

**KENTUCKY**

# Transportation News

Vol. XXII, No. 5 Published by Kentuckians for Better Transportation February 19, 2010

## “TIGER” Grants Total \$37.5 Million, But Leverage Much More

The U.S. Department of Transportation and the Commonwealth of Kentucky announced Wednesday, Feb. 17, that two projects, totaling \$37.5 million, were being awarded to Kentucky under the Transportation Investment Generating Economic Recovery (TIGER) grant program.

Nationwide, \$777 million was awarded to 55 projects. (A complete list of all U.S. projects and their descriptions can be found at <http://www.dot.gov/documents/finaltigergrantinfo.pdf> )



**Shortline Rail Improvements.** Kentucky’s winners include a grant of \$17,551,028 to R.J. Corman Railroad Group’s Appalachian Regional Shortline Project. But the \$17.5 million grant will be matched by a 20% company investment of \$4,187,758 and by \$200,000 from the Commonwealth of Kentucky, bringing the total project investment to \$21,938,786.

Noel Rush, VP of Strategic Planning and Development at Corman said, “Our company will soon conduct a job fair to begin hiring 100 unemployed workers for this project, which we intend to start work on by April. We are grateful to Governor Beshear for his leadership in sponsoring this project and to Secretary LaHood’s Department of Transportation for assessing the merits of the project.”

The funds will be used to rehabilitate hundreds of miles of unconnected shortline railroads in Kentucky, Tennessee, and West Virginia. Specific investments will include rail, ballast, crossties, grade crossing improvements, and bridge work.

**Milton-Madison Bridge.** Kentucky’s second winner is the Milton-Madison Bridge, which spans the Ohio River between Milton, Kentucky and Madison, Indiana. Kentucky and Indiana will jointly share \$20 million to help replace the 81-year old bridge. Its main span is 600 feet in length, and its deck width is a mere 20 feet.

The current bridge was erected in 1928 and opened in 1929. According to the U.S. DOT, it has less than 10 years of useful life. In recent years, KYTC posted a reduced weight limit control on the span, so its current daily vehicle count of 10,700 isn’t likely to be an accurate reflection of the traffic counts in future years on a new bridge.

The initial reaction of some transportation experts regarding the \$20 million grant was one of confusion, because the total shared project cost has been estimated to be \$131 million. But KYTC has set aside more than enough of its share, \$89.4 million, in the two-year highway construction plan that is currently under study by the 2010 General Assembly. In fact, the Kentucky portion of the grant could allow for other projects, currently unfunded, to be approved.

For its part, Indiana has reserved more than \$2 billion from proceeds of its public-private partnership near Chicago, and is committed to paying its 50% share.



**The Milton-Madison Bridge**

The Milton-Madison Bridge is the only crossing for more than 70 miles between Louisville and Vevay, Indiana (the Markland Bridge). During the 1930's and 1940's, it operated as a toll bridge. Historical documents reveal that while the nation was still in the teeth of The Great Depression, the Milton-Madison Bridge generated nearly \$80,000 per year in toll revenue. The tolls were removed in 1947.

**The bridge was built by the J.G. White Engineering Company at the cost of \$1.3 million. It was strengthened and refurbished in 1997 at the cost of \$10.0 million.**

If we understand these projects correctly, and our calculations are correct as well, we have concluded that \$37.5 million in TIGER grants will generate nearly \$153 million in construction activity, and soon. **That's leverage.**

## **Vote On Federal Highway Funding Just Days Away**



**l-r: Senator Mitch McConnell and Senator Jim Bunning**

The U.S. Senate plans to take an initial vote on a "jobs bill" on Monday, February 22, at 5:30 p.m., (eastern standard time) when Senators return to Washington, D.C., following a week of work sessions in their districts. Supporters of this measure will need 60 votes to end debate ("cloture") and proceed with the bill.

The "jobs bill" incorporates transportation-related provisions supported by KBT members, including extending the highway and public transit programs through December 31, 2010, at the FY 2009 funding levels. In

addition, the jobs bill would credit the Highway Trust Fund (HTF) with \$19.5 billion from the U.S. Treasury that it has foregone since the 1998 highway reauthorization bill ended the long-standing

practice of crediting the HTF for interest on the fund's cash balance. Thirdly, this measure restores the lost contract or spending authority to the states, which occurred with an \$8.7 billion rescission from SAFETEA-LU, which expired on September 30, 2009. Since that time, states have been receiving 25% to 30% less than their earlier spending allotment, due to the piecemeal fashion that funds have been distributed.

It is estimated that states are losing \$1 billion each month without a long-term extension. The current short-term extension expires on February 28.

It is expected that a few Senators from both sides of the aisle will raise budgetary objections to the bill, and try to block it. At issue is whether or not budget rules require that an "intergovernmental fund transfer" be "scored" by the Congressional Budget Office. The proposed credit of \$19.5 billion from the Treasury to the HTF qualifies as an intergovernmental fund transfer.

KBT members wishing to express their views to Kentucky's two U.S. Senators should phone or fax their offices.

Senator McConnell (office) 202 224 2541 (fax) 202 224 2499  
Senator Bunning (office) 202 224 4343 (fax) 202 228 1373

## Western Kentucky Supports I-69 Construction



The Interstate 69 project was highlighted at the 8<sup>th</sup> West Kentucky Thank You Night in Frankfort on Feb. 4. Two chamber of commerce alliances in western Kentucky with the help of 60 corporate and government sponsors coordinated the event, which was attended by more than 800 people. Gov. Steve Beshear, Senate President David Williams and Speaker Pro-Tem Larry Clark spoke.

## Waterway Commerce Advocates Meet With Key Senator

Over the past summer, an interim legislative study commission, co-chaired by Rep. Will Coursey (Benton) and Sen. Bob Leeper (Paducah) met a number of times, to discuss what Kentucky state government could do to bring more attention to waterway commerce in Kentucky as well as attention to Kentucky's public and private riverports.

HB 28 was introduced by Rep. Coursey at the beginning of the 2010 Session. (The 5-page bill is available at [www.lrc.ky.gov](http://www.lrc.ky.gov) ) If passed, the measure would establish a 7-member Water Transport Advisory Board, appointed by the Governor. The purpose of the Board is to advise both the Executive and Legislative branches of Kentucky State Government. Four of the seven members would be appointed from names submitted by public riverports, two of the seven members would be appointed from names submitted by privately-owned riverports, and 1 representative would be appointed from names submitted by Kentuckians for Better Transportation (KBT).

While the bill has no funding and no appropriation, if the Water Transport Advisory Board is established, the legislation allows for the Board to accept federal grants, corporate gifts and donations. If those funds materialized, the Board has the authority to make two types of grants to riverports: (a) marketing grants, and (b) capital improvement grants. The marketing grants are “capped” at \$15,000 per project, or \$30,000 per applicant per year. The marketing grants require a 50% match from any public or private source. The capital improvements grants have no “cap” limit, but they cannot include routine operations, maintenance and repair, and they require a 20% match.



**Senator Ernie Harris**

HB 28 is moving through the legislative process, and that’s a good sign. The bill passed out of the House Transportation Committee on Tuesday, Feb. 2, and was approved by the full House just two days later, Thursday, Feb. 4, by a vote of 95 – 1. The bill is now in the Senate – Transportation Committee, which meets regularly on Wednesday mornings at 9:00 a.m. in Room 154 of the Capital Annex in Frankfort.

On Wednesday of this week, four waterway executives met with State Senator Ernie Harris (Crestwood) who chairs the Senate – Transportation Committee. Those attending were: Norb Whitlock (KBT Waterway Committee co-chair), Greg Pritchett (Henderson Riverport), Ed Riney (Owensboro Riverport), and Paul Buddeke, a non-KBT member from the Louisville River Road Riverport, a privately-owned terminal. Each one of them informed Chairman Harris

about the need for HB 28, and urged him to put the bill on the agenda for an upcoming meeting of the Senate Transportation Committee. **Stay tuned!**

## **Save the Dates: Wednesday, May 19 and Thursday, May 20**

KBT has confirmed the dates of Wednesday, May 19 and Thursday, May 20, for the 2010 KBT Washington, D.C. Fly-In. Save those two days and plan on meeting the KBT group on Wednesday afternoon at 3:00 p.m.

For decades, KBT members have made the trip to the nation’s capital to provide the Kentucky Congressional delegation with first-hand evidence that the five modes of transportation: air service, rail, waterways, public transit and highways are a crucial link to economic development and educational improvement.

A briefing for KBT members will be held Wednesday afternoon beginning at 3:00 p.m. in the Cannon House Office Building, followed by a 5:30 p.m. reception in the Capitol. An elegant dinner is planned that evening at the stylish restaurant, Charlie Palmer, located just two blocks from the Hyatt Capitol Hill, newly renovated in the past year. On Thursday morning, a breakfast will be held in the Rayburn House Office Building with our Kentucky Congressional delegation and their key staff, followed by small group meetings with individual Senators and Representatives later that morning.

This year, KBT is exploring whether or not it can save KBT members money by organizing a discounted group of 15 to 40 attendees who would all originate their flight in Lexington and return to Lexington.

## **Selected State Legislation of Interest to KBT Members**

(as of Friday, Feb 19, 2010 )

(Updated status of bills available at [www.lrc.ky.gov](http://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. Passed House 98-0 on 2/17. To Senate.**

### **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. To Senate – Transportation Committee.**

**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 – Transportation Committee.**

### **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 – State Government Committee.**

### **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) (**54 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. Passed House 95-0 on 2/18. To Senate.**

**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. Passed Senate 34-2 on 2/18. To House.**

### **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. To Senate – Transportation.**

**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.

**HR 133** (Rep. Glenn) Require KYTC to study feasibility of establishing a high speed rail network in Kentucky. **KBT Support.** To House – Transportation on 2/10.

### 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. Passed House 98 -0 on 2/17. To Senate.**

**HR 91** (Rep. Ballard) Request KYTC perform study on cost savings and safety implications of reducing amount of lighting used on remote parkway interchanges. **KBT Monitor. Adopted 98-0 on 2/11.**

### **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 – Transportation.**