

# INTERIM JOINT COMMITTEE ON TRANSPORTATION

## Minutes of the 4th Meeting of the 2021 Interim

September 20, 2021

### Call to Order and Roll Call

The 4th meeting of the Interim Joint Committee on Transportation was held on Monday, September 20, 2021, at 9:00 AM, in Room 149 of the Capitol Annex. Senator Jimmy Higdon, Chair, called the meeting to order, and the secretary called the roll. The minutes from the August 3, 2021 meeting were approved.

Present were:

Members: Senator Jimmy Higdon, Co-Chair; Representative Ken Upchurch, Co-Chair; Senators Karen Berg, C.B. Embry Jr., Paul Hornback, Brandon Smith, Brandon J. Storm, Johnnie Turner, Phillip Wheeler, Mike Wilson, Max Wise, and David Yates; Representatives Josh Branscum, Kevin D. Bratcher, Randy Bridges, Jonathan Dixon, Ken Fleming, David Hale, Samara Heavrin, Regina Huff, Thomas Huff, Bobby McCool, Shawn McPherson, Sal Santoro, Tom Smith, Cherlynn Stevenson, Ashley Tackett Laferty, Walker Thomas, and Buddy Wheatley.

Guests: Jim Gray, Secretary, Kentucky Transportation Cabinet (KYTC); Jason Siwula, Assistant State Highway Engineer, KYTC; Elisa Hanley, Transportation Branch Manager, Kentucky Department of Education (KDE); Representative David Hale, State Representative, 74<sup>th</sup> District; Roberto Rego, Vice President of Sales, Marketing, and Government Relations, Bus Patrol; and Jean Souliere, Chief Executive Officer, Bus Patrol.

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

### Status of the Federal Infrastructure Bill

Jim Gray, Secretary, KYTC, stated the United States Senate's version of the approximately \$1 trillion Infrastructure Investment and Jobs Act is forward-looking, bipartisan legislation that would make life better for millions of Kentuckians by improving infrastructure, public works projects, and creating good-paying jobs to power Kentucky's economy. The proposed bill includes the reauthorization of dedicated federal funds that Kentucky and other states rely on every year to deliver federal projects.

A chart was presented that displayed Fixing America's Surface Transportation Act (FAST ACT) allocations, which are dedicated federal funds that Kentucky can access once Congress passes its reauthorization bill. The last five federal fiscal years, Kentucky has received a total of \$3.7 billion, or an average of \$744 million dollars each year. While the

amount of money has gradually increased each federal fiscal year, it has plateaued for the past three years.

It's important to note this reauthorization money does not include grant funding Kentucky has won through competitive grant programs like Better Utilizing Investments to Leverage Development (BUILD), or Infrastructure for Rebuilding America (INFRA). Instead, this money funds traditional federal program projects. These are projects commonly seen in the highway plan that are partially or fully paid for using federal dollars.

The base reauthorization is also used for Garvee bond debt payments, as well as allocations for specific federal programs in the highway plan like Highway Safety Improvement Projects and Congestion Mitigation projects.

If the Senate version of the bill is passed, it is estimated Kentucky would receive \$4.6 billion in federal highway funding over the course of five years. This translates to about \$1 billion dollars more in the next five years compared to the past five years, or an average of \$200 million more per fiscal year.

In addition to the increased base appropriation, Kentucky could receive more federal dollars in grant funding. The Senate bill offers billions of dollars in competitive grants for significant bridges and major projects of substantial economic benefit to communities. These are major projects that states would submit for funding consideration. Governor Beshear has stated he will try to obtain every available federal dollar to tackle some of the greatest transportation priorities in Kentucky.

The bill passed the Senate, but it awaits passage from the House, which is expected to be up for a vote later this month. Once signed by President Biden, the bill will be considered law and more details will be available for states to know definitively how much they will have to work with and the funding opportunities for transformative projects of regional significance.

Secretary Gray stated KYTC will continue to closely monitor the bill's movement and forthcoming funding details so a collaborative process with local, state, and federal partners can occur to move forward on major projects, such as the Brent Spence Corridor project, that is believed to be a strong candidate for grant funding.

In response to a question asked by Chairman Higdon, Secretary Gray stated inflation and the pricing index across the construction industry is very unpredictable. He added steel, commodity, and wood prices will rise and then return back to lower levels. He added this fluctuation in pricing has affected the bidding process on contracts.

In response to a question asked by Representative Thomas, Secretary Gray stated that KYTC is on schedule for letting of the approximately eight mile section of roadway

leading up to the I-69 corridor in November 2021. He added that that project will be let on a design-build basis and that three contractors and contracting and engineering teams have already been prequalified for the job. Secretary Gray stated that Governor Holcomb of Indiana has made the commitment to begin the project processes on Indiana's side as well.

In response to a question asked by Representative Wheatley, Secretary Gray stated although specifics are not yet available, it has historically been the case that whenever a project ties two states together, they both apply for grants, and the states involved will cooperate for the project proposal and funding issues. Secretary Gray stated the contribution levels from the states involved in the specified project can be a 50/50 split, or could be a 60/40 split depending on the situation.

In response to a question asked by Representative Wheatley, Secretary Gray stated there has been a reworking of the plan to acknowledge and re-examine the footprint of the current plan and its impact on Covington. He added the work that is underway today is examining the traffic study and through traffic analysis and is flexible to suggestions.

In response to a question asked by Representative Santoro concerning grants and matching funds, Secretary Gray stated many states are increasing their matching allotment, therefore making it difficult for Kentucky to compete for certain grants.

In response to a question asked by Representative Santoro concerning major projects such as the I-69 and I-75 bridges, Secretary Gray stated the matches of those projects will also be in competition with other states which may offer to fund more of the project.

In response to a question by Representative Branscum concerning federal funding for the 127 corridor, Secretary Gray stated KYTC is applying for a RAISE grant which provides a better opportunity to leverage funds. He added that the 127 project is scheduled based upon the application for the RAISE funding and federalizing more of the funding through that. The 127 corridor project is scheduled for letting in the spring of 2022. Secretary Gray added that since that project is already in the plan, there is no anticipation for any implications to the 127 project if federal grants are not received.

In response to a question asked by Senator Wheeler, Secretary Gray reiterated that it would significantly impact local governments if the motor vehicle fuels tax were raised. He added that the revenue sharing model is very specific and would require just under 50 percent of motor fuel tax revenue be distributed to cities, counties, and rural secondary roads.

### **Highway Safety**

Jason Siwula, Assistant State Highway Engineer, KYTC updated the committee on highway safety. As of September 3, 2021, there have been 512 fatalities on Kentucky's

highways. Of those fatalities, 74 have been commercial motor vehicle involved and 49 have been motorcycle involved. Total highway fatalities were 516 in 2019 and 527 in 2020.

Mr. Siwula presented the Kentucky Office of Highway Safety's (KOHS) Strategic Highway Safety Plan (SHSP) for 2020 through 2024. It is the goal of KOHS for there to be under 500 highway deaths per year by 2024. In order for that goal to be met, prevention is a key focus.

There are six emphasis areas to focus on that are the causes of fatalities and serious injuries on the highway; 1.) aggressive driving, 2.) distracted driving, 3.) impaired driving, 4.) occupant protection (failure to use seatbelt or child restraint while driving or riding), 5.) roadway departure, and 6.) vulnerable road users (crashes involving pedestrians, bicycles, motorcycles, electric scooters, or other vehicles besides cars and trucks.) A chart was provided that showcased the percentages of overall fatalities in which emphasis area. Roadway departure, aggressive driving, and distracted driving are the highest causation percentages.

A Vulnerable Road User Task Force has been established as KYTC is working with stakeholders to develop action plans for each of the emphasis areas. Vulnerable road users encompass other vehicles besides cars and trucks, as well as pedestrians and cyclists. From 2014 to 2018 there were 866 fatalities involving vulnerable roadway users in Kentucky, which accounted for 23 percent of all highway fatalities. The SHSP includes strategies to improve the safety of Kentucky's vulnerable roadway users including installing pedestrian refuge islands at busy intersections, and developing media campaigns to promote and educate on motorcycle safety. It is important to note that the vulnerable road user emphasis can and often times does overlap with other emphasis areas.

The Motorcycle Rider Education Program was established in 1992 to help new riders learn the needed skills on roadways to be safe, as well as veteran riders to hone and improve their skills. The program is paid for in part by a portion of all motorcycle license and registration fees to help subsidize the costs of providing the classes.

The KOHS is currently developing a campaign for safe biking, walking, and driving. The campaign focuses on what everyone can do to contribute to safer transportation for bicyclists and pedestrians.

Upcoming opportunities for KOHS involve partnering with the National Highway Traffic Safety Administration (NHTSA) to perform a pedestrian/bicyclist assessment this fall. Additionally, KOHS is working with the Kentucky Transportation Center on multiple research projects related to improving safety and access for bicyclists and pedestrians. Mr. Siwula stated citizens can partner with KOHS by becoming informed about safety, getting involved in improving safety, and being intentional about the example they set.

## **School Bus Safety**

Elisa Hanley, Transportation Branch Manager, KDE, discussed school bus safety. Four major aspects involved in school bus safety are the Federal Motor Vehicle Safety Standards (FMVSS), school bus driver selection, the driver training program, and technology.

There are 28 Federal Safety Standards required for school buses. Kentucky goes above and beyond in several of these areas. Each year the bus manufacturers are visited to ensure buses are built to Kentucky minimum specifications. In addition, each year there is a committee of school bus drivers, trainers, technicians, inspectors, directors, and at least one superintendent that determines what the minimum specifications should include. There is an engineer available from each manufacturer to discuss concerns, anything that might work better for the buses, and new safety features that may be added.

Ms. Hanley highlighted several of the standards including FMVSS 217, regarding window retention and release, FMVSS 220 and 221, which deal with rollover protection and body strength, FMVSS 222, occupant protection, and FMVSS 302, standards for flammability of indoor materials.

Kentucky buses are tested to 36,000 pounds, which is one and a half times the heaviest school bus Kentucky has. There have been instances where buses have rolled over, but it is not often you will see a school bus with a crushed roof, damaged, yes, but not crushed. These barriers are structured to withhold a lot of pressure. The FMVSS 220 and 221 have strict requirements to ensure the roof of the bus's integrity, which ensures the roof will not be crushed as it would be if the rollover would have occurred in a car.

Compartmentalization is the major protection of school bus occupants during crashes. During a crash, compartmentalization results in the child hitting the padded seat in front of them, which absorbs the impacts of the crash. However, compartmentalization is not as effective when a bus is struck from the side. Therefore, NHTSA has recommended lap/shoulder belts for all school buses.

Kentucky is the only state that uses Aramid (Kevlar) Fabric with Kevlar jersey knit and Kevlar thread to sew the seats). This material prevents penetration of fire into the foam cushioning and will self-extinguish when the source of fire is removed. The coating has been formulated to give this product high abrasion resistance, fire retardant and low smoke generation properties. In addition to the safety factors, Kevlar is the most vandal resistant fabric ever used in school buses. The puncture resistance is three times that of standard seating fabric and the unique construction makes it difficult to cut and almost impossible to tear. If there is a hole in any of the seats, the bus driver will know that a very sharp object was brought on the bus.

Regarding drivers, Ms. Hanley stated the process of hiring a school bus driver can take weeks if not months. Some districts have even stricter requirements than state regulation. The minimum requirements are provided, and the local boards of education can expand on them if they wish. Driver selection involves a criminal background check of the applicant including a motor vehicle records which requires no DUI or DWIs within the last five years. Some districts don't allow this in records at all. Driver selection also requires an initial physical and annual physicals, as well initial drug tests and random drug testing after an accident.

Once the driver is chosen and has gone through all the proper checks, they are trained. Bus driver training includes a minimum of 25 hours of classroom and driving instruction, yearly recertification (eight hours of update training), CPR/First Aid training, positive behavior intervention and support (PBIS), pupil behavior management, evacuation training, and special needs training. Additionally, some school districts put monitors on the buses to help with student behavior, but just like there is a shortage of drivers, there is a shortage of monitors. In addition, not all school districts can afford to put monitors on every school bus. Funding is a big factor of why many buses do not have them.

Beginning in February 2022, entry level driver training will be required. This is for anyone getting a CDL with a passenger or school bus endorsement. The school district will be required to provide specific training to ensure drivers understand their responsibilities as CDL drivers, not just school bus drivers. Therefore, additional strains will be added to the district, which may cause a larger shortage of drivers.

Not all school districts pay people while they are in training and our parents/communities cannot afford to go through four to six weeks of training with no pay. Many school districts provide training for people to get their permits, which is five to ten days, through the Kentucky curriculum/entry level driver training (ELDT) requirements. At the state education level, a manual has been created to include what is required for ELDT, to help eliminate the need to add additional weeks of training. However, certain items are necessary to include, such as log books, cargo handling, hours of service, and other areas. Tests are also being created for those needing their license and endorsements to prove to the Federal Motor Carrier Safety Administration that the candidates have received 80 percent on their knowledge testing. In addition, there is on the road training and testing.

Ms. Hanley discussed potential technology to make buses safer, including GPS tracking, stop arm cameras, cabin cameras, backup cameras, fire suppression systems, lap and shoulder belts, traction control, reverse doors, pedestrian detection sensors, and predictive stop arm systems. Kentucky is willing to test these items, but they are expensive. Kentucky often looks to other state's experiences with safety technology for insights.

Allowing the pupil transportation community in Kentucky to test products and choose what goes on the bus or has been beneficial, because taxpayer dollars are not wasted on products that don't work or are not able to be maintained. Districts give KDE their honest opinions and explain why. As it is, school districts are adding upwards of \$10-15k on top of the base cost of the bus for things like radios, cameras, and air conditioning. Typically, once districts have tested the products and the manufacturer has the bugs worked out, then they are added to the list of options. If funding were to be provided to retrofit and add to new bus safety technology specifically, this would decrease the amount of time it would take for all buses to have the same safety features. However, mandating something to be added to new buses only benefits some students on those new buses. At approximately 500 buses per year, it would take 16 years for all new buses to have a particular feature.

In response to a question asked by Representative Branscum, Ms. Hanley stated while the background check process is occurring for bus driver applicants, they can begin their training process, however, it does depend on each district and how they implement their processes on hiring drivers.

In response to a question asked by Senator Yates, Ms. Hanley stated drug testing must occur for a driver if there was a fatality or a citation was issued, however, drug testing is not required after every accident. Some school districts do drug test after every accident, but it is not required.

In response to a question asked by Senator Yates, Ms. Hanley stated danger zone sensors are being looked into as a safety options. She added Franklin County is currently using those sensors. One of the issues is that these can be put on new buses, but the technology is not being put on older buses.

In response to a question asked by Representative Fleming, Ms. Hanley stated Kentucky is currently short over 750 bus drivers.

In response to a question asked by Representative Fleming concerning seat belts on buses, Ms. Hanley stated many districts are not comfortable putting seat belts on buses due to fear of bus fires, water involved accidents, and necessary evacuations. She added they are collecting data and speaking with districts around the country that have had accidents involving those situations, to make the districts feel more comfortable. She added the expense of adding seatbelts to buses is an additional issue.

In response to a question asked by Representative Bratcher, Ms. Hanley stated a CDL license, as well as bus driver training school, and background checks are required to drive any school bus in Kentucky. She added districts are combining routes to combat driver shortages as well as running additional routes as needed.

In response to a question asked by Representative Bridges regarding the school districts that do pay for bus driver training, Ms. Hanley stated some school districts require contractual obligations for a length of time, others do not.

### **Discussion of School Bus Stop Arm Cameras**

Representative David Hale, State Representative, 74<sup>th</sup> District; Roberto Rego, Vice President of Sales, Marketing, and Government Relations, Bus Patrol; and Jean Souliere, Chief Executive Officer, Bus Patrol discussed the use of stop arm cameras on school buses.

Representative Hale stated he filed House Bill 189 in the 2021 Regular Session of the General Assembly to add stop arm cameras to Kentucky school buses. Due to time restrictions the bill was not able to proceed through both chambers, therefore he plans to refile the bill for the 2022 Regular Session and is open to suggestions. He stated his bill would allow whatever vendor is agreed upon to come into Kentucky to install stop arm cameras on Kentucky's school buses at no cost to the district. His wish is that this is not mandatory, rather only an option that is available.

Representative Hale stated there are concerns about the expense of adding arm cameras to school buses. Programs such as BusPatrol would install these cameras at no cost to the school district. Their cost is recouped from the fines that are given to citizens who illegally pass a bus.

Mr. Souliere explained BusPatrol stop arm enforcement to the committee. He stated in 2019, 130, 963 school bus drivers were asked to manually count how many times their buses were illegally passed in one day. The result of that survey concluded that there were 95, 319 violations during that one day period, a 73 percent violation rate per bus, per day. To amplify those results, during student safety week in 2018, over a six day period, six students were killed, and eight students and two adults were injured by vehicles either violating school bus stop arms or hitting students and adults while they were waiting at a bus stop. After the 2018 incident, the National Transportation Safety Board (NTSB) published a report which recommended states enact lifesaving laws to permit stop arm cameras on school buses and to issue citations to negligent drivers.

BusPatrol is the leading stop arm enforcement program provider. By the end of 2021, it is expected their stop arm cameras will be on approximately 25,000 buses. The BusPatrol enforcement program works by the school bus stopping and the stop arm and lights are deployed, then the internet of things (IoT) device is activated. The automated violation analysis (AVA AI) cameras capture stop arm events and identify violations. Next, the video, GPS, and other supporting data is sent to the processing center via a secure network. The AVA AI filters footage to help prepare evidence package for reviewers. BusPatrol reviews have a compiled video and evidence package. That video and supporting evidence is sent to law enforcement. Law enforcement uses the AlertBus platform to review evidence packages and issue citations or disapprove them. Citations are auto

generated and mailed to the offender with a web link providing access to the video evidence. The motorist then makes a payment for their citation online or at a designated municipal office. Also, all citation data is purged from the Department of Vehicle Regulation, the cloud, and services according to law.

Mr. Souliere reiterated that with BusPatrol, the cameras and the installation of the cameras is 100 percent paid for and as mentioned earlier, their costs are recovered from the fines incurred by motorist violations. He added that there is an equitable access to this technology which ensures that every bus, every kid, and every neighborhood is safeguarded. Mr. Souliere stated once the AI technology is employed for these buses and it has been wired for enforcement, all of the internal camera features are also available, at no costs to the district.

Mr. Souliere stated these programs also bring jobs to every state such as field technicians and people to operate the BusPatrol academy. Data is also collected and utilized to enhance education, and enforcement to each specific area. In closing, he stated that 98 percent of violators who get a ticket via stop arm safety programs do not illegally pass a school bus a second time.

#### **Consideration of Referred Administrative Regulations**

Administrative Regulation 605 KAR 001:215 Emergency was discussed. No objections were raised and the regulation was not found to be neither deficient nor deferred.

Correspondence was distributed to the committee from KYTC and Kentucky State Police (KSP) regarding updates to KYTC driver licensing issuance and KSP driver testing. Also distributed was a staff memo regarding House Bill 328 and 603 KAR 10:040 Emergency, dealing with the regulation of bill boards.

With no further business to come before the committee, Chairman Higdon adjourned the meeting at 10:42 A.M.