

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

Speaker 1 ([00:10](#)):

Good morning. Good morning. Good morning. The House Transportation Committee for February 7th, 2023 is now in session. Madam Clerk, please call the role. Maybe it's Mr. Clerk, I apologize. <laugh>

Speaker 2 ([00:22](#)):

Representatives, Beck, Burkhart, Butler, Campbell Camper, Carr, Cochran, Darby Davis. Glenn Grills, Harris Marsh, Martin Powell Powers, Rudd. Russell Towns. Witson Wright, vice Chairman, vital Chairman Howell. Mr. Chair, you have a quorum.

Speaker 1 ([00:45](#)):

Thank you very much. Any personal orders, announcements from the committee? Seeing none we do have a short calendar members and we're going to take up two bills and then go back into our hearing with Commissioner Eley and his staff. Good to see you commissioner. Looking forward to today's hearing, especially following last night's speech. It's going to be a good morning. We do have a calendar, as I said, and we will start with the house Bill Number one on the calendar, house bill 78 and I believe Leader Cochran I believe is handling that you're recognized sir.

Speaker 3 ([01:26](#)):

Thank you.

Speaker 1 ([01:27](#)):

Second, we have a motion. Second.

Speaker 3 ([01:29](#)):

Almost forgot the routine. Sorry guys. Thank you very much. Yeah, so Leader Lamberth carried this one through subcommittee and I want to take you through it briefly this morning. If we need to get into the weeds of anything, I believe the department is here to answer questions, but essentially it does two major things. Currently in the state of Tennessee you have to have SR 22 insurance that if your driver's license is suspended or revoked, currently that requirement is five years. What this bill does is it aligns the requirement to have that insurance with the term of your revocation. So if your license is revoked for two years, it doesn't make a lot of sense to require you to have this insurance, which is quite expensive for five years. So it aligns that. And then the other currently there are Tennessee only driver's licenses that are issued. We're going to stop that practice since Tennessee, since we recognize revocations in other states we're going to stop the Tennessee only driver's licenses. This does not make it expire for those that are currently in place. Just when they renew we won't do the Tennessee only. But with that I'll yield any questions and again, the department is here to answer. Thank you

Speaker 1 ([02:38](#)):

Very much. Any questions on house Bill 78 for the sponsor. Question has been called, we're ready to vote. All in favor of house bill 78 say aye. Aye. All opposed nay ayes have it. The bill goes to finance sub number two on the calendar house bill 76 by Representative LA Lafferty. We have a motion and a second sir, you're recognized.

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

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

Hey, thank you Mr. Chairman. Thank you committee. This legislation discontinues the issuance of the honorary consular license plates. There's only about five of 'em right now in the state of Tennessee, so we're going to get rid of those. In addition, this alleged, this legislation will also allow parents and legal guardians of children who are permanently confined to a wheelchair to obtain a disabled license plate free of charge. Currently the statute provides a disabled plate free of charge only to the individuals confined to the chair. So this is also going to allow the parents the caretakers to do that as well.

Speaker 1 ([03:43](#)):

Okay, you've heard the explanation from the sponsor. Any questions from committee? Question? Question has been called any objections? We're voting on house bill 76. All in favor say aye. Aye. All opposed nay. Ayes have it. The bill goes to finance sub. Thank you sir. Thank you

Speaker 4 ([03:59](#)):

Chairman. Thank

Speaker 1 ([04:00](#)):

You committee. Thank you. What's that? Okay. Alright. At this time we are going to go out of session and resume where we left off last week with our hearing with the Department of Transportation in the commissioner and his members of his staff. And I have memory serves. We left off with Chairman Russell. Chairman Russell, you're recognized.

Speaker 5 ([04:30](#)):

Thank you Mr. Chairman. And thank you for Tedo for being back here again with us this week. A week ago I sort of was concerned about these projects being kicked down the road like State Route 3 22 was in Monroe County and started 30 years ago. And since then I had the opportunity to meet with Commissioner Eley and discuss my concerns. And I'm pretty sure that recognizing these shortfall from his electric vehicles is where the problem's going lie with these existing projects with the Improve Act. And I appreciate Commissioner Eley and the governor for recognizing that if we don't take some sort of an action right now that these other projects are going to be just like state Route 3 22 and not be completed. And if anybody has any concerns about this, I encourage 'em go down there and drive across Sweetwater Devor on State Route 3 22 and look at what it looks like with a new section that was done 25 years ago and just forgot about.

Speaker 5 ([05:32](#)):

And then there's an old section that never was completed. So if we don't take time to address this money that we're missing out on for these electric vehicles, these improved act roads are going to end up just like state Route 3 22. And I just wanted to say to Commissioner Eley, thank you for recognizing that we need to address this issue, issue and make sure I thank the governor for recognizing this problem that we're going to have. Also, I do have one request for you though. Good. The first thing I mentioned last week's, a hardworking men and women that you got working across the state. If you don't mind let them know that their hard work is recognized here at the state capital. We appreciate 'em and we're praying for the TDOT employee that was injured this morning. Thank

Speaker 6 ([06:20](#)):

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

You. Yeah thank you chairman. And let's start with that because actually it was one of our contractors who was out there on the roadway early this morning and was hit. And so our thoughts and prayers are with them. They were sent to the hospital and they're doing okay at this point, but we did have a fatality involved with the person that ran into the vehicle that was doing the work. And so it's a good reminder that everything we do has to be embedded in safety in every step of the way. And so we try to do that in every project, every day, every time our folks wake up in the morning because it's my job to make sure that they get back to their families at night. And so that's what we're trying to do sir, and appreciate that. Also want to say that what you just said, that's what the governor is trying to accomplish and by offering this, I mean we all know that we need to do something to address these concerns.

Speaker 6 ([07:56](#)):

Maybe he could kick the can down the road and not address this, but I think he feels like, and I feel like that if we don't do something now, we're going to be so far behind the curve in the coming years that we can't catch up. And so that's why we're here and appreciate the opportunity to be here today. I'll say Mr. Chairman, also it's good to be back. Thanks for inviting us back looking forward to answer all your questions and if we don't have the answer today, we will get you the answer. And as you heard last night from the governor, kind of his commitment to putting our money where our mouth is in addressing these concerns for transportation. And so I look forward to answering all your questions today with our staff.

Speaker 1 ([08:57](#)):

Thank you Commissioner and it is a privilege to have you with us today and thank you for being willing to come back and answer the questions from this committee. I might let the committee know that there are some updated slides following the governor's speech last night and those slides I believe are on your dashboard so if you can't see the board from where you're seated on the committee, you can pull it up on your dashboard. Continuing down our list chairman Whitson, you are recognized.

Speaker 7 ([09:26](#)):

Thank you chairman, and again commissioner Eley, our deputy governor and team again we look forward to hearing more about this and commissioner, you and I have talked about the critical need and I was so glad to hear it last night from the governor about our rural interstates. I'm going mid, I'm not going to say your age, but when I started driving in 1970 <laugh> I 65 ended down in Harding Road but we have not changed our rural interstates in since they were constructed and this can you imagine the amount of traffic and trucks that we have on those interstates. In fact, I don't think 24 from Clarksville. The Nashville is constructed until the mid seventies and I believe the Lotus, the oldest interstate interchange in Tennessee is exit one at Ardmore on I 65 going into Alabama and then it was built in 1957. I don't think it's changed since then. So I really look forward to as we move forward with the ability to finance and improve and construct three lanes on every rural interstate in the state is Tennessee directional names. Thank you commissioner.

Speaker 6 ([10:40](#)):

Thank. Yeah thank you Mr. Chairman. And I will say that is really the whole point of being of the governor's proposal is how do we address these urban congestion issues but at the same time address our rural issues because we know we've got statewide issues and I don't think there's a single one of us who travels through Tennessee that doesn't recognize that these old original two lane need to be updated. I grew up in down in Cheatham County and my grand folks lived on 41 A and that was way

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

before I 24 went to Clarksville and so I've seen all of those. I am old enough to have seen all of that and so I think that's the reason governor has said, let's make this a comprehensive package multifaceted and let's address both urban and rural. And so that's the proposal that is before and what we can do utilizing these public-private partnerships getting the revenue from these choice lanes to be able to reallocate or free up our dollars to be able to invest in other projects. Though

Speaker 5 ([12:11](#)):

Representative

Speaker 8 ([12:12](#)):

Grills you're recognized. Thank you chairman. Thank you commissioner and your team are men here and also I'd like to give a shout out for how good a job y'all did back around Christmas in this past week over in region four, which is where I reside. There's several different things that I would like to address. There's a lot of question over there where I'm from and the questions are how come our roads are falling apart at a seem like at a faster rate in our part of the world than maybe other parts of Tennessee? I see you're nodding your head.

Speaker 6 ([12:44](#)):

Yeah, well, so Tennessee is a little unique in that we've got such a variety or difference from one end of the state to the other in our geography and we go from Memphis to Mountain City and it's very different under the ground in each of those areas which affects all of our rows. I'm going to elaborate

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

On that. Good morning representative. Thank you for the question. I can definitely appreciate it being a native of West Tennessee myself one of the things from an engineering perspective, as the commissioner mentioned, there's a very different geology west of the Tennessee River than we have frankly in the other two grand divisions of the state. It presents some challenges for us from an engineering perspective to be able to develop pavement designs that last as long as other places in the state. The reality is we consistently spend 25% more just in our resurfacing program on region four, which is the west side of the state than the others and we still are having trouble keeping pace. So one of the reasons for that is our aggregate supply, it's a different kind of aggregate, so we have to be really innovative in looking for ways to develop mixes that will last longer. The other part of that is developing strategies that we're able to if you will, put a bandaid on some roads to get 'em to last a little longer such that we can't afford to pave them in a future year. So comprehen, we try to take a comprehensive strategy to make the dollars go as far as we can on a yearly basis

Speaker 8 ([14:25](#)):

Recognize and I guess that's where the DB s t, I have several roads in my district that they have used that application, but those roads have lots of heavier traffic than just the regular truck and car. Highway 1 0 4 for instance, they've used that application there and it it's the main artery to a trucking facility. Well there's lots of trucks that are loaded at 50,000, 60,000 what 74 I believe is the max way to that. Are there different how are those applications decided during the engineering process and are there any extra considerations given to when there is a lots of farm traffic, lots of truck traffic

Speaker 5 ([15:07](#)):

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

A absolutely you hit on, we have what we call our pavement management system where we develop treatments for different types of applications and truck traffic. That's one of the main things we look at. That said you have to balance that with the volume that's there plus the return on investment. For instance, one of the roads you just mentioned we made a decision that there was enough good left in it that if we did a D B S T treatment, as you mentioned, we could bridge the gap to when we could get back to it and go in there and put hot mix. Now that's not what everybody always wants to hear, but it's our strategy for how can we get the majority of life out of that pavement until we can afford to come back and pave it with hot mix. And to be honest, that's the crux of what we're talking about here today with this entire package is we have to come up with strategies to where we can make a finite amount of dollars spread it as thin as we can. That's why I'm really, really excited about the opportunity here to be able to put some more resources in places where we need 'em such that we can really, we want to take care of the good stuff first before we build the new stuff, but that's an exciting part of this opportunity we have before us is to be able to address some of those quicker and keep our good roads good in addition to addressing congestion.

Speaker 8 ([16:32](#)):

So it would be safe to say though that there's not any corners being cut over the mixes that are being used over there just to save dollars, but it's just because of the geology and the aggregate that you're having to work with. Is that

Speaker 5 ([16:43](#)):

That's correct. And I would go on to say that one of the things we're proud of in Tennessee is we consistently win awards nationwide for the condition of our pavements. That doesn't necessarily mean much to somebody that's in a grain truck on that road that you talked about. We understand that, but I can assure you one of the things we invest in every year there's a pavement research facility at Auburn University at ncat. We have a section of that test track there where we try different mixes all the time. We're constantly looking at ways that we can better ourselves to make sure we deal with issues like this.

Speaker 8 ([17:17](#)):

Thank you for being here and we want to do everything we can to help you guys too, so our doors are open as well.

Speaker 6 ([17:22](#)):

Thank you sir. Thank you guys. I would say one last thing go ahead. Chair we talked about is as thin as we can doing the most we can with what we have, but I like to think of it also as smart as we can by doing the right thing at the right time at the right place and utilizing every single dollar that way. And so that's what Will's saying that we're trying to do and so we're going to, we'll continue to do that.

Speaker 1 ([17:52](#)):

Representative Davis, you're next.

Speaker 9 ([17:55](#)):

Thank you Mr. Chairman. I appreciate that. Thank you gentlemen for being here again, coming back for us. I want to say that I'm incredibly grateful. I know that you guys are our creative in a lot of your solutions and so when you put down Shields for I 29 where I get off over there at John severe, love that

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

be able to do that and I'm appreciative of the work that y'all and all of the efforts that you're doing over there at John Seve. I would ask that last when I was coming in on Sunday, we had a couple of deaths over there on Alcohol Highway that, and so obviously y'all know the nickname I Kill You Highway, so I would appreciate a little bit of more attention kind of going up towards the airport, but some of the questions that I had kind of go back to last week when you were talking about some of the maintenance with regard to the choice roads, so as I understand it, you're talking about maintenance with regard to potholes and then also if those roads need to be iced, would that include in that maintenance or is that something that the department would do or who would take ownership of that?

Speaker 9 ([18:55](#)):

Yeah,

Speaker 6 ([18:55](#)):

Yeah, that's a great question. All of those details of course will be worked out through the the RFP process and the contractual process. So we, we'll get specific in how we deal with that. What I would say is that what I have seen work best around the country is where one person is responsible because what we are looking for them to do as part of this long-term process going to be, they would be leasing this road, they would design it, build it, finance it, operate and maintain it. And so when we're looking at things like potholes or snow and ice, we're looking to them to maintain it at a certain level and so as part of that original contract, we would put those standards specs in the contract of what we expect of them that they had to maintain it at a certain level. Not only that, we would also say that they had to give it back to us at the end of the lease at a certain level of service and so all of that will be dealt with through the contract. But the thing I wanted to avoid is fingers pointing at who's in charge. I mean the way this will be set up is we'll know who to look toward and we'll make sure that they do the job they do just like we do our existing contractors now that work for us all over the state. You have a follow

Speaker 9 ([20:26](#)):

Up? Yes sir. Go ahead. And I appreciate that because I want to make sure that my locals aren't coming to me saying, okay, we've got to order more ice, we've got to keep up with the salt and that sort of thing. Then the other question is unrelated to maintenance, it really has to do with the weight of trucks and electric trucks and electric buses. How is that I know we have some legislation that's going to kind of try to increase that weight of what's allowable on our roads. How does that impact just what Representative Brills was talking about with resurfacing and maintenance of our roads?

Speaker 5 ([21:01](#)):

Yes, thank you. So basically we are controlled largely by the federal regs when it comes to bridge weight formula. That is what we go by. So there is a restriction based on that to make sure that we don't put undue stress on our structures and on our pavement. So we already have a restriction there as far as truck weights are concerned.

Speaker 6 ([21:24](#)):

Yeah, I'll say one more thing. You may want to comment on it, but Alcoa Highway to your original point the work that we're doing up there now will drastically improve the safety of that roadway. So it's as you know going on now and it's looking great. It will really alleviate many of the problems that you're saying. Any comment on that? Yes,

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

Speaker 5 ([21:53](#)):

I would also add that when it comes to, and this something that comes up a lot is, and it was mentioned by Chairman Russell earlier alluded to is prioritization of projects and how things rise to the top. OA highway is a good example. That whole corridor has been up there for many years because of safety issues and operational issues, which is why the department has made the investment that it has over the years and there's still more to come to be able to get that where it needs to go. But it's one of those that's been consistently ranked at the top for the reasons you stated, which is why we're making that investment there. We're putting the money where we need to based on the worst roads that we have.

Speaker 1 ([22:37](#)):

Moving on down the list chairman Powers, you're recognized. That's you. Oh, I didn't

Speaker 5 ([22:43](#)):

Raise my

Speaker 1 ([22:43](#)):

Hand. No, you were on last week's list. You want us to come back to you? We'll come back. Okay. Vice chairman. Vital, you're up next.

Speaker 10 ([22:58](#)):

Thank you Mr. Chairman. Commissioner members of the TDO staff appreciate you being here. I think we all agree that congestion is a major problem. I think we appreciate on the surface the governor's major commitment to transportation. It's time we talk about growth, we talk about increased revenues, we've got to talk about reinvestment and I think that's what today is really about. The biggest question I continually hear from people out there is they want good roads but they don't understand really what choice lanes are in practical terms. Simplify it for me today.

Speaker 6 ([23:38](#)):

Yeah, thank you chairman. So I think you're exactly right. I mean you've laid that out perfectly and when the governor asked me to scan the country and say what are other states doing that have already been where we're headed as it relates to transportation? And so we did that and one of the things that we recognized is we're one of the few states and we're one of the only states in the southeast that really do not have these public-private partnerships that will allow us to do the choice lanes that you're talking about. Since our last meeting we've developed a little video. Will you bring it up? That describes it probably better than I can. It is only a couple minutes but for that very reason this this'll be available that we'll put it up loaded up on our site to where you can send constituents to be able to really encapsulate in a quick format what this looks like. I believe this is on your dashboard as well. It's already already yet staying corrected. It's not yet. Yeah,

Speaker 11 ([24:49](#)):

We're fortunate

Speaker 6 ([24:49](#)):

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

To look and we got sound.

Speaker 11 ([24:50](#)):

You so much going. The directed result of our sound economic

Speaker 6 ([24:54](#)):

Policies,

Speaker 11 ([24:55](#)):

High quality of life and ranking as one of the lowest tax to states in the country. While this yields economic opportunity, it also presents traffic congestion challenges in urban areas. We're

Speaker 6 ([25:06](#)):

Going to start it over sitting.

Speaker 11 ([25:09](#)):

We are fortunate to live in a state with so much going for us, a direct result of our sound economic policies, high quality of life and ranking as one of the lowest taxed states in the country. While this yields economic opportunity, it also presents traffic congestion challenges in urban areas. Sitting in traffic isn't how any of us want to spend our time. Building choice lanes in congested urban areas would help reduce traffic congestion, provide more reliable trip times and help you get to where you need to be on time. You can make it home for dinner to a soccer game, a doctor's appointment or to work service vehicles can make that one extra house call to bring in more business and emergency vehicles get to emergencies faster. It's their choice to drive on these additional roads. Choice lanes have been successful across the country. States like Texas, Florida, Georgia, North Carolina and Virginia all have built new choice lanes to relieve congestion during peak travel times.

Speaker 11 ([26:10](#)):

These are newly constructed lanes, designed, built, financed, operated and maintained by the private sector through public-private partnerships. Partnering with the private sector to help relieve urban congestion is part of Governor Lee's build with us proposal, which frees up funds to enhance transportation infrastructure in rural communities. And let's be clear, despite what you might be hearing, choice lanes are not the same as a toll road. A toll road, which is not something TDOT is proposing requires all drivers using the road to pay a fee to get from point A to point B. With choice lanes, drivers can choose to use the new choice lanes or continue to utilize the existing general purpose lanes where a user fee is never charged. The user fees are based on driver demand helping to ensure 50 miles per hour travel speeds even during peak periods. And an added bonus is public transit partners can also choose to use the choice lanes for more predictable schedules.

Speaker 11 ([27:09](#)):

A robust transportation network that includes choice lanes provides more balance to quality of life due to less time spent in traffic, improves traffic conditions for motorists. Using the general purpose lanes as there are fewer vehicles, utilizing them freeze up funds to invest in infrastructure in rural communities impacts regional economic prosperity, positively offers enhanced transit options as transit buses can use the lanes and improves air quality due to less idling as a result of reduced traffic congestion. We at TDOT

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

are excited at the prospect of bringing choice lanes to some of the most congested areas in Tennessee. Our goal is to ensure Tennesseans have a safe, reliable, modernized infrastructure system for generations to come and we're asking you to build with us.

Speaker 6 ([28:00](#)):

So chairman somebody said pictures worth a thousand or this I think helps demonstrate and show exactly what this might look like and what it looks like in other states that are already doing this successfully around the country. And so hopefully that paints a little better picture that helps to alleviate any concerns. I will say one thing that was mentioned on one of this that I think is one of these in this video is that some people have asked, well who these public-private partnership who owns the road or who's to be clear? The state of Tennessee owns our roads will always own our roads. We'll never sell a road to anybody. And so what this is is simply a lease just like we might lease anything else, but we would always retain the ownership of these roads. Just that's something I wanted to make sure that everybody recognized.

Speaker 10 ([29:12](#)):

Vice chairman, do you have a follow up? I thank you and a picture is worth a thousand words. I was looking for a trip to Texas, but

Speaker 6 ([29:23](#)):

We can do that too,

Speaker 10 ([29:26](#)):

But I do appreciate that. I would just say I think on behalf of all the workers in tdot, I think this reassures them that they still have a responsibility to maintain the roads and we don't abdicate our responsibility for road building in Tennessee. It is our responsibility to provide that to the taxpayers. Thank you.

Speaker 6 ([29:46](#)):

Absolutely. Thank you. Yes sir. Chairman

Speaker 5 ([29:48](#)):

Powers, we're going to come back to you.

Speaker 12 ([29:50](#)):

Thank you. And I did have a memory lapse so for a moment, but one thing I did want to, I did want to talk to you about, and we mentioned this when you came by our office the other day, we talked a lot about different ways of funding and some other things that we could do. So you covered a lot of questions that I had then the only other one that I did have was about the number one call I get is from local municipalities. They don't understand exactly where their role is or their obligation in road repairs. We get calls all the time and they want TDOT to repair a road or a sinkhole or whatever problem that we might be having. And it's really their obligation once we've turned that road over to them. And I understand that, but it's not really clear to them. So I wish we could come up with something to notify them and let them know exactly what their obligation is when there's a road repair near a TDOT road.

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

Speaker 6 ([30:54](#)):

Yeah. Well I'm going to will expound on this, but we've got a great relationship with our locals, our municipalities and our counties and we appreciate that and we try to work very closely with our local governments to ensure that they're doing the best they can do for all of our constituents and our citizens and so we'll work we'll continue to work with them. This proposal really should not impact that any differently than it does now because the roads that we're talking about with this would be what we are operating from a state standpoint. But you expound on that. Yeah,

Speaker 5 ([31:41](#)):

So we get the same questions. For what it's worth I think the key is, as the commissioner pointed out, we have to continue to strengthen the relationships we have with all of the locals. There can be a lot of overlap, frankly, it can get very complicated very quick. I think if you look at the major urban areas where there are NPOs, they have a role to play rural areas where there are rural planning organizations that have a role to play. I think it really has to be a partnership that frankly we are going to put more effort into as well. We have an entire division that's dedicated to what we call local programs where we partner with cities and counties across the state. This package is going to necessitate us strengthening that program as well to be able to deliver, but it's truly an education process. We feel like it's part of our role frankly, to help assist these locals when it comes to these kinds of questions. So we're going to continue to do that.

Speaker 12 ([32:41](#)):

Okay.

Speaker 13 ([32:42](#)):

And what I might add in to that as well, so as you also heard last night, the governor's going to give 300 million to the state aid program, so that's roughly 15 years of road funding for them all at once. That will decide here how we want to get it all allocated. So that's a very important part that will help the locals as well.

Speaker 12 ([33:00](#)):

Okay, great.

Speaker 5 ([33:02](#)):

I'm sorry, can I,

Speaker 12 ([33:02](#)):

Yeah, go ahead.

Speaker 5 ([33:04](#)):

I think it's important for folks to understand too that we want to take a system approach all of those things we're talking about, whether it's maintenance, whether it's new facilities, whether it's working with the locals, all of the taxpayers of Tennessee benefit, when we take a system approach to helping cities, counties as well as our own facilities, the entire system works better when it's working together. And I think that's important going forward as we make this in kind of investment that we have all of

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

those areas working together, urban communities, rural communities all of them to make sure that the entire system in the state of Tennessee works as one. Okay,

Speaker 12 ([33:44](#)):

Thank you. Thank you. Thank you Mr. Chairman.

Speaker 1 ([33:47](#)):

Thank you. Moving on representative towns, you're up next, sir.

Speaker 14 ([33:51](#)):

Mr. Chairman. Thank you Commissioner, thank you for having your team here. We always have a great education with transportation. Transportation is very interesting, a lot of the things you learned by being on the transportation committee. I have a couple of three questions here I'd like to ask you. Talking about the locals, and I want to make it short so I can get to some of these locals. What I've heard over the years is that locals complain about not being receiving payment in a timely manner. They need the money seemingly quicker to carry on what it is they have to do. Everywhere you go, you still got to pay for it. So I don't know, you all just gotten here so to speak, but that's what I've heard over the years. So what are we doing to address the timeliness of the payment to the local so they can implement what they need to do?

Speaker 6 ([34:35](#)):

You don't take,

Speaker 15 ([34:36](#)):

I mean you start, go ahead.

Speaker 13 ([34:39](#)):

I mean we are obligated to pay all of our vendors and everybody within 45 days and we do that. So I'm not sure where that, if you have a specific instance, I'd be happy to look into that for you. But we have an obligation to do that within 45 days.

Speaker 14 ([34:55](#)):

Okay. What I'll do is I'll get with you offline because this is what the city is, some others that we're talking about, they were not being paid in a timely manner. So I have to get that for you. Okay, moving on please. Now, when we're talking about choice lanes, commissioner choice lanes, are we going to designate lanes that are already there as a choice lane? Oh, we going to expand the whole kit caboodle?

Speaker 6 ([35:15](#)):

Yeah, that's a great question and we need to be clear on that. What we're talking about is additional lanes. Okay. Additional capacity. All right. So if you're currently on a general purpose, a regular lane, then you would be able to continue to do that. What we're talking about here is offering an additional lane that you would have a choice on a daily basis if you had a meeting or if you had a soccer game for your daughter or son that you wanted to get to that you could get into this lane and be assured of

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

getting there on a reliable timeframe. Absolutely. And so that's the whole purpose of this and you can make that choice on a daily basis.

Speaker 14 ([35:59](#)):

And typically what does it cost for a

Speaker 6 ([36:02](#)):

Patch? We haven't done the deep dive to be able to determine what the economic impact of that lane would be. It's a few dollars that would be associated with that. But it actually is what's called dynamic pricing where it changes based on the demand. Because what you're trying to do is assure that you're getting somebody to the place that they're headed to. Absolutely. In a certain amount of time. And so that's the reason the price could go up or down. But let me also mention, because this is important part of this legislation is while it's a public-private partnership, that entity does not have control over how they price that we are creating a board as part of this legislation. We have appointments by your legislative leadership as well as the governor and that entity would be the state entity that over had oversight over all of the pricing on these. And so when we get ready to go out through the proposal process, which will be a competitive process that any company would be able to adhere to, we would state and let them know here's the pricing formula structure that it allows transit buses to get in. Okay. So you got to take that into consideration in your pricing model to know how much it's going to cost them to make that investment

Speaker 14 ([37:46](#)):

Very well. Now commissioner, you talked about the geology, the differentiation of the geology throughout the state. Explain to me what is the difference, give me some of the nuances of what's different in the western part versus I know you had me have a hard or rock or you made the, explain that to me. I don't quite understand that At the level that

Speaker 5 ([38:03](#)):

Light to, so basically west of the Tennessee River, west Tennessee you got a lot of sand and silty clay. I got it. Most of the rock that you find in west Tennessee comes in on a barge. Okay. Frankly, <laugh> fortunate in the other two grand divisions to have a lot of native limestone. Also region four West Tennessee is largely in a seismic zone. That is exactly like what you see out in California. Frankly, I don't know if most people realize that. No, that takes a that's why we spent as much as, or have spent as much money as we have a lot of our structures in west Tennessee because of the seismic risks there. So it presents it's frankly an entirely different state when it comes to how we design pavements and bridges in West Tennessee.

Speaker 14 ([38:48](#)):

Okay. Finally, y'all know we have the big crack down on the bridge. Okay. How frequently are we inspecting bridges across the state?

Speaker 5 ([38:55](#)):

So we are federally mandated to inspect bridges every two years. I will say that while it was obviously a stressful situation for a lot of us, it was 83 days of my career that I will certainly never forget. I think you should all be very proud of the fact that Tennessee our staff rose to the occasion. The inspection of that

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

bridge was under agreement, was done by a different state, but when it came time to address the issue your state stepped up and got it done in 83 days. We're very proud of that. But yes, those bridges are inspected every two years

Speaker 14 ([39:33](#)):

Across the state, the entire

Speaker 5 ([39:34](#)):

State, absolutely all 20,000 plus. Very

Speaker 14 ([39:36](#)):

Good. And if you do these contracts, how long will they have these contracts? You say reverse back to us the state? Yes. How long typically will they,

Speaker 6 ([39:45](#)):

These are typically long-term contracts. 10 years, 20 years. Oh, it'll be 30 plus years. I mean, because think about it, they're investing hundreds of millions of dollars I know into the building of the structure and then they would be getting the revenue stream off of those right user fees. And so it, it's going to take a while to recoup that. I will add to that though, to yes sir. A good time to interject the fact that part of that pricing formula would include thresholds to where the state would get dollars back also from those fees. So it doesn't all go to the company that would be doing that and there would be a sharing of those revenues.

Speaker 14 ([40:32](#)):

Thank you sir.

Speaker 1 ([40:34](#)):

Thank you very much chair Lady Hazelwood, you're up next.

Speaker 16 ([40:38](#)):

Thank you Mr. Chairman and good morning commissioner. I know that we are all going to spend, be spending a lot of quality time together, so we appreciate that. I have a couple of questions, different directions. First of all on the choice lanes, just if you could help me understand maybe the management a little bit more and how I will know as a driver, whether it's how much I'm going to gain. I used the TSA precheck as an analogy here. I have TSA precheck the last few times I've flown, I've gone in the regular TSA line because there were fewer people there than in the pre-check line because everybody's now, so obviously you don't want to get in a situation where you're paying more to be on the choice lane and it ends up you don't gain much time or any time. So we have the signs up in certain places on the freeway, it tells you it's X minutes to just exit. Are we going to have something like that that will help drivers make a good decision about whether or not to access those lanes? Yeah,

Speaker 6 ([41:47](#)):

That's great question. And the answer to that is yes, it would be very similar to the variable message boards that we have now, but you would know before getting into that lane what the cost was and you

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

would know what the expected time period to get to your destination. And so all that is kind of predetermined and would be stated to where you would have that information in being able to make that decision.

Speaker 16 ([42:17](#)):

And would you also know this is how much time it would take on the express lane? This is how much time it's taking on the regular lane?

Speaker 6 ([42:24](#)):

In most cases you would definitely know it in the express lane because that's part of what you're paying for. The other lane is less predictable. That's the whole point. But as you see now, I mean that's part of what we do in our smart ways technology now is to be able to determine what is the flow now even in the regular lanes. And we post that so that there's some predictability or knowledge at least on what that looks like. And so we would continue to do that. And I'll say too, that is a lot of attention has gone into the choice lanes, but I mean we've got a pilot project going on out here on I 24 now that is an intelligent lane to where we are coordinating between what our throughput is on I 24 kind of from Murfreesboro into town and how it relates to Murfreesboro Road.

Speaker 6 ([43:35](#)):

And those two roads are talking and the vehicles that are driving on those roads, we're picking up information on a constant basis to be able to better predict the time and how to get the most throughput through that roadway. And so what that means is the regular lanes that we have as part of these choice lanes will be benefit also as it relates to this because we're managing that traffic in a more technologically better way. And so what we've seen in other states is it helps the regular lanes move better more quickly as well as the choice lanes.

Speaker 16 ([44:28](#)):

And then in a separate area of questioning, I guess we've heard a lot of questions this morning about maintenance issues and we're going to be building more roads that's going to require more maintenance. Can you talk to us about the percentage of TDOT budget currently being spent on maintenance versus what we would expect after this investment?

Speaker 6 ([44:50](#)):

I'll let one of these guys expound on that. Let me say this. I mean one of the reasons we are in the shape we are in, which is we've got some of the best roads and bridges in the country is because this body has always provided the dollars to take care of our roads in a good way. What we're trying to do here is to make sure that we continue to do that and so what we call state of good repair which is just, it's taking care of what you got. And that's always kind of number one on the list. Y'all have heard me say that gas taxes that we get both state and federal produce about a 1.2 billion program every year that we spend on our roads. Over half of that is made up of maintaining and doing projects like safety and other things that are part of that program, which only leaves us at the end of that about 500 million per year that we can invest in actually new projects that many of you are asking about. And so if we do nothing here that number for maintaining state of good repair is going to continue to go up and it's doing that, doing that every day you want?

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

Speaker 13 ([46:19](#)):

Sure, sure. So chair, so this year we'll spend close to 460 million. Just three years ago we spent 360, so we've increased it a hundred million dollars. The projections coming from our new chief engineer are saying that next year in fiscal 24, 460 is not enough. It needs to be closer to 575. So it's growing. And as the commissioner mentioned, that's the first thing we do in our budget. When we get our state funds, we understand we make the federal match. Once we make the federal match, we put money toward the state of good repairs. So it is quite extensive this year as far as when you looked at actual from 20, fiscal 22, it was about 36% of our lettings went toward that. We believe, again, if the numbers are correct, will be close to 50% of our lettings next year will be state of good repair.

Speaker 5 ([47:14](#)):

So I'll add some of the things that are impacting that. We've seen an over 60% increase in the cost of guardrail. We've seen 30% increases in our asphalt cost, 60% increases in fuel costs. Everything is going up that's impacting that maintenance budget. But again, the way we approach it is just frankly, I approach, I'm a homeowner, I'm going to fix the worst stuff first before I go at an addition or at a swimming pool. And we approach our system the exact same way. We're going to take care of what we got and then with what's left, we're going to address the capacity issues. But again, that's exciting about this new proposal is hopefully we're going to be able to catch up or with the curve if you will.

Speaker 16 ([48:05](#)):

Thank you. I think that's critically important there. Those of us who were here for the improved act took a hard vote in some cases to pass that. And a lot of the things that we expected to come out of that have not simply because of the increased cost of new projects and the fact that again, more and more of the TDOT budget has been eaten up by maintenance. And as we add more, as we build more roads, whether they're, if they're choice lanes, then somebody else is going to be responsible for the maintenance, but there's still a cost. But these rural roads and the other places that we're going to be expanding, then again, every time you add a mile of pavement, you have to, at some point you're going to have to go back and re-fix repair that. So again, it's just something I think for all of us to remember as we're looking at this, all of these dollars are not going to be available to just go out and pave the world. We are going to have to continue to repair the roads that we already have in place. Thank you. Thank you Mr. Chairman. Absolutely.

Speaker 1 ([49:09](#)):

Thank you. Members, we have this room for 10 more minutes. We have several people on the list, so if you can keep your questions brief so that we can try to get everyone in, I believe. Let's see, representative Martin, your next

Speaker 17 ([49:24](#)):

Thank you Mr. Chairman and thank you Commissioner Lee for being here and your team. Two questions. First of all, just to clarify, these choice lanes are all this video and this conversation appears that they're only going to be near interstates. Is that a true

Speaker 6 ([49:41](#)):

Yeah, I would say that's a true depiction because that's where the biggest congestion is from a standpoint of who will pay to be able to utilize those lanes. So

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

Speaker 17 ([49:56](#)):

You wouldn't envision connecting the eight 40 Northern being a Choice Lane or anything

Speaker 6 ([50:02](#)):

Like that. I don't see. Right.

Speaker 17 ([50:03](#)):

I don't see that. And it wouldn't be something that would be in 1 53 in my community where there'd be a choice lane over that congested state highway. That is one of the most dangerous roads in Hamilton County. So these are going to be within,

Speaker 6 ([50:16](#)):

I think most of these would be within our existing right of way or we may have to get some additional right of way. But in our current interstate system is where we would start. Cause I think that's where the most economic impact would be.

Speaker 17 ([50:35](#)):

And then let me hurry and move and pivot to another question. When we think about gas taxes, I go fill up my car somewhere and nobody knows where I go. I get in my car and I drive wherever, then I fill up my gas, me being Dun lap, I may be in Manchester. My question, when you think about these electric vehicles and the charge, I've heard conversations about being charged on the miles, that would be, is there a system that is being looked at where people could pay a fee based upon the amount of electricity that it takes for them to recharge their car that's in their house? Or if they have a unit in their home where they're able to charge it? Has there been conversations as about doing that? How can you talk? Well,

Speaker 6 ([51:21](#)):

There's a national conversation going on about recognizing that the gas tax is not sustainable over the long haul. And so we're moving more and more toward electric. We all know that even our gas cars are more energy efficient. And so we're now down for the first year in our gas and diesel gas tax than then. We have been 4 million

Speaker 13 ([51:51](#)):

At this point. And on gas, diesel and special petroleum, we've collected 4.3 million less than we did at the same time last

Speaker 6 ([51:58](#)):

Year. Yeah. So I just say that to say that that's a national concern and a national issue. And so a, there's conversation going on about how do we get to the next place. I think that what we're proposing at this point is that we don't move toward the vehicle mile travel GPS pricing. So what you just mentioned is not part of our plan to where those that would be tracked and charged accordingly. The kind of most straightforward way to do that I think is the way we're proposing it, is how much does the normal person who puts gas in their tank, what's the amount that they pay on a general annual basis on the average to be able to do that? And what we're proposing is to bring the electric vehicle registration fee

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

up since they're not putting gas in their car to an equal amount. It's pretty simple and it creates parody or fairness between those that are putting gas in their car and those that are using electric vehicles. There's probably eventually going to be some way to deal with what you're talking about from a how do you get it from some electric charge. But it's not there at this point.

Speaker 17 ([53:27](#)):

And I appreciate that Commissioner. I think there are many Tennessean for whom this is a new concept to think about and they're concerned about the government tracking where they are and all of those things. So I appreciate your clarity on that. Yes,

Speaker 6 ([53:40](#)):

Thank you. Yes. Yes sir.

Speaker 1 ([53:41](#)):

Thank you. I might inject is, as the commissioner said, there's a national conversation. The most equitable seems to be charge by the kilowatt, but in Tennessee there is no proposal in the governor's proposed bill to charge by the mile. There's a lot of opposition to that. So there's no proposal to that. We have about three minutes left and Representative Powell, you're next.

Speaker 18 ([54:12](#)):

Thank you Mr. Chairman. I'll be brief. I did want to say to chair Lady Hazelwood point because I think it offers a cautionary tale is what's happening in our airports is we basically allowed a third private company to now have control of our airports. And they have created these I believe the company's called Clear, where they can pull people that go through those lanes and put them ahead of TSA precheck. And it is totally created a debacle at our airports and let people who are not government employees and have gone through the screening process manage the way that we conduct the traffic flow in our airport security system. So anyhow, I think that's a cautionary tale for the way we're looking at these choice lanes. My question is, do you have a percentage of how much you anticipate these choice lanes alleviating from the existing roads?

Speaker 6 ([55:03](#)):

Well, as soon as we get the authority to do this, our plan is to do the deep dive into, we, we've done congestion studies enough to know that we know that there are bottlenecks in places in each of our major urban areas that lend themselves to doing this. What we would have to do next is to do the economic analysis, the deep dive that you're saying to say, okay, this quarter has this much traffic and we can alleviate by doing one lane, or what would two lanes do? We'll be coming back to you through the normal three year plan process next year to be able to say, alright, here's what we've learned and here's the definitive answer. I will tell you that looking at all these states that were mentioned on this they've all seen considerable increase in reliability considerable increase in reduction in congestion in on those lanes that are being utilized.

Speaker 18 ([56:18](#)):

Follow up. Yes. And I'll be brief again, Mr. Chairman, if you could provide me some information. Cause I've been asked that at different community meetings about what the reduction is in other states that

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

would be helpful to have that information. As far as the construction of these choice lanes, do you anticipate that construction, any sort of interruption to the existing traffic flow that is already present?

Speaker 6 ([56:38](#)):

Yeah, great question. Of course, anytime we add a lane or do a new construction there's going to be some interruption to existing lanes. You want to comment on that?

Speaker 5 ([56:56](#)):

Yeah the answer is yes, there will be. I mean, I think that most people that would try to convince you that there wouldn't be, are not facing the reality. But I think that's another part of this package that should be highlighted is delivery mechanisms. One of the things that goes into making sure that we get in and get out is some of these alternative, alternative delivery methods that are explained or detailed in the legislation. The best way we can minimize the impact to the traveling public is to get these projects done quickly is to address the time value of money, get in there, incentivize the contractor to get in and get out. Even with innovative techniques and how we build the facility, that's how we plan to manage to minimize that disruption.

Speaker 18 ([57:46](#)):

Go ahead Mr. Chairman. Last thing and I'll, I'll just make a comment, is two other things. One is I really have an interest if I know the EV and the hybrids on the same level. I think that maybe looking more equitable way to do that, if you've got a hybrid vehicle, obviously you're using gas and electric, they're basically being taxed twice and not this plan. And the last thing is, I think in our communities specifically mine, I've got a road project that continues to be delayed. And a lot of that is because the right of way. And I think that we've failed to communicate between the state and cities, particularly in urban environments and other communities. When people are building and you have new development, a lot of these developments are being built right there in the right of way. And so when you go to expand the road, these projects are being delayed because there's not the communications existing between those municipalities or communities and tdot. And so I'd really appreciate trying to look at that so that we make sure that doesn't happen again because it's basically delayed a major road project that was funded in the PROVAC that I'm still waiting on my community. So thank you very much for your answers.

Speaker 6 ([58:47](#)):

Good point. You want to clarify the

Speaker 13 ([58:49](#)):

Point? Yeah. We'll just quick clarify real quickly. So we do have in the legislation a hundred dollars for the hybrid vehicles as well. So that is in the legislation in addition to the purely electric vehicle.

Speaker 1 ([59:01](#)):

Thank you very much. Committee. We are out of time. We're a minute pass time, but before you leave, let me ask you, we have some people on the list. We can continue this hearing next week. I'm at the will of committee or those of you who didn't got, I think there's four of them if you want the commissioner or one of his staff to come by and talk you. Jay Klein, raise your hand. Jay. This is Jay Klein, he's the liaison for TDOT to the legislature. If you will contact Jay and request that you have specific questions.

VIDEO & TRANSCRIPT OF HOUSE TRANSPORTATION

February 7, 2023 | 8:00 a.m.

You'd like the commissioner or Will or Joe to come by and explain it to you. I believe they'd be more than happy to do that, that

Speaker 6 ([59:38](#)):

We'd be more than happy to have individual meetings with anybody

Speaker 1 ([59:42](#)):

Wants. I mean, we want everybody's questions to be answered and I'm willing to do either one of those, but if you're okay with that situation, we'll just let you contact Jay and go from there. Thank you gentlemen for coming. Do I hear a motion? Motion? We have a motion. Do adjourn.