

INTERIM JOINT COMMITTEE ON TRANSPORTATION

Minutes of the 4th Meeting of the 2024 Interim

September 17, 2024

Call to Order and Roll Call

The fourth meeting of the Interim Joint Committee on Transportation was held on September 17, 2024, 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.

Present were:

Members: Senator Jimmy Higdon Co-Chair; Representative John Blanton Co-Chair; Senators Robby Mills, Brandon Smith, Brandon J. Storm, Phillip Wheeler, Gex Williams, and Mike Wilson; Representatives Josh Branscum, Randy Bridges, Adrielle Camuel, Daniel Elliott, Ken Fleming, Peyton Griffee, David Hale, Keturah Herron, John Hodgson, Thomas Huff, Mary Beth Imes, Kimberly Poore Moser, Amy Neighbors, Ruth Ann Palumbo, Rachel Roberts, Tom Smith, Ashley Tackett Laferty, Walker Thomas, Ken Upchurch, and Bill Wesley.

Guests: Jim Gray, Secretary, Kentucky Transportation Cabinet (KYTC); John Moore, Assistant State Highway Engineer, KYTC; Tracy Nowaczyk, Assistant State Highway Engineer, KYTC; Bobbi Jo Lewis, Commissioner, Rural and Municipal Aid, KYTC

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

Prayer and Moment of Silence

Representative Josh Branscum recognized the tragic loss of Deputy Josh Phipps, Russell County Sheriff's Office, who was killed in the line of duty. A moment of silence was held in his honor.

Chairman Jimmy Higdon also recognized a significant accident involving Senator Johnnie Turner, 29th District. A prayer was held for speedy recovery.

Recognition of Special Guests

Chairman Higdon recognized Kentuckians for Better Transportation board members that were in attendance. He recognized Tiffany Clark, Principal, New Haven Elementary, Nelson County.

Senator Mike Wilson recognized Keith Coffman, Owner, Lost River Pizza Company who was in attendance with the Kentucky Motorcycle Association. He introduced Warren County Judge Executive Doug Gorman who was in attendance.

Approval of August 20, 2024 minutes

The minutes from the August 20, 2024 meeting minutes were approved.

Consideration of Referred Administrative Regulations

Jon Johnson, Staff Attorney/Assistant General Counsel, KYTC offered an amendment to the proposed 601 KAR 023:040. The amendment changes the required specifications of scanners from 600 dpi to 300 dpi. This change will have less impact on dealers and still allow the KYTC to ensure the legitimacy of documents. The committee approved the agency amendment by voice vote with no objections.

601 KAR 023:040 Proposed - Application form to become Kentucky electronic license title entity; and application form for electronic motor vehicle title application submission.

Jon Johnson, Staff Attorney/Assistant General Counsel, KYTC

Update on KYTC use of Recycled Asphalt

John Moore, Assistant State Highway Engineer, Kentucky Transportation Cabinet (KYTC), and Tracy Nowaczyk, Assistant State Highway Engineer, KYTC, updated the committee on the use of recycled asphalt pavement (RAP) stating the common goal is to increase the percentage of RAP used. Mr. Moore stated when done responsibly, the increased usage of RAP can provide safe and reliable roads, optimize the budget, protect the environment and provide stewardship, and will allow Kentucky to be viewed as an industry leader in the usage of RAP.

The KYTC falls in-between 15 to 19 percent RAP utilization across the state. Ms. Nowaczyk stated there are three primary factors that are limiting the percentage usage including management standards, the performance of RAP, and supply requirements. She reiterated how Kentucky performance metrics reveal RAP limitations, data drives their decision-making process, and management standards are needed for quality cost containment. Ms. Nowaczyk gave an overview of the process used to achieve the right percentage of RAP. The KYTC plans to formalize and adopt performance criteria and best practice guidelines to ensure consistent mix performance, start pilot projects with field in place verification, and to continue to look at new technology with industry partners to improve performance.

In response to a question asked by Representative Daniel Elliott, Mr. Moore stated there are not any federal requirements, but there are federal encouragements to recycle and reuse such materials.

In response to a question asked by Chairman Higdon, Mr. Moore stated when they complete a road project a contract is established to determine the amount of millings that

will be conducted on the projects. For rehabilitation projects, they mill down a significant portion of the roadway structure, especially in curb and gutter sections where they need to maintain the curb lines and gutter lines. In response to a follow-up question, Mr. Moore stated it is established in the contract what is to be done with the millings, oftentimes being turned over to the contractor for further use, and sometimes maintenance facilities for use throughout the year. Chairman Higdon stressed the need for milling in rural areas.

Co-chair John Blanton thanked KYTC for working with industries on milling and the use of RAP and stated he looks forward to continuing a working relationship with the Cabinet on the issue.

In response to a question asked by Representative Tom Smith, Ms. Nowaczyk stated millings can be used for chip and seal projects and it is something that is being evaluated closely by the Cabinet. Representative Smith also stated his district would be open to the further utilization of millings.

County Priority Projects Program Update and County and City Bridge Improvement Program Update

Bobbi Jo Lewis, Commissioner, Rural and Municipal Aid, KYTC, briefed the committee on the County Priority Projects Program, a program that was enacted in House Bill (HB) 265 of the 2024 Regular Session of the General Assembly. The program went into effect on July 1, 2024, for the 2025 Fiscal Year (FY), and includes projects detailed in the list of projects House Joint Resolution (HJR) 92. Under HJR 92 there were 80 counties and cities included which totaled just shy of \$20 million. As far as implementation there are 70 MOAs in process with 95 percent of those being completely executed. There was over \$17 million authorized for the projects with 10 county/city projects already completed through other funding sources or duplicated in HJR totaling \$2.7 million. The program has \$20 million set aside annually plus any carry over money available. The deadline to submit a listing of projects to the General Assembly is November 1, 2024, and because of that, the deadline to submit the projects to KYTC is October 15, 2024. As of September 11, 2024, 28 counties and/or cities have applied at a cost of \$28.5 million.

Commissioner Lewis briefed the committee on the County/City Bridge Improvement Program which was also established in HB 265 and went into effect on July 1, 2024. The program has \$25 million authorized in each fiscal year for repair and/or replacement of county and city bridges plus any carry over money available. This program has an open application cycle. To date, 14 requests have been received totaling just below \$5 million.

In response to a question asked by Representative Ken Upchurch, Commissioner Lewis stated most of the projects that have been submitted have been scored, but some have not due to them just being submitted. She added the information has been set out if the

projects were ineligible for the program.

In response to a question asked by Senator Robby Mills, Commissioner Lewis stated to be eligible for the program, the bridge has to be 20 feet in length, must be an inventoried structure, and has to be inspected by KYTC. KYTC provides a Local Bridges 101 class that informs people on how to apply for the program and provides information on if the bridges are state or local. In response to a follow-up question, Commissioner Lewis stated counties received a list of what bridges were substandard.

In response to a question asked by Representative Daniel Elliott, Commissioner Lewis stated she recently held a webinar with magistrates and the Commissioner's Association and will have an upcoming webinar to notify the counties and cities of the programs and how to apply for the funds available. She stated she has also sent emails and her, as well as field staff, have informed people by word of mouth of the program. She added she has also sent out slides to the Kentucky Association of Counties (KaCO), Kentucky League of Cities, Commissioners, and Magistrates to spread the word about the program as well. She reiterated the Local Bridges 101 class is about the education of the program as well.

Co-Chair Blanton expressed interest in attending the Local Bridges 101 class and encouraged Commissioner Lewis to have that available for the Transportation Committee members, and possibly any member of the General Assembly to attend.

Representative Randy Bridges suggested having the Local Bridges 101 class be available via video so that it can be shared with others. Commissioner Lewis reiterated that the class is a webinar and is easily accessible.

In response to a question asked by Senator Brandon Storm, Commissioner Lewis stated the funding is not an 80/20 match, rather they ask on the application for a public sector contribution.

Adjournment

With no further business to come before the committee, Chairman Blanton Adjourned the meeting at 1:56 P.M.