

INTERIM JOINT COMMITTEE ON TRANSPORTATION

Minutes of the 2nd Meeting of the 2018 Interim

July 9, 2018

Call to Order and Roll Call

The 2nd meeting of the Interim Joint Committee on Transportation was held on Monday, July 9, 2018, at 10:00 AM, in the Auditorium of the Kentucky Transportation Cabinet. Senator Ernie Harris, Chair, called the meeting to order, and the secretary called the roll. The Minutes from the Committee's June 5, 2018 meeting were approved.

Present were:

Members: Senator Ernie Harris, Co-Chair; Representative Ken Upchurch, Co-Chair; Senators C.B. Embry Jr., Dorsey Ridley, Albert Robinson, Brandon Smith, Johnny Ray Turner, and Mike Wilson; Representatives Lynn Bechler, Linda Belcher, Tim Couch, Ken Fleming, Chris Fugate, Al Gentry, Robert Goforth, David Hale, Chris Harris, Kenny Imes, James Kay, Suzanne Miles, Charles Miller, Robby Mills, Tim Moore, Steve Riggs, Sal Santoro, John Sims Jr, Jim Stewart III, and Walker Thomas.

Guests: Greg Thomas, Secretary, Kentucky Transportation Cabinet (KYTC); Paul Looney, Deputy Secretary, KYTC; Andy Barber, State Highway Engineer, KYTC; Robin Brewer, Executive Director, Office of Budget and Fiscal Management, KYTC; Noelle Hunter, Ph.D., Executive Director, Kentucky Office of Highway Safety, Acting Director, Division of Incident Management, KYTC; Jerame Brown, Administrative Branch Manager, Transportation Operations Center, Division of Incident Management; and William Hayes, Administrative Branch Manager, Roadway Assistance Branch, Division of Incident Management.

LRC Staff: John Snyder, Brandon White, Dana Fugazzi, and Christina Williams.

Overview of the Division of Incident Management

Greg Thomas, Secretary, Kentucky Transportation Cabinet (KYTC), welcomed members and guests and introduced several members of the cabinet, including Deputy Secretary Paul Looney, State Highway Engineer Andy Barber, and Executive Director Robin Brewer, Office of Budget and Fiscal Management.

Noelle Hunter, Ph.D., Executive Director, Kentucky Office of Highway Safety, Acting Director, Division of Incident Management, KYTC, testified about the Division of Incident Management. Dr. Hunter stated KYTC's mission is to provide a safe, efficient, environmentally sound and fiscally responsible transportation system that delivers

economic opportunity and enhances the quality of life in Kentucky. The Kentucky Office of Highway Safety's mission is to reduce Kentucky's highway crashes, injuries, and fatalities through education, enforcement, and response. The Division of Incident Management, which includes the Transportation Operations Center, and the Roadway Assistance Branch are under the Kentucky Office of Highway Safety. The SAFE Patrol West Section, SAFE Patrol Central Section, and the SAFE Patrol East Section are under the Roadway Assistance Branch. The Division of Highway Safety Programs, which includes the Safety Education Branch and the Grants Management Branch, is under the Office of Highway Safety.

Dr. Hunter stated the Division of Incident Management's annual budget of approximately \$2 million is invested primarily in trucks, equipment, and personnel costs. The Roadway Assistance Branch consists of 21 operators, three section support staff, two additional support staff, and five positions that are vacant. The Traffic Operations Center consists of four first shift operators, four second shift operators, three third shift operators, and three support staff.

The Transportation Operations Center (TOC) is a 24/7 point of contact for KYTC. The center coordinates and disseminates information on traffic, road closures, and weather events. The Safety Assistance for Freeway Emergencies (SAFE) Program is also dispatched out of the TOC. The center supports KYTC District Incident Management Teams and provides an expansion of roles to support the Division's Incident Management initiatives. The TOC also manages the dynamic message signs (DMS) campaign, of which there are 75 signs on interstates and parkways.

Dr. Hunter stated that, within the SAFE Patrol and Safety Program, there are 26 Highway Safety Patrol Operators that consist of 13 crews with three sections, and three section supervisors. There are also three Regional Safety Administrators who are Incident Management Coordinators and have the cabinet's authority for response and assets coordination.

Dr. Hunter testified about the Incident Management Task Force. The mission is to improve safety of first responders and motorists and reduce delay on Kentucky's roadways by providing oversight and direction to the Highway Incident Management Program. The goals are to improve safety of responders, highway workers, and motorists, reduce traffic delay, improve motorist awareness of highway incidents, and improve responder and highway worker preparedness. The Incident Management Task Force partners with KYTC, U.S. Department of Transportation Federal Highway Administration, Kentucky Office of Homeland Security, Towing and Recovery Association of Kentucky, the Kentucky Trucking Association, and the Kentucky Association of Chiefs of Police. The task force has several workgroups that focus on the strategic highway safety plan, public policy and education, capabilities and assets, and incident response and management. Kentucky is a

leader in Traffic Incident Management (TIM) training. Only Oklahoma and Puerto Rico have more responder training than Kentucky.

Jerame Brown, Administrative Branch Manager, Transportation Operations Center, Division of Incident Management presented legislative recommendations from the Incident Management Task Force Cabinet. A main concern was the need to align KRS 189.450, KRS 189.753, and 502 KAR 15.020 to all have the same guidelines for the timeframe on the clearing of abandoned vehicles. It was suggested that the allotted time to be 24 hours in statute before removal of an abandoned vehicle is permitted. The alignment of these statutes will prevent crashes, injuries, and fatalities involving abandoned vehicles, vehicle strikes and property damage to emergency vehicles, wide loads, and severe weather maintenance vehicles.

In response to a question asked by Chairman Harris concerning the 48 hour and 24 hour discrepancy within the statutes concerning the abandoned vehicles, Mr. Brown stated 24 hours was the response time required for interstates and highways and the 48 hour rule was more for county roads.

In response to a question asked by Senator Embry, Mr. Brown stated that a towing company must notify the owner of an abandoned vehicle within 10 days of pickup of the vehicle. It can hold the automobile for 45 days; after that period of time, it may sell the vehicle.

In response to a question asked by Representative Bechler, Mr. Brown stated that the Kentucky State Police has a list of approved towing companies. To be on that list, the towing company must apply, meet the requirements, and be approved. A towing company cannot legally pick up a vehicle on public property or roadways unless instructed to do so by law enforcement. He said that he is unaware of specific practices used by local law enforcement agencies for the selection of towing companies.

In response to a question asked by Representative Sal Santoro, Mr. Brown stated there is no federal regulation concerning the timeframe for pickup of an abandoned vehicle.

In response to a question asked by Chairman Harris, Mr. Brown stated the proposed cancellation of the requirement for law enforcement notifications to the last registered owner of abandoned vehicles to be sent by certified mail, was requested by law enforcement due to the savings of time and money. Towing companies will still be required to use certified mail.

William Hayes, Administrative Branch Manager, Roadway Assistance Branch, Division of Incident Management testified about the Roadway Assistance Branch and operation of SAFE Patrol. A chart highlighted SAFE Patrol activity from 2008-2017. There were 70,743 responses to traffic control at incident scenes, 52,607 responses for green

tagging abandoned vehicles, 19,465 responses for changing tires, 45,364 responses to remove road debris, 8,651 responses to provide fuel, 5,067 responses to jump batteries, and 13,627 responses for law enforcement assistance. Partner agencies within the SAFE Patrol program include the Kentucky State Police, Commonwealth of Kentucky Division of Emergency Management, Kentucky Board of Emergency Medical Services, Kentucky Public Health, Kentucky fire Commission, and the Kentucky National Guard, and many more.

Mr. Hayes internal workings of the mobile operations center, the satellite data trailer, and the mobile repeater trailer. The Mobile Operations Center is for preplanned events such as the Kentucky Derby, Kentucky Oaks, the Kentucky Speedway race weekends, and the Eclipse that occurred in 2017. SAFE Patrol trucks maintain the flow of traffic, but do not generally direct traffic.

In response to a question asked by Representative Riggs, Mr. Hayes stated there have not been any SAFE Patrol operators who have been injured or killed on duty. One SAFE Patrol truck was struck while unoccupied. One truck has been totaled and three have been damaged since the inception of the program.

In response to a question asked by Representative Miles, Mr. Hayes stated the budget for the SAFE Patrol Program was \$4.3 million last year.

With no further business, Chairman Harris adjourned the meeting at 10:57 AM. Upon adjournment, members and staff were invited to tour the assets demonstration and the Fusion Center at KYTC.