AASHTO FAST ACT REAUTHORIZATION

Discussion of Working Group White Papers

AASHTO TRANSPORTATION POLICY FORUM
SATURDAY, SEPTEMBER 22, 2018
12:30-3:30PM EDT

Chair: Carlos Braceras, Utah DOT
Vice Chair: Lynn Zanto, Montana DOT
AASHTO REAUTHORIZATION ROADMAP

- May 18: FAST Act reauthorization kickoff
- **May-Sep 18: White Papers from 11 Working Groups**
- Sep 18-Mar 19: White Papers from 4 Modal Councils and Special Committee on Freight
- Mar-Oct 19: TPF consideration of all White Papers for draft policy resolutions
- Oct 19: Board consideration and adoption of policy resolutions
- Oct 19 onward: Messaging and communication of AASHTO policy recommendations
11 WORKING GROUPS

1. Connected and Automated Vehicles
2. Data Management and Analytics
3. Funding and Finance
4. Operations
5. Performance-based Management
6. Planning
7. Project Delivery—Engineering
8. Project Delivery—Environmental Protection
9. Research and Innovation
10. Safety
11. Transportation System Security and Resilience
AFTER TODAY’S DISCUSSION

• TPF to provide written recommendations to Working Groups by September 28
• Working Groups to finalize their white papers by October 12
• Modal Councils and Freight Committee to start developing their white paper, to be reported to TPF at 2019 AASHTO Washington Briefing
1: CONNECTED AND AUTOMATED VEHICLES

Chair
Kirk Steudle, MI

TPF Liaison
Justine Sydello, IL

AASHTO
Matt Hardy
1. Deploying CAV Technologies in the Safest Manner Possible is Paramount

2. The Future of Transportation Includes Connected and Automated Vehicles

3. Any New Laws or Regulations Must Maintain the Current Federal-State Regulatory Paradigm and Any Changes Should be Done Collaboratively with the States
1: CONNECTED AND AUTOMATED VEHICLES

4. State Laws Concerning the Operation of Connected and Automated Vehicles Need to be Uniform and Consistent

5. State DOTs Need Additional Funding and Flexibility in Order to Deploy CAV Technologies and Accommodate CAV Vehicles

6. CAVs Will Produce Significant Amounts of Data and There is a Data Governance Gap

7. The Deployment of CAVs Will Continue to Require a Collaborative Approach
2: DATA MANAGEMENT AND ANALYTICS

Chair
Greg Slater, MD

TPF Liaison
Lorie Tudor, AR

AASHTO
Penelope Weinberger
2: DATA MANAGEMENT AND ANALYTICS

Seven AASHTO Core Data Principles

1. VALUABLE: Data is an asset
2. AVAILABLE: Data is open, accessible, transparent and shared
3. RELIABLE: Data quality and extent is fit for a variety of applications
4. AUTHORIZED: Data is secure and compliant with regulations
5. CLEAR: There is a common vocabulary and data definition
6. EFFICIENT: Data is not duplicated
7. ACCOUNTABLE: Decisions maximize the benefit of data
2: DATA MANAGEMENT AND ANALYTICS

• Unfunded Mandates
  o Great concern
  o Regulations should consider AASHTO Core Data Principles

• Privacy, Security, Cyber Security
2: DATA MANAGEMENT AND ANALYTICS

Where Data is addressed in other disciplines/practices

- Paper 1: Connected and Automated Vehicles issue #6; CAVs Will Produce Significant Amounts of Data and There is a Data Governance Gap
- Paper 3: Funding and Finance issue #10 Reduce and Simplify Regulations, Requirements, Data Collections, and Process to Expedite the Process
- Paper 5: Performance Based Management issue #3; Performance Management Regulations Should Be Improved to Reduce the Burden on State DOTs
- Paper 6: Planning issue #7; Mitigate the Burden of Data Collection Related to the Performance-Based Planning and Performance Management Regulations
- Paper 10: Safety issue #2; Data Protection
- Paper 11: Transportation System Security and Reliability issue #7: Promote Cyber Security Strategies
3: FUNDING AND FINANCE

Chair
Ben Orsbon, SD

TPF Liaison
Marc Williams, TX

AASHTO
Jen Brickett
3: FUNDING AND FINANCE

- Primary Goal: Increase federal transportation formula funding levels, along with timely, sustainable, long-term funding to meet national needs for economic competitiveness, connectivity, safety, and security
- 11 Issues Areas
- Issues identified with input from the Committee on Funding and Finance
3: FUNDING AND FINANCE

Beyond the Cliff
3: FUNDING AND FINANCE

Estimated Highway Trust Fund Obligations

![Chart showing Estimated Highway Trust Fund Obligations from 2017 to 2028.](chart_image)
4: OPERATIONS

Chair
Bill Panos, WY

Presenter
Tony Kratofil, MI

TPF Liaison
John Davis, WY

AASHTO
Pat Zelinski
4: OPERATIONS

• Issue #1: Strengthen Eligibility for Investments in Transportation System Management and Operations (TSMO) and Related Technology

• Issue #2: Communications Technology for Highway Operations
4: OPERATIONS

• Issue #3: Establish a Permanent Transportation Operations Program Budget Line Item within USDOT Funding to help Ensure Better Sharing of Quality Practices and Accelerate Development of Solutions for Consideration by the States

• Issue #4: Expand Eligible Activities Though National Highway Freight Program
4: OPERATIONS

- Issue #5: Improve Buy America Requirements
- Issue #6: Update National ITS Architecture Rule 940
5: PERFORMANCE-BASED MANAGEMENT

Chair
Paul Degges, TN

TPF Liaison
Jim Skinner, MT

AASHTO
Matt Hardy
5: PERFORMANCE-BASED MANAGEMENT

1. Federal Funding Apportionment Should Not be Tied to Target Achievement

2. Continue to Focus on Implementation of the Performance Management Regulations

3. Performance Management Regulations Should Be Improved to Reduce the Burden on State DOTs
5: PERFORMANCE-BASED MANAGEMENT

4. Make Consistent the Financial Planning Requirements among the Required Performance-Based Planning Documents

5. Minimum Condition Levels for NHS Bridges and Pavements Could Encourage a Worst-First Asset Management Approach
6: PLANNING

Chair
Lynn Weiskopf, NY

TPF Liaison
Ron Epstein, NY

AASHTO
Matt Hardy
6: PLANNING

1. Do Not Increase Any Regulatory Burdens Related to Planning but Rather Look for Opportunities to Reduce Burdens and Unnecessary Requirements While Maintaining a Thorough Planning Process

2. Enhance Flexibility and Avoid Imposing New Administrative Burdens, whether through statute, Rulemakings, or Guidance

3. Maintain the Existing Balance of Authority among State DOTs, MPOs, and Rural Planning Organizations
6: PLANNING

4. Fiscal Constraint

5. Make State DOTs and MPOs Eligible Recipients under the Set Aside from the Surface Transportation Block Grant Program (aka transportation alternatives program)

6. Make More Flexible the Projects that can be Funded through the Congestion Mitigation and Air Quality (CMAQ) Improvement Program
6: PLANNING

7. Mitigate the Burden of Data Collection Related to the Performance-Based Planning and Performance Management Regulations

8. Expand the Extent of both the Primary Highway Freight System and National Multimodal Freight Network

9. Streamline and Simplify the Development and Updating of the Multitude of Transportation Plan Documents Currently Required of States
7: PROJECT DELIVERY—ENGINEERING

Chair
Joyce Taylor, ME

TPF Liaison
Ken Fisher, AK

AASHTO
Jim McDonnell
7: PROJECT DELIVERY—ENGINEERING

- Primary goal: Reduce costs and reduce delays – Continue the efficiency gains in the FAST Act while expanding State DOT stewardship
- Engineering committees surveyed; 600 comments received; ad-hoc working group developed recommendations across design, construction, maintenance, materials, pavements, outdoor advertising control, right-of-way, traffic engineering, utilities
- 22 issue areas!
7: PROJECT DELIVERY—ENGINEERING

Major areas of concern

- Adoption of PROWAG (#1)
- Right of Way Acquisition Delays (#2 and #3)
- Bridge-related Issues (#4 and #6)
- Emergency Relief (ER) Program (#5)
- Buy America (#7)
- Roadside Hardware Certification (#8)
7: PROJECT DELIVERY—ENGINEERING

Additional Issues

- Outdoor advertising control (#9-11)
- Preventive Maintenance (#12)
- Small/local projects (#13)
- Railroad coordination (#14)
- Drones (#15)
- Utility relocation (#16)
- Delegation of authority to states (#17-22)
8: PROJECT DELIVERY—ENVIRONMENTAL PROTECTION

Chair
Tim Hill, OH

Presenter
Carlos Swonke, TX

TPF Liaison
Don Arkle, AL

AASHTO
Shannon Eggleston
8: PROJECT DELIVERY—ENVIRONMENTAL PROTECTION

- Eliminate requirement for schedule “concurrence
- Authorize FHWA to enter into programmatic agreements for State DOTs to take on increased FHWA responsibilities
- Establish pilot program, to allow federal agencies to waive their own requirements to develop innovative practices to streamline project delivery and achieve positive environmental outcomes
8: PROJECT DELIVERY—ENVIRONMENTAL PROTECTION

- Allow completion of NEPA approval conditioned on making air quality conformity and fiscal constraint determinations before proceeding to construction
- Authorize federal agencies to apply CEs adopted by any other federal agency
- Allow utility relocations to begin prior to NEPA completion
8: PROJECT DELIVERY—ENVIRONMENTAL PROTECTION

- Allow programmatic air quality conformity determinations
- Additional Endangered Species Act, Clean Water Act, and historic and recreational resource recommendations
9: RESEARCH AND INNOVATION

Chair
Brian Ness, ID

Presenter
David Jared, GA

TPF Liaison
Michele Boomhower, VT

AASHTO
Anna Bosin
9: RESEARCH AND INNOVATION

• Primary goal: Increase Flexibility and Funding; Improve project delivery
• R&I and RAC committees surveyed; plus reviewed Engineering survey results for any research related topics; ad-hoc working group in RAC developed recommendations and met via 3 teleconferences since early August.
• Limited to 4 issues-some have cross-cutting elements.
9: RESEARCH AND INNOVATION

• Issue #1: Increase Research, Technology & Education Program Funding Levels
• Issue #2: Allow Highway Safety Improvement Program Funds to be used for Safety Related Research Activities
• Issue #3: Increase Flexibility of States to Use Non-SP&R Federal Funding when Contributing to Multi-State Pooled Fund Research Studies
• Issue #4: Redefine “Manufactured Products” Requirement within Buy America Law
Next Steps

• Review TPF comments
• Include additional language to support national research efforts and programs
• Coordinate topics that are cross-cutting with other committees for streamlining and consistent messaging.
10: SAFETY

Chair
Rudy Malfabon, NV

TPF Liaison
Joel Jundt, SD

AASHTO
Kelly Hardy
10: SAFETY

• Goal is to ensure flexibility to ensure maximum progress toward eliminating traffic fatalities and serious injuries:

• Key Issues
  o Highway Safety Improvement Program funding eligibility
  o Protection of partners’ data
10: SAFETY

• Issue #1: Non-infrastructure Eligibilities Under the Highway Safety Improvement Program
  o HSIP funds cannot be used for non-infrastructure safety countermeasures
  o Other countermeasures are crucial to meeting safety targets

• Recommendation: Restore ability to use a portion of HSIP funds for non-infrastructure safety programs.
10: SAFETY

- Issue #2: Data Protection
  - DOTs’ partner agencies’ data used for safety analyses are not protected from discovery
    - Data from behavioral safety, MPOs, public health, transit agencies, and others are necessary
  - Recommendation: Specify protection for partner agencies’ data
11: TRANSPORTATION SYSTEM SECURITY AND RESILIENCE

Chair
Mike Lewis, CO

TPF Liaison
Giles Giovinazzi, CA

AASHTO
Melissa Savage
Pat Zelinski
11: TRANSPORTATION SYSTEM SECURITY AND RESILIENCE

- Transportation system security and resilience will continue to be a major policy concern of the USDOT and state DOTs.
- Threats are wide-ranging from extreme weather to cyberattacks to infrastructure collapse.
- FAST Act included:
  - Resilience-oriented provisions for planning
  - Asset management ("critical infrastructure" added to focus)
  - National Freight Projects Program (added "enhancing the resiliency of critical highway infrastructure" for eligibility)
  - Section 1432 (placed limitations on the reconstruction of damaged facilities)
  - NHPP eligibility - projects that reduce risk of failure of critical NHS infrastructure.
11: TRANSPORTATION SYSTEM SECURITY AND RESILIENCE

- USDOT and other relevant agencies, in collaboration with states, should develop a National Transportation System Security and Resilience Plan.
- States should conduct all-hazards risk and resilience analysis on critical transportation infrastructure (perhaps pilot studies).
- Conduct a comprehensive assessment of the ER program.
- ER Program
  - Allow ER projects to include actions that increase the resilience of the replacement project to future hazards.
  - Allow more flexibility with contract requirements and NEPA review as part of the ER program.
  - Allow DOTs to change order all required federal requirements into a previously-let, state-funded project that did not contain the federal provisions.
11: TRANSPORTATION SYSTEM SECURITY AND RESILIENCE

- Expand eligibility of HSIP projects to include actions to improve system resilience while also enhancing safety.
- Conduct a study/support pilot studies of collaborative system security and resilience planning efforts.
- Retain security and resilience planning factors.
- Fund pilot studies: security and resilience-related performance measures supporting performance-based transportation decision making.
- USDOT should, in collaboration with DHS and other relevant agencies, develop a National Transportation Cyber Security Strategy.
- Target federal funding to protect vital national transportation command and control information technology resources.
NEXT STEPS

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• Working Groups to finalize their white papers by October 12
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