

KENTUCKY

Transportation News

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KBT Urges U.S. Senators to Act on Highway Legislation



l-r: Senator Mitch McConnell and Senator Jim Bunning

Despite the paralyzing snowfall in Washington, D.C. and the federal government being closed for four or five consecutive days, the members of Kentuckians for Better Transportation (KBT) are urging Kentucky's two U.S. Senators to act on a highway extension, as well as a transfer of \$19 billion into the Highway Trust Fund (HTF). In a letter sent to Senators McConnell and Bunning on Thursday, KBT asked them to help with needed public investment.

The letter, in part, states:

“Failure to act on the highway extension in the first jobs bill considered by the Senate this year will jeopardize the continuity of the vital program. Right now, state governments, like Kentucky, should be putting large volumes of projects out for bid, so that construction can commence this spring and summer. But state governments aren't putting projects out for bid for one simple reason: uncertainty. As you know, the 1998 highway reauthorization bill ended the long-standing practice of crediting the HTF for interest on the fund's cash balances. If passed, the proposed \$19 billion transfer from the General Fund of the Treasury will repay the HTF for lost interest since 1998, and ensure the continuity of the underlying program. While Kentucky's unemployment rate hovers around the 10% mark, unemployment in Kentucky's construction industry is estimated at 25%. Private construction, home construction, and private commercial construction is nearly non-existent. Frankly, the only bright spot has been public works construction (the highway program) that increased in 2009.”

The letter concludes, saying:

“We agree with you, wholeheartedly, that Americans and Kentuckians are weary of massive public spending. But Americans and Kentuckians understand the difference between public spending and *public investment*. We ask for your support of this urgently needed *investment*.”

KBT encourages all members to fax letters or e-mail letters to Senator Bunning and Senator McConnell. They need to hear from you, but more importantly, they want to hear from you.

KBT-Supported Legislation Advances in Frankfort



Rep. Dennis Keene



Sen. Ray Jones



Rep. Jody Richards

While nearly 600 House bills and House resolutions have been introduced thus far, and nearly 300 Senate bills and resolutions have been introduced, there are some bills extremely important to KBT members. Three safety-related bills, supported by KBT's Safety Committee and the KBT Board of Directors, are moving in the 2010 Kentucky General Assembly.

HB 58, a bill aimed at getting tough on drunken drivers was approved by the House Appropriations & Revenue Committee on Tuesday, by a vote of 22-0. The bill's sponsor, **Rep. Dennis Keene (Wilder)** has aggressively sought out co-sponsors for his bill, and at last count 52 House members were signed on, signaling strong support on the House floor. The measure requires an ignition interlock be installed on vehicles for all first-time convicted DUI offenders. If passed, Kentucky would become the 13th state in the nation requiring inter-lock devices. Keene, from Northern Kentucky, has developed a reputation of working very hard on issues important to him. More than five years ago, one of his daughters was the victim of a DUI accident, although she has completely recovered. One legislator fondly describes Keene: "he eats gunpowder for breakfast."

SB 144, a bill sponsored by **Sen. Ray Jones (Pikeville)** to amend the DUI statutes to establish a per se violation if the driver tested positive for a controlled substance in the blood, was heard in the Senate-Judiciary Committee on Thursday morning and voted out favorably, without a dissenting vote. The bill also reduces the required alcohol concentration for an aggravating circumstance from 0.18 to 0.15. (This identical bill passed the Senate in the 2009 Regular Session by a vote of 35-1, but then died in the House.)

HB 43, a bill that wouldn't be conceivable 10 years ago, but now reflects a modern digital problem, would ban text messaging by drivers of all ages, and would additionally ban the use of cell phones by drivers under age 18. Violators would face a fine of between \$20 and \$100, beginning in 2011. This bill, sponsored by **Rep. Jody Richards (Bowling Green)** has passed the House and is awaiting action in the Senate – Judiciary Committee. It bears mentioning that an official federal government website has been established to educate the public general about the dangers of distracted driving (www.distraction.gov) and that since mid-January talk-show hostess Oprah Winfrey has closed her daily television show with the challenge "make your car a no phone zone". There are 19 states, and the District of Columbia, who ban texting while driving, and another 10 states restrict texting for beginning, novice drivers.

Transportation Conference on KBT Website!

If you were unable to attend the recent 32nd Annual Transportation Conference on January 21 and 22 in Frankfort...or if you did attend and want to see and hear a particular speaker's remarks again....just go to the KBT website www.kbt.net.org

Nearly 15 hours of speeches including, Governor Steve Beshear, Acting Transportation Cabinet Secretary Mike Hancock, AASHTO's John Horsley, as well as Kentucky's state legislative officials, all available for free. And yes, we've included the Friday morning, January 22, speech from UK Head Basketball Coach John Calipari!

Go to the KBT homepage and click on Ky. Transportation Conference on the left-hand side of the screen. You then click on 2010 Conference, and there will be 13 separate presentations for you to watch!

Budget Office Reports January Receipts; Road Fund Up

On Wednesday afternoon this week, the Office of the State Budget Director reported that January's General Fund receipts fell by 3.3% compared to January 2009, a decrease of \$23.9 million.

Road Fund receipts for January totaled \$91.1 million, a 0.2% increase over January 2009 levels. Year-to-date receipts for FY 2010 are down by 1.5%. The official Road Fund estimate, established by the Consensus Forecasting Group on December 21, 2009, calls for an increase in revenues of 0.6% for the fiscal year. Based on year-to-date tax collections, revenues must increase by 3.4 % for the remainder of FY 2010 to meet the estimate.

Selected State Legislation of Interest to KBT Members

(as of Friday, Feb. 12, 2010)

(updated status of bills available at www.lrc.ky.gov)

Administrative

HB 363 (Rep. Collins) Eliminate out-dated statutory requirement that vehicle title information be kept and stored on microfilm; allow for other methods of storage. **KBT Support.** To House – Transportation Committee. **Passed favorably from Committee on 2/9. To House floor. (Scheduled for House floor vote on Wednesday, 2/17)**

Airports

HB 183 (Rep. Wayne) Create new tax credit for residential noise abatement in airport runway corridor areas. **KBT monitor.** To Approp. & Revenue Committee on January 6.

Auto Dealerships

HB 217 (Rep. Lee) Prohibit the granting of a license for a new auto dealership if located within a 10-mile radius of former dealership that was forced to close when franchise was revoked by manufacturer. **KBT monitor. Passed House Transportation on 1/26; to House Floor. Passed House 98-0 on 2/2. To Senate. Received in Senate on 2/3.**

HB 297 (Rep. Lee) Establish standards for 501(c)3 non-profit motor vehicle dealers (e.g. Goodwill, Salvation Army, etc.) to both purchase and sell motor vehicles; require that purchase and sale only for “clients”; define “clients” in narrow manner. Supported by Ky. Auto Dealers Assoc. **KBT monitor.** **Passed House Transportation on 2/2; to House Floor on consent. Passed House 99-0 on 2/10. To Senate.**

Bidding and State Contracting Practices

SB 45 (Sen. Tapp) Give preference to Ky. bidders in state government projects; establish bidders must have at least one year residence in state. **KBT monitor.** To Senate- State & Local Government. **Passed favorably from Committee on 1/20. To Senate Floor. Passed Senate 38-0 on 1/28. To House.**

Distracted Driving, Inattentive Driving, Text/Cell Phone Usage While Driving

HB 27 (Rep. Nelson) Prohibits cell phone usage by any driver under the age of 18, but prohibits texting while driving for all drivers, regardless of age; probationary period through November 1, 2010; fine after probationary period is \$50 per offense. **KBT Support.** To House Transportation Committee on January 6. (No further action likely on this bill, as HB 43, below, will be the active legislation.)

HB 43 (Rep. Richards) Prohibits texting while driving for all ages; prohibits text and cell phone use for drivers under 18; probationary period ends November 1, 2011 during which time warnings are issued; fines after probationary period are \$20 to \$100 for each offense. **KBT Support. Passed House Transportation Committee on 1/26; To House Floor. Passed House 80-16 on 2/4 with House floor amendment requiring vehicle to be in motion to constitute a violation. To Senate. To Senate-Judiciary Committee.**

HB 232 (Rep. Burch) Prohibits cell usage of both verbal and text communications while driving; warning for first violation; fines between \$20 and \$100 for subsequent offenses. **KBT Support. Failed in House Transportation Committee on 1/26; No further action likely.**

SB 23 (Sen. Harper Angel) Prohibits texting, instant messaging, and e-mailing while driving; probationary period ends November 1, 2010 during which time warnings are issued; fines after November 1, 2010 are set at \$100 for first offense and not less than \$300 for subsequent offenses. If violation results in auto accident, fines are to be less than \$200 and no more than \$600. **KBT Support. To Senate Judiciary Committee on January 6.**

DUI Legislation

HB 58 (Rep. Keene) (**52 co-sponsors!!**) Require ignition interlock usage beginning with first DUI; require offender to drive with interlock equipped work vehicle as well; require interlock usage while offender is driving on a hardship license. **KBT Support.** To House Judiciary Committee on January 6; reassigned to Approp. & Revenue Committee on January 26. **Passed 22-0 out of Approp. & Revenue Committee on 2/9. To House Floor.**

HB 121 (Rep. Harmon) Expand look-back period from 5 years to 10 years for prior offenses; allow for forfeiture of motor vehicle in DUI if operator’s license has been suspended previously. **KBT Support.** To House Judiciary Committee on January 5.

SB 144 (Sen. Jones) Establish a per se violation of DUI statutes if driver has controlled substances in blood; reduce required alcohol concentration for aggravating circumstances from 0.18 to 0.15. **KBT Support.** To Senate Judiciary. **Passed favorably out of Senate Judiciary on 2/11. To Senate floor.**

Highways, Streets & Bridges

HB 24 (Rep. Richards) Provide local entities (tourist agencies, etc.) authority to purchase a “brown sign” for local tourist and historical sites. Signs still must be approved, installed by Transportation Cabinet. **KBT monitor. Passed House Transportation on 1/26; to House Floor on consent. Passed House 95-0 on 2/3; To Senate. Received in Senate on 2/4.**

HB 267 (Rep. Thompson) Extend the sunset date from June 30, 2010 to August 31, 2010 for the \$25 million vehicle sales tax offset, when trading in a car to purchase a new car. **KBT opposed.** To House Appropriations & Revenue Committee – January 19.

HB 410 (Rep. DeCesare) Make permanent the allowance of trade-in credit when determining the motor vehicle usage tax on new vehicle purchases. **KBT Opposed.** (Note: if enacted, this bill would permanently extend the trade in credit, set to expire on June 30, 2010. This credit is currently funded by diverting \$25 million from the Road Fund.) **Introduced on Feb 9. To House – Appropriations & Revenue Committee.**

License Plates

HB 40 (Rep. Collins) Provide state legislators immunity from lawsuit when groups litigate special license plate issues with the Transportation Cabinet. **KBT monitor. Passed House Transportation on 1/26; to House Floor on consent. Passed House 94-1; To Senate. To Senate – Transportation Committee.**

HB 100 (Rep. Gooch and 12 co-sponsors) Provide that “In God We Trust” license plate as an alternative standard-issue license plate for motorists. **KBT monitor. Passed House Transportation on 1/26; to House Floor on consent. Passed House 93-1 on 2/2. To Senate. Received in Senate 2/4. To Senate Transportation Committee.**

Public Transit

HB 82 (Rep. Horlander) Increase penalty for menacing and disorderly conduct relating to assault on operator or passenger of taxi, bus and other vehicles for hire. **KBT Monitor.** To House – Judiciary Committee on Jan. 5.

Rail and Railroads

HB 31 (Rep. Nelson) Require Transportation Cabinet to inspect railroad grade crossing twice a year, if traffic count at crossing exceeds 700 vehicles daily. **KBT monitor.** To House Transportation on January 5.

HB 181 (Rep. Nelson) Establish new standards for railroad employees; define railroad contract carrier employee, establish rules and standards, require liability insurance. **KBT monitor.**
To House Transportation Committee on January 5.

Traffic Safety Legislation

HB 15 (Rep. Riner) Prohibits shock probation until either service of one year of imprisonment or completion of comprehensive substance abuse treatment with supplemental character and education components; to be titled "Kentuckians Against Drunk Driving Act". **KBT monitor.**
To House Judiciary Committee on January 5.

HB 79 (Rep. Arnold) Extend the allowable traveling distance for golf carts on local roads (not state roads) from 5 miles to 7 miles from a golf course. **KBT monitor.** To House Transportation Committee on January 5.

HB 113 (Rep. Denham) Requires the illumination of headlights during any period of precipitation that necessitates the use of windshield wipers by motorists. **KBT monitor.**
To House Transportation Committee on January 5.

HB 131 (Rep. Burch) Requires KYTC to issue magnetic decals that shall be affixed to motor vehicles identifying drivers who hold an instructional permit. **KBT Support. Passed House Transportation Committee on 1/26; To House floor. Passed House 55-39 on 1/28. To Senate. To Senate Transportation Committee on 2/3.**

HB 352 (Rep. C. Miller) Specify that double fines in work zones are only applicable when required signs are posted and workers are physically present in work zone. **KBT monitor.** To House – Transportation Committee. **Passed favorably out of Committee on 2/9. To House Floor.**

Waterway

HB 28 (Rep. Coursey) Establish 7-member Water Transport Advisory Board to serve as an expert advisory body to the legislative and executive branches of Ky. state government; establish that Board members receive no compensation or reimbursement. **KBT Support. Passed House Transportation Committee on 2/2; To House floor. Passed House 95-1 on 2/4; to Senate.**