

## AASHTO TRANSPORTATION POLICY FORUM

Carlos Braceras, Chair | Executive Director, Utah Department of Transportation | Vice President, AASHTO

Wednesday, May 23, 2018 | 1:30-5:00pm EST

2018 Spring Meeting | Franklin, TN

### Meeting Minutes

1. The Transportation Policy Forum was called to order at 1:30 p.m. by Chairman Carlos Braceras, Utah.
2. Roll Call was taken by Caroline Kieltyka, AASHTO Program Specialist for Policy, and the following States were present: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming.
3. Chairman Braceras asked for comments on the meeting minutes from the 2018 Washington Briefing. There were no comments. Burt Tasaico, North Carolina made the motion to approve the minutes. The motion was seconded by Ed Hassinger, Missouri. The motion was then voted upon, and it carried unanimously.
4. Chairman Braceras provided an overview of the roadmap for the FAST Act reauthorization process. TPF will seek guidance from AASHTO Committees and Modal Councils to determine positions on reauthorization which will then be recommend to the Board of Directors. The guidance will stem from five-page white papers submitted by the Modal Councils and Committees that highlight policy issues and challenges. The goal of this effort is to have AASHTO's positions determined by October 2019 which will give members and staff enough time to advocate policy priorities before the FAST Act expires in September 2020. The Councils and Committees will develop their five-page white papers by the 2019 Annual Meeting in Atlanta, GA. Ron Epstein, New York recommended developing a contingency plan in the case a short term fix is needed.

A motion for the approval of the FAST Act Reauthorization Roadmap was made by Don Arkle, Alabama. The motion was seconded by Joshua Laipply, Colorado. The motion was then voted upon, and it was carried unanimously.

5. Chairman Braceras, Vice Chair Lynn Zanto, WSDOT Secretary Roger Millar, and AASHTO staff facilitated discussion on six pressing policy issues which were identified by the TPF Steering Committee.

6. Jim Tymon, AASHTO Chief Operating Officer, led the discussion on the Administration's infrastructure proposal. Discussion was focused on the proposal's funding, regulatory reform provisions, and its reception on the Hill. State DOTs emphasized that additional infrastructure funding be directed to formula-based federal funding because it provides the flexibility necessary for each state to meet their own needs.
7. Jennifer Brickett, AASHTO Director of BATIC Institute, led the discussion on discretionary grant programs and formula funding. The discussion began on the BUILD program. State DOTs stressed that the Administration should prioritize formula-based funding instead of increasing funds to discretionary grant programs. Although discretionary grant programs are not prioritized, the programs should remain an option because it enables states to construct innovative projects that are absent from long term plans and projects that don't have secured funding. There were no objections to the new BUILD timeline. In regards to the new non-federal revenue criteria, State DOTs expressed the new criteria as a burden and will depend on the local match to the federal dollars. Discussion then focused on the new rural bridge discretionary grant program. There was consensus that the program should be data driven.

The discussion continued with a focus on formula funding. The Surface Transportation Block Grant Program (STBG) and the National Highway Performance Program (NHPP) were highlighted as the most useful formula program categories. A concern with the STBG program was that the sub-allocated funds are not being spent. Marc Williams, Texas stated that Texas has a large unobligated balance in the sub-allocated fund of STSB and the challenge is making up for that in other programs. Next, the discussion focused on FTA Capital Investment Grants, FTA/Bus Facilities grants, FRA Consolidated Rail Infrastructure and Safety Improvement Grants (CRISI). The main concern regarding the FTA/FRA grants is the slow grant process. Lastly, the discussion focused on highway contract authority rescission. AASHTO does not support highway contract authority rescission; however, if the rescission does take place, states should be provided the full flexibility to implement the rescission.

8. Melissa Savage, AASHTO Director of the Center for Environmental Excellence led the discussion on the DC Circuit Court decision on South Coast Air Quality Management District v. EPA which ruled that the EPA did not have the authority to revoke the 1997 National Ambient Air Quality Standard (NAAQS). The re-imposition of conformity requirements from the 1997 standard will disrupt transportation projects and threatens the ability of State DOTs and MPOs to construct projects. The FHWA/FTA guidance lists 82 areas and 24 states that will be affected with the possibility of additional areas. The State DOTs were in consensus that conformity is inevitable as the lawsuit will continue to take time. There was concern of project delays caused by STIP amendments. Ron Epstein, New York suggested FHWA have a 3-5 year transition period that would allow states to build the technical capacity to model the new regulations.
9. Joung Lee, AASHTO Policy Director, led the discussion on connected and autonomous vehicles. AASHTO supports DSRC-based connected vehicle technologies. State DOTs agreed that creating a strong foundation for autonomous vehicles requires connectedness between vehicles and infrastructure, and DSRC is ready to be deployed. Colorado highlighted their partnership with Panasonic in deploying DSRC-based connected vehicles on the I-70 and I-75 corridors. In addition, AASHTO supports the Senate AV START Act compared to the House SELF DRIVE Act because it includes clearer preemption language that reflects the Federal-state regulatory paradigm for motor vehicle laws. State DOTs agreed that changing the regulatory relationship would delay vehicle

output. State DOTs also stressed that the Federal government needs to implement regulations because the development of technology will outrun the regulations.

10. Roger Millar, Secretary of Transportation for Washington, facilitated the Disadvantaged Business Enterprise Program (DBE) discussion on the issue of waivers for disadvantaged groups from the federally funded DBE programs. State DOTs can receive waivers from USDOT to set DBE contract goals that include only the groups for whom significant disparities are shown through the disparity studies. State DOTs are concerned that this process along with the timeline of obtaining a waiver creates an unstable business environment. Furthermore, the lack of consistent projects ready for construction that contract DBE businesses adds to the unstable business environment. The goal is to have a flexible DBE program with built-in incentives that is able to respond to current business conditions.
11. Jennifer Brickett led the discussion on tolling. The first issue focused on tolling flexibility. The President's infrastructure package proposes to expand flexibility by removing the three-state cap on participation. AASHTO's position is in support of expanding flexibility. The second issue focused on the formation of a marketplace to exchange excess toll credits. Congress has periodically proposed creating a marketplace to exchange excess toll credits, which can be used in lieu of state match. The question posed was whether states are interested in a marketplace for toll credits. The tolling states are interested in a marketplace. A noted concern was that states who need toll credits do not have the financial capacity to purchase the credits. AASHTO has not taken a position on toll credits.
12. Vice Chair Lynn Zanto, Montana discussed the results of the AASHTO Legislative Engagement and Outreach Project. The project was the capstone assignment of Megan Kenney, 2017 AASHTO Fellow from Texas DOT that focused on the evaluation of AASHTO's current methods of Congressional engagement and outreach, and recommendations for improvement. The forum was in support of the four recommendations presented. In regards to the recommendation of establishing a "community of practice", Justine Sydello, Illinois provided an overview and suggested the committee model of MAASTO's Strategic Transportation Issues Committee (STIC) to serve as the model for the proposed "community of practice".
13. The next Transportation Policy Forum meeting will be held during the 2018 AASHTO Annual Meeting in Atlanta, GA from September 20 - 24, 2018.