2013-2018
POLICY RESOLUTIONS

Last Updated 27 September 2018
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AASHTO supports the following MAP-21 Reauthorization Core Principles:

1. **Continue a vibrant and stable federal funding role in investing in, maintaining, and operating an integrated and multimodal national surface transportation system.** To meet the Nation's surface transportation system needs, the federal government must continue to play a strong funding role. Historically, the federal government has contributed approximately 45 percent of the total capital investment in both highways and transit. All rural and urban areas need to have adequate funding to support access and connectivity to the national transportation system to advance the national economic well-being and global competitiveness. This level of commitment must be maintained which will require a substantial increase in the level of federal capital investment in the nation's highway and transit systems.

2. **Support the roles and responsibilities of States, transit agencies and local governments—the owners, managers and operators of the nation’s highway and transit systems.** Maintain, and where appropriate, increase State authority in the administration of the Federal Highway Program. States, transit agencies and local governments own, construct, maintain, operate, manage, and report on the performance of the nation's highway and transit systems. U.S. DOT’s collaboration with States as partners is absolutely essential in delivering a safe, economic, efficient and environmentally sound surface transportation system.

3. **Maintain the core principle of a federally assisted, state administered highway program and extend this principle to the transit program and its owners and operators.** The States are the owners, operators and managers of the highway system which carries 80% of truck traffic and interstate commerce and a majority of all travel. Therefore, the historic principle of a federally-assisted, State-administered program must be preserved, where the federal government is responsible for defining national policies, and the States and their local government and transit agency partners are responsible for program and project delivery.

4. **Maintain at least the current share of total highway program funding in MAP-21 provided to states via apportioned core programs by continuing the current prohibition on earmarks.** Under SAFETEA-LU, an average of 83% of Federal Highway funds were apportioned to the States by formula. Under MAP-21 the average of Federal Highway funds apportioned to the States by formula grew to 92.6%. By limiting discretionary programs and administrative allocations, and by eliminating earmarks, funding is largely distributed to the States in a more stable and predictable manner. States should be provided with maximum flexibility to use these core formula funds to meet their unique and diverse transportation system needs.

5. **Preserve the fundamental program and policy reforms in MAP-21 and support additional opportunities to streamline and simplify the Federal surface transportation programs.** MAP-21’s reforms – program consolidation, further project delivery streamlining, performance measurement, and an expanded innovative finance program – will help produce a better surface transportation system. Additional project delivery streamlining and program simplification would provide further benefits.

6. **Coalesce around practical funding options, including any user-fee based revenue options, to sustain Federal highway, highway safety and transit program funding and to supplement revenues from existing sources.** In order to place funding for highway, highway safety and transit programs and the solvency of the Highway Trust Fund on a short and long term, sustainable basis, Congress should consider a portfolio of tools, including user-based revenue options.

APPROVED BY THE AASHTO BOARD OF DIRECTORS – OCTOBER 21, 2013
7. **Protect and further expand policies that support flexible use of conventional and innovative funding and financing tools.** Congress should grant States maximum access and flexibility to use a mix of funding and financing tools most appropriate for each State. This includes use of public-private partnership opportunities that combine the management efficiency and innovation of the private sector with public sector social responsibility and job generation concerns. Where government policies, laws and regulations impede private investment, acceptable alternatives for reducing these impediments should be developed.

8. **Provide dedicated funding, funding guarantees and budgetary firewalls for all modes.** The Highway Trust Fund provides a dedicated funding stream for federal investment in highways, highway safety and transit systems and services, an essential function of the federal government. In 1998 Congress provided the federal highway and transit programs with funding guarantees and budgetary firewalls to ensure revenues accruing to the Highway Trust Fund were being used for their intended purposes rather than being used to offset deficits in other domestic discretionary programs. In 2011 the U.S. House of Representatives established new procedural rules which includes eliminating the funding guarantees and firewalls. Because these protections allow for much-need stability in program and delivery of long-term capital projects which are vital to the improvement of economic competitiveness and quality of life, the funding guarantees and firewalls should be reinstated. Similar guarantees should be established for other modal programs funded through the Aviation Trust Funds, the Harbor Maintenance Trust Fund, and the Inland Waterways Trust Fund.
WHEREAS, Article I, Section 8 of the United States Constitution states the duty of the federal
government to provide support for a national transportation system; and

WHEREAS, historical federal investment in transportation through the development of post roads, canals,
railroads, highways, and airways has created jobs and supported robust economic growth in all parts of
the nation; and

WHEREAS, federal investment in transportation has averaged 0.39 percent of the Gross Domestic
Product over the last five years—well below 0.50 percent that was achieved during the peak years of
construction of the Interstate Highway System, a system which now needs major reconstruction and
reinvestment; and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP-21) enacted in July 2012
provided a general fund transfer of $18.8 billion to preserve Highway Trust Fund solvency only through
Fiscal Year 2014, and general fund transfers amounting to $53.3 billion will have been necessary to
support federal highway and transit program levels between 2008 and 2014; and

WHEREAS, the motor fuel taxes which comprise about 90 percent of Highway Trust Fund receipts are
facing challenges to their long-term sustainability due to gradual loss of purchasing power resulting from
inflation, stagnation in vehicle miles traveled, improved average vehicle fuel economy, and introduction of
alternative-fuel vehicle fleets; and

WHEREAS, the Highway Trust Fund is currently experiencing a deficit between receipts and outlays
averaging $15 billion per year, which is estimated to increase gradually over time; and

WHEREAS, no action by Congress to either increase the Highway Trust Fund revenues or provide
additional general fund support in FY 2015 would result in virtual elimination of federal funding
commitments that year; and

WHEREAS, a significant portion of much-needed highway and transit projects—projects that underpin
economic development and improve the quality of life, and support jobs in and beyond the construction
industry—in every community and Congressional district would either be delayed or cancelled outright,
leading to cutbacks on contract lettings and missed opportunities to pare down the already significant
backlog of investment needs; and

WHEREAS, uncertainty and volatility in construction activities—including equipment and labor resource
management—due to the instability of the federal program would impose heavy opportunity costs on
productivity and employment; and

WHEREAS, in addition to cessation of new federal program commitments, the Highway Trust Fund cash
shortfall in FY 2015 could potentially cause delays in federal reimbursements to states for costs already
incurred on highway and transit investments;

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NOW, THEREFORE BE IT RESOLVED, the federal government must continue to play a vibrant and stable funding role in investing in, maintaining, and operating an integrated and multi-modal national surface transportation system in order to meet the nation’s surface transportation system needs. Historically, the federal government has contributed approximately 45 percent of the total capital investment in both highways and transit. All rural and urban areas need to have adequate funding to support access and connectivity to the national transportation system to advance the national economic well-being and global competitiveness. This level of commitment must be maintained which will require a substantial increase in the level of federal capital investment in the nation’s highway and transit systems; and

BE IT FURTHER RESOLVED, at a minimum, Congress must at least maintain the existing MAP-21 highway and transit program investment level in real terms (an average of $57.1 billion per year between 2015 and 2020). On a monthly basis, the amount of additional federal funding needed to support this level of expenditure is estimated to be $10.23 per household; and

BE IT FURTHER RESOLVED, Congress must also consider an investment level that meets the needs identified by US Department of Transportation’s *Conditions and Performance* report which provides an objective appraisal of the nation’s highway, bridge, and transit conditions and future investment needs (an average of $63.1 billion per year between 2015 and 2020). This level of investment is required to maintain current highway, bridge, and transit conditions and performance and to allow transit agencies to continue accommodating recent historical growth rates. It represents an 11 percent increase in program funding over maintenance of current investment levels adjusted for inflation. On a monthly basis, the amount of additional federal funding needed to support this level of expenditure is estimated to be $13.52 per household; and

BE IT FURTHER RESOLVED, Congress must also consider an investment level that would be required to equal and maintain—in real terms—the revenue levels that were achieved in 1993 from federal motor fuel taxes and other Highway Trust Fund revenue sources, which was the last time federal motor fuel taxes were increased (an average of $73.3 billion per year between 2015 and 2020). This investment level will enable the nation’s transportation infrastructure to once again help enhance America’s global competitiveness. It represents a 28.4 percent increase in program funding over maintenance of current investment levels adjusted for inflation. On a monthly basis, the amount of additional federal funding needed to support this level of expenditure is estimated to be $19.06 per household; and

BE IT FURTHER RESOLVED, that Congress could achieve the aforementioned federal program funding levels through a variety of existing and proposed revenue mechanisms which should strive to provide program revenues that are sustainable and will thus not substantially lose purchasing power or decline over time due to inflation or other factors; and

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BE IT FURTHER RESOLVED, in order to provide policy reforms in MAP-21 ample time for implementation and to enable a long-term planning and investment horizon needed to effectively manage state transportation departments’ capital programs, the subsequent surface transportation authorization should be for a period of six years; and

BE IT FURTHER RESOLVED, that funding frameworks and associated options discussed in AASHTO’s Funding and Financing Background Paper neither explicitly nor implicitly identify any single approach for recommendation over others, and that they are intended to provide direction to AASHTO staff as they assist Congress in adopting politically feasible funding and financing solutions in line with AASHTO’s overall reauthorization recommendations.
WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP 21) was enacted on July 6, 2012 and amended Section 150 of title 23, United States Code, to focus the Federal-aid highway program on seven national goals; and

WHEREAS, Section 150, National Goals and Performance Management Measures, sets deadlines and requirements for the establishment of a limited number of performance measures, the establishment of state and MPO-driven performance targets and reporting on performance targets; and

WHEREAS, state performance reports to USDOT are required no later than October 1, 2016 and every two years thereafter; and

WHEREAS, MAP 21 funding authorizations expire on October 1, 2014; and

WHEREAS, states vary widely in the extent and current condition of their transportation systems, their dependency on federal funding and other factors that impact the performance of the highway system in each state; and

WHEREAS, the implementation of the national performance measures is dependent on the availability of quality, consistent and compatible data; and

WHEREAS, all states are committed to improving their transportation systems to meet the mobility and access needs of millions of individual and business users.

NOW, THEREFORE BE IT RESOLVED while the member states of AASHTO support the use of performance management to improve the transportation system, we remain opposed to using performance measures as the basis for apportioning or allocating federal funds among the states; and

BE IT FURTHER RESOLVED that AASHTO recommends that no additional measures be established until multiple reporting cycles by states have occurred. In the interim, states will continue to advance the application of performance management and performance measurement tools to further improve our delivery of transportation facilities and services; and

BE IT FURTHER RESOLVED that U.S. DOT should work collaboratively with state DOTs in an effort to establish more consistent methodologies for collecting data related to implementation of the performance management requirements in MAP-21 and without imposing unnecessary requirements or undue burdens upon States.
WHEREAS, MAP-21 enacted a comprehensive set of reforms to accelerate project delivery while maintaining environmental protections;

WHEREAS, these reforms have the potential to significantly reduce project delivery times, but effective implementation is critical to their success;

WHEREAS, AASHTO is working with USDOT on implementation of these provisions;

WHEREAS, there are some refinements to USC Title 23 and MAP-21 that could further accelerate project delivery;

WHEREAS, additional administrative measures could also further accelerate project delivery and/or further eliminate unnecessarily burdensome requirements; and

WHEREAS, the State DOTs are committed to finding ways to accelerate project delivery and provide for improved transportation while maintaining environmental protections.

NOW, THEREFORE BE IT RESOLVED, that 23 USC 327 be amended to ensure that under the NEPA delegation program, State DOTs may assume USDOT's responsibility for making project-level conformity determinations under the Clean Air Act;

BE IT FURTHER RESOLVED, that 23 USC 168 be amended to ensure that the authority provided in MAP-21 to adopt planning decisions in the NEPA process includes all of the flexibility previously provided in the planning regulations (23 CFR 450 Appendix A);

BE IT FURTHER RESOLVED, that 23 USC 169 be amended to require that if a State DOT chooses to develop a programmatic mitigation plan the federal agencies should give substantial weight to the recommendations in a programmatic mitigation plan when carrying out their NEPA and permitting duties;

BE IT FURTHER RESOLVED, that new reauthorization legislation should require USDOT, at the request of a project sponsor, to initiate a NEPA review for a project that is planned to be funded with a non-traditional funding source (e.g., State and local financing, or discretionary grant or loan programs administered by USDOT);

BE IT FURTHER RESOLVED, that AASHTO supports provisions that would allow routine roadside ditch maintenance projects to proceed without the need for a jurisdictional determination or permitting under Section 404 of the Clean Water Act; and

BE IT FURTHER RESOLVED, that with respect to the positive reform included in MAP-21 that establishes a categorical exclusion for certain projects that receive a low level of Federal funding – less than $5 million or for projects up to $30 million if Federal funding is no more that 15% of estimated project costs – the dollar threshold amounts be adjusted for inflation so that the provision does not degrade over time; and

BE IT FURTHER RESOLVED, that AASHTO looks forward to working with all parties to continue to find ways to further accelerate project delivery while maintaining environmental protections.
WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP 21) was enacted on July 6, 2012;

WHEREAS, MAP 21 amended Sections 134, 135, and 150 of title 23, United States Code, to require performance-based transportation planning and to focus the Federal-aid highway program on seven national goals; and

WHEREAS, Sections 134, 135, and 150 require long-range transportation plans and transportation improvement programs to address performance measures and targets; and

WHEREAS, MAP 21 modified the definition of the National Highway System (NHS) to include urban and rural principal arterial routes that were not included on the NHS prior to the date of enactment of MAP 21, and this change has been interpreted to require automatic inclusion of all principal arterials on the NHS;

WHEREAS, MAP 21 requires States to establish an asset management program, and also requires USDOT to establish “minimum condition” levels for NHS bridges and for Interstate System pavement;

WHEREAS, MAP 21 created the new Transportation Alternatives Program (TAP), under which States are responsible for distributing funds that were not sub-allocated to MPOs, but States are ineligible to receive any TAP funding;

WHEREAS, prior to the enactment of MAP 21, FHWA issued guidance that established a three-year cap on operating assistance under the Congestion Mitigation and Air Quality (CMAQ) program, and issued guidance in June 2013 that allows operating assistance to be used for up to 5 years, which still limits states’ ability to use CMAQ funds to support operations that benefit air quality;

WHEREAS, MAP 21 funding authorizations expire on October 1, 2014; and

WHEREAS, the timeline for implementing the system of performance management and other changes prescribed in MAP 21 extends far beyond the expiration date of the funding authorizations in MAP 21; and

WHEREAS, the implementation of the national performance measures and performance based planning and programming depends on the availability of relevant high quality, consistent, and compatible data without imposing unnecessary requirements or undue burdens upon States, but a set of data principles associated with performance measurement has not yet been articulated by U.S. DOT; and

WHEREAS, States are committed to improving their transportation systems to meet the mobility and access needs of millions of individual and business users.

NOW, THEREFORE BE IT RESOLVED, that AASHTO supports the planning policy reforms in MAP 21 and opposes significant changes to the reforms until such time as the changes have been implemented and evaluated. Within that framework, AASHTO is always open to opportunities to simplify processes and requirements, reduce administrative and regulatory burdens, expedite project delivery, and increase State flexibility. In the interim States will continue to advance the application of performance-based planning to further improve our delivery of transportation facilities and service; and

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BE IT FURTHER RESOLVED, that the implementation of MAP 21 should avoid any unnecessary administrative burdens or unnecessary restrictions on State flexibility. This would include, but not be limited to, avoiding:
   a) restrictions that would contradict the national goal of “reduced project delivery delays”;
   b) regulations and guidance that do not conform to the statute without imposing additional requirements; and
   c) restrictions on the ability of States to satisfy the long range plan requirements with policy-based plans; and

BE IT FURTHER RESOLVED, that any new legislation should maintain the existing balance of authority and responsibility among State DOTs, MPOs, and rural planning organizations; and

BE IT FURTHER RESOLVED, that the “minimum standards” required by MAP 21 for bridges and pavement should not be interpreted to require a “worst first” approach to asset management, and any new legislation should ensure that a “worst first” approach is not required; and

BE IT FURTHER RESOLVED, that the States in consultation with appropriate agencies should have the flexibility, in appropriate instances, and with notification to FHWA to remove routes that were added to the NHS in MAP 21; and

BE IT FURTHER RESOLVED, that any new legislation should ensure that state agencies (including state DOTs) and metropolitan planning organizations (MPOs) are included in the list of eligible entities that may receive TAP funds, such that State DOTs and MPOs have the ability to implement projects and designate a limited amount of discretionary TAP funding to allow for flexibility in sound program and project management and oversight, including the option of funding a full-time TAP Coordinator(s); and

BE IT FURTHER RESOLVED, that Congress should direct U.S. DOT to remove the cap on the number of years regarding the use of CMAQ funds for operations programs; and

BE IT FURTHER RESOLVED, that U.S. DOT should work collaboratively with state DOTs in an effort to establish more consistent methodologies for collecting data related to implementation of the performance management requirements in MAP 21 and without imposing unnecessary requirements or undue burdens upon States; and

BE IT FURTHER RESOLVED, that requiring obligation of the CMAQ funds in PM 2.5 non-attainment and maintenance areas should only apply when the non-attainment issue is resulting from transportation activities.

APPROVED BY THE AASHTO BOARD OF DIRECTORS – OCTOBER 21, 2013
Policy Resolution PR-8-13
Title: MAP-21 Surface Transportation Reauthorization Policy on Highways

WHEREAS, The Moving Ahead for Progress in the 21st Century Act (MAP-21) was enacted on July 6, 2012; and

WHEREAS, While MAP-21 did not increase federal funding sorely needed for transportation, it offered many other opportunities for States to improve and enhance the nation’s transportation system, including eliminating earmarks and providing significant new flexibility to State departments of transportation in the transferability of funding between programs; and

WHEREAS, Federal-aid highway system bridges are vitally important to the efficient movement of people and goods and it is important to maintain these bridges to ensure unimpeded access to the NHS; and

WHEREAS, Section 1405 of MAP-21 requires the use of positive protective measures in all work zones that offer workers no means of escape, which appears to include any and all work conducted on bridges and tunnels, regardless of duration of work zone, type of work conducted, amount of traffic, or speed of traffic, unless an engineering study conducted on each and every location determines otherwise; and

WHEREAS, This requirement will either unduly increase the cost and length-of-closure of smaller, short-term work zones and those with minimal traffic on bridges and in tunnels that otherwise may not typically warrant positive protection, or impose administrative burdens on state and local transportation agencies, public works departments, and other agencies conducting inspections and other short-term work on these facilities by requiring them to justify the lack of need for positive protection on every such project; and

WHEREAS, While Section 1503 of MAP-21 rightly increased the cost threshold for value engineering (VE) analyses and removed the VE requirement for non-NHS bridges and for design/build projects, States have concerns that the elimination of the option to use “other cost-reduction analyses,” which was previously found in 23 US Code Section 106(e)(2), could preclude the use of newer, more advanced tools for accomplishing these objectives, such as risk-based engineering; and

WHEREAS, Confusion has been created at the State and local level by inconsistent definitions and interpretations of terms such as “maintenance,” “preventive maintenance,” and “pavement preservation,” which are found in Section 1507 of MAP-21 as well as in technical assistance developed by the U.S. Department of Transportation and U.S. Department of Justice with respect to various types of pavement work; and

WHEREAS, MAP-21 funding authorizations expire on October 1, 2014;

NOW, THEREFORE BE IT RESOLVED, That AASHTO supports continuation of the federal-aid highway program simplification as well as the flexibility provided in the transfer of funding between the core highway programs; and

BE IT FURTHER RESOLVED, That states should have the flexibility to fund any non-NHS bridge on the federal-aid highway system under the National Highway Performance Program (NHPP); and

BE IT FURTHER RESOLVED, That flexibility is vital in determining the appropriate use of positive protection in work zones to ensure the safety of both workers and the traveling public, as well as to ensure cost effectiveness, and that appropriate use should be determined at the project level by state and local transportation agencies; and

APPROVED BY THE AASHTO BOARD OF DIRECTORS – OCTOBER 21, 2013
BE IT FURTHER RESOLVED, That flexibility is also needed in requirements regarding value engineering analyses to ensure that newer and better approaches are not discouraged; and

BE IT FURTHER RESOLVED, AASHTO recommends that the U.S. Department of Transportation and U.S. Department of Justice work with AASHTO, the State DOTs, and other stakeholders to ensure input from the transportation community and other stakeholders to determine an approach that achieves greater accessibility accommodation without imposing undue costs and delay on critical routine maintenance activities.
WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP 21 enacted on July 6, 2012) includes significant freight provisions; and

WHEREAS, the National Freight Network (NFN) provision of MAP 21 (23 USC 167), defines and sets deadlines and requirements for the establishment of a National Freight Network, including the State designation of critical rural freight corridors, requires the National Freight Network to be designated no later than October 1, 2013; and

WHEREAS, the National Freight Strategic Plan provision of MAP 21 (23 USC 167) requires DOT to develop a national freight strategic plan in consultation with States and other stakeholders by October 1, 2015 and to update the plan every five years; and

WHEREAS, MAP 21 funding authorizations expire on October 1, 2014; and

WHEREAS, States vary widely in the extent and current condition of their highway systems, their dependency on federal funding and other factors that impact the performance of the highway system in each State; and

WHEREAS, all States are committed to improving their highway systems, as well as other modes of freight transportation, to meet the mobility and access needs of millions of tons and billions of dollars in value of commercial goods.

NOW, THEREFORE BE IT RESOLVED, that the member States of AASHTO recognize that, in addition to the goals already set forth in the national freight policy, such as strengthening competitiveness, increasing productivity, and reducing congestion, a goal must be added recognizing the importance of the ability to move goods long distances across rural areas between population centers and between population centers and rural areas, and the policy must also reference the multi-modal and intermodal nature of freight transportation in achieving the goals for efficient freight movement; and

BE IT FURTHER RESOLVED, that AASHTO urges Congress to provide additional flexibility to enable States to designate or include additional segments beyond the NFN’s current primary freight network mileage cap of 30,000 plus all other Interstates. Congress should allow flexibility for States to designate additional key commerce corridors as Critical Rural Freight Corridors based on their unique rural freight conditions and movements; and

BE IT FURTHER RESOLVED that AASHTO urges Congress to provide enhanced eligibility and flexibility for States to support multi-state corridor planning and/or multi-state organizations in order to enhance the ability to address multi-state projects and funding to improve freight intermodal connectivity; and

BE IT FURTHER RESOLVED that AASHTO urges Congress to seek increased funding for the overall surface transportation program, including for eligible freight strategies and projects; and

BE IT FURTHER RESOLVED that AASHTO urges Congress to retain the 95/5 and 90/10 increased federal matches for eligible highway freight projects and urges Congress to further increase flexibilities of federal-aid to incentivize projects that improve freight mobility without creating new programs; and

BE IT FURTHER RESOLVED that AASHTO member States experience and best practices in State Freight Planning and State Freight Advisory Committees should be the basis for creating the national strategic freight plan; and

APPROVED BY THE AASHTO BOARD OF DIRECTORS – OCTOBER 21, 2013
BE IT FURTHER RESOLVED that that the member States of AASHTO support the use of performance measures and management as a management tool while remaining steadfast in their opposition to using performance measures as the basis for apportioning or allocating federal funds among the States. Congress should retain the existing freight performance measures provisions and not adopt new procedures or measures until the States have adequate time to implement the freight performance measures provisions established in MAP 21; and

BE IT FURTHER RESOLVED that AASHTO urges Congress to reestablish a properly funded and staffed Office of Multimodal Freight Transportation under the Office of the US DOT Secretary with responsibilities that would include international freight transportation issues; and

BE IT FURTHER RESOLVED that AASHTO urges Congress to seek funding within funds allocated to transportation research to reestablish the highly successful National Cooperative Freight Research Program.

APPROVED BY THE AASHTO BOARD OF DIRECTORS – OCTOBER 21, 2013
WHEREAS, improved public transportation is in the public interest for many reasons; and

WHEREAS, MAP 21 made significant changes to the funding distribution structure of the federal program for the Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310); and

WHEREAS, a streamlined and efficient grant approval process is critical to the timely allocation of needed funds for public transportation services and infrastructure investments; and

WHEREAS, the current bus/bus facilities formula program is inadequately funded and the absence of a discretionary component severely hampers the ability of agencies to fund needed projects and vehicle replacements; and

WHEREAS, in MAP 21 the 5311(f) program requires a state to expend at least 15 percent of the amount made available each fiscal year to carry out a program to develop and support intercity bus transportation; and

WHEREAS, Congress plays a critical role in promoting affordable public transportation for all citizens and the tax code should allow for parity of fringe benefits of parking and public transportation as well as provide the tax credit for alternative fuel consumption for all public transportation vehicles; and

WHEREAS, the definition and eligibility for capital projects under the CMAQ program are interpreted differently between the Federal Transit Administration and the Federal Highway Administration.

NOW, THEREFORE BE IT RESOLVED, that AASHTO continues to endorse policies that: will enable a doubling of public transportation ridership over the next twenty years: and, to keep pace with rising demand for rural public transportation, federal funding for rural public transportation should more than double over the next six year authorization period, provided, however, that transit program funding should be increased at a growth rate comparable to that of the highway program.

BE IT FURTHER RESOLVED, in order to best address where state-wide needs exists, that the Section 5310 program funds be administered by the state on behalf of FTA and not sub-allocated to urbanized areas.

BE IT FURTHER RESOLVED, to reduce the administrative burden placed on FTA, state DOTs and their sub-recipients, AASHTO recommends the development of a pilot program to allow a subset of pre-approved eligible projects to be processed immediately upon appropriation of funds and also looks forward to working with Congress, FTA and others to find additional ways to avoid unnecessary administrative burdens to the Federal Transit Program.

BE IT FURTHER RESOLVED, AASHTO urges that the bus/bus facilities (5339) program be administered similar to the 5307 (formula) program and that funding for the formula portion of the bus/bus facilities program be maintained. If additional funding should be available to the Section 5339 program, it should be administered with both formula and discretionary components.

BE IT FURTHER RESOLVED, AASHTO recommends increased flexibility and project eligibility of the Intercity Bus program.
BE IT FURTHER RESOLVED, Congress should extend and increase the employer provided pre-tax qualified transportation fringe benefit level for parking, and should extend and make permanent the current per gasoline gallon equivalent tax credit for alternative fuel consumption for all public transportation support vehicles.

BE IT FURTHER RESOLVED, AASHTO recommends that CMAQ project eligibility be expanded to amend the definition of capital to include capital improvements to transit stations, station passenger circulation and accessibility and expanding overall station capacity.
WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP 21) was enacted on July 6, 2012 and amended Section 150 of title 23, United States Code to focus the Federal-aid highway program on seven national goals; and

WHEREAS, MAP 21 funding authorizations expire on October 1, 2014; and

WHEREAS, all states aim to reduce fatal and severe injury crashes and the Federal-aid highway program is a significant factor in the success states are able to achieve.

NOW, THEREFORE BE IT RESOLVED, because selected Section 405 grant program qualification requirements, such as those for the Graduated Driver’s License programs, are too restrictive, the requirements should be broadened so additional states can meet these eligibility requirements and qualify for grant funds.

BE IT FURTHER RESOLVED, the overall NHTSA grant program should be made more flexible by giving more funding emphasis to the Section 402 program and by providing more flexibility to use other grant program funding for 402 type projects.

BE IT FURTHER RESOLVED, because requirements to create specific statewide programs do not allow states to tailor their safety programs to statewide needs, states with alternative provisions in state laws that meet the intent of the federal legislation (such as an alternative and equally strong punishment for repeat DUI convictions) should receive grant funding and should have flexibility to tailor safety programs that demonstrate substantial compliance without penalty.

BE IT FURTHER RESOLVED, because oftentimes maintaining current performance or reducing the rate at which performance is declining demonstrates a successful program, states that have established specific safety performance targets that demonstrate efforts toward improvement (such as lower fatality rate) should not be penalized.

BE IT FURTHER RESOLVED, though the data-driven and multidisciplinary approach is embraced by all states, special rules limit states’ ability to use this approach. Penalties that require states to focus resources on a particular issue, such as high risk rural roads, when a comprehensive evaluation of their data may not demonstrate a need for this, should be eliminated.

BE IT FURTHER RESOLVED, neither variations in numerous roadway crash factors within individual states nor the impact of those variations on safety performance can be predicted and therefore flexibility should be added in the reauthorization bill to allow states to establish a range of acceptable values for safety performance targets, rather than a distinct value.

BE IT FURTHER RESOLVED, since several years of data are needed to evaluate effectiveness of a program or progress toward meeting a target in a statistically sound manner and other conditions out of the control of a state agency may affect safety data from one year to the next, legislation should allow for at least three years of data to be used to evaluate whether a target or special rule provisions are met. For performance measures, using the AASHTO-recommended measure means allowing at least a three-year trend in the five-year moving average.
BE IT FURTHER RESOLVED, no new added complexity or required performance measures should be added to federally-required safety planning while the states continue to implement the various provisions of MAP 21. Until the use of these performance measures have been evaluated, no additional or increased sanctions should be imposed.

BE IT FURTHER RESOLVED, that the data collection to support the Bridge Inspection Program should be an eligible expenditure of HSIP funds.
Policy Resolution PR-12-13
Title: MAP-21 Surface Transportation Reauthorization Policy Resolution on Research

WHEREAS, The Moving Ahead for Progress in the 21st Century Act (MAP-21) was enacted on July 6, 2012, and expires on October 1, 2014; and

WHEREAS, Constant improvement, fueled by research and innovation, is critical for State DOTs to provide world-class transportation services to their customers; and

WHEREAS, the transportation research community has gained tremendous benefits in terms of lives saved, more durable infrastructure, and improved operations; and

WHEREAS, A core element of the AASHTO’s mission is to promote innovation and improvement in America’s transportation system; and

WHEREAS, Cooperative research programs such as the Transit Cooperative Research Program (TCRP), National Cooperative Freight Research Program (NCFRP), and Hazardous Materials Cooperative Research Program (HMCRP) have produced critically important research results in their respective areas of study; and

WHEREAS, University Transportation Centers (UTC) significantly advance transportation research for a range of challenges in both the public and private sectors while attracting and training new transportation professionals; and

WHEREAS, Local Technical Assistance Programs (LTAP) and Tribal Technical Assistance Programs (TTAP) provide useful and up-to-date information to local governments, agencies, and tribal governments responsible for over 3 million miles of roadway and over 300,000 bridges in the United States; and

WHEREAS, There is a need in the national transportation community to share best practices and data across federal, state, and local governments and agencies in order to collectively learn and improve from others;

NOW, THEREFORE BE IT RESOLVED, That new surface transportation authorization legislation should maintain the State Planning and Research program, with its 25% minimum for R&T activities, as a critical component to support individual and collective state priorities; and

BE IT FURTHER RESOLVED, That new legislation should also provide sufficient funding for FHWA to carry out research, technology, and implementation activities in all areas of transportation, including SHRP2, structures, pavements, planning, environment, policy, operations, safety, and research and innovation support; and

BE IT FURTHER RESOLVED, That strategic national research and technology (R&T) programs, such as the cooperative research programs, should be funded over and above FHWA’s core R&T program; and

BE IT FURTHER RESOLVED, That the Transit Cooperative Research Program (TCRP) should be funded at a level of $10 million per year; and

BE IT FURTHER RESOLVED, That the National Cooperative Freight Research Program should be reestablished to fund research in areas including transportation freight and hazardous materials at a level of $5 million per year, to be administered through the National Academy of Sciences; and

APPROVED BY THE AASHTO BOARD OF DIRECTORS – OCTOBER 21, 2013
BE IT FURTHER RESOLVED, That funding for the University Transportation Center (UTC) program should be maintained at MAP-21 levels and flexibility should be bolstered by allowing matches from other federal-aid funds that are distributed to the states; and

BE IT FURTHER RESOLVED, That the Local and Tribal Transportation Assistance Programs (LTAP and TTAP) should be continued as eligible activities within FHWA’s Training and Education Program; and

BE IT FURTHER RESOLVED, That AASHTO encourages continued federal support for several efforts, including research deployment and information exchange concepts (including Transportation Knowledge Management, the National Transportation Library, and research coordination and information management, among others) and databases to support performance management, such as the bridge, pavement, and safety databases.
WHEREAS, The United States Department of Transportation estimates that the Highway Account of the Highway Trust Fund will run out of cash at the end of August 2014 and the Transit Account of the Highway Trust Fund will run out of cash before the end of calendar 2014; and

WHEREAS, The Federal Highway Administration may begin delaying repayments to State Departments of Transportation as early as July 2014 to prevent the Highway Account from running out of cash; and

WHEREAS, Nearly fifty percent of the funding for highway construction projects is derived from Federal-aid Highway Program; and

WHEREAS, State DOTs rely on a daily reimbursement from FHWA for costs already incurred on federally funded highway projects; and

WHEREAS, Potential delays in federal reimbursement may impede a State DOTs ability to pay contractors for work already completed on highway construction projects; and

WHEREAS, The uncertainty of receiving timely reimbursement from FHWA may cause States to delay or cancel projects scheduled to begin this year; now therefore be it

RESOLVED, That Congress must act to ensure the solvency of the Highway Trust Fund prior to FHWA delaying reimbursements to State DOTs for costs already incurred on federally funded highway projects; and further be it

RESOLVED, That the AASHTO Board of Directors approve this resolution and direct AASHTO staff to communicate this need to members of Congress and other transportation advocates.
Title: Actions to Reduce Impediments to Interstate Commerce Harmonizing Requirements for Truck Permits – Phase II

WHEREAS, The nation’s highway system is central to economic growth, job creation and the performance of the U.S. economy, and a key contributor to American competitiveness in the global marketplace;

WHEREAS, Highways the volume of freight on highways is large and growing;

WHEREAS, Trip time and reliability are critical in today’s “just-in-time” economy;

WHEREAS, It is essential that steps be taken to guarantee that the movement of freight on highways is as efficient as possible;

WHEREAS, Measures to improve the efficiency of freight transportation require close collaboration between government and business;

WHEREAS, States are responsible for the issuance of permits to allow the movement of shipments that exceed standard limits for weight or dimension;

WHEREAS, These shipments have grown in number and importance in recent years, especially in sectors critical to security and the growth of the economy;

WHEREAS, Unintended and unnecessary differences in requirements for oversize/overweight permits can result in delays to the industry resulting in increased product cost to the end user;

WHEREAS, Unintended and unnecessary differences in requirements for oversize/overweight permits can result in delays in the delivery of emergency response and relief shipments;

WHEREAS, Since 1937, the AASHTO Subcommittee on Highway Transport has maintained the Guide for Vehicle Weights and Dimensions;

WHEREAS, The Subcommittee on Highway Transport has identified certain truck permit procedures and requirements that can be harmonized among states without compromising safety or infrastructure preservation;

WHEREAS, Harmonizing truck permit requirements among states will improve customer service, reduce costs, and increase efficiency in state government;

WHEREAS The AASHTO member states are committed to harmonizing permit procedures and requirements between states, among states in regions, and on multi-state corridors;

WHEREAS, The AASHTO Board of Directors established a truck oversize/overweight permit harmonization initiative to focus initially on several requirement categories (PR-3-12);
WHEREAS, The Subcommittee on Highway Transport made significant strides towards achieving consensus on these initial requirement categories at its 2013 Annual Meeting in Wilmington, North Carolina;

WHEREAS, The Subcommittee on Highway Transport continues its work on these initial requirement categories, henceforth known as Phase I; now, therefore be it

RESOLVED That by this resolution the AASHTO Board of Directors continues its oversize/overweight permit harmonization initiative through the inclusion of the following requirement categories (consistent with the AASHTO Guide for Vehicle Weights and Dimensions):

- Number of Valid days allowed on single trip permits
- Permit Amendments
- Holiday Restrictions
- Type and size of Escort Vehicles
- Escort Requirements for Overheight Loads and Overheight Loads with other Dimensions; and be it further

RESOLVED That the Subcommittee on Highway Transport will identify additional candidates for truck oversize/overweight permit harmonization, coordinate with private sector shippers and carriers, and present additional initiatives to SCOH for submission to the AASHTO Board of Directors for implementation.
Policy Resolution PR-1-14
Title: AASHTO Operations Technical Service Program

WHEREAS, Effective Transportation System Management and Operations (TSM&O) is a major component of addressing highway system congestion, safety, and reliability; and

WHEREAS, The effectiveness of TSM&O can be significantly improved through technical leadership, sharing of best practices, research, and professional education and training to practitioners, policymakers, and researchers provided through a dedicated National Operations Center of Excellence (NOCoE); and

WHEREAS, In light of the success of similar services provided by the AASHTO Center for Environmental Excellence and the AASHTO Center for Excellence in Project Finance, the Board of Directors on May 7, 2013, adopted resolution PR-2-13, directing the Subcommittee on Systems Operation and Management (SSOM) to work with the Federal Highway Administration (FHWA), the Institute of Transportation Engineers (ITE), and the Intelligent Transportation Society of America (ITSA) to complete a business plan and develop an agreement on scope, content, and a sustaining business model for a NOCoE; and

WHEREAS, The SHRP2 Reliability research program has completed several products including a Knowledge Transfer System web portal that is foundational to the establishment of a NOCoE and will function as the center’s actively managed website; and

WHEREAS, The SHRP2 Reliability research program is developing a mechanism of Regional Operations Forums to enhance the continued development of national peer networks that will both support and benefit from a NOCoE; and

WHEREAS, The American Association of State Highway and Transportation Officials (AASHTO), ITE, ITS America executed a Memorandum of Understanding (MOU) on August 30, 2013, to establish a NOCoE and to develop an actively managed website; and

WHEREAS, SSOM worked with FHWA, ITE, and ITS America to complete a business plan to establish the NOCoE, which includes a market analysis, governance structure, recommended staffing, and a financial plan calling for financial or other in-kind services from FHWA and other association partners; and now therefore be it

RESOLVED, That initial service offerings of the NOCoE will consist of a technical service program with an actively managed website that includes a series of webinars, workshops, summits, and other activities designed to both promote and improve best practices for systems operation and management for practitioners, policymakers and researchers; and therefore be it

RESOLVED, That the NOCoE will over time establish other programs and a suite of support activities in three distinct areas including transportation systems management and operations; freight operations; security and emergency management; and a NOCoE staff devoted to developing and delivering the technical service portion of the program; and therefore be it

RESOLVED, That initial funding support for the NOCoE will come from FHWA and AASHTO; and therefore be it

RESOLVED, That SSOM is requested to approve the establishment of an Operations Technical Service Program at its annual meeting in Nashville, Tennessee; and therefore be it

APPROVED BY THE AASHTO BOARD OF DIRECTORS – MAY 30, 2014
RESOLVED. That the Standing Committee on Highways request that the AASHTO Board of Directors approve the establishment of the Operations Technical Service Program at its 2014 spring meeting; and be it further

RESOLVED. That the solicitation for the Operations Technical Service Program will be prepared and distributed to all member departments as part of the AASHTO annual TSP solicitation process requesting a $15,000 annual contribution per member department for support with at least 20 members participating in the initial solicitation; and finally be it

RESOLVED. That the NOCoE will expand member DOT support for the Operations technical service program and other offerings beyond the initial assumption of participation by participating departments to ensure that the initial subscription level for the TSP is consistent with the proposed NOCoE budget.
Policy Resolution PR-2-14
Title: Adoption of the Toward Zero Deaths National Strategy as the Updated AASHTO Strategic Highway Safety Plan

WHEREAS, AASHTO developed and adopted its first Strategic Highway Safety Plan (SHSP) in 1997 with input from numerous highway safety stakeholders and updated the SHSP with new data 2005; and

WHEREAS, in 2009 AASHTO resolved to develop an updated SHSP (PR-06-09); and

WHEREAS, highway fatalities and injuries continue to be at unacceptable levels of human and economic loss, with over 33,000 fatalities and over 2.3 million injuries in 2012; and

WHEREAS, a growing number of AASHTO member departments and multiple partners, including other associations, agencies, and advocacy groups, have adopted a vision of moving toward zero traffic deaths on the U.S. transportation system; and

WHEREAS, AASHTO has participated in the development of the Toward Zero Deaths National Strategy on Highway Safety since the beginning of the effort in 2009, and in 2011 adopted a resolution to continue to support the national Toward Zero Deaths effort with the intent of adopting the National Strategy as the updated AASHTO SHSP (PR-1-11); and

WHEREAS, the Toward Zero Deaths National Strategy on Highway Safety is based on input from members and numerous safety stakeholders with diverse expertise, builds on the existing AASHTO SHSP, and expands to include traffic safety culture and additional key safety areas; and

WHEREAS, the Toward Zero Deaths National Strategy on Highway Safety is a tool to unite safety stakeholders such as AASHTO and its members and partners; and

WHEREAS, the Toward Zero Deaths National Strategy on Highway Safety is also a tool that state departments of transportation, AASHTO, and other stakeholders can use to enhance their safety performance management activities but does not require the state departments of transportation or stakeholders to adopt specific targets for their individual programs;

NOW, THEREFORE, BE IT RESOLVED, AASHTO approves the Toward Zero Deaths National Strategy on Highway Safety as its updated Strategic Highway Safety Plan; and

BE IT FURTHER RESOLVED, that AASHTO commits to support and implement the Toward Zero Deaths National Strategy on Highway Safety as its vision of a highway system free of fatalities and will work to use the National Strategy to guide its highway safety efforts to the extent practical for the Association and for member departments with the understanding that not all members will adopt a zero-based goal or vision or the National Strategy, or implement every safety countermeasure or program discussed in the National Strategy; and

BE IT FURTHER RESOLVED, that the Standing Committee on Highway Traffic Safety and Subcommittee on Safety Management will continue to develop and lead AASHTO’s implementation activities and will coordinate with other AASHTO committees and subcommittees as well as member departments and external partners with implementing the Toward Zero Deaths vision.

APPROVED BY THE AASHTO BOARD OF DIRECTORS – MAY 30, 2014
Policy Resolution PR-4-14
Title: Continuation of Full Funding for Federal Research Programs

WHEREAS, The AASHTO Board of Directors adopted Policy Resolution PR-12-13 titled MAP-21 Surface Transportation Reauthorization Policy Resolution on Research on October 21, 2013; and

WHEREAS, Continual improvement, fueled by research and innovation, is critical for State DOTs to provide world-class transportation services to their customers; and

WHEREAS, The transportation community gains tremendous benefits from research efforts in terms of lives saved, more durable infrastructure, and improved operations; and

WHEREAS, Sufficient funding is needed for FHWA to carry out research, technology, and implementation activities of national importance in all areas of transportation, including structures, pavements, planning, environment, policy, operations, safety, implementation of the second Strategic Highway Research Program (SHRP2), and research and innovation support; and

WHEREAS, The need for workforce training continues to grow as transportation agencies experience increasing retirements and as new expectations and practices emerge. Cuts to the federal training and professional development program will significantly reduce the ability of State DOTs to provide training for employees; and

WHEREAS, The Federal Highway Administration’s Turner-Fairbank Highway Research Center has been a valuable resource for State DOTs, providing expert advice and training in many areas, as well as services such as laboratory testing to investigate new approaches to address challenges such as corrosion, durability, and performance of transportation materials and products; and

WHEREAS, States have received federal technical and funding assistance to address challenges such as alkali-silica reactions, which could have cost of tens of millions of dollars in costly bridge repairs but instead has led to mitigation programs including application of sealers and monitoring of structures; and

WHEREAS, Early results from the implementation of products from the second Strategic Highway Research Program demonstrate that deployment incentives that offset the risk associated with implementing new processes and technologies encourage adoption of innovative practices, and that early adopters resolve deployment issues, which facilitate smoother deployment by other agencies; and

WHEREAS, A reduction in research funding will significantly slow the development and adoption of strategies that hold great promise for significantly improving traveler safety, mobility, and environmental performance, such as intelligent transportation systems (ITS) and Connected Vehicle technology, which has the potential to address up to 82% of automobile crashes involving unimpaired drivers through driver advisories, driver warnings, and vehicle and/or infrastructure controls; and

WHEREAS, AASHTO supports the continuation of funding for research programs through the Highway Trust Fund, and

WHEREAS, AASHTO disagrees with assertions that States would be able to compensate for a cut in federal research funding by using formula funds, which are already overcommitted and spread too thinly over a large number of needs; and

WHEREAS, With the transportation system under increasing fiscal pressures, research is needed now, more than ever, to efficiently and effectively address the complex issues of aging infrastructure, technological advancements, social and environmental context, and increased demands, now therefore be it

APPROVED BY THE AASHTO BOARD OF DIRECTORS – MAY 30, 2014
RESOLVED, That the AASHTO Board of Directors supports the continuation of full funding of the federal research program from the Highway Trust Fund at $400 million per year, including funding of all six major programs at FY2014 levels; and further be it

RESOLVED, That the AASHTO Board of Directors approves this resolution and direct AASHTO staff to communicate this need to members of Congress and other transportation advocates.
Policy Resolution PR-5-14

Title: Supporting Action to Ensure the Solvency of the Highway Trust Fund and Prompt Enactment of a Long-term Surface Transportation Legislation

WHEREAS, the Highway and Transportation Funding Act of 2014 enacted on August 8, 2014, provided a general fund transfer of $10.8 billion to preserve Highway Trust Fund solvency only through May 2015, and general fund transfers amounting to $61.9 billion will have been necessary to support federal highway and transit program investment between 2008 and 2015; and

WHEREAS, the Highway Trust Fund continues to experience a deficit between receipts and baseline outlays averaging $15 billion per year, which is estimated to accumulate to a total of $157 billion by 2024 according to the Congressional Budget Office; and

WHEREAS, federal funding supports nearly half of all highway and transit capital investment around the nation that underpins economic development, improves quality of life, and supports jobs in every community and Congressional district; and

WHEREAS, the failure to increase the Highway Trust Fund revenues or provide additional general fund support by May 2015 would result in jeopardizing surface transportation programs and projects at the beginning of the peak construction season; and

WHEREAS, uncertainty and volatility in planning and construction activities—including equipment and labor resource management—due to the instability of the federal program would once again impose heavy opportunity costs on productivity and employment, including layoffs, deferred investment, and project delays; and

WHEREAS, in addition to cessation in new federal funding commitments, the Highway Trust Fund insolvency in mid-2015 could threaten the states’ ability to pay contractors in a timely manner for work already completed on much-needed transportation projects;

NOW, THEREFORE BE IT RESOLVED, that Congress must act promptly to ensure the solvency of the Highway Trust Fund and enact a long-term surface transportation authorization bill prior to expiration of the Highway and Transportation Funding Act in May 2015 in order to prevent significant planning and construction disruptions to highway and transit projects, to provide stable cash reimbursements to states for costs already incurred, and to ensure the continuation of the many benefits of the federal surface transportation program, including jobs, economic competitiveness, safety, and personal mobility and quality of life; and

BE IT FURTHER RESOLVED, that the AASHTO Board of Directors approve this resolution in order to direct AASHTO staff to continue assisting Congress in adopting a stable, long-term funding solution for the federal surface transportation program in consultation with the broader transportation stakeholder community.

APPROVED BY THE AASHTO BOARD OF DIRECTORS – NOVEMBER 24, 2014
Policy Resolution PR-6-14
Title: Preserving and Sustaining the Principle of a Federally-funded, State-administered Federal-aid Highway Program

WHEREAS, the principle of a federally-assisted, state-administered highway program rooted in the United States Constitution has remained essential in delivering a safe, economic, efficient, and environmentally-sound national system since its commencement under the Federal-Aid Road Act of 1916 and through major augmentation under the 1956 act; and

WHEREAS, states own, operate, and maintain 100 percent of the Interstate Highway System and over 95 percent of the miles on the National Highway System, where 80 percent of truck traffic and a majority of all travel occur on state-owned facilities; and

WHEREAS, shifting federal money away from states to local governments will increase the likelihood of providing federal funding for projects that reflect no clear federal interest and will make it more difficult for states to pursue critically important larger projects; and

WHEREAS, the current transportation planning and programming process reflects an extensive decision-making role played by metropolitan planning organizations and cities comprised of local elected officials that identify projects of significant importance to a region and its constituent localities; and

WHEREAS, the current transportation planning and programming process also provides extensive opportunity for local officials and communities to consult and inform states of their priorities, and these priorities are taken into account in statewide plans along with other considerations, including interstate mobility for people and goods; and

WHEREAS, as traditional stewards and sponsors of transportation projects, state departments of transportation possess the unique expertise and familiarity with federal statutory and regulatory requirements associated with project design, procurement, and construction—all of which tend to be highly complex for larger projects found in metropolitan areas;

NOW, THEREFORE BE IT RESOLVED, the AASHTO Board of Directors supports maintaining the core principle of a federally-assisted, state-administered highway program, where the federal government is responsible for defining national policies and the state DOTs are responsible for program and project delivery; and

BE IT FURTHER RESOLVED, the AASHTO Board of Directors continues to support the valuable role metropolitan planning organizations and local governments play in the transportation planning and programming process; and

BE IT FURTHER RESOLVED, the Federal-aid Highway Program must preserve the current share of total highway program funding in MAP-21 provided to states via apportioned core programs without any diversions to locally-administered discretionary grant programs or a relative proportional increase in urbanized area sub-allocations.

APPROVED BY THE AASHTO BOARD OF DIRECTORS – NOVEMBER 24, 2014
WHEREAS, The Federal Aviation Administration (FAA) and Airport Improvement Program (AIP) funding is set to expire on September 30, 2015; and

WHEREAS, Congress is expected to introduce legislation to reauthorize the FAA and Airport Improvement Program in the 114th Congress; and

WHEREAS, Airport infrastructure funding is imperative to maintaining essential safety and capacity improvements; and

WHEREAS, Passage of multi-year Airport Improvement Program Authorization is important for long-term planning for both general aviation and commercial aviation; and

WHEREAS, Congress should pass a multi-year Airport Improvement Program through the existing revenue mechanism at the maximum levels that can be sustained by the Airport and Airway Trust Fund; and

WHEREAS, Congress should continue innovative financing methods such as state infrastructure banks, state revolving loan funds and should restore tax exempt financing for airport revenue bonds; and

WHEREAS, Congress should contribute general fund revenue for FAA administration and operations and maintain AIP funds for airport improvements and transportation connectivity; and

WHEREAS, Congress should maintain, at the minimum, the FAA matching share for an eligible AIP project at 90 percent of the project cost; and

WHEREAS, Congress should continue to fund the non-primary airport grant program; and

WHEREAS, Congress should reauthorize the Essential Air Service Program and the Small Community Air Service Development Program; and

WHEREAS, Congress should continue the State Block Grant Program for voluntary participation by all qualified states and provide administrative funding eligibility to implement the program; and

WHEREAS, Congress should increase the cap and allow for more flexibility of the Passenger Facility Charge to include intermodal access projects; and

WHEREAS, Congress should consider additional steps to expedite the environmental process while preserving all environmental protections; now, therefore, be it

RESOLVED that the American Association of State Highway and Transportation Officials urges Congress to pass a multi-year Federal Aviation Administration (FAA) and Airport Improvement Program (AIP) reauthorization legislation, which provides critical capital funding to increase safety and capacity at our nation’s commercial and general aviation airports.
WHEREAS, the House Transportation and Infrastructure Committee in the U.S. House of Representatives reported to the full chamber legislation relating to improving passenger rail transportation across the United States; and

WHEREAS, in FY2014 forty-eight percent of Amtrak ridership was on state-supported rail corridors, and this legislation sought to ensure that states had a greater role in decisions affecting these routes; and

WHEREAS, continuing a strong federal-state partnership is essential to delivering many passenger rail services; and

WHEREAS, greater transparency in Amtrak accounting and providing states information to assist Amtrak in reducing costs and making data-driven decisions are key elements to growing and improving passenger rail service; and

WHEREAS, the authorization and appropriation of a State-Supported Route Advisory Committee would be beneficial in managing the application of Section 209 of the Passenger Rail Investment and Improvement Act (PRIIA) of 2008; and

WHEREAS, it is also essential to maintain Federal financial support sufficient to enable the operation of the long distance passenger train network at least at current levels, which would help ensure that many states and regions are connected to the rail and transportation system and maintain a national passenger rail network; and

WHEREAS, streamlining environmental reviews and accelerating project delivery will promote consistency across U.S. Department of Transportation’s modal administrations to ensure that rail projects continue to advance and investment is made in a timely manner to develop service options that will boost economic development and job formation; and

WHEREAS, providing states the eligibility for passenger rail grant funding to invest in planning and capital infrastructure improvements that will help to improve safety and on-time performance, increase frequency and reliability, and provide a program of projects that will continue to advance intercity passenger rail in the Northeast Corridor, State Supported Routes and long distance service; and

WHEREAS, the reauthorization of the Next Generation Equipment Committee (NGEC), Section 305 of PRIIA 2008, a partnership between states, Amtrak, the Federal Railroad Administration, and industry, has developed standard sets of equipment specifications necessary for passenger rail equipment; and

WHEREAS, the need for continued funding to the National Cooperative Rail Research Program (NCRRP), which is administered by the Transportation Research Board (TRB), is important to maintain problem solving efforts on issues impacting intermodal operations, technologies, and other areas; and

WHEREAS, the federal government should fund the state of good repair needs on all of the Northeast Corridor (NEC) infrastructure; and

WHEREAS, the initiatives for partnership funding authorization along with Railroad Rehabilitation and Improvement Financing (RRIF) should expand to allow all states that seek to make improvements in their passenger rail service to continue; and

APPROVED BY THE AASHTO BOARD OF DIRECTORS – NOVEMBER 24, 2014
WHEREAS, AASHTO supports the goals for station development at Amtrak owned stations, local and privately owned stations and to develop public private partnerships to generate revenue that can support passenger rail operations; and

NOW, THEREFORE BE IT RESOLVED, that AASHTO looks forward to working with the leadership and members of both the U.S. Senate and the U.S. House of Representatives as they advance passenger rail legislation.
WHEREAS, The AASHTO Accreditation Program (AAP) was established in 1988 as a means of formally recognizing the competence of testing laboratories to perform specific tests on construction materials, and

WHEREAS, CFR Title 23, Part 637 required that all State DOT Central Materials Laboratories be accredited by the AAP by 1997, and

WHEREAS, All State DOT Central Materials Laboratories met the accreditation requirements through the AAP; which continues to serve AASHTO and the State DOT members soundly, and

WHEREAS, State DOTs have direct input into the quality and operation of the AAP, which gives the State DOT’s confidence in the continued quality and operations of the AAP, and

WHEREAS, Many State DOTs are now using outside consultants to perform construction materials testing, which requires consultant laboratories to be Accredited for certain testing, and

WHEREAS, FHWA has recognized other accreditation entities as comparable to the AAP through the National Cooperation for Laboratory Accreditation (NACLA) “Recognition Procedure”, and

WHEREAS, The SOM Executive Committee, has researched the components and details of the NACLA “Recognition Procedure” requirements and the operations of the ‘recognized’ entities, and

WHEREAS, The SOM Executive Committee has concluded that the NACLA procedure does not ensure that accreditation bureaus that are comparable to the AAP; and

WHEREAS, These concerns related to the quality and thoroughness of the NACLA procedures and process were documented in a formal letter from the SOM to the Federal Highway Administration; now therefore be it

RESOLVED, The AASHTO Board of Directors expresses support for the recognition of the quality and accountability of the AASHTO Accreditation Program (AAP); and recommends State DOT members to continue to support and specify the AAP for their quality assurance program purposes.
WHEREAS, The safety of highway workers is of paramount importance to every state highway transportation agency, and

WHEREAS, State agency personnel must take into consideration all aspects of the work environment while assessing the overall safety risk to our employees, including work zone hazards created by live traffic, and

WHEREAS, AASHTO/FHWA bridge standards related to rail height have, for the most part, resulted in several hundred thousand existing bridges being constructed around the country with current bridge rail heights at or near 32 inches, and

WHEREAS, OSHA fall protection regulations for work on and around bridges appear to require that bridge rail heights be approximately 42 inches or greater in order for the fall hazard to be considered mitigated, and

WHEREAS, If the bridge rail height is less than 42 inches, OSHA regulations appear to be interpreted that highway workers must stay at least 6 feet away from the rail or mitigate the fall hazard, and

WHEREAS, OSHA fall protection regulations appear to be written around vertical construction activities and do not appear to take into account the multitude and complexity of issues surrounding work on existing bridges including the hazards presented by live traffic in work zones, and

WHEREAS, Every state agency has a multitude of bridge-related maintenance, inspection and construction activities that occur on a daily basis that are non-static and short duration in nature and require employees to work along and across bridges and be closer than 6 feet to the rail, and

WHEREAS, Examples of non-static, short duration activities include, but are not limited to, bridge inspection, river/channel assessments, pavement condition inspection, bridge joint inspection, scupper cleaning, debris removal and cleanup, incident response activities (often in conjunction with law enforcement), accident clean up, catch basin cleaning, bridge cleaning, sweeping, minor pothole patching/crack sealing, vegetation control, asphalt paving and chip seal construction and inspection, and general access and egress across a bridge, and

WHEREAS, Several states are being directed by their respective Department of Labor and Industries (or similar) to ensure that fall protection is provided for non-static short duration type of activities described above on existing structures that have rail heights less than 42 inches, and

WHEREAS, The cost to retrofit the rail height of the hundreds of thousands of existing bridges around the country that have rail heights less than 42 inches would be significant, and

WHEREAS, Employee injury statistics from virtually every DOT clearly indicate that accidents associated with employees involved in traffic-related work zone accidents far exceed fall from height accidents, and

WHEREAS, Unlike static bridge operations, it is not clear how fall protection could otherwise be provided for non-static short duration activities without unduly increasing the risks associated with exposure to live traffic and the fall hazard; and

WHEREAS, Performance measures are a key component to effectively manage toward a Program objectives, and

APPROVED BY THE AASHTO BOARD OF DIRECTORS – NOVEMBER 24, 2014
WHEREAS, Employee injury statistics associated with current AASHTO/FHWA bridge standard are nearly zero incidents; now therefore be it

RESOLVED, That the Board of Directors request that AASHTO convene a team from OSHA, FHWA, AASHTO Subcommittees as appropriate (e.g. Bridges and Structures, Construction, Design, and Traffic Operations), as well as representation from member states to address the interpretation of current fall protection regulations as they relate to existing bridges and non-static short duration maintenance, inspection and construction activities and determine the most appropriate approach moving forward; and, therefore be it further

RESOLVED, That the results of the team be published and then distributed consistently across the national transportation system.
Policy Resolution PR-11-14
Title: Concerns with Possible New Federal Requirements Regarding Training and Certification for Bridge Coating and Corrosion Control Activities on Eligible Bridge Projects

WHEREAS, Legislation ordered reported by the Senate Committee on Environment and Public Works includes proposed new federal requirements regarding training programs and certifications for contractors engaging in certain bridge coating and corrosion control activities on federally assisted bridge projects; and

WHEREAS, States have been and are actively engaged, in consultation with industry representatives, in advancing the safety and longevity of bridges, including through efforts to improve already cost effective corrosion prevention and mitigation strategies; and

WHEREAS, The U.S. Department of Transportation, through administration of grant programs, could address concerns regarding federal assistance for preventive maintenance, rehabilitation, repair and other investment in bridges, including as to use of protective coatings and corrosion control work;

WHEREAS, A majority of States currently require a certification regarding the undertaking, on bridge projects, for one or more of the activities proposed to be newly regulated, and States also work to advance the safety and longevity of bridges through additional means, such as design and construction specifications, material certification and selection and coatings and treatment requirements, whether implemented through state law, regulation, bid and contract requirements, or other means;

WHEREAS, States find the performance of contractors conducting the activities proposed to be regulated to be acceptable or better;

WHEREAS, States are not aware of particular concerns with bridge corrosion prevention and mitigation practices that may have been a basis for the proposed legislation;

WHEREAS, The proposed legislation would, nonetheless, appear to authorize the development of a very wide range of regulatory requirements, including potential regulation regarding –

- Selection of materials and coatings,
- Design,
- Training of employees applying coatings and other treatments,
- Undefined “best practices” for handling hazardous materials and prevention of “environmental degradation” issues that can be addressed, as necessary, through other statutory authorities, and
- Unclear requirements as to whether a contractor employs “industry respected inspectors” to “ensure funds are used in the interest of taxpayers”.

WHEREAS, States have concerns that additional certification, training and other requirements will increase the costs of bridge coating and corrosion control activities;

WHEREAS, States also have concerns that, particularly in the near term, new certification, training and other requirements would complicate and delay project delivery, result in a shortage of qualified contractors, and have other negative impacts; and

WHEREAS, States are concerned that the legislation appears to vest the proposed new regulatory authority in two agencies, rather than one, which could result in needless confusion when expertise regarding bridge safety and preservation resides in the U.S. Department of Transportation;

APPROVED BY THE AASHTO BOARD OF DIRECTORS – NOVEMBER 24, 2014

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WHEREAS, The adverse impact on cost and project delivery of any unnecessary new requirements would be exacerbated if any new requirements are not governed by a delayed effective date or ability to phase in compliance over a reasonable number of years after promulgation of any needed final rule; and now therefore be it

RESOLVED, That AASHTO finds that the proposed new federal requirements and regulatory authority regarding training programs and certifications regarding certain bridge coating and corrosion control activities are not necessary and that these matters should continue to be left to the discretion of the States; be it further

RESOLVED, That AASHTO strongly supports efforts to ensure the safety of the transportation infrastructure, promote timely and cost effective delivery of bridge projects and preserve and enhance the longevity of bridges, including through use of coatings and other measures to prevent or control corrosion, and supports continued efforts by States and the U.S. Department of Transportation to disseminate information regarding best practices in these areas; be it further

RESOLVED, That AASHTO would support a USDOT conference, whether or not required by statute, to review issues in bridge corrosion prevention and control and related training, for the purpose of dissemination of information regarding best practices in order to improve the already excellent performance of States in these areas; and be it further

RESOLVED, That if the Congress should instead, choose to legislate in the areas of bridge corrosion prevention, control, and mitigation, the legislation should be recast to focus on such specific issues of concern as may be identified, if any, and authorize the USDOT to develop appropriate regulations, after consultation with States, that would not take effect immediately but after an appropriate delay in the effective date or pursuant to an appropriate phase in of requirements.
Policy Resolution PR-1-15
Title: Alignment of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) with Congressionally Authorized Transportation Planning, Design and Delivery Processes

WHEREAS, There have been more than 670 federal disaster declarations between calendar years 2009 and 2013; in 2012 alone, there were a total of 133 disaster events resulting from weather events, causing about $881 billion in damages; and

WHEREAS, No region of the Country has been spared the harmful effects of severe storms, flooding or landslides on transportation infrastructure; and

WHEREAS, The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Stafford Act) provides the authority for the federal government to provide assistance to states during declared major disasters and emergencies; and

WHEREAS, The Stafford Act provides grants to affected governments for the temporary and/or permanent repairs for eligible work performed on eligible transportation infrastructure and retrofitting transportation infrastructure to withstand future natural disasters, as long as such work is not covered by any other federal program; and

WHEREAS, The Federal Emergency Management Agency (FEMA) coordinates administration of disaster relief resources and assistance to states under the Stafford Act; and

WHEREAS, Title 23 and Title 49 of the United States Code, detail the federally-required transportation project planning, design and delivery processes that states must use on federally-aided transportation projects, including but not limited to the National Environmental Policy Act of 1969 (NEPA), historic preservation, section 4(f), protections for water, wetlands and wildlife, and public participation requirements; and

WHEREAS, The Stafford Act does not specifically permit FEMA to accept the congressionally authorized transportation project planning, design and delivery processes and standards of other federal agencies that would normally have jurisdiction over the transportation infrastructure being repaired, replaced or retrofitted notwithstanding a federal disaster declaration; this requires the State Departments of Transportation (DOTs) to undertake project delivery processes and build to standards that are inconsistent with what are typically required, causing administrative, labor, and cost burdens to the State DOTs.

WHEREAS, the Sandy Recovery Improvement Act (SRIA) and accompanying Disaster Relief Appropriations Act were signed into law in 2013 and SRIA authorizes several significant changes to the way FEMA can deliver federal disaster assistance; and

NOW, THEREFORE BE IT RESOLVED, The Stafford Act should be amended to require that FEMA accept USDOT project-related processes in an emergency; and

APPROVED BY THE AASHTO BOARD OF DIRECTORS – MAY 15, 2015
BE IT FURTHER RESOLVED, That Congress should direct FEMA and the U.S. Department of Transportation to work to improve the alignment of their disaster recovery programs and develop additional resources for states on accelerating project delivery for transportation infrastructure being repaired, replaced or retrofitted with Stafford Act funding; and

BE IT FURTHER RESOLVED, That Congress should direct FEMA and the U.S. Department of Transportation to review and recommend which streamlining provisions included in the Sandy Recovery Improvement Act (SRIA) of 2013 and the accompanying Disaster Relief Appropriations Act of 2013 should be made permanent for transportation infrastructure being repaired, replaced or retrofitted with Stafford Act funding; and

BE IT FURTHER RESOLVED, That the Resilient and Sustainable Transportation Systems (RSTS) Steering Committee has received concurrence from AASHTO’s Special Committee on Transportation Security and Emergency Management and requests that the AASHTO Board of Directors approve this resolution and direct AASHTO staff to communicate this need to members of Congress and other transportation advocates.
Policy Resolution PR-2-15
Title: Supporting Action to Ensure Enactment of a Long-term Surface Transportation Bill Reflecting AASHTO’s Reauthorization Priorities

WHEREAS, the Surface Transportation and Veterans Health Care Choice Improvement Act of 2015 enacted on July 31, 2015, provided a general fund transfer of $8.1 billion to ensure short-term Highway Trust Fund solvency and extended the authorization of the federal highway, transit, and highway safety programs through October 29, 2015; and

WHEREAS, the Highway Trust Fund continues to experience a deficit between receipts and baseline outlays averaging $15 billion per year, which is estimated to accumulate to a total deficit of $169 billion by 2025 according to the Congressional Budget Office; and

WHEREAS, federal funding supports nearly half of all highway and transit capital investment around the nation that underpins economic development, improves quality of life, and supports jobs in every community and Congressional district; and

WHEREAS, the failure to increase the Highway Trust Fund revenues or provide additional general fund support in Fiscal Year 2016 would result in jeopardizing surface transportation programs and projects; and

WHEREAS, uncertainty and volatility in planning and construction activities—including equipment and labor resource management—due to the instability of the federal program would once again impose heavy opportunity costs on productivity and employment, including layoffs, deferred investment, and project delays; and

WHEREAS, in addition to cessation in new federal funding commitments, the Highway Trust Fund insolvency in 2016 could threaten the states' ability to pay contractors in a timely manner for work already completed on much-needed transportation projects;

WHEREAS, the principle of a federally-assisted, state-administered highway program rooted in the United States Constitution has remained essential in delivering a safe, economic, efficient, and environmentally-sound national system for over 100 years;

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (MAP-21) established a performance management system predicated on States having the flexibility and the federal funding necessary to achieve performance targets;

NOW, THEREFORE BE IT RESOLVED, that Congress must act promptly to ensure the solvency of the Highway Trust Fund and enact a long-term surface transportation authorization bill in order to prevent significant planning and construction disruptions to highway and transit projects, to provide stable cash reimbursements to states for costs already incurred, and to ensure and enhance many national benefits of the federal surface transportation program including jobs, economic competitiveness, safety, personal mobility and quality of life;

BE IT FURTHER RESOLVED, that Congress maintains the core principle of a federally assisted, state-administered highway program and provides at least the current share of total highway program funding provided to the states via apportioned core programs;

APPROVED BY THE AASHTO BOARD OF DIRECTORS - September 28, 2015
BE IT FURTHER RESOLVED, that Congress preserve the fundamental program and policy reforms in MAP-21 and provide states increased flexibility needed to meet performance targets and address transportation challenges that vary from state to state; and

BE IT FURTHER RESOLVED, that the AASHTO Board of Directors approves this resolution in order to encourage Congress to adopt a long-term surface transportation authorization bill consistent with AASHTO’s reauthorization priorities.

APPROVED BY THE AASHTO BOARD OF DIRECTORS - September 28, 2015
Policy Resolution PR-1-16
Title: Congratulating the President-elect and the Vice President-elect and Offering AASHTO’s Expertise and Advice to the New Administration on Infrastructure Investment and Improvement Initiatives

WHEREAS, the President-elect, in campaigning for office, advocated prompt action to increase investment in America’s infrastructure, particularly including its transportation infrastructure;

WHEREAS, the American Association of State Highway and Transportation Officials (AASHTO), the association of the departments of transportation of the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico, has long recognized the great value to the people and economy of the United States of a modern, safe, and efficient multimodal transportation infrastructure and system, including highways, bridges, transit, railroads, airports and aviation facilities, and waterways; and

WHEREAS, AASHTO and its member departments have vast policy and technical expertise with respect to transportation infrastructure investment as indicated in part by AASHTO guides and manuals being recognized as standards around the world and in many cases officially recognized in the Code of Federal Regulations, by AASHTO member departments serving as the principal agencies planning for and delivering transportation projects to the American public, and by a number of AASHTO member department officials having served as key leaders at the U.S. Department of Transportation, including as Secretary of Transportation, Deputy Secretary of Transportation, Federal Highway Administrator, Federal Aviation Administrator, and Federal Railroad Administrator; now, therefore, be it

RESOLVED, that AASHTO congratulates Donald J. Trump and Michael R. Pence on their election as President and Vice President of the United States;

BE IT FURTHER RESOLVED, that AASHTO hereby advises the President-elect and the Vice-President-elect and their representatives that AASHTO is ready and eager to provide them the Association’s expertise and advice regarding the development and implementation of transportation infrastructure investment and improvement initiatives both during the transition period and under the new Administration; and

BE IT FURTHER RESOLVED, Copies of this resolution shall be promptly provided to the President-elect and the Vice-President-elect and their representatives.

APPROVED BY THE AASHTO BOARD OF DIRECTORS – NOVEMBER 15, 2016
WHEREAS, The sunset dates for NCHRP 350 hardware were jointly developed between AASHTO and FHWA, and with significant outreach to additional stakeholders, including private industry and academia; and

WHEREAS, These dates were established with the assumption, as stated in the implementation agreement, that FHWA “will continue its role in issuing letters of eligibility of highway safety hardware for federal-aid reimbursement”; and

WHEREAS, Historically, as part of its role in determining whether to issue a letter of approval/acceptance/eligibility, FHWA has also provided technical expertise to the roadside safety community; and

WHEREAS, In addition to reviewing crash tests to confirm a lab’s assessment of the test results, FHWA staff have provided guidance to states, manufacturers, and laboratories regarding technical details of performing tests; and

WHEREAS, FHWA’s continued technical support is critical to the success of the roadside safety community in meeting the sunset dates delineated in the joint agreement; and

WHEREAS, Without technical support being provided to those developing roadside hardware, including an approved test matrix that, if passed by a device, will lead to a positive eligibility determination, manufacturers and laboratories have slowed or stopped their development and testing to MASH standards; and

WHEREAS, At least most states do not have the technical expertise needed to conduct reviews of crash tests to determine appropriate use of roadside hardware, and the AASHTO Technical Committee on Roadside Safety does not have the time, expertise, nor jurisdiction to determine eligibility for use on the NHS; and

WHEREAS, No other organization besides FHWA has the expertise, capacity, or objectivity needed to serve in this role; and

WHEREAS, Due to the lack of assistance and technical expertise that has traditionally been provided by FHWA to manufacturers, laboratories, and state practitioners, AASHTO is not confident that appropriate MASH-approved hardware will be available by the sunset dates agreed to in the joint agreement.

NOW, THEREFORE, BE IT RESOLVED, AASHTO requests that FHWA reaffirm its role, as agreed to in the joint implementation agreement, of providing objective technical expertise and resources to the roadside safety community and issuing eligibility determinations for safety hardware on the NHS.
WHEREAS, The U.S. Department of Transportation’s (DOT) National Highway Traffic Safety Administration (NHTSA) has released an advance notice of proposed rulemaking (ANPRM) to create a new Federal Motor Vehicle Safety Standard (FMVSS) to require vehicle-to-vehicle communication capability for light vehicles; and

WHEREAS, The automobile manufacturers are preparing the hardware and software components that will achieve vehicle-to-vehicle (V2V) communications using Dedicated Short Range Communications (DSRC) in anticipation of the proposed rulemaking, with some deployments as early as the 2017 model year; and

WHEREAS, The DSRC capabilities being developed by the automobile manufacturers for vehicle-to-vehicle communications can also be leveraged and expanded to enable a two-way communication that is capable of delivering data and information from the roadside to the vehicle and from the vehicle to the roadside (commonly referred to as vehicle to infrastructure [V2I] Applications); and

WHEREAS, A number of V2I Applications have been identified and defined in detail in the USDOT Connected Vehicle Reference Implementation Architecture (CVRIA) that will provide safety, mobility, and environmental benefits once they are deployed and a network of DSRC equipped automobiles are operational; and

WHEREAS, The USDOT has asked the American Association of State Highway and Transportation Officials (AASHTO), the Institute of Transportation Engineers (ITE), and the Intelligent Transportation Society of America (ITSA) to work together to create and manage the Vehicle-to-Infrastructure Deployment Coalition (V2I DC) as a single point of reference for stakeholders to meet and discuss V2I deployment related issues; and

WHEREAS, Through various funding sources, including USDOT, state, and local funding, there have been multiple pilot deployment sites that have demonstrated the functionality and benefits of V2I Applications in multiple locations throughout the United States; and

WHEREAS, Beyond the pilot deployments and a limited number of early adopter deployment sites, the majority of state and local infrastructure owners and operators have not yet begun large scale deployment of V2I Applications even though solutions are now available to problems that were hindering deployments.

WHEREAS, The automobile manufacturers are developing at least three V2I applications and are looking for some indications from the infrastructure owners and operators about the timeline for deploying the roadside infrastructure to support V2I applications; and
WHEREAS, Most infrastructure owners and operators have corridors of signalized intersections that are interconnected and use modern controllers to coordinate signal timing along the corridor; and

WHEREAS, The “signal phase and timing” (SPaT) message is relatively simple to deploy and fundamental to a number of V2I applications, and can be obtained from a traffic signal controller via a standard query protocol and can be broadcast by most DSRC roadside devices as a standardized data message; and

WHEREAS, The SPaT broadcasts are typically accompanied by the broadcast of the map data message (MAP), and global positioning system (GPS) correction information as standardized by the Radio Technical Commission for Maritime Services (RTCM), to enable vehicle equipped applications to interpret the SPaT information being broadcast; and

WHEREAS, The SPaT, MAP, and RTCM functionality can be deployed in phases, but are all identified as necessary to support communication with vehicles for the purposes of V2I Applications; and

WHEREAS, Deploying the SPaT, MAP, and RTCM data message broadcasts in a number of locations around the country will provide state and local transportation agencies with a tangible first step for deploying V2I Applications, promote future more advanced V2I applications, and demonstrate a commitment to the DSRC-based V2I deployments that are needed by automobile manufacturers; and

WHEREAS, The net result of deploying SPaT will be to accelerate V2I application deployment by the automobile manufacturers, the private sector, and the public sector; now therefore be it

RESOLVED, That AASHTO is challenging the state and local public sector transportation infrastructure owners and operators to cooperate together to achieve deployment of DSRC infrastructure with SPaT, MAP, and RTCM broadcasts in at least one corridor or network (approximately 20 signalized intersections) in each of the 50 states by January 2020 (referred to as the “AASHTO SPAT Challenge”); and therefore be it

RESOLVED, That the AASHTO-led V2I Deployment Coalition, AASHTO Highways Subcommittee on Transportation Systems Management and Operation (STSMO) Connected and Automated Vehicle Working Group, AASHTO Highways Subcommittee on Traffic Engineering (SCOTE), and National Operations Center of Excellence (NOCoE) will develop resources and lead implementation of the SPaT Challenge with public sector transportation agencies; and therefore be it further

RESOLVED, SCOH approves this resolution and forwards it to the AASHTO Board of Directors for final approval and implementation.
WHEREAS, Congress introduced legislation to reauthorize Water Resources Development Act (WRDA) in the 114th Congress;

WHEREAS, Water infrastructure funding is imperative to maintaining essential capacity and maintenance improvements;

WHEREAS, Passage of WRDA is important for long-term planning for America’s ports and waterways;

WHEREAS, Water transportation must be continually recognized, supported, and developed as a vital element of the national multimodal transportation system and that American trade with the rest of the world is projected to continue strong growth and requires substantial investment to support that growth;

WHEREAS, Congress should expend expeditiously the Harbor Maintenance Trust Fund and the Inland Waterway Trust Fund for their legislated purposes;

WHEREAS, Congress should consider strategies to increase investment without placing particular waterways at a competitive disadvantage as revenues collected in the Inland Waterway Trust Fund are inadequate to meet the construction and maintenance needs of the locks and dams on the inland waterways;

WHEREAS, Congress should extend the authorization period for Donor and Transfer Ports to be eligible for funding from the Harbor Maintenance Trust Fund;

WHEREAS, Congress should continue creative, innovative approaches to funding, and project execution required to meet projected freight demands of the coming years;

WHEREAS, the American Association of State Highway and Transportation Officials is supportive of increasing the federal cost share from 50 percent to 75 percent for deepening projects between 45 feet and 50 feet;

WHEREAS, Congress should consider legislative changes to address current Corp regulations to allow states and other non-federal sponsors to proceed with navigation projects that receive a positive benefit-cost analysis in the US Army Corps of Engineers Chief’s Report, and Congress should ensure that guidelines in place at the commencement of a State sponsored feasibility study remain in force throughout the life of the study; now, therefore, be it

RESOLVED, that the Association urges the 114th Congress to pass a Water Resources Development Act reauthorization legislation, which authorizes critical projects and establishes water resource policy for the nation’s ports, waterways and marine system.
WHEREAS, Article I, Section 8 of the United States Constitution states it is the duty of the federal government to provide support for a national transportation system; and

WHEREAS, historical federal investment in transportation through the development of post roads, canals, railroads, highways, and airways has created jobs and underpinned robust economic growth in all parts of the nation; and

WHEREAS, the FAST Act’s authorization of $305 billion for federal highway, highway safety, transit, and passenger rail programs has provided near-term funding stability and relief to states; and

WHEREAS, the Congressional Budget Office estimates that in order to simply maintain current investment levels for federal highway and public transportation programs in 2021 after expiration of the FAST Act, the Highway Trust Fund would need $96 billion in additional revenues to support a five-year bill or $120 billion to support a six-year bill; and

WHEREAS, recurring cash shortfalls to the Highway Trust Fund will once again create uncertainty and lead to disruptions in states delivering their transportation programs, ultimately impacting safety, economic development, and quality of life; and

WHEREAS, President Trump has publicly stated that the United States ranks 12th in the Global Competitive Index in infrastructure and that traffic delays cost the Economy more than $50 billion annually, and

WHEREAS, the American Society of Civil Engineers identified a $2 trillion funding gap between 2016 and 2025 for all forms of infrastructure composed of $1.1 trillion for surface transportation, $42 billion for airports, $15 billion for inland waterways and marine ports, and $29 billion for rail; now, therefore, be it

RESOLVED, that as a cornerstone of his Administration’s policy agenda, President Trump honors his commitment to shepherd and enact a major infrastructure package this year; and be it further

RESOLVED, that at a minimum, the infrastructure package addresses the funding shortfall in the Highway Trust Fund with a long-term and sustainable revenue solution, and be it further

RESOLVED, that the infrastructure package focuses its budgetary support on transportation infrastructure given the essential nature of federal funding and oversight compared to other asset classes; and be it further
RESOLVED, that while opportunities exist to expand private participation in the provision of infrastructure, recognize that most transportation projects do not generate a revenue stream and therefore requires federal support in the form of direct funding rather than financing incentives that encourage borrowing or utilizing private capital; and be it further

RESOLVED, that wherever possible, traditional federal authorities be assigned to states to expedite and streamline project delivery without sacrificing fundamental principles associated with current federal requirements; and be it further

RESOLVED, that priority be given to transportation investments that secures our nation’s economic future for the long-term through multi-decade improvements in productivity and quality of life, instead of “shovel-ready” projects which are best suited for a recessionary economic environment; and be it further

RESOLVED, that the existing federal program structure—including highways, transit, and rail—be utilized since it would enable investments to flow to every area of the country.
Policy Resolution PR-2-17
Title: Urging Congress to Maintain Consistent Support for Federal Transportation Investments by Ceasing Budgetary Reliance on Highway Contract Authority Rescissions

WHEREAS, In December 2015, Congress successfully passed the Fixing America’s Surface Transportation (FAST) Act, the first long-term surface transportation authorization in a decade, which signaled its commitment to ensure predictable, stable federal funding between 2016 and 2020;

WHEREAS, despite the $305 billion in highway, highway safety, transit, and passenger rail funding authorized by the FAST Act for five years, investment backlog for transportation infrastructure continues to increase, reaching $836 billion for highways and bridges and $122 billion for transit according to the 2015 Conditions and Performance Report by the US Department of Transportation, and the American Society of Civil Engineers has identified a $1.1 trillion funding gap for surface transportation between 2016 and 2025; and;

WHEREAS, at the same time, the House Appropriations for Transportation-Housing and Urban Development for fiscal year 2018 contains an $800 million rescission of unobligated highway contract authority carried only by the state departments of transportation, and the Senate appropriations does not include a comparable provision; and

WHEREAS, rescinding unobligated highway contract authority is a budgetary artifice that at best impedes the flexibility of state departments of transportation to meet their individual infrastructure needs, and disrupts transportation planning and timely delivery of projects; and

WHEREAS, at worst, cumulative rescissions may result in hard funding cuts when combined with the $856 million rescission enacted in June 2017 based on fiscal year 2017 appropriations and the $7.6 billion rescission scheduled for July 2020 under the FAST Act; and therefore now be it

RESOLVED, Congress is urged to repeal the $800 million rescission as currently contained in the House Appropriations bill for fiscal year 2018; and be it further

RESOLVED, Congress is urged to repeal the $7.6 billion rescission scheduled for July 2020 under the FAST Act; and be it further

RESOLVED, if an acceptable budgetary resource or “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; and be it further

RESOLVED, in the future, authorizing and appropriations committees in Congress are urged to consistently support federal investment in transportation by ceasing its reliance on highway contract authority rescissions as an off-set for unrelated programs.

APPROVED BY THE AASHTO BOARD OF DIRECTORS - SEPTEMBER 28, 2017
We are at a crossroads for our Nation’s transportation systems. Federal, state, local agencies and the public must decide the future funding course for our nation’s transportation system at a time when there is little bipartisan agreement on fiscal policy matters. While there appears to be widespread agreement on a continued federal role in transportation, there is no clear consensus on the future extent of that role and the source of funding for continued investment even at reduced levels.

The U.S. Congressional Budget Office projects that both the Highway and Transit Accounts of the Highway Trust Fund will have insufficient revenues to continue funding at current levels, and in fiscal year 2015 new highway and transit program commitments will crash from about $51 billion to virtually zero. At the federal level, there is political reluctance to increase taxes or fees to fund transportation. Some State and local governments have been successful in generating support for new funding mechanisms for transportation infrastructure investment, but these do not supplant the need for a continued strong federal role in funding our future transportation infrastructure. Increased investment at all levels of government and from the private sector is needed.

Sustained public support for investment in our nation’s transportation system may only be possible with a clear demonstration and understanding of the value of transportation to safety, the quality of our daily lives and economic prosperity.

AASHTO, AGC and ARTBA agree to undertake a joint initiative to recommend that State DOTs and their contractor and construction industry partners commit to a sustained effort to demonstrate value to our customers – transportation system users and beneficiaries - employing these and other data driven decision-making strategies such as:

- **Communicate on a frequent, transparent and broad basis -- before, during and after projects.** Communication plans and strategies for major and minor construction projects, regardless of how potentially disruptive do much toward connecting with customers. Effective communications with customers helps to manage expectations and build understanding.

- **Document and convey to the public the specific user benefits that result from transportation investments.** Describing the benefits that customers will see from investments can help the public make a better connection to return on investment in terms that have meaning to them – e.g., economic development opportunities; reducing daily commute times in a corridor; providing a wider, safer, more visible roadway; improving an intersection to make left hand turns more safe and reduce wait times.

- **Demonstrate accountability with transparency to build trust.** Give public and businesses easy access to clear details about how federal and state money is being spent and how new funds would be spent. Ensure that funds are being used as promised. Strive to operate at peak efficiency.

- **Display and promote the deployment and use of technologically advanced equipment and tools.** Customers express greater support for investment in modernized services, systems and facilities that yield faster, smarter, safer travel.

- **Demonstrate value to the users of the system with innovations, the use of technology, on-time performance, partnering and quality in the delivery of projects.**
Much discussion has taken place over the past few years about ways to accelerate transportation project delivery. Much of that emphasis has focused on procurement/delivery methods, permitting and environmental review. While all of these areas remain significant, it is important to also look at ways to speed construction delivered through the traditional design-bid-build method. The key result of acceleration is minimizing the time impact to customers – transportation system users and beneficiaries. At the outset, there must be a clear communication of project goals and commitments in order to balance contractor efficiency and customer expectation. Acceleration cannot be viewed as resulting in cost escalation or as causing a reduction in quality or in safety.

The following ideas have been identified as possible areas where acceleration can be achieved. The Joint Committee recommends that state DOTs consider incorporating the following procedures into their traditional construction programs:

- Allowing up to a 60 day window, at the contractor's option, between contract award and Notice to Proceed (NTP). This will allow the contractor to obtain critical approval of submittals, including, for example: the 90 day schedule, Storm Water Pollution Prevention Plan (SWPPP), Traffic Control Plan, and other submittals required before construction is allowed to begin. This necessitates that the owner have the CM or engineer in place at contract award for the review of these submittals.

  Functions that should also take place during the window:
  o Use safety and constructability conferences post bid but prior to construction start up to identify any concerns or alternative construction approaches.
  o Order of long lead items like pipe, mechanical equipment, traffic poles, others.
  o Allow the contractor to submit ideas for Value Engineering for review before suggested changes could cost the project time or money.
  o Consider innovative maintenance of traffic by using contractor input into traffic control phasing, lane closure and full closure. Communication with the public may allow more freedom for closures to speed construction.

- Using end result or performance related specifications. “Means and methods” are the contractor’s way to control and accelerate the project. Encourage more reliance on contractor quality control combined with new technologies for owner quality assurance. Consider use of: digital plans, stringless/stakeless construction methods, intelligent compaction computer measurements, submitting reports and records digitally and implementation of electronic documentation for construction projects where appropriate.

- Allowing contractor flexibility in mobilization and start up dates. Specify end date or number of days for construction completion but not when to start. This will improve efficiency by allowing more flexibility for contractors to schedule the work to allow non-stop prosecution of the project.

- Streamlining the decision making process. Make resolving issues an important priority by empowering the most practical level among all contract parties. This is a key component of partnering. More broadly, where partnering has been allowed to lapse or has become so routine as to be meaningless it should be revitalized.

- Programming adequate funding to allow the project to proceed.

Finally, Congress and federal agencies should remove regulatory burdens – relating to other areas of public policy – that make accelerated construction more difficult.
The 2012 federal surface transportation law, the “Moving Ahead for Progress in the 21st Century Act” (MAP-21), features a number of policy reforms intended to shorten the timeframe for the review and approval of transportation improvement projects. Some provisions streamline the environmental process itself, while others provide states and project sponsors with opportunities to assume new roles in that process. The Joint Committee believes the streamlining provisions in MAP-21 are among the most important – and potentially most impactful – in the new law. We also believe that these provisions should be implemented expeditiously and retained. There is potential for significant improvements in transportation project delivery if all parties use these provisions to their maximum effect.

These reforms include the following:

- Expanded use of categorical exclusions (CEs) through the addition of new classes of projects that will automatically qualify for CE status. Approval of CE-eligible projects, which have little or no environmental impact, can be years faster than those requiring full environmental impact statements.
- Enhanced predictability in the review and approval process by setting firm deadlines for regulatory decisions by participating agencies and shortening time limits for filing lawsuits in response to those decisions.
- Improvements to the environmental impact statement (EIS) process, including a relief mechanism to get delayed EISs on a firm schedule, and paperwork streamlining for final EISs and records of decision.
- Designation of the U.S. Department of Transportation (USDOT), or its appropriate modal administration, as the lead agency for all federal-aid transportation projects, to alleviate inter-agency conflict and delay. MAP-21 also includes a dispute resolution mechanism when needed among agencies.
- Encouraged use of more programmatic agreements to address in advance the common issues found in environmental reviews.
- Allowing better integration and less duplication between the planning and environmental review processes, and allowing some acquisition of property before initiation of the review process.
- Delegation of the federal government’s role in the environmental review process to interested states.

The three organizations urge the U.S. Department of Transportation to finalize the MAP-21 Environmental Streamlining Regulations expeditiously. Additionally, the three organizations strongly encourage the U.S. Department of Transportation and state departments of transportation to work with other federal agencies and stakeholders to remove legal obstacles to utilize these reforms.

Moreover, the Joint Committee encourages Congress to apply similar streamlining principles to the other transportation modes by including equivalent provisions in future reauthorization legislation affecting those modes.
The 2012 federal surface transportation law, the “Moving Ahead for Progress in the 21st Century Act” (MAP-21), creates a National Freight Policy designed to improve the condition and performance of the national freight network. The relevant provisions of the law encourage the prioritization of freight improvement projects within the federal-aid highway program. They also reinforce the federal government’s constitutional responsibility to provide a national transportation system that facilitates interstate commerce.

MAP-21’s freight-related provisions require the U.S. secretary of transportation to establish a national freight network, develop a strategic freight plan, formulate new and improved metrics to assess freight-related transportation projects, urge states to develop freight plans of their own, and incentivize freight improvement investments by offering a greater federal share for these projects.

A further provision encourages each state to establish a freight advisory committee, which is to serve as a discussion forum for freight-related transportation decisions in the state, coordinate regional freight priorities with other organizations, promote information-sharing between the public and private sectors, and help develop the state freight plans desired under MAP-21. These advisory committees are to include representatives of ports, shippers, carriers, freight-related associations, the freight industry workforce, state DOTs and local governments.

The Joint Committee believes the freight advisory committees should also include representatives of the transportation design and construction industries in their ranks, reflecting the industry’s critical role in the planning, designing and building of freight-related projects. Besides providing their expertise during the policy-making process, industry representatives will also serve as strong advocates for enacting the freight improvement plans devised by these state advisory groups. The fact that the recently announced U.S. Department of Transportation’s National Freight Advisory Committee includes significant representation from the transportation construction industry reinforces this belief. Accordingly, AASHTO, ARTBA and AGC intend to educate their respective member-agencies and chapters about this provision, and encourage them to work together at the state level to identify and include these industry representatives among the participating stakeholders.
Our national, federally-supported surface transportation network exists to provide access—for workers to jobs and workforce to businesses; for shipments of materials and products between businesses; and for customers to products and services. Virtually every trip made using our network involves an economic transaction of some sort. Collectively, these transactions are what determine the health of a state’s economy and the resulting quality of life for its citizens. The fact that 75 percent of the value and 82 percent of the weight of all the materials, products and foodstuffs shipped in the U.S. annually are delivered by truck underscores the importance of our highway and transit network not just to our national economy, but also to each state’s economy.

U.S. Department of Transportation data show that, on average by value, almost 40 percent of the products produced in one state are purchased by customers in other states—with most of this economic activity occurring beyond their neighboring states (state data attached). The federal surface transportation investment program exists to facilitate this interstate connectivity between businesses and their customers across state lines and globally. The program ensures that the roads and transit systems most important for workforce and customer mobility, intermodal freight shipments and tourism in every state are maintained and improved to meet demand in a sustained, coordinated manner.

The program provides federal dollars to states principally for investments in their share of the 160,000-mile National Highway System (NHS), which includes only four percent of the nation’s road mileage, but accommodates more than 75 percent of heavy truck traffic. The NHS also facilitates 90 percent of all tourism traffic in the nation, which supports, on average, 11 percent of employment within a state.

Over the past 10 years, the federal program has provided, on average, 52 percent of all capital investment made by the states in their most important highway and bridge infrastructure. This ranges, by state, from 35 to 87 percent (illustrative map attached). Clearly, without this level of sustained federal investment, the integrity of the NHS—and the success of individual state economies dependent on it—would be put at risk.

In its own right, the federal surface transportation investment program creates and sustains significant employment in every state, both directly and indirectly. It supports an estimated 1.25 million jobs with a payroll of $77 billion that generates $741 million for state tax bases.

The AASHTO-AGC-ARTBA Joint Committee believes educating the public on how their contributions to federal investments in a national surface transportation infrastructure program benefit their livelihood and their state’s economy is essential to building political support for the expanded federal investment necessary to fund needed improvements in all states. It urges its member organizations to make this a research, communications and advocacy priority.
Motor vehicle manufacturers and leading communications technology firms have been aggressively pursuing research and development programs to introduce connected/autonomous—or “intelligent”—vehicles to the world’s fleet. Such an innovation has enormous potential for roadway safety, traffic management, maximization of system capacity and, perhaps, implications for roadway design/construction and future highway funding.

This vision will become a reality. Auto manufacturer Mercedes-Benz is already marketing semi-autonomous features with its 2014 S-Class vehicles. Toyota has a driverless vehicle pilot project operating at the San Diego Airport. Several manufacturers are now producing and selling vehicles that can include technology assisted steering and breaking. Google launched an effort in 2009 to develop the technology necessary to bring autonomous motor vehicles (AV) to the market by 2017 and currently has an extensive on-road test in progress. So, although the ultimate scenario of completely connected or autonomous vehicle fleets may be decades away, there are near term benefits and opportunities.

Public policymakers are beginning to prepare for this development. Four state legislatures have enacted laws relating to autonomous driving, another dozen states have such legislation under consideration. At the federal level, the National Highway Traffic Safety Administration released a preliminary statement of policy in May 2013. To date, much of the private, federal and state research in this area has been on the operational aspects of AV transportation.

To reach its full potential, a connected/autonomous vehicle must communicate not only with other vehicles, but also with “hard” infrastructure facilities. The safe and seamless integration of these vehicles into the roadway network requires the engagement now of those in both the public and private sectors who are responsible for planning, designing, constructing and managing it. Since 2004, AASHTO has been engaged in a Connected Vehicle Executive Leadership Team with automakers (OEMs), technology suppliers, NHTSA and FHWA to discuss technology developments and deployment issues.

The AASHTO-AGC-ARTBA Joint Committee believes its member organizations should work closer together to advance federal and state policies that ensure that the integration of CVs/AVs into the nation’s road network is done with safety as the top priority. This includes advocating that:

- Vehicle-to-vehicle (V2V), vehicle-to-heavy construction equipment (V2HCE), and vehicle-to-infrastructure (V2I) technologies are developed and implemented that make roadway work zones safer;
• Low technology roadway infrastructure improvements that facilitate safer driving through V2I interactions—such as reflective devices, striping and markings—are compatible with all AVs systems and are integrated expeditiously into the roadway network at all levels as it is constructed and repaired; and

• Federal support is given to fast-track research to determine how to best retrofit existing roadway—and design and construct future facilities—to ensure the safe transition of CVs/AVs into a network that must also accommodate non-connected and non-autonomous passenger vehicles and trucks.

The Joint Committee further urges its member organizations to advocate that entities that profit from the introduction and integration of AVs into the roadway network share in the cost of the public infrastructure improvements necessary to accommodate such vehicles.

Nearer term, the AASHTO-AGC-ARTBA Joint Committee recommends active collaboration at the state and national level, including:

• ARTBA and AGC nominating representatives for the Connected Vehicle Deployment Coalition to represent infrastructure construction matters and consider influences on the design and construction of roadways and bridges.

• Seeking opportunities for utilizing current in-vehicle intelligence and other technologies to enhance the safety of highway work zones, including a Joint Committee-sponsored workshop session on this topic at the 2015 meeting of the AASHTO Subcommittee on Construction.
Telling the transportation story to the general public is not easy. Transportation is taken for granted. It is there when you need it and DOTs have done such a good job keeping the transportation system running, despite chronic underfunding, that most people don’t see where there are inadequacies and need for improvement. It is particularly difficult to sell the need for transportation upgrades to the X generation and the millennials who grew up with an existing road system that generally meets their needs. Even more difficult to convey to the public is the need for funding increases and raising the revenue that supports it. The general attitude is, “I support transportation and want some improvements but the government has plenty of my tax dollars and they should take money from things I don’t support and put it into transportation.”

Social media, including Facebook, Twitter and YouTube, are of course some of today’s most efficient, economic and impactful ways to get a message across to the general public. Transportation advocates should make better use of social media to tell the transportation story.

Many state DOTs, AASHTO, AGC, ARTBA and other transportation groups who advocate the need for transportation investment are already active in the social media sphere. More cooperative and coordinated efforts would be helpful.

The AASHTO-AGC-ARTBA Joint Committee recommends the three organizations undertake the following initiatives:

- Form a work group of their respective communications professionals to develop message threads and a coordinated protocol for sharing content for distribution via the AASHTO, AGC and ARTBA social media platforms. The initial meeting will be held at the 2014 AASHTO Subcommittee on Transportation Communications.
- Develop and conduct a webinar for members of all three groups on the use of social media, before the end of 2014.
- Share data bases of social media contacts so that advocacy outreach efforts can reach a far wider audience.
- Develop a joint social media advocacy strategy that includes the use of banner ads, YouTube videos, advocacy messages and a moderator to develop content, follow trends and respond to third party messages.
- Develop additional factoids that give snippets of transportation related information in small enough messages to be useful on twitter.
- Examine the possibility of purchasing a data base of consumers and target them with transportation reauthorization messages.
- Target members of Congress with social media messaging, including news accounts of transportation problems and successes.

APPROVED BY THE AASHTO BOARD OF DIRECTORS – NOVEMBER 24, 2014
Transportation infrastructure is one of the key enablers that allow communities, states and the nation to compete for job growth and economic development. High-functioning physical infrastructure, including transportation assets, that meets future demands will be critical in ensuring that the American economy creates and sustains good jobs and a secure future. When transportation systems operate efficiently, they add value through better accessibility to markets, employment and additional economic development, and by creating economic and social opportunities and benefits. When transportation systems are deficient in terms of condition, capacity or reliability, they can have an economic cost such as reduced or missed development opportunities and lower quality of life. At the aggregate level, efficient transportation services reduce costs in many economic sectors, while inefficient transportation increases these costs. One good example of costs is the simple statistic that 30% of perishable goods are lost in transportation due to congestion and other system deficiencies.

The nation is now at a crossroads in the terms of the future structure for and level of investment in surface transportation. State DOTs and the transportation construction community must engage with the direct beneficiaries of efficient transportation systems – the business and manufacturing community – in advocating the need for a continued, strong federal commitment to investment in transportation. Most recently a group of major U.S. companies “that rely on an integrated, efficient and effective transportation system to grow (our) businesses and remain competitive in the global economy” came together to form the Alliance for American Competitiveness. These are companies that create and sell goods in the global marketplace and that help businesses connect with customers across the U.S. and throughout the world. They recognize the positive economic return from investment in transportation infrastructure and the economic imperative for continued commitment to investment. The leaders of five major companies – Caterpillar, BNSF Railway, Dow Chemical, Honeywell, and UPS – are taking their message directly to Congress and the public. But they cannot carry the message alone.

It is recommended that:

- State DOTs and their construction industry partners work collaboratively to broaden the base and engage transportation system users and beneficiaries in sustaining the momentum of executive-level commitment and supporting efforts to advocate for continued federal transportation investment; and

- State DOTs and their construction industry partners work to engage and collaborate with regional and state coalitions representing the interests of transportation system beneficiaries.

APPROVED BY THE AASHTO BOARD OF DIRECTORS – NOVEMBER 24, 2014
The transportation infrastructure industry, both on the public and private side face significant challenges attracting, developing and training the work force of the future. Projected increases in retirements of the baby boom generation, competition for workers from other industries, and the difficulty in recruiting women and minorities are challenges to transportation work force development. Others factors specifically for the construction industry include the dismantling of the public vocational and technical education programs, declining participation in union apprenticeship training and an increasing focus on college preparatory programs at the high school level. Concerns about job continuity due to uncertainty about federal funding also undermines the effort to recruit workers to the transportation infrastructure industry.

It is in the best interest of the transportation infrastructure community to encourage more individuals to pursue careers in this industry. It is critical to develop a skilled and diverse transportation work force across a broad range of both professional and skilled transportation careers: engineers, planners, construction workers, welders, equipment operators, truck drivers, estimators and others. The joint committee identified some initiatives around the country by either the construction industry or the state DOTs to promote transportation careers, however, there seemed to be little coordination.

Some of the initiatives that AASHTO, FHWA, AGC and ARTBA could cooperate on include:

Promote public relations initiatives such as the "Go Build" programs in Alabama, Georgia and other states and similar programs aimed at raising awareness to careers in the transportation infrastructure industry.

Promote Transportation and Construction Career days to introduce the younger generation to the available careers and benefits of working in the modern transportation construction field.

Cooperate in promotion of Youth/Millennial Mentoring Programs within private companies and at DOTs.

Encourage creation of Internships in DOTs and private sector companies.

Work jointly to make AASHTO TRAC program a success including consideration of financial support.

Encourage charter schools with construction and technical skill curriculum.

Encourage partnerships between apprenticeship programs and institutes of higher education.

Work with veteran organizations that provide training and career direction.

Promote inclusion of horizontal construction in existing construction management programs that currently tend to emphasize vertical construction skills.

Encourage Congress to extend on-the-job training (OJT) and supportive services funding without limiting states’ flexibility in accessing and using these funds.
Promote and engage in student competition programs sponsored by the ASCE and other organizations.

The joint committee believes that the transportation workforce needs of today and the future will play an important part in addressing the Nation’s transportation infrastructure needs. The joint committee therefore recommends that AASHTO, FHWA, AGC and ARTBA look for opportunities to work cooperatively on initiatives that promote the industry, encourage the youth to select transportation as a career choice and make the available educational opportunities more transportation friendly.
In the current era of constrained and uncertain funding at all levels of government, the ability to successfully demonstrate the value of transportation investment to taxpayers hinges on the collective credibility of the state departments of transportation (state DOTs) and their contractor and construction industry partners. Credible organizations are understood to be responsive, to be trustworthy, to have strong relationships with key decision-makers, and to have demonstrated accountability. In the transportation investment context, there is no more crucial barometer of accountability than effective use of allocated funds using a transparent project prioritization process and efficient project delivery.

Reflecting the federally-assisted, state-administered philosophy behind the federal transportation program, the planning and programming process throughout the country is underpinned by the long-range plans at the statewide, metropolitan, and rural level, which provide the holistic vision and policy platform. These blueprints then seed the statewide and metropolitan Transportation Improvement Programs that identify and fund specific projects for the upcoming four years.

Selection of transportation projects that deliver maximum safety, economic, mobility, and social value, requires frequent and extensive public involvement and consultations with stakeholder groups. These opportunities for input represent a foundational element of the transportation planning process.

State-specific mandates and considerations, which may include mode-specific plans and legislative directives, are also addressed through this planning process. As to be expected, there is great diversity in the extent of legislative involvement and authority in the process of selecting and approving projects across states. In some states, the legislature actively reviews or approves state DOT plans or programs, often as part of the budget and appropriations process.

MAP-21’s initiation of a performance-based federal transportation program will enhance decision-making on projects through a consistent business practice that better links organizational goals and objectives to resources and results.

The AASHTO-ARTBA-AGC Joint Committee believes the progress made under MAP-21 in the project selection process must be maintained. As such, the Joint Committee recommends the three organizations to continue improving the project selection process by:

• Clearly articulating assumptions used behind both subjective and technical elements of projects, and better linking them to overarching transportation policy goals;

• Clearly illustrating not only the job creation benefits of investment in transportation projects in the shorter term, but also the broader and enduring economic benefits of investment gained at the regional, statewide, and national level;

• Clearly defining, making available, and publicizing the state department of transportation’s goals and the plans and programs developed to meet those goals;

• Supporting development and adoption of innovative technology in data collection and processing, coupled with consideration of analytical tools that better illustrate project benefits and costs, especially in the context of safety and the state and regional economy;

APPROVED BY THE AASHTO BOARD OF DIRECTORS - September 28, 2015
- Strengthening each state’s transportation asset management plan, which is based on a strategic and systematic process of operating, maintaining, and improving physical assets to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions to achieve and sustain a desired state of good repair over the lifecycle of the assets at minimum practicable cost; and,

- Enhancing the credibility and value proposition behind each and every transportation project by engaging the public and decision-makers with easy-to-understand messages and accessible, state-of-the-art communication platforms.
State Departments of Transportations (DOTs) and construction industry practitioners have made great strides in the past several years incorporating various technology applications into their routine operations and this development will continue to expand. FHWA’s third round of Every Day Counts includes e-Construction as an initiative to promote more rapid adoption of an electronic process for standard contract administration and implementation.

Some of the benefits of greater use of technology on highway and transportation construction projects can include: improved collaboration between contractors, subcontractors, and suppliers with state DOTs leading to better communication, greater consistency, higher quality, faster completion and reduced administrative costs.

Some of the technology being pursued include:

- Transfer of electronic plans and electronic contract specifications and special provisions.
- Mobile devices, software and applications for field inspection and data collection.
- Data hosting services (data clouds, share sites, virtual review rooms).
- Electronic review and approval processes (digital signatures/reviews).
- Communications tools (e-mail, text, social media, and smart phones).
- Radio frequency identification (RFID) tags for resource tracking.
- Asset management, electronic as-built drawings and quality assurance records.

The challenge for making these technology developments more widely and conveniently used is in adopting practices that allow this to happen. Compatibility of different software packages is one of the challenges that must be addressed as is the development of best practices. The joint committee identified some areas where cooperation between AASHTO, FHWA and the construction industry could lead to faster and more seamless adoption of e-construction and recommends the following:

1. States are encouraged to convene a forum to look at ways to expand and enhance the use of the state DOTs’ electronic administrative platform for use by contractors in developing bids, submitting reports, managing administrative requirements, submitting invoices and other functions.

2. Some compatibility issues related to the AASHTOWare Site Manager software have been identified. As AASHTO moves to adopt a web based version of Site Manager to allow for better collaboration, industry input would help ensure that contractor concerns are addressed. Where state DOT’s use software other than AASHTOWare, such compatibility issues should be addressed in the convened forums.

3. Sharing of electronic 3-D models continues to be a challenge in some states. While third-party vendors have made considerable progress in compatibility in this area, a renewed initiative to identify the reasons for the reluctance to share this data and recommendations for addressing these concerns should be undertaken within the forums; and referred to the Joint Committee as appropriate.
4. Field use of mobile devices can provide significant benefits in getting decisions made on specifications and other project related questions. A list of best practices for the use of mobile devices in the field should be developed by the states and compiled and shared by region to speed adoption of their use.

5. Protocols for use of electronic signatures across the whole project development and e-construction process should be developed like that supported in AASHTOWare Project Construction & Materials™.
WHEREAS, the current extension of the authorization legislation for the federal surface transportation programs expires October 29, 2015; and

WHEREAS, federal-aid funding remains critical to state-level capital investment in highways and bridges, averaging 52 percent of that state investment in recent years; and

WHEREAS, continued short-term extensions will continue to result in project delays and cancellations because of the uncertainty in federal-aid funding, resulting in higher costs and delay of improvements affecting safety, efficiency and economic development; and

WHEREAS, some state transportation agencies may delay payments on contracts for transportation improvement projects if the U.S. Department of Transportation delays reimbursements from the Highway Trust Fund; and

WHEREAS, uncertainty in Federal investment will interrupt careers and opportunities in transportation infrastructure industries; and

WHEREAS, the U.S. Senate passed its version of a six-year reauthorization bill (the “DRIVE” Act) in July with broad bipartisan support; now, therefore, be it

RESOLVED, That the AASHTO-AGC-ARTBA Joint Committee and its component associations urge the U.S. House of Representatives to consider and pass a well-funded, six-year surface transportation reauthorization bill as soon as possible, in order to facilitate the process which will result in agreement on and passage of a final version of the bill by each house; and be it further

RESOLVED, That the AASHTO-AGC-ARTBA Joint Committee and its component associations urge the president to sign this legislation expeditiously when it is passed by Congress.
Partnering in the construction industry began in the late 1980s in response to the growing amount of construction disputes that ended in litigation. The objective of construction partnering is to improve communication between a project’s owner, the design professionals, the contractor(s), and other key project stakeholders to create a cooperative project environment with a team committed to understanding one another. In this environment, the team works together to develop and follow processes and procedures which will optimize the successful completion of the project. Executive level commitment and participation are critical to a partnering program’s success.

By developing mutually agreed upon project and partnership success goals and by monitoring the achievement of these goals for the duration of the project and developing an agreed upon process for resolving disputes should they arise, the net result is reduced project costs, expedited project delivery times, improved project quality and elimination of change orders and claims.

In the past 30 years, partnering has grown. Twenty-four of the 50 state transportation programs have adopted Partnering as an important process to improve outcomes. Several state transportation departments require a partnering process by specification. Some have expressed concern, however, that after 30 years of utilization and because it has become a routine practice in construction partnering may have it lost its effectiveness.

In discussion around the country it was apparent that both state DOTs and the construction industry believe that partnering, whether through a formal process or as a standard part of the construction process, is still an effective means for speeding decisions, limiting and resolving disputes and generally enhancing project completion.

The Joint Committee is interested in working cooperatively to encourage a new emphasis on partnering and to update the principles of partnering based on current project delivery methods. Some opportunities to accomplish this include:

Federal Highway Administration (FHWA) has identified construction partnering as one of innovations of interest for round four of the Every Day Counts initiative. AASHTO, AGC and ARTBA should look for opportunities to participate in the regional summits planned by FHWA on EDC implementation to encourage creative ways to revitalize and expand on the use of partnering.

The Nevada DOT, in cooperation with FHWA, has scheduled a conference titled; “Innovative and Effective Partnering Practices” which will look at the use of partnering in alternative delivery systems but also at new approaches to partnering on traditional design-bid-build projects. AASHTO, AGC and ARTBA should promote participation in this April 4-6, 2017 conference with our collective memberships and look for ways to participate in the conference program. The three groups should also help disseminate the conference’s content afterward, and schedule related sessions at their own respective meetings, especially for emerging professionals who may be less familiar with partnering principles.

NCHRP project 19-10 is underway to develop the 2nd edition of AASHTO’s Partnering Manual. The manual will update the current manual to include design-build and other alternative delivery methods but will be quantifying the costs and benefits of partnering in terms of time, cost, safety, and quality. The three organizations should use the release of this document to encourage more wide spread use of partnering principles.

The Joint Committee recommends that AASHTO and FHWA survey the states on partnering practices and encourage states to participate in the April conference on Innovative and Effective Partnering Practices.
Risk allocation affects both project delivery and cost. Getting it right is paramount.

A long-standing and oft-repeated principle of sound risk allocation is that risks should be assigned to the parties best able to manage them. Successful and equitable risk allocation during all phases of a project can minimize its total cost and the potential for disputes during construction.

Contractors price risk and contingencies according to the complexity of the project. Assigning inappropriate risk to contractors can inflate bid levels and increase project costs.

The risk allocation process carries wide-ranging implications. If the owner-agency's risk assessment for a project differs significantly from that of the contracting community, then bids or proposals for that project may come in well outside the budget or time frame estimated by the owner. It is therefore critical that all parties to a project “speak the same language” throughout the risk allocation process—whether it relates to individual projects or the state’s transportation improvement program in general.

Given the ongoing importance of risk-related issues, the Joint Committee will form a representative working group to enhance mutual understanding of the various perspectives on risk allocation. This group will review current materials on risk, consider various types of risks and their potential solutions, encapsulate its discussions through new collaborative documents as appropriate, and organize educational sessions for the benefit of the states and the entire construction industry. The Joint Committee encourages the Federal Highway Administration to assist in facilitating these efforts.
Individual transportation improvement projects can shape public perception of a state’s DOT, its transportation construction industry and their stewardship of taxpayer funds.

Collectively, transportation projects employ dedicated professionals, foster innovation, facilitate economic growth and enhance quality of life. Unfortunately, even when the benefits of a high-profile project should be obvious, media coverage often focuses on perceived shortcomings, such as budget or schedule issues, or short-term inconveniences for motorists during construction. As an example, upon the opening of a major new highway facility on the East Coast in 2011, initial media reports centered on complaints over its absence from GPS systems, its variable toll rates and its speed limit. In that case, the local media paid little attention to the shorter commutes and relief from daily gridlock stemming from the new capacity provided by the project.

In a contrasting example, the Massachusetts “Fast 14” program, which replaced 14 bridges over 10 weekends during the summer of 2011, proved to be a popular media story and was well-received by the public. The media coverage reflected positively on the project participants.

Some state DOTs have explored the concept of “enterprise risk management.” Researchers describe this as managing the uncertainties—such as public opinion—necessary to achieve a DOT’s strategic objectives.

In a similar vein, AASHTO, AGC and ARTBA want to identify and share with the public the many benefits and substantial value provided by major projects. Quantifying and publicizing a project’s benefits after its opening should be routine DOT practice. This might include public release of economic, traffic or safety studies showing the project’s value over the ensuing months and years. These communications efforts might also spotlight a project’s cost savings; deployment of new and effective technology; testimonials from commuters, system users and other beneficiaries of a new or improved facility; and environmental stewardship.

Besides the general public, target audiences for these efforts may include legislators, local officials, media, the business community, local environmental organizations and other interest groups.

Please provide any recent examples and related information for the Joint Committee to share.
WHEREAS, the Fixing America’s Surface Transportation (FAST) Act of 2015 is the longest duration surface transportation program reauthorization in a decade; and

WHEREAS, prior to enactment of the FAST Act, a series of short-term extensions and Highway Trust Fund revenue crises created years of uncertainty about future federal-aid funding, resulting in project delays and cancellations, higher costs and deferring of improvements affecting safety, efficiency and economic development; and

WHEREAS, the investment levels and federal program stability promised under the FAST Act require timely enactment of annual appropriations bills that adhere to the new law’s authorization levels; and

WHEREAS, increasing state flexibility and accountability were primary objectives of the FAST Act; and

WHEREAS, putting off enactment of a fiscal year 2017 appropriations bill for the U.S. Department of Transportation until well into calendar year 2017—as some members of Congress are currently proposing—would needlessly delay critical highway and public transportation investment increases and renew uncertainty about future federal-aid funding; and

WHEREAS, rescinding unobligated highway contract authority is a Washington, D.C., budget gimmick that impedes the flexibility of state departments of transportation to meet their individual infrastructure needs, and disrupts transportation planning and timely delivery of projects; and

WHEREAS, the Senate-passed fiscal year 2017 transportation appropriations bill contains a $2.2 billion rescission of unobligated highway contract authority and the House proposal includes no comparable provision; and

WHEREAS, these issues will be severely exacerbated when combined with the $7.6 billion rescission enacted in the FAST Act; now, therefore, be it

RESOLVED, That the AASHTO-AGC-ARTBA Joint Committee and its component associations urge the U.S. House of Representatives and Senate to pass a final fiscal year 2017 appropriations bill for the U.S. Department of Transportation during calendar year 2016 that: provides, at a minimum, the highway and public transportation investment levels authorized by the FAST Act; and includes no rescission of unobligated highway contract authority; and be it further

RESOLVED, That the AASHTO-AGC-ARTBA Joint Committee and its component associations urge the president to sign this legislation expeditiously when it is passed in Congress.
WHEREAS, the President signed the Fixing America’s Surface Transportation (FAST) Act on December 4, 2015 authorizing federal highway and public transportation programs through September 30, 2020; and

WHEREAS, Congress failed to provide an increase in the federal excise tax on gasoline and diesel fuel or create any new on-going revenue source for the Highway Trust Fund, but instead transferred $70 billion from the General Fund of the U.S. Treasury; and

WHEREAS, the Congressional Budget Office estimates that in order to simply maintain current investment levels for federal highway and public transportation programs the Highway Trust Fund revenue gap at the expiration of the FAST Act will be $20 billion annually; and

WHEREAS, in the first term of the next President, the Highway Trust Fund will once again be facing significant revenue shortfalls that will create uncertainty and lead to disruptions in states delivering their transportation programs, ultimately impacting safety, economic development, and quality of life; and

WHEREAS, presidential candidates have expressed support for increased infrastructure investment; and

WHEREAS, any responsible new infrastructure funding proposal needs to take into consideration and address the long-term solvency of the Highway Trust Fund and maintain the historic 80/20 split of revenues between the Highway Account and the Mass Transit Account; now, therefore, be it

RESOLVED, that the AASHTO-AGC-ARTBA Joint Committee and its component associations urge the next administration, the U.S. House of Representatives and the U.S. Senate to secure the long-term solvency of the Highway Trust Fund by providing real, reliable, dedicated and sustainable revenue sources derived from the users and beneficiaries of the system for the Highway Trust Fund.
WHEREAS, the United States Constitution deems investment in transportation infrastructure as one of the few core responsibilities of the federal government; and

WHEREAS, the states are equal partners to the federal government; and

WHEREAS, the Interstate Highway System (IHS) is a key component of the US transportation system, as it handles nearly 25 percent of the total vehicle miles traveled annually and almost 40 percent of the nation's total truck traffic even though it makes up only 1.2 percent of the country's public roadway lane-miles; and

WHEREAS, the IHS of today, with a network little-changed since its inception, serves more traffic than the entire US road network served when the IHS was authorized in 1956, and that what was once a premier system that stood as a symbol and enabler of American growth and economic vigor is showing its age and constraining economic growth; and

WHEREAS, much of the IHS is still “first generation” and as a system, it has not kept up with the growing population and economy while the need for ongoing maintenance and preservation actions—and increasingly, complete reconstruction of the system—has grown; and

WHEREAS, the capacity of the IHS and its configuration are overwhelmed by expanding and evolving travel demands, yet the potential of new technology to maximize service and minimize costs has barely been tapped; and

WHEREAS, a renewed and modernized IHS fully serving the nation’s transportation needs for the next 50 years will require far more than simply maintaining its current condition and configuration; and

WHEREAS, under Section 6021 of the Fixing America’s Surface Transportation Act, the Transportation Research Board was tasked by Congress to complete a “Future Interstate Study,” which would examine actions needed to upgrade and restore the Dwight D. Eisenhower National System of Interstate and Defense Highways to its role as a premier system that meets the growing and shifting demands of the 21st century; now therefore be it

RESOLVED, the AASHTO-AGC-ARTBA Joint Committee calls for Congress to uphold the federal government’s constitutional responsibility to provide for interstate and national defense by ensuring that:

- The IHS renewal, modernization, and expansion, given its critical importance to interstate commerce and national defense, is responsibly and adequately funded at the federal level for the long-term, based on reliable and dedicated user-based revenue sources; and

- The IHS harnesses—rather than simply responding to—rapidly developing technologies ranging from connected and autonomous vehicles, unmanned aerial vehicles, and mobile phone-based services, and possesses flexibility to adapt to yet-to-be-known future technologies; and

APPROVED BY THE AASHTO BOARD OF DIRECTORS - SEPTEMBER 28, 2017
• The IHS, as a dominant element of the transportation system, seamlessly integrates into other travel modes and fit holistically into the overall national and global network that is becoming only more complex; and

• The IHS most effectively facilitates both passenger and freight transportation since approaches to improve efficiency, reliability, and safety vary greatly between passenger and freight users, such as interstate truckers and daily urban commuters; and

• The IHS serves both rural and urban transportation needs since the system has long outgrown its original design as an inter-urban network of highways; and

• The IHS is secured from threats ranging from terror attacks to extreme weather through enhanced resiliency, given its fundamental responsibility to support national defense, emergencies, and evacuations; and

• In areas experiencing population and economic growth, the IHS is strategically expanded by adding capacity in existing routes, construction of new segments, and improved efficiency of operations.
Title: Protecting Workers and Motorists while Minimizing Impact on the Motoring Public

Background: Building, rebuilding and expanding our transportation infrastructure has always involved a balance between getting projects completed safely, on time, within budget and with top quality while minimizing the impact on motorists. Motorists, unfortunately have little patience with road construction which they mostly view as an inconvenience. Most agreed that distracted driving, speeding and impaired driving are the leading causes of work zone intrusions. As states and, hopefully the federal government increase financial commitments to significantly improve our transportation infrastructure these conflicts are likely to become more pronounced with implications for the safety of construction workers, DOT personnel and motorists.

The AASHTO-AGC-ARTBA Joint Committee recommends that while meeting these often competing goals can be a challenge, safety must be paramount. The Joint Committee encourages state DOTs and their local industry partners to meet to discuss work zone practices. Examples of practices being used around the country include:

Increased enforcement:
- Law enforcement presence on projects and, when feasible, involving law enforcement in designing work zones so that officers have space for surveillance and for ticketing.
- Pre-construction meetings with contractors and police before work zone goes into effect and subsequent meetings as traffic flow changes during the project.
- Use of police blue/red lights on construction vehicles where permissible under state law.
- Photo enforcement in work zones when permissible under state law.
- Distracted driver and other awareness campaigns to make motorists aware of work zone hazards.
- Increase enforcement of “no-texting” in work zone laws.

Technology:
- FHWA’s Every Day Counts (EDC) initiative on Smart Work Zones.
- Partnering with GPS and social media providers to share information on real time construction activities.
- Use of queue and speed management deployed through Intelligent Transportation Systems (ITS) for dynamic management of work zone traffic. Queue management systems, when coupled with traffic information strategies, can alert drivers to a line of vehicles ahead caused by a work zone so they can slow down safely.
- Speed management, especially variable speed limit (VSL) systems, dynamically manage work zone traffic based on real-time conditions such as changing work zone situations, congestion and weather.

Job Site Practices:
- Use of positive protection barriers between workers and drivers when designing work zones done under traffic.
- Full road closures during construction or during critical periods in the construction process, including incentives and disincentives, should be given priority consideration.
- Separate alternative bid items for: incident management, police enforcement, emergency response, intrusion detection systems, bubble lighting for night work, construction acceleration techniques, and other construction related technologies.
- Project coordination by synchronizing projects at various levels, combining multiple projects in a corridor or network, correlating right-of-way acquisition and utility work, and coordinating work between different transportation agencies to minimize work zone impacts and produce time and cost savings.
- Temporary rumble strips in work zones to alert drivers when entering work zones.
- Use of safety contingency in project budgets that allow the contractor or the DOT to make changes in the contract to address identified safety concerns.
- Training in safety principles.
The transportation construction industry continues to embrace emerging technology as a means of delivering projects as efficiently, expeditiously and safely as possible. As a prominent example, the use of unmanned aerial systems (UAS) technology (more commonly referred to as “drones”) has increased exponentially in recent years.

The use of drones in transportation design, construction and related activities was once considered unusual, but is now commonplace. Current uses include:

- Remote inspection of bridges and other structures
- Determining stockpiled quantities of materials
- Geospatial tagging and surveying
- Documenting work zone setups and completed projects
- Disaster response and incident management
- Collection of traffic data

The potential for the use of drones in transportation construction seems limitless, with new applications being developed at a rapid pace. Moreover, public agencies and the industry are only beginning to quantify the advantages of using drone technology in terms of cost savings and safety improvements. As an example, in planning for the use of drones for certain bridge inspections, Minnesota DOT has noted that the capital cost for such a device is currently about $40,000, compared to an inspection truck which runs to $675,000. While state DOTs will continue to deploy both forms of inspections as appropriate, their combination will result in enhancements for worker safety, decreased disruptions for the traveling public and new sources of useful data.

One challenge, however, is the extent to which the current and future regulatory environment could impede the ideal usage of UAS technology in transportation construction. The Federal Aviation Administration (FAA) regulates the use of drones in national airspace, most recently revising its rule last year. This primarily relates to certification, registration and operational approval of the devices and their operators. Many states have also added a layer of UAS regulations for various purposes, generally involving privacy and safety concerns for those on the ground.

The Joint Committee recognizes that this regulatory regime serves a critical purpose: ensuring the safe operation of drones for everyone involved. However, we believe all parties should also anticipate and address current and future regulatory barriers that could stifle UAS innovations in our sector, along with the related enhancements to safety and efficiency. This would include
streamlining the waiver process for common exemptions (such as operation at night, or above people) sought by drone operators in the transportation construction industry.

Accordingly, the Joint Committee requests that the FAA and other appropriate modal agencies work with our component associations to review the unique needs of the industry in carrying out this important work with drones, recognize distinctions between drone use by the industry and that of other sectors, explore programmatic waivers for the industry under defined conditions, and streamline operator requirements and certification, all with the intention of maximizing potential innovations, efficiencies and safety enhancements. These organizations should also work together to identify and disseminate UAS-related state statutes and regulations that have effectively addressed these various objectives.
Title: Encouraging the Use of Value Engineering Change Proposals on Design-Bid-Build Contracts

Background: The MAP–21 transportation authorization legislation placed increased emphasis on the use of value engineering (VE) on federal-aid highway projects by increasing the monetary thresholds that trigger a VE analysis. While this analysis is required during the project development phase pre-bid, FHWA’s regulations encourage use of a Value Engineering Change Proposals (VECP) clause (also called Cost Reduction Incentive Proposals (CRIPS) allowing the construction contractor to propose changes to the project’s plans, specifications, or other contract documents. VECP proposals may improve the project’s performance, value and/or quality, lower construction costs, or shorten the delivery time.

The basis for state DOTs to consider a VECP is the analysis and documentation supporting the proposed benefits that would result from implementing the proposed change in the project’s contract or project plans. Proposals to accelerate construction after the award of the contract will not be considered a VECP and will not be eligible for Federal-aid highway program funding.

VECP is not a new concept in construction but it has not always produced the results hoped for. In FY 2015, VECPs submitted by contractors and accepted by State DOTs saved nearly $40 million, a small amount when compared to the size of the Federal-aid program.

Contractors can be discouraged from suggesting VECPs because proposals may not be given full consideration, there is a reluctance to offer a monetary award for the proposal, and the cost associated with developing the proposal is prohibitive. There is also much uncertainty about how a VECP suggestion will be evaluated.

AASHTO recently updated its value engineering guide and made the following observations about VECPs:

- Processing of proposals must be kept simple and done so as not to delay the contractor’s construction schedule.
- Cost savings are shared (normally equally) between the contractor and the implementing agency.
- Change proposals become the property of the state and the concept may be used on future projects.
- Change proposals should not compromise any essential design criteria or preconstruction commitments.
- Change proposals cannot be the basis for a contract claim. The implementing agency has the option to reject, with good justification, contractors’ proposals.
- It is essential that all VE team recommendations and contractor proposals be fairly reviewed and expeditiously evaluated for implementation.

Please note that the Code of Federal Regulations does not allow federal participation for VECPs to accelerate construction.

The Joint Committee recommends that states take steps that encourage contractors to submit value engineering change proposals and use the newly updated AASHTO value engineering document as a guide to evaluating VECPs.
Title: The Highway Trust Fund and Federal Tax Legislation

WHEREAS, the Fixing America’s Surface Transportation (FAST) Act of 2015 provided five years of stability in federal surface transportation investment, subject to timely enactment annual appropriations bills consistent with the FAST Act’s investment levels; and

WHEREAS, the FAST Act did not address the long-term solvency of the federal Highway Trust Fund; and

WHEREAS, since 2008, Congress and previous administrations have shifted a total of $143 billion from elsewhere in the federal budget to the Highway Trust Fund in order to avoid major cuts in highway and transit investment; and

WHEREAS, absent additional action by the president and Congress, the Highway Trust Fund will face annual revenue shortfalls of $18 billion when the FAST Act expires on September 30, 2020, at the end of FY2020; and

WHEREAS, as the FAST Act’s expiration approaches, it is likely that several state transportation agencies will begin delaying or cancelling projects because of the long-term uncertainty in federal funding, thereby lessening the associated transportation and economic benefits for their respective states; and

WHEREAS, at the same time, the House Appropriations for Transportation-Housing and Urban Development for fiscal year 2018 contains an $800 million rescission of unobligated highway contract authority carried only by the state departments of transportation and the Senate appropriations bill does not include a comparable provision; and

WHEREAS, rescinding unobligated highway contract authority is a budgetary artifice that impedes the flexibility of state departments of transportation to meet their individual infrastructure needs, and disrupts transportation planning and timely delivery of projects; and

WHEREAS, these issues will be severely exacerbated and may result in real funding cuts when combined with the $856 million rescission enacted in June 2017 based on fiscal year 2017 appropriations and the $7.6 billion rescission scheduled for July 2020 under the FAST Act; and

WHEREAS, President Trump’s administration and congressional leaders have publicly identified tax reform and infrastructure investment legislation as key priorities for enactment in coming months; and

WHEREAS, over the past 30 years, all revenue enhancements for the Highway Trust Fund have come through larger tax and deficit-reduction legislative packages; and

WHEREAS, 253 members of the U.S. House – representing a majority of members from each party – recently signed a letter to the leaders of the Ways & Means Committee urging them to include a permanent Highway Trust Fund solution in any tax reform legislation developed by the committee, an example of the broad bipartisan support for this approach in Congress; now, therefore, be it
RESOLVED, That the AASHTO-AGC-ARTBA Joint Committee and its component associations urge the Ways & Means Committee of the U.S. House of Representatives and Finance Committee of the U.S. Senate to include a permanent Highway Trust Fund solution and transportation infrastructure funding in forthcoming tax legislation, in order to address this issue as soon as possible; and be it further

RESOLVED, That the AASHTO-AGC-ARTBA Joint Committee and its component associations urge Congress to pass legislation including this provision and the president to sign it expeditiously; and be it further

RESOLVED, That the AASHTO-AGC-ARTBA Joint Committee and its component associations urge the Congressional authorizing and appropriations committees to consistently support federal investment in transportation by ceasing its reliance on highway contract authority rescissions as an off-set for unrelated programs.
WHEREAS, the United States Constitution deems investment in transportation infrastructure as one of the few core responsibilities of the federal government; and

WHEREAS, according to the US Department of Transportation’s 2015 Conditions and Performance report to Congress, state and local governments provided 80 percent of $217 billion invested in highway and bridge programs and 74 percent of $43 billion invested in transit programs compared to 20 percent and 26 percent, respectively, contributed by the federal government; and

WHEREAS, states continue to make significant commitments to invest in transportation infrastructure as evidenced by successful enactment of transportation revenue packages in 29 states since 2012, with other states examining similar measures; and

WHEREAS, at the same time, investment backlog for transportation infrastructure continues to increase, reaching $836 billion for highways and bridges and $122 billion for transit according to the US Department of Transportation, and the American Society of Civil Engineers has identified a $1.1 trillion funding gap for surface transportation between 2016 and 2025; and

WHEREAS, as evidenced by these significant transportation infrastructure investment needs, further strengthening and reaffirmation of the federally-assisted, state-implemented foundation of the national program is even more critical now than in the past; now, therefore be it

RESOLVED, the AASHTO-AGC-ARTBA Joint Committee strongly disagrees with any notion that federal transportation funding displaces or discourages state and local investment; and be it further

RESOLVED, that the federal government must augment substantial state and local transportation investment by ensuring long-term, sustainable federal funding from the Highway Trust Fund, and provide robust direct funding to address highway and transit backlog as part of the major infrastructure package currently under consideration.
Relocating underground utilities in highway right-of-way, while undertaking road improvement projects, continues to be one of the leading causes of delay in getting projects completed once the construction phase has started. Underground utilities that are unmarked or incorrectly marked pose a significant safety risk to the construction workforce, DOT employees and the public. Damage to utility facilities can be costly to all parties to the contract and negatively impact the collaborative spirit on jobs and lead to litigation.

Congress recognized these issues and in 1998 included a provision in the Transportation Equity Act for the 21st Century (TEA 21) legislation directing the U.S. Department of Transportation (USDOT) to conduct a study of best practices in place nationwide to address these concerns. One significant outcome of the study was the establishment of the Common Ground Alliance (CGA), whose safety motto was and continues to be “Damage Prevention Is a Shared Responsibility.” CGA brings together all underground utility safety and damage prevention stakeholders and recommends best practices for: Planning and Design, One Call Centers, Locating and Marking, Excavation, Mapping, Compliance, Public Education and Awareness, Reporting and Evaluation. The National 811 One-Call number is among the recommendations from CGA that have been adopted.

Many state DOTs have implemented their own initiatives to address utility protection and relocation including: use of ground penetrating radar, undertaking extensive predesign to eliminate conflicts, working in cooperation with utility companies and the construction industry to implement best practices, more aggressively challenging utilities in court for failure to meet their responsibilities.

Recently a new organization, “Gold Shovel Standard,” formed by pipeline companies, is attempting to significantly shift the risk for underground utility protection from a shared responsibility to one of absolute liability borne primarily by the excavator. GSS calls for a contractor certification through a one sided evaluation and reporting process and is encouraging owners to include membership in GSS as a requirement in bidder qualification.

With the continuing growth of technology cables, including 5G, being included in the highway right-of-way coupled with the traditional utilities already there, it is important that utility location, mapping and protection be an ongoing priority.

The Joint Committee recommends that:

Public agencies reject the Gold Shovel Standard organization’s efforts to promote its one sided approach to responsibility for utility protection because it undermines the collaborative efforts of the CGA by ignoring the concept of shared responsibility.

DOTs consider becoming involved in efforts such as the CGA to promote shared responsibilities for utility protection and adopting their recommended best practices.

DOTs participate in their local one-call systems or develop in house capabilities to locate DOT owned facilities within the ROW.

Consider include pot hole and other physical utility location as part of the design phase of a project.

The Federal Highway Administration (FHWA) include best practices and new approaches to utility relocation and protection in Round 6 of Every Day Counts.
Look to ways to encourage that utilities located in highway ROW participate in preconstruction meeting with the DOT and contractor.

Look at ways to maintain a repository of electronic “as built” 3D data of completed highway improvement projects to begin compiling an index of utility locations for future road improvement uses.
Dating to the early 1980’s, the Buy America law requires that steel or iron components “permanently incorporated” in federal-aid highway projects be manufactured in the United States, subject to certain possible waivers and exemptions. The public policy rationale for this law, as stated by the U.S. Department of Transportation, is that federal-aid highway (and transit) investments should “support an entire supply chain of American companies and their employees” in the manufacturing industry.

Congress has maintained or – on occasion – expanded Buy America requirements through a series of surface transportation reauthorizations. For example, Section 1518 of the Moving Ahead for Progress in the 21st Century (MAP-21) Act, passed in 2012, mandates Buy America compliance for the entirety of a federal-aid highway project (i.e. within the complete scope of its approved National Environmental Policy Act (NEPA) document), including related utility and railroad relocations and improvements.

In implementing Buy America on these projects, the Federal Highway Administration (FHWA) may grant waivers based on “public interest” (such as an emergency) or limited/lack of domestic availability for particular products. Under the current administration, the agency has issued far fewer waivers than was customary in prior years. This appears consistent with President Trump’s Executive Order (EO) 13788 of April 2017, which outlined his “Buy American and Hire American” policy and directed federal agencies to carefully examine their use of waivers under Buy America (or parallel) requirements “by type and impact on domestic jobs and manufacturing.”

While acknowledging the clear intentions of federal policymakers, contractors on federal-aid projects seek consistent and expeditious interpretation of Buy America regulations in order to minimize the possibility of project costs and delays that could result. As an example, ARTBA and AGC supported FHWA’s efforts to clarify its policy on manufactured products from 2012 through 2016. In some states, interpretations of the Buy America rule had required costly certifications and documentation for inexpensive items such as nuts, bolts, washers and tie wires. FHWA initiated a rulemaking on this issue, although it was not completed before the change in administrations, and appears not to be moving forward at the present time.

Having considered optimal ways to implement Buy America requirements, the Joint Committee supports the following principles:

- Through this policy statement, the Joint Committee is not seeking to undermine core Buy America principles, including the coverage of “permanently incorporated” materials which FHWA has regularly enumerated.
- The waiver application process with FHWA should be timely and should not become a barrier to efficient project delivery or related decision-making by the owner and contractor.
- On the project level, Buy America requirements should be interpreted with a “common sense” approach, ensuring that the burden of compliance on contractors does not lead to the likelihood of cost increases and delays on the project.
- Similarly, FHWA should renew its efforts to develop a nationwide waiver that would exempt commercially-available, off-the-shelf products. The cost and time required to trace and document these products can far outweigh their de minimis financial impact to the project’s total value.
WHEREAS, technology has benefited the transportation industry and the overall economy but there remain sector-specific challenges such as projects that are ever more complex and larger in scale, growing demand for environmentally sensitive construction requiring changes to traditional practices, and shortage of skilled labor and supervisory staff; and

WHEREAS, one of the ways to improve industry-wide productivity is to ensure not only access to but robust use of modern tools and systems by every industry participant; and

WHEREAS, such tools and systems need not be the cutting-edge technology and could consist of “everyday tech” that can be deployed at the lowest level of transportation construction; and

WHEREAS, modern survey technology comprising lidar and GPS serves as example of a technology that has become more accessible due to substantially falling costs while capability has improved through small and light high-resolution cameras mounted on drones and cheaper data uploading and processing services; now therefore be it

RESOLVED, the AASHTO-AGC-ARTBA Joint Committee supports the adoption of commonly used technology at all levels of the transportation construction industry by:

- Identifying methods that can defray relatively high upfront technology acquisition costs for smaller firms, especially given the long-term productivity benefits that can result;
- Identifying and addressing any federal and state regulatory barriers that inhibit deployment of “everyday tech,” and conversely, identifying federal and state actions that can incentivize technology adoption;
- Better understanding the impact of technology deployment on labor and personnel towards a more complementary outcome that better develops and harnesses human capital; and
- Considering implementation of efforts similar to the AASHTO Innovation Initiative (AII) to better understand industry needs related to technology.
WHEREAS, the Fixing America’s Surface Transportation (FAST) Act enacted in December 2015 continues to fulfill the Constitutional directive that investment in transportation is a core federal responsibility with its authorization of $305 billion for federal highway, highway safety, transit, and passenger rail programs from 2016 to 2020, and;

WHEREAS, yet at the same time, the FAST Act provides only a one-time and near-term—though absolutely necessary—reprieve when it comes to federal surface transportation funding, and since 2008, the Highway Trust Fund has been sustained through a series of General Fund transfers now amounting to $140 billion and is expected to incur a shortfall of about $20 billion per year just to keep current funding levels for the coming decade, and;

WHEREAS, without a solution to this crisis, AASHTO estimates that states will see about a 50 percent reduction in highway funding from FY 2020 to the following year, $47 billion to $23 billion in FY 2021, and due to a steeper projected shortfall in the Mass Transit Account, new federal transit obligations are expected to be zeroed out in FY 2021 and FY 2022, and;

WHEREAS, simply put, this is a devastating scenario that our nation must do all we can to avoid, as beyond maintaining program levels, there is strong consensus among states that additional federal funding and investment is warranted, and;

WHEREAS, a number of solutions to fix the Highway Trust Fund have been developed, including Chairman Bill Shuster of the House Transportation and Infrastructure Committee proposing in his infrastructure package discussion draft a 15 and 20 cent per gallon increase plus indexing of motor fuel taxes on gasoline and diesel, and various stakeholder support for a freight-based highway user fee.

NOW, THEREFORE BE IT RESOLVED, that Congress must act promptly to ensure the solvency of the Highway Trust Fund in order to prevent significant planning and construction disruptions to highway and transit projects, to provide stable cash reimbursements to states for costs already incurred, and to ensure and enhance many national benefits of the federal surface transportation program including jobs, economic competitiveness, safety, personal mobility and quality of life, and further be it;

RESOLVED, that the AASHTO Transportation Policy Forum is directed to recommend a specific revenue solution based on investment needs to the Board of Directors by the 2019 Spring Meeting, and be it further;

RESOLVED, that at the 2019 Executive Session, the Joint Committee recommends a specific revenue solution—based on consideration of policy reforms to strengthen the effectiveness and accountability of the federal surface transportation program—to put the Highway Trust Fund in sound and sustainable footing for the long term as part of FAST Act reauthorization, and be it further;

RESOLVED, the Joint Committee harnesses the collective voice and strength of AASHTO, AGC, and ARTBA, to build a bigger coalition of stakeholders supporting its consensus revenue solution to the Highway Trust Fund.

APPROVED BY THE AASHTO BOARD OF DIRECTORS - SEPTEMBER 24, 2018
Introduction

MAP-21 contains significant freight provisions that for the first time in federal surface transportation law explicitly addresses the goal of increasing US global competitiveness through the efficient movement of commercial goods. This is done by establishing national freight policy, a national freight strategic plan, and a national freight network through statewide freight planning, data driven decision making, and performance measures.

Previous Policies versus MAP-21

<table>
<thead>
<tr>
<th>AASHTO</th>
<th>MAP-21</th>
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<tbody>
<tr>
<td>1. Establish a framework for freight policy, planning, operations, and</td>
<td>YES</td>
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<tr>
<td>investment by further defining the nation’s freight transportation</td>
<td></td>
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<td>system, the demand for freight transportation, and the associated</td>
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<td>infrastructure requirements</td>
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<td>2. State-driven multistate, multimodal corridor planning and investment</td>
<td>NO</td>
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<tr>
<td>organizations with certain eligibilities for funding</td>
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<tr>
<td>3. Defer creation of new freight transportation program unless new</td>
<td>YES</td>
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<tr>
<td>resources outside the Highway Trust Fund become available</td>
<td></td>
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<tr>
<td>4. Continue freight eligibilities for existing programs</td>
<td>YES</td>
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<tr>
<td>5. Create USDOT Office of Multimodal Transportation</td>
<td>NO</td>
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Issue Areas

**National Freight Network (NFN)** – Requires DOT to establish a national freight network to assist States in strategically directing resources toward improved movement of freight on highways. The national freight network will consist of three components:

1. (1) a primary freight network (PFN), as designated by the Secretary,
2. (2) any portions of the Interstate System not designated as part of the PFN, and
3. (3) Critical Rural Freight Corridors.

DOT must designate the PFN within one year of enactment of MAP-21. When initially designated, the PFN may contain a maximum of 27,000 centerline miles of existing roadways that are most critical to the movement of freight. DOT may add to the PFN up to 3,000 additional centerline miles of roads critical to
future efficient movement of goods on the PFN. States will designate the critical rural freight corridors using criteria contained in MAP-21.

**National freight strategic plan**— Directs DOT to, within three years of enactment of MAP-21, develop a national freight strategic plan in consultation with States and other stakeholders, and to update the plan every five years. The plan must –

- assess the condition and performance of the national freight network;
- identify highway bottlenecks that cause significant freight congestion;
- forecast freight volumes;
- identify major trade gateways and national freight corridors;
- assess barriers to improved freight transportation performance;
- identify routes providing access to energy areas;
- identify best practices for improving the performance of the national freight network and mitigating the impacts of freight movement on communities; and
- provide a process for addressing multistate projects and strategies to improve freight intermodal connectivity.

**Prioritization of projects to improve freight movement** – Authorizes DOT to allow a maximum Federal share of 95% for an Interstate System project (or of 90% for a non-Interstate System project) if the project makes a demonstrable improvement in the efficiency of freight movement and is identified in a State freight plan.

**State freight advisory committees and freight plans** – Requires DOT to encourage each State to establish a freight advisory committee composed of a representative cross-section of public- and private-sector freight stakeholders. Requires DOT to encourage each State to develop a comprehensive plan for its immediate and long-range freight-related planning and investment.

Directs DOT to develop or improve data and tools to support an outcome-oriented, performance-based approach to evaluating proposed transportation projects. Directs DOT to consider improvements to existing freight flow data collection.

**Performance** – Within 18 months of enactment, requires DOT (within a broader rulemaking on performance) to establish measures for States to use to assess freight movement on the Interstate System. Requires each State to set performance targets in relation to these measures and integrate the targets within its planning processes. States must also report periodically on their progress in relation to the targets and on how they are addressing congestion at freight bottlenecks. Requires each MPO to set performance targets in relation to the freight measures, integrate these targets within their planning processes, and report periodically on their progress in relation to these targets.

**Discussion**

AASHTO continues to engage the FHWA and the USDOT on these issues and anticipates the release of guidance and rule-making related to the freight provisions of MAP-21. AASHTO has previously filed comments in response to US DOT’s Federal Register notice setting forth Interim Guidance on State Freight Plans and State Freight Advisory Committees (Nov. 2012).
Additionally, two AASHTO Board of Directors members serve on the USDOT National Freight Advisory Committee (NFAC), tasked with providing recommendations to the Secretary on the national freight strategic plan and related issues.

There are a number of areas that State DOTs believe should be addressed in the next Congressional surface transportation authorization. These include the following:

- **National Freight Policy** – In the national freight policy set forth at 23 USC 167 Congress has set forth a number of goals, including strengthening competitiveness, increasing productivity and reducing congestion. We recommend that Congress add a goal to improve the ability to move goods long distances across rural areas between population centers and between population centers and rural areas. In addition, we recommend that National Freight Policy reference the multi-modal and intermodal nature of freight transportation in achieving the goals for efficient freight movement.

- **National Freight Network (NFN)** – The primary freight network of the NFN is defined as 27,000 center-line miles (with a possible 3,000 mile increase), plus any Interstate highways not included in these 30,000 miles. The NFN also includes State identified Critical Rural Freight Corridors.

  We believe that the designation criteria are too restrictive and recommend that Congress provide additional flexibility to enable States to designate or include additional segments beyond the current NFN mileage cap of 30,000 plus all other Interstates.

  Additionally, the requirements for States to define the Critical Rural Freight Corridors component of the NFN do not adequately recognize the diverse nature of freight movement within and between States. Congress should allow more flexibility for States to designate corridors as Critical Rural Freight Corridors and other key commerce corridors based on their unique rural freight conditions and movements.

- **Multistate freight corridor planning** – Because bottlenecks on a national freight system can inhibit freight mobility across many states, Congress should provide enhanced eligibility for States to support multi-state corridor planning and/or multi-state organizations in order to enhance the ability to address multi-state projects and strategies to improve freight intermodal connectivity.

- **Incentives to Give Priority to Projects to Improve Freight Movement** – Historically, passenger mobility has been the predominant driver for surface transportation investment. MAP 21 provided an incentive with an increased Federal match to encourage States to give priority to projects to improve freight movement. In reauthorizing MAP 21, Congress should retain the increased federal match for freight projects.

- **Performance** – The transportation community has worked diligently with U.S. DOT to identify national-level measures that will work with existing data sources, technologies and processes. To fully implement the new performance measures and performance based planning and
programming will take several years beyond the current authorization period. In order to provide time for implementation and to assess its effectiveness, Congress should retain the existing freight performance measures provisions and not adopt new procedures or measures until the States have adequate time to implement the performance management standards set in MAP-21.

- **Office of Multimodal Freight Transportation**— There is no institutional mechanism within the US DOT to address the multi-modal domestic and international freight planning needs across the various modal administrations. Congress should reestablish a properly funded and staffed Office of Multimodal Freight Transportation within the U.S. DOT Office of the Secretary with responsibilities that would include international freight transportation issues.

- **National Cooperative Freight Research Program** – The National Freight Cooperative Research Program (NCFRP), authorized under SAFETEA-LU for $5 million, was not reauthorized in MAP-21. NCFRP has produced numerous research products that provide significant assistance to States in their delivery of freight transportation projects. Congress should seek funding from within the funds allocated to transportation research to reestablish this successful program.
INTRODUCTION

The Moving Ahead for Progress in the 21st Century Act (MAP-21), enacted in July 2012, reflected bipartisan and bicameral agreement on a common set of surface transportation policy objectives and program reforms. These policy enhancements include consolidation and reduction of program categories, environmental streamlining, performance and accountability, and expanded opportunities for leveraging existing dollars.

The result was a two-year reauthorization bill that gives some short-term funding stability including preservation of the Highway Trust Fund’s (HTF) solvency with a general fund transfer of $18.8 billion through FY 2014. In the longer term, investment needs will continue to grow while HTF revenues derived from fuel taxes will decline due to increased vehicle fuel efficiency and growing use of alternative fuel vehicles. Consequently, the surface transportation community must assist Congress in identifying sustainable revenues and mechanisms to fund vital transportation investments.

The Finance Work Group of the AASHTO Reauthorization Steering Committee is charged with developing strategies for achieving AASHTO’s goals for funding and financing a robust national surface transportation system. This document aims to provide contextual information to policymakers—including a synthesis of technical analyses, visual illustrations, and updated projections, among others—when considering options that could generate additional revenues for the federal Highway Trust Fund.

CORE PRINCIPLES FOR MAP-21 REAUTHORIZATION

First and foremost, Congress must identify a long-term revenue solution to the HTF that provides predictable and sustainable funding for the surface transportation program. At a minimum, Congress is urged to maintain the current investment level of $53 billion per year and adjust for inflation in future years as outlined in the Congressional Budget Office (CBO) baseline.

In addition, AASHTO Reauthorization Steering Committee’s core principles that are directly related to the development of potential funding and finance strategies include:

- Continue a vibrant and stable federal funding role in investing in, maintaining, and operating an integrated and multimodal national surface transportation system. To meet the Nation’s
surface transportation system needs, the federal government must continue to play a strong funding role. Historically, the federal government has contributed approximately 45 percent of the total capital investment in both highways and transit. All rural and urban areas need to have adequate funding to support access and connectivity to the national transportation system to advance the national economic well-being and global competitiveness. This level of commitment must be maintained which will require a substantial increase in the level of federal capital investment in the nation’s highway and transit systems.

- **Maintain at least the current share of total highway program funding in MAP-21 provided to states via apportioned core programs by continuing the current prohibition on earmarks.**
  Under SAFETEA-LU, an average of 83 percent of Federal Highway funds were apportioned to the States by formula. Under MAP-21, the average of Federal Highway funds apportioned to the States by formula grew to 92.6%. By limiting discretionary programs and administrative allocations, and by eliminating earmarks, funding is largely distributed to the States in a more stable and predictable manner. States should be provided with maximum flexibility to use these core formula funds to meet their unique and diverse transportation system needs.

- **Coalesce around practical funding options, including any user-fee based revenue options, to sustain Federal highway, highway safety and transit program funding and to supplement revenues from existing sources.** In order to place funding for highway, highway safety and transit programs and the solvency of the Highway Trust Fund on a short and long term, sustainable basis, Congress should consider a portfolio of tools, including user-fee based revenue options.

- **Protect and further expand policies that support flexible use of conventional and innovative funding and financing tools.** Congress should grant States maximum access and flexibility to use a mix of funding and financing tools most appropriate for each State. This includes use of public-private partnership opportunities that combine the management efficiency and innovation of the private sector with public sector social responsibility and job generation concerns. Where government policies, laws and regulations impede private investment, acceptable alternatives for reducing these impediments should be developed.

- **Provide dedicated funding, funding guarantees and budgetary firewalls for all modes.** The Highway Trust Fund provides a dedicated funding stream for federal investment in highways, highway safety and transit systems and services, an essential function of the federal government. In 1998 Congress provided the federal highway and transit programs with funding guarantees and budgetary firewalls to ensure revenues accruing to the Highway Trust Fund were being used for their intended purposes rather than being used to offset deficits in other domestic discretionary programs. In 2011 the US House of Representatives established new procedural rules which included eliminating the funding guarantees and firewalls. Because these protections allow for much-needed stability in program and delivery of long-term capital projects which are vital to the improvement of economic competitiveness and quality of life, the funding guarantees and firewalls should be re instituted. Similar guarantees should be established for other modal programs funded through the Aviation Trust Funds, the Harbor Maintenance Trust Fund, and the Inland Waterways Trust Fund.
ADDITIONAL POLICY CONSIDERATIONS FOR FUNDING AND FINANCING

Beyond aligning with AASHTO’s core reauthorization principles, the Finance Work Group has considered specific concepts and concerns that emerged from past AASHTO efforts to establish funding- and finance-related reauthorization positions, including input from the final reports of the Congressionally-chartered National Surface Transportation Infrastructure Financing Commission and the National Surface Transportation Policy and Revenue Study Commission.

Funding and Finance Considerations

- **Funding Sustainability** – Recommended funding options should strive to provide HTF revenue streams that are sustainable and will thus not lose purchasing power and/or decline over time due to inflation, changes in fuel consumption, or other factors.
- **Funding Sufficiency** – Recommended funding options should provide substantial revenue levels that can have a meaningful impact on closing the investment needs gap.
- **Universal Applicability** – The overall package of recommended funding options should be able to support all types of needed surface transportation investment including improvements in both urban and rural areas.
- **Promote Efficient System Use** – To the extent applicable, recommended funding options should create economic incentives that encourage efficient use of the system by influencing vehicle choice and travel decisions.

Modal Considerations

- **Support Emergency Relief funding from both the Highway Trust Fund and General Fund** – Congress should continue to fund highway Emergency Relief program costs above $100 million per year from the General Fund. The Emergency Relief program eligibility should be expanded to include the costs for providing expanded transit and passenger rail service during the loss of use of the highway facilities.
- **As an on-going principle, Congress should maintain the 20 percent share of General Fund support for Transit** – Congress should continue to recognize that providing adequate funding for transit while also allocating sufficient Highway Trust Fund resources to highways will require an on-going contribution of General Fund revenues to transit.
- **Transit program funding should be increased at a growth rate comparable to that of the highway program** – The current ratio of federal spending on the highway program to the transit program (roughly 4 to 1) reflects both the interrelationship between the two modes and an appropriate balance in how the federal government invests in different transportation solutions.

ADDRESSING THE IMPENDING FISCAL CLIFF FOR SURFACE TRANSPORTATION

While the Highway Trust Fund has served as the backbone of federal surface transportation programs since 1956, it is now expected to reach a shortfall situation where virtually all new obligations will be eliminated in FY 2015. This is due to the structural deficit between receipts and outlays, illustrated below, which will average around $15 billion between 2015 and 2020, and continue to increase over time.
Note: This chart is an illustrative device to show the difference between forecasted annual cash flow into and out of the Highway Trust Fund—excluding the impact of recent General Fund transfers—based on current real spending levels. As such, this chart is distinct from the “cliff chart” below which shows actual and estimated spending levels, or obligations. While it demonstrates the unsustainability of the current cash flow trajectory, it does not depict adjustments to annual obligation levels that would be required to prevent the HTF from running a negative balance. (By law, the HTF cannot incur a negative balance.)

If no new revenues are identified for the Highway Trust Fund, highway obligations are expected to be reduced by almost 100 percent from $40 billion in FY 2014 to $0.2 billion the following year. Transit obligations are expected to also experience a significant funding reduction. (The scenario below shows a federal transit program that assumes most of its funding from the General Fund in FY 2015, at about the same level as all other years.)
In light of the recent *Global Competitiveness Report* rankings from the World Economic Forum on infrastructure quality which has listed the United States at 25th place—down from 9th place in 2009—such a major disruption to federal transportation investment will produce serious losses that threaten the gradual macroeconomic recovery seen in the last few years.
It is also important to recognize that our national spending on highways and transit is not only falling in terms of purchasing power, but also relative to the size of our economy. While total federal highway and transit funding as a percent of GDP has fluctuated over time, it has averaged about 0.39 percent over the last five years, which is well below the 0.50 percent that was achieved during the peak of the Interstate construction period (average level from 1959-1973). Given that much of the Interstate system has now reached the end of its design life and must be reconstructed or replaced, and there is considerable need for additional capital improvements to the broader Federal-aid highway network and the country’s transit system, there is a strong argument that the federal government should strive to return to this prior level of investment relative to the national economy.

**DEFINING FEDERAL INVESTMENT LEVELS**

The AASHTO core principles for MAP-21 reauthorization envision a continuing strong federal role in transportation investment that can be sustained through dedicated HTF revenue sources. Under current law, however, this is simply not achievable. Based on AASHTO projections, inaction by Congress to either increase HTF revenues or provide additional General Fund support would result in a federal surface transportation program of only $36.1 billion per year over the next six-year (2015-2020) reauthorization period, the annual average funding level that is supportable under existing HTF revenues (the “Cliff Scenario”). In real terms, this would represent a 37% reduction from the $57.1 billion average annual funding needed to sustain the purchasing power of current Federal-aid spending levels over the same period (derived from Congressional Budget Office Baseline projections).

To continue the vibrant federal commitment to surface transportation investment—which will require states to maintain their current share of overall investments as well—consideration should be given to the following potential funding scenarios for reauthorization:

- **Scenario 1: Sustain Current Investment in Real Terms (Average of $57.1 billion per year between 2015 and 2020)** – This scenario maintains the existing MAP-21 investment level, adjusted for inflation. At minimum, it is imperative to identify solutions that will enable Congress to sustain this current level of surface transportation investment in real terms. On a monthly basis, the amount of additional federal funding needed to support this level of expenditure is estimated to be $10.23 per household.

- **Scenario 2: Investment Needs Identified by USDOT Conditions and Performance Report (Average of $63.1 billion per year between 2015 and 2020)** – USDOT’s 2010 Conditions and Performance report to Congress (C&P report) provides an objective appraisal of the nation’s highway, bridge, and transit conditions and future investment needs. This scenario shows the minimum levels of investment needed to maintain current highway, bridge, and transit conditions and performance and to allow transit agencies to continue accommodating recent historical growth rates. The resulting spending level represents an 11 percent increase in program funding over Scenario 1. On a monthly basis, the amount of additional federal funding needed to support this level of expenditure is estimated to be $13.52 per household.

- **Scenario 3: Return Program to 1993 Purchasing Power (Average of $73.3 billion per year between 2015 and 2020)** – This scenario represents the annual Federal-aid Highway funding levels that would be required to equal and maintain in real terms, the revenue levels that were
achieved in 1993 from federal motor fuel taxes and the other HTF funding sources (the last time federal motor fuel taxes were increased). This scenario will place us on the path to restoring the contribution of our infrastructure in enhancing our global competitiveness. The resulting spending level represents a 28.4 percent increase in program funding over Scenario 1. On a monthly basis, the amount of additional federal funding needed to support this level of expenditure is estimated to be $19.06 per household.

According to a survey result published by the American Road and Transportation Builders Association in May 2013, the average US household paid $46 per month in federal and state gas taxes in 2011. Even with the additional federal contributions illustrated above that range from $10.23 to $19.06 per household, the average American family’s expenditures to fund the surface transportation program appear favorable to their monthly spending on electricity and natural gas service ($160), landline and cell phone service ($161), and cable and satellite television, radio and internet access ($124).

A comparison table and accompanying visual illustration of the three enhanced funding scenarios set against the untenable “no action” or “cliff” scenario that provides no net new revenues are provided in the following pages.
ANNUAL HIGHWAY AND TRANSIT OBLIGATIONS

(Dollars in billions)

2015-2020 HIGHWAY AND TRANSIT OBLIGATIONS

(Dollars in billions)
### Summary of Highway Trust Fund Revenue and Investment Scenarios

($ in billions)

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<tr>
<td>Total Funding</td>
<td>51.7</td>
<td>52.4</td>
<td>53.1</td>
<td>69.9</td>
<td>71.0</td>
<td>72.5</td>
<td>74.0</td>
<td>75.5</td>
<td>77.0</td>
<td>440.0</td>
</tr>
<tr>
<td>Percent increase in Funding Levels from Scenario 1</td>
<td>29%</td>
<td>29%</td>
<td>29%</td>
<td>29%</td>
<td>29%</td>
<td>29%</td>
<td>28%</td>
<td>28%</td>
<td>28%</td>
<td>28%</td>
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<tr>
<td>Highway Account Revenues</td>
<td>37.6</td>
<td>39.0</td>
<td>43.0</td>
<td>33.9</td>
<td>34.8</td>
<td>35.4</td>
<td>35.6</td>
<td>35.6</td>
<td>35.6</td>
<td>210.9</td>
</tr>
<tr>
<td>Transit Account Revenues</td>
<td>5.0</td>
<td>4.9</td>
<td>6.9</td>
<td>4.9</td>
<td>4.9</td>
<td>5.0</td>
<td>5.0</td>
<td>4.9</td>
<td>4.9</td>
<td>29.6</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>42.6</td>
<td>43.9</td>
<td>49.9</td>
<td>38.8</td>
<td>39.7</td>
<td>40.4</td>
<td>40.6</td>
<td>40.5</td>
<td>40.5</td>
<td>240.5</td>
</tr>
</tbody>
</table>

Note: Funding levels for highways and transit are inclusive of the effect of “flexing.” Generally, CBO estimates that $1 billion of highway funds are flexed, or transferred, for transit purposes each year. In the Cliff Scenario, no highway-to-transit flex is assumed to take place in FY 2015.
Congress could achieve the federal program funding levels described in the three scenarios through a variety of existing and proposed funding mechanisms. In accordance with the charge of the Finance Work Group, the funding frameworks and associated options contained herein neither explicitly nor implicitly identify any single approach for recommendation over others. Rather, they provide direction to AASHTO staff as they assist Congress in adopting politically feasible funding and financing solutions in line with AASHTO’s recommendations.

The following section provides a matrix of revenue options with estimated revenue yields that could be achieved through various candidate options, along with a brief description and assessment of each potential mechanism.

<table>
<thead>
<tr>
<th>Funding Mechanisms</th>
<th>Mechanism Yield 2014</th>
<th>Illustrative Rate</th>
<th>Revenues 2014</th>
<th>Average Revenues 2015-2020</th>
<th>Total Revenues 2015-2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Container Tax</td>
<td>$1.00 per TEU= $15.00</td>
<td>$6,317</td>
<td>$6,893</td>
<td>$41,361</td>
<td></td>
</tr>
<tr>
<td>Customs Revenues (Partial Dedication)</td>
<td>10.0¢ per gallon</td>
<td>$1,099</td>
<td>$1,154</td>
<td>$6,926</td>
<td></td>
</tr>
<tr>
<td>Drivers License Surcharge (Annual)</td>
<td>1.0% of Sales $222</td>
<td>$5,000</td>
<td>$1,154</td>
<td>$6,926</td>
<td></td>
</tr>
<tr>
<td>Excise Tax on Diesel (Increase)</td>
<td>1¢ per Ton $399</td>
<td>15.0¢</td>
<td>$5,983</td>
<td>$38,877</td>
<td></td>
</tr>
<tr>
<td>Excise Tax on Diesel (Indexing)</td>
<td>0.1% of Current Taxes</td>
<td>1.0% of GF Revenues</td>
<td>$6,183</td>
<td>$1,046</td>
<td></td>
</tr>
<tr>
<td>Excise Tax on Gasoline (Increase)</td>
<td>1¢ per Gallon $1,282</td>
<td>10.0¢</td>
<td>$12,823</td>
<td>$80,202</td>
<td></td>
</tr>
<tr>
<td>Freight Charge - Truck Only (Ton)</td>
<td>10.0¢ of Sales $8.318</td>
<td>$1.0%</td>
<td>$9,236</td>
<td>$55,415</td>
<td></td>
</tr>
<tr>
<td>Freight Bill - All Modes (Ton)</td>
<td>10.0¢ of Sales $7.221</td>
<td>1.0%</td>
<td>$8,018</td>
<td>$48,110</td>
<td></td>
</tr>
<tr>
<td>Freight Charge - All Modes (Ton-Mile)</td>
<td>1¢ per Ton $180</td>
<td>25.0¢</td>
<td>$4,492</td>
<td>$29,929</td>
<td></td>
</tr>
<tr>
<td>Freight Charge - All Modes (Ton-Mile)</td>
<td>1¢ per Ton-mile $47,530</td>
<td>0.5¢</td>
<td>$23,765</td>
<td>$158,334</td>
<td></td>
</tr>
<tr>
<td>Freight Charge - Truck Only (Ton)</td>
<td>50.0¢ per Ton $124</td>
<td>25.0¢</td>
<td>$3,098</td>
<td>$20,641</td>
<td></td>
</tr>
<tr>
<td>Freight Charge - Truck Only (Ton-Mile)</td>
<td>1¢ per Ton-mile $13,911</td>
<td>0.5¢</td>
<td>$6,956</td>
<td>$46,342</td>
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<tr>
<td>Harbor Maintenance Tax (Increase)</td>
<td>0.1% Tax $1,331</td>
<td>15.0%</td>
<td>$6,657</td>
<td>$43,584</td>
<td></td>
</tr>
<tr>
<td>Heavy Vehicle Use Tax (Increase)</td>
<td>100% Increase $852</td>
<td>15.0%</td>
<td>$163</td>
<td>$977</td>
<td></td>
</tr>
<tr>
<td>Import Oil Tax</td>
<td>$1.00 per Barrel $1,677</td>
<td>$1,677</td>
<td>$3,628</td>
<td>$21,171</td>
<td></td>
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<tr>
<td>Income Tax - Business (Partial Dedication)</td>
<td>0.1% of Current Taxes</td>
<td>$440</td>
<td>$4,847</td>
<td>$29,082</td>
<td></td>
</tr>
<tr>
<td>Income Tax - Personal (Partial Dedication)</td>
<td>0.1% of Current Taxes</td>
<td>$1,508</td>
<td>$15,084</td>
<td>$110,356</td>
<td></td>
</tr>
<tr>
<td>Oil, Gas, Minerals Lease - Royalties (Partial Deduction)</td>
<td>1.0% of GF revenues $15</td>
<td>50.0%</td>
<td>$750</td>
<td>$4,500</td>
<td></td>
</tr>
<tr>
<td>Oil, Gas, Minerals Lease - Rent, Bonus, and Other Income</td>
<td>1.0% of GF revenues $55</td>
<td>50.0%</td>
<td>$2,750</td>
<td>$16,500</td>
<td></td>
</tr>
<tr>
<td>Registration Fee on Light Duty Vehicles (Annual)</td>
<td>$1.00 Fee $259</td>
<td>$10.00</td>
<td>$2,731</td>
<td>$16,387</td>
<td></td>
</tr>
<tr>
<td>Registration Fee on Trucks (Annual)</td>
<td>$1.00 Fee $9</td>
<td>$15.00</td>
<td>$133</td>
<td>$797</td>
<td></td>
</tr>
<tr>
<td>Sales Tax on Auto-related Parts and Services</td>
<td>10.0¢ of Sales $2,567</td>
<td>1.0%</td>
<td>$2,883</td>
<td>$17,299</td>
<td></td>
</tr>
<tr>
<td>Sales Tax on Fuel - Diesel</td>
<td>10.0¢ of Sales $1,253</td>
<td>11.0%</td>
<td>$15,839</td>
<td>$95,033</td>
<td></td>
</tr>
<tr>
<td>Sales Tax on Fuel - Gasoline</td>
<td>10.0¢ of Sales $3,711</td>
<td>8.0%</td>
<td>$29,686</td>
<td>$186,753</td>
<td></td>
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<tr>
<td>Sales Tax on New and Used Light Duty Vehicles</td>
<td>10.0¢ of Sales $2,619</td>
<td>1.0%</td>
<td>$2,619</td>
<td>$15,715</td>
<td></td>
</tr>
<tr>
<td>Sales Tax on New Light Duty Vehicles</td>
<td>10.0¢ of Sales $1,625</td>
<td>1.0%</td>
<td>$1,625</td>
<td>$9,752</td>
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</tr>
<tr>
<td>Sales Tax on Trucks and Trailers (Increase)</td>
<td>10.0¢ of Sales $268</td>
<td>5.0%</td>
<td>$1,677</td>
<td>$10,062</td>
<td></td>
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<tr>
<td>Tire Tax on Light Duty Vehicles</td>
<td>$1.00 Fee $195</td>
<td>$3.00</td>
<td>$615</td>
<td>$3,687</td>
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<tr>
<td>Tire Tax on Trucks (Increase)</td>
<td>100% Increase $434</td>
<td>10.0%</td>
<td>$54</td>
<td>$326</td>
<td></td>
</tr>
<tr>
<td>Vehicle Miles Traveled Fee on Light Duty Vehicles (All Miles)</td>
<td>1¢ per VMT $26,891</td>
<td>2.0¢</td>
<td>$55,852</td>
<td>$335,111</td>
<td></td>
</tr>
</tbody>
</table>
Description of Potential Revenue Options

- **Container Tax** – A national fee imposed on some or all containers moving through the US. If the charge is only assessed on imports, it can be expected to raise approximately one-third less revenues. Revenues from such a fee would be strictly dedicated to fund freight investment activities.
  - **Pros** – Raises a decent level of funding relative to freight needs; moderate implementation, administration, and compliance costs; strong sustainability
  - **Cons** – Does little to promote efficient system use; potential international trade laws conflicts; could have regional equity issues

- **Customs Revenues (Partial Dedication)** – Customs duties are imposed at varying rates on various imported goods passing through US international gateways and currently go to the General Fund of the US Treasury. A number of interest groups, as well as the Policy Commission, have suggested that given the role transportation infrastructure plays in facilitating the import of goods, a portion of current customs duties should be allocated to support transportation investment.
  - **Pros** – Small percentage of current revenues provides significant revenues; highly sustainable
  - **Cons** – Diverts or expands a mechanism that is currently used and viewed as an important US General Fund revenue source

- **Drivers License Surcharge (Annual)** – States charge a fee for issuing drivers’ licenses. In some cases, the fee simply recovers the cost of administering the licensing programs. In many states, however, license fees also are used as a source of funding for transportation or other purposes.
  - **Pros** – Significant revenue yield; well-established in each state with minimal additional administrative cost
  - **Cons** – Strong public and political opposition; different licensing practices in each state; infringes on states’ reliance on this fee; poor social equity

- **Excise Tax on Motor Fuels (Increase)** – Federal motor fuel tax rates are currently 18.4 cents per gallon for gasoline, gasohol and special fuels (rates on special fuels vary, but average about 18.4 cents), and 24.4 cents per gallon for diesel. Federal motor fuels taxes were last increased for transportation purposes by five cents per gallon in 1982. Additional revenues were added to the Highway Trust Fund by recapturing 2.5 cents per gallon in 1996 and another 4.3 cents per gallon in 1998 that were previously allocated to the General Fund for deficit reduction purposes.
  - **Pros** – Large revenue yield with small rate change; a tried-and-true user fee; ease of administration
  - **Cons** – Long-term sustainability issues; strong public opposition; somewhat regressive

- **Excise Tax on Motor Fuels (Indexing)** – Establishes an annual adjustment to motor fuel tax rates to sustain purchasing power based on a gauge of inflation such as CPI-U (Consumer Price Index – Urban) or GDP (Gross Domestic Product) Price Index.
  - **Pros** – Maintains purchasing power
  - **Cons** – Likely unpopular during high inflation periods; perpetuates dependence on motor fuels as the primary HTF funding source
- **Freight Bill** – A freight waybill tax would serve as a sales tax on the shipping costs for freight. Such a tax could be modeled on the aviation system tax, in which passenger and freight users who rely on the same infrastructure and carriers all contribute to fund the system. The air-freight waybill tax currently provides 5 percent of contributions to the federal Airport and Airway Trust Fund
  - **Pros** – Large revenue yield potential; reasonably equitable
  - **Cons** – Expensive to administer and enforce; more of an indirect user fee, as not directly related to system use

- **Freight Charge: Ton or Ton-Mile** – Freight-related taxes could be imposed on a pure tonnage or ton-mile basis. A ton-based tax would charge shippers a flat fee for every ton of freight moved. Variations of these taxes have been imposed by a few states in the past, but there has not been an equivalent tax imposed at the federal level.
  - **Pros** – Decent revenue yield potential; justifiable as a transportation user fee; potential positive impact on efficient system use
  - **Cons** – Strong trucker/rail opposition; impact of tax heaviest on low-value bulk items; significant implementation, administration, and compliance issues; not a viable short-term option

- **Harbor Maintenance Tax (Increase)** – This is an existing revenue mechanism, similar to customs duties and fees, that supports the federal Harbor Maintenance Trust Fund through an ad valorem tax on the value of passenger tickets and declaring commercial cargo loaded onto or unloaded from vessels using federally maintained harbors. The current tax is largely used to pay for harbor dredging and thus primarily benefits deep-draft oceangoing vessels carrying cargo on trans-oceanic routes.
  - **Pros** – Largely sustainable; would not require major administrative effort or expansion of legal authority
  - **Cons** – Portion levied on imports could increase international trade laws conflicts; tax is not levied on US exporters that use much of the local highway system around ports

- **Heavy Vehicle Use Tax (Increase)** – An annual fee is currently imposed on all trucks 55,000 pounds Gross Vehicle Weight (GVW) or greater. The tax rate is $100 plus $22 for each 1,000 pounds of GVW in excess of 55,000 pounds, up to a maximum annual fee of $550 (thus, all trucks with GVW greater than 75,000 pounds pay the maximum).
  - **Pros** – Strong correlation between tax and user benefit/impact; easy and cost-effective to administer
  - **Cons** – Does not raise a lot of revenue

- **Imported Oil Tax** – A tax on imported oil charged as either a fixed amount per barrel of oil or as a percentage on the value of imported oil.
  - **Pros** – Small fee could raise significant revenue; can help to promote US energy independence
  - **Cons** – Broad nature of tax creates limited user pay/benefit relationship (e.g., home heating oil would be taxed for transportation); raises geographical equity issues; could raise broader free trade issues
- **Income Tax: Business and/or Personal (Partial Dedication)** – A national income tax for transportation could be created fairly easily and inexpensively by dedicating a portion of the existing tax or by adding an across-the-board increase to current personal and/or corporate income tax rates.
  
  - **Pros** – Small percentage tax yields significant revenue; strong sustainability; inflation-neutral; easy to administer and enforce; relatively progressive
  
  - **Cons** – Support for dedicating revenues to transportation needed though good transportation aids income growth; strong political opposition; weak link to economic efficiency and equity; negative impacts on the federal budget

- **Oil, Gas, Minerals Lease - Rent, Bonus, and Other Income (Partial Dedication)** – The federal government receives various income comprised of rent, bonus bids, and other payments from the extraction of oil, natural gas, and minerals from federal lands and offshore mining activities. Aside from a portion designated for the states, the remaining amount of these revenues currently goes to the federal General Fund which could be redirected for transportation purposes.
  
  - **Pros** – Sustainable; can help to promote US energy independence
  
  - **Cons** – Diverts funds from US General Fund; link to transportation is not as strong as user fees; revenues could be volatile

- **Oil, Gas, Minerals Lease - Royalties (Partial Dedication)** – The federal government collects royalties from the extraction of oil, natural gas, and minerals from federal lands and offshore mining activities. Aside from a portion designated for the states, the remaining amount of these revenues currently goes to the federal General Fund which could be redirected for transportation purposes.
  
  - **Pros** – Sustainable; can help to promote US energy independence
  
  - **Cons** – Diverts funds from US General Fund; link to transportation is not as strong as user fees; revenues could be volatile

- **Registration Fee on Light Duty Vehicles and/or Trucks** – All states impose annual vehicle registration and related fees, and at least half the states raise more than a quarter of their dedicated transportation revenues through this mechanism. The structure of registration fees varies widely, from a flat per vehicle fee to a schedule of rates based on factors such as vehicle type, weight, age, horsepower, and value.
  
  - **Pros** – Small federal fee; sustainable; well-established; little additional administrative cost; could charge for indirect impacts such as carbon emissions
  
  - **Cons** – No relation to system use; could be viewed as double taxation at the federal level due to the existing Heavy Vehicle Use Tax; infringes on states’ reliance on this fee

- **Sales Tax on Auto-related Parts and Services** – Similar to the vehicle sales tax, a national sales tax could be established on all products and services related to vehicle use, including part and accessories, lubricants, and repairs.
  
  - **Pros** – Small tax rate could yield relatively large revenues; strong sustainability; justifiable as a flexible, dedicated source for transportation
  
  - **Cons** – Significant administrative and compliance issues; social equity issues; little relationship with system use; limited public acceptance; potential to disincentive repairs and create safety issues

- **Sales Tax on Motor Fuels** – A national sales tax on motor fuels could be imposed as a percentage of motor fuel costs. A handful of states currently impose a motor fuels sales tax, most in the 4 to 6 percent range, as a supplement to a traditional cent per gallon tax (note: not
all states that impose a motor fuels sales tax dedicate all of the resulting revenues to transportation). The revenue generation capabilities of a national motor fuels sales tax would be driven by several variables, including the price of fuel, the tax collection point (e.g., at the pump vs. points along the distribution network), the basis for the tax (e.g., inclusion vs. exclusion of state and local taxes), and the imposition of tax ceilings or floors.

- **Pros** – Small percentage tax raises significant revenues; sustainable in the short term; provides flexible, dedicated transportation funding
- **Cons** – Fuel price volatility could lead to unpredictable revenue levels; unsustainable in the long-term; political/public resistance can build during price spikes

### Sales Tax on New and/or Used Light Duty Vehicles
- Most likely levied as a percentage of the total sales price for either all new or new/used vehicle purchases (similar to the existing sales tax on trucks and trailers).
- **Pros** – Small fee could raise significant revenue; highly sustainable, captures revenues from alternative fuel vehicle users; could likely be implemented through either existing state tax mechanisms or imposed through vehicle manufacturers
- **Cons** – Could cannibalize a traditionally important state/local transportation and general fund revenue source; limited user-benefit correlation

### Sales Tax on Trucks and Trailers (Increase)
- A federal sales tax of 12 percent is imposed on the retail sales price for the first sale of all tractors and trucks over 33,000 pounds in gross vehicle weight (GVW) and trailers over 26,000 pounds in GVW, including parts and accessories associated with the sale.
- **Pros** – Strong sustainability that tracks with inflation; strong history that is easy to administer; reasonably acceptable from a public/political perspective; tax at national level creates even playing field; recover heavy vehicles’ cost to the system
- **Cons** – Revenue potential is limited; unstable and highly cyclical; no relationship with system use; disincentive to purchase newer vehicles

### Tire Tax on Light Duty Vehicles
- A national tax on light-duty vehicle tires for both tires on new vehicles and replacement tires. Would likely be implemented in conjunction with the current federal truck tire tax.
- **Pros** – Provides a counter LDV balance to the current truck tire tax; highly sustainable; strong user-benefit correlation
- **Cons** – Does not raise significant revenues; may discourage timely replacement of worn tires

### Tire Tax on Heavy Trucks (Increase)
- A federal tax is imposed on the purchase of all tires with a maximum rated load over 3,500 pounds. The tax is justified in part because it helps to recover some of the additional system damage costs caused by heavier vehicles. The current tax rate is 9.45c for every 10 pounds of maximum capacity that exceeds 3,500 pounds.
- **Pros** – Strong correlation between tax and user benefit/impact; easy and cost-effective to administer
- **Cons** – Does not raise a lot of revenue

### Vehicle Miles Traveled Fee on All Light Duty Vehicles
- Drivers can be charged for the total number of miles traveled, regardless of the road used or the time of day. The fee can be charged in a number of ways. With the recent passage of a bill by the Oregon Legislature, Oregon will be implementing the nation’s first VMT fee. Oregon DOT will build a system that will allow up to 5000 voluntary participants to choose from a number of methods of collecting data on miles driven and paying fees, including means that do not require GPS systems to address privacy
concerns. Germany has a system of charging trucks tolls for miles traveled, exhaust emissions, and number of axles. The charges are calculated using on-board GPS equipment and wireless communication devices. A related method is pay-as-you-drive insurance.

- **Pros** – Large revenue yield potential; highly sustainable; appropriate user fee; leads to more efficient use of system

- **Cons** – Public and political opposition is high, especially on privacy grounds; considerable costs and challenges (institutional, administrative, and cultural); not enough real-world experience with implementation; not a viable short-term option
AASHTO Highways Work Group
MAP-21 Reauthorization Background Paper

Introduction
MAP-21 provided numerous positive changes to federal transportation law in the areas of program structure, flexibility, and transferability. While MAP-21 did not increase federal funding sorely needed for transportation, it offered many opportunities for States to improve and enhance the nation’s transportation system, including eliminating earmarks and providing significant new flexibility to States departments of transportation in the transferability of funding between programs.

The Highways Reauthorization Work Group started its work by reviewing the recommendations made during the previous reauthorization effort in 2008 (as well as the revised recommendations adopted in 2011), and comparing those recommendations to what was achieved in the MAP-21 legislation. For the most part, the language of MAP-21 provides significant benefits to the state DOTs in the area of highway and bridge maintenance and project delivery.

Previous AASHTO Policies versus MAP-21
Generally speaking, the highways provisions in MAP-21 were in-line with AASHTO’s reauthorization policy recommendations, as seen in the table below.

<table>
<thead>
<tr>
<th>AASHTO “Highways” Recommendations for SAFETEA-LU Reauthorization</th>
<th>Included in MAP-21?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expand Flexibility in Tolling on Interstate System</td>
<td>Yes</td>
</tr>
<tr>
<td>Transferability between Interstate Maintenance, NHS, and Bridge Programs</td>
<td>Yes</td>
</tr>
<tr>
<td>Study to re-examine definition of Interstate and NHS</td>
<td>Yes</td>
</tr>
<tr>
<td>Expand flexibility in Bridge Program</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Issue Areas
Coordination with two other reauthorization work groups was essential in this effort, as, in many instances, the language in MAP-21 is cross-cutting in nature. For example, the Planning Work Group discussed issues surrounding the expansion of the National Highway System (NHS) and the inconsistency of the MAP-21 penalties imposed on Interstate pavements and NHS bridges, while the Project Delivery and Environmental Work Group handled advanced acquisition of right-of-way and other project delivery issues. For these items, the Highways Work Group supports the recommendations made by these other work groups, as noted in the “Additional Recommendations...” section at the end of this background paper.
Bridge Funding Flexibility
Federal-aid highway system bridges are vitally important to the efficient movement of people and goods, as these bridges link the economic drivers—the farms, the factories, the shopping malls, the big-box stores—to the facilities that allow for long-haul transport from coast to coast. It is vitally important to maintain these bridges in optimal condition—e.g., without load restrictions—to ensure unimpeded access of our country’s economic generators to the National Highway System.

The consolidation of programs within MAP-21 placed funding for the bulk of the nation’s bridges into the Surface Transportation Program (STP), which has a multitude of competing interests and less than half the funding of the National Highway Performance Program (NHPP). While it is understood that the NHPP is intended to focus on the highest-level facilities across the country, the critical nature of federal-aid highway system bridges and their ability to connect (or strand) areas or communities makes their upkeep as important to the purpose and function of the NHS as the upkeep of the NHS facilities themselves. Thus, AASHTO believes that States should have the flexibility to fund non-NHS bridges that are on the federal-aid highway system under the National Highway Performance Program (NHPP).

Positive Protection in Work Zones
While AASHTO holds the safety of the construction workforce in the highest regard, the implementation of the positive protection requirements of Section 1405 of MAP-21, “Highway Worker Safety,” could have unintended consequences that undermine the goals of the law.

As noted by FHWA in a 2006 proposed rule on positive protection, worker fatalities due to intrusions are an extremely small percentage of the fatalities that occur in work zones. Congress must be careful not to mandate solutions for all situations that may increase protection for a small number of workers at the expense of increasing the much larger percentage of work zone fatalities that are experienced by the traveling public. Specifically, the requirement for “...positive protective measures...to separate workers on highway construction projects from motorized traffic in all work zones conducted under traffic in areas that offer workers no means of escape (such as tunnels and bridges), unless an engineering study determines otherwise...” is unnecessarily restrictive in its wording. There are many situations where barriers are not reasonable options—such as for short-term operations such as bridge inspections or survey crews, or for mobile operations such as striping—and transportation agencies should not be restricted from considering alternative intrusion countermeasures.

In addition, the phrase “unless an engineering study determines otherwise” involves having to prove a “negative” concept—i.e., proving that something is not needed—which is extremely difficult to accomplish in a court of law and will leave the States open to unnecessary litigation. Thus, these statements will become default requirements.

State DOTs need flexibility for “project-by-project” solutions, as opposed to a “one-size-fits-all” approach. Engineers must be able to use their expertise and engineering judgment, in conjunction with such references as the federal Manual on Uniform Traffic Control Devices and the AASHTO Roadside Design Guide, to create solutions that are the most appropriate for each given project.
Value Engineering

Value engineering has been supported by the State DOTs for many years, and AASHTO has had a technical committee devoted to advancing the state-of-the-practice in this area for almost two decades. MAP-21 provided several common-sense adjustments to the value engineering program at the federal level, including increasing the monetary thresholds for projects on which value engineering is required, and removing the requirement for value engineering studies on non-NHS bridges (typically the smaller, run-of-the-mill bridges) and for design-build projects (which inherently has aspects of value engineering embedded within the project development process).

However, AASHTO is concerned that one very small change in language between the SAFETEA-LU and MAP-21 versions of the Value Engineering section – the removal of the words “or other cost-reduction analysis” from the section describing the analysis a state is required to provide – could result in restricting the potential development of newer, more robust processes to evaluate cost effectiveness more comprehensively within the project development process. For example, Utah DOT has developed a process they call “risk-based engineering” which accomplishes many of the same objectives as a traditional value engineering study in a more integrated way.

Timely and Cost-Effective Maintenance

Section 1507 of MAP-21 revised the definition of “preventive maintenance” to include “pavement preservation programs and activities,” defining the latter as “…programs and activities employing a network level, long term strategy that enhances pavement performance…”. These activities are crucial maintenance activities that prevent pavements from deteriorating prematurely and ensure that the significant investment made in the construction or rehabilitation of the pavement is not wasted.

However, recent technical guidance from USDOT and USDOJ likens many preventive maintenance and pavement preservation activities to reconstruction or rehabilitation activities, which causes additional federal requirements to be triggered, thus adding complexity and delay to many simple maintenance activities and potentially reducing their use, to the detriment of the system and its long-term performance.

Reauthorization Recommendations from the Highways Work Group

AASHTO supports the continuation of the consolidated federal highway programs within MAP-21, as well as the flexibility provided in the transfer of funding between major subsets of this program.

However, there are a few areas that that need clarification related to the highway provisions. These include the following:

- Flexibility to Fund Needed Bridge Reconstruction/Rehabilitation—In order to ensure the connectivity of our nation’s economic drivers to the National Highway System, States need the flexibility to fund non-NHS bridges on the federal-aid highway system under the National Highway Performance Program (NHPP).
• **Appropriate Use of Positive Protection in Work Zones**—Flexibility is vital in determining the appropriate use of positive protection in work zones to ensure the safety of both the workers and the traveling public, as well as to ensure cost effectiveness. The majority of deaths and injuries within work zones actually comes from the vehicles operating within the work zone itself, as opposed to vehicles intruding upon the work zone from the travelway. Thus, the appropriate use of positive protection measures is best determined at the project level by state and local transportation agencies.

• **Ensuring the Best Use of Value Engineering**—Flexibility is needed in current requirements (based on changes made as a result of MAP-21) regarding value engineering analyses to ensure that newer and better approaches are not discouraged. The current requirement for value engineering procedures, without acknowledgement that newer, more robust techniques for analyzing project costs and benefits are being developed and utilized by various transportation agencies, such as “risk-based engineering,” could unintentionally limit further advances in project management.

• **Ensuring that Needed Roadway Maintenance is Conducted in a Timely and Efficient Manner**—AASHTO requests that USDOT and USDOJ work with the State DOTs and other stakeholders to determine an approach that achieves greater accessibility while also ensuring that critical routine maintenance activities continue to be conducted without undue cost and delay.

Overall, AASHTO urges Congress and USDOT to ensure continued flexibility in the delivery of the federal transportation program, and to reduce regulatory burdens and improve agency work practices consistent with the national goal of reducing project delivery delays.

**Additional Recommendations Supported by the Highways Work Group**

**Address Secondary Impacts of NHS Expansion**
Section 1104 of MAP-21 expanded the National Highway System (NHS) from 160,000 miles to 220,000 miles, including the addition of all principal arterial routes that connect to the NHS. With that expansion came NHS requirements that now apply to many more facilities, including many locally-owned facilities over which State DOTs have little control but will be held accountable within their performance management systems. The added cost of complying with the increased responsibilities and regulations associated with the expanded NHS have financial implications for transportation agencies that were not addressed in MAP-21. In addition, compliance with federal requirements – such as the development of a state transportation asset management plan – poses challenges in bringing together all the agencies with jurisdiction over NHS road miles.

The Highways Work Group supports the Planning Work Group’s recommendation with regard to allowing FHWA the flexibility to remove routes added to the NHS in MAP-21.

**Consistency of Approach for Maintaining Interstates and NHS Bridges**
As noted in the recommendations from the AASHTO Planning Work Group, penalties within the “Interstate System and NHS Bridge Conditions” (Section 1106, National Highway Performance Program)
section of MAP-21 are inconsistent with an asset management approach, which is required in other sections of MAP-21. MAP-21 requires USDOT to establish “minimum condition” levels for NHS bridges and for Interstate System pavement. If the minimum conditions are not met, the State would be required to redirect certain funds to improve those conditions until the minimum conditions are met. These minimum condition levels for bridges and pavement effectively “trump” the asset management plan and will lead states to a “worst first” approach, which is more costly and will not achieve the most efficient system improvements in the long run.

AASHTO recommends continuing to focus on advancing the asset management approach to maintaining transportation infrastructure in its optimal condition.

**Early Acquisition of Right of Way**
AASHTO supports the continuation of MAP-21’s right-of-way provisions, which broadened States’ ability to acquire right-of-way prior to completion of the NEPA process, using both Federal and non-Federal funds.

**Two-Phased Contracting**
AASHTO also continues to support MAP-21’s provision directing USDOT to promulgate regulations to allow States to enter into two-phased contracts that include preconstruction and construction services.

Introduction
MAP-21 contains performance measures that will transform the federal-aid highway program and provide a means to the most efficient investment of federal funds. This is done by refocusing on national transportation goals, increasing the accountability and transparency of the federal-aid highway program and improving program decision making through performance-based planning and project decision-making.

The Secretary, in consultation with States, MPOs, and other stakeholders, will establish performance measures for pavement conditions and performance for the Interstate and NHS, bridge conditions, injuries and fatalities, traffic congestion, on-road mobile source emissions, and freight movement on the Interstate System. States (and MPOs, where applicable) will set performance targets in support of those measures, and State and metropolitan plans will describe how program and project selection will help achieve the targets.

Previous Policies versus MAP-21
MAP-21 includes a lot of the policies that AASHTO adopted in 2011. As seen in the table below, of the five policy positions related to performance management, MAP-21 essentially included all five recommendations. The only exception is for sanctions and penalties and these are minor. For example, if states fail to demonstrate making significant progress towards their targets, they must develop a report that demonstrates how the state is working to make progress. If states do not meet targets in the area of safety, bridges, and pavement, then there is less flexibility given to states in using their funds.

<table>
<thead>
<tr>
<th>AASHTO</th>
<th>MAP-21</th>
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<tbody>
<tr>
<td>6. Performance measures should <em>not be used to apportion or allocate funds</em></td>
<td><strong>YES</strong></td>
</tr>
<tr>
<td>7. Focus on <em>achieving progress</em> toward a few national goals</td>
<td><strong>YES</strong></td>
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<tr>
<td>8. <em>Limited set</em> of performance measures developed by cooperation</td>
<td><strong>YES</strong></td>
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<tr>
<td>9. Targets established by States <em>without approval</em> of U.S. DOT</td>
<td><strong>YES</strong></td>
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<tr>
<td>10. Require regular public reports but <em>no sanctions or penalties</em> to punish or reward States</td>
<td><strong>YES and NO</strong></td>
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Issue Areas
- **National-Level Measures**—U.S. DOT is responsible for establishing the performance measures used for use in measuring progress in four areas: the National Highway Performance Program
The legislation specifies the types of measures to be established, and does not allow USDOT to establish additional measures. The USDOT is required to establish the measures through a rulemaking within 18 months after enactment.

The AASHTO Standing Committee on Performance Management (SCOPM) created a Task Force on Performance Measure Development, Coordination and Reporting charged to “assist SCOPM and AASHTO to develop a limited number of national performance measures and help prepare AASHTO members to meet new Federal performance management requirements.” The Task Force includes representatives from each performance management area and other leaders within the AASHTO organization and is chaired by Paul Degges, Chief Engineer of Tennessee Department of Transportation. The purpose of this Task Force is to serve as a single clearinghouse for recommended national-level performance measures identified by those AASHTO committees with in-depth knowledge of the technical aspects of the individual performance measure areas. In November 2012, the Task Force issued its Findings on National-Level Performance Measures to the AASHTO Board of Directors. These recommendations are available at http://scopm.transportation.org.

- **Target Setting**—The States are required to establish performance targets correlated to each of the performance measures established by the U.S. DOT. The States’ are required to adopt these performance targets within 1 year after U.S. DOT issues the final rule establishing the performance measures. The States must establish their targets in “coordination” with MPOs and with public transit operators in areas not represented by MPOs. The MPOs are required to establish performance targets in each of the areas addressed by the performance measures adopted by U.S. DOT. The MPOs are required to adopt their targets in “coordination” with the State and with the public transit operator in the MPO area. The MPOs are required to adopt their targets within 180 days after the adoption of targets by the State or public transit operator.

Since the submittal of the SCOPM Task Force Findings on National-Level Performance Measures, the Task Force identified the need for additional guidance on the specific topic of target setting related to national-level performance measures. Through a series of meetings, a subgroup of the SCOPM Task Force met to develop findings with regard to MAP-21 Performance Target-Setting. The subgroup developed a document that represents the findings on target setting related to the national-level performance measures. These recommendations are available at http://scopm.transportation.org.

- **Reporting**—The States are required to report progress being made towards established targets on a regular basis. Within this report, States will have to indicate how they have made progress towards meeting their targets. If significant progress has not been made, as defined by U.S. DOT, there are consequences to States.

- **Data**—The foundation of MAP-21 are the various performance management requirements which will transform the federal aid highway program to a data-driven program. By definition, these new requirements create a data intensive environment where State DOTs will be forced to collect, store, analyze, and report significantly more data and information. Implementation of the national-level performance measures is dependent on the availability of quality data. In some situations, State DOTs are already collecting data that could be used to report on the
national-level measures. However, in many situations, the data may not be consistent across states nor does a consistent data set exist for an entire state or region. In order for the national-level performance measures to be consistent across all State DOTs, consistency in terms of data sources, analysis, and calculation will need to be addressed. In all likelihood, a combination of State DOT data, FHWA-provided data sets and nationwide private sector speed data will need to be provided to states in a ready-to-use format. As we move to a more data-driven program, AASHTO encourages U.S. DOT adopt a core set of data principles to guide data collection efforts such that the resources needed to acquire the data and information are minimized. These resources would include time, manpower, financial, IT, etc.

Discussion
AASHTO recommends that MAP-21 be given time to work, especially in the implementation of the performance management requirements, before substantive changes are considered. The issues discussed previously are ones that SCOPM is currently working with FHWA on addressing through the rule-making process. It is important that SCOPM continue to work with FHWA and let the performance management provisions of MAP-21 have time to be implemented. As the various NPRMs are issued by U.S. DOT, SCOPM, working with many other AASHTO committees and subcommittees, will provide comments and take action as necessary.

AASHTO’s primary focus with regard to performance management is on implementation and many of the concerns can be addressed in the rule-making process. However, there are a number of areas that are of concern to the State DOTs. These include the following:

- **Any type of linkage to apportionment**—MAP-21 does not link performance achievement to funding or apportionment and this should remain the case. While MAP-21 does have some sanctions if State DOTs do not make significant progress towards the achievement of targets, no new or additional sanctions or penalties should be included. The transportation community needs time to let the existing MAP-21 performance management requirements be implemented.
- **Growth or expansion of more performance measures**—No new national-level performance measures should be established beyond what is included in MAP-21. The transportation community has worked diligently with U.S. DOT to identify national-level measures that will work with existing data sources, technologies and processes.
- **Use a collaborative approach to develop more consistent data practices**—U.S. DOT should work collaboratively with state DOTs in an effort to establish more consistent methodologies for collecting data related to implementation of the performance management requirements in MAP-21.
Introduction

MAP-21 requires States and MPOs to establish and use a performance-based approach as part of the statewide and metropolitan transportation planning process. The performance-based approach must be used in transportation decision making and to support seven National Goal Areas established within MAP-21. The U.S. DOT, through a rulemaking process, will establish performance measures associated with twelve different performance measure areas listed in MAP-21. Each State will be required to establish performance targets associated with each performance measure for use in tracking progress toward outcomes. In addition, each MPO will be required to establish performance targets in coordination with the State and transit agency, as necessary. Various plans required under MAP-21 will report progress toward target achievement.

Though the states and MPOs set targets, there will be minimum standards for Interstate pavement and NHS bridge conditions. If pavement conditions on the Interstate fall below the minimum condition level for pavements, the State shall be required to shift funding to address this performance issue. Similarly, if more than 10 percent of the bridge deck area of bridges on the NHS System is classified as structurally deficient for more than three years, the State shall be required to shift funding to address this performance issue.

In addition to requiring performance-based planning, MAP-21 also made other changes that relate directly or indirectly to transportation planning, including changes that require transportation asset management; expand the National Highway System; establish the Transportation Alternatives Program (TAP); and modify the Congestion Management and Air Quality (CMAQ) program.

Previous AASHTO Policies versus MAP-21

Generally speaking, the planning provisions in MAP-21 were in-line with AASHTO policy as seen in the table below. The only area that was not specifically addressed was streamlining fiscal constraint.

<table>
<thead>
<tr>
<th>AASHTO</th>
<th>MAP-21</th>
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<tbody>
<tr>
<td>1. Strengthen recognition that the federal-aid highway program is a federally assisted, state-administered program</td>
<td>YES</td>
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<tr>
<td>2. Maintain existing balance of authority</td>
<td>YES</td>
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<tr>
<td>3. Continue broad flexibility in planning procedures</td>
<td>YES</td>
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<tr>
<td>4. Avoid new administrative burdens</td>
<td>YES</td>
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<tr>
<td>5. Incorporate performance-based planning and programming aspects</td>
<td>YES</td>
</tr>
<tr>
<td>6. Maintain separation between planning requirements and discretionary grant programs</td>
<td>YES</td>
</tr>
<tr>
<td>7. Streamline fiscal constraint</td>
<td>NO</td>
</tr>
</tbody>
</table>

1 Areas include Performance-based Planning, Asset Management, Enhanced NHS, Transportation Alternatives, Data and CMAQ
Issue Areas

Performance-Based Planning and Programming
Within the planning provisions, the use of performance-based planning and programming (PBPP) principles are seen in the requirements for both the long-range plans and a short-term transportation improvement programs (TIP) that both states and MPOs must develop. The long-range plan must describe the performance measures and targets used in assessing system performance and progress in achieving the performance targets. The STIP/TIP must also be developed to make progress toward established performance targets and include a description of the anticipated achievements. In the statewide and nonmetropolitan planning process, selection of projects in nonmetropolitan areas, except projects on the NHS or funded with funds remaining from the discontinued Highway Bridge Program, must be made in cooperation with affected nonmetropolitan officials or any regional transportation planning organization.

The U.S. DOT is required to establish criteria for the evaluation of the new performance-based planning processes that states will have to establish. The process will consider whether States have made progress toward achieving the targets. Five years after enactment of MAP-21, the Secretary is to provide to the Congress reports evaluating the overall effectiveness of performance-based planning and the effectiveness of the process in each State and for each MPO.

As part of the performance-based approach, each state must consider the National Performance Measures and performance targets as part of its decision-making process including transportation policies, plans, programs, and investment priorities. The following plans are now required to be developed using the performance-based planning process:

- Statewide Transportation Plan
- Statewide Transportation Improvement Program
- Metropolitan Transportation Plan
- Metropolitan Transportation Improvement Program

Statewide and Metropolitan Planning
MAP-21 continues the requirement that each State and MPO develop a policy-based or project specific long-range transportation plan and a transportation improvement program. As the requirements for the establishment and use of a performance-based approach to decision making are implemented, the current performance plans and programs developed by states and MPOs likely will have to be adjusted to meet requirements. The plan and program are to provide for transportation systems and facilities that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States. The process for developing the plan and program is to consider all modes of transportation and be continuing, cooperative and comprehensive. In carrying out these requirements, States should have maximum flexibility to address their respective needs consistent with legislative requirements.

MAP-21 places a greater focus on freight planning by all agencies and encourages states to develop freight plans by offering an increased federal share for freight projects. Each state has the flexibility to develop a stand-alone freight plan, or create a freight component within their long-range plan to satisfy the eligibility criteria for the increased federal share.

MAP-21 enables States to establish or designate regional transportation planning organizations (RTPO). This is a completely voluntary action on the part of the State and is not mandated. If a State chooses not
to establish RTPOs, it shall consult with affected nonmetropolitan local officials to determine projects that may be of regional significance.

Additionally, MAP-21 encourages, but does not require, scenario planning by MPOs and requires each MPO that serves an area designated as a TMA to include representation by public transportation providers on the MPO board. Pursuant to this requirement, an MPO may restructure to meet the new structure without having to go through the re-designation process.

Finally, MPOs that serve a TMA are also required to develop a competitive grant process to fund Transportation Alternatives projects. Projects in other urban areas are to be eligible through a state-administered competitive process (see section below on Transportation Alternatives Program).

**Transportation Asset Management**

MAP-21 specifies for the first time in Federal law a requirement for the states to utilize and document an asset management plan for the NHS. One of the principles of asset management is to focus on reducing life-cycle costs, not addressing the “worst first.” FHWA’s guidance states that a successful asset management program “must have moved away from a ‘worst first’ investment strategy, and instead have adopted investment principles that are based on life cycle costing.”

States must submit their plan such that implementation of the plan is in place by the second fiscal year beginning after the U.S. DOT has issued its requirements for the plan and process. FHWA’s current schedule indicates that the requirement for a plan could be as early as October of 2015. If a state is on time with implementing the plan, the projects developed by the process would then have to be designed, let to contract, built, and the effects measured before the full impact of the current requirements can be assessed. This long lead time before actual changes in the performance of the system coupled with the current building of the rules creates a situation where changes that would add new requirements to the law should not be made until more experience is gained and lessons are learned about the implementation.

MAP-21 also requires a performance-based planning and programming process, and as part of that process, it requires USDOT to establish “minimum condition” levels for NHS bridges and for Interstate System pavement. If the minimum conditions are not met, the State would be required to redirect certain funds to improve those conditions until the minimum conditions are met.

**Enhanced NHS**

The National Highway System (NHS) is a network of highways that are important to the nation’s economy, defense and mobility. Prior to MAP-21, the NHS included the interstates and certain other routes. MAP-21 changed the NHS designation to add urban and rural principal arterials “that were not included on the National Highway System before the date of enactment of the MAP-21.” As a result of this change, the NHS was expanded to include all principal arterial routes that connect to the NHS. This expansion of the NHS has resulted in the addition of a wide range of state-owned and locally-owned roads to the system. MAP-21 also required that the NHS include “other connector highways that were not previously included but serve a major intermodal facility” such as airports and seaports. FHWA is working on guidance for how to select these roads and also how and whether the NHS must be a closed network in which all NHS routes connect to one another.

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2 FHWA, Common Q's and A's pertaining to Transportation Asset Management, updated 1/10/2013, Question 14 (http://www.fhwa.dot.gov/asset/faq.cfm).

When a route is added to the NHS, it becomes subject to the legal requirements that apply to all NHS routes. As a result, the expansion of the NHS poses challenges in many states where a large portion of the newly added miles of NHS may fall under the jurisdiction of local transportation agencies. The size and scope of these challenges vary by state depending on the financial resources of agencies within each state, the number of newly added miles by jurisdiction in each state, and other factors related to specific state law in each state. The added cost of complying with the increased responsibilities and regulations associated with the expanded NHS have financial implications for transportation agencies that were not addressed in MAP-21. The problem of paying for the costs associated with the increased regulations without a corresponding increase in federal support is particularly acute in states where identified infrastructure needs have not been addressed by their legislature.

Another issue is compliance with the federal requirements by the states and local road agencies. For example, the development of a state transportation asset management plan poses challenges in bringing together all the agencies with jurisdiction over NHS road miles. In Michigan, for example, there are nearly 80 different road agencies. It important for these road agencies to contribute to the formation of the state asset management plan, and equally important for them to be committed to working towards complying with the requirements of MAP-21 that may involve satisfying performance targets that are set for the NHS network.

**Transportation Data**

The performance-based planning requirements of MAP-21, including the development of many different performance-based plans, reporting on performance measures, and establishment of targets, will require states to collect, use, analyze, and store a significant amount of transportation data. These performance-based activities are, by definition, extremely data intensive processes, and data systems are expensive, time consuming, and difficult to maintain. Thus, implementation of MAP-21 must be crafted in a way that reflects that data is important to a performance based approach but in a way that does not directly or indirectly impose excessive or unreasonable data burdens on already hard-pressed state DOTs.

By definition, the new performance-based planning requirements create a data intensive environment where State DOTs will inevitably have to collect, store, analyze, and report significantly more data and information. Implementation of the national-level performance measures is dependent on the availability of quality data. In some situations, State DOTs are already collecting data that could be used to report on the national-level measures. However, in many situations, the data may not be consistent across states nor does a consistent data set exist for an entire state or region. In order for the national-level performance measures to be sufficiently consistent across all State DOTs, some consistency in terms of data sources, analysis, and calculation will need to be addressed. In all likelihood, a combination of State DOT data, FHWA-provided data sets and nationwide private sector speed data will need to be provided to states in a ready-to-use format. As we move to a more data-driven program, AASHTO encourages U.S. DOT to work collaboratively with State DOTs to develop a core set of data principles to guide data collection efforts such that the resources needed to acquire the data and information are minimized. These resources would include time, manpower, financial, IT, etc.

Developing increased consistency in data management without unduly burdening states is a herculean task. Individual states have already heavily invested in their data and are reluctant to execute a change that will not benefit them as an individual state. For this to work, the first priority is that USDOT must make every effort to allow utilization of current state efforts — so that any further data needs are minimal. However, to the extent that further data needs are meaningful, a significant funding source will need to be made available beyond normal funding for data purposes. If the funding of the data is merely an eligible expenditure where states will have to choose between data improvements and asphalt on the roads, data
will always remain a secondary issue – again, making it imperative that USDOT structure the performance measures and associated data assumptions in a way that minimizes any further data burden on the States and others. MAP-21 states that data for asset management is eligible for construction funds (NHPP and STP), and this wording should apply to all recognized data elements, not just within the asset management program.

**Transportation Alternatives Program**

MAP-21 authorizes funding for the Transportation Alternatives Program (TAP) which combines several previously eligible activities together including transportation enhancements, safe routes to schools and recreational trails, as well as including other activities such as environmental mitigation. TAP is funded at a level equal to two percent of the total of all MAP-21 authorized Federal-aid highway and highway research funds, with the amount for each State set aside from the State’s formula apportionments. Funding amounts are set aside proportionally from each State’s NHPP, STP, HSIP, CMAQ, and Metropolitan Planning apportionments to fund the State’s Transportation Alternatives Program activities.

Half of the TAP funds apportioned to each State must be suballocated by population in a manner identical that required for STP funding, and the remaining half can be obligated in any area of the state. States (or MPOs in the case of funding suballocated to TMAs) must develop a competitive process to allow eligible entities to submit projects for funding. For suballocated funding to TMAs, the MPO is required to select projects for funding. Both State DOTs and MPO are not eligible recipients of TAP funds (either as a project sponsor or to administer the program). However, it does take resources (time and money) to administer the TAP. In addition, a number of State DOTs have been project sponsors and implemented a number of programs that are now combined under TAP. Thus, it is important that States and MPOs be allowed to use a small portion of the TAP funds for administrative expenses and that they be allowed to receive grants to carry out projects.

**Congestion Mitigation and Air Quality (CMAQ) Improvement Program**

The CMAQ program was created to help states and metropolitan areas meet ambient air quality standards. The CMAQ program provides funds to states for transportation projects designed to improve air quality and reduce traffic congestion. MAP-21 generally retains the CMAQ program in its current form, with some new requirements. A portion of CMAQ funds must now be used for projects that reduce PM2.5 (in PM2.5 non-attainment or maintenance areas), and a performance plan is now required for large metropolitan areas to track progress towards achieving new performance targets. There remain many uncertainties about the details of these, and other, changes to the CMAQ program that will be addressed in future guidance from FHWA.

Prior to MAP-21, FHWA guidance set a three-year cap on the use of CMAQ funds for operating assistance. In June 2013, FHWA released Interim Guidance on CMAQ Operating Assistance under MAP-21. The interim guidance allows new transportation services (e.g., transit and passenger rail services, traffic operation centers, etc.) to “taper down” the last year of operating assistance over two additional years (i.e., to spend 3 years of operating assistance over a 5 year period).

**Discussion**

The metropolitan and statewide transportation planning processes are continued, largely in current form. However, the cornerstone of MAP-21 is the transition to a performance-driven and outcome-based approach to planning and programming. This is accomplished in many different areas of MAP-21 including the NHPP, STP, CMAQ, freight, new performance management provisions, and the planning

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provisions. The evolution of the planning process to a performance-based planning process will require State DOTs and MPOs to change how transportation planning is accomplished to meet federal requirements. This includes establishing new linkages between national, state and local goals, the establishment of targets, monitoring of performance and ultimately reporting and selecting projects. State DOTs will need to incorporate many different plans into the performance-driven process ranging from the long-range plan to asset management plans to freight plans.

AASHTO envisions the performance-based planning process as the umbrella under which all of the performance-based plans will be developed. As the performance-based plans are developed, there is some uncertainty about exactly how these plans will relate to and integrate with each other due to the complex nature of both the planning process and the particulars of the statutory requirements. AASHTO is currently waiting for U.S. DOT to release the updated joint planning rule that will define these new processes. Thus, many of the most substantial implementation issues related to the planning provisions remain unsettled, making it is impossible to gauge their effectiveness.

Planning-related changes proposed in legislation to reauthorize MAP-21 should be limited to only those aimed at simplifying processes and requirements, reducing administrative and regulatory burdens, and increasing flexibility so State DOTs and other agencies can better respond to the changing landscape and accelerate project delivery. Any new proposals for sweeping changes to the planning provisions that are of similar magnitude to those included in MAP-21 may only serve to distract agencies from the important work of thoughtfully implementing changes included in MAP-21. Even among the MAP-21 changes that have been implemented, it remains far too early to make conclusive determinations on the effectiveness of these changes, and to consider substantial new requirements.

The following bullets summarize the key MAP-21 reauthorization policies that AASHTO recommends with related to the planning provisions that are above and beyond the performance-based planning provisions:

- **Give MAP-21 time to be implemented before significant changes are made**—AASHTO recommends that MAP-21 be given time to work, especially in development of a performance-based approach to decision making, before significant changes/additional burdens are considered. However, changes simplifying processes and requirements, reducing administrative and regulatory burdens, and increasing flexibility would be welcome.

- **Avoid imposing new administrative burdens through rulemakings and guidance**—AASHTO urges USDOT to reduce regulatory burdens and improve agency work practices consistent with the national goal of “reduced project delivery delays”. In addition, states and metropolitan planning organizations need flexibility to accelerate implementation of projects to meet national and state goals. Rulemakings or guidance issued under MAP-21 should not impose restrictions or requirements beyond those that are necessary to implement the statute. This includes preserving existing flexibility regarding the content and scope of a State’s long-range transportation plans, including that requirements are met by a strategic, policy based statewide plan as well as by a project specific one.

- **Maintain existing balance of authority**—The existing balance of authority that currently exists among State DOTs, MPOs, and rural planning organizations should remain and not be upset or changed through new legislation, rulemakings, or guidance.

- **Ensure that “minimum conditions” standards for pavement and bridges do not force State DOTs to implement a “worst-first” approach to transportation asset management**—A core principle of transportation asset management is to provide the treatment at the right time in the life cycle of the asset. This may mean the option not to treat the worst item or segment first may be the most cost effective for the system. State DOTs are concerned that the new “minimum condition” requirements for NHS bridges and Interstate System pavement may force State DOTs into adopting a worst-first approach to asset management. AASHTO recommends that USDOT evaluate the impact that the “minimum condition” policies have had since there is an
inconsistency between it and an asset management approach and determine whether or not the minimum condition levels are having any adverse effects.

- **Provide more flexibility to determine NHS routes**—MAP-21 resulted in the automatic addition of thousands of miles of principal arterial routes to the NHS. In some instances, routes were added that are not appropriate for inclusion on the NHS. The States, in consultation with appropriate agencies should have the flexibility, in appropriate instances, and with notification to FHWA to remove routes that were added to the NHS in MAP-21. Congress should amend the legislation to clarify that States have the ability to remove routes from the NHS.

- **Make State DOTs eligible to receive Transportation Alternative Program funds**—Because State DOTs are not one of the eligible entities allowed to receive TAP funds, it becomes a financial burden on the States to implement, oversee and manage the various aspects of the TAP funds. In order to ensure a cost effective TAP is implemented, it is important that program management and oversight occur with regard to the TAP funds. State DOTs need the authority to spend a small amount of the TAP funds to conduct this oversight and ensure coordination of the many facets of the TAP funds. In addition, many of the programs that are funded through the TAP funds could be implemented efficiently through a State DOT, which would provide subject matter expertise and economies of scale. Thus, MAP-21 should be amended to include State DOTs among the eligible recipients of the TAP funds.

- **Remove operations eligibility restriction from CMAQ**—The State DOTs support the FHWA guidance that provided increased flexibility to use CMAQ funding for operations over an extended 5-year period, rather than the three-year period allowed under previous guidance. But because operating assistance is an effective emissions reduction strategy, its eligibility should not be restricted at all. If USDOT does not modify existing guidance to remove the 5-year cap, Congress should direct the USDOT to remove the CMAQ eligibility restrictions related to operations.

- **Make PM 2.5 Consistency with PM-10 MAP-21 Requirements**—MAP-21 includes language that for areas under PM-10 nonattainment that are not consistent with PM 2.5. Specifically, that requiring obligation of the CMAQ funds in PM 2.5 non-attainment and maintenance areas should only apply when the non-attainment issue is resulting from transportation activities.

- **Use a collaborative approach to develop more consistent data practices**—U.S. DOT should work collaboratively with state DOTs in an effort to establish more consistent methodologies for collecting data related to implementation of the performance management requirements in MAP-21.
Introduction

SAFETEA-LU provided some of the most significant changes to environmental review provisions affecting transportation in decades. The changes in SAFETEA-LU were focused primarily on making the existing environmental review process work more efficiently while maintaining environmental protections. The streamlining initiatives in SAFETEA-LU are being implemented effectively and are showing some reductions in the project delivery times.

MAP-21 built upon the streamlining measures in SAFETEA-LU and enacted a comprehensive set of reforms to further accelerate project delivery while maintaining environmental protections. These reforms have the potential to significantly reduce project delivery times, but effective implementation is critical to their success. Overall, the SAFETEA-LU and MAP-21 reforms are having an impact on expediting the environmental review process and leading to better transportation and environmental outcomes.

Additional progress to accelerate project delivery is being made administratively through FHWA’s Every Day Counts (EDC) initiative. FHWA introduced the EDC initiative in 2010 to shorten project delivery times, enhance the safety of roadways, and protect the environment. Some of the EDC tools developed to shorten project delivery times include:

- Planning and environment linkages, so that planning work need not be repeated as part of the environmental review process
- Expanding the use of programmatic agreements
- Innovative mitigation techniques
- Improving environmental document quality

Since being launched in 2010, every state DOT has enhanced its use of one or more of the EDC technologies. FHWA and AASHTO will continue to support and promote these innovations. In addition, AASHTO and FHWA created the AASHTO Center for Environmental Excellence (Center) in 2001 to assist state DOTs in improving project delivery times, public trust, and environmental performance. The mission of the Center is to promote environmental excellence in the delivery of transportation services by disseminating innovative ways to streamline the transportation process and encouraging environmental stewardship. The Center works to identify issues that impact transportation agencies and develop and promote innovative solutions to these issues.

Streamlining Initiatives in SAFETEA-LU

Congress began to make inroads to streamline the project delivery process in SAFETEA –LU. The primary streamlining initiatives in SAFETEA-LU included creating a streamlined environmental review process for projects that require an environmental impact statement (EIS), providing an exemption from Section 4(f) of the USDOT Act carefully limited to projects that have de minimis impacts to parklands and historic sites, creating a 180-day statute of limitations for challenges to federal approvals of highway and transit projects, and delegation of USDOT environmental review responsibilities to State DOTs under specified terms.
MAP-21 Acceleration of Project Delivery Provisions

MAP-21 built upon the streamlining measures created in SAFETEA-LU to further accelerate project delivery. The following are the streamlining reforms in MAP-21.

**Increased Use of Categorical Exclusions (CEs) for Projects with Minor Impacts**

In MAP-21, Congress directed USDOT to make a series of changes that would expand the availability of CEs for transportation projects. MAP-21 directs USDOT to create categorical exclusions (CE) for projects to repair or reconstruct highway facilities damaged in declared emergencies, projects within the existing operational right-of-way, projects that receive limited federal financial assistance, and other new CEs.

**Changes to Environmental Review Process for Complex Projects**

MAP-21 included several provisions that are intended to streamline environmental reviews for complex projects - that is, projects requiring the preparation of an environmental impact statement (EIS) under NEPA. These streamlining provisions include allowing a "condensed" FEIS format, directing U.S. DOT to issue the Final EIS and ROD as a single document, general process improvements to provide increased flexibility and accountability, allowing USDOT to provide technical assistance to project sponsors to assist in completing an EIS within four years, and reducing the 180-day statute of limitations established in SAFETEA-LU to 150 days for challenges to federal approvals of highway and transit projects.

**Delegation of USDOT's Environmental Review Responsibilities to the State DOTs**

MAP-21 modified the environmental delegation programs established in SAFETEA-LU to provide more permanency and flexibility to the programs.

**Using the Transportation Planning Process to Support NEPA Reviews**

In addition to making changes to the NEPA process itself, MAP-21 also sought to expedite project delivery through changes in statewide and metropolitan transportation planning. MAP-21 encourages efforts to use transportation planning to help improve and expedite the NEPA process by allowing the NEPA process to adopt analyses and decisions made by States and MPOs during the transportation planning process, allowing States and MPOs to develop programmatic mitigation plans as part of the statewide or metropolitan transportation planning process, and requiring USDOT and other Federal agencies to provide technical assistance on accomplishing early coordination activities.

**Activities Allowed Prior to NEPA Completion**

MAP-21 broadens States’ ability to acquire right-of-way prior to completion of the NEPA process, using both Federal and non-Federal funds. MAP-21 also directs USDOT to promulgate regulations as are necessary to allow States to enter into two-phased contracts that include preconstruction and construction services.

**Discussion**

State DOTs are pleased with the project delivery reforms in MAP-21 and are working with USDOT on implementation of these provisions. In the meantime, there are some refinements to USC Title 23 and MAP-21 that would further accelerate project delivery.
• **Reauthorization legislation should clarify that under the NEPA delegation program (23 USC 327), State DOTs may assume USDOT’s responsibility for making project-level conformity determinations under the Clean Air Act.**

SAFETEA-LU delegated project-level conformity to the States participating in the CE delegation program (23 USC 326) along with all of the other project-level decision-making responsibilities. However, project-level conformity was omitted from the full NEPA delegation program (23 USC 327). As a result, States that receive delegated authority under this program are authorized to make all project-level decisions except for the project-level conformity determination. For the streamlining potential of this program to be fully realized, project level conformity must be delegated to the states that take on the full NEPA delegation program.

• **Reauthorization legislation should include the flexibilities in the planning regulations to adopt planning decisions in the NEPA process.**

MAP-21 provides statutory authority in 23 USC 168 to expedite environmental reviews by allowing the NEPA process to adopt analyses and decisions made by States and MPOs during the transportation planning process. Prior to MAP-21, this authority existed only in the transportation planning regulations (23 CFR Part 450). MAP-21 provides, for the first time, explicit statutory authority for this practice. It also includes a savings clause, which preserves the States’ ability to link planning and NEPA under the existing procedures in 23 CFR Part 450.

Although State DOTs welcome the statutory authority, the MAP-21 process establishes a much more complex and cumbersome process – it requires the fulfillment of 10 separate conditions, plus concurrence in the fulfillment of those conditions by all participating agencies with “relevant expertise.” The complexity and cumbersome nature of the new process may deter States from undertaking this effort under the MAP-21 framework. As such, the statutory process in 23 USC 168 should be amended to ensure that it provides the same flexibilities that are included in the existing regulatory process.

• **Amend Section 169(f) of Title 23 to direct federal agencies to give substantial weight to programmatic mitigation plans in carrying out their NEPA and permitting duties.**

MAP-21 allows States and MPOs to develop programmatic mitigation plans as part of the statewide or metropolitan transportation planning process (23 USC 169), but this provision does not actually require environmental agencies to consider programmatic mitigation plans when making permitting decisions. To provide states some assurances that choosing to develop these plans will expedite environmental processes and permitting, federal agencies should be required to give substantial weight to these plans in carrying out NEPA and permitting duties.

• **In reauthorization of MAP-21, include a new provision to require USDOT, at the request of a project sponsor, such as a State, to initiate a NEPA review for a project that is planned to be funded with non-traditional funding source, such as State and local financing, TIFIA loans or TIGER grants.**

Federal transportation funding is increasingly provided through non-traditional funding programs such as State and local financing, TIFIA and TIGER. Applicants for these programs are expected to demonstrate progress toward NEPA completion, yet federal agencies may be reluctant to initiate NEPA when the project sponsor is not proposing to use a traditional funding source, such as federal-aid highway funds or New Starts transit funding. For example, some States have found that FTA is reluctant to initiate NEPA for a major capital project unless FTA considers the project to be a likely candidate for New Starts funding. States have found it difficult to obtain federal agency support for initiating NEPA in these circumstances, even when a project has
strong local support. As a result, States increasingly find themselves in a catch-22: they cannot initiate the NEPA process because they lack an identified funding source, and yet they cannot obtain funding because they have not made substantial progress through NEPA. USDOT should be required to initiate NEPA review for these projects, upon a project sponsor’s request.

- **Index for Inflation the dollar amounts for the CE for projects involving a low level of Federal funding.**

  MAP-21 establishes a CE for projects involving less than $5 million in Federal Funds and also for projects costing up to $30 million where Federal funds are estimated to be no more than 15% of total project costs. Those threshold amounts, set in 2012, should be adjusted for inflation (perhaps CPI), so that the value of the reform stays constant and does not degrade over time.

**Additional Measures to Accelerate Project Delivery**

The AASHTO Project Delivery and Environment Team identified additional measures that could further accelerate project delivery or further eliminate unnecessarily burdensome requirements. AASHTO is hopeful that these measures can be resolved in a timely fashion with administrative solutions.

- **FRA and FAA could adopt the general CE process and list of CEs currently included the FHWA/FTA regulations. In addition, FRA and FAA could give more substantial weight to existing multimodal Statewide and metropolitan transportation plans and, where appropriate, use information, analysis and decisions in these plans.**

  As transportation projects become increasingly multimodal, the USDOT modal administrations must work together to complete the environmental review process for these projects. The differing processes for conducting environmental reviews under the USDOT modal administrations lead to confusion and project delay. In addition, FRA and FAA do not give weight to existing Statewide and metropolitan transportation planning processes- States must start from scratch under the FAA and FRA processes. FRA and FAA could adopt the general CE process language as well as appropriate CEs currently in the FHWA/FTA regulations to provide more consistency in environmental reviews for multimodal projects. Also, FRA and FAA could give substantial weight to existing multimodal Statewide and metropolitan transportation plans and, where appropriate, use information, analysis and decisions in these plans.

- **The Land and Water Conservation Fund Act (LWCFA) process could provide the flexibility to allow for improvements to be made to recreational properties rather than providing replacement land, when the local government indicates that such improvements are preferred. In addition, LWCFA grants could be posted on a public database.**

  The Land and Water Conservation Fund Act (LWCFA) of 1965 was enacted to establish a funding source to assist the States and Federal agencies in meeting outdoor recreation needs. Section 6(f) of the Act prohibits the conversion of property acquired or developed with LWCF grants to a non-recreational purpose without the approval of the NPS. Section 6(f) further directs NPS to assure that replacement lands of equal fair market value, location, and usefulness are provided as conditions to such conversions.

  As State and local governments often obtain grants through LWCFA to acquire or make improvements to recreation areas, these grants convert the entire property into Section 6(f) land, even if the grant is used only for improvements to a small portion of the property. Consequently, where conversions of Section 6(f) lands are proposed for highway projects, no matter how small
the conversion, replacement lands are necessary. Often, local officials would prefer for the State to make improvements to the existing property rather than finding replacement property, however, LWCF requires property replacement. In addition, it is difficult to obtain information identifying the specific parks for which LWCF funds have been used. The LWCF process could provide the flexibility to allow for improvements to be made to recreational properties rather than providing replacement land, when the local government indicates that such improvements are preferred. In addition, LWCF grants also could be posted on a public database.

- **The federal government could allow routine ditch maintenance projects to proceed without the need for a jurisdictional determination or permitting under Section 404 of the Clean Water Act.**

  EPA and the Corps of Engineers are developing regulations regarding wetlands jurisdiction under Section 404 of the Clean Water Act (CWA). Based upon previous drafts of EPA and Corps guidance on this topic, State DOTs are concerned that the new regulations/guidance would cause many more roadside ditches to be considered jurisdictional or potentially jurisdictional – and therefore would greatly expand the number of ditch maintenance projects that require CWA permitting, or at least require a jurisdictional determination before the project can be completed. This increased burden would make ditch maintenance projects slower and more costly, diverting scarce resources from other programs while providing little if any environmental benefit.

  As such, the federal government should allow routine ditch maintenance projects to proceed without the need for a jurisdictional determination or permitting under the CWA.
Introduction
The AASHTO Standing Committee on Research (SCOR), supported by the Research Advisory Committee (RAC), submitted a resolution on research elements for AASHTO to support in the reauthorization of the Moving Ahead for Progress in the 21st Century Act (MAP 21). This background paper provides additional information in support of the resolution.

Both the SCOR and RAC groups used the following base assumptions regarding reauthorization:

- This reauthorization will not likely result in significant increases in overall federal funding for transportation.
- As MAP-21 has only been in effect for one year, not all provisions have been fully implemented. This Congress is not likely to entertain significant changes to the act.
- For the most part, MAP-21 is a state-friendly transportation bill and AASHTO needs to protect existing flexibilities and other positive provisions.

Previous AASHTO Research Recommendations vs. MAP-21
The table below summarizes the key research recommendations in the 2008 reauthorization cycle that transitioned from SAFETEA-LU to MAP-21. Many of the recommendations at that time were based on the prospect of significant funding level increases. This led to research-specific recommendations for existing program support and the creation of new programs with dedicated funding. While the new programs did not emerge in the act as individual entities, they were included as eligible activities within other federal-aid programs.

<table>
<thead>
<tr>
<th>AASHTO Research Recommendations for SAFETEA-LU Reauthorization (2008)</th>
<th>Included in MAP-21?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain the State Planning and Research program, with its 25% minimum for Research and Technology (R&amp;T) activities</td>
<td>Yes</td>
</tr>
<tr>
<td>Provide sufficient, flexible funding for FHWA to carry out its core program in support of its national mission in highway R&amp;T</td>
<td>Yes</td>
</tr>
<tr>
<td>Fund strategic national R&amp;T programs, such as SHRP2 and cooperative research programs, over and above FHWA’s core R&amp;T program</td>
<td>Yes and No</td>
</tr>
<tr>
<td>Support ongoing training, data, and knowledge-related activities, such as BTS, NHI, LTAP, NTL, and others, with dedicated funding</td>
<td>Yes and No</td>
</tr>
<tr>
<td>Cap UTC funding, revise the matching requirements, increase competition, and conduct an independent evaluation of the program</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Supporting information for MAP-21 reauthorization research resolutions

State Planning and Research (SPR) Program
SPR sets aside funding for states to address specific planning and research needs:
- Engineering and economic surveys
- Planning and financing of future highway programs
- Studies on the economy, safety and convenience of surface transportation systems
- Research, development and technology transfer (RD&T) activities

State DOTs rely on the 25% minimum for RD&T activities to fund a variety of transportation research activities that support all modes and enable the transportation community to build longer lasting
infrastructure, in less time and for less money. RD&T projects directly contribute to new or improved standards, methods, materials, products, programs and services. SPR funding helps states conduct research, disseminate results and actively implement research findings.

One of the ways that State DOTs effectively document results of research funded through SPR is by identifying sixteen “High-Value Research Project” through the RAC that are recognized by AASHTO and featured at the TRB Annual Meeting. In 2013, the “Sweet 16” included projects addressed many emerging transportation issues:

- Safety projects addressed freeway accident risk, aging driver issues, safety and high-speed rural intersections, variable freeway speed limits and expanded use of rumble strips.
- Multimodal projects included review of weight restrictions on northeast railroad lines, review of high-risk intersections for pedestrian & bicyclists and innovative bicycle facility research.
- Research related to state DOT operations included review of a DOT energy management program, design-build contracting and use of streaming and digital media.
- Top projects related to highway engineering examined implementation of tack coat, use of roller compacted concrete, evaluation of a new air void analyzer, a process for moisture induced stress testing and response to road and bridge damage from heavy truck loads.

**FHWA Core Research & Technology Program**

As provided in MAP-21, FHWA strives for a research, development, and technology program that focuses on issues of national significance and addresses current and emerging needs, delivering a clear public benefit and covering areas where private sector investment is inadequate. FHWA's mission includes a core element to promote innovation and improvement in the nation's highway system. Building from this mission element, FHWA conducts a broad array of advanced research, applied research, technology transfer and implementation activities. FHWA is uniquely qualified to champion and perform this range of research activities, and to bridge between short-term applied research and the long-term advanced research on a national level.

State DOTs depend both directly and indirectly on these national RD&T activities. FHWA supports states through partnerships, coordination, administration of pooled fund studies, communication, information exchange and other activities. Recent FHWA research, development, and technology transfer work that has positively impacted state DOTs includes the following:

- FHWA research on the use of high friction surface treatments has resulted in significant reductions in crashes in states including Kentucky, Pennsylvania and South Carolina.
- The Every Day Counts (EDC) initiative helps states to identify and deploy innovation aimed at reducing project delivery time, enhancing safety, and protecting the environment.
- The implementation of numerous products developed as part of the second Strategic Highway Research Program (SHRP2) has allowed states to demonstrate new processes and technologies to address the needs of our transportation system more efficiently and effectively.
- The Long-Term Bridge Performance (LTBP) and Long-Term Pavement Performance (LTPP) programs provide tools, data and data analysis to states to enhance assessment of bridge and roadway facilities and make evidence-based decisions on design and rehabilitation.
- Looking to the future, the FHWA's Turner-Fairbank Highway Research Center is conducting modeling, simulation and field tests on connected vehicle systems that communicate with each other and roadway technology systems.

**National and Cooperative Research Programs**

State DOTs find value in the cooperative research programs that conduct subject-specific research aimed at solving pressing issues on a national scale. The National Cooperative Highway Research Program (NCHRP) is funded through voluntary annual contributions by the state DOTs. Two other programs, the...
Transit Cooperative Research Program (TCRP) and the National Cooperative Freight Research Program (NCFRP) are also key programs that need full funding through reauthorization.

TCRP draws upon and benefits a broad base of transportation stakeholders including federal, state, local and transit agencies; American Public Transportation Association (APTA) and Transportation Research Board (TRB) Committees; universities; consultants and various industry groups. Since its inception in 1992, TCRP has completed more than 600 studies providing research solutions to a variety of transit needs related to operations, service concepts, equipment, facilities, maintenance, human resources, administration, planning and policy. Products are broadly disseminated to more than 40,000 interested transportation professionals through e-newsletters, web postings, direct mailings, and presentations at committees and conferences.

TCRP provides value in this time of tight local and state budgets, as few state and local governments and transit agencies and organizations have the resources to conduct research that is critical to advancing a safe, efficient, and sustainable multi-modal transportation system. This is particularly critical as both younger and older residents are seeking more transit options. An example of TCRP impacting state and local agencies is a current project to investigate how transit impacts land use, energy and greenhouse gases. Other important products from the program included several security related studies following 9/11 and recent reports on track design for light rail.

Freight movement is also a critical issue impacting economic development at a state and national level. The NCFRP and a Hazardous Materials Cooperative Research Program (HMCRP) were first authorized in SAFETEA-LU and were initiated in late 2006. AASHTO is recommending that funding for both freight and hazardous materials research be included in a combined NCFRP that will help states address issues such as intermodal freight movement, modal shift issues, development of more robust commodity flow data and a variety of issues relating to truck operations.

University Transportation Centers
The University Transportation Center (UTC) program provides federal funding to establish and operate programs of transportation education, research, and technology transfer. UTCs are intended to significantly advance the state-of-the-art in transportation research while attracting and training new transportation professionals.

Many state DOTs voluntarily enter into partnerships with UTCs for research projects and activities of mutual interest. A 2011 RAC survey indicated that at least 27 state DOTs conduct joint research projects with UTCs, and several other states and UTCs had arrangements to serve on each other's oversight committees. State DOT contributions provide a critical level of matching funds for many DOTs, and the states should be allowed additional flexibility in providing this match.

Local and Tribal Technical Assistance Programs
The Local Technical Assistance Program (LTAP) and Tribal Technical Assistance Program (TTAP) provide information and training on a variety of transportation issues to local governments and agencies responsible for over 3 million miles of roadway and roughly 300,000 bridges in the United States. LTAP centers are located in every state and Puerto Rico; TTAP uses regional centers to serve tribal governments. Assistance is provided through classroom and one-on-one training, print and on-line publications, workforce development services and other technical and data resources. Key issues include roadway safety, worker and work zone safety and infrastructure management.

Many State DOTs participate actively in LTAP and TTAP programs and provide matching funds, with some states having direct connections to research programs. The programs help reduce duplication of effort on the part of state DOTs in communicating with local partners, and the programs provide information to state regional and maintenance offices. In 2012, 58 different LTAP/TTAP centers offered a combined 5,500 training sessions to more than 159,000 participants.

Information Exchange and Knowledge Management
State DOTs are keenly interested in improving access to information and enhancing Transportation Knowledge Management (TKM). TKM efforts – built on the application of library science – improves the
efficiency of finding information, mitigates user frustration, reduces digital and physical data storage needs and ultimately supports better decision making.

A number of state DOTs collaborate on TKM efforts through knowledge networks, library connectivity initiatives and information exchange. National TKM programs that should be supported in reauthorization include the National Transportation Library and various bridge, pavement and safety databases. Future efforts could include structures or organizations to examine a national repository system and provide further efforts on information clearinghouses.

**Conclusion**
The state DOTs rely on well-managed research programs to make informed decisions and ensure a strong future for the transportation network. The MAP-21 reauthorization should provide the funding and institutional framework to support the success of these programs.
AASHTO MAP-21 Reauthorization
Safety Background Discussion

States are committed to improving transportation safety. There has been considerable progress in recent years, and the federal role in helping to reduce fatalities and serious injuries, both from funding and technical support perspectives, has been invaluable. SAFETEA-LU and MAP-21 have provided states with an increased ability to plan and implement multidisciplinary safety programs that are making a significant difference. However, a more flexible program that is less targeted to specific safety activities would improve states’ abilities to develop programs that best suit their individual needs. Because of the multidisciplinary approaches necessary for addressing safety concerns and the multiple federal funding sources used in state safety programs, flexibility is the key to enabling states to develop and implement the most effective programs possible.

Flexibility is needed to allow states to:

- Provide a tailored safety program to reduce roadway crashes, injuries, and fatalities by being able to harmonize the safety area with other programs.
- Appropriately address their safety priorities by using data to identify specific crash types and contributing factors.
- Implement the most effective countermeasures and programs, or combination thereof, to address these specific safety issues.

Background Information

Keeping with the growing national priority on highway safety and reducing roadway fatalities, Congress placed legislative provisions in SAFETEA-LU that elevated infrastructure-based highway safety improvements to a core program. Strategic Highway Safety Plans (SHSPs) were required for all states, and these plans necessitate the analysis of statewide data to determine priority areas and key countermeasures. With MAP-21, the funding for this Highway Safety Improvement Program (HSIP) was doubled, reinforcing the federal government’s commitment to improving roadway safety across the country. Additionally, the MAP-21 legislation sought to increase the amount of flexibility states have to enact unique programs to lower highway fatalities and generally improve highway safety, and provided increased HSIP eligibility for non-infrastructure safety efforts such as programs to reduce unsafe driver behaviors. In this way, MAP-21 supports strengthened collaboration between infrastructural safety professionals in the state DOTs and the highway safety offices that focus on behavioral programs (approximately half of these are in the state DOTs).

General Issues

As mentioned above, in general, MAP-21 provides significant support to state highway safety efforts. Though the rulemaking process for new MAP-21 policies will not be complete and related implementation issues will not be thoroughly assessed for some time, there are several issues that should be addressed in the next authorization.

States have been using data to determine priorities and have been tracking results for both infrastructure and behavioral safety programs since before MAP-21 was enacted, and have been able to demonstrate the positive impacts of this approach. Now with MAP-21, for both the infrastructure and behavioral sides of highway safety, programs have been consolidated and states have more flexibility to allocate funds in a data-driven, multidisciplinary manner. Federal guidance related to the Highway Safety Improvement Program (HSIP) has provided flexibility in the way states allocate HSIP funds, and in how Strategic
Highway Safety Plans (SHSPs) are developed and when they are updated, which allows states to ensure SHSPs are tools that can be used to plan according to their individual needs. A reauthorization bill must preserve safety provisions that allow for states to administer their own programs supported by federal assistance. Further streamlining and simplification of safety programs will provide additional benefits to the greater highway safety programs in the reauthorization bill.

There is general concern that specific provisions and oversight on critical safety pieces of the reauthorization legislation are too prescriptive to support the data-driven multidisciplinary safety approach. Eligibility requirements, such as having state legislation with very specific provisions in place to be eligible for some of the highway safety grant programs, can be difficult to meet and do not allow states the flexibility to focus on their individual needs. The infrastructure and behavioral programs need to fit together better so that states have some flexibility to craft a safety program that uses gathered data to create tailored initiatives. By being able to place resources in areas where a state most needs them, states can better develop and manage their safety programs.

**Performance Management Issues**

The National Highway Performance Program in MAP-21 creates several areas for which states must manage and report on performance. A well-designed and implemented performance management program supports the achievement of clear goals and objectives. While safety is a priority for all states and states put considerable effort into reducing fatalities and serious injuries, the requirements for managing safety performance must allow states to balance safety with other transportation needs. While the National Highway Performance Program allows this balance, there are special rules and other safety performance measures that limit flexibility states have to implement performance management in a manner that best suits their own needs. Closer coordination of these issues will improve the operation of a performance-based program.

For example, states that trigger sanctions under the high risk rural road special rule will have to allocate increased funding to these roads. An increase in a rural crash rate might not indicate a significant issue with the state’s safety program. This rate increase may be due to one multi-fatality crash occurring under specific circumstances and this may be the only safety target the state does not meet. However, funding and human resources will need to be dedicated to this area when there might be other safety or transportation needs that data indicate are a higher priority.

States consistently performing better than national averages but do not meet (or make significant progress toward) one of their targets will be penalized, even though their overall performance has been good. Any number of factors can affect how a state will perform in an area each year, including economic or workforce issues, and climate and other natural events. Failure to meet or make enough progress toward a target may not indicate that a program is not focused on improved performance or that significant efforts have not been made in that area. Using several years of data when evaluating performance along with a range of acceptable values for targets would allow for variations in local or internal state conditions. This would allow states to demonstrate progress while setting more aggressive goals, since they would be better able to use more aggressive and innovative programs or countermeasures, rather than encouraging states to set more conservative targets and programs. States should be supported as they reach for more aggressive targets.

Using several years of data to evaluate performance would protect states from having outliers in safety data affect the overall annual performance. Outliers such as a particularly devastating crash can skew
data to fall outside a performance target or range. States that have improved their highway safety from one year to the next should be recognized even in light of these outliers. Because one of the main purposes of performance management is to increase accountability and the communication of performance, it is important that the measures are easy for the public, legislators, and others who are not transportation specialists to understand. The use of rates for performance measures, such as fatalities per million vehicle miles travelled, do not provide a clear enough picture and are harder to understand for those outside the transportation arena. For the most part, it is easier for the public to understand numbers and how they relate to their own safety on the roads rather than a more complicated rate formula. Numbers of fatalities and serious injuries (wherever appropriate) are a clearer measure to use to communicate. As with other measures, rates may be needed for managing individual state programs or specific aspects of programs, but numbers are more appropriate for the national level measures.

Summary

The framework of the MAP-21 legislation that promotes the data-driven, results-based approach to implementing highway programs is welcomed by state transportation agencies. Because the provisions establish a longer term program, the transportation community needs time to implement the large majority of these regulations and programs. Significant changes to the program as established under MAP-21 are not recommended, though AASHTO does recommend certain minor adjustments for the next surface transportation reauthorization legislation that we feel will further enhance program quality. These modifications will further develop the safety programs that are contributing to a reduction in highway fatalities and serious injuries. Furthermore, these modifications will allow state more flexibility to adjust their programs, tailor their initiatives and set program goals to meet their individual needs.
Introduction
An efficient, safe and environmentally sound public transportation system is essential to moving people in both rural and urban areas, and is a critical part of the nation’s multimodal transportation infrastructure and services. The nation’s extensive public transportation network is essential to the economy of the United States. It connects workers to jobs and employers to labor markets. Public transportation also provides basic mobility options for elderly individuals, individuals with disabilities and low-income individuals within urban areas, small towns, villages and rural areas. Public transportation also plays a significant role in state and national efforts to mitigate traffic congestion, to conserve fuel, to enhance the efficiency of highway transportation, to address air quality issues, and to support security and emergency preparedness activities.

MAP-21 authorized $10.6 billion in FY2013 and $10.7 billion in FY2014 for the federal transit programs. A number of programs were simplified or consolidated, with discretionary programs being greatly reduced and the most funds being delivered through core formula programs. Under the new law, much of the federal transit program structure is retained. A new state of good repair program replaced the fixed guideway modernization program. The Bus and Bus Facilities program was replaced by a smaller program that distributes funds under a formula, and finally a new asset management system, a state of good repair and a safety and security programs were all created. The previous Job Access and Reverse Commute Program (JARC) program and New Freedom (NF) Programs both expired on September 30, 2012. Job access and reverse commute activities are now eligible under the Urbanized Area Formula program (5307) and the Rural Area Formula program (5311) and activities eligible under the former New Freedom program are now eligible under the Enhanced Mobility of Seniors and Individuals with Disabilities program (5310).

While the Federal Transit Administration is currently in the process of issuing guidance on a number of these transit programs, AASHTO recommends the following policy changes be reflected and incorporated into the next transportation authorization.

Previous Policies versus MAP-21
MAP-21 includes a number of policies that were previously endorsed by AASHTO. As seen in the table below, some of these positions include preserving a strong federal partnership, maintaining a separate transit account within the Highway Trust Fund and the preservation of 80 percent federal match for formula and capital programs. Despite a number of notable accomplishments, MAP-21 also resulted in a number of unintended consequences. For example through the formularization of the previously discretionary bus/bus facilities program, a number of states are now receiving significantly less funds to make these necessary investments then they were under SAFETEA-LU. While implementing a formula for this program was supported by AASHTO it was believed that the funding level would remain constant or increase. This and a number of other short comings along with suggestions for how to strengthen the federal transit program are reflected in the issue areas listed below.
### AASHTO Policy | MAP-21
---|---
**Recommendation:** Provide operating assistance eligibility for small transit systems in large urbanized areas. | ✔️
**Recommendation:** Preserve a strong federal partnership. | ✔️
**Recommendation:** Maintain a separate transit account within the HTF; preserve the historical general fund contribution to transit. | ✔️
**Recommendation:** Simplify and Streamline the current federal grant approval process. | ✗
**Recommendation:** Preserve a "needs based" approach to the distribution of formula funds. | ✔️
**Recommendation:** Streamline the Fixed Guideway Modernization Program by replacing the current seven tier apportionment formula with a simpler two-tier approach. | ✔️
**Recommendation:** Formularize discretionary bus/bus facilities program funding. | ✔️
**Recommendation:** Consolidate the New Freedom Program and eligible program activities into Elderly Individuals/Individuals with Disabilities Program. | ✔️
**Recommendation:** Consolidate the Job Access and Reverse Commute (JARC) Program and eligible program activities into the urbanized and rural formula programs. | ✔️
**Recommendation:** Streamline and simplify the New Starts Program review and approval process. | ✔️
**Recommendation:** Preserve 80 percent federal matching share for formula and capital programs. | ✔️
**Recommendation:** Amend Buy America to require that vehicle manufacturers self-certify compliance to FTA. | ✗
**Recommendation:** Restore parity for pre-tax transit pass benefit (e.g., TransitChek) with the current benefit level for parking. | ✗
**Recommendation:** Restore the gasoline gallon equivalent tax credit for alternative fuel public transportation vehicles. | ✗
**Recommendation:** Amend the FTA Charter Rule to allow greater flexibility for public transportation for special events/activities. | ✗

### MAP-21 Transit Provisions

#### CONSOLIDATED PROGRAMS

**Formula Grants for Rural Areas (Section 5311)**
The Rural Formula Program (Section 5311) provides capital, planning and operating assistance to support public transportation in rural areas of fewer than 50,000 residents. Total funding is $600 million in
FY 2013 and $608 million in FY 2014. Funding is based on a formula that uses land area, population and transit service. The program remained relatively unchanged with the following exceptions:

- Job Access and Reverse Commute (JARC) program activities, such as providing services to low-income individuals to access jobs are now eligible under the Rural Area Formula Program.
- The set-aside for State for administration, planning and technical assistance was reduced from 15 to 10 percent.

**Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310)**

The Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310) program provides formula funding to increase mobility of seniors and persons with disabilities. Funds are apportioned based on each State’s share of the targeted population. Starting in MAP-21 the funds are now apportioned to both States (for all areas under 200,000) and large urbanized areas (over 200,000). The funding allocations are now, 60% to designed recipients in urbanized areas, 20% to state for small urbanized areas and 20% to states for rural areas.

At least 55 percent of program funds must be spent on capital projects that were previously eligible under the former section 5310, which includes public transportation projects planned, designed and carried out to meet the special needs of seniors or individuals with disabilities when public transportation is insufficient, inappropriate or unavailable. The remaining 45% may be used for public transportation project that exceed the requirements of ADA, that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit or alternatives to public transportation that assist seniors and individuals with disabilities.

In addition the former New Freedom program is consolidated into this program. Activities that were eligible under New Freedom are now eligible under Section 5310.

**NEW PROGRAMS**

MAP-21 also saw the expansion of the federal role into a number of new areas, including a state of good repair program, asset management, performance measurements and safety and security. While the state DOTs wait for FTA to issue guidance on a number of these programs, AASHTO will continue to engage in discussions with our federal partners in developing the most efficient program possible that strive to achieve the intended goals of the programs while minimizing the burden placed on those providing and administering these critical public transportation services. As a result of how these new programs are implemented it is expected that AASHTO will need to expand our policy recommendations to recognize these new programs and the implications they will have on the state DOTs.

**State of Good Repair Program (Section 5337)**

MAP-21 establishes a new grant program to maintain public transportation systems in a state of good repair that replaces the fixed guideway modernization program (5309). Funding is limited to fixed guideway systems and high intensity bus.

**Bus and Bus Facilities Formula Grants (Section 5339)**

This is a new formula grant program created in MAP-21. It replaces the previous Section 5309 discretionary Bus and Bus Facilities program. This capital program provides funding to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities. Authorized funding is $422 million in FY 2013 and $428 million in FY 2014. Each year, $65.5 million will be allocated with each state receiving $1.25 million and each territory (including DC and Puerto Rico) will receive $500,000. The remaining funds will be distributed by formula based on population, vehicle revenue miles and passenger miles.

**Public Transportation Safety Program (Section 5329)**

In MAP-21, FTA is given the authority to establish and enforce a new comprehensive framework to oversee the safety of public transportation. This will include the development of safety performance criteria for all modes, development of agency safety plans, and a requirement of a State Safety Oversight (SSO) program in States with heavy rail, light rail and streetcar systems.
Transit Asset Management (Section 5326)

MAP-21 requires FTA to define the term “state of good repair” and create objective standards for measuring the condition of capital assets, including equipment, rolling stock, infrastructure and facilities. All FTA grantees and their sub-recipients are required to develop transit asset management plans.

Discussion

AASHTO continues to endorse policies that will enable a doubling of public transportation ridership over the next twenty years and to keep pace with rising demand for rural public transportation federal funding for rural public transportation should more than double over the next six year authorization period. These policies are to be read in conjunction with AASHTO’s policy that transit program funding should be increased at a growth rate comparable to that of the highway program.

Consolidation was a key component of MAP-21 and as programs are consolidated funding for the programs should continue with savings resulted from administration of separate programs going into the core program areas.

While we continue to support the reforms in MAP-21 we recommend the following modification in the reauthorization of MAP-21:

- **Return the 5310 program** (Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities) to a statewide/state-administered program so that funds can be used to address those areas within a state with the greatest need. The 5310 program, set up to enhance mobility for seniors and individuals with disabilities, is a program that prior to MAP 21 was administered on a state wide basis where the various needs and demographics of the entire state could be taken into consideration. This allowed states to use these funds to fill gaps in service, such as areas not served by fixed route transit and complimentary ADA paratransit. In MAP-21, funding was changed to a formula distribution with a mandated geographic distribution of the funds within a state -- 60% going to urban areas, 20% to small urban and 20% to rural needs. Forcing this geographic distribution of the funds and splitting administration of funding up among multiple designated recipients within a state decreases the effectiveness of the program.

- **Establish a pilot program to demonstrate simplification and streamlining of the current federal grant approval process for routine, on-going projects.** To reduce the administrative burden placed on FTA, State DOTs and their sub-recipients, a pilot program should be developed to explore more efficient methods to connect federal funds to a specific project. A pilot program would allow designated recipients to expend federal funds upon appropriation for a specific set of pre-approved eligible projects such as replacement of revenue vehicles that have reached their useful life, eliminating the need for a lengthy grant approval process for these routine expenditures. Confirmation that the funds were expended consistent with federal regulations would be made in accordance with the existing state review processes and if needed, annual status review. The state DOTs also look forward to working with Congress, FTA and others to find additional ways to avoid unnecessary administrative burdens to the Federal Transit Program.
• **Maintain formula distribution of the Bus and Bus Facilities Formula Program (Section 5339).** If additional funding should be added to the program, it should be administered with both formula and discretionary components. States should have flexibility to transfer funds to small urban areas similar to other federal funding programs (i.e. formula funds). The goal of this modification would be to maintain existing distribution of funds under MAP-21 and if program funding increase funds would be administered with both formula and discretionary components. Keeping the formula program created in MAP-21, but reintroducing a discretionary component will ensure a small, guaranteed annual allocation to each designated recipient to address routine infrastructure needs (such as vehicle replacement), while allowing larger, less routine projects (such as major facility improvements) to compete for additional funding on an “as-needed” basis.

In MAP-21 funding for the Section 5339 program was reduced by more than 50 percent and was consolidated into the urban and rural formula programs. With these changes the funding for this program is not sufficient to enable rural and small urban areas to purchase new buses or build bus facilities.

In addition, under current language in MAP-21, transit providers in small urban areas are not allowed to directly access Section 5339 Bus and Bus Facilities program funds from FTA and are instead required to go through the states for these funds. This places small urban transit agencies in the position of working with the state to access some of their federal funds and FTA for some of their federal funds, which is an inherently inefficient result. It also requires both the state and FTA to provide oversight to the same small urban agency, which is also inefficient. It is requested that the 5339 program (Bus and Bus Facilities) be amended to remain consistent with other formula programs (for example the section 5307 program) and allow the small urban areas to directly apply for and administer federal funds for their areas.

• **Increase flexibility and project eligibility under the Intercity Bus Program (Section 5311(f)) to better meet rural intercity mobility needs.** The program should be clarified to ensure the funding can be used effectively within each state to meet rural intercity mobility needs. Section 5311(f) is a set-aside within the rural formula program, specific for rural intercity mobility. It has and should continue to have a strong focus on “intercity bus” as the specific method of delivering that mobility. However, clarification is needed to ensure the funds can be used for planning, marketing, operating and/or capital improvements for rural public transportation when it supports intercity mobility. In addition, when determining what portion of the 15% set-aside will be used specifically for traditional intercity bus service (i.e., interstate service which is part of the national intercity bus network), a state should be able to consider the needs of rural areas for local and regional (intrastate) public transportation.

• **Extend and increase the employer provided pre-tax qualified transportation fringe benefit for public transportation to the current benefit level for parking and extend and make permanent the current per gasoline gallon equivalent (gge) tax credit for alternative fuel consumption for all public transportation vehicles, including support vehicles.** These are important tax policies that would support the goal of doubling transit ridership over the next twenty years and are consistent with previous reauthorization efforts. Maintaining these provisions will help to ensure that both urban and rural public transportation riders are not discouraged from utilizing our public transportation system.

• **Amend the Congestion Mitigation and Air Quality Improvements (CMAQ) Program definition of project eligibility to include station platform expansions, improving overall station passenger circulation and accessibility and expanding overall station capacity.** The Federal Transit Administration (FTA) defines projects that expand station platforms, projects that improve overall station passenger circulation and accessibility as well as station capacity as capital investments and therefore eligible for operating assistance. The CMAQ program does not define such activities as capital investments. This provision would clarify the definition to be consistent with the FTA definition.