

AASHTO Transportation Policy Forum

Patrick McKenna, Chairman | Vice President, AASHTO | Director, Missouri Department of Transportation
Lynn Zanto, Vice Chairwoman | Transportation Planning Division Administrator, Montana Department of Transportation
Tuesday, February 26, 2019 | 2:00-5:00 PM EST
2019 Washington Briefing | Washington, DC

Meeting Minutes **DRAFT**

1. The Transportation Policy Forum (TPF) was called to order at 2:12 PM by Chairman Patrick McKenna, Missouri.
2. Chairman McKenna welcomed participants of the meeting and introduced himself and Vice Chairwoman Zanto, Montana. Vice Chairwoman Zanto said that reauthorization was right around the corner, and that the day's focus was on the five modal and freight white papers to help set the stage for core principles and messaging to Congress. Chairman McKenna reminded members of the new policy website featuring better organization of information.
3. Roll Call was taken by William Lusk, AASHTO Program Specialist for Policy, and the following states were present: Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Idaho, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming.
4. Chairman McKenna asked if any changes needed to be made to the meeting minutes from the TPF meeting at the 2018 Annual Meeting in Atlanta, GA. Susan Mulvihill, Minnesota, moved to amend Section 8 of the minutes to replace Tracy Hatch's name for her own without objection. A motion was made and seconded to approve the minutes. The motion to approve the minutes was then voted upon, and it carried unanimously.

Chairman McKenna then discussed the TPF Strategic Plan, which was previously voted upon by TPF on September 4, 2018. It was later approved by the Strategic Management Committee on November 15, 2018 with minor formatting changes.

5. Joung Lee, AASHTO Policy Director, discussed the Legislative Action Agenda and its value for members as they started their respective Hill visits later in the week. Based on polling on the Workplace platform to use a democratic approach of identifying key goals, the Legislative Action Agenda's five goals were reviewed individually.
6. Jim Tymon, AASHTO Executive Director, provided updates on federal policy. He began by discussing appropriations for FY 2019 and FY 2020, and that polling indicated much interest from the general public on infrastructure spending with about 80% favorability. The President's remarks in his recent State of the Union address were positive regarding infrastructure

investment. Mr. Tymon then discussed timing of an infrastructure bill and a surface reauthorization bill. Mr. Tymon said that the primary issue is to continue to get a long term reauthorization package done to stabilize the Highway Trust Fund. He also spoke about the possible return of earmarks, and that transportation has benefitted from lack of earmarks through increases in formula and discretionary funding. If Congress brings earmarks back, he said AASHTO will ask for “guardrails” to be established to identify projects consistent with state and MPO plans and for funding to be distributed in a responsible way to maximize return on investment.

Mr. Lee provided an update on the appropriations process. The partial federal government shutdown’s impact was felt even in Highway Trust Fund programs that do not rely on annual spending bills. In addition to the unusual situation of getting full-year obligation limitation from the Federal Highway Administration – that was quickly whittled back down to the usual pro-rata rate associated with Continuing Resolutions once the shutdown was over – the resource agencies being shut down impacted state DOT projects from moving forward. Mr. Lee also detailed the FY 2019 appropriations bill in which \$4.5 billion out of the \$10 billion general fund infrastructure boost went to the U.S. Department of Transportation accounts.

Burt Tasaico, North Carolina, agreed that if earmarks come back, “guardrails” should be in place. Mr. Tymon said he hoped earmarks don’t return, since formula dollars outperform discretionary and earmarked dollars by a large margin. Mark Howards, Maryland, said that it may be easier to repeal the rescission due to new rules instituted in the House of Representatives. Mr. Tymon advised that if earmarks come back, states will need to work with their members of Congress and provide lists of projects to support. Ben Orsbon, South Dakota, asked if AASHTO could provide Congress a list of suggested projects to fund rather than through an earmark process.

7. Chairman McKenna provided opening remarks on the FAST Act Reauthorization discussion, saying there is usually a lull during the winter season, but instead we were aggressive in the development and review of policy white papers and sharing them on Capitol Hill. He also provided a brief overview of the TPF Steering Committee’s earlier meetings with external stakeholders about these white papers. Chairman McKenna concluded by further emphasizing the need to be nimble and ready, as the Senate Environment and Public Works Committee wants to introduce surface transportation reauthorization bill before August recess.
 - a. Toks Omishakin, Tennessee, led the discussion on the Active Transportation white paper. He said that as we continue to work on the onset of connected and automated vehicles, we need to be mindful of impact to pedestrians and bicyclists. Main points discussed by the Council on Active Transportation were to safely deploy connected and automated transportation technology, increase flexibility for the Surface Transportation Block Grant Program set-aside for transportation alternatives, increase flexibility for Highway Safety Improvement Program eligibilities, and finalize in regulation the Public Rights of Way Accessibility Guidelines (PROWAG).

- Joyce Taylor, Maine, advised that the Active Transportation white paper had synergy with the Project Delivery white paper concerning PROWG. Mr. Omishakin said that the committee referenced the Project Delivery white paper to form its recommendations. Kevin Biesty, Arizona, then asked if there was any discussion amongst states about consolidation of redundant safety plans (e.g. NHTSA and FHWA). Vice Chairwoman Zanto said that it depends on how state safety personnel are organized and working together, but overarching themes of these redundant reports can be aligned.
- b. Roger Millar, Washington, led the discussion on the Freight white paper. The two primary goals of the committee's paper were to expand federal funding eligibility for freight projects and research; and streamline federal freight planning documents and program oversight. Mr. Millar then summarized the white paper's six core issue areas.

- Ronald Epstein, New York, said that it is redundant to have multiple fiscally constrained plans. Mr. Millar said that it was a great observation worthy of asking ourselves how many of these plans do we want to have fiscally constrained as times change. Vice Chairwoman Zanto said that two other white papers discussed inconsistent plan timeframes, and that maybe we only need one fiscally constrained plan. Marc Williams, Texas, asked if AASHTO is endorsing discretionary grant programs because issue 13-3 read like it was an endorsement. Mr. Millar suggested that the conversation be escalated to a higher level. Mr. Orsbon said that the Committee on Funding and Finance addressed the issue without a recommendation for changes.
- c. The Council on Highways and Streets' white paper was introduced by Paul Degges, Tennessee. In the last five years, half of state DOTs have pushed to raise revenues at local level to address shortfalls. The federal transportation program should be reexamined for transferability of funds between programs for proper performance outcomes. Core programs with a higher federal aid percentage of participation allows states to free up local dollars for local projects. Mr. Degges said that a quick win would be to address the Section 130 (railroad/highway grade crossing program) mandate of a 10% non-federal match. He further said that there needs to be a greater effort to reduce regulations that are a burden to state DOTs, especially for projects with minimal controversy and risk.

Mr. Williams endorsed issue 14-2 on maintaining flexibility and transferability of set-asides, and that AASHTO may want to increase emphasis on this recommendation. Keith Metcalf, Washington, asked if the loosening of match requirements could be considered on a program-specific level instead of a project-specific level. He also asked if resource agencies can be linked to expectations, as we don't want Congress to impose deadlines if they don't have resources. Ms. Taylor said that Maine pays for two fish and wildlife resource officers, resulting in their environmental review process shortened from two years to two weeks.

- d. Mr. Epstein led the discussion on public transportation by summarizing the thirteen issues in their council's white paper. FTA's Bus and Bus Facilities discretionary grant program is meant to address extraordinary needs that cannot be funded through the formula program, and thus was a strong recommendation in issue 15-3. The white paper proposed manufacturers to certify Buy America component requirements, creating one set of certifications with the FTA. Issue 15-8 asked the FTA to increase efficiency by allowing for the partnership with app-based transportation services. FTA established a 90-minute rule (if a transit agency has a service that takes more than 90 minutes, the agency is subject to a more difficult process to justify), and issue 15-12 requested further discussion on this matter before implementation.
- e. Matt Dietrich, Ohio, spoke about the passenger rail transportation white paper and its six issues. One issue clarified that states aren't railroads, as there has been question about classifying states as railroads for regulatory purposes when passenger services are contracted out. The FAST Act was the first surface transportation bill that included rail as a transportation mode. Section 130 programs were under-obligated due to the inability to find a 10% funding match.

Mr. Epstein asked if the Rail Council could add an item on camera enforcement. According to New York's studies, the vast majority of intrusions on a grade crossing were intentional. He said that, although controversial, a few fines may help reduce the problem. Michele Boomhower, Vermont, thanked the committee for mentioning the inclusion of grant funds for intercity passenger rail service passenger rail into Canada, as it was an important topic to get New England reconnected to Montreal.

- f. Chairman McKenna initiated the discussion on the two ad hoc working groups resulting from the TPF meeting in Atlanta. Discussions consisted of local funding in the context of the Surface Transportation Block Grant Program and on formula apportionment. One of the purposes of the ad hoc groups was to use the committee format as a way to address particular issues facing some states.

Mr. Millar asked if members have thought about a reallocation process within a state for a DOT and a locality to cooperatively ensure the money gets spent. Chairman McKenna advised that point was part of the discussion, but that he thought the reallocation process may be more of a project management issue. Mr. Degges said that in general, STBG dollars are suballocated from a larger funding source without risk of lapsing in four years. Mr. Degges continued by saying we can't look like we're trying to take money away from localities, although it looks bad to have unspent funds. Mr. Williams expressed gratitude for the discussion on the formula apportionment issue, as the topic is essential to Texas. One goal was to inform the states on the rate of return issue, which has been achieved. The second goal is an acknowledgement of this issue in an AASHTO policy position moving forward, as the inputs to formula dollars are no longer updated to reflect current performance measures. Mr. Tasaico said that if one looks at the provided Federal Highway

Funding Formulas tables, it showcases the issue that almost every state is a recipient state, but the second table shows a different perspective on calculating rate of return.

- g. Chairman McKenna then outlined the next steps of the FAST Act reauthorization process. AASHTO staff will solicit development of core principles. By the middle of March, TPF will be asked to provide written feedback on the modal and Special Committee on Freight white papers. These papers will be finalized on April 12. By the AASHTO Spring Meeting (May 20-23), TPF will be asked to start prioritizing issue areas to possibly become policy resolutions. The Spring Meeting will also have additional time for TPF discussion on the formulation of core principles. On August 8-9, TPF will hold a special session in Minneapolis to consider all priority issues areas and draft policy recommendations to the AASHTO Board. At the Annual Meeting on October 5-9 in St. Louis, the AASHTO Board will consider and formally adopt reauthorization policies.

Chairman McKenna advised that this timetable is aggressive, but we also need to be nimble to provide information to Congress. Mr. Lee said that the signals we're getting from the House Transportation & Infrastructure and Senate Environment and Public Works Committees are different, and that even the Senate has approached AASHTO for policy recommendations around April for a June/July bill drop before the August recess. Mr. Tasaico asked if there was concern about the bandwidth of a multimodal approach to an infrastructure plan. Chairman McKenna said that there was concern, but he thought that bandwidth would ultimately be decided by the funding opportunity.

8. Mr. Neil Pedersen, Executive Director, Transportation Research Board (TRB), presented the report entitled *Renewing the National Commitment to the Interstate Highway System: A Foundation for the Future*. The FAST Act tasked TRB to conduct a study on the actions needed to upgrade and restore the Interstate Highway System. The report emphasized that federal leadership was key and essential to the creation and construction of the original interstate system, and therefore must be reestablished as we move forward with our policy recommendations. Challenges outlined in the report include aging assets, increasing demand, demand for more geographic coverage, transformation of the vehicle fleet, and climate change impacts. It is concluded that the country is only investing half of what we should be, before resiliency costs are factored. Ten recommendations were made in the report, and were individually summarized by Mr. Pedersen.

Mr. Millar mentioned that we should prioritize preservation of the existing system over expansion, to which Mr. Pedersen agreed and stated that the report came to the same conclusion. Leif Wathne, Executive Vice President, American Concrete Pavement Association, asked how this report will be presented to Congress. Mr. Pedersen advised that meetings were held with Capitol Hill staff, to which the report was well received with significant interest. Chairman McKenna advised that the slides used by Mr. Pedersen would be available online.

9. The meeting was adjourned at 5:02 PM by Chairman McKenna.