

AMERICAN ASSOCIATION
OF STATE HIGHWAY AND
TRANSPORTATION OFFICIALS

AASHTO

STATEMENT FOR THE RECORD FROM THE
**American Association of State Highway and Transportation
Officials**

REGARDING
**Better, Faster, Cheaper, Smarter and Stronger: Infrastructure
Development Opportunities to Drive Economic Recovery and
Resiliency**

BEFORE THE
**Committee on Environment and Public Works of the United
States Senate**

ON
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INTRODUCTION

The American Association of State Highway and Transportation Officials (AASHTO) appreciates the opportunity to submit this Statement for the Record to the Senate Environment and Public Works Committee (Committee). As the association that represents the transportation departments of all 50 States, Washington, DC, and Puerto Rico, AASHTO provides the perspective of the nation's state departments of transportation (state DOTs) on important policy matters such as improved project delivery and infrastructure resiliency. Today's hearing is focused on how we can use this kind of expertise to more efficiently and effectively plan for and deliver a transportation system not just for today – but for future generations as well.

We are very grateful for the hard work of Committee members and staff on the multiyear reauthorization of surface transportation programs. We again congratulate the Committee on the unanimous passage last year of America's Transportation Infrastructure Act (ATIA). ATIA is a strong, bipartisan investment and policy package, with many of AASHTO's policy priorities included in its provisions. The Committee has demonstrated through ATIA that it is possible to fashion a balanced agreement on diverse policy priorities. We urge both the House and Senate to continue to view transportation policy as one of the rare areas of agreement.

IMMEDIATE REVENUE BACKSTOP FOR STATE DOTs

As we all know, the COVID-19 pandemic has brought great uncertainty and disruption to all of our lives. State DOTs have been working hard to adapt to the rapidly-changing nature of state and local government responses to the pandemic. Every state is facing revenue reductions from "stay at home" orders and with the varying degrees of reopening around the country, we expect it will take several years before state DOT revenues reach pre-pandemic levels.

In early April, AASHTO requested \$49.95 billion from Congress as an immediate revenue backstop for state DOTs in order to prevent major disruptions in their ability to operate and maintain their transportation systems during this national emergency. This is absolutely crucial for every state DOT function—covering capital programs, operations, maintenance, and administrative support. We have already seen several states institute employee layoffs or furloughs. Without this direct federal assistance, state DOTs may also have to cancel and delay much-needed transportation projects – impacting our local government and private sector partners as well.

We are grateful to the House of Representatives for including \$15 billion of the AASHTO request in the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act in May. We continue to work with this Committee and others in the Senate to secure the full backstop request of \$49.95 billion, and we want to especially thank Senator Rounds for leading the effort on a bipartisan letter to Senate leadership which was signed by 26 Senators.

ACCELERATING PROJECT DELIVERY TO IMPROVE MOBILITY AND PROTECT THE ENVIRONMENT

Over the past decade, significant progress has been made toward the goal of streamlining the National Environmental Policy Act (NEPA) environmental review process for transportation projects. This progress has been spurred by streamlining measures enacted in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Moving Ahead for Progress in the 21st Century Act (MAP-21), and the FAST Act.

But even with this progress, the environmental process still takes too long and is unduly costly and delay-prone. AASHTO members are dedicated to protecting the environment and natural resources within their states and local communities. It is possible to reduce unnecessary and duplicative requirements to improve the delivery of a project while also ensuring that environmental protections are adhered to as well. State DOTs have a proven track record of addressing environmental impacts while making transportation system improvements.

Although there are still measures to be taken to streamline the NEPA process, some of the most persistent difficulties arise from the substantive federal environmental laws, such as the Clean Water Act and the Clean Air Act. To achieve further streamlining, focus must be paid to not only making continued improvement in the NEPA process itself, but also in streamlining the substantive federal environmental processes, all while remaining responsible stewards of taxpayer resources and both human and natural environments.

AASHTO's reauthorization policy priorities call for:

- Increased programmatic and funding flexibility to plan, design, construct and operate the surface transportation system.
- Reduced regulatory and programmatic burdens associated with federal programs that are not part of the project approval process.
- Modernization of the Clean Water Act, Clean Air Act, Land and Water Conservation Fund Act, and Endangered Species Act processes to improve transportation and environmental outcomes and reduce delays.
- Providing state DOTs with opportunities to assume more federal responsibilities and the associated accountability.
- Establishing a pilot program that would allow USDOT modal administrations and federal environmental agencies to develop innovative practices to streamline project delivery and achieve positive environmental outcomes.

AASHTO appreciates the steps taken in ATIA to improve program and project delivery. Allowing for the sharing of Categorical Exclusions, improving the federal-state partnership based on the Stewardship and Oversight Agreements; and providing further flexibility in the operational right-of-way are important provisions that will help state DOTs accelerate transportation projects while also protecting the environment.

In addition, we appreciate the Committee's efforts to streamline the environmental review process through the One Federal Decision process. This process establishes a two-year environmental review timeframe for major projects and a single record-of-decision. AASHTO remains concerned, however, that the One Federal Decision's time limitations may cause unintended issues for state DOTs such as limiting the environmental review process to only one build alternative, or having to select the preferred alternative very early in the NEPA process. Time limits are appropriate as benchmarks, however, agency decision-makers should have flexibility to shape the breadth and depth of NEPA reviews as needed to properly inform the decisions entrusted to them.

INCREASING FLEXIBILITY OF FEDERAL PROGRAMS TO IMPROVE RESILIENCY

Many states and cities are implementing bold initiatives to improve transportation infrastructure resiliency. Changes in sea levels and the increased frequency and severity of extreme weather events have adversely impacted every region of the United States. State DOTs are often on the front line before and after these kinds of events.

The American Society of Civil Engineers estimates that failure to make necessary investments in infrastructure will cost the United States 2.5 million jobs and \$4 trillion in Gross Domestic Product between the period of 2016 through 2025 – that's without factoring in the impacts to infrastructure from rising sea levels and extreme weather events. According to the National Oceanic and Atmospheric Administration, in 2017, there were 16 weather and climate disaster events across the United States totaling \$306 billion in cumulative losses.

AASHTO recognizes that developing climate resilient infrastructure will assist to ensure the economic security of the United States and has urged Congress to provide states with additional flexibility to address resiliency needs.

ATIA creates new formula and grant programs to address both resiliency and carbon reduction goals. In addition, along the lines of AASHTO's reauthorization priorities, ATIA adds eligibilities for projects that improve system resiliency in the National Highway Performance Program, Surface Transportation Block Grant Program, and the Emergency Relief Program.

CONCLUSION

We commend the Committee's tireless leadership on timely reauthorization of surface transportation legislation. State DOTs remain committed to assisting Congress in passing a reauthorization bill prior to the expiration of the FAST Act on September 30th and we look forward to further strengthening the federal government's highly successful partnership with state DOTs.