

INTERIM JOINT COMMITTEE ON TRANSPORTATION

Minutes of the 2nd Meeting of the 2023 Interim

July 18, 2023

Call to Order and Roll Call

The 2nd meeting of the Interim Joint Committee on Transportation was held on July 18, 2023, at 1:00 PM in Room 149 of the Capitol Annex. Representative John Blanton, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Representative John Blanton, Co-Chair; Senator Jimmy Higdon, Co-Chair; Senator Karen Berg, Senator Brandon Smith, Senator Johnnie Turner, Senator Gex Williams, Senator Mike Wilson, Senator David Yates, Representative Josh Branscum, Representative Randy Bridges, Representative Daniel Elliott, Representative David Hale, Representative Samara Heavrin, Representative John Hodgson, Representative Thomas Huff, Representative Mary Beth Imes, Representative Bobby McCool, Representative Ruth Ann Palumbo, Representative Tom Smith, Representative Walker Thomas, Representative Ken Upchurch, Representative Bill Wesley, and Representative Wade Williams.

Guests: Jim Gray, Secretary, Kentucky Transportation Cabinet (KYTC); Kenny Bishop, Legislative Director, KYTC; John Moore, Assistant State Highway Engineer, KYTC; James Ballinger, State Highway Engineer, KYTC; Jason Siwula, Assistant State Highway Engineer, KYTC; Deneatra Henderson, Chief District Engineer, District 2; Joe Plunk, Chief District Engineer, District 3, KYTC; Jeremy Edgeworth, Freight, Rail and Waterways Coordinator, Division of Planning, KYTC; Jon Johnson, Assistant General Counsel, KYTC; and Jay Huber, Kentucky Office of Highway Safety, KYTC

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

Approval of June 6, 2023 Minutes

The minutes from the June 6, 2023, meeting were approved.

Work Zone Safety

Jim Gray, Secretary, KYTC recognized Chief District Engineers Deneatra Henderson, Joe Plunk, Matt Bullock, Kelly Baker, Chris Jones, and Bob Yeager, as well as all of Kentucky's Chief District Engineers for their hard work and diligence. He also thanked Deputy Secretary Mike Hancock, KYTC, and State Highway Engineer James Ballinger.

Secretary Gray and Jason Siwula, Assistant State Highway Engineer, KYTC, briefed the committee on work zone safety. Secretary Gray began with a short video testimonial from Shawn Brown, a KYTC employee who had a dangerous close call incident while in a work zone. Secretary Gray stated highway construction occurs year-round and work zones can be found anywhere, at any time. Currently there are hundreds of projects underway, practically guaranteeing a driver will encounter a work zone. Work zones are not confined to transportation projects, and can be set up by utility crews, mowing contractors, or anyone who is working on or around a highway. In 2022, there were 1,083 crashes that occurred in work zones, resulting in

five fatalities and numerous injuries. Just over 40 percent of work zone crashes reported involve some sort of driver distraction. Work zone safety continues to be a serious challenge for those employees conducting work on roadways.

Deneatra Henderson, Chief District Engineer, District 2, and Joe Plunk, Chief District Engineer, District 3, shared stories of incidents their own employees have faced while in work zones. Some incidents that were shared have impacted the employees and their families for years and sometimes lifetimes. Mr. Plunk stated there is a growing number of work zone encroachments by motorists leaving a greater risk for the employees than they already assume. He added there is a lack of ability to enforce work zone protections as work zone violations are treated like any other traffic violation, the individual must be caught in the act of the violation. Ms. Henderson added the impact the fear of a work zone collision has on the employee's mental health is significant. She requested action be taken to protect the safety of the employees.

Chairman Blanton advocated for legislation he sponsored in the 2023 Regular Session of the General Assembly (House Bill 201) for the utilization of cameras in work zones to help aide work zone safety. He welcomed suggestions to help solve the issue, if the use of automated enforcement was not the preferred course of action. Chairman Blanton followed up to Mr. Plunk's statement on the lack of enforcement due to an individual not being caught in the act of the violation, stating that an investigation could be opened on an incident to obtain summonses or warrants for the individual responsible.

In response to a question asked by Chairman Blanton concerning double fines in work zones, Mr. Siwula stated while he does not know the exact amount, the fine portion is a relatively small portion of the overall cost of a traffic citation, and that court costs are a more significant portion of the citation. Chairman Blanton added doubling the fines of everything an individual could be charged with, such a reckless driving, or adopting legislation like some states with significantly higher fines, could be possible deterrents. Chairman Blanton suggested an investigation of how many judges across the state are dismissing work zone cases.

In response to a question asked by Representative Heavrin, Mr. Plunk stated law enforcement is a great partner, however even at the local level, availability is an issue. He added officers are there to enforce work zone laws when they can, adding that the issue is how to enforce compliance when a law enforcement officer is not able to be present. Representative Heavrin advocated for short term solutions, such as the use of blue or flashing lights, while long term solutions are being discussed.

Senator Yates advocated the use of automated speed cameras in work zones with restrictions and oversight, as this method continues to be adopted by more states.

Senator Turner advocated the use of signage and flashing lights to help alleviate the situation and give advanced notice of work zones

Representative Bridges acknowledged and thanked KYTC for the great work that has been done in the western portion of the state in regard to some accident issues around Interstate 24.

Eastern Kentucky Flood Cleanup

Secretary Gray and John Moore, Assistant State Highway Engineer, KYTC updated the committee on the Eastern Kentucky flood cleanup efforts as a result of the damaging flood that

occurred in the summer of 2022. Great strides have been made, but work remains to be done. Mr. Moore's purview includes the massive undertaking of the removal and disposal of the debris that the flood waters left behind, which amounts to hundreds of thousands of tons. The challenge in Eastern Kentucky goes beyond these immediate issues of debris removal and infrastructure damage. A huge part of the challenge is providing people of the region a way to rebuild on land that is elevated enough to afford them a measure of security against future floods.

Mr. Moore stated at the request of Kentucky Emergency Management (KYEM), KYTC lead the debris cleanup mission for both the state rights of way as well as local county and city rights of way. Overall, the debris cleanup had three distinct phases: the right of way phase, the waterway phase, and the extended right of way phase. The rights of way mission involved collecting debris that was on the right of way, as well as debris that the residents were able to push onto the right of way. As part of that effort, contractors collected approximately 160,000 tons. Shortly after that, KYEM asked KYTC to help clean out the waterways so that additional flooding did not occur as a result of future weather events. The goal of the effort was to remove any debris that choked the waterways and streams. In coordination with the United States Army Corps of Engineers, as well as the Division of Water, contractors removed 330,000 tons of debris from waterways in the impacted area.

In the spring there were indications of a significant amount of debris remaining that could not make its way out to the right of way because of access issues or lack of available right of way in the area of the homes. With coordination of Federal Emergency Management Agency (FEMA) and KYEM, KYTC began a final extended right of way, which could be considered a private property debris removal. The effort is ongoing but expected to finish around the end of July.

In response to a question asked by Chairman Blanton, Mr. Moore stated the mission to clear out the waterways was concluded at the end of 2022. Mr. Moore added all of Kentucky streams have vegetative debris, and the goal of the effort was not to remove all of the vegetative load or additional vegetation that falls into the streams. The experts on this project concluded the efforts had to cease due to the mechanisms utilized for debris cleanup also causing damage to the streams. Therefore, a balance had to be struck between debris removal versus causing additional harm to the streams. Mr. Moore stated there is funding available through the Natural Resources Conservation Service (NRCS) in the Department of Agriculture for additional debris removal.

In response to a question asked by Co-Chair Higdon, Mr. Moore stated the approximate cost of the debris cleanup, disposal, and monitoring effort has been \$200 million to date, with outstanding bills remaining. Those expenditures have been given to KYEM. The cost will ultimately be covered by a mixture of FEMA reimbursement, as well as the Eastern Kentucky Safe Fund that will cover the 25 percent match. The amount of each one of those is subject to eligibility determination by FEMA.

Co-Chair Higdon mentioned a recent article about Ashbritt practices in billing. He was also complimentary of the work that he witnessed being completed in the cleanup effort.

Senator Turner complimented Ashbritt on the execution of the cleanup efforts.

Eastern Kentucky Flood Road and Bridge Repairs

Mr. Moore stated in the immediate aftermath of the flooding, the focus was restoring access. The first few days was focused on bridges to ensure they were safe to cross for the public. Inspectors came from around the state to inspect 1,100 bridges within one week throughout the impacted areas. The KYTC identified safety concerns on 166 of the 1,100 bridges. The damages to those bridges ranged from approach damages to bridges that were completely washed out. Of those bridges, 34 of them had cut off access to hollers or roadways, the only access to the people that lived in those hollers or roadways. In some cases, temporary crossings were placed, and replacements were expedited. Fifty-one bridges were identified as having more moderate damages. In regard to those bridges, KYTC partnered with local counties and cities to address those concerns. Out of the 115 remaining repairs, (including the critical 34 bridges), 81 bridges have been repaired to date, and only 12 have not gone to contract.

Beyond the bridges, there have been approximately 500 distinct roadway damages identified, which range from landslides, roadway slips, to a handful of locations where the roadway was washed out. All of the washouts have been fully restored. The roadway slips are continuing to be worked on and may take some time to restore due to limited contractor capacity to work in those specialized activities. Mr. Moore stated with such a devastating flood event, the limited nature of the damage to the state system is a testament to the day in and day out activities of the maintenance forces that are located in every county in the Commonwealth.

In response to a question asked by Chairman Blanton, Mr. Moore stated the 12 bridge repairs left that have yet to go to contract are now in the project development stage and he does anticipate those to be completed this year, but that is not always in KYTC's control. Chairman Blanton complimented KYTC for a job well done on the flood cleanup and bridge repair efforts.

In response to a question asked by Representative Branscum, Mr. Moore stated a majority of the bridges that survived the flood that had minimum or moderate damages were those that were already on the KYTC inventory and are over 20-foot bridges that are inspected every two years at a minimum. The KYTC knows how well these bridges are built and their capacity to withstand flood events. He stated out of the 115 severely damaged bridges, approximately 70 of those were not inventory bridges, ones that they do not have detailed information on. He attested the issue is not as severe as it appears because the inventory structures held up very well except when a flow of debris comes through that puts too much lateral pressure on it. Overall, the inspected bridges throughout Eastern Kentucky handled the flood well.

James Ballinger, State Highway Engineer, KYTC thanked members for the positive comments, the acknowledgement of the cleanup efforts, and for the support of the legislative body throughout the process.

At the conclusion of this topic, Senator Yates asked an unrelated question concerning the rollout of the National Electric Vehicle Infrastructure (NEVI) project, which was discussed at the Committee's June meeting. Mr. Moore replied that Kentucky's request for proposal (RFP) has been issued and we are among the first dozen states to issue the RFP.

Truck Rest Areas Availability

Mr. Siwula and Jeremy Edgeworth, Freight, Rail and Waterways Coordinator, Division of Planning, KYTC briefed the committee about Kentucky's Statewide Truck Parking Assessment and Action Plan. Mr. Edgeworth, project manager for the Action Plan, stated nationwide there is an issue of trucks lining the ramps and shoulders of roads, rest areas, and weigh stations in the evenings or

early mornings, and Kentucky is not immune to the issue. Often, the parked trucks extend onto mainline interstates and parkways. This causes congestion on the ramps as well as safety hazards for the truck drivers and the traveling public. The chief cause of this problem is truckers who have reached their maximum daily hours of service and must park for their federally mandated rest period. Truck drivers do not want to spend the night parked along an Interstate ramp or shoulder, but they often have few options. Because of this, Kentucky's Truck Parking Assessment and Action Plan was created. The first task of the action plan was a thorough assessment of the statewide demand for truck parking. The assessment looked at where trucks are parking for their mandated rest period. This involved looking at everywhere trucks are parking along interstates and parkways, but also the state routes, county roads, city streets, and parking lots everywhere.

The project team took each facility, public and private, and grouped them into polygons. This allowed for a statewide look at those regions, not just individual facilities that are over capacity. This can help guide further analysis as well as possible improvements along corridors. As there is expected to be high demand in areas of Northern Kentucky, in pockets along the I-71 corridor, and along the I-65 corridor to Elizabethtown. But it also shows areas in the eastern part of the state, that have lesser demand or even excess capacity. So, part of the solution may not be adding capacity in these areas, rather better utilizing the spaces already there through an expansion of the truck parking information management system (TPIMS) or partnering with truck parking apps to communicate truck parking availability.

The days of Kentucky buying acres of land and paving them for truck parking is no longer financially feasible. Realistic, low-cost options to address the truck parking demand using the resources KYTC already owns must be explored. Private truck parking facilities will always be the major provider of truck parking spaces in Kentucky. Some truck drivers will only park at private facilities because of the driver amenities offered. There are also drivers that only want to park at public facilities for what they offer. Analysis of Boone County Rest Areas shows that they are at capacity from 6:00 pm until 8:00 am every night except Sunday. It also shows that the truck parking demand at this location from 2019 to 2021 is increasing.

This information will all be compiled into Kentucky's Truck Parking Assessment and Action Plan. The action plan will include a prioritized list of improvements based upon a weighted formula taking into account cost, benefit cost ratio, ramp parking in areas, total demand, area demand, and parked truck crash scores. It will include 27 conceptual designs and ten sites with 15 percent site drawings and estimates. It will also outline a schedule to develop the timing of the improvements and which ones are built first. There will be a focus on those areas that require the least amount of work. Reopening a closed rest area may provide spaces faster. Also, the ones that can clear any permitting and environmental quickly, and those that do not require other pre-work such as moving utilities will be focused on. The plan will also provide an assessment of the TPIMS and make recommendations for other technologies to help with truck parking issues. The plan will also identify funding assuming that it may come from direct sources, state funds, federal grants, etc. Possible opportunities will also be identified for public private partnerships. The action plan is scheduled to be finalized the end of November. Up to date information on the action plan can be found on the project website, www.kytruckparking.com.

In response to a question asked by Co-Chair Higdon, Mr. Siwula stated he would report back to the committee on the locations that funds were spent recently to expand truck parking in rest

areas. Co-Chair Higdon reiterated that the legislature has been trying to aide in solving this problem, adding that federal grants are available for use as well.

In response to a question asked by Senator Yates, Mr. Siwula stated that KYTC works with local law enforcement in enforcement of all transportation safety laws. Mr. Edgeworth added law enforcement has been great partners on the study. He added law enforcement noted that they want remove drivers out of the illegal spaces, but they realize the drivers do not have anywhere to go. The hope is if capacity can be added in these areas, that will give the officers the opportunity to inform drivers where there are available spaces, and to park there, rather than on the shoulders.

Representative Thomas recounted being faced with these issues as he has a commercial driver's license, and appreciates the topic being brought before the committee, adding time constraints and lack of parking spaces is tough on drivers.

Consideration of Referred Administrative Regulation 601 KAR 014:050 Proposed - Motorcycle Safety Education Program.

Jon Johnson, Assistant General Counsel, KYTC and Jay Huber, Kentucky Office of Highway Safety, KYTC spoke to the committee on Administrative Regulation 601 KAR 014:050. Mr. Johnson stated that the regulation originated in the Kentucky Justice Cabinet, and migrated to KYTC in 2022. It was then re-codified and changes were incorporated that were necessitated by the 2021 Regular Session House Bill 125. One of the problems with the regulation as it existed, was a non-functional website. Changes also were to be made to the regulation to incorporate a proper procedure for motorcycle training to occur. Mr. Huber stated that some legislative changes have happened over the years as well as some procedural changes that were needed to run the program more effectively. Mr. Huber added in Fiscal Year 2023 there were 4,091 students that had gone through the program, the most that has ever been through the program since its inception in 1992.

Adjournment

Chairman Blanton adjourned the meeting at 2:43 P.M.