

**KENTUCKY**

# Transportation News

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## **House and Senate End Highway & Transit Shutdown...for 30 days**

“It was the best of times, it was the worst of times” in Washington, D.C. this week.

On Tuesday evening, the U.S. Senate approved a bill to extend the legal authority for the Highway Trust Fund (HTF) for 30 days, sending the legislation to President Barack Obama, who signed the measure. The President’s signature on HR 4691 ends a shutdown of the HTF and ends the furlough of 2,000 U.S. DOT employees that had occurred on Monday, March 1, after the fund’s authority to spend money expired at midnight on Sunday. The Senate approved the measure by a vote of 78-19. Also included in HR 4691 were additional unemployment benefits for Americans who have run out of the standard 6-month payments, and boosting the reimbursement payments for doctors who accept Medicare patients.

But the bad news is: **uncertainty remains.**

This marks the fourth short-term extension of SAFETEA-LU, which originally expired on September 30, 2009. Let’s be fair to our state transportation cabinet officials. Nationwide, 50 state transportation cabinets have not been provided with the financial stability that comes with the passage of a multi-year bill. And so, as the spring and summer construction season grows closer, cash-strapped state governments continue to struggle with the difficult decision of bidding large construction projects – when another government shutdown could occur within 30 days.

**KBT believes that if Kentucky isn’t able to plan major, long-term projects, then contractors can’t hire workers, or purchase new, needed equipment. Engineers and architects are underutilized, and vendors of public transit systems are in jeopardy. The result of these short-term extensions could be higher unemployment and more economic stagnation. Going from one short-term extension to the next one is clearly not the answer. Tell your Mayor, your County Judge, your State Legislators, your U.S. Congressman, and the U.S. Senators just that.**

Yesterday, Thursday afternoon, the U.S. House of Representatives passed a separate Senate bill, HR 2847 with Senate Amendments, that would extend SAFETEA-LU through the end of this year and transfer \$19.5 billion to the HTF to keep it solvent through December 31, 2010. This House-passed version would also restore this year’s HTF funding to \$42 billion, rather than the current \$30 billion. The vote was 217-201. So HR 2847 goes back to the Senate. Work continues in Congress on a full six-year surface transportation authorization.

## **Waterway Bill Advances in Kentucky Senate Committee**

HB 28, a KBT-supported bill to establish a new Water Transportation Advisory Board, cleared the Senate-Transportation Committee on Wednesday in Frankfort. The bill creates a 7-member advisory panel to advise the executive and legislative branches of state government regarding water commerce in

Kentucky. The Advisory Board would be appointed by the Governor, and the bill calls for KBT to make three recommendations to the Governor for one Advisory Board seat.

The bill cleared the Committee by an 11-0 vote. Because the vote was unanimous, the bill will go to the Senate floor, where it will be “bundled” with 15-20 other non-controversial bills, a procedure called the consent calendar. It will likely receive a favorable Senate floor vote within the next week. HB 28 passed the House on Feb. 4 by a vote of 95-1.



**Five public riverport executives attended the Senate Transportation Committee meeting on Wed., March 3. L-r: Greg Pritchett, Henderson; Larry McFall, Louisville; Transportation Cabinet Secretary Mike Hancock; Ken Canter, Paducah; Ed Riney, Owensboro; and Greg Curlin, Hickman.**

At Wednesday’s Senate Transportation Committee meeting, Senator David Boswell (Owensboro) said that more attention to waterway commerce was “way, way overdue.” Boswell noted that HB 28 “sets the stage for enhanced commercial business on our rivers in Kentucky.”

Riverport executives from Louisville, Henderson, Hickman, Paducah and Owensboro were in attendance for the Committee hearing. Following the Committee meeting, Larry McFall, President of the Louisville-Jefferson Riverport Authority, and KBT Board

member, said “I found it very encouraging to see that Kentucky’s Senators – from all parts of the state – really do ‘get it’ when it comes to water commerce. I left that meeting convinced that Kentucky’s riverports will soon see a lot more attention in months and years to come.”

The Senate Transportation Committee included a few minor amendments to the bill, which will require an extra legislative step of having the House vote on the amended bill again, after it passes the full Senate. The Committee added language to HB 28 which will request that the Governor consider including representatives on the Advisory Board from each of the four great rivers (Ohio, Cumberland, Tennessee and Mississippi) in Kentucky. Additionally, the amendment requires that if the Advisory Board makes marketing or capital improvement grants to Kentucky riverports in the future, that the Board advise two state legislative committees (A&R and Transportation) that it has done so.

## **Louisville Bridges Resolution Moves Quickly in Kentucky Senate**

A Senate resolution, SJR 169, sponsored by Senate President David Williams (Burkesville) and 8 other Senators, has moved quickly through the Senate. The resolution ratifies the creation of the bi-state authority, which provides it with its official legal authority to proceed with the development of a financing plan for the massive Louisville Bridges Project. SJR 169 also contains an emergency clause, making it immediately effective when signed by the Governor, which could occur in 7 to 10 days. (Most legislation enacted in the 2010 General Assembly will be effective in mid-July.)



**Sen. Williams**

The resolution, only introduced on Feb. 24, was approved by the Senate – Transportation Committee on Wednesday, by a unanimous and bipartisan vote of 11-0. At Wednesday’s Committee meeting, KYTC Acting Secretary Mike Hancock and Bridges Authority Executive Director Steve Schultz addressed the Committee, noting that current Authority has been in a “formation” and “organizational” mode until SJR 169 formally ratifies the Authority.

Then, on Wednesday afternoon, the full Senate adopted SJR 169 by a unanimous vote of 38-0.

The resolution now goes to the House, where it will likely be assigned to the House – Transportation Committee, which meets on Tuesday at 12:00 noon in Room 149 of the Capitol Annex.

Co-sponsors on SJR 169 include Sen. Dan Seum (Louisville), Sen. Ernie Harris (Crestwood), Sen. Paul Clark (Louisville), Sen. Julie Denton (Louisville), Sen. Denise Harper Angel (Louisville), Sen. Gerald Neal (Louisville), Sen. Tim Shaughnessy (Louisville) and Sen. Elizabeth Tori (Radcliff).

## **Budget Actions to Increase in Coming Week**

With 41 of their 60 legislative days used, the 2010 Kentucky General Assembly is heading toward the home stretch, and the vast majority of activity in the final 19 days will be revenue and budget related.

On Wednesday night, the House – Appropriations & Revenue Committee voted HB 530 out of Committee by a vote of 17–11, along strict party lines. Democrats voted “aye;” Republicans voted “nay.” Then, on Thursday afternoon, the full House voted along party lines 64-36 to approve HB 530.

HB 530 is the revenue/income side of the two-year budget. In recent years, a Kentucky Supreme Court decision required that the state biennial budget be bifurcated into a two separate bills: one dealing with revenue/income, the other dealing with spending/expenditures. A spending bill is expected to be released by House leadership within the next few days.

HB 530 originally dealt with making a technical correction to the \$25 million vehicle trade-in allowance legislation, which passed in the 2009 Session. When enacted, the legislation was intended to last for 12 months, but, by human error, the bill called for a 10-month vehicle trade-in allowance. While the 2009 legislation “caps” the trade-in allowance at \$25 million, there are discussions of extending it beyond the current deadline of June 30, and the proposed amended deadline of August 31, 2010. **Currently, the vehicle trade-in allowance is being paid for by diverting Road Fund revenues, a practice opposed by KBT.**

House Speaker Greg Stumbo (Prestonsburg) has said publicly that the House-proposed budget will likely have more construction stimulus funding than the \$412 million proposed by Governor Beshear in early January. The Governor’s budget recommended \$300 million in highway construction projects and \$112 million in construction related projects associated with the Base Realignment (BRAC) at Fort Knox. All of these construction projects are expected to be funded by bonds.

## **KBT Washington DC Fly – In... May 19 and May 20...Join Us**

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. in the Cannon House Office Building, Room 121.

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.

**Schedule.** A briefing for KBT members will be held Wednesday afternoon beginning at 3:00 p.m. in Room 121 of the Cannon House Office Building. We have invited 2 veteran Capitol Hill lobbyists, who work with Kentucky-based companies, to give KBT members an up-to-the-minute briefing on public transit, air service, rail, waterway and highways/roads legislation. Following that briefing, Senator McConnell has assisted KBT by reserving the elegant LBJ Room in the Capitol for a 5:30 p.m. reception. 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 Room B-338 of 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. Thanks go to Congressman Rogers for assisting with our breakfast arrangements.

This year, KBT is exploring whether or not it can save KBT members money by organizing a discounted group of 15 to 30 attendees who would all originate their flight in Lexington and return to Lexington. More later.

**For now, save the dates of May 19 and May 20.**

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

(as of Friday, March 5, 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 – 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. Recommitted to House – State Govt. 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 – 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. Passed favorably out of Committee on 3/3 by vote of 11-0; To Senate floor on Consent Calendar.**

**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. Passed House 99-0 on 3/3; To Senate.**

**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.**

**SJR 169** (Sen. Williams & 8 co-sponsors) Ratify the appointments of Governor and ratify the formation of the Ohio River Bridges Bi-State Authority to accelerate construction of the Southern Indiana – Louisville Bridges mega-project. Include emergency clause making ratification effective upon Governor's signing bill. **Introduced Feb 24. To Senate – Transportation. Passed 11-0 in Senate Transportation on 3/3. To Senate floor on 3/3, passed 38-0. To House on 3/4.**

### **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.**

**HB 470** (Rep. Collins) Establish new system dealing with motor vehicle license plates so that plates stay with original owner of vehicle and are placed on subsequent vehicles. Effective January 2013. Supported by County Clerks, law enforcement agencies and auto dealers. **Introduced 2/22; To House – Transportation Committee. Passed favorably out of Committee by vote of 20-0 on 3/3; To House; Passed favorably in House by vote of 100-0 on March 4. To Senate.**

### 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.**

**HJR 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 – Transportation Committee on 3/1.**

**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 on 2/22.**

**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 by vote of 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. Passed Senate Transportation on 3/3 by vote of 11-0. To Senate floor on Consent Calendar.**