

**INTERIM JOINT COMMITTEE ON TRANSPORTATION**  
**Minutes of the Sixth Meeting of the 2023 Interim**  
**November 1, 2023**

**Call to Order and Roll Call**

The sixth meeting of the Interim Joint Committee on Transportation was held on November 1, 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: Senator Jimmy Higdon Co-Chair; Representative John Blanton Co-Chair; Senators Karen Berg, Brandon Smith, Brandon J. Storm, Johnnie Turner, Phillip Wheeler, Gex Williams, and David Yates; Representatives Randy Bridges, Jonathan Dixon, Ken Fleming, David Hale, Samara Heavrin, Keturah Herron, John Hodgson, Thomas Huff, Mary Beth Imes, Bobby McCool, Amy Neighbors, Ruth Ann Palumbo, Rachel Roberts, Tom Smith, Ashley Tackett Laferty, Walker Thomas, Ken Upchurch, and Wade Williams.

Guests: Senator Phillip Wheeler, State Senator, District 31; Representative Chris Fugate, State Representative, District 84; Jerry Adkins, Director, Pike County Hillbilly Trail System; Jason Siwula, Deputy State Highway Engineer, Kentucky Transportation Cabinet (KYTC); John Moore, Deputy State Highway Engineer, KYTC; Tracy Nowaczyk, Assistant State Highway Engineer, KYTC; Ronald A. Sines, P.E., Vice President of Sustainability, CRH Americas; Brian Wood, Executive Director, Plantmix Asphalt Industry of Kentucky; and Rick Cook, Co-Owner, EV Solutions of Kentucky, LLC.

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

**Approval of October 17, 2023 Minutes**

The minutes of the October 17, 2023, meeting were approved.

**Update on the Off Highway Vehicle (OHV) Pilot Program**

Senator Phillip Wheeler, State Senator, District 31 and Representative Chris Fugate, State Representative, District 84; gave an update on the Off Highway Vehicle (OHV) Pilot Program. The program provides a framework for OHVs to operate on designated state roads in order to advance the development of a recreational trail system. The pilot program is scheduled to end June 30, 2024, and Senator Wheeler and Representative Fugate will submit requests to extend the program for another three years. The extension will allow the capability to adopt roads in the program and judge its performance.

Jerry Adkins, Director, Pike County Hillbilly Trail System, gave a presentation concerning the Pike County Hillbilly Trail System and its plan for expansion and utilization of the OHV legislation. The trail system opened on September 30, 2023, and permit sales have been promising, with approximately 97 percent of permits being sold locally. Mr. Adkins spoke about upcoming requests to have nearby roads adopted into the trail system in order to stimulate local economies in communities that would benefit from additional funding.

In response to a question asked by Chairman Blanton, Senator Wheeler stated he does not believe any state roads have been adopted to be part of the trail system. Representative Fugate stated another trail system, First Frontier, is not yet selling any permits, however, there are still people that are leaving one trail and travelling on the highway to reach the other one.

Jason Siwula, Deputy State Highway Engineer, KYTC, stated KRS 189.281 authorized the OHV pilot program and required KYTC to promulgate administrative regulations related to the pilot project. The administrative regulation, 603 KAR 5:350, has been promulgated and is entitled Off Highway Vehicle Safety and Routes. That regulation is set to expire in July 2024 pursuant to KRS 189.281. Mr. Siwula stated as Kentuckians continue to learn about the program, KYTC is available for discussions to assist throughout the process.

In response to a question asked by Co-Chair Higdon, Representative Fugate stated Kentucky has followed, and should continue to follow the steps West Virginia has taken to make their OHV program successful. Senator Wheeler added conversation has occurred with KYTC concerning the difficulties in putting OHVs into the Kentucky Automated Vehicle Information System (KAVIS), therefore the use of permits rather than regular registration has been deemed more appropriate, and the possibility of monetizing the decals is also significant. West Virginia uses a decal system as well.

Representative McCool voiced his safety concerns regarding noise and lighting coming from OHVs. Mr. Adkins stated the statute in place states the OHVs shall not operate between one hour after sunset and one hour before sunrise unless the person can demonstrate a cause for driving.

In response to a question asked by Representative Smith, Representative Fugate stated the safety regulations for the OHVs are federally regulated. Senator Wheeler stated safety "kill switches" may not be something that could be regulated on a state level. Representative Smith advocated for the safe use of OHVs without overregulation.

In response to a question asked by Representative Tackett Laferty about a transit system to transport interested parties to a trail system, Representative Fugate stated conversations are being had between the state parks and the trail systems in his area in order to have a transit system in place.

### **Potential Use of Reclaimed Asphalt**

Chairman Blanton stated the discussion of the potential use of reclaimed asphalt is a result of a resolution that he filed and was passed in the 2023 Regular Session of the Kentucky General Assembly. The resolution requests KYTC to study the benefits of increased use of recycled asphalt, develop a plan to increase the use of reclaimed asphalt on all future road projects where appropriate, and appear before the Interim Joint Committee on Transportation during the 2023 interim to discuss the potential for the increased use of reclaimed asphalt.

John Moore, Deputy State Highway Engineer, KYTC and Tracy Nowaczyk, Assistant State Highway Engineer, KYTC, discussed reclaimed asphalt pavement (RAP). The Federal Highway Administration (FHWA) is a strong advocate for the use of RAP, as studies have shown that RAP mixtures can equal or exceed the use of mixtures without RAP, which in turn saves money and natural resources. The KYTC's pavement professionals continue to support and review national pavement research related to RAP, making sure that the use of RAP is a sound financial decision, performs well, and lasts through the expected service life. The KYTC has been working with the industry in a Kentucky Asphalt Industry Forum to ensure those responsibilities are met.

Chairman Blanton stated the miles of state highway resurfaced in Kentucky per year have decreased from 800 miles, five years ago, to 500 currently. The use of RAP has a proven record with being able to withstand the traffic and safety standards, and is also an environmentally friendly and cost effective way to increase those numbers.

In response to a question asked by Senator Wheeler concerning how the asphalt is recycled, Ms. Nowaczyk stated the millings are counted as an aggregate that contributes asphalt to the mixture, and when combined with virgin asphalt, it becomes the solution that is used in resurfacing the road. In response to a follow-up question asked by Senator Wheeler, Ms. Nowaczyk stated the use of recycled asphalt can be a cost-saving measure, however, recent inflation and material shortages have caused an increase in the cost of materials, therefore significant savings has not yet been realized.

Ronald A. Sines, P.E., Vice President of Sustainability, CRH Americas, spoke about the asphalt industries use of reclaimed asphalt. Mr. Sines stated CRH Americas is the number one asphalt paver and producer in North America, and the number one recycler

of pavement materials as well. Mr. Sines highlighted the benefits of increased RAP usage such as sustainability, cost savings, and performance. In 2021, more than 94.6 million tons of RAP were recycled in new asphalt pavements. He stated overlays with mixes containing 30 percent RAP perform just as well as virgin asphalt mixes. A map was provided showing Kentucky and surrounding states' 2021 RAP utilization. Kentucky's utilization was 15.5 percent, lower than all surrounding states. Mr. Sines stated the goal is to maximize the use of RAP in Kentucky in a responsible and effective manner to ensure quality and long-term pavement performance, and to allow the market to determine where RAP can best be utilized.

Brian Wood, Executive Director, Plantmix Asphalt Industry of Kentucky, also advocated for the use of RAP. He stated RAP is processed and separated into piles and tested for asphalt content, gradation, and moisture. Processing allows for precise introduction of recycled materials alongside the virgin material in the mixture. Mr. Wood highlighted technology advancements in the asphalt industry such as more access to milling, improved plant technology, and processing and fractionation. Kentucky utilizes performance tests to determine the crack susceptibility of an asphalt mixture. Plantmix Asphalt Industry of Kentucky and KYTC recently formed the Asphalt Pavement Collaboration Committee and a task force on recycling and sustainability to explore opportunities to expand the use of RAP by utilizing performance tests and best practices to control mix quality and improve pavement durability.

In response to a question asked by Chairman Blanton, Mr. Wood clarified that the 15.5 percent utilization figure means that of all the asphalt on state projects, 15.5 percent is RAP. The maximum amount of RAP that can be used on any KYTC project is 20 percent.

In response to a question asked by Chairman Blanton, Mr. Sines stated the use of reclaimed asphalt can be a cost saving measure dependent upon particular markets. He added across CRH, they generally see a cost reduction when RAP is utilized in raw materials and possibly in the production costs as well. As the use of recycled asphalt increases, generally their cost decreases. He also suggested looking into a report South Carolina has produced that quantifies what their cost savings have been, which could show what is likely in the future.

Chairman Higdon suggested milling is important in rural areas as well, voicing concern on surfaces with a large drop off. Mr. Wood stated there is a device that can be used on the edge of the paver that provides a taper instead of having a significant drop-off, adding that project specific conditions are evaluated by the department and put into a proposal for the contractor to build.

In response to a question asked by Representative Upchurch, Mr. Sines stated the recommendation on what to increase Kentucky's RAP usage to is a difficult question to answer due to many factors, however, he recommended targeting a RAP usage of 30 percent.

In response to a question asked by Representative Upchurch, Mr. Wood stated that while an ultimate goal of 40 percent RAP is possible in urban areas where milling is common and more material is available, 30 percent statewide utilization is probably more realistic.

In response to a question asked by Representative Heavrin, Mr. Sines stated of 38 states, Kentucky is sixth from the bottom on RAP usage. The remaining 12 states have an unknown RAP usage percentage because the National Asphalt Pavement Association (NAPA) does not publish information unless they have a certain quantity of it. In response to a follow-up question by Representative Heavrin, Mr. Wood stated the industry was in favor of increasing the percentages of RAP utilization.

In response to a question asked by Representative Hodgson, Mr. Sines stated there has not been a limit found as to how many times liquid asphalt can be remelted before it starts to lose its adhesive properties. When material comes in, the quality of the liquid asphalt should be tested to determine the appropriate amount of virgin binder and additional additives to be used to ensure the maximum performance quality.

John Moore, Deputy State Highway Engineer, KYTC, stated there is a recycled asphalt allowance of 30 percent in base materials and 20 percent in surface materials. He added several northern states have a higher utilization of RAP percentages as they are more urban, and have more natural millings than Kentucky. He cautioned to keep in mind life cycle costs of RAP, as every year of performance of pavement that is lost, equates to approximately \$60 million in treatment costs that are not recovered.

In response to a question about the brittleness of recycled asphalt, Mr. Moore stated the reason behind mixing RAP with virgin material, and rarely using 100 percent recycled asphalt, is because it is prone to cracking, but mixing it with the right proportions of virgin asphalt and rejuvenators decrease the likelihood of cracking. He is unsure if the tendency of recycled asphalt to become more brittle increases the more times it is recycled. Mr. Sines stated a RAP product is stiffer than virgin material, however, that is why the asphalt is analyzed so the correct grade of virgin binder is selected to offset the additional stiffness.

In response to a question asked by Chairman Blanton, Mr. Moore stated the number four mixes and thin lays are some types of asphalts under the guidelines set by KYTC that cannot use RAP.

Chairman Blanton stated the goal is to provide good roadways in the most cost-effective manner possible. He requested for the industry and KYTC to work together to utilize as much RAP as possible, adding what he would like to see in 2024 is Kentucky using at least the average of what surrounding states are utilizing in RAP, with the goal of moving towards 40 percent usage if possible.

### **Portable Electric Vehicle (EV) Chargers**

Rick Cook, Co-Owner, EV Solutions of Kentucky, LLC, spoke about his business, which provides on-the-go charging for electric vehicles utilizing a portable charging unit. EV Solutions not only sells portable chargers, but also provides roadside assistance in charging, and are equipped to extinguish car fires as well. Hertz rental car has a contract with EV Solutions of Kentucky, LLC to service their vehicles nationwide due to power grid issues, which have been known to damage car batteries. Mr. Cook stated the software in their portable units protect the battery, and EV Solutions portable units will not damage EV batteries. Their charging units have a 48-amp system, and can fully charge a car in less than 45 minutes.

In response to a question asked by Senator Turner, Mr. Cook stated the portable chargers are powered by gasoline.

In response to a question asked by Representative Hale, Mr. Cook stated EV Solutions of Kentucky carries garage insurance, as the charging units are standard units with the same software as a home charging unit. He stated garage insurance is what tow companies carry to protect themselves and their client.

In response to a question asked by Senator Berg, Mr. Cook stated their cost for a service call to charge an EV is \$159.

### **Adjournment**

With no further business to come before the Committee, Chairman Blanton adjourned the meeting at 2:42 P.M.