

AASHTO REVIEW OF HR 2, MOVING FORWARD ACT

February 2021

FEATURES THAT ALIGN WITH AASHTO POLICY RECOMMENDATIONS

FEDERAL AID HIGHWAYS

Programmatic Infrastructure Investment

In general

- All core program categories from the FAST Act are retained.
- Greater consideration and resources are given to accessibility, reflecting AASHTO's policy vision which states that a safe, well-functioning and resilient system is the foundation of a strong economy and quality of life benefits such as access to employment, education, recreational and health service opportunities.

National Highway Performance Program

- Eligibilities for projects that improve system resiliency is greatly expanded from the National Highway Performance Program, Surface Transportation Program and the Emergency Relief Program.

Emergency Relief

- Wildfires are classified as a natural disaster.
- States can submit an emergency relief application that includes a comprehensive list of all eligible project sites and repair costs not later than six years after the natural disaster declaration or catastrophic failure – rather than two years under current law.

Surface Transportation Program

- Eligibilities for projects that improve system resiliency is greatly expanded from the National Highway Performance Program, Surface Transportation Program and the Emergency Relief Program.

Transportation Alternatives Program

- Provides flexible match requirements so that individual TAP projects can be funded with 100 percent federal share, as long as the overall program federal share is maintained at 80 percent.
- Allows state DOTs to set aside up to five percent of the program's funds to assist project sponsors with improving their applications and expediting project delivery.

Highway Safety Improvement Program

- The Highway Safety Improvement Program's pre-FAST act flexibility is returned for public awareness, traffic safety enforcement, emergency services and safety research for experimental efforts for up to ten percent of total HSIP funding.

National Highway Freight Program

- Full flexibility is provided for intermodal and non-highway freight projects for the formula freight program and more flexibility is provided to designate critical urban and rural freight corridors.

Innovation

Research and Development Programs

- Highway research program funding is increased by 61 percent between the first and second years, as compared to the FAST Act.
- Reestablishes the freight transportation cooperative research program in conjunction with the National Academies of Science.

Surface Transportation Funding Pilot Program

- Increases funding for state surface transportation system funding pilots and establishes a new national-level pilot program.

Additional Provisions

Workforce development

- Creates a transportation workforce development task force.

TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT

- Streamlines the TIFIA application process and timelines.
- Clarifies that the proceeds of a TIFIA loan should be considered as part of the non-federal share if the loan is repayable from non-federal funds.

PUBLIC TRANSPORTATION

Improving Frequency and Ridership

Mobility innovation

- Creates a new flexible set of Federal rules for mobility on demand services integrated with mobility as a service, allowing agencies to shift funding for urban and rural programs, seniors and individuals with disabilities to this program.

Streamlining

Rural and small urban apportionment deadline

- Establishes December 15th as the deadline to ensure that FTA apports formula funds to the states under a continuing resolution.

RAIL

Authorizations

- Provides robust funding for existing rail programs like Amtrak Northeast Corridor, Amtrak National Network, state-supported Amtrak routes, Consolidated Rail Infrastructure and Safety Improvement grants, State of Good Repair, Restoration and Enhancement Grants, the State-Amtrak Intercity Passenger Rail Committee, Northeast Corridor Commission, Next Generation of Corridor Equipment Committee and Operation Lifesaver, Inc.
- Establishes the Passenger Rail Improvement, Modernization and Expansion grant program for state of good repair, service improvement and rail expansion projects.
- Improves the Railroad Rehabilitation and Improvement Financing Program by providing federal subsidy for credit risk premiums.

AMTRAK REFORMS

State-supported Routes Operated by Amtrak

- Increase transparency of the costs Amtrak assigns to states for state-supported routes.
- Requires Amtrak to engage in early stakeholder engagement when developing new state-supported routes.
- Allows states and Amtrak to pursue an alternative cost allocation method to facilitate the development, construction and operate of new state-supported routes.

RECOMMENDED AREAS FOR FURTHER DISCUSSION

FEDERAL AID HIGHWAYS

Authorization and Program Conditions

Transparency

- States provide project-level details in their surface transportation improvement plans (STIPs). FHWA has the ability to collate these STIPs on a website. There will be difficulty in implementing new requirements, given the frequency of STIP updates.
- States and localities should be provided with the flexibility on how the optimal combination of federal and nonfederal dollars can be applied, without new restrictions, to quickly advance needed transportation investments.

Tolling

- Rather than limiting the use of tolling, policy incentives should be provided to encourage increased person throughput through use of both congestion pricing and express bus operations. Look to strengthen existing travel demand management efforts by creating a stronger linkage between such efforts and toll revenues.

Programmatic Infrastructure Investment

In general

- Increase share of funding provided via formula to at least 90 percent.
- Maintain the flexibility to transfer funds between core formula programs.

- Limit the number of discretionary grant programs funded from the Highway Trust Fund.

National Highway Performance Program

- Clarify the definition of new capacity to account for the fact that not all funding for a reconstruction project includes adding capacity.
- Use existing analysis techniques such as life-cycle planning and life-cycle cost analysis which are already required for transportation asset management plans.
- Bridge investment should be implemented considering the actual needs and within the context of the existing transportation asset management requirements and should be consistent with what is required under current performance management requirements to improve the condition and performance of bridges.

Increasing the resilience of transportation assets

- Additional resources are needed for vulnerability assessments and to carry out projects identified through the analysis.
- Uniform guidance developed cooperatively by state DOTs, USDOT and other transportation agencies will be imperative.
- The construction of “natural infrastructure or protective features” needs to be coordinated with FEMA’s approach to hazard mitigation, and flexibility should be provided in choosing the best approach to address mitigation needs.

Railway Crossings

- Increase federal match for Section 130 program to 100 percent federal share similar to many other highway safety programs.
- Increase the limit of \$7,500 incentive payment of Section 130 funds for the closing of a highway/railway grade crossing to \$100,000.
- Add eligibility of Section 130 funds for the replacement of functionally obsolete warning devices.

Bridge Investment

- Utilize an asset management approach, rather than requirements to reduce a certain classification of bridges (e.g., poor condition), in order to have a holistic approach to improving bridge conditions.

Highway Safety Improvement Program

- Any new HSIP reporting requirements should be focused on how HSIP funds are spent and the effectiveness of the programs/treatments funded.
- Any vulnerable user assessment should be included in the Strategic Highway Safety Program.
- Guidance will need to be developed that defines and provides guidelines to states for the implementation of “safe systems.”

National Highway Freight Program

- Expand eligibility and provide greater flexibility to state DOTs related to critical rural freight corridor and critical urban freight corridor mileage designation in each state.

Carbon pollution reduction

- External factors outside the purview of state DOTs can have a direct impact on emissions. Given that State DOTs can have little to no impact on per capita emissions on public roads, a performance metric of “per capita emissions on public roads” is not appropriate for state DOTs.
- State DOTs should not be ranked and be required to transfer funds in order to achieve a performance measure that they have little to no control over.
- A rigorous analysis should be done in order to create a carbon reduction performance metric that is appropriate for infrastructure owners and operators such as state DOTs.

Metro performance program

- The ability of an MPO to appropriately administer transportation projects and programs should be considered prior to directly providing federal funds. There may also be considerable complexities related to multistate MPOs and direct federal funding.

National goals and performance measures

- Avoid new performance and asset management requirements until a full reporting cycle related to existing requirements is completed.
- Avoid limiting the ability of states to set meaningful targets based upon the numerous external factors and resources available that would impact the ability to meet such targets.
- If a GHG measure is to be developed, limit it to one measure and ensure it is focused on factors that the state can control and recognize that there are external factors (i.e., CAFE standards) that more directly impact GHG emissions but are outside of the control of the state.
- Accessibility performance measures are not yet fully developed and would therefore be difficult to states to effectively undertake at this time.

Project Level Investments

Projects of national and regional significance

- Avoid broadening project eligibility to include public transit and intercity passenger rail. Given the number of critical freight projects ready to be addressed, states would be able to fully obligate funds to address freight needs without the expanded eligibility.

Gridlock reduction grant program

- Program goals may be better addressed through expanded eligibility for existing formula programs.

Parking for commercial vehicles

- Program goals may be better addressed through expanded eligibility for existing formula programs.
- A global commercialization policy that includes various uses—such as truck parking—is preferable to a piecemeal approach.

Additional Provisions

Vision Zero

- Vision Zero plans should be required to be coordinated with other safety planning and performance management efforts, especially the state SHSP and fatality and serious injury targets. The plans should be data driven and utilize countermeasures and a multi-disciplinary approach.

Broadband infrastructure deployment

- Rather than a one-size fits all approach to broadband deployment, federal legislation should recognize current best practices being undertaken by state DOTs.
- Federal legislation should not eliminate the responsibility of technology companies to provide broadband services and should recognize the appropriate role of state DOTs related to the deployment of broadband infrastructure.
- Provide clarity related to the types of projects included in a “Dig Once” policy and ensure that the universe of covered projects is narrow in scope.
- Ensure that any federal Dig Once policies do not conflict with current state laws and federal regulations related to use of the highway right-of-way.
- Ensure that federal legislation does not create an unfunded mandate on state DOTs related to broadband deployment.

Task force on developing a 21st century surface transportation workforce

- Significant research already exists on many of these, or related, topics – such as the NCHRP Synthesis 543: Transportation Workforce Planning and Development Strategies.
- If a workforce task force is convened, State DOTs should have representation.

PUBLIC TRANSPORTATION

Federal Transit Administration

Miscellaneous provisions

- Avoid changes to the high-density States formula program unless current program participants can be held harmless.

Formula grants for rural areas

- Include additional clarification to use of “volunteer hours” to satisfy local match requirements. Volunteer hours is one example of “in-kind” donations for local match. Other sources include land, land and facilities, rental space, equipment, etc.

One-stop paratransit program

- Add a provision that would remove the 55 percent “floor” on the amount of Section 5310 funding available for capital purchases.

Buy America and Other Programmatic Reforms

Buy America

- Add a requirement that FTA or the manufacturer directly demonstrate compliance with Altoona testing certification.

Restoration of State of Good Repair Subgrant

- Include a provision to correct this worst-first approach to asset management, requiring recipients in lowest quartile to submit a 10-year asset management/recovery plan to FTA; these systems would be required to obligate a minimum of 33 percent of their annual federal apportionment toward achieving the plan goals or identify equivalent amounts non-federal sources towards achieving plan goals; and for systems that falls below the minimum threshold level in any two-consecutive year periods, allow FTA to limit the amount of an annual apportionment that may be used for operating assistance or PM to no more than 50 percent. Balance would be required to modernize fleet.

Supporting Frontline Workers and Passenger Safety

Public transportation safety program

- Include a provision making permanent Section 5310 and Section 5311 programmatic deferrals from the federal PTASP requirements.

RAIL

Authorizations

- Provide funding for capital and operating expenses for Amtrak Northeast Corridor, the Amtrak National Network (including state supported corridors) and provide state eligibility for both capital and operating assistance.
- Add project and environmental (NEPA) planning as eligible activities for grant funding for CRISI, SOGR, Restoration/Enhancement programs.
- For CRISI, include clarification section: 49 USC 22905 (c)(1) can likely be changed to have an exception, such as a new section (e): “This requirement will be fulfilled by a lease agreement from a lessor railroad to a lessee railroad, as long as the lessee railroad is the operating railroad and undertakes the general requirements and responsibilities of operating a rail line under said lease.”
- Establish the new PRIME grant program to include a dedicated portion of funding distributed via formula in addition to competitive grants.

INNOVATION

Innovative Materials

- Innovative processes and technologies are equally important to innovative or new materials towards achieving the goal of lowered greenhouse emissions and sustainability.
- Innovative processes and technologies may face fewer barriers towards implementation than new materials, which must withstand the rigors of testing and quality prior to being used in construction activities.
- Add innovative processes and equipment/technology to the scope of this section.
- Add wording to clarify that any innovative product, process, or technology must meet quality requirements established by the DOT prior to implementation.
- Expand the section on eligible entities to include the private sector rather than awarding research exclusively to academic institutions.