

KENTUCKY

Transportation News

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Roads and HTF Bill Clears U.S. Senate ... No Time to Waste

On Wednesday night, Feb. 24, the U.S. Senate passed a jobs bill, which includes public transit and highway funding for the states, by a bipartisan margin of 70-28. The Senate action sends the bill back to the House for their urgent concurrence, as the current highway funding extension is set to expire this Sunday, Feb. 28. Kentucky U.S. Senators McConnell and Bunning voted against the measure on final passage.

The bill contains two major provisions. First, it would exempt businesses who hire unemployed workers from the 6.2% Social Security payroll tax through December 31, 2010 and give employers an additional \$1,000 tax credit if the new worker stays on the job for a full year.

The crucial provisions for the transportation industry and state transportation cabinets have remained intact. As previously reported in *KBT Transportation News*, H.R. 2847 extends the highway and public transit funding program, which originally expired on September 30, 2009, through December 31, 2010. Further, it repairs the baseline of funding for the highway programs, to at least maintain last year's funding levels.

Finally, the Senate-passed version provides that \$19.5 billion be transferred from the U.S. Treasury to the Highway Trust Fund (HTF), which will go a long way to make up for lower-than-expected federal gasoline tax revenues. Since 1998, the HTF has not been credited for interest on its cash balances. This one-time intergovernmental transfer should provide states with the stability needed to begin badly needed construction projects at once.

However, agreement from the House of Representatives may not come easily. Chairman of the House Transportation Committee Rep. James Oberstar (Minn.) believes that the Senate bill favors highway and public transit funding to states like California and Illinois, at the expense of other states. Resolving this dispute may be time consuming.

In addition to the hiring tax incentives and highway funding, the bill would extend a tax break for small businesses buying new equipment and modestly expand a program that helps local and state governments finance infrastructure projects.

Watch your weekend news for action by the House of Representatives, and the President's signature on the bill.

Kentucky Transportation Center Names New Director



Dr. Joe Crabtree

Dr. Joe Crabtree has been named the new director for the Kentucky Transportation Center (KTC), replacing deputy director Don Hartman, who has been the acting director since the retirement of Paul Toussaint from the position last summer. Crabtree will begin in his new role on Monday, March 1.

KBT Board of Directors are enthusiastic about Crabtree's appointment. One said, "Joe is a great selection. He is very competent and conscientious. I always enjoy working with him."

Crabtree attended the University of Kentucky on a Highway Department scholarship just over 30 years ago. He received his Civil Engineering bachelor's degree in May 1978, and his master's degree in August 1978 through a National Science Foundation fellowship, and received his Ph.D. in December 2004, all through the University of Kentucky.

Crabtree left Kentucky in 1983 to serve as a nuclear propulsion officer in the U.S. Navy. He returned to Kentucky in 1992, when he came to work at KTC. He has served as a transportation research engineer and managed KTC's research program in the area of intelligent transportation systems.

Crabtree recently led a North American Transportation Security Center project by the National Institute for Hometown Security. The project addresses the significant threats posed by the 600,000 hazardous materials shipments on the nation's roads daily. The KTC is working to build a functional prototype of a hazmat tracking center and hope in the future to launch a multi-state implementation program that will bring the hazmat truck tracking center to fully operational status.

KBT welcomes Joe to his new role, and looks forward to working with him closely in the years to come!

Bridge Inspections: Behind the Headlines

In mid-February, Kentucky Auditor Crit Luallen issued the overall audit of state government, an annual report. It's no small undertaking, and this year's audit included roughly 70 findings in 221 pages.

One of the 70 findings was that more of Kentucky's bridges were "structurally deficient" this year, than the previous year. Further, the audit noted that routine bridge inspections were not being conducted once every two years, as required by Federal rule.

But that's still not the whole story. So what's missing?

The fact that the state budget for bridge maintenance decreased by \$47 million from FY 2009 to FY 2010.

KBT asked KYTC for a brief comment about bridge inspections. They said: "The Kentucky Transportation Cabinet takes pride in ensuring that Kentucky's 13,699 bridges are safe for all motorists. It is important to note that no bridge is going uninspected. Nor does the Cabinet hesitate to impose bridge weight limits - or even closure - when necessary. A shortage of personnel has resulted in some slippage in the inspection schedule, and it has been difficult to keep documentation of inspections up to date. But Acting Secretary Mike Hancock is determined to correct these problems and has taken action in that direction: hiring additional bridge inspectors, exploring ways to make the job more attractive as a career, and encouraging all Department of Highways districts to make use of contract inspectors."

In Frankfort: Railroads Under Attack?

In an unusual twist on Thursday morning this week, the House – Labor & Industry Committee voted HB 432 out of Committee, with a favorable recommendation. HB 432 establishes new, costly, safety requirements and safety standards for railroad contract carriers, including onerous record-keeping and accounting systems, and a requirement that railroad employers carry \$5 million liability insurance on all employees.



Rep. Rick Nelson

The bill has been sponsored by Rep. Rick Nelson (Middlesboro) who also chairs the House – Labor & Industry Committee.

The bill was opposed by Professional Transportation Inc. (PTI) at the Committee meeting. Other rail carriers have also voiced opposition to the legislation.

KBT believes the measure is misguided, offering a solution for a problem that doesn't exist in Kentucky. In recent years, Kentucky's railroads have not been faced with safety issues, or insurance issues. Furthermore, in Kentucky, many railroad employees are located in "border" cities (Ashland, Louisville, Northern Kentucky, Owensboro and Paducah) and a new, burdensome state law might encourage them to relocate...just on the other side of the border. At a time when our state and nation's economy is soft, we need to encourage rail freight, not discourage it.

Beshear Joins Building America's Future



Kentucky Governor Steve Beshear has joined the national bipartisan infrastructure coalition, Building America's Future.

Building America's Future is dedicated to smart infrastructure investment – energy systems, public transit, rail, ports, airports, levees and dams, roads and bridges, schools and housing – to enhance the quality of life and safety of our communities, create new jobs and economic growth, and promote needed energy independence.

Gov. Steve Beshear Founded in January 2008 by New York Mayor Michael Bloomberg, California Governor Arnold Schwarzenegger, and Pennsylvania Governor Ed Rendell, Building America's Future boasts a politically diverse membership of state and local-elected officials from across the nation. The organization seeks to advance a new national vision for infrastructure investment that strengthens our rural communities.

Building America's Future works closely with associations that represent the nation's top officials, including the National Governors Association, the U.S. Conference of Mayors, the National League of Cities, the National Association of County Officials, the National Conference of State Legislators, the Council of State Governments, the U.S. Chamber of Commerce, and the National Association of Manufacturers.

Selected State Legislation of Interest to KBT Members

(as of Friday, Feb. 26, 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. Passed House 98-0 on 2/17. To Senate – Transportation Committee.**

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. Passed favorably out of Committee on 2/25; To House floor.**

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 – Judiciary Committee.**

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 – Judiciary Committee.**

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. Passed favorably out of Committee on 2/23; To House Floor.**

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 crossings 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 \$5 million liability insurance. **KBT opposed.** To House Transportation Committee on January 5.

HB 432 (Rep. Nelson) Establish new standards for railroad employees, define railroad contract carrier employee, establish rules and standards, require \$5 million liability insurance. **KBT opposed. To House – Labor & Industry Committee on 2/18; Voted favorably out of Committee on 2/25. To House Floor.**

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. **Amended to eliminate references to distances altogether and allow city governments or county governments to enact local ordinances allowing golf cart travel, based on local circumstances. Passed favorably from Committee on 2/23; To House Floor. Passed House 94-5 on 2/25. To Senate.**

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. To Senate – Transportation Committee.**

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.**