

INTERIM JOINT COMMITTEE ON TRANSPORTATION

Minutes of the 6th Meeting of the 2022 Interim

November 1, 2022

Call to Order and Roll Call

The 6th meeting of the Interim Joint Committee on Transportation was held on Tuesday, November 1, 2022, 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. The minutes for the committee's October 18, 2022 meeting were approved.

Present were:

Members: Senator Jimmy Higdon, Co-Chair; Representative Ken Upchurch, Co-Chair; Senators Johnnie Turner, Phillip Wheeler, Mike Wilson, and Max Wise; Representatives Josh Branscum, Kevin D. Bratcher, Randy Bridges, Ken Fleming, David Hale, Samara Heavrin, Thomas Huff, Bobby McCool, Shawn McPherson, Charles Miller, Ruth Ann Palumbo, Sal Santoro, Tom Smith, Cherlynn Stevenson, Ashley Tackett Laferty, Walker Thomas, and Susan Westrom.

Guests: Heather Stout, Executive Director, Office of Information Technology, Kentucky Transportation Cabinet (KYTC); Matt Cole, Commissioner Department of Vehicle Regulation, KYTC; John Eiler, KAVIS Project Manager, Office of Information Technology, KYTC; Godwin Onodu, Director Motor Vehicle Licensing, Department of Vehicle Regulation, KYTC; Staci Timol, Transportation Engineer Specialist, KYTC; Representative James Tipton, District 53; Representative John Blanton, District 92, and Jason Siwula, Deputy State Highway Engineer, KYTC

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

Recognition of Retiring Members

Chairman Jimmy Higdon and Co-Chair Ken Upchurch recognized Senator Paul Hornback, and Representatives Regina Huff, Sal Santoro, and Susan Westrom who are retiring from the General Assembly, and thanked them for their service.

KYTC Update on the Implementation of the Kentucky Automated Vehicle Information System (KAVIS)

Heather Stout, Executive Director, Office of Information Technology, KYTC, and John Eiler, KAVIS Project Manager, Office of Information Technology, KYTC, updated the committee on the implementation of the Kentucky Automated Vehicle Information System (KAVIS). Mr. Eiler stated seven of the eight key modules of the program have

been implemented, and work is currently in progress on the all vehicles module with a target implementation date of summer 2023.

The full KAVIS implementation was originally set for January of 2023, but was shifted to summer 2023 due to staffing issues. The summer 2023 implementation date assumes there is limited impact on functionality added at a later date, the current scope can be maintained, and the talent positions remain at current levels. The current budgeted allocation for the KAVIS project is just under \$20 million. Total currently spent on the program is just under \$19 million, leaving a remaining budget of approximately \$1 million.

In response to a question by Chairman Higdon, Ms. Stout stated the process of special license plate acquisition is simplified in KAVIS. Godwin Onodu, Director Motor Vehicle Licensing, Department of Vehicle Regulation, KYTC stated the 2,500 signature requirement needed for an organization to qualify in the past is no longer required. In order to have specialty license plates produced, a 501-C organization must qualify and once the plates are produced, a threshold of 500 plates must be maintained. Previously the cost of one specialized plate was approximately \$50,000, now with the KAVIS system, it is estimated that the cost will be approximately \$2,500 or less.

In response to a question asked by Chairman Higdon, Ms. Stout stated that when KAVIS is implemented it will be integrated with the current insurance reporting system, and the KYTC will explore shifting to a more real-time solution. This project may involve the assistance of a third-party service provider to improve the overall process.

KYTC Regulation of Junkyards/Auto Recyclers

Staci Timol, Transportation Engineer Specialist, KYTC, spoke to the committee on KYTC's regulation of junkyards/auto recyclers. Ms. Timol stated KYTC would like to change the definition of the word "road" in KRS 177.905, to mean any highway designated as part of the National Highway System, which includes the Interstate Highway System, and other major highways. This change would limit the number of recyclers regulated by the KYTC and align with minimum federal standards for state jurisdictions over recyclers.

In response to a question asked by Chairman Higdon concerning what effect changing the definition would have on recyclers not on the National Highway System, Ms. Timol stated these recyclers would come under local jurisdiction. She added currently there are some local jurisdictions who already have ordinances on recyclers that are stricter than KYTC's, but their recommendation would be for municipalities to implement standards similar to what is in the law today.

In response to a question asked by Senator Wheeler, Ms. Timol stated with the current law, KYTC has jurisdiction over any recycler that is within a certain distance of a roadway, and if it can be seen from the roadway.

Representative Huff voiced his concern that if this change were made and it was left up to local jurisdictions, they could enforce their own policy, such as a public nuisance policy, and possibly put auto recyclers out of business. Ms. Timol stated some jurisdictions already have ordinances that are stricter than KYTC's, therefore that is already a possibility.

In response to Representative Smith, Ms. Timol stated KYTC would continue to pursue any recycler that encroached on the cabinet's right-of-way, however if the issue is on their property, it would be addressed by local jurisdiction. She added that KYTC current statutes have requirements and they would recommend that the local jurisdictions follow the screening requirements that are currently in place. Ms. Timol believes the penalties will be issued by local jurisdictions for all junkyards with the exception of those located on the National Highway System.

In response to a question asked by Senator Turner, Ms. Timol stated she will provide a map of the National Highway System.

Chairman Higdon stated as any potential legislation is developed, the Kentucky Association of Counties (KACo) and the Kentucky League of Cities will be consulted.

Review of 23 RS Bill Request (BR) 22 – Hands Free Operation of a Device in a Motor Vehicle

Representative James Tipton, District 53 gave a brief overview of his proposed BR 22 for the 2023 Regular Session, which would expand Kentucky's current distracted driving law to keep pace with technology and the broadened range of electronic communication platforms. The proposal expands the term "personal communication device" to include computer, tablets, laptops, telephones, or any substantially similar wireless device that is used to initiate or receive communication, information, or data. It defines a "stand-alone electronic device" as a portable device other than a personal communication device that stores audio or video data files to be retrieved on demand by a user. It also defines "operating a motor vehicle" to include when the motor vehicle is temporarily stationary because of traffic, but does not include circumstances when the vehicle has pulled over to the side of the roadway. It prohibits the hand-held use of a device and the use of an electronic device to stream, record, or broadcast video. It also allows the pressing of a single button to activate, deactivate, or initiate a feature or function of a device.

The bill also establishes that persons under 18 years old shall not use a personal communication device or stand-alone electronic device in any manner except for emergency purposes. Courtesy warnings will be issued for violations occurring prior to January 1, 2024, and fines are set at \$50 to \$100 for a first or second offense, \$100 to \$199 for a third or subsequent offense, or if there is an accident, and \$200 to \$250 for violations occurring in work zones or school zones.

In response to a series of questions asked by Senator Turner, Representative Tipton stated a phone call could be answered with the touch of one button. He added that his proposed bill states that a person cannot hold the phone with their hand, or support the phone with any part of their body. The bill does allow for a touch to activate a function on the device; the bill does not affect CB radios; and other actions that could cause distraction would be considered reckless driving and would be addressed in current reckless driving laws. He also stated he is open to input any member might have and looks forward to conversation if the legislation moves forward.

In response to a question asked by Senator Wilson, Representative Tipton stated he is not familiar with the penalties Tennessee imposes for violation of their hands-free legislation; however, he is open to studying what surrounding states who have similar legislation impose as penalties.

In response to a question asked by Representative McCool, Representative Tipton stated he did not have data that illustrates a reduction in accidents or a reduction in insurance costs in other states because of hands-free legislation. He added he will try to have that information available as the 2023 Session of the General Assembly gets underway.

In response to a question asked by Representative McPherson, Representative Tipton stated the bill only impacts someone who is operating a motor vehicle, and not passengers.

In response to a question asked by Representative Huff, Representative Tipton stated there is no specific law banning the viewing of a movie or television show while driving, however, if law enforcement spotted someone driving recklessly due to watching a movie or show while driving, they could be penalized under the specifics stated in reckless driving laws.

Discussion of Automated Enforcement of Traffic Laws in Highway Work Zones

Representative John Blanton, District 92, and Jason Siwula, Deputy State Highway Engineer, KYTC, discussed automated enforcement of traffic laws in highway work zones. Representative Blanton stated in 2021 in Kentucky there were 1,247 crashes within work zones, resulting in 299 injuries and seven fatalities in those work zones. In 2020, there were 905 crashes in work zones, with 228 injuries and six fatalities. Thus far in 2022, there have been 860 crashes, 226 injuries and five fatalities in work zones. Representative Blanton shared the story of Jared Helton, who was hit and killed by a tractor trailer as he was working on a road project. He reiterated that many of these work zone accidents occur between a vehicle and a human, and workers should be provided with safety while they are in work zones.

Representative Blanton stated in the last two sessions, he introduced legislation that would allow for KYTC to enact a pilot project using automated speed enforcement in selected work zones across the Commonwealth. Nationwide, states have enacted these programs and there have been a reduction in fatalities and injuries in the work zones. He feels workers are owed the safest possible work environment.

The automated system has cameras that would take a photograph with the speed the vehicle is traveling, that is then mailed to the vehicle's registered owner with attached civil fines of \$75 for the first offense, and \$125 for subsequent offenses. Revenue received from the fines will be used to provide for other highway safety programs in work zones. Representative Blanton stated a process would be in place for anyone wishing to appeal the recorded violation. He added if the vehicle owner can prove it was not them driving, they must provide the name of the person who was driving the vehicle.

Representative Blanton referenced a letter provided in meeting materials from the Kentucky Association of Highway Contractors in support of the legislation. Representative Blanton stated he is willing to work with members with suggestions on the legislation.

In response to a question asked by Chairman Higdon, Representative Blanton stated the equipment purchase, as well as the monitoring of the recorded material, would be through KYTC.

In response to a question asked by Chairman Higdon, Mr. Siwula stated there has been an increase in accidents and that could be due to increased speeds and distractions.

In response to a question asked by Chairman Higdon, Representative Blanton stated the current language does not specify that there must be workers present in the work zone for the enforcement to take place. He added he is willing to work with anyone on language of the bill if need be.

In response to a question asked by Representative Bratcher, Representative Blanton stated the information of the violator would be sent to KYTC, who would then issue a fine and once it is resolved there would be no reason for the retention of the license plate image. Representative Blanton stated the goal is not to punish people, but protect people.

In response to a question asked by Representative Hale, Representative Blanton stated the cameras would be placed in the work zone on a device designed for the cameras to capture vehicles as they pass through.

Representative Huff stated he is not opposed to the legislation, but added the next step would be to place cameras on all roads to halt speeding in all areas, and he hoped the

records are better kept than the records from toll bridges as he has seen mistakes in the record keeping for them.

In response to a question asked by Senator Wheeler, Representative Blanton stated without the legislation being passed, they have not investigated if KYTC would be purchasing and placing the systems on the roads themselves, or if this would be done through a third-party vendor. Mr. Siwula added the proposed legislation is for a pilot project, therefore the goal is to see what is available and how this process would work best.

Representative Blanton stated the penalty is a civil fine and there would not be points placed on someone's license as a penalty.

In response to a question asked by Representative Smith, Mr. Siwula stated the National Conference of State Legislators has looked at the different legislative frameworks that these systems have been implemented through. He added the goal is to provide notice even beyond signs that this type of system is in place and operating so that it is explicitly known ahead of time that drivers will come in contact with these devices.

With no further business to come before the committee, Chairman Higdon adjourned at 2:19 P.M.