

KENTUCKY

Transportation News

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KBT Too Optimistic On Monday.....Is Budget Stalled or Impasse?

At this writing, it appears that House and Senate leaders in Frankfort are unable to find a middle ground in their budget discussions to enact a \$17.3 billion biennial budget which begins July 1, 2010. The larger question is whether or not the talks are just temporarily stalled, or if they have reached a hopeless impasse and the 138 legislators will adjourn on April 15 without enacting a budget, a revenue plan and a road plan.

This mess is in stark contrast to the headline in the *KBT Transportation News* this past Monday which declared “Kentucky Budget, Revenue Plan and Road Plan Finalized over the Weekend.” Whoops! One state legislator e-mailed saying “this newsletter contains some inaccuracies, at least the headline.”

We apologize. We were optimistic, too optimistic, that House and Senate conferees who met all day Sunday and recessed their talks Sunday evening were enroute to an agreement. But they did not meet on Monday. On Tuesday, they did not reconvene until nearly 5:00 p.m. And on Wednesday, House and Senate leaders were saying that negotiations had “crashed” or “broken down.”

So, what do we know for certain? House leaders want to bond \$684 million in school projects, \$169 million for water and sewer projects and \$121 million for other projects, including improvements around Fort Knox. They believe these projects will create at least 25,000 jobs. Senate leaders philosophically oppose new borrowing that will increase debt, so they are unwilling to approve \$1.2 billion in new debt. The Senate also opposes two revenue measures from the House that would increase business taxes by \$275 million a year. It’s that simple.

But we also know that the legislators need to find a way to meet in the middle and pass a budget, a revenue plan and 2-year road plan, period. Delay and uncertainty is not helpful when it comes to reinvigorating our struggling economy. Action is needed, now.

Yogi Berra may have summed up the situation when he said “the past is easier to predict than the future.”

Talk to your State Representative and State Senator this weekend, and throughout next week. Legislators will return to Frankfort on April 14 and 15 to consider any vetoed legislation, and hopefully to pass a compromise budget plan.

Welcome New Member

KBT welcomes to membership:

Norb Whitlock, River Trends LLC, recommended by Ben Fister.

Get Registered For KBT Washington, D.C. Fly-In!!



KBT Washington Fly-In

Your Voice Is Needed

The KBT Washington Fly-In is set for May 19-20. **There has never been a more critical time for the transportation program.** Of immediate concern is the authorization of adequately funded air, highway, waterway and transit programs. In addition, KBT opposes a plan to re-regulate the nation's rail system. Your voice is needed in Washington.

The Fly-In provides an excellent opportunity for the transportation community to express its appreciation to our Congressional Delegation for the outstanding job they do in representing air, highway, public transit, rail, and waterway interests in federal legislation. We hope you will plan to participate.

If you want to take part in this effort, let the KBT office know ASAP. KBT has a block of rooms at the Hyatt Regency Washington on Capitol Hill, (400 New Jersey Avenue, NW), which boasts one of the best locations in Washington and is completely renovated. It is two blocks from the U.S. Capitol Building. **If you need one of these rooms, we must know by April 19.** The rooms are \$289 (plus tax) single or double and will be allocated on a **first-come basis**.

On Wed., May 19, there will be an **issues briefing** at 3:00 p.m. followed by a **reception** at 5:30 p.m. in the Capitol for the Congressional Delegation and staff people and transportation leaders in Washington. Following the reception, we have arranged for a group **dinner** at Charlie Palmer Steak restaurant. The Delegation will be invited to dinner. **On Thurs., May 20**, KBT will have **breakfast** with the Delegation.

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Registration - Washington Fly-In May 19-20, 2010

Yes, I plan to attend the 2010 Washington Fly-In.

Cost: \$350 _____. Check is enclosed (payable to KBT). Bill me.

Reserve a room for me _____. (Non-smoking rooms only)

I will pay the Hyatt Regency on checkout -- \$289 plus tax. (KBT will guarantee your room.)

Name _____ Phone _____ Fax _____

E-mail _____

Organization _____

Address _____

_____ Reserve a single room for me. (\$289 plus tax to be paid to the hotel.)

_____ Reserve a double for me. (\$289 -- \$144.50 plus tax per person to be paid to the hotel.) I'll be rooming

with _____

Return to KBT, 10332 Bluegrass Parkway, Louisville, KY 40299.

WE NEED YOUR RESERVATION NO LATER THAN APRIL 19.

Phone: (502) 491-5600 Fax: (502) 491-5603 e-mail: stankbt@msn.com or paula.kbt@msn.com

Louisville Bridges Board Members Appear Before Senate



L-r: Jamie Fiepke, Senator Harris, and Charles Buddeke

Serving as an appointee of Governor Beshear or Mayor Abramson to the 14-member Louisville-Southern Indiana Bridges Authority is certainly a daunting responsibility, and to make the task even more serious, state law requires that the Kentucky-based members be confirmed by the Kentucky Senate. So, last week, Charles Buddeke and Jamie Fiepke appeared before the Senate – Transportation Committee, chaired by Senator Ernie Harris (Crestwood).

Buddeke is a long-time supporter of economic development activities and transportation improvements in Metro Louisville. He and his family have business

interests in coal, riverport terminals and limestone. Fiepke is the President and CEO of the Kentucky Motor Transport Association in Frankfort, and a former employee of the Transportation Cabinet.

At the hearing, Senators commended both Buddeke and Fiepke for their willingness to serve on the Authority Board. All of the Bridges Authority members are expected to be approved by the Senate on the last two days of the Session.

Nevada Studies Fuel Tax Alternatives

This past week, the Nevada Department of Transportation hosted a meeting to announce a new study on alternatives to fuel taxes to pay for road maintenance.

With plug-in cars, hybrid cars and new conventional cars all using less gasoline, or no gasoline at all, fuel taxes haven't kept pace with state maintenance needs nationwide.

In Nevada, state officials estimate that they could face a road maintenance shortfall of \$6 billion by the year 2016. According to a US DOT estimate in 2008, the country was \$140 billion short in highway funding, with the problem growing as gasoline taxes increasingly fail to cover the mounting demand for money.

According to the Associated Press, 16 states, including Nevada, are studying the concept of charging motorists for "vehicle miles traveled" replacing gasoline taxes with a fee assessed on the actual amount of driving a person does. Nevada DOT, along with the University of Nevada at Reno and at Las Vegas will study how such a system could be implemented.

One suggestion would have drivers voluntarily report driven mileage, a method experts acknowledge would be unreliable and easy to evade. Another option is for officials at the Department of Motor Vehicles to take odometer readings during annual vehicle registration, determining a yearly fee. More complex options include electronic cards inside cars that automatically store mileage data, with the information recorded at card-reading stations where billing is determined.

Most studies so far support wireless communication devices or Global Positioning System (GPS) receivers installed in cars, which could record mileage driven, time of day traveled and type of route. Car manufacturers could be required to install GPS devices in new cars to determine mileage and fees.

Of course, critics raise legitimate privacy and civil liberty concerns over GPS devices.

But what is clear is this: Motor fuel taxes based on a cents-per-gallon approach is obsolete. A new approach to fund road maintenance must be found and embraced. Very soon all-electric plug-in vehicles will be traveling the streets and roads of Kentucky....for free.

“Texting” Bill Passes House, Now Goes To Gov. Beshear



Sen. Denise Harper Angel



Rep. Jody Richards

Kentucky will become the 21st state to prohibit drivers from “texting” while a car is in motion, when Governor Steve Beshear signs the bill in the coming days.

On Thursday afternoon, the Kentucky House of Representatives passed HB 415, the Senate Committee Substitute version, by a vote of 86-10. While the original version of HB 415 dealt with establishing policies within public safety agencies on the acceptance of gifts, a last minute amendment was added to HB 415, dealing with a texting

prohibition. Essentially, the amendment was the language of SB 23, a KBT-supported measure, which prohibits 16 and 17-year old drivers from texting and talking on a cell phone while a motor vehicle is in motion. The bill also outlaws texting for drivers of all ages, while a car is in motion. The bill establishes fines of \$25 for the first offense, and \$50 for subsequent violations.

SB 23 was originally sponsored by Sen. Denise Harper Angel (Louisville). A similar bill, HB 43, sponsored by Rep. Jody Richards (Bowling Green) passed the House earlier in the Session, but was not heard in the Senate. KBT believes that these two legislators deserve our sincere thanks.

Considerable effort was made by Transportation Cabinet officials in the past few days to keep this legislation in the front of legislator’s minds. KBT extends a “tip-of-the-hat” to Acting Secretary Mike Hancock and Office of Highway Safety Executive Director Chuck Geveden for their thorough and persuasive approach, which produced this great success.

KBT Waterway Committee Meets



KBT’s Waterway Committee met on Thursday at the KBT office in Louisville. The Committee discussed names of individuals, which will be recommended to the KBT Board of Directors, to be considered for appointment to the new Water Transportation Advisory Board. Governor Beshear is expected to sign HB 28 in the next two weeks, triggering the establishment of this new 7-member Advisory Board.

The Waterway Committee also drafted new federal legislative policy opposing the so-called “lockage fee,” which has been proposed by both the Bush and Obama Administrations. Transportation experts agree that the proposal places “upriver” commerce activities in regions like Pittsburgh, Chicago and Minneapolis at a competitive disadvantage. The barge and inland marine industries, instead, support an increase in their diesel tax to increase funding for maintenance and repairs of the nation’s locks and dams.

Selected State Legislation of Interest to KBT Members

(as of Friday, April 2, 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. Passed favorably from Committee on 3/10 by vote of 11-0. Add provision to eliminate \$7 registration fee of motorcycle sidecars. To Senate floor and Consent Calendar on 3/11. Passed Senate 38-0 on 3/24. Signed by Senate President and Speaker of the House on 3/25. Delivered to Governor on 3/25.**

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 on 2/5. Passed favorably out of Committee on 3/17 by vote of 11-0; To Senate floor on Consent Calendar on 3/19. Passed Senate 37-1 on March 24. Returned to House to Rules Committee on 3/25. Passed House 92-0 on 3/26; Delivered To Governor on 3/29.**

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. Passed favorably from Committee on 3/10 by vote of 11-0. To Senate floor and Consent Calendar on 3/11. Passed Senate 38-0 on 3/18. Signed by Speaker of the House on 3/19. Signed by Senate President on 3/22. Delivered to Governor on 3/22. Signed by Governor on 3/30.**

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 on 3/3. Passed favorably from Committee on 3/11; To House floor on Consent Calendar on 3/12; removed from Consent Calendar on 3/15. Passed House on 3/23 by vote of 95-0. Received back in Senate on 3/23. Conference Committee met and agreed to final report. House passed Conference Committee report 95-0 on 4/1. Sent to Senate.**

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 or SB 23, 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 on 2/8.**

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 \$25 for first offense and not less than \$50 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. Testimony heard in favor of bill in Committee on 3/18. Passed out of Senate Judiciary on 3/23 with amendments to lower fines, and other changes. Passed Senate 27-6 on 3/23. To House to concur in Senate amendments. Assigned to House Judiciary Committee on 3/25. SB 23 was attached to HB 415 on 4/1; passed House 86-10. Now goes to Governor.**

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 on 2/22.**

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 on 2/22. Bill “posted” for action on 3/23. Bill receives reading on 3/24, then returned to House Judiciary Committee. Reported favorably on 3/26, received second reading, then referred to House Appropriations & Revenue Committee on 3/29.**

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. Passed Senate 36-0 on 3/11. Signed by Speaker of the House; Signed by Senate President. Delivered to Governor on 3/15. Signed by Governor on 3/25.**

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 on March 4. To Senate – Appropriations & Revenue Committee on 3/8. Given first and second “readings” on 3/24 and 3/25. Back to Senate – Appropriations & Revenue Committee.**

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 on 2/10.**

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. **KBT Supports. 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. To House - Transportation Committee. Posting requirement waived. Passed favorably out of Committee on 3/9 by vote of 16-0. To House floor on Consent Calendar. Scheduled for House floor vote on Monday, March 15. Passed House 88-3 on 3/17. Signed by Senate President on 3/19. Signed by Speaker of the House on 3/22. Signed by Governor on 3/25.**

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. Passed favorably out of Committee on 3/10 by vote of 11-0. To Senate floor and Consent Calendar on 3/11. Passed Senate 38-0 on 3/18. Signed by Speaker of the House on 3/19. Signed by Senate President on 3/22. Delivered to Governor on 3/22. Signed by Governor on 3/30.**

HB 100 (Rep. Gooch and 12 co-sponsors) Provide that “In God We Trust” license plate as a 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 on 2/4.**

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 – Transportation Committee on 3/9. Passed favorably from Committee on 3/17 by vote of 11-0; to Senate floor on Consent Calendar. Recommitted to Senate Transportation on 3/24.**

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 \$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. Scheduled for House Floor vote on Friday, March 5. Recommitted to House – Appropriations & Revenue on 3/25.**

HB 498 (Rep. Pullin) Establish 7-member Passenger Rail Transportation Advisory Board to advise executive and legislative branches of Kentucky state government; prohibit payment of board members and prohibit reimbursement of expenses; provide for quarterly meetings and attach Advisory Board administratively to KYTC. **KBT Support. To House – Transportation Committee on 2/24; Passed favorably out of Committee on 3/9 by vote of 16-0; to House floor and Consent Calendar. Scheduled for House floor vote on Monday, March 15. Passed House 95-0 on 3/15; To Senate – Transportation Committee on 3/17.**

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. Passed favorably out of Committee on 3/10 by vote of 12-0. To Senate floor and Consent Calendar on 3/11. Passed Senate 38-0 on 3/18. Signed by Speaker of the House on 3/19. Signed by Senate President on 3/22. Delivered to Governor on 3/22. Signed by Governor on 3/31.**

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. Passed full Senate on 3/9 with voice vote. Return to House to concur in Senate amendments. Received in House 3/11. House passed with Senate amendments by vote of 97-0 on 3/24. Signed by Senate President and Speaker of the House on 3/25. Delivered to Governor on 3/25.**