

AMERICAN ASSOCIATION
OF STATE HIGHWAY AND
TRANSPORTATION OFFICIALS

AASHTO

AASHTO Policy Recommendations for Surface Transportation Reauthorization

APPROVED BY THE AASHTO TRANSPORTATION POLICY FORUM
ON AUGUST 8, 2019

American Association of State Highway and Transportation Officials
<http://policy.transportation.org>

Table of Contents

Introduction	3
Format.....	3
Proposed Policy Resolution PPR-19AM-02 Title: AASHTO’s Core Policy Principles for Reauthorization	5
Proposed Policy Resolution PPR-19AM-03 Title: AASHTO Reauthorization Policy Theme 1: Promote Safety	6
Proposed Policy Resolution PPR-19AM-04 Title: AASHTO Reauthorization Policy Theme 2: Ensure Robust Long-term, Sustainable Funding Solution	8
Proposed Policy Resolution PPR-19AM-05 Title: AASHTO Reauthorization Policy Theme 3: Maintain Current Program Structure	10
Proposed Policy Resolution PPR-19AM-06 Title: AASHTO Reauthorization Policy Theme 4: Improve Flexibility	12
Proposed Policy Resolution PPR-19AM-07 Title: AASHTO Reauthorization Policy Theme 5: Reduce Program Burdens	15
Proposed Policy Resolution PPR-19AM-08 Title: AASHTO Reauthorization Policy Theme 6: Improve Project Delivery.....	19
Proposed Policy Resolution PPR-19AM-09 Title: AASHTO Reauthorization Policy Theme 7: Harness Innovation and Technology	22
Proposed Policy Resolution PPR-19AM-10 Title: AASHTO Reauthorization Policy Theme 8: Support Research and Development.....	24

Introduction

The Fixing America’s Surface Transportation (FAST) Act enacted in December 2015 represented the first comprehensive, long-term surface transportation legislation since 2005’s SAFETEA-LU. The FAST Act continues to fulfill the Constitutional directive that investment in transportation is a core federal responsibility.

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. By not enacting a long-term funding source, the Highway Trust Fund (HTF) continues to remain at a crossroads. The HTF has provided stable, reliable, and substantial highway and transit funding for decades since its inception in 1956, but this is no longer the case. Since 2008, the HTF has been sustained through a series of General Fund transfers now amounting to \$140 billion.

Without a solution to this crisis, AASHTO estimates that states will see about a 40 percent drop in highway funding from FY 2020 to 2021. In the past, such similar shortfall situations have led to the possibility of a reduction in federal reimbursements to states on existing obligations, leading to serious cash flow problems for states and resulting in project delays. More alarmingly, due to a steeper projected shortfall in the Mass Transit Account, new federal transit obligations are expected to be zeroed out between FY 2021 and FY 2023. Simply put, this is a devastating scenario that we must do all we can to avoid. Beyond maintaining program levels, there has been broad consensus among states that additional federal funding and investment is warranted.

Beyond funding stability, after decades of adding layers of regulatory requirements on state transportation agencies, various aspects of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the FAST Act provided needed policy reforms. In the next surface transportation reauthorization, AASHTO recognizes that we need to continue the momentum of MAP-21 and the FAST Act by making further efficiency gains on project delivery and providing increased flexibility for states. Every state DOT’s priority is ensuring safety and serving as responsible stewards of taxpayer resources and both human and natural environments, all the while improving both mobility and accessibility for all residents and businesses.

This package of AASHTO’s surface transportation reauthorization recommendations was developed by the Transportation Policy Forum (TPF), which is charged with discussing and recommending policies related to legislation, regulation, and other policy matters to the AASHTO Board of Directors, including the Association’s recommended positions on key transportation legislation and on ongoing topical issues of interest to state DOTs.

Format

In the form of policy resolutions, AASHTO’s reauthorization package is composed of:

- Vision statement
- Core policy principles
- Policies in key areas. For more issue background and details, Issue Numbers as noted in parentheses in this package refer to matching issue identifiers in the accompanying AASHTO policy white paper.

1 **Proposed Policy Resolution PPR-19AM-01**
2 **Title: AASHTO’s Vision for Reauthorization**

3
4
5 **WHEREAS**, America is poised to dramatically improve the national transportation network in ways that
6 will improve the safety, mobility, health, and economic well-being of all Americans, and;

7
8 **WHEREAS**, from the very beginning of our developing nation, we have valued investment in our surface
9 transportation infrastructure, starting with rivers, harbors, and post roads, and later taking major leaps
10 through canals, the transcontinental railroad, and the Interstate Highway System, and;

11
12 **WHEREAS**, a safe, well-functioning, and resilient system is the foundation of a strong economy and
13 quality of life benefits such as access to employment, education, recreational, and health services
14 opportunities, and;

15
16 **WHEREAS**, ensuring safety of Americans using our surface transportation system remains the foremost
17 priority for each state department of transportation (state DOT), as 36,750 lives lost on our roadways
18 and work zones in 2018—including pedestrians and users of motorized and non-motorized vehicles—is
19 wholly and totally unacceptable, and;

20
21 **WHEREAS**, every action that state DOTs take serves to provide the highest possible quality of life for all
22 Americans by improving access, public health, and both built and natural environments, and;

23
24 **WHEREAS**, state DOTs strive to deliver the most effective and efficient surface transportation system
25 that strengthens and grows the economy by increasing productivity, enhancing jobs and labor market
26 accessibility, opening new markets for businesses, and optimizing supply chain efficiency for freight
27 movement, and;

28
29 **WHEREAS**, it is the interconnected national transportation system—with states as a principal owner and
30 operator of a multimodal surface transportation infrastructure—that has enabled the United States to
31 become the most vibrant and powerful nation in history, and;

32
33 **NOW, THEREFORE BE IT RESOLVED**, AASHTO’s vision for policy recommendations are founded upon
34 transportation serving as the key enabler for a higher purpose: to provide the safest system possible,
35 highest possible quality of life, and most robust economic opportunities for every American, and further
36 be it;

37
38 **RESOLVED**, a well-funded, multiyear surface transportation reauthorization on time by September 30,
39 2020, is absolutely necessary to actualize AASHTO’s reauthorization goals that serve Americans, and
40 further be it;

41
42 **RESOLVED**, given the strong bipartisan support from the American public for robust infrastructure
43 investment, it is time for the President and Congress to take bold action on this consensus national
44 priority.

1 **Proposed Policy Resolution PPR-19AM-02**
2 **Title: AASHTO’s Core Policy Principles for Reauthorization**

3
4 AASHTO supports the following core policy principles for reauthorization of highway, transit, and other
5 surface transportation programs:
6

7 **1. Ensure timely reauthorization of a long-term federal surface transportation bill**

- 8 • Funding stability provided by federal transportation programs is absolutely crucial to meet states’
9 capital investment needs, which take multiple years to plan and construct.
10 • A long-term transportation bill is needed so that there is no authorization gap upon FAST Act
11 expiration in September 2020. Short-term program extensions cause unnecessary program
12 disruptions and delays safety and mobility benefits to states and communities.
13

14 **2. Enact a long-term, sustainable revenue solution for the Highway Trust Fund**

- 15 • Ensuring Highway Trust Fund solvency in supporting a six-year federal surface transportation bill
16 that simply maintains current FAST Act funding levels, will require approximately \$100 billion in
17 additional revenues for the Highway Trust Fund.
18 • To achieve a state of good repair, USDOT’s 2015 Conditions and Performance Report estimates
19 highway and bridge needs at \$836 billion and transit needs at \$90 billion, which would require
20 significant additional investment.
21 • Federal funding solutions can draw upon the experience of 31 states that have successfully enacted
22 transportation revenue packages since 2012.
23

24 **3. Increase and prioritize formula-based federal funding provided to states**

- 25 • The current federal highway program optimally balances national goals with state and local decision
26 making.
27 • Formula-based transportation funding reflects the successful federal-state partnership by ensuring
28 the flexibility necessary for each state to best meet its unique investment needs.
29 • Congress should increase the formula-based program’s share of the Federal-aid Highway Program
30 from 92 percent currently in the FAST Act.
31

32 **4. Increase flexibility, reduce program burdens, and improve project delivery**

- 33 • Increase programmatic and funding flexibility to plan, design, construct and operate the surface
34 transportation system.
35 • Reduce regulatory and programmatic burdens associated with federal programs that are not part of
36 the project approval process.
37 • Modernize Clean Water Act, Clean Air Act, and Endangered Species Act processes to improve
38 transportation and environmental outcomes and reduce delays.
39 • To streamline and improve project delivery, states should be provided with opportunities to assume
40 more federal responsibilities and the associated accountability.
41

42 **5. Support and ensure state DOTs’ ability to harness innovation and technology**

- 43 • Innovative approaches and technologies should be embraced to achieve a safer and more resilient,
44 efficient and secure surface transportation system.
45 • State DOTs, as infrastructure owners and operators, need the 5.9 GHz spectrum for transportation
46 safety and connected vehicle deployment purposes.
47 • Preserve state and local government authority to regulate operational safety of autonomous
48 vehicles.
49 • Preserve state and local government authority to responsibly manage data collected from
50 transportation technologies.
51

Proposed Policy Resolution PPR-19AM-03
Title: AASHTO Reauthorization Policy Theme 1: Promote Safety

1
2
3
4
5 **WHEREAS**, ensuring safety of the public we serve remains the foremost priority for every state
6 department of transportation, and;

7
8 **WHEREAS**, 36,750 lives lost on our roadways and work zones in 2018—including pedestrians and users
9 of motorized and non-motorized vehicles— though a reduction from 2017, is wholly and totally
10 unacceptable, and;

11
12 **WHEREAS**, AASHTO strongly supports the Toward Zero Deaths national vision of a highway system free
13 of fatalities through a sustained and accelerated decline in transportation-related deaths and injuries,
14 and;

15
16 **WHEREAS**, to make the most significant reductions in traffic fatalities and serious injuries, states
17 combine efforts from multiple safety disciplines to implement the most effective countermeasures in
18 the most efficient manner, and;

19
20 **WHEREAS**, this involves combining resources—such as funding and data—from various agencies with a
21 role in traffic safety, including infrastructure, law enforcement, public education, emergency medical
22 services, and public health, and;

23
24 **WHEREAS**, surface transportation reauthorization should allow for sharing and combining resources to
25 allow states the necessary flexibility to address their safety challenges, and;

26
27 **NOW, THEREFORE BE IT RESOLVED**, allow states the flexibility to use a portion of the Highway Safety
28 Improvement Program (HSIP) funds to invest in safety programs such as behavioral efforts, public
29 awareness, education, enforcement, research, improving system resilience, and pilot or experimental
30 projects, and also allow HSIP funds to be used for experimental, temporary installations such as testing
31 the viability of protected active transportation lanes (Issue SF-1), and further be it;

32
33 **RESOLVED**, safely deploy cooperative and automated transportation technologies by sharing non-
34 proprietary data generated by automobile manufacturers, technology developers, research
35 organizations, and public agencies with the public and decision makers; increasing efforts to deploy
36 existing proven automation technologies, and; revising outdated safety laws, regulations, and guidance
37 when the data unequivocally demonstrates a technology’s ability to provide an equivalent or higher
38 level of safety, while recognizing that the legislative and regulatory framework that reflects the mix of
39 vehicle styles, ages, and technologies throughout the transition to new technologies should be kept in
40 place (Issue CAV-2), and further be it;

41
42 **RESOLVED**, provide states with a reasonable opportunity to take corrective action to bring themselves
43 back in compliance with federal impaired driving requirements prior to the imposition of financial
44 penalties to the state highway program (Issue SF-2), and further be it;

1 **RESOLVED**, clarify Section 209 of the Passenger Rail Investment and Improvement Act of 2008 to
2 exempt state and political subdivisions of states who sponsor but do not operate intercity passenger rail
3 services from being classified as railroads or railroad carriers and thus subject to System Safety Program
4 regulations intended for railroad operators (Issue RT-2), and further be it;

5

6 **RESOLVED**, ensure that the Federal Highway Administration continues to oversee the review and
7 approval process for crash testing roadside safety hardware for use on the nation's road and highway
8 system (Issue PEG-5), and further be it;

9

10 **RESOLVED**, codify the current Public Transportation Agency Safety Plan exemption for Federal Transit
11 Administration Section 5310 and 5311 providers and provide funding to support implementation for
12 systems receiving funding from the Section 5307 Urbanized Area Formula Program and have 100 or
13 fewer vehicles in peak revenue service (Issue PT-3).

1 **NOW, THEREFORE BE IT RESOLVED**, that a permanent solution for the HTF shortfall must be the
2 foundation of surface transportation reauthorization in order to prevent significant planning and
3 construction disruptions to highway and transit projects, to provide stable cash reimbursements to
4 states for costs already incurred, and to ensure and enhance the national benefits of the federal surface
5 transportation program including jobs, economic competitiveness, safety, personal mobility, efficient
6 movement of goods, and improved quality of life, and further be it;
7

8 **RESOLVED**, that any potential HTF revenue solution must include these core factors: derived from
9 system use and the need for connectivity, dedicated to highway and public transit transportation
10 improvements, and sufficient to support permanent growth in federal transportation investment, and
11 further be it;
12

13 **RESOLVED**, that it is time for policy makers to advance tangible solutions to the HTF’s structural revenue
14 deficit and that potential mechanisms such as motor fuel tax increase and indexation, per-barrel oil fee,
15 freight user charges, or a mileage-based user fee, while not all inclusive, would provide a foundation to
16 preserve and strengthen the federal role in supporting a national surface transportation network, and
17 further be it;
18

19 **RESOLVED**, Congress is urged to increase federal surface transportation funding significantly above the
20 current FAST Act funding levels to address transportation infrastructure needs and to sustain national
21 and regional connectivity (Issue FF-1), and further be it;
22

23 **RESOLVED**, Congress must provide sustainable, certain, long-term funding to the HTF to support
24 multiyear legislation and continue to fund the development and implementation of revenue alternatives
25 to motor fuel taxes (Issue FF-2), and further be it;
26

27 **RESOLVED**, rescissions of highway contract authority greatly impede the flexibility of state DOT
28 programs’ federal dollars and Congress is urged to avoid using rescissions of highway contract authority
29 as budgetary offsets (Issue FF-4), and further be it;
30

31 **RESOLVED**, proportional to highways, federal funding for public transportation and rail transportation
32 should be strengthened and expanded through increases in formula-based program funding from the
33 Mass Transit Account in the HTF plus commensurate increases for General Fund transit programs, all of
34 which support both rural and urban areas to enhance regional and national economic competitiveness
35 and community vitality (Issue PT-1), and further be it;
36

37 **RESOLVED**, Congress should retain the current multi-tiered federal transportation research structure by
38 maintaining the State Planning and Research program set-aside at two percent of core highway
39 programs—of which 25 percent is dedicated to research, development, and technology transfer
40 activities—and by maintaining the current level of effort for federal Research, Technology, and
41 Education (RT&E) programs accounting for inflation (Issue RI-1).

1 **Proposed Policy Resolution PPR-19AM-05**
2 **Title: AASHTO Reauthorization Policy Theme 3: Maintain Current Program**
3 **Structure**

4
5
6 **WHEREAS**, the heart and soul of the Federal-aid Highway Program are the formula dollars supporting
7 state and local investment decisions, and;

8
9 **WHEREAS**, this nation-building program, starting with the Federal-aid Road Act of 1916, established the
10 foundation of a *federally-assisted State* highway program, and has been perfectly suited to a growing
11 and geographically diverse nation like ours, and;

12
13 **WHEREAS**, the stable federal investment enabled by the Highway Trust Fund has allowed states and
14 their local partners to fund state- and locally-critical projects that at the same time serve the interests of
15 the nation as a whole, and;

16
17 **WHEREAS**, Congress recognized in the Moving Ahead for Progress in the 21st Century (MAP-21)
18 legislation the need to consolidate a complex array of federal highway programs into a smaller number
19 of broader programs, with the eligibilities generally continuing under such programs, and;

20
21 **WHEREAS**, this revised program structure has provided state DOTs with greater flexibility to deliver
22 projects more efficiently, and it better supports data-driven investment decisions to meet performance
23 targets established in MAP-21, and;

24
25 **WHEREAS**, the formula-based program framework built the Interstate Highway System and the National
26 Highway System, the backbone of our national network of roads and bridges that drives our national
27 economy, and;

28
29 **WHEREAS**, maintaining this core program structure remains the optimal approach for the next surface
30 transportation legislation to serve all corners of our country by improving mobility and quality of life in
31 urban, suburban, and rural areas, and;

32
33 **NOW, THEREFORE BE IT RESOLVED**, Congress is urged to focus on maximizing federal formula-based
34 dollars provided directly to states through the existing core formula programs by increasing the 92
35 percent share of formula dollars relative to all highway program funding under the FAST Act, rather than
36 looking at approaches that can divert the federal government's focus and role in the surface
37 transportation program (Issue FF-3), and further be it;

38
39 **RESOLVED**, Congress should continue to prioritize formula funding over discretionary grant programs as
40 state and local governments already have existing investment plans, programs, and processes in place
41 and can put new federal formula funds to work promptly and effectively (Issue FF-3), and further be it;

1 **RESOLVED**, Congress must maintain the current balance of funding among highway, highway safety, and
2 transit programs from the Highway Trust Fund and continue General Fund support for rail programs
3 (Issue FF-8), and further be it;

4
5 **RESOLVED**, Congress should clarify that performance measures and the achievement of federal
6 performance management targets are not related to apportioning or allocating federal funds among the
7 states, and also clarify that federal performance management requirements were established to provide
8 a source to communicate with decision makers and the public on the condition and investment needs of
9 the national highway system as a whole (Issue PM-1), and further be it;

10
11 **RESOLVED**, Congress should reauthorize the Consolidated Rail Infrastructure and Safety Improvements
12 Grant Program, State of Good Repair Grant Program, and the Restoration and Enhancement Grant
13 Program above FAST Act levels, and support cross-border investment (Issue RT-1), and further be it;

14
15 **RESOLVED**, Congress should maintain the existing balance of authority among state DOTs, Metropolitan
16 Planning Organizations, and rural planning organizations (Issue PL-1), and further be it;

17
18 **RESOLVED**, using current annually appropriated funding levels as a baseline for formula and
19 discretionary funds, Congress should provide increased Highway Trust Fund formula and discretionary
20 grants for buses and bus facilities, supplemented by General Funds where possible (Issue PT-2), and
21 further be it;

22
23 **RESOLVED**, Congress should maintain the current federal-state matching ratio requirements for projects
24 and further explore innovative match strategies such as the sale or exchange of toll credits (Issue FF-6),
25 and further be it;

26
27 **RESOLVED**, while most projects require federal support in the form of direct funding, Congress should
28 continue to support the federal financing tools currently provided and encourage new innovative
29 financing approaches (Issue FF-11), and further be it;

30
31 **RESOLVED**, Congress should preserve the current maximum federal funding match ratios for public
32 transit programs to ensure support for rural and urban communities, individuals with disabilities and
33 seniors, and our nation's transit infrastructure (Issue PT-4), and further be it;

34
35 **RESOLVED**, Congress should reauthorize funds for the Amtrak National Network and the Amtrak
36 Northeast Corridor in order to continue efficient and effective passenger rail mobility (Issue RT-3), and
37 further be it;

38
39 **RESOLVED**, no new additional federal performance measures, associated performance management
40 requirements, or other new complexities should be established or authorized (Issue PM-4).

41
42
43

Proposed Policy Resolution PPR-19AM-06
Title: AASHTO Reauthorization Policy Theme 4: Improve Flexibility

1
2
3
4
5 **WHEREAS**, state DOTs are appreciative of the flexibility correctly provided in the federal program that
6 supports the ability of states to select the right mix of projects to meet the unique investment needs of
7 their own states, and;

8
9 **WHEREAS**, there is opportunity to make every federal dollar go even further by increasing flexibility
10 because each federal program is still constrained by specific eligibility and transferability limitations,
11 and;

12
13 **WHEREAS**, increased program-level flexibility would enable states to target federal funding more
14 effectively and efficiently to meet their needs, whether for preservation, capacity, safety, or other
15 unmet needs, and;

16
17 **WHEREAS**, for example, the suballocated portion of the Surface Transportation Block Grant Program
18 (STBGP) remains underspent, with the latest available data showing 80 percent of total unobligated
19 STBGP funds nationwide belonging in the suballocated portion even though it comprises 54 percent of
20 total STBGP dollars provided in FY 2019, rising to 55 percent in FY 2020, and;

21
22 **NOW, THEREFORE BE IT RESOLVED**, Congress should further increase flexibility within the STBGP by
23 expanding the state DOTs’ share of funding (which will be reduced to 45 percent by FY 2020 under the
24 FAST Act) which can be used in any area within a state, with this flexibility including each state’s ability
25 to direct more of its own STBGP funding to their local partners—over and above suballocated STBGP
26 funds—if they so wish (Issue FF-8), and further be it;

27
28 **RESOLVED**, Congress should allow for increased flexibility within and transferability between highway
29 and transit program categories; increase the transferability of the current core formula highway
30 programs; enable transferability from federal program categories with unobligated balances to allow for
31 use of those funds; focus federal funding increases in the most flexible formula funding categories, and;
32 authorize a pilot program that allows a limited number of states the option to treat all federal funds
33 they receive during the pilot program years as having been apportioned to that state under the most
34 flexible of the existing federal funding categories, where the purpose of the pilot program is to
35 demonstrate how states produce results toward state goals and needs using a flexible needs-based and
36 outcome-oriented project prioritization and programming process (Issue FF-5), and further be it;

37
38 **RESOLVED**, Congress should provide increased tolling flexibility to states to maximize revenue-raising
39 opportunities in light of federal funding challenges (Issue FF-7), and further be it;

1 **RESOLVED**, Congress should streamline federal requirements for transportation projects related to
2 declared emergencies under the Emergency Relief (ER) program by conducting a comprehensive
3 assessment to identify where improvements can be made to allow advance planning for ER project
4 implementation to include a range of project strategies, efficiently administer program funds, and
5 return the system to functional operation as quickly as possible and provide opportunities to
6 incorporate resilience strategies into project design; allow ER projects to include actions that increase
7 the resilience of the replacement project to future hazards; allow ER funds to be used for actions
8 outside of the right-of-way and/or for other strategies that improve the resilience of the damaged asset
9 and/or facility; allow more flexibility with contract requirements and National Environmental Policy Act
10 (NEPA) review as part of the ER program as, for example, emergency projects should receive expedited
11 clearances or waivers for environmental, right-of-way, and railroad certifications in order to recover
12 from a disruption, and; allow state DOTs to change order all federal requirements into a previously-let,
13 state-funded project that did not contain the federal provisions, as requiring a new letting for
14 emergency projects often delays emergency repairs and expecting states to include federal
15 requirements in state-funded projects is unrealistic (Issue PEG-4), and further be it;

16
17 **RESOLVED**, in regards to administration of the Transportation Alternatives (TA) set-aside within STBGP,
18 state DOTs should be reimbursed for eligible costs incurred in administering the TA program, up to
19 seven percent of the apportionment made to the state each year; have the flexibility to receive TA
20 funding and administer TA projects on behalf of a local agency at their request, and; be allowed to use
21 TA funds for non-infrastructure programs that focus on preservation, safety, public education,
22 enforcement, and/or public outreach. In addition, Congress should call for a Task Force consisting of
23 state DOTs and local transportation agency representatives to make recommendations to USDOT on
24 streamlining federal processes and expediting project delivery for TA projects; change the TA set-aside
25 from a specific dollar amount to a percentage so that the TA set-aside funding is tied to overall
26 transportation funding changes, and; allow transportation agencies to choose the level of federal share
27 for set-aside programs (Issue FF-9), and further be it;

28
29 **RESOLVED**, Congress should expand eligibility of the National Highway Freight Program to include all of
30 the National Highway Freight Network (NHFN); eliminate the two-percent rule so states can spend funds
31 on any NHFN route to include Critical Urban Freight Corridors and Critical Rural Freight Corridors;
32 expand the Primary Highway Freight System (PHFS) to include all Interstate System roadways regardless
33 of how much freight funding a state receives, as freight program eligibility should include all Interstates
34 by default; remove restrictions on state authority to add mileage to the PHFS, NHFN and National
35 Multimodal Freight Network (NMFN), including but not limited to mileage caps on critical urban and
36 critical rural corridors, and; add eligibility to use funds on any portion of a state's NMFN as defined in a
37 state's freight plan (Issue FR-1), and further be it;

38
39
40
41
42
43

1 **RESOLVED**, Congress should reform the formula-based National Highway Freight Program to more
2 clearly include eligibility for investment in integrated freight technology, management and operations
3 strategies and solutions, freight safety programs (including for emergency responders), and research
4 supporting future investments, and; remove the ten percent multimodal cap to provide flexibility for
5 states when investing in multimodal freight projects identified in the state’s freight investment plan and
6 to invest more in multimodal projects if appropriate for that state, and; eligibility should include
7 multistate proposals and projects for regions and corridors to improve national freight intermodal
8 connectivity (Issue FR-2), and further be it;

9

10 **RESOLVED**, reform the Nationally Significant Highway and Freight Projects discretionary program (also
11 known as INFRA) by removing or increasing the caps used for grants to freight rail, water (including
12 ports), or other freight intermodal projects; add eligibility to use funds on any portion of a state’s NMFN
13 as defined in a state’s freight plan, and; minimize annual changes to INFRA criteria for consistency in
14 grant applications and award (Issue FR-3), and further be it;

15

16 **RESOLVED**, increase the flexibility in the use of the Congestion Mitigation and Air Quality Improvement
17 (CMAQ) program funds by: increasing flexibility and decreasing restrictions on the use of CMAQ funds
18 for Intelligent Transportation System and transit operations as long as such investments continue to
19 demonstrate net air quality benefits; requiring obligation of CMAQ funds in PM 2.5 nonattainment and
20 maintenance areas only when it is determined that the nonattainment issue results from transportation
21 activities, and; making explicit that technology deployments such as Connected and Automated Vehicles
22 (CAV) are eligible for funding under CMAQ (Issue PL-4), and further be it;

23

24 **RESOLVED**, allow preventive maintenance projects to be conducted outside of the federal
25 transportation planning or allow for a general statement of preventive maintenance work in the
26 Statewide Transportation Improvement Program to enable needed flexibility in applying the most
27 appropriate treatments at the best time and in the best locations, and; allow states to assume the
28 authority to determine that a preventive maintenance project meets the applicable criteria for federal
29 reimbursement (Issue PEG-9), and further be it;

30

31 **RESOLVED**, amend Section 6(f) of the Land and Water Conservation Fund Act to allow flexibility for a
32 public agency acquiring Section 6(f)-protected parkland to compensate for those impacts through
33 enhancements to the existing park or other enhancements acceptable to the parkland owner, which
34 would allow broader flexibility as to the method used to compensate for impacts to parkland while
35 requiring approval from the National Park Service (Issue PEP-8).

1 **Proposed Policy Resolution PPR-19AM-07**

2 **Title: AASHTO Reauthorization Policy Theme 5: Reduce Program Burdens**

3
4
5 **WHEREAS**, states are responsible for administering the Federal-aid Highway Program established under
6 the foundation of a national program that is a *federally-assisted State* program according to Title 23
7 Section 145, and;

8
9 **WHEREAS**, regulations are intended to provide consistency and direction in the administration of the
10 Federal-aid Highway Program, and;

11
12 **WHEREAS**, current federal surface transportation programs remain subject to significant requirements
13 and processes—established over time—that can exert unnecessary burdens on transportation agencies,
14 and;

15
16 **WHEREAS**, many regulations have been promulgated without direct ties to federal statute, and these
17 incremental changes, when taken together, amount to significant increases in time, cost, and complexity
18 to the delivery of transportation projects across the country, and;

19
20 **WHEREAS**, there is a well-recognized need to reduce and simplify regulations and other requirements
21 with the goal of reducing cost, increasing efficiency, and expediting the process to deliver needed
22 transportation projects to the American public; and

23
24 **WHEREAS**, the numerous planning, programming, performance-management, asset-management, and
25 investment documents in the areas of highways, transit, freight, rail, safety, and others have a wide
26 variety of durations, update cycles, and requirements that have become overly complex, duplicative,
27 and confusing to the state DOTs, leading to reduced efficiency and efficacy in the decision making
28 process, and;

29
30 **WHEREAS**, performance management regulations have created a data-intensive environment where
31 state DOTs are required to collect, store, analyze, and report significantly more data and information
32 than ever before, and the cost associated with these data collection efforts are significantly greater than
33 estimated by the Federal Highway Administration (FHWA), and;

34
35 **WHEREAS**, fiscal constraint requirements imposed by the FHWA impede the ability of state DOTs to
36 develop and deliver transportation projects by requiring that National Environmental Policy Act (NEPA)
37 approvals only be made on projects coming from a fiscally constrained Statewide Transportation
38 Improvement Program (STIP) or metropolitan Transportation Improvement Program (TIP), even though
39 it is impractical to estimate cost and include a project in a fiscally-constrained STIP or TIP until the NEPA
40 process is complete, as the NEPA process helps define the project, and;

41
42 **WHEREAS**, the timing of the fiscal constraint determination can be especially challenging for large
43 public-private partnership (P3) projects and other innovative-finance projects, where funding and
44 financing plans are not (and cannot be) resolved until after the NEPA process is complete; and

1 **WHEREAS**, state DOTs are committed to implementing a transportation performance management
2 program but are concerned the established minimum condition levels for certain asset classes could
3 force a state DOT to implement a “worst first” approach to managing their assets, and;

4 **WHEREAS**, the inconsistent and impractical application of the Buy America Act to surface transportation
5 projects across the country has led to delays, increased costs, and increased administrative burdens on
6 both state governments and private entities such as utility companies, and;

7
8 **WHEREAS**, there are numerous federal approvals required in the standard Stewardship and Oversight
9 Agreement that are not called for or allowable by statute, such as a state’s standard specifications,
10 pavement design policy, value engineering policy and procedures, liquidated damage rates, and quality
11 assurance program, and;

12
13 **WHEREAS**, the FAST Act legislated exemptions for overweight emergency vehicles and overweight
14 heavy-duty tow and recovery vehicles on our highway system that will waste money on unnecessary
15 highway signs, increase the standard legal loading on these bridges resulting in reduced longevity, and
16 confuse the traveling public, when the existing system of states’ permit authority could designate
17 appropriate routes, reduce costs for state and local governments, protect bridges, and continue to
18 facilitate prompt movement of emergency and tow vehicles when necessary, and;

19
20 **WHEREAS**, formal adoption by the US Departments of Justice and Transportation of the Public Rights-of-
21 Way Accessibility Guidelines (PROWAG) is needed to address accessibility for people with disabilities
22 within the unique conditions and constraints of the public right-of-way, as without formal adoption,
23 states are being forced through litigation to implement suboptimal accessibility solutions that were
24 adopted previously for vertical construction, known as the ADA Accessibility Guidelines (ADAAG), and;

25
26 **WHEREAS**, the current annual schedule for federal compliance reviews of states’ bridge and tunnel
27 inspection programs does not allow sufficient time to implement corrective actions before the next
28 year’s audit period commences, resulting in redundant reviews and a lack of opportunity for meaningful
29 improvement before the next review takes place, and;

30
31 **WHEREAS**, federal rules in 23 CFR 750.707(d)(3) and (d)(5) create expensive, time-consuming processes
32 for relocating or providing just compensation for removal of “nonconforming” billboards, when a minor
33 modification to the regulation could significantly reduce time and cost without adverse impacts to the
34 scenic environment, and;

35
36 **WHEREAS**, the antiquated Bonus Act of 1958 is incongruent with the Highway Beautification Act (HBA)
37 in many aspects, causes problems for state DOTs in their regulation and control of outdoor advertising
38 signs along the Interstate, and costs federal dollars to relocate or compensate for loss along sections of
39 roadway that are no longer state highways, and;

40
41 **WHEREAS**, the courts are requiring states to waste precious transportation dollars demonstrating
42 conformity to air quality standards that have been superseded by more stringent updates to the
43 National Ambient Air Quality Standards (NAAQS), and;

44
45
46

1 **NOW, THEREFORE BE IT RESOLVED**, AASHTO recommends continuing the progress made in the Moving
2 Ahead for Progress in the 21st Century (MAP-21) Act and the FAST Act to reduce the layers of regulatory
3 burden that have accumulated onto the state DOTs, with the goal of increasing the efficiency and
4 effectiveness of every transportation dollar, and further be it;
5

6 **RESOLVED**, Congress should amend 42 USC 7506 to require conformity by transportation agencies only
7 to the most recent standard for a given pollutant in the National Ambient Air Quality Standards (NAAQS)
8 when a new standard is established (Issue PEP-4), and further be it;
9

10 **RESOLVED**, Congress should rescind the FAST Act provisions concerning emergency vehicles and heavy-
11 duty tow vehicles (23 USC 127(m) and (r)) or at least allow states to accommodate these vehicles,
12 through permitting and other methods (Issue PEG-6), and further be it;
13

14 **RESOLVED**, Congress should direct USDOT to implement a more practical application of the Buy America
15 Act for transportation projects, including: reinstating a reasonable waiver process; implementing an
16 exemption for utility companies that are required to relocate their facilities as part of a transportation
17 project; implementing an exemption for research-related equipment and materials for transportation
18 research projects; and ensuring timely consideration and consistent application of the law across the
19 country to ensure that transportation projects are progressing without significant delays (Issue PEG-1),
20 and further be it;
21

22 **RESOLVED**, states should be authorized to approve modifications to various state policies and
23 procedures listed in the standard Stewardship and Oversight Agreement without preapproval by FHWA,
24 subject to FHWA’s ongoing oversight of the state’s compliance with federal requirements, and reviews
25 of these changes should be conducted no more frequently than every two years (Issue PEG-3), and
26 further be it;
27

28 **RESOLVED**, Congress should also direct FHWA to: identify and implement ways to reduce the burden
29 associated with the development of performance measures by providing additional financial resources
30 to state DOTs beyond simple funding eligibility or flexibility; reduce the scope of data collection,
31 analysis, and management required by state DOTs; and ensure that state DOTs are only held
32 accountable for those assets within their control (Issue PM-2), and further be it;
33

34 **RESOLVED**, in order to better address the financial process difficulties caused by federal funding
35 uncertainty in the fiscal constraint and financial planning provisions related to planning, programming,
36 asset-, and performance-management, the description of when funding can be “reasonably expected to
37 be available” should be defined broadly, and fiscal constraint and other financial requirements in
38 planning and programming should be imposed for no longer than the STIP timeframe (Issue FF-10), and
39 further be it;
40

41 **RESOLVED**, to allow adequate time to implement and evaluate current performance-based planning
42 regulations included in 23 CFR § 450, Subpart B, Congress should make no changes or additions in the
43 current and upcoming reauthorization cycles (Issue PL-3), and further be it;
44

45 **RESOLVED**, Congress should direct the Secretary of USDOT to review the effect that the minimum
46 condition levels for both condition of interstate pavements and NHS bridges have had on the ability of
47 state DOTs to implement an asset management approach, and further be it;

1 **RESOLVED**, Congress should authorize the adoption in regulation of the Public Rights of Way
2 Accessibility Guidelines to ensure that transportation projects most appropriately accommodate people
3 with disabilities (Issue PEG-7), and further be it;
4

5 **RESOLVED**, Congress should direct FHWA and the Federal Transit Administration (FTA) to update their
6 joint environmental and planning regulations (23 CFR Part 771 and Part 450), and direct the US
7 Environmental Protection Agency (EPA) to make corresponding changes to its transportation conformity
8 regulations which would provide state DOTs with the flexibility to complete the NEPA process with
9 approval conditioned on making an air quality conformity and fiscal constraint determination before
10 proceeding to construction (Issue PL-2), and further be it;
11

12 **RESOLVED**, Congress should direct FHWA to remove fiscal constraint regulatory requirements that are
13 not compelled by statute and reduce the burden associated with them through such methods as
14 applying them to fewer decision points and shortening applicable time frames (Issue PL-2), and further
15 be it;
16

17 **RESOLVED**, Congress should direct FHWA to place federally-required financial plans on a consistent four-
18 year cycle with the STIP; to make consistent the duration, update cycle, and content of numerous
19 planning documents required of state DOTs, and; to eliminate redundancy among and allow
20 consolidation of these and other planning documents to reduce administrative burdens on the state
21 DOTs (Issue PL-5), and further be it;
22

23 **RESOLVED**, Congress should establish a new pilot program that would require bus manufacturers to
24 directly provide a single certification to the Federal Transit Administration demonstrating compliance
25 with Buy America and Altoona Test requirements (Issue PEG-1), and further be it;
26

27 **RESOLVED**, FHWA’s annual compliance reviews of states’ bridge and tunnel inspection programs be
28 extended to two years or more to allow time for the meaningful implementation of improvements and
29 corrections recommended in the previous cycle (Issue PEG-8), and further be it;
30

31 **RESOLVED**, federal laws and regulations be amended to allow for the relocation of “nonconforming”
32 billboards when impacted by a highway project to reduce the cost and time associated with
33 compensating the permit holder or locating a new conforming location (Issue PEG-13), and further be it;
34

35 **RESOLVED**, Congress should amend applicable laws related to the antiquated outdoor advertising
36 control regulations of the Bonus Act of 1958, which causes problems for state DOTs in their regulation
37 and control of outdoor advertising signs along the Interstate, effectively allowing states to exit the
38 program without penalty (Issue PEG-14).

1 **Proposed Policy Resolution PPR-19AM-08**
2 **Title: AASHTO Reauthorization Policy Theme 6: Improve Project Delivery**

3
4
5 **WHEREAS**, modernizing processes and procedures related to the development and delivery of
6 transportation projects would greatly improve and expedite project delivery and reduce costs, all the
7 while protecting and enhancing built and natural environments and;
8

9 **WHEREAS**, notable examples of modernizing project delivery include assignment of federal authorities
10 to states ready and equipped to handle such responsibilities, allowing states appropriate exemptions
11 from process requirements and/or creating categorical determinations for routine projects with minor
12 impacts improves project delivery, and programmatic approaches that group multiple similar projects,
13 and;
14

15 **WHEREAS**, the Federal Transit Administration (FTA) approval of routine and recurring activities in a
16 grant, such as the replacement of buses, are often held up while FTA works through issues pertaining to
17 new initiatives, and;
18

19 **WHEREAS**, right-of-way procurement and utility relocations are consistently one of the top reasons for
20 delay in transportation project delivery and additional flexibilities would provide cost savings and time
21 reductions, and;
22

23 **WHEREAS**, restrictions and delays imposed on transportation agencies by railroad owners, either
24 intentionally or unintentionally, significantly affect the timely delivery of transportation projects, and;
25

26 **WHEREAS**, requiring air quality conformity determinations be made every time a Metropolitan Planning
27 Organization (MPO) updates or amends its long-range transportation plan or Transportation
28 Improvement Program (TIP)—even those that are likely to have minimal impact on air quality—is a
29 source of unnecessary project delay, and;
30

31 **WHEREAS**, requiring participating agency concurrence in developing project schedules and any changes
32 that shorten the schedule greatly delays project delivery, and;
33

34 **WHEREAS**, the lack of recovery plans or outdated recovery plans for species listed as threatened or
35 endangered creates numerous challenges for project sponsors in addressing these species as there is no
36 guidance regarding species recovery goals or acceptable mitigation tools, and;
37

38 **WHEREAS**, permitting requirements under Section 404 of the Clean Water Act for the discharge of
39 dredged or fill material into “waters of the United States” can be a significant burden on transportation
40 project development, especially for minor maintenance and construction activities, and;
41

42 **NOW, THEREFORE BE IT RESOLVED**, Congress should authorize any federal agency to apply a categorical
43 exclusion (CE) that has been adopted by any other federal agency (Issue PEP-1), and further be it;
44
45

1 **RESOLVED**, USDOT should establish a set process and reasonable timeline—including templates or
2 model agreements—for acquiring right-of-way from federal agencies to promote fairness and to speed
3 up project delivery (Issue PEG-2), and further be it;
4

5 **RESOLVED**, Congress should direct the US Environmental Protection Agency (EPA) to amend the
6 transportation conformity regulations to allow USDOT, in consultation with EPA, to make programmatic
7 conformity determinations that can be relied upon as the basis for demonstrating conformity for
8 individual plans, programs, and projects (Issue PEP-3), and further be it;
9

10 **RESOLVED**, the right-of-way acquisition process should be streamlined by: allowing state procurement
11 procedures to be used on federal-aid projects; allowing protective purchases with preliminary
12 engineering funding; increasing the waiver valuation threshold, or removing the threshold; removing the
13 4(f) restriction on the Early Acquisition process; allowing states the option to use the “short form” for
14 appraisals; and allowing states to voluntarily assume some or all of the Federal Highway
15 Administration’s (FHWA) responsibilities for approval of right-of-way acquisitions (Issue PEG-2), and
16 further be it;
17

18 **RESOLVED**, Congress should eliminate the requirement to obtain “concurrence” from other agencies in
19 NEPA project schedules, and clarify that posting on the dashboard satisfies the requirement to maintain
20 and update the project schedule under Section 139 (Issue PEP-5), and further be it;
21

22 **RESOLVED**, FHWA should be directed to amend its National Environmental Policy Act (NEPA) regulations
23 to allow utility relocations to begin prior to NEPA completion, with appropriate limitations to ensure the
24 integrity of the NEPA process, and allow federal funds to be used for such relocation (Issue PEG-10), and
25 further be it;
26

27 **RESOLVED**, Congress should require establishment of consistent requirements, commitments, and time
28 frames across all public and private railroad owners to facilitate transportation work within and across
29 railroad rights of way, and provide USDOT the authority to enforce those provisions with the railroads
30 (Issue PEG-11), and further be it;
31

32 **RESOLVED**, Congress should require USDOT to establish template or model agreements for standard
33 activities conducted by the state DOTs in railroad rights-of-way (and vice versa), and provide guidance
34 on the establishment of agreements for special or more complex activities (Issue PEG-11), and further
35 be it;
36

37 **RESOLVED**, Congress should direct the Government Accountability Office to study the federal transit
38 grant approval process for routine and recurring procurements and provide recommendations to
39 Congress and USDOT on effective strategies for streamlining existing processes and practices, and USDOT
40 must work with the stakeholder community to take action and implement the study’s recommendations
41 (Issue PT-6), and further be it;
42

43 **RESOLVED**, Congress should allow delegation of the US Army Corps of Engineers (Corps) permitting
44 responsibility to a state DOT for a subset of projects (Issue PEP-6), and further be it;
45
46

- 1 **RESOLVED**, Congress should require the US Fish and Wildlife Services (USFWS) to establish activities-
2 based exemptions from the Endangered Species Act (ESA), which would avoid the need for Section 7
3 consultation and incidental-take permits for specific types of routine activities, such as road
4 maintenance projects (Issue PEP-7), and further be it;
5
- 6 **RESOLVED**, Congress should Require USFWS and the National Marine Fisheries Service to issue interim
7 guidance at the time of listing of a threatened or endangered species, and then to issue a full recovery
8 plan within 12 months of listing (Issue PEP-9), and further be it;
9
- 10 **RESOLVED**, Congress should create an alternative process allowing approval of Section 404 permit for a
11 surface transportation project through programmatic agreement that ensures no-net-loss at watershed
12 level, in lieu of making a Least Environmentally Damaging Practicable Alternative (LEDPA) determination
13 at the project level (Issue PEP-10), and further be it;
14
- 15 **RESOLVED**, Congress should direct USFWS to amend the Section 7 regulations to allow a “designated
16 non-federal representative” to act on behalf of the federal action agency during both informal and
17 formal consultation (Issue PEP-11), and further be it;
18
- 19 **RESOLVED**, Congress should expand exemptions from Clean Water Act Section 404 permitting for
20 routine maintenance projects with minor impacts and streamline the use of Nationwide Permits for
21 projects that remain subject to Section 404 (Issue PEP-12).

1 **Proposed Policy Resolution PPR-19AM-09**
2 **Title: AASHTO Reauthorization Policy Theme 7: Harness Innovation and**
3 **Technology**

4
5
6 **WHEREAS**, dramatic change is taking place with the merger of technology between the car, truck, and
7 other vehicles—and with physical transportation infrastructure—we will enable unprecedented
8 improvements to safety and mobility through the emergence of Cooperative Automated Transportation
9 (CAT), and;

10
11 **WHEREAS**, CAT has been defined as all modes of transportation working together to improve safety,
12 mobility, and operations efficiency through interdependent vehicle and systems automation and
13 information exchange, and;

14
15 **WHEREAS**, Infrastructure Owners and Operators (IOOs) including state DOTs play a fundamental role in
16 advancing, operating, and maintaining the physical and digital infrastructure necessary to support CAT
17 solutions, and;

18
19 **WHEREAS**, development and deployment of CAT, and also unmanned aerial systems (UAV) or drones,
20 are great examples of transformational technological developments currently taking place at an
21 exponential pace, and;

22
23 **WHEREAS**, state DOTs must remain at the forefront of developing and implementing the smartest and
24 most technologically advanced ways to improve safety, mobility, and efficiency in our transportation
25 system, and;

26
27 **NOW, THEREFORE BE IT RESOLVED**, Congress must continue our nation’s commitment to improving
28 transportation safety by reserving the 5.9 GHz wireless spectrum for this critical purpose, as connected
29 vehicles (CV) utilizing Vehicle-to-Everything (V2X) communication in this “safety spectrum” will save
30 lives by creating a seamless, cooperative environment that significantly improves the safety of our
31 transportation system; and by requiring the federal government to lead the development of a universal,
32 seamless approach to security management and CV communication through standardization and
33 appropriate research and technology demonstration programs which will enable states to better
34 understand when and how to make appropriate investment decisions (Issue CAV-1), and further be it;

35
36 **RESOLVED**, Congress should not allow the Federal Communications Commission to issue a one-size-fits-
37 all federal preemption including uniform “shot clocks” and application fee caps in order to provide
38 wireless and wireline broadband access—including 5G small cell nodes—in transportation rights-of-way
39 and other assets owned and operated by state and local governments, but rather encourage state DOTs
40 and technology companies to consult with one another on the best methods to extend broadband
41 deployment especially to underserved areas, and; given the unique nature of highway projects in each
42 state, state DOTs should be provided full flexibility to explore innovative partnerships with technology
43 companies as part of broadband deployment (Issue OP-1), and further be it;

1 **RESOLVED**, Congress should establish a pilot program—modeled on FHWA’s Special Experimental
2 Project (SEP)-15 and SEP-16—that would allow USDOT modal administrations and federal environmental
3 agencies to waive or otherwise modify their own requirements to develop innovative practices to
4 streamline project delivery and achieve positive environmental outcomes, which would include
5 appropriate safeguards—including interagency consultation and public notice and involvement—to
6 ensure adherence to federal environmental laws, regulations, and policies (Issue PEP-2), and further be
7 it;

8
9 **RESOLVED**, states should be provided with broader control when utilizing existing federal funding
10 sources on transportation system management and operations (TSMO) and related activities given the
11 rapid expansion and use of TSMO strategies and technologies in a constrained budgetary environment
12 (Issue OP-2), and further be it;

13
14 **RESOLVED**, Congress should expand flexibilities for transportation agencies to use drones in broader
15 applications and with fewer restrictions when reasonable safety measures can be accommodated to
16 help realize the full potential of this continually evolving technology (Issue PEG-12), and further be it;

17
18 **RESOLVED**, Congress should allow cooperative automated transportation infrastructure needs to be
19 eligible for funding beyond traditional eligibilities focused on capital expenses by including maintenance
20 activities necessary for proper and safe operation of CAT; provide further flexibility in the Federal-aid
21 procurement rules as they relate to both the purchase, installation, and maintenance of CAT
22 technologies by a state DOT, and; provide additional federal funding for building new testbeds and
23 maintaining existing ones to allow industry and technology developers to test their hardware and
24 applications on such testbeds, which will enable infrastructure owners and technology developers to
25 better understand each other’s requirements, resulting in better standards and better infrastructure
26 (Issue CAV-3), and further be it;

27
28 **RESOLVED**, Congress should provide funding for, expand research in, and facilitate the deployment of
29 CAT technology to enhance mobility alternatives for individuals that may be unable to use or are not
30 served by traditional public transportation services (Issue CAV-4).

