

## VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION COMMITTEE

February 21, 2023 | 8:00 a.m.

Speaker 1 ([00:01](#)):

All right, now we're going to go out of session. It's good to see T dot back with us today. Always good to see the commissioner and members of his staff and you'd like to come forward and take your place at the desk. We still are getting questions and comments and things like that, so I thought it would be good to have you guys back again and we'll continue our q and a and conversation that we had a couple of weeks ago. So commissioner, we are out of session and I'll recognize you, sir.

Speaker 2 ([00:41](#)):

Thank you Mr. Chairman. Members of the committee. Sounds like there's a little bit of a theme here going on about getting here in time, so appreciate the conversations seriously that we've had over the last week or two with members to answer questions and we certainly appreciate the opportunity to do that and appreciate being back with you today. I would say that we continue to move forward. We've had very positive conversations with our Road Builders association and all that is very positive as well as our electric vehicle manufacturers and continue to finalize an effort with them to all be in agreement and so we're excited about that. Look forward to continuing. We feel like we'll be ready next week for that when we move forward. So happy to chairman to answer any questions that you or the committee has.

Speaker 1 ([01:52](#)):

Okay, I think there's a few we will recognize. Speaker Marsh, you're recognized.

Speaker 3 ([01:59](#)):

Thank you Mr. Chairman, and thank you all for being here for yet another day. I know you and your team have talked about the problems we have in the large cities with congestion. What other items are you looking at other than congestion out in the other parts of the state? I think our citizens want to hear about that.

Speaker 2 ([02:21](#)):

Yeah thank you speaker. And I think that's very important as we consider how we deal with this issue is that we have said that this is not just an urban congestion issue. That certainly we have issues from our congestion studies that show that we have bottlenecks in all of our major urban areas, but we also know that we've got problems in our rural interstates that need expanding beyond the original kind of two lanes that we had. So we can get into more detail on that. But one thing that I would like to have our chief engineer talk a little bit about, I want to show you, we did this slide to show committee kind of where we are. We have always prided ourselves in Tennessee to have better roads than most states and we continue to have. But what I would like to have this bottom right slide here shows the amount of infrastructure that we have invested in Tennessee by decade on our bridges and I think it tells a story that we haven't really delved into yet to really answer your question speaker.

Speaker 2 ([04:03](#)):

And that is this shows by decade the amount of bridges that we have added to our system in Tennessee and you see the huge amount of investment in the sixties and seventies in our infrastructure particularly on the bridge side and can talk about it also on the pavement side. But I think the message that I want to make here and send here is that we know that we've got to take care of what we have. We've got to take care of the infrastructure that we have and that's always been our first priority and that will

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continue to be, but as those assets that were built in the sixties and seventies continue to get older, they're going to continue to deteriorate and we're going to continue to have to spend more to keep them at the level of safety that we have to. And so will you want to comment on that?

Speaker 4 ([05:02](#)):

Yeah, good morning to the committee. I appreciate the question chairman. Particularly with regard to the slide you're looking at. If you look at the top right graph there, you'll see pavement condition over the years. You can see pretty clearly there is a steady decline with regard to our pavement condition even though we continue to increase dollars in that program every year. So also if you look at the graph on the bottom, that is as the commissioner mentioned, that is bridges built by decade. So what you will see is that the majority of our bridges were built in the sixties and seventies, so they require obviously more attention than one that was built last week or last year. So we have to continually strategize in putting dollars into those assets that we already have. While congestion obviously is an issue on our system we won't have a system if we don't maintain it.

Speaker 4 ([06:03](#)):

So that has to be our number one priority. The other thing representative that I would say with regard to you, you asked about other things outside of congestion. One of our biggest things is safety. We have a lot of issues that, or we actually have a program that deals with a lot of the issues we have on many of our rural state routes that frankly were designed at a time when people were driving a lot slower and technology and vehicles was a lot different than it is today. People weren't as distracted. So that is a big issue that we have to deal with and we have to put resources towards that's not really in the congestion bucket if you will. So safety is one of those priorities. Connectivity for economic development is also one of those priorities. So again, while congestion obviously gets a lot of the headlines, it's really what I'll call the meat and potatoes of what we do that makes our system what it is.

Speaker 2 ([07:00](#)):

Yes sir. Thank you. Speaker

Speaker 1 ([07:04](#)):

Next on the list, chairman Whitson.

Speaker 5 ([07:08](#)):

Thank you chairman and good morning team from TDOT was in the news this weekend about how fast they've repaired that bridge in downtown Nashville. That was quite a story and quite an achievement without disrupting weekday traffic. My question has to do with law enforcement jurisdiction on the choice lanes and who's responsible for enforcement, traffic enforcement and also accident investigation of the choice lanes.

Speaker 2 ([07:35](#)):

Yes sir. So I think all of this would be part of our contractual relationship, but as far as law enforcement enforcement of the lanes, our safety department would continue to be involved and engaged there. And we would also have a back office operation that would be part of the public-private partnership that would be involved in managing that process. But we would continue to have law enforcement involved in that process

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Speaker 5 ([08:15](#)):

Follow up and also to investigate accidents and on the choice lanes. Yes sir. Okay. Yes sir. Great. Thank you Mr. Chairman.

Speaker 1 ([08:25](#)):

Next is Representative Grills.

Speaker 6 ([08:29](#)):

Thank you Mr. Chairman and thank you TDOT for being back here once again just a little bit different direction, but I know there's been some studies and some efforts being put forth to maybe incorporate some of our tires into some asphalts in different states. We have a tire problem all across Tennessee. Is there any future for that or with that? And I'm not trying to encourage that this be part of the new program going forward, but there is.

Speaker 2 ([08:59](#)):

Yeah, good question. I'll answer the detail of it, but I would say just like everything else, we're continuing to see technology playing a major role in all kinds of facets of infrastructure from congestion like we've been talking about to these kind of technologies on asphalt itself to be able to better utilize that. You want to respond.

Speaker 4 ([09:29](#)):

So GTR as it's called in the industry or ground tire rubber is something that's been talked about in asphalt technology around the country for years. We actually did a research project last year where we worked with some members of industry some of our road builders partnered with us and actually retrofitted some of their equipment to be able to experiment with gtr. It's like any other kind of new technology representative to be honest. It's getting to the point where you can perfect it enough to produce it on a large scale to make it economically viable. And in our experience that we haven't gotten to that point yet, although we've seen some decent results. And what I will tell you is whether it's GTR or anything else that comes down the pike, if it can help the technology of our pavements, we're going to be interested in it. We're at the forefront of research and technology on a national level. I mentioned in one of the last hearings here how we are members at NCAT Auburn University, which is a research facility for or for pavements, particularly asphalt pavements. So we are very connected with them and actually rent a section of test track where we can try new types of mixes. So whether it's GTR or asphalt shingles or wrap, we call it recycled asphalt pavement. We are always looking for ways that we can improve our mixes

Speaker 1 ([10:55](#)):

Follow

Speaker 6 ([10:55](#)):

Up. Thank you Mr. Chairman. And I just appreciate being thinking outside the box. Being from a northwest Tennessee and I farm, there's always a set of tires thrown out at the entrance of about every farm we have, so it's become a nuisance. Sure. And in our solid waste issues or something else, we need to keep 'em out of landfill. So anything we can do to maybe incentivize this or encourage this, maybe that's the right word to use. I'm all for, but I appreciate y'all thinking outside the box. Yeah,

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Speaker 2 ([11:27](#)):

Thank you sir.

Speaker 4 ([11:28](#)):

Thank you. Thank

Speaker 1 ([11:29](#)):

You members. We're at the end of the list, so anybody else have any questions? Representative Beck?

Speaker 7 ([11:38](#)):

Thank you Mr. Chairman and thank you commissioner and team for being here. Just a couple of quick questions. Actually, when I was sitting in traffic this morning, I was thinking about how these things, lanes will merge back in and how that'll affect existing traffic. Anybody got any thoughts on that?

Speaker 2 ([11:58](#)):

Yes sir. It will be well delineated as to how directionally that occurs. And so it'll be clear access in getting on and getting off as to how that is done. And there will be both on the roadway itself as well as signage. Signage is a key part of making sure that this works correctly and so that'll definitely be a big part of this process.

Speaker 7 ([12:36](#)):

Second question is, you mentioned you had conversation with our EV partners. Did any change in the fees or anything from those discussions?

Speaker 2 ([12:50](#)):

Yes sir. I'm going to wait till we have that finalized as far as rolling it out next week. But I will say to you that we've had a very collaborative conversation over the last few weeks and we appreciate the partnership that we have with our manufacturers. And what we're looking to do is to, as we mentioned previously is to phase is that in so that it would not be all at one time and that we would also do it at registration time, not at point of sale so that it would continue to be a benefit from that standpoint and that we would also look at kind of a variable way of doing the indexing so that there was a three year average as opposed to the volatility that could occur in any one given year so that it would help to even things out. And so we've listened to those concerns and interest and we have worked with 'em on each one of those things to try to come up with something that is beneficial and a win-win for everybody.

Speaker 7 ([14:14](#)):

Fantastic. Thank you Mr. Commissioner and thank you Mr. Chairman,

Speaker 2 ([14:19](#)):

Chair Lady Hazelwood.

Speaker 8 ([14:22](#)):

Thank you Mr. Chairman. Good morning deputy governor Commissioner, all things titled just for the record, I continue to get emails, I know all of my colleagues are doing the same from people who have a

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lot of misinformation about this bill. So for the record, one more time, could you go through on the choice lanes, number one, who's going to own them and number two that they are going, if my understanding that that will all be new construction, that there will be no existing lanes that will be converted to choice lanes. So just like to have you put that on the record one

Speaker 2 ([15:01](#)):

More time. Yes. Yeah. Well thank you Chair Hazelwood. You're exactly correct in that as we have said all along that these would be new lanes that if you're in an existing lane of general purpose lane, regular lane, that you totally would have a choice. You wouldn't have to pay anything to stay in those lanes, that these would be additional lanes that you would have a choice to get in to be able to move more quickly. What was the other question?

Speaker 8 ([15:35](#)):

Ownership. The ownership

Speaker 2 ([15:37](#)):

Issue. The ownership. This is a big one that has been discussed and just to be very clear, as you said, we own our roads, we will always own our roads. This would be a mirror lease and at the end of that time we would retain ownership and as we will have throughout, throughout that time period. So we're not selling anything and to be very clear on that.

Speaker 1 ([16:10](#)):

Alright, any other questions? Wow, too bad the bill wasn't on the calendar. This would be a good time to pass the bill, wouldn't it? <laugh> personal privilege. I'm glad that a chair lady mentioned that. Who owns the roads? Anytime we do something new in the legislature there seems to be a rise of misinformation. I've gotten, I don't know how many emails, I'm sure that most of you have too alleging that we are getting ready to privatize our roads. Nothing could be fur further from the truth. Am I right with that?

Speaker 2 ([16:47](#)):

Yes sir. Yes sir. We're not selling anything. Yeah, we will always have control and in all of that standard will be part of the agreement that we have with the public-private partnerships so that we're able to stay in control of our assets.

Speaker 1 ([17:05](#)):

Yeah, representative grills.

Speaker 6 ([17:09](#)):

Thank you Mr. Chairman. And I guess to piggyback on chairman of Haselwood, would you explain to us the difference between a toll rolled and a choice lane? Because we are getting these emails over and over again. I mean way past 2000

Speaker 2 ([17:24](#)):

<laugh> and

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Speaker 6 ([17:25](#)):

You they're copy and paste emails, but I feel like there's some interest information there and if you would indulgence.

Speaker 2 ([17:30](#)):

Yeah, thank you. Chairman grills, I think that that has been a misconception and that's one of the reasons the governor said from the beginning that he was not in favor of traditional toll roads the toll roads that of the past. You had to pay to get on all the lanes. That's the only way you could get on the road and you had to pay to get off. So these are, as I mentioned, additional lanes on our existing roads but are a total choice. So you can stay on the general purpose lane or you can choose to get into the express lane choice lane. And so that's a total misconception that it is all total it's a total choice for that lane and you can not pay on the other lane.

Speaker 1 ([18:32](#)):

Any other questions? It's my understanding to commissioner that a true toll road is mandatory if you want to get from point A to point Z and that's the only road that gets there. You have to pay a fee choice lanes, you have multiple choices and that's right, you can stay in the general lane or you can choose to pay a fee to use the express lane. Yes sir. So that is a major difference between mandatory toll roads and choice lanes.

Speaker 2 ([19:04](#)):

Well the other thing chairman is that's a big benefit that hasn't been talked about very much, but we anticipate that transit buses will be able to get into these lanes and what we have seen every place else that we have studied these lanes is that obviously that increases reliability for those transit buses. It's even increased ridership in other states where they have this. And so it's not only beneficial to the cars that get in it, it's also beneficial to those that are in buses or carpools or park and ride along the way that we would incorporate into these lanes. And so that's also another big benefit that those people would be riding without paying anything.

Speaker 1 ([20:00](#)):

Okay. I'm Cindy Martin.

Speaker 9 ([20:06](#)):

Thank you chairman. Tell us Commissioner Lee, what are vehicles that would not be allowed in these choice lanes, motorcycles, semi-trucks, what is not allowed? Yeah, you've told us what is allowed. Yeah,

Speaker 2 ([20:20](#)):

But thank you. Those details would be worked out in the agreement itself and the contract but I will tell you that the way it normally works is that it would be two axle vehicles that would be allowed. So your normal cars, your normal service trucks that go out each day the only thing really best way to describe it to me is 18 wheelers that would not be allowed. And so that's the major distinction. So 18 wheelers would not be pretty much everything else on a two axle type of vehicle would be B.

Speaker 1 ([21:07](#)):

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Okay. Any other questions? Commissioner? I'm wondering is there any data in the choice lanes that we have investigated like the one in Dallas, is there any data that shows what percentage of choose to use the choice lanes? There has to be a certain level of percentage or the investors won't invest in order to get their return on investment?

Speaker 2 ([21:34](#)):

Yes sir. That that's correct there. So there has to be an economic feasibility study done that will look at how many lanes there are and how many choice lanes. There could be one choice lane or could if the demand calls for it to have two choice lanes. So the percentage we could probably get some better details for you to report back as to what Texas maybe or Florida looks like. But it really will depend on the roadway itself. And so each one's going to be a little bit unique. Each major urban area that we have would be different, but obviously as you said, they've got to be economically feasible to pay a portion and that'll be up to us in the board that oversees this from an oversight standpoint for the state as to what that pricing methodology would look like.

Speaker 1 ([22:41](#)):

Okay. Thank you Commissioner, representative final.

Speaker 10 ([22:48](#)):

Thank you Mr. Chairman. Commissioner right now in the budget and in the planning process in tdot, there's a lot of projects projected several around Chattanooga, the hundreds of millions of dollars there are other cities with those in the pipeline, those will continue as planned and not be converted to choice lanes. Is that correct?

Speaker 2 ([23:15](#)):

Thank you chairman. Vital. Well what I would say is hopefully that we would expedite, I mean part of these dollars that you'll be appropriating if you do so choose will be used to continue to expedite the improve Act projects that are out there. There are some of those projects that were in the Improve Act that were congestion oriented projects that could be utilized and turned into these choice lanes. So I would say that for the massive majority it would be business as usual as far as expediting the projects that are already out there in that pipeline. But we'll be looking over these next few months at determining which of those congestion oriented projects that were in the Improve Act that might qualify to be economically feasible to become a choice lane. So that's yeah, jump

Speaker 4 ([24:24](#)):

In. Yeah, I would just like to add to that. I appreciate the question and I think it's important from an engineering perspective for us all to realize that this is a very, very dynamic process as far as when we talk about individual projects, projects that have been around, projects that are coming, what makes a good congestion project, it is truly something that changes as time marches on. Frankly, one of the reasons why this entire package is so important from my perspective is without funding that keeps pace with the changing needs projects get designed or planned, they sit around and by the time you get to where you can afford to build them, either the mix of traffic the land uses, all of the CIR circumstances around what made that project the right project at one time may have changed. And that is something that has to be considered here is the dynamic nature.

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Speaker 4 ([25:24](#)):

We are very blessed obviously in Tennessee and I know we're all biased to have such an economically vibrant state that everybody wants to come to. What that presents for us from an engineering standpoint is constant change in the way our users use our facilities, whether it's congestion, safety, speed, all economic development, all those factors. So those all have to be looked at, whether it's a choice lane project or a congestion project that's already in the pipeline, depending on when the funding is available for that a can make a difference in how that project looks and we need the ability to make sure that we have an opportunity to develop that project that actually suits the need not only now, but for future uses

Speaker 2 ([26:08](#)):

I would say. Chairman, well I want to show you one, I show you this slide. This is new from the last time that we spoke before the committee and it really gets to your point and that is are these projects going to continue? Are all the projects that we already have going to continue? Will some of these funds take the place of that? And everything we're talking about here is adding to so we're planning, as we have said before, we've got the 1.2 billion or so that is part of our annual program that would continue at is as governor's proposing this 3.3 billion 300 going to local government, 3 billion that would be part of this major projects modernization program. And so the thing that has been missed a little bit at the top of this, you see the 3.3 and then on the right hand side, the additional dollars these dollars, the 3 billion will be leveraged to the extent that the economic feasibility allows in these projects that we're talking about.

Speaker 2 ([27:28](#)):

And so if there is a project that's a 500 million project and it shows that 400 million of it is economically feasible through the public-private partnership, we may put in a hundred million, but we get the benefit of reallocating that 400 million to other projects that now would be 400 million that we would have to come up with through the existing revenue stream. And so what we're talking about here is not only 3 billion that we can spend on these projects and expansion projects of the interstate, we're also talking about being able to use the funds that we can leverage from that into other projects that are part of the Improve Act as well.

Speaker 1 ([28:20](#)):

Any other questions? Do you have a follow up?

Speaker 10 ([28:23](#)):

Just a quick follow up and I would just say there's no doubt we're all concerned about congestion. I think it's the number one question on lots of people's minds as they sit in traffic as we leverage this, there's so much an opportunity to expand in our rural areas and I look back at highways that we're visioned 30 years ago or 40 years ago, like one 11 from Saudi daisy to Cookville. It would never be a choice lane, but it's opened up an area and it's ju and I want to get ahead of this not just making choices about congestion today and responding. We need to be proactive rather than reactive. And so I would appreciate your vision is we leverage that 3 billion to 6 billion and 8 billion, but we still have to build roads in rural areas and maybe this helps us

Speaker 2 ([29:10](#)):



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Do it. Yes sir. Thank you. Thank you chairman for making that point because that really is the governor's desire and point to doing this in the first place is how we can solve some of these urban issues but at the same time get the funding to be able to do these projects in the rural areas that quite frankly at this point, as I said here, it's it's going to be a long time incoming and we don't do something different. Thank you, sir.

Speaker 1 ([29:39](#)):

Representative Burkhart recognize. Yes sir. Thank

Speaker 11 ([29:41](#)):

You Chairman commissioner, staff, thank you for being with us. Just a quick question, and you probably answered it earlier in some of the other hearings, can these lanes be reversed? So in other words, could we have two coming into town in the morning flipping 'em around and coming back out of town in the afternoons?

Speaker 2 ([29:57](#)):

Yes, good question. That's a total engineering question that will depend on the circumstance and those of you who have driven on the ones in Georgia have seen they are reversible. Some of the ones in Virginia are reversible and some of the ones in other places are not. It really depends on the engineering of that roadway.

Speaker 4 ([30:21](#)):

Yeah, again, it's a great question. It's really a site specific or a project specific question, but the short answer is yes,

Speaker 1 ([30:30](#)):

<laugh> speak of Marsh.

Speaker 3 ([30:35](#)):

Thank you Mr. Chairman. And earlier you said that you all had met with the road builders and that you felt good about them. How are we on the design delivery part of this legislation? Are we everybody in agreement? Yeah. Yeah, are somewhat in agreement.

Speaker 4 ([30:52](#)):

Yeah. Thank you for the question Chairman. We spent a lot of time with the road builders over the last couple of weeks and I want to thank them I guess on the record here for sitting down with us and us working through a lot of the finer points and I think we're getting close to that. I feel good about where we are. We've always had a good relationship with our road building partners in Tennessee and this has been no different. We appreciate them sitting down with us. I think we are getting very close. I'm very confident that we're going to be able to get across the finish line here with their support and with a really good place on this legislation. So I'm very confident in that at this point. Let

Speaker 2 ([31:37](#)):

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Me add to that just briefly chairman and speaker, we have utilized our partnership with the private sector to build our roads in Tennessee for a hundred years. I mean we, we've become that's very vital in how we get our roads built in Tennessee and we are fortunate to have a very strong road building industry in Tennessee that do a great job. So I think too, we appreciate working with them on this and think we're close to being able to come together on that. Thank you for the question. I

Speaker 1 ([32:20](#)):

Could just follow up on that. The director of the Road Builder Association called me over the weekend and he gave me permission to comment, but we had a good conversation. But bottom line is he looks forward to the road builders endorsing this bill probably sometime in the next few days. So that's encouraging to me. Any other questions? Seeing none. Thank you Commissioner. Thank you. Chairman, thank you to all your staff and all that you do for our us and keeping our roads safe and we look forward to helping you make them safer. Thank you so much. Thank you all. We'll go back in session members. Any questions, comments or motions? We are adjourned.