjourned the meeting at 2:26 P.M.