

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION COMMITTEE - HB0321

February 28, 2023 | 8:00 a.m.

Speaker 1 ([00:14](#)):

Good morning. Welcome to Tennessee Transportation Committee, Tennessee House Transportation Committee for February 28th. We're glad to see so many wonderful county road builders and engineers in this building today. I have no idea why you're here, but we are glad you're here. We have a very short calendar. We're going to get started. Mr. Clerk, would you please call the roll

Speaker 2 ([00:48](#)):

Representatives? Beck, Burkhart Butler, Campbell Camper, Carr. Cochran. Darby Davis, Glen Grills, Harris Hazelwood, Hicks Marsh. Martin Powell Powers Rudd. Russell Towns. Whitson Wright Here. Vice Chairman Vital. Here. Chairman Howell Here. Mr. Chair, you have a quorum.

Speaker 1 ([01:11](#)):

Thank you. Mr. Clark. members you have any personal orders, announcements or comments you'd like to make Speak of Marsh. Thank

Speaker 3 ([01:20](#)):

You Mr. Chairman. I have a friend of mine up today from Shelbyville, Tennessee David Crow and he's hopefully going to be inducted as a commissioner on the Tea p t Tennessee PO Utility Commission today. David, please stand,

Speaker 1 ([01:34](#)):

Make welcome Representative Burkhart.

Speaker 4 ([01:40](#)):

Yes sir. We are proud to have Montgomery County Road Road Superintendent Jeff Bryant in the back of the room. Appreciate Jeff. Thank you.

Speaker 1 ([01:48](#)):

Thank you. Welcome Representative Butler.

Speaker 5 ([01:53](#)):

I'd like to recognize that we have Overton County Road Superintendent James Nord Beck over here. I see Fincher County Road Superintendent, Ryan Reed over here and then Holly Mantooth. I don't don't see her, but there she is. Our Upper Cumberland Human Resource Agency, public transportation director. That's a lot. Thank you.

Speaker 1 ([02:15](#)):

Representative Darby.

Speaker 6 ([02:17](#)):

Thank you Mr. Speaker. And I want to say a good morning to Richard CCU and Jeff Crosby from Henry in Weekly County. Our good guys from road supervisors in West Tennessee. Thank y'all for being here,

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Speaker 1 ([02:32](#)):

Representative Russell.

Speaker 7 ([02:35](#)):

Thank you Mr. Chairman. I'd like to welcome my road superintendent here. Mr. Billy Pic. He's here somewhere if you'd stand up, Billy, there he is.

Speaker 1 ([02:43](#)):

There he is. Welcome Representative Cochran.

Speaker 8 ([02:49](#)):

Thank you Mr. Chairman. At this point there's only been like two of you haven't been introduced, but I'm only going to introduce one of you <laugh>, my road superintendent. Mr. Dan Evans made it from God's country from McMeen County.

Speaker 9 ([02:58](#)):

Want to welcome him Dan? Thank

Speaker 1 ([03:00](#)):

You. Thank you Representative Hicks.

Speaker 10 ([03:05](#)):

Thank you Mr. Chairman. I'd like to introduce a good friend of mine, Doug Jones. He's assistant road superintendent for Washington County, Tennessee. Stand up Doug. Thank you.

Speaker 1 ([03:17](#)):

Representative Powers.

Speaker 11 ([03:20](#)):

Thank you Mr. Chairman. I'd like to recognize my Rob superintendent. Mr. Ron Di Beck. Ron, you raise your hand back there from Campbell County. I'm glad to have you and I, I've got a pothole I need to talk to you about after this meeting.

Speaker 1 ([03:32](#)):

<laugh> and Representative Grills.

Speaker 12 ([03:35](#)):

Thank you Mr. Chairman. I'd like to introduce the most popular politician in Dyer County. That's Mr. Jeff Jones back there. Our road superintendent <laugh>. Not anybody that doesn't like him except just a couple of old ladies that he didn't get their potholes fixed.

Speaker 1 ([03:50](#)):

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<laugh>. All right, well we're glad you're all here. Sure. Glad you're all here. Do you perform a great service to the state of Tennessee? Appreciate you coming today. Oh, I overlooked chair lady. I'm sorry. <laugh>. <laugh>. It's early.

Speaker 9 ([04:12](#)):

It is very early and some of us had a late night, so short in between. Some people have not been introduced yet, believe it or not. And there's some folks from Hamilton County. I'm not sure who all and how many, so I would just like to ask the folks from Hamilton County that are here to stand up and ask you all to welcome them. Tony Mark and Tony Bolds did not stand up but I know he is here and he lives in Hamilton County. So welcome

Speaker 1 ([04:45](#)):

Tony's with Wright Brothers, which is a constituent of mine by the way. Thank you chair lady. And we're also glad to have tdo Commissioner Butch Eley and members of his staff and just each one of you it, it's a little unusual for the transportation committee to have this size of a crowd. We often have a crowd but not this size. So there must be something important on the agenda. I want to recognize a couple of people. Road superintendent for Polk County. My road superintendent by the way, Roy Thomason is in the back. Roy and former road superintendent friend of mine used to work with her by the way, when I was in county government. Sandra Knight in the front right there from Bradley County. So we're glad you're all here. We have a very short calendar today members, but probably a long meeting. And we have four bes on the calendar. We're going to get Rod to it and we'll begin with Representative Elridge with House Bill 7 55 Representative, you are recognized. We have a motion and a second. You're

Speaker 12 ([05:55](#)):

Ready. Thank you Chairman. And if I

Speaker 13 ([05:56](#)):

May take just a moment I have a superintendent from our Granger County Charles McIn Alley's here and please make him feel welcome.

Speaker 1 ([06:07](#)):

Welcome, you're recognized. Please explain your bill.

Speaker 13 ([06:12](#)):

Thank you. Couple years ago there's a section of Highway 66. It's the new section was put in Hamlin and Jefferson Counties. It runs from Highway one 60 in Hamlin County over to exit four in Granger. And this road opened up some really scenic part of our area up there in east Tennessee. As you head into Granger County, you're looking at the Smoky Mountains coming back from Grainger into Hamlin. You're looking at Clinch Mountain, which is a part of the Appalachian range and it, it's just some beautiful views. It's not uncommon to see folks stopping and taking pictures there just about any time you go down through there. So we're asking that it be made a scenic highway

Speaker 1 ([06:57](#)):

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Members, you've heard the explanation. Any questions for the sponsor? Question on the bill Question has been called on the bill without objection. We're voting on house bill 7 55 AI in favor say aye. Aye. Aye. All oppose. Nay. Ayes have your bill goes to finance

Speaker 13 ([07:13](#)):

Thank chairman and committee. Thank you.

Speaker 1 ([07:15](#)):

Moving on to number two house bill 92 by Representative Gillespie. Representative Gillespie is here and you are recognized I You have a motion. And second sir.

Speaker 14 ([07:26](#)):

Thank you Mr. Chairman and committee. What this bill does right now we have a move over law on the state and unfortunately the past year in Shelby County alone, we've had two firefighters, a TDOT employee and an M Igw worker all killed in the line of duty for people just failing to merge over or move over. So what this does is it just increases the fines at each level. There are three levels of the offense. It just increases the fine for each. And I'm hoping once this passes to work with Commissioner Eley and Transportation Department to get the message out, communicate with citizens to let them know that this is a crucial concept to move over when you see a stop vehicle. So with that I renew my motion

Speaker 1 ([08:15](#)):

Members. You've heard the explanation. Any questions for the sponsor? Question. Question has been called without objection. We are voting on house bill 92. All in favor say aye. Aye. Aye. All opposed nay. Ayes have it. Your bill goes to finance sir and just stay right there. <laugh>, you are Item number three, house bill 8 25. Representative Gillespie, you are recognized.

Speaker 14 ([08:43](#)):

Thank you

Speaker 1 ([08:44](#)):

Sir. I have a motion and a second, but I believe you have an amendment, is that correct?

Speaker 14 ([08:51](#)):

Yes sir. It's 3 7 26.

Speaker 1 ([08:54](#)):

I have that same number. Do I have a motion? I have a motion and a second on the amendment without objection. We'll vote on the amendment. All in favor of adding it to the bill, say aye. Aye. Aye. All opposed nay. Ayes have it. The amendment is on the bill. Please explain the bill as amended.

Speaker 14 ([09:11](#)):

Thank you Mr. Chairman and committee. So what this stars is, is there's an organization back home called My City Rides and it leases to own scooters over a 36 month period for people that can't afford other transportation or just for whatever reason, choose not to have a car to help them get to work.

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And what this bill's going to do is there's currently a type of driver's license that they have now but also includes motorcycles, Harley Davidson, sons, really fast vehicles which Scooter is not. So it's simply creating a new class of driver's license to allow these individuals to get the training and safety requirements that they need and I think it's a good start for them to possibly expand other parts of the state as well and it's just a wonderful organization. And with that I welcome any questions

Speaker 1 ([10:04](#)):

Members, you heard the explanation from the sponsor. Do we have any questions for the sponsor? Question has been called will we have, will you withdraw the leader you recognized?

Speaker 15 ([10:16](#)):

Thank you Mr. Speaker. Mr. Chairman? No, I wanted to commend the sponsor on this bill. I know a few people from my church who was having problems with transportation and they went into this program and they were able to get all of the training, get the bike itself and an affordable rate and so it's really helped them get to and for work. So I support the bill. I just want to let members know that it's a good concept. Thanks.

Speaker 1 ([10:53](#)):

Any other questions, comments for the sponsor? Question has been called again without objection. We're voting on house bill 8 25. All in favor say aye. Aye. All opposed? Nay. Ayes have it. Your bill goes to calendar and rules. Thank you. Thank you very much. The last item on our short calendar is house bill 3 21. I'm going to turn the gavel over and vacate the chairman's chair and turn it over to vice chairman. Vital.

Speaker 16 ([11:35](#)):

Next item on the agenda is house bill 3 21 presented by Chairman Howell. Chairman Howell, you're recognized. Motion. We have a motion and a second properly positioned

Speaker 1 ([11:50](#)):

And I have an amendment. Ms. Chairman

Speaker 17 ([11:54](#)):

Motion will be moved. Second,

Speaker 16 ([11:56](#)):

We have motion to second on the amendment. I understand that. Drafting code 44 41, is that

Speaker 1 ([12:01](#)):

Correct? That's what I have, yes. Yes.

Speaker 16 ([12:03](#)):

Thank you. And I understand that the amendment makes the bill.

Speaker 1 ([12:07](#)):

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It does.

Speaker 16 ([12:07](#)):

Okay. We have a motion to second. All in favor say aye. Aye. All in favors. Motion positive. Thank you Mr. Chairman, would you like to explain the motion or we can proceed and

Speaker 1 ([12:22](#)):

The amendment makes the bill? If I could, I'd just like to explain the bill. Mr. Chairman. Okay.

([12:27](#)):

I wanted to come down here so I can look everybody in the eye. I like to look at people when I talk. Some of you who are on subcommittee have heard this presentation, this bill before, but it bears repeating. And if there are questions that you have when I finish the explanation of the bill be glad to take any questions If I can't answer 'em, we have people here in the audience who can because they're the experts in the field. I want to start by telling you a little bit of history about Tennessee Roads. Back in 1923, 100 years ago this year, Tennessee had 244 miles of paved roads In that same year, 100 years ago, governor Austin P asked the legislature to approve a 2 cent gas tax. The legislature did that. Today Tennessee has 90, over 96,000 miles of Pav roads, more than 20,000 state and locally owned bridges, 1200 miles of interstate and 28 public transit system serving all 95 counties.

([13:38](#)):

And that 2 cent gas tax passed by the legislature back in 1923 is the inflation equivalent today, 100 years later of 35 cents. Now the gas tax, gas tax per gallon in Tennessee is 26 cents and 27 cents on diesel. So what we have today is a highway funding system that has not kept pace with inflation and the gas tax continues to decline due to more fuel efficient vehicles on our roadways and the growth of electric vehicles, which do not pay gas tax by the way. Yet they use our roads and the gas tax revenue as a sole funding source for our infrastructure is looking more and more as if it is not sustainable. We're down about 400 million. Sorry I misspoke. We're about down about 4 million this year in gas tax revenue compared to last year. So after 100 years, it's time to take a long hard look at how we maintain fund and approach the way we build our roads and bridges in Tennessee and that's what this Transportation Modernization Act does.

([14:55](#)):

But I want to be clear, this Bill 3 21 makes no proposal for an increase in the gas act. It makes no proposal to borrow money to build out our infrastructure and burden our Tennesseean citizens with a heavy interest payments on billions of dollars that we need to do what we need to do. We will remain a pay as we go state. And finally, there is no proposal for mandated toll roads. Regardless of what you've heard, there is no proposal in this bill for mandated toll roads in Tennessee. In fact, this bill removes the option for mandated toll roads and strikes those words from the Tennessee code. Now those are the facts. The Transportation Modernization Act is actually a road funding bill which expands TDOT's ability to use different methods to build a project while giving TDOT the authority to examine the potential and enter into public-private partnerships that would address the most congested areas in our state, such as the large urban areas such as Nashville, Chattanooga, Memphis, and Knoxville.

([16:18](#)):

Tennessee's major roads in these areas have become bottlenecks and it's a problem almost all day long on a daily basis, even on the weekend you'll find this under sections 18 and 19. It's in detail in pages 16 through 23. If you want some late night reading the P three s public-private partnerships will free up

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TDOT dollars to focus on widening our rural interstates, address our 26 billion infrastructure needs and leverage the funds that we have for the big projects that will cost a lot of money that we believe that private investors would fund in these urban areas. We have a 26 billion infrastructure need that's according to a taser study requested by this legislative body. The bill creates the transportation modernization fund within the state treasury section 15 pages 11 through 12 I believe in the bill with an initial sum of 3 billion to be divided equally between the four TDOT regions.

[\(17:38\)](#):

750 million per region and that would mean every county will be in some way touched by this bill. For example, region two where I live, there's 20, I believe 27 counties, 700 million could be used in touching those areas. In addition, this bill will provide 300 million to local county governments, local county road departments as infrastructure grants administered by TDOT through the existing state aid program. We've had the state aid program for a long, long time in Tennessee. Normally we budget about on an average of \$29 million per year to put into the state aid fund and those counties, small counties that are at risk all counties actually can pull from those fund but especially it's needed for those small counties that are at risk or near risk who do not have a local funding mechanism. The state aid fund is there for that because in reality the counties maintain about 60% maybe higher than that of the roads in Tennessee for the state of Tennessee.

[\(18:52\)](#):

So it's important that they receive this funding. Normally we put about \$29 a year on average. What this bill proposes is that we put 15 years of funding in one lump sum into the state aid program. It's needed electric vehicles. This bill proposes an annual registration fee on electric vehicles and as amended in this new amendment, it would begin at \$200 per year but not at the point of sale. It would begin on the first renewal after January 1st, 2024. It would remain at \$200 for the first three years. In the fourth year it would reach parity with the drivers who pay the gas tax and UT tells us that the average payer who drives a combustion engine vehicle pays about 274 GI give or take a few cents about \$274 a year in gas tax. That's the research done by University of Tennessee. So it would reach parity in the fourth year at 274. In the fifth year the registration fee would still be \$274 but it would start indexing tied to the chain C P I and kept at 3%. Whichever is less. It would never be above 3%. The EV registration fee will be divided the same as the gas tax is divided now between state and local governments.

[\(20:35\)](#):

And by the way, I want to mention to you that the EV manufacturers in Tennessee, and I believe we have five of them who've been very engaged and vocal about this bill, they are now deferred on this bill. This bill removes the current restriction of five cmgc or alternative type bills that has been replaced on tdot. They are under this bill. They would no longer be restricted to five, but it would increase the amount, the number of alternative bills by 500 more than 550% going to 28 from five to 28 bills. This allows tdot much greater flexibility to use one of these tools that best suits the project being bid. Section seven and 31 is where you'll find this information prior to awarding one of these design build or alternative bill contracts. The bill requires TDOT to notify the chairs of the transfer transportation committees in the House and Senate and I'm happy to tell you that the road builders are in support of this bill.

[\(21:56\)](#):

This bill establishes the selection committee of five members. We've had a selection committee for a long time, but this reduces it from eight to five and this committee, the type of selection was put in place with input from the road builders and it's there to review and score each alternative build proposal in that comes to TDOT or that TDOT puts forth and to ensure fairness, equity, and transparency

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in the bid process reporting each January TDOT will submit a report to the speakers of the House and Senate and transportation chairs on the status of projects funded by the Transportation Modernization Fund, which will ensure transparency and accountability. And that's on page 13 I believe of the bill. User fees are addressed in section 18 through 19, sections 18 and 19. I'm I apologize. This bill authorizes user fees as an alternative method for funding or financing highways, but it will limit user fees to new highways or to new lanes added to existing highways. In other words, the bill stipulates that all current highway general purpose lanes will remain. They will not be reduced and they cannot be converted to choice lanes. We will not be losing any lanes in this if this bill passes. A user fee project must be approved by the Transportation Modernization Board before it's submitted to the General Assembly. There must be a public hearing before it is put under contract.

[\(23:48\)](#):

Section 18 covers reporting requirements by TDOT to the appropriate committees in the House and Senate. Section 22 covers TDOT contracting authority as given to it by the general Assembly. And I want to emphasize here that when an alternative bill or a choice lane is built, Tennessee will still own the roads. Contrary to what you've heard, Tennessee will still own the roads. No foreign government, country or company will own the roads. Any comp company or a country that is on the US sanctions list will not be allowed to bid or work in Tennessee. It is a lease arrangement. They invest in our roads just like some of you may invest in Apple, <laugh> or Tesla and when you invest, you expect to return on your money but you don't own Tesla. You own some stock that allows you to hopefully gain a dividend from your investment. That's a very similar situation that we have here.

[\(24:58\)](#):

These companies will be invited to make proposal to invest to build these choice lanes and they will expect a return on their money. But Tennessee controls it. Tennessee controls the fees. The Tennessee Modernization Board has oversight. The ultimate oversight is the general assembly of Tennessee in which we serve. This has been well thought out. I believe we've covered just about everything and I'm willing to stop there and in case I've not touched on something that's touching your mind, I'll be glad to try to answer any questions. I will tell you this in closing that the Transportation Modernization Board is a new board created by this proposal, but the board will be appointed by the governor and the speakers of the house and the board will exercise oversight of any N All P three projects. So Mr. Chairman, with that I move passage but stand ready to take any questions from the committee.

Speaker 16 [\(26:06\)](#):

Thank you Mr. Chairman. Thank you for this thorough oversight of House Bill 3 21 members. You have heard his presentation. We'll take questions at this point. Representative Taos Towns, glad to have you with us this morning.

Speaker 18 [\(26:26\)](#):

Copy the morning to you Mr. Chairman. It's so good to be alive, Mr. Chairman. Good day. Every day is a good day. Mr. Chairman. Mr. Chairman, thank you for the presentation. I do have a couple of questions. Help me with three things. First thing is, how much money do you expect for this to generate over a certain period of time? Year two, ballpark. It doesn't have to be accurate because,

Speaker 1 [\(26:51\)](#):

Well I can give you an example of what happened in Georgia with their first choice lane, but as far as us expecting what we would generate, we don't know until we get into a negotiation with a company who

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is interested in investing until we see the traffic flow. We have the data, we don't know. But I can tell you that I went to a transportation chairman's meeting in Georgia for the region, southeast region soon after they built the choice lane going into Atlanta from north 75. It's about 30 miles long. Transportation told me that the very first year, that toll not toll that choice lane, it is a choice lane. That road generated 40 million in the first year

Speaker 18 ([27:39](#)):

And when we generate, we know this is not accurate at this point for us, but when we generate that, how is the money going to be? Totally, how is the money going to be expended? What do we look to spend it on? How are we going to divide it up?

Speaker 1 ([27:56](#)):

Well, the investor who invests to build the roads is going to get a return on their money. Absolutely.

([28:02](#)):

And we anticipate it'll take a number of years for them to recoup their investment. But at the same time you have to think long term representative towns at the same time that they are getting a return on their money. If they decide that they're going to invest in a choice lane through I 24 65, this bottleneck right out here that you and I drive on every day, if they decide they're going to invest in that and get a return on their money, they may require everything is negotiable in a contract. Once we pass this bill, then TDOT can talk about the contracts but they may require as some have in other states, if several other states have done this, they may require an 80 20 match. So if that road from here to Murfreesboro conceivably could cost a billion dollars, probably more than that. But let's say a billion dollars if they inquire require a 20 match, then that would be 200 million from TDOT from Tennessee.

([29:08](#)):

So what we're getting is a leverage of a billion dollar roadway for \$200 million. So not only are they getting a return on their money, it frees up TDOT's money to invest in widening our woefully <laugh> Inadequate, yeah, four-lane interstates all across the state of Tennessee. And I'm sure that would one be one of the first things that they focus on is widening our interstates, another infrastructure in the rural part of Tennessee. If we don't do that and we use TDOT's 1.2 billion budget annually and they have to spend all of that on doing the congestion in the four big cities, rural Tennessee really gets nothing. And sorry, what's your third question,

Speaker 18 ([29:53](#)):

Mr. Chairman? Thank you for that explanation. The guaranteed 3%, no more than 3% increases. I think I understood you to say how can we guarantee that there's going to be only a 3% cap on it?

Speaker 1 ([30:07](#)):

Are you talking about the EV registration fee, sir?

Speaker 18 ([30:10](#)):

Right.

Speaker 1 ([30:11](#)):

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Well the bill says that the registration fee will not begin to index until the fifth year and when it begins to index, it will be tied to the chain cpi. Okay. If the CPI goes up to 4%, this legislation caps it at 3%. Okay, it can't go above 3%, but if the chain CPI only goes to 2%, we will take the lesser of those two figures. We would take the 2% instead of the three. We index it according to the cpi. Does that answer your question? It does,

Speaker 18 ([30:51](#)):

Sir. But what if have and when we have a new legislature, what if they decide to change it?

Speaker 1 ([30:57](#)):

Well, as you, you've been here in a long time as you know, we can't handicap or tie the hands of a future general assembly. Absolutely. The general assembly can decide to move the capitol if they want to. Okay. They get enough votes moving.

Speaker 18 ([31:11](#)):

Move to Shelby County.

Speaker 1 ([31:12](#)):

Shelby County. I thought it was Brad.

Speaker 18 ([31:13](#)):

I'll make a motion on that. Mr. Chairman, finally for you finally Mr. Chairman still the state, the people of Tennessee will still own.

Speaker 1 ([31:25](#)):

Absolutely.

Speaker 18 ([31:27](#)):

I think that needs to be stress for the record

Speaker 1 ([31:28](#)):

Too. Yes. There's a lot of misinformation out there. Absolutely. I was chastised in the email from an activist group yesterday for lying and saying that we're priv privatizing our roads. Nothing could be further from the truth. Tennessee will still on the roads. We will own the roads. Absolutely. I mean, so <laugh> kind of ludicrous to think about and say, but how is the country going to repossess our roads? They can't own the roads, we own the roads. It's our property. They're leasing it from us to get a return on the investment that they have made in those roads.

Speaker 18 ([32:02](#)):

I just want it on the record, Mr. Chairman. Mr. Chairman, thank you sir.

Speaker 16 ([32:05](#)):

Thank you. Representative Towns Representative Powell recognized.

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Speaker 19 ([32:10](#)):

Thank you Mr. Chairman. Mr. Chairman, I appreciate you giving such a thorough description and comprehensive overview of this bill. I had a question for you. You mentioned basically the money is going to be divided amongst the four regions equally and I guess my one concern I'm trying to wrap my head around is the collections will probably be coming in disproportionate to the money being spent equally. So the region that I represent I think I've seen estimates that we maybe have the highest population in our region, yet we are getting the same amount as other regions with lesser population. Is there any consideration to dividing the money based upon the collections within that region?

Speaker 1 ([33:04](#)):

Mr. Chairman, I assume you're speaking about the 3 billion. Yes this 3 billion is an initial investment from the general fund to begin a seed money to begin the transportation modernization fund. This is not generated revenue and 3 billion divided by four is seven 50. And I don't want you to misunderstand, I don't want to misspeak, but it equates 300 divided by four is seven 50. But they could conceivably find a project in region four that some money beyond the seven 50 is needed to fix region four. I think that's my understanding. But if we need to go out of session and have a clarification from the commission, we'd be glad to do that. But I don't believe that we're going to give seven 50 to region 4, 7 50 to 3, 7 50 to two. I think it's equally divided into equal numbers so that there is an equal share that can be used in those areas. I don't know if I've answered your question or not. <laugh>

Speaker 19 ([34:18](#)):

You did and I see some people nodding their heads in the audience. So I guess if we need to after this bill, we can get further clarification on that. Okay. I guess my other question for you is I see some members here that were here in the previous major bill passed that we were told was going to solve our transportation problems and here we find ourselves again, and I know you don't have a crystal ball, obviously our gas, as we continue to see gas collections go down as we see the rise of alternative vehicles and other means. I just my hope, but yet my concern is that again, this is not going far enough and I'm going to say go far enough to ensure that we're not kicking the can down the road, no pun intended. But I think there are things like indexing the gas tax that were on the table last time.

([35:16](#)):

I know people were opposed to that, but I think if we had done some of those things in the past we would be better off now. And so my concern is I, I'm very proud of the fact that we have a state that's growing that's continuing to develop, that's thriving. That is a place that people want to come. But if we don't have adequate investments and that this is trying to deal with that in our infrastructure and have the courage now to make these tough decisions for the state to benefit for future generations, I'm afraid we're not going far enough. And I wish we were taking a little bit more aggressive approach in looking at how we could increase funding. I know some people have committed to not raising taxes. I get that. But I wish that we were taking a step further to make sure that we are guaranteeing adequacy of funding for future generations and not necessarily a question, but if you want to speak to that I just Sure. I hope Mr. Chairman that we don't find ourselves here in a few years in the same posture trying to solve another problem.

Speaker 1 ([36:23](#)):

Thank you for that. And I agree with you and I was here in 17 when we passed the Improve Act and what we essentially did then was kick the can down the road. This is an attempt I believe to stop us from

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doing that again. I believe the reason why we've had such issues with the Improve Act at this 0.5 years later, well it was a perfect storm. First of all, we were not allowed to index because we couldn't get the votes and then something called covid hit and then we had something called inflation hit and it chewed up TDOT's budget, it chewed up the prices, inflation went through the roof and the engineers can tell you better than I can what that's done to their ability to build a project. So we have a situation where the Improve Act, while it was well-meaning and it did do some good things short term and I might say that out of 900 and some projects, I think about two thirds of those are in some form, some phase of development.

(37:33):

It has done some good things but it was not adequate to fix the problem. Long range. This is what we're attempting to do. This is a generational change in the way we do business for our infrastructure in the state of Tennessee. I know there's been some resistance, there's been some misunderstanding, there's been some questions and that's why I rolled this bill for two weeks. Not because I thought I was in trouble. I never, never ever thought that. But I thought that this committee and the general assembly members needed to have a good thorough understanding of what we're trying to do here. And I believe we're trying to fix this situation so that a hundred years from now, we look back at 1923 in 2 cents and it's worth 35 today, a hundred years from now. We don't want to have that same situation. So I believe that's what we're trying to do.

Speaker 16 (38:29):

Thank you Representative Powell. Representative Harris, you're recognized.

Speaker 20 (38:34):

Thank you chairman and sponsor. You've done a great job presenting this. I thank you. Expect one day in life you would probably be a transportation commission. Oh,

Speaker 1 (38:46):

I plan to retire someday

Speaker 20 (38:49):

But I do. You've already addressed the Improve Act concern that I mentioned. I wasn't here during that time but again, we were getting ready to potentially put forth another piece of transportation legislation that is supposed to be improving our infrastructure again. And so I was just in Georgia briefly this weekend as well as a couple weeks ago and both times while visiting Georgia, their choice lanes were closed. What are we going to put in place to make sure that ours will be open and useful when that time comes?

Speaker 1 (39:30):

That's an excellent question. As I understand choice lanes I don't know what Georgia does. I'm not involved with what they do, but they could have been closed for maintenance. It could have been an accident on one of the roadways or on that roadway and those choice lanes are managed lanes and it could have been that the traffic was light enough on the general purpose lanes. There was no need to open the choice lanes. Any number of things could have happened there. But in my discussions with the commissioner and people at tdot the whole purpose of this is to eliminate congestion <laugh> and if we have congestion I expect that those lanes will be open. Represe

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Speaker 20 ([40:19](#)):

Representative Harris, do you have a follow up? Yes and so follow up wise, and this is something I spoke with the commissioner about, but for many of us who travel from middle Tennessee to West Tennessee on a regular basis around Jackson, around exit 80, there has been construction there for years. I when I was, I'm in my thirties now when I was a freshman in college, they were still working on that same spot. What are we expecting to see as far as actually getting the project done

Speaker 1 ([40:53](#)):

Through this? Oh I'm glad, so glad you asked that question. I remember when I was much younger than I am now and working in Chattanooga talking to a lady one time about the construction in Chattanooga and this was back in early 2000 and we were talking about a lot of the construction which seemed to be continuous, that orange barrels just grow out of the ground. It seems like Representative Martin knows what I mean. But she made the comment to me, she said, I wish she said, I wish that we could get rid of this construction. She said when they started this project, my son just keep was in middle school and now he just finished his doctorate degree at ut. So I certainly understand but this bill addresses with the alternative bills. This bill addresses your concern and my concern the goal is to reduce the bill time from an average of 15 years, which is what I just told you about from an average of 15 years to five years. If we can do that, we'll all dance a jig. I can assure you and I know that TDOT wants to do that, but we have to give them the tools to do that and that's in this bill. Thank

Speaker 5 ([42:28](#)):

You Representative Butler. Thank you chairman. I'd be remiss if I didn't ask the question. You mentioned this money would be divided evenly among the four regions. Is that money going to be divided among the districts in those regions evenly?

Speaker 1 ([42:49](#)):

Maybe I wasn't clear. I mean it equates to three \$750 per 750 million per region. I don't know that we're going to say, okay you get seven 50, you get seven 50, that type of thing. But it equates to seven 50 per region. But if region, I don't know what region are you in?

Speaker 5 ([43:13](#)):

One and two one

Speaker 1 ([43:14](#)):

And if you're in region two, I'm in region two and they have projects that could be, I don't know, 900 million, they may get 900 million but it's an equation equates to seven 50 per district. But they're not going to just, I don't believe if they have a project and it runs over seven 50, they're not going to cut off the funds so that they can't fix the project.

Speaker 5 ([43:46](#)):

Can I follow up question? I didn't recognize one of our road superintendents back there. I see Joe Miller and I've talked to the commissioner about Highway 62 in my district and we've had, with the exception of last week, a fatality a week, sometimes two in one week on that highway that desperately needs widening and TDOT's working on some additional turn lanes and so forth right now to try to improve the safety on that highway, which I greatly appreciate TDOT doing that. However, those types of projects I

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think it was budgeted in 2021 at 225 million and I see my interest county road superintendent sitting back here and the state aid money that's going to be allocated in the budget this year is going to be tremendously helpful to fix a road that's sliding off the mountain in that county. And so these rural areas, although we don't have an interstate, we'll never have a choice laying in district 41, but the financial resources that will come available through this will be greatly impactful in District 41. Absolutely. Highway 62, highway 27 is another widening project highway 1 27 which is currently underway, which has been like 15 or 20 years in the Macon.

(45:05):

That's the reason I ask if any of that money is going to be broken down into the districts of each region to try to address some of these major concerns that we have where we have fatalities. I mean it's a thing we need to try to fix very quickly.

Speaker 1 (45:22):

I can assure you that TDOT's concern about safety is just as much as yours representative and I appreciate those comments and this is why we need to pass this bill if you do the numbers and the Tasha study shows that we have 26 billion in infrastructure needs. We're driving. I forget what Chairman chairman Whitson's comment was. We've got driving on 19 May I call on <laugh> Sam to give that quote.

Speaker 21 (45:57):

<laugh>

Speaker 16 (45:58):

Chairman

Speaker 21 (45:58):

Whitson. Thank you Chairman Howell. Yes. Some of us are still driving on a 1968 interstate highway system with a 2023 state population. And if you go back and you look at the National Interstate and Defense Highways Act that was passed in 1956, it was a tough fight for President Eisenhower and the Senate and the Congress to get that through. But just think of the vision that created and what it provided to our country. Now President Ronald Reagan in 1982 advocated for a gas tax, a user fee. He said it's the fairest, the best way to sustain this great system that our country developed. But the Highway National Highway Trust Fund is broke. They're using borrowed money now to maintain our highways. It was supposed to be pay as you go with no debt. This I believe is the way the future here. We're not going to pass the gas tax. There's not the political will or courage to do that, but this is the way to fund those road systems in our counties and across our state, particularly our rural interstates. We have to do something there. We are still driving on the same two-lane directional interstate between all our major cities in this state and our lane miles have not increased, but our population has shot up and I support this and chairman, how you've done a great job explaining this. Thank you. Thank you Mr. Chairman.

Speaker 16 (47:22):

Representative Butler, did you have a final statement please? We need to kind of me keep moving this along.

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Speaker 5 ([47:29](#)):

I want to follow up with this. I support this. Thank you for sure. Because I see the tremendous need in the rural areas. I guess my question is I want my projects moved to the top.

Speaker 1 ([47:39](#)):

We all do. We all do, sir. We all do. And if I may, Mr. Chairman when I was going to say a while ago when you look at the math, the math doesn't add up. We have 26 billion. Those are real numbers. We have 26 billion worth of infrastructure needs. We need, as the chairman said, we need to widen our interstates 1973 interstates but with a budget of 1.2 billion annually. The numbers don't add up. They just don't. So if we don't find another way, another finance stream to do what needs to be done in Tennessee, the only alternative is to double or triple the gas tax. And I'm not going to support that. But I do support this because I think it's good business, it's good policy and it's good for the state of Tennessee.

Speaker 16 ([48:32](#)):

Thank you Chairman Marsh.

Speaker 3 ([48:34](#)):

Thank you Mr. Chairman and Chairman Howell, you've done an excellent job and thank you. I just want to say today that I commend the governor and the commissioner and the department for doing something. Our interstates congestion is killing the trucking industry, killing our vehicles all across the state and we've got to do something. So I think this is a great start. I think that you all commend you for all the meetings you've done visiting Dallas and Georgia and looking at experts that have done it before and so we don't reinvent the wheel. You've looked at some great options and I think commend you for doing that. I think that the 300 million that we're passing out to our counties is sorely needed. Yes. And I'll just commend the whole thing. I think we had to do something and this is a great start. Thank you speaker. So thank you very much. Thank you.

Speaker 16 ([49:29](#)):

Thank you Chairman Marsh. we've got the clock moving very quickly and we have a couple folks that would like to speak, but Representative Beck.

Speaker 22 ([49:39](#)):

Thank you Mr. Chairman. First of all chairman Al, thank you for the presentation. Just a couple of things. My district's divided 50 50 on this.

Speaker 1 ([49:51](#)):

Literally you can break the tie

Speaker 22 ([49:53](#)):

<laugh> the consideration on the EVs being phased in. I appreciate that. But my question to you, is our EV partners in manufacturing satisfied with the new amendment?

Speaker 1 ([50:10](#)):

Yes sir. They are now deferred on this bill.

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Speaker 22 ([50:13](#)):

Great. I think one of the things that tips the scales here for me is that the limited mass transportation that we have in the regional buses and the local buses can use these lanes. I think that's a great thing and I think that that will That's correct. Push our public transportation to greater heights. And last but not least I can hear rumors in the halls up here. Oh, some

Speaker 1 ([50:44](#)):

Never

Speaker 22 ([50:44](#)):

Heard that. No, I know it's shocking. I heard yesterday that this bill would cut 500 jobs from tdot. Is that true or is that just one of those rumors?

Speaker 1 ([50:55](#)):

<laugh>, if anything it would increase the jobs.

Speaker 22 ([50:58](#)):

Well that's fact. That's it's going fact. I didn't see it in the bill. In

Speaker 1 ([51:01](#)):

Fact, it's going to increase, it's going to increase jobs statewide for our road builders.

Speaker 22 ([51:09](#)):

Very good. Thank you sir.

Speaker 1 ([51:10](#)):

If I may, let me, Mr. Chairman, if I may, TDOT currently has, I believe 700, 700 unfunded, I mean 700 funded jobs that are unfilled. That may be what they were referring to. Every other company or business or government agency struggles to find good employees. We now have 700 job positions that are funded but not filled. There's nobody to take the job. So if somebody's looking for a job at tdo, we got to work for you. That may be what they were referring to.

Speaker 22 ([51:49](#)):

What positions are these? Aren't the frontline guys filling the potholes? Is

Speaker 1 ([51:55](#)):

It, I think it runs the gamut. A lot of them, people in the regions, a lot of people on the roads. Those areas of the starting entry level positions that pay is not high enough. We're working on that as well, but I do not see any reduction. I don't believe anybody's going to lose their job that currently has a job at tdot.

Speaker 16 ([52:19](#)):

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Thank you. Representative Beck. We're really close on time, but I would like to give everyone an opportunity to speak if we can keep our questions succinct and close to directly asking about the bill. A representative Gunner.

Speaker 1 ([52:31](#)):

Sorry.

Speaker 23 ([52:36](#)):

Thank you Mr. Chair and thank you Mr. Chair. I'll ask just one question since we're running out of time. You did say that the auto builders were satisfied with

Speaker 1 ([52:48](#)):

Yes, they are deferred on the bill.

Speaker 23 ([52:49](#)):

Deferred on the bill. Is there a reason why buyers will not be told at the point of sale that these new fees, is there a reason why they will not do that or it's not being told at the point of sale about the fees that will be charged to buying an ev?

Speaker 1 ([53:09](#)):

I, I'm not sure I understand. I don't know of any policy that would not alert a consumer as to what their registration fee would be. What this bill says and the agreed to it is that they would defer it in order to phase it in because they're a new struggling industry. They wanted to phase it in and begin one year after January 1st, 2024. But I know of no policy that would not alert a consumer that you buy an electric vehicle instead of paying gas tax, you'll pay a registration fee because you're using our roads. That's just good policy to tell them that. And there's not certainly nothing in this bill that would suggest that we not tell a consumer that they're going to have to pay to register their car. Everybody today, who buys a congestion combustion engine, I believe knows they're going to have to register their car and pay, I think it's \$26 and 50 cents to do it. So EVs will be higher, but I think they will expect to do that.

Speaker 16 ([54:16](#)):

Thank you. Leader Camper.

Speaker 15 ([54:20](#)):

Thank you Mr. Chairman. I think my question was answered on a design bill portion. Okay. On the bill. So thank you Mr. Chairman.

Speaker 16 ([54:29](#)):

Thank you Leader Hazelwood. Thank

Speaker 15 ([54:35](#)):

You Mr. Chairman. I call for the question.

Speaker 16 ([54:38](#)):

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That's a proper motion. The question's been called Any objection if scene none. All in favor say aye. Aye. We are in the process of voting on Bill 3 21 and drafting code 4 4 41. All in favor say aye. Aye. Any opposed? The ayes have it. House bill 3 21 with amendment goes to government operations committee.

Speaker 1 ([55:08](#)):

Thank you Mr. Chairman and committee.

Speaker 16 ([55:11](#)):

Thank you. And without objection, motion to adjourn. So move I rolled it through. Sorry, Tim.