

## **AASHTO TRANSPORTATION POLICY FORUM**

**John Schroer, Chair | Commissioner, Tennessee Department of Transportation | Vice President, AASHTO**

Tuesday, September 26, 2017 | 1:00-3:00pm MST

2017 AASHTO Annual Meeting | Phoenix, Arizona

### **Meeting Minutes**

#### **STATE DOT ATTENDANCE**

Chair John Schroer (Tennessee), Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming

#### **MEETING MINUTES**

Chair John Schroer of Tennessee welcomed everyone to the second meeting of the Transportation Policy Forum. He continued with a brief overview of the meeting's main agenda items by highlighting the federal policy update, discussion and adoption of the updated Transportation Policy Forum charter, modal council reports, consideration of the policy resolution, and a presentation on AASHTO's legislative engagement and outreach effort.

#### **Review and Approval of TPF Meeting Minutes from May 24, 2017**

Chairman Schroer asked for comments on the meeting minutes. There were no comments. Nancy Daubenberger of Minnesota made the motion to approve the meeting minutes from May 24, 2017. Seconded by Mostafa Jamshidi of Nebraska. Motion carried.

#### **Federal Policy Update**

Jim Tymon, AASHTO Chief Operating Officer, gave an update on the administration's efforts in advancing the \$1 trillion infrastructure package. The administration has identified rural infrastructure as a priority; however, additional detailed priorities and principles have not been released. Mr. Tymon said that the administration plans to release a more detailed outline, but a release date has not been determined. Similar to the discussion at the AASHTO Spring Meeting in Portland, Maine, the package contains \$200 billion in federal spending, and the goal is to leverage that to achieve \$1 trillion in total spending for infrastructure. The funding will go to all forms of infrastructure (e.g., energy, water, Veterans Affairs hospitals, broadband, etc., in addition to transportation). The total \$200 billion will not be forced into public-private partnerships, but additional state or local dollars could be leveraged as well. In addition to transportation dollars, the administration would like to make significant changes to the project delivery process, which has been well-received in Congress. There is also a consensus within the broader state transportation stakeholder community that improvements are needed in the project delivery process.

The state DOT community has had several opportunities to interact with the administration and Congress in assisting development of the infrastructure package: Secretary Chao spoke to AASHTO at the Washington Briefing, Jim Ray, Senior Advisor at USDOT spoke at the Spring Meeting, several CEO's met with President Trump, Secretary Chao, and Interior Secretary Zinke in June to discuss use of additional transportation dollars and process reform, and there was a gathering of state and local leaders at the White House in August. These discussions along with AASHTO's inventory of recommendations have been a tremendous resource to influence the direction in both the Administration and Congress.

Joung Lee, AASHTO Policy Director, continued the federal policy update explaining Washington's current struggle with long term and short-term priorities. The long-term priorities of tax reform and infrastructure are still being worked on while action is taking place on the short-term priority of continuing resolution. The resolution was moved quickly after the August recess in part due to the need for immediate relief for Hurricane Harvey. Given the urgency surrounding Harvey recovery, and based on an agreement between President Trump and the Democratic Congressional Leadership, the continuing resolution to extend FY 2017 appropriations from October 1 to December 8 was quickly passed and enacted on September 8, along with \$15 billion in Hurricane Harvey aid. In addition, the issue of the debt ceiling was tied into the continuing resolution, with the debt ceiling suspended until December 8. The goal is for the FY 2018 appropriations to get finalized by December 8, though the debate will be extremely contentious and will most likely require another continuing resolution.

The House and the Senate took action on transportation specific aspects of the FY 2018 appropriations. The Senate passed a standalone Transportation-Housing and Urban Development (THUD) package on July 27. The House originally passed a security related four-package measure on July 27 as well, but after the recess, they rushed quickly to fold the four measures into a complete 12-package measure, which passed on September 14. Due to a smaller budget allocation for the THUD package in the House FY 2018, an \$800 million rescission was included. AASHTO strongly opposed when the Senate appropriations included a \$2.2 billion rescission for the FY 2017 package; hence, AASHTO strongly opposed the House's \$800 million rescission. The House FY 2018 appropriations package attracted more than 900 amendment requests that were considered by the House Rules Committee. Mr. Lee expressed appreciation and gratitude to Georgia's leadership under Commissioner Russell McMurry and Legislative Director Josh Waller as they worked with Representative Rob Woodall of Georgia, who sits on the House Rules Committee, to sponsor an amendment that would provide complete flexibility in how the rescission would be applied. The amendment broadened the category of applicable programs, and removed the proportionality requirement. The amendment was passed by a voice vote. With the Senate package containing no rescission and the House package now including a full flexible rescission, the conference process may yield some measures that would be less harmful to state DOT's. The flexibility can also inform and aid state DOT's planning for the \$7.6 billion rescissions as part of the FAST Act that is scheduled to take place on July 1, 2020.

A topic that has gained a lot of traction the last few months in Congress is the first federal law regarding connected and autonomous vehicles. The House passed a measure entitled the SELF DRIVE Act under the suspension of rules on September 6, 2017, and the Senate is expected to introduce its measure entitled AV START Act shortly. Both the House and Senate measures concern the safety aspect of automated driving systems that are in highly automated vehicles. Although NHTSA guidance was updated earlier in the year, these bills are aimed at providing more clarity, scope, and authority of federal responsibilities. As part of defining the Federal sphere of oversight, both the House and Senate bills contain a preemption clause aimed to prevent state and local authorities from regulating the

vehicle and its components. The bill sponsors say that traditional state authorities regarding licensing, registration, and general operations of the vehicle will not be affected. Nonetheless, AASHTO has teamed up with the American Association of Motor Vehicle Administrators (AAMVA), National Conference of State Legislatures (NCSL), National Governors Association (NGA), and Governors Highway Safety Association (GHSA) to express concerns about creating an inadvertently large federal jurisdiction on automated vehicles that crowd out state and local authority. AASHTO is conveying to Congress that artificial intelligence in operating software cannot be regarded as another piece of equipment. The group recognizes the safety and mobility benefits that could be provided by automated vehicles, but AASHTO is trying to have Congress understand the complexities of automated vehicles before rushing to establish policies in law.

Jim Tymon followed with discussion on the reauthorization of the Federal Aviation Administration (FAA) bill. Due to political dynamics in Washington, the House was not able to pass an extension this week. Mr. Tymon mentioned that it is rare that a simple extension of a current program is unable to pass. The House tried to move the extension under suspension of rules which would have required 2/3 majority vote to pass; however, it did not have enough votes. The House could take it up as regular order any time this week and only require a simple majority vote.

### **Discussion and Adoption of Updated Transportation Policy Forum Charter**

Chairman Schroer reminded the forum that a one-page provisional charge statement was adopted at the spring meeting in May. Since then, each AASHTO body will work to develop a general purpose statement, charter, strategic plan, and action plan. The general purpose statement is embedded in the “purpose” section of the charter. Once the charter is adopted, the forum will move to work on the strategic plan and action plan at the next TPF meeting as part of the AASHTO Washington Briefing. Chairman Schroer continued to review each section of the draft charter.

The framework for TPF officer terms was updated from the original draft to state: “The officers of the Transportation Policy Forum shall be the chair and the vice chair. The chair of the Forum shall be the AASHTO Vice-President during his or her term of office as AASHTO Vice-President. The Forum vice chair term of office shall be for a two-calendar-year period, which terminates at the end of the first Transportation Policy Forum meeting at the AASHTO Annual Meeting after their term has lapsed. The Forum vice chair may be appointed to additional two-year terms. The Transportation Policy Forum vice chair shall serve as the chair of the Transportation Policy Forum Steering Committee.” There were no concerns with the change. A separate concern was voiced regarding the appointments of regional representatives. Mr. Lee responded that each of the four regions is asked to come to a consensus on their representative on a two-year basis.

Concerns were expressed regarding the technical standards portion of the reporting section. Giles Giovinazzi of California asked for clarification regarding language under the technical standards portion that states “If issues regarding a technical document cannot be resolved between the Councils, such issues will be resolved by the TPF, or ultimately by the Board.” The concern is that decisions regarding technical standards should be made by the engineering committees and not by the policy forum. Other members also voiced the concern. Mr. Tymon responded to the concern stating that the intent is not for the TPF to make decisions on technical standards but for the forum to make a recommendation to the BOD with a resolution when two councils cannot come to an agreement. The forum will work with the Strategic Management Committee to clarify the language to specify that the forum will not be voting on engineering standards.

Joyce Taylor of Maine commented by stating that there needs to be a laid out process that handles the responsibility of the TPF when two committees cannot agree on engineering standards. It is also important to note that there is legal cover for technical standards voted on by the engineering committees; therefore, issues regarding technical standards will need to be resolved within the engineering committees. The involvement of TPF should be considered as the final alternative.

Chairman Schroer agreed that the TPF should be the final alternative. If two technical committees cannot resolve an issue amongst themselves, there needs to be a group that can determine a resolution that will be recommended to the Board of Directors. The goal is for committees to determine a resolution. Chairman Schroer concluded by stating that the charter is a living document and future amendments can be submitted.

Patty Dunaway of Kentucky made the motion to approve the charter. Seconded by Joel Jundt of South Dakota. Motion carried.

### **Modal Council Reports**

Active Transportation – Leslie Richards of Pennsylvania is the chair. Secretary Richards voiced the Council's excitement in that the restructuring of AASHTO shows the association's commitment to multi-modal transportation. The Council's members include a variety of diverse backgrounds such as CEOs, assistant secretaries, designers, planners, chief engineers, complete streets coordinators, landscape architects, and others. The diversity of disciplines and expertise provide an opportunity to address a broad range of policy, technical, and communication challenges that face multi-modal transportation today. In addition to hearing about existing active transportation polices and initiatives, a SWOT analysis was conducted to analyze the Council's strengths, weaknesses, opportunities, and threats, which helped shape its priorities for the coming year. The priority areas identified were safety, lack of data and consistency of data, communication and messaging, and coordination with other AASHTO committees and councils. The Council began discussing ways to coordinate with the Council on Highways and Streets, the Data Management and Analytics Committee, the Design Committee, and the Performance Based Management Committee, and will continue to work on its strategic action plan.

Aviation – Marc Luiken of Alaska is the chair. The Council met at the Washington Briefing in February and at the National Association of State Aviation Officials (NASAO) annual meeting in September. Commissioner Luiken stated that the Council views itself as a joint committee with NASAO primarily because of NASAO's leadership in formation of aviation policy for the nation; both Commissioner Luiken and Vice Chair Dr. John Eagerton are members of NASAO. The Council's meeting focused on three issues. First, discussion focused on long-term reauthorization for FAA. As seen with the FAST Act, the stability of a longer term funding bill helps the State departments in long-term planning and funding. Long-term reauthorization is encouraged for the FAA and will continue to be at the forefront as a policy initiative for the Council. Second, discussion concentrated on the use of unmanned aerial systems as the use of the system continues to grow for project inspections and surveys. The Council partnered with the Bridges and Structures Committee to research the parties who use the system and their purpose for usage. Lastly, the Council addressed encouraging the federal partners (FAA, FTA, FRA, FHWA) to look into aligning grant management. State Departments would deliver projects more effectively if there was alignment in grant management.

Commissioner Luiken played a video that illustrated the vital importance of aviation to Alaska. The video featured interviews with village residents and service providers who describe how important aviation is in their lives. Alaska serves as the largest sponsor of aviation in the country.

Highways and Streets Council – Kirk Steudle of Michigan is the chair. The Council discussed the development of the Strategic Plan focusing on determining the direction the Council wants to take moving forward. Joyce Taylor of Maine, Don Arkle of Alabama, Mark Van Port Fleet of Michigan, and Karla Sutliff of California have been appointed to the steering committee that will assist in addressing the strategic and emerging issues, managing the Council’s work, and communicating and coordinating with other Councils and Committees.

Director Steudle stated that there is some overlap in membership between the Council and TPF. The overlap helps to ensure that there will be common understanding of how the councils should work together, including the concerns and challenges from the Policy level that the technical experts on the Council can assist with. The Council is a major source for technical expertise and leadership for AASHTO from a highway and streets perspective. The Council will coordinate and collaborate with other councils and committees on issues of common concern, including active transportation issues, transit facilities within the street rights-of-way, and connections to other modes. Furthermore, it’ll provide input to the Board of Directors and the TPF on policy issues, such as proposed rules and regulations at the Federal level.

The Council members also spent time discussing various topics that are currently challenging the member departments in the highways and streets realm, such as innovations of concurrent environmental/design processes and at-risk design, paperless construction and maintenance, and catching wrong-way drivers; roadside safety and the continued implementation of the MASH document in coordination with the FHWA, including the upcoming deadlines states have for transitioning to newer, safer roadside equipment; accommodation of small-cell/broadband infrastructure on our rights of way; how to accommodate the load-rating requirement for emergency and towing vehicles that is included in the FAST Act; and revenue issues , such as tolling and the privatization of rest areas and rights of way.

The Council approved a technical resolution that related to Rectangular Rapid Flashing Beacon (RRFB). The RRFB is a pedestrian safety device that has run into challenges because it was recently patented and, thus, federal approval for use of the device is now being questioned by lawyers. Research does show that the RRFB is a good tool that helps reduce fatalities at highway crossings. There were updates to the Green Book and Pedestrian Guide, which was also discussed by the Design Committee Vice-Chair, Joyce Taylor, at the Active Transportation Council. There were also updates on the Signal Phasing and Timing Challenge, which is a first step for many in the provision for vehicle-to-infrastructure application.

Rail– James Redeker of Connecticut is the chair. Commissioner Redeker specified commuter rail as a new policy initiative for the Council that will be coordinated with the Public Transportation Council. The Council will also focus on rail system safety plans, states as railroads, full funding raid pieces of the FAST Act programs, Amtrak accounting and account representation for the Northeast corridor and the National Network, and positive train control and implementation across the entire rail industry. Commissioner Redeker highlighted the Council’s coordination with interest groups such as the Great States Working Group, the States for Passenger Rail Coalition, Next Generation Equipment Committee, State Amtrak, and the InterCity Partnership Working Group. The Council looks forward to coordination with the Special Committee on Freight, Public Transportation Council, and the Water Council on the movement of people and goods.

Public Transportation – Charles Zelle of Minnesota is the chair. Commissioner Zelle indicated that the Council’s primary focus will be on the future of public transportation as it is valued by millennials and the increasing senior population. There will also be additional focus on transit asset management, state

safety plans, federal transit review coordination, and streamlining the grant making process. Within the year, the Council met at the Standing Committee on Public Transportation (SCOPT)-Multistate Technical Assistance Program (MTAP) Winter Meeting held in Atlanta, GA. Commissioner Zelle emphasized the importance of MTAP as a great forum for state agencies to collaborate. The highlight of the winter meeting was a full day workshop discussing the new FTA Transit Asset Management Rules. In addition to the workshop, time was also spent working with the Transportation Research Board NCHRP 20-65 Project Panel, allocating as much as \$450,000 towards valuable transit research. Within the last year, there have been four new transit projects. The Council also met at the 2017 Spring Meeting. The spring meeting focused on the 2015 annual survey results which illustrated statewide funding sources for transit investments. Commissioner Zelle concluded with saying that good transit policy is integrated and interconnected with other groups; therefore, the Council looks forward to working with MTAP, Rail Council, Center for Environmental Excellence, Environment and Sustainability Committee, and the Planning Committee.

Water – Shawn Wilson of Louisiana is the chair. The Council met in conjunction with the National Waterways Conference at their annual meeting and plan to meet again at their Legislative Summit. A challenge for the Council is that many state DOT's do not have the responsibility or leadership to handle issues impacting the movement of goods on waterways. Although many of the state DOT's do not have direct responsibility, their residents will be impacted by the agricultural, industrial, or commercial products that enter or leave the country through deep water ports, inland ports, or within the Great Lakes region. Secretary Wilson asked that even if your agency does not have the responsibility of waterway transportation to identify the agency that does. The Council will work closely with the Special Committee on Freight and the Rail Council to ensure efforts are not duplicated and to coordinate a possible subcommittee structure that will allow information exchange between the groups.

Special Committee on Freight – Roger Millar of Washington is the chair. Secretary Millar voiced that the Council is a cross cutting committee and looks forward to robust discussion between all councils and committees. The meeting focused on the Council's primary concerns of the movement of goods, the natural built environment, social equity, public health, and the economy. Time was also spent discussing a variety of topics, such as the importance of data and data analytics; the role of public and private partnership amongst the trucking, rail, shipping, and logistic sectors; the interface requirements between airports and highways, ports and railroads, and transit systems and waterways; and the interconnectivity and resiliency of freight and passenger transportation modes and systems and the congestion in the first and last mile area. Secretary Millar expressed that the movement of goods and services are particularly important to Washington State because it is a trade dependent state with an economic impact of about a half trillion dollars.

### **Consideration of Policy Resolution – “Urging Congress to Maintain Consistent Support for Federal Transportation Investments by Ceasing Budgetary Reliance on Highway Contract Authority Rescissions**

Chairman Schroer gave a brief overview of the resolution which sends a strong message to Congress to stop relying on contract authority rescissions to balance the budget. In addition to the upcoming FY 2018 appropriations conversations between the House and Senate, AASHTO will continue to work to reverse the large \$7.6 billion rescission in the FAST Act. This resolution will provide important reinforcement towards that effort.

An amendment was raised by Mike Tooley of Montana. For the third “RESOLVED”, change the language to “RESOLVED, if an acceptable budgetary resource for “pay-fors” to prevent these rescissions cannot be found and Congress retains the currently proposed rescissions, it is urged to provide maximum flexibility

to state departments of transportation by allowing rescinded contract authority to be derived from every federal highway and transit program category, and by removing onerous requirements that require proportional rescissions across affected program categories". The intent of substituting "acceptable" in the first clause from the original term of "alternative" is to ensure Congress does not continue to consider rescissions as an alternative budgetary resource. The amendment was unanimously approved.

Don Arkle of Alabama made the motion to approve the resolution. Seconded by Scott Bennett of Arkansas. Motion carried.

### **AASHTO'S Legislative Engagement and Outreach**

Megan Kenney, the AASHTO Policy Fellow from Texas, gave a project briefing on her effort for improving AASHTO's legislative engagement and outreach efforts. The purpose of the research is to evaluate AASHTO's current methods of Congressional engagement and outreach, and to develop recommendations for improvement. The goals of this research are to expand regular engagement with individual Congressional offices, expand regular engagement with Congressional committees that are not transportation oriented, and to seek specific input from the TPF to determine how best AASHTO can serve as a legislative resource to state DOT's. Discussions will be held with internal AASHTO staff, TPF members, and Congressional staff. Once discussions are concluded, Megan will provide recommendations for improvement for AASHTO executives and staff and Caroline Kieltyka, AASHTO's Program Specialist for Policy, will be in charge of implementation.

Ms. Kenney asked TPF members who want to participate to schedule a time to discuss how best AASHTO can serve as a legislative resource to state DOT's. If the TPF member does not directly deal with legislative affairs, it was asked that the TPF member recommend a better contact. Contact information for Ms. Kenney and Ms. Kieltyka is below.

Megan Kenney  
E: [mkenney@ashto.org](mailto:mkenney@ashto.org)

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### **Wrap-Up**

The next meeting of the Transportation Policy Forum will take place at the 2018 Washington Briefing scheduled for Tuesday February 27 through Friday March 2, 2018. The meeting was adjourned.