

AASHTO Transportation Policy Forum

Carlos Braceras, Chair | Executive Director, Utah Department of Transportation | Vice President, AASHTO
Lynn Zanto, Vice Chair | Transportation Planning Division Administrator, Montana Department of Transportation
Saturday, September 22, 2018 | 12:30-3:30 PM EST
2018 Annual Meeting | Atlanta, GA

Meeting Minutes **DRAFT**

1. The Transportation Policy Forum (TPF) was called to order at 12:32 PM by Chairman Carlos Braceras, Utah.
2. Chairman Braceras welcomed participants of the meeting and introduced himself as TPF Chairman, AASHTO Vice President, and Executive Director of the Utah Department of Transportation. Meeting materials are available in print, on the Annual Meeting app, and online.
3. Roll Call was taken by Joung Lee, AASHTO Policy Director, and the following States were present: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming.
4. Chairman Braceras asked for a motion to approve the meeting minutes from the TPF 2018 Spring Meeting in Franklin, TN. Don Arkle, Alabama made the motion to approve the minutes; seconded by Michael Lewis, Colorado. There was no discussion. The motion was then voted upon, and it carried unanimously.
5. Chairman Braceras sought approval of the TPF Year 1 Action Plan. Joyce Taylor, Maine moved to approve the TPF Year 1 Action Plan; seconded by Laura Mester, Michigan. There was no discussion. The motion was then voted upon, and it carried unanimously.
6. Joung Lee provided an update on federal policy matters in five major categories:
 - a. Infrastructure Package
 - i. There has been no further action from the White House since the departure of Mr. Gribbin, their infrastructure lead, in February. Recent reports suggest that President Trump may be willing to support a large, debt financed infrastructure package with more than \$200 billion in budgetary authority. The White House is also focused on Executive Order 13807 to enhance federal environmental review for infrastructure projects to shorten delivery time of major projects to 2 years.

AASHTO is supportive of this process and suggests changes in existing laws for additional streamlining.

- ii. House Transportation and Infrastructure Committee Chairman Bill Shuster will meet with AASHTO's Board of Directors and will discuss his recently released infrastructure plan. The plan seeks to address Highway Trust Fund shortfalls by creating a commission whose recommendation receives automatic vote in Congress; extends the FAST Act by one year and repeal the \$7.6 billion rescission of unobligated highway contract authority; adds a temporary motor fuel tax increase; revocation of transit fuel tax exemptions; and more.
- b. FAST Act Reauthorization
- i. Current program structure may change substantially. Republicans on the Senate Environment and Public Works Committee have been working on FAST Act succession framework for the past year. Specific transportation related bills will likely vie for inclusion in authorization. Policies will be refined over the next 2 years.
 - ii. Outlook on Highway Trust Fund is clear – latest CBO figures suggest a 51% drop from FY2020 (\$47 billion) to FY2021 (\$23 billion). Mass transit funding from the Trust Fund will be zeroed out from \$11.2 billion. Annual cash shortfall is expected to increase from \$12 billion today to \$26 billion by FY2028.
- c. FAA Reauthorization
- i. Immediate action required for authorizing the FAA beyond this month. The House passed its 6 year FAA bill this spring, but the Senate has been unable to bring it to the floor of the full chamber. A 5-year reauthorization was just agreed upon by the House and Senate in conference.
- d. FY 2019 Appropriations
- i. Congress moved quickly after finalizing delayed FY2018 appropriations that boosted infrastructure spending by \$10 billion. Political disagreements over spending levels are delaying the FY2019 process, and if issues are not resolved by the end of the month, the transportation package will be hitched to a continuing resolution. The FY2019 House and Senate bills and do not include any rescission of highway contract authority.
 - ii. AASHTO thanks Congress for general fund increases and urges focus on formula programs rather than discretionary fund programs. AASHTO calls for the repeal of \$7.6 billion rescission of contract authority into the FAST Act scheduled for July 2020.
- e. Additional Issues
- i. There is continued push from the technology industry to preempt state and local authorities on automated vehicles through Congressional legislation.
 - ii. There is continued pressure to share the 4.9GHz and 5.9GHz wireless bands, currently committed for Dedicated Short Range Communications and public safety utilized for connected vehicle technology. AASHTO commented to the FCC on the need to preserve the existing wireless spectrum for public safety purposes.

- iii. STREAMLINE Act is currently being written to preempt state actions on processing small-cell deployment, especially on highway rights-of-way. AASHTO has expressed concerns because it can potentially affect safety, delivery of transportation projects, and stewardship of public resources.
 - iv. Positive stay of decision on recent ruling by DC Circuit Court interpreted to prevent action on long-range transportation plans and transportation improvement programs in 82 urbanized areas. There is temporary relief from having to utilize outdated and burdensome air quality standards until February 2019.
7. Chairman Braceras led the discussion on FAST Act reauthorization. AASHTO launched an 18-month effort for FAST Act reauthorization, encompassing 11 committees to develop white papers. Chairs of these working groups will present white paper key points and seek comment for 10 minutes. Papers will be finalized by October 12 and forwarded to the modal councils and freight committee so they can participate in the process and bring back to the Washington briefing for further discussion. White papers will be brought to Utah and special TPF in person meeting this summer to then advance to the board of directors.
- a. Joyce Taylor spoke about the Project Delivery, Engineering white paper. The primary goal is to reduce costs and delays by continuing FAST Act efficiency gains while expanding State DOT stewardship. 22 issue areas were identified from 600 comments received. Major areas of concern include adoption of PROWAG, Right of Way acquisition delays, bridge-related issues, emergency relief, Buy America, and roadside hardware certification.

Ronald Epstein, New York advised that harmonization between the Robert T. Stafford Disaster Relief and Emergency Assistance Act and the Federal Highway Emergency Relief Program was needed. He further commented that coordination of railroads has been an issue in his state and asked if states should have their own flagging program. Joyce advised that both issues arose in committee deliberations and may be further discussed as the committee refines the white paper.

Joung Lee reminded all participants that PowerPoint slides, white paper drafts, and other FAST Act related materials are electronically accessible on the TPF website and the conference app.

- b. Kirk Steudle, Michigan spoke about the Connected and Automated Vehicles white paper. AASHTO does not have an automated vehicle policy; in the interest of safety, it is recommended that AASHTO develop one and this paper is its first attempt. Seven key policy recommendations were identified. Automated vehicles are inevitable and their safe implementation is paramount requiring funding, flexibility, and collaboration with many external stakeholders.

Wayne Symonds, Vermont asked if this white paper the right place to add workforce development impacts. Kirk Steudle will take this note into consideration to determine how it fits into the existing white paper.

c. Greg Slater, Maryland led the discussion on the Data Management and Analytics white paper. Seven core data principles were briefly discussed. Policy discussions on data management must be broad because it is unique to its purpose. States need to be flexible for their data collection methods. As technology advances, privacy security and cyber security issues remain at the forefront. Cyber security is a safety issue. Data management and analytics was identified in six other TPF white papers.

d. Ben Orsbon, South Dakota led the discussion on the Funding and Finance white paper. The general purpose of the white paper was to provide recommendations to avoid falling off a metaphorical looming financial cliff, with federal partners, in 2020. Adequate, certain and flexible funding amounts are needed to ensure needs and circumstances can be accommodated. Therefore, we must be open to alternative funding sources including general funds. Metaphorically, we kick the can down the road in Congress, but no one wants to take the can off the cliff. If status quo remains, we can see a 51% drop in highway fund obligations with a cash shortfall from \$12 billion today to \$26 billion by 2028. States and locals bear the responsibility and burden of national highway system to realizing national vision.

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Burt Tasaico, North Carolina asked if appropriate funding levels could be specified. William Gayle, Maryland advised that the committee recognizes we should be asking enough to take care of our transportation system, but we do a disservice if we ask for FAST Act funding plus 3 percent. We should not be underselling our objectives. Ronald Epstein, New York comment noted that the paper does not talk about debt and bonding. Since the White House may be open to it, we need to look strongly as a funding option. Ben Orsbon advised that tolling finance is addressed, but we do need to look more closely at debt and bonding. We need to make sure that federal funding uncertainty doesn't become certain. Kenneth Fisher, Alaska concurred on the need to address debt and bonding in the white paper. Mike Tooley, Montana commented that committee seems like it was intentionally broad in its proposed solutions and kept all options on the table, and thus has his support. Ben Orsbon said that the committee's specific concern has been that when we ask for general funding money, we compete against social programs.

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Chairman Bracerus asked TPF to think about 2 things: responsibility (are we responsible to identify to define funding levels needed) and effectiveness (we delivered 38 funding choices to Congress in 2013. Was it good, or should we be more specific?)

e. Tony Kratofil, Michigan led the discussion on the Operations white paper. Six issues were identified that related closely with other working group white paper. The issue concerning the strengthening eligibility for investments in transportation system management and operations is not about new buckets of money, but rather giving states broader control. Communications technology for highway operations was cited as an issue with direct benefits for the traveling public, but standards remain unclear.

Aaron Gillispie, West Virginia asserted that, regarding issue #3, sometimes things that are in too many buckets so funding may be difficult to spend. Joyce Taylor advised that the Project Delivery – Engineering working group also recommended change regarding ITS architecture policy.

- f. Paul Degges, Tennessee led the discussion on the Performance-Based Management white paper. He acknowledged that Congress wants to know what's going on with their investments, but states use performance based management to make decisions. Federal funding should not be linked to targeted achievement because circumstances such as hurricanes and droughts negatively affect performance. More cycles are needed to properly evaluate for proper assessment, and it is also critical that new overhead is not created to maintain newly obtained big data. Five issues were identified in this working group.

Linda Hull, Utah was unsure if the fifth issue is appropriate for this paper. She stressed real work experience and the need of a pilot program to test new management approaches. Ronald Epstein said that the fifth issue doesn't consider prior condition of roads. Patricia Leavenworth, Massachusetts said that a successful asset management program comes from legislative body understanding what a DOT does. A lot of investment in educating state legislature helps. However, federal and state terminologies are different. Jennifer Esser, Wisconsin said that there's a lot more than the NHS at stake regarding the fifth issue.

- g. Tim Henkel, Minnesota led the discussion on the Planning white paper. In summary, nine focus areas identified by the committee work under 4 goal areas with considerable overlap. Eliminate regulatory burdens, enhancing delivery flexibility, and improve funding eligibility address costs associated with projects. The committee recommends that MPOs and state DOTs be eligible to receive set aside from the Surface Transportation Block Grant Program. The working group also opposes complications of performance based planning regulations. The current balance of A collaborative approach is needed to develop a more streamlined data collection, analysis, and management practices.

- h. Carlos Swonke, Texas led the discussion on the Project Delivery – Environmental Protection white paper. The environmental process process is well intended; however, it is unduly burdensome. As an example, environmental disagreements can be (unnecessarily) escalated to the White House for resolution. The committee identified 21 issues regarding the NEPA/environmental review process, air quality conformity, Section 404 of the Clean Water Act, and the Endangered Species Act.

Floyd Roehrich, Arizona suggested insertion of NEPA assignment language in Title 49 to make NEPA more applicable to all transportation agencies.

- i. David Jared, Georgia led the discussion on the Research and Innovation white paper. The committee supports white paper consolidation with others due to overlap of all 4 identified issues. The committee proposes to allow a portion of Highway Safety Improvement program funds for safety related research activities. Smaller states will appreciate increased flexibility to use non-SP&R federal funding when contributing to the Multi-State Pooled Fund research studies. One way to soften Buy America burden is to redefine the term "Manufactured Products." The committee will review TPF

comments, include additional language to support research efforts, and coordinate with other working groups to ensure consistent messaging.

Chairman Braceras asked TPF participants to think of common practices and materials today and where they come from. He asked if, based on the original SHRP program and SHRP 2, if TPF should advocate for a new national research program?

- j. Rudy Malfabon, Nevada led the discussion on the Safety white paper. The committee's goal was to ensure flexibility toward eliminating traffic fatalities and injuries. The key issues identified were Highway Safety Improvement Program funding eligibility, which affects states' ability to deploy resources to address safety trends, and the protection of DOT partner agencies' safety data from discovery. The intent is not to limit availability of data to the general public.

Linda Hull said that it comes as a sometime surprise that a state agency won't be in compliance and there is no grace period to rectify the problem before penalty. She requested language so that if there is a penalty to be applied, a corrective action period be added before fines are levied. Ronald Epstein emphasized that work zone safety is an issue – distracted driving and assaults are problems and that we need protections for employees and contractors. Rudy Malfabon said that he would consider that point.

- k. Mike Lewis, Colorado led the discussion on the Transportation System Security and Resiliency white paper. The committee considered how we work with USDOT and FHWA to make ER more flexible, responsive, and better to replace highway infrastructure to prevent recurrence from the same event through risk based assessment. Local events have a national impact – our nation is built on the system. (i.e. North Carolina's hurricane Florence affects entire nation).

Vice Chair Lynn Zanto said that security and resilience must be considered in the planning process, but we must be careful that we are asking for a lot more planning over what is already needed. Mike Lewis invited TPF to the RISE summit, an event geared towards furthering this discussion to see how events affect our work and how we can better prepare for disruptions to our transportation system. TRB sponsors 2 members of every state to attend this summit.

- l. Chairman Braceras outlined the next steps within the upcoming 3 weeks. He asked TPF to think about additions, subtractions, and conflicts in each of the white papers. He also recognized AASHTO lead staff members of each committee for their hard work.
8. Justine Sydello, Illinois led the discussion on the development of the 2019 AASHTO legislative agenda. The plan is to finish the 2019 agenda by the end of this year. The goal is to increase outreach with internal and external stakeholders. TPF was asked to examine format, core issue areas, and best practices for how to best utilize the agenda document during the time spent in DC.

Justine Sydello began the discussion on document format. Tony Kratofil said that the format for policy priorities is appropriate and hits the high points. Ed Hassinger, Missouri liked the concise format with much substance. Paul Degges said that the rescission issue needs to be front and

center. Justine Sydello said that not all of the document's points are relevant to every state, but relevant supplemental materials can be used for augmentation. Joung Lee the idea this year was to provide an executive summary, but extra paper can be added. The AASHTO staff is mindful of information overload, and they are examining a 2 pronged approach. Ronald Epstein asked if there was a way to add a bullet to highlight how much more state and local governments contribute compared to the federal government. William Gayle suggested a reorganization of bullets, perhaps highlighting only 3 policy priorities and then subsets.

Justine Sydello began the discussion on document core issue areas. Burt Tasaico asked if it is too early to discuss reauthorization being 2 years away. Chairman Braceras believed it is not.

Justine Sydello began the discussion on best practices for utilizing these briefs. It was suggested that post-action meetings after meeting with legislators could help gauge messaging effectiveness. Tracy Hatch liked AASHTO references on back and liked the idea of having an electronic after action review to give AASHTO feedback on what their legislators didn't know about AASHTO. Chairman Braceras asked if the document should we have a section that allows state individualized documents to highlight specific state contribution. Kenneth Fisher liked the chairman's suggestion. Burt Tasaico asked about the timing of having an updated document. Justine Sydello said the goal was to have this achieved by calendar year. Joung Lee asked if that enough time to make this more useful. Chairman Braceras said yes. Ronald Epstein said that the document needs to focus our efforts on specific legislation to provide to legislative staff. Chairman Braceras compared legislative staff to the media: give the media content because they don't have resources to generate it themselves. Ronald Epstein suggested that the document be put this in an electronic format in which the staff can use such as Facebook. Tracy Hatch said that document timing is good, as many TPF members will have new governors at the end of the year, so timing is good to use for their state governments.

9. Chairman Braceras thanked TPF participants for their time and energy. The next face to face meeting scheduled on front end of Washington briefing is 26 February, and he encouraged all to sign up on Community of Practice on Facebook with good information. He encouraged all to attend conference calls, with the next scheduled for 18 October at 2PM EDT which will feature updates on what's going on to keep members current on DC current events.
10. A motion to adjourn was made by Michael Lewis; seconded by Lorie Tudor, Arkansas. The meeting adjourned at 3:05 PM.