

TRANSPORTATION

STATEMENT OF BASIC PHILOSOPHY

The National Association of Counties (NACo) believes that the nation's transportation system is a vital component in building and sustaining communities, moving people and goods, and developing competitive economies at local and regional levels, and on a global scale.

The nation's counties play a critical role in the nation's transportation system. Counties own 45 percent of the nation's roads and 39 percent of the nation's bridges, and are involved with over a third of the transit systems and airports in the United States that connect citizens, communities and businesses. NACo believes that counties should be recognized as major owners of transportation infrastructure and provided levels of funding and authority that adequately reflect their role in the nation's transportation system.

FUNDING AND FINANCING TOOLS

NACo believes that a user-pay approach should continue to be the cornerstone of federal transportation funding and that federal policy should provide counties the flexibility to use additional financing tools, such as tax-exempt bonds and public-private financing for delivering transportation projects.

- A. Highway Trust Fund:** NACo supports using Highway Trust Fund revenue for a total public transportation program (roadways and transit) and that Congress and the Administration should retain the existing budget treatment of the highway and mass transit accounts within the Highway Trust Fund. In addition, NACo supports increasing and indexing the federal motor fuel user fees to meet current and future highway and transit funding needs, provided all additional revenue resulting from such an increase is dedicated for highway, bridge and transit programs.
- B. Harbor Maintenance Trust Fund:** NACo supports the full expenditure of harbor maintenance trust fund collections on dredging and harbor maintenance, and providing equity for deep draft ports that contribute collections to the fund but do not have significant dredging needs by allowing them to utilize trust fund dollars for limited port-related uses other than dredging.
- C. Airport and Airway Trust Fund:** NACo supports funding the airports and airway trust fund at levels that will meet current and future infrastructure needs and allow for the steady flow of authorized funds without cuts or delays. NACo also supports retaining the existing budget treatment of the trust fund, which requires mandatory spending of its funds and ensures that the taxes collected from users of the aviation system are spent on their designated purposes.
- D. Passenger Facility Charge (PFC):** NACo supports the continued collection of PFC fees for every boarded passenger by public agencies that control commercial airports.
- E. Airport Rates and Charges:** NACo supports local governments and airport operators having the full authority to impose and enforce fees, rates and charges that dedicate all airport revenue to airport development, capital financing and operations.
- F. Off-Airport User Fees:** NACo supports the continued authority of local governments and other public airports to set fees, rates, and charges for the use of airport facilities by off-airport business, with the proceeds being dedicated to airport development, capital financing and operations.
- G. Innovative Financing:** NACo supports innovative financing mechanisms including, but not limited to, qualified tax credit bonds; infrastructure banks; the Transportation Infrastructure Finance and Innovation Act

(TIFIA); and public-private partnerships that would allow local governments and transportation authorities, such as counties, to leverage federal financing for capital projects.

- H. Municipal Bonds:** NACo believes the tax free status of bonds used for transportation infrastructure development should be continued with no imposition of additional restrictions on arbitrage and advanced refunding of bonds.

COORDINATION AND CONNECTIVITY

NACo believes that an ideal transportation system is balanced, coordinated and encompasses all modes of transportation, including land (roadways, rail and transit), aviation (airports), and marine transport (ports). NACo also believes that continuous, cooperative, and comprehensive planning is an essential part of a coordinated and balanced transportation system.

- A. Intergovernmental Coordination:** NACo believes a coordinated and balanced transportation system supports the interrelationship and connectivity of transportation infrastructure and services across all levels of government, including county/municipal, state, and federal transportation assets.
- B. County Role in Transportation Planning:** NACo supports opportunities for counties to participate in local/regional and statewide transportation planning processes and believes local/regional transportation planning organizations (such as Metropolitan Planning Organizations) should be made up of a majority of local elected officials and that local elected officials should be able to re-designate their local/regional transportation planning organization, in consultation with the state, if their organization is not adequately comprised of local elected officials.
- C. Funding for Transportation Planning:** NACo believes funds devoted to comprehensive planning should be reasonably related to identifiable beneficial results through a benefit-cost analysis.
- D. Funding for Multimodal Transportation Projects:** NACo supports federal funding for multi-modal transportation projects through discretionary programs and believes local governments should be eligible as sole applicants for these programs.

HIGHWAYS

While counties own more road miles in the United States than any other form of government, NACo recognizes that the nation's transportation system depends on roads and bridges owned by all levels of government and that the role counties play within a state varies greatly state-by-state. Therefore, NACo supports a federal highway program that supports investments on both state and locally owned roads and bridges.

- A. Requirements for Local Projects:** NACo believes counties should be permitted to make a distinction between projects that are statewide and local in character, with requirements for local projects being much less complex.
- B. Regional Planning:** NACo believes that regional planning organizations, in cooperation with state and local governments, should be limited to planning for services and facilities of regional significance.
- C. Statewide Planning:** NACo supports states, with local governmental review and approval, developing multiyear plans and programs for highway improvements and believes that the federal government should review and approve these annual state plans and programs.
- D. Increased Funding for Local Infrastructure:** NACo believes Congress should increase funding for highways and bridges owned by local governments by redirecting amounts authorized strictly for state-owned highways and bridges.

- E. Off-System Investments:** NACo supports federal investments for certain projects that are off the federal-aid system, including:
- Programs that target the rehabilitation of critical elements of the transportation system in our aging regions and communities, including high-risk rural roads;
 - Funding for the replacement or rehabilitation of critically deficient bridges which may not be on the federal-aid system, particularly those off-system bridges under county control;
 - Funding to eliminate or grade-separate the most serious hazards among the 165,000 rail-highway grade crossings not on the federal-aid or state-aid systems.
- F. Trucks and Vehicle Size and Weights:** NACo believes adequate federal funding should be provided to compensate state and local governments for any infrastructure upgrades necessary to accommodate the vehicle size, weight, and configurations mandated by Congress. NACo also supports the continued requirement that all trucks have underride protection devices and believes that the National Highway Traffic Safety Administration should periodically review the adequacy of such regulations.
- G. Standards for Center and Edge Line Markings:** NACo opposes mandated standards for center and edge line markings and believes local governments should be allowed to implement their own policies and procedures.
- H. Intelligent Transportation Systems (ITS):** NACo believes counties should be provided flexibility and federal funding to adopt ITS technologies and related infrastructure.
- I. Highway Safety Plans:** NACo supports the requirement that states develop and update State Strategic Highway Safety Plans in an effort to reduce accidents and fatalities on our nation's roads and believes states should be required to, at a minimum, cooperate with local government officials in the development their statewide safety plans.
- J. Metropolitan Congestion:** NACo supports increasing, and expanding local control over, funding to urban and suburban counties to address congestion.

PUBLIC TRANSPORTATION

NACo believes Congress should provide funds, in partnership with state and local governments, to improve existing public transportation systems and to establish new transit systems where needs and benefits have been determined by local elected officials. In addition, NACo believes the federal government should more fully recognize the appropriateness of counties as a basic area-wide government for planning and operating public transportation services and coordinating specialized transportation.

- A. Interlocal Cooperation:** NACo supports providing flexibility to counties and municipalities in metropolitan areas to join together and establish area-wide public transit authorities.
- B. Formula Funding for Urban Transit Systems:** NACo supports full funding of the urbanized area formula grant program at historic levels for both capital and operating assistance.
- C. Funding for Rural Public Transportation:** NACo supports increased funding to the small urban and rural public transportation program.
- D. Discretionary Funding for Transit:** NACo supports federal funding for transit projects through discretionary programs that support rail modernization, new start and small start system investments and extraordinary bus capital needs, and believes projects should be evaluated based on its cost effectiveness, responsiveness to community transportation needs, and state and/or local financial support of the operations and/or maintenance of such projects and facilities.

- E. Commuter Benefits:** NACo supports increasing the monthly amount that commuters may set aside pre-tax for mass transit to a level that exceeds the allowable pre-tax amount for parking.

AIRPORTS

NACo believes the federal government should more fully recognize the ability of counties, as area-wide governments, to plan and coordinate aviation with other modes of transportation and to control land use for future airport development.

- A. Airport Improvement Program (AIP) and PFC Funds:** NACo supports flexibility for airport sponsors to invest AIP and PFC funds, and local fees, rates and charges, for the financing of intermodal transportation facilities, including but not limited to roads, interchanges, public transit, and safety projects that are an integral component to the growth and sustainability of the airport.
- B. Small Community Air Service Program:** NACo supports continued, sufficient and guaranteed funding to meet the needs of small communities to retain, expand and attract air service.
- C. Essential Air Service (EAS):** NACo believes the federal government should continue subsidies for assisting airlines serving small communities and fully fund the EAS program.
- D. Federal Share of Airport Development Projects:** NACo supports an increased federal share on airport development projects to help local governments with inadequate local revenue sources.
- E. Local Control over Airport Investments:** NACo supports increased flexibility for public airport sponsors in dedicating available airport grant funds to finance projects determined to be of highest priority by the sponsoring county/community.
- F. Military Airports:** NACo believes the federal government should work cooperatively with counties in establishing the joint use of existing military airports for the purpose of achieving considerable public savings.
- G. Air and Noise Pollution Control:** NACo believes the federal government should continue research of air and noise pollution caused by civilian and military aircraft, and enforce existing standards, rules, and regulations.
- H. Airport Security:** NACo supports providing sufficient federal funding to both commercial and general aviation airports to guarantee adequate security and to ensure that no financial burdens or federal security requirements are imposed on local governments or public authorities that operate these facilities.

RAILROADS

NACo believes there should be a coordinated federal-state-local effort to return rail service to its appropriate place in a balanced national transportation system. In this effort, NACo supports expanding and improving long-distance passenger service, and providing needed regulatory reform at the federal level.

- A. Freight Rail Assistance:** NACo believes Congress should provide assistance to local governments, states, and railroads for the rehabilitation, preservation, and improvement of rail lines with the goal of maintaining and improving needed freight service.
- B. Amtrak:** NACo believes Congress should continue to provide subsidies to Amtrak at a level consistent with maintaining a reasonable level of service and to provide necessary capital improvements with appropriate accountability controls. However, NACo opposes using any transportation trust fund dollars to address Amtrak's financial problems.

- C. Short Line Railroads:** NACo believes Congress should enact legislation that would preserve and restore short line railroads in urban and rural communities.
- A. High-Speed Rail:** NACo supports efforts to improve and expand regional and national high-speed rail service to serve those counties and regions that would benefit from such service. However, NACo opposes the use of funds from the Highway Trust Fund for high-speed rail and believes there should be no preemption of state and local taxing authority and no negative impact on any current commuter rail funding.
- B. Railroad Safety:** Rail safety is a critical issue for our communities. NACo urges Congress to support improved rail safety through the following measures:
- a. **Grade Separations:** NACo urges Congress to provide additional funding to local governments, states and railroads to improve grade crossings and separations allowing for safer interactions between road and rail traffic (23 U.S.C § 130).
 - b. **Routing Risk Assessments:** NACo supports the Rail Routing Risk Assessment required and audited annually by the FRA. NACo urges Congress to further require local and state government review of and input into the risk model (49 CFR § 172.820).
 - c. **Oversight Staff:** NACo urges the FRA to fill and maintain full staffing in its rail safety office.
 - d. **Rail Line Relocation:** NACo supports appropriations for this critical program that would provide communities options to relocate rail lines as needed.
 - e. **Rulemaking on Enhanced Tank Car and Braking Standards:** NACo supports rigorous tank car standards, including enhanced thermal protection for tank cars and eliminating the usage of older tank cars that are considered unsafe for moving hazardous materials. NACo further supports the expeditious study and implementation of enhanced braking systems based on safety findings.
 - f. **Credit Assistance for Safety:** NACo supports allowing federal appropriations to pay for the credit risk premium for loans that support safety improvements through the Railroad Rehabilitation and Improvement Financing Program.

PORTS AND WATERWAYS

NACo believes that a vibrant waterway transportation system is vital to our economy and provides our nation with the ability to meet the needs of the shipping public. NACo supports legislation that provides increased funding and regulatory relief to facilitate the revitalization, modernization, and maintenance of port facilities, including legislation that ties the expenditure of harbor maintenance trust fund revenues to their intended purpose – harbor maintenance projects. NACo also believes that federal policy should ensure that state and local officials responsible for administration and security at U.S. ports are consulted before the sale of port facilities in their jurisdiction to foreign state-owned entities.

RESEARCH AND DEVELOPMENT

NACo believes the federal government, in cooperation with states, local governments and industry, should continue and expand research, development, and deployment programs that focus on new and existing modes of transportation, including but not limited to the development of reasonable, safe and cost effective low volume roads.

TRANSPORTATION RESOLUTIONS

Resolution on County Priorities for MAP-21 Reauthorization

Issue: This year, the nation's transportation system will face two looming crises: the expiration of the current surface transportation authorization law, Moving Ahead for Progress in the 21st Century Act (MAP-21); and the dwindling solvency of the Highway Trust Fund.

Adopted Policy: With MAP-21's current extension set to expire on July 31, 2015 and the Highway Trust Fund nearing a major fiscal cliff, NACo urges Congress to adopt a secure and long-term funding strategy for the future of the Highway Trust Fund and pass a long-term surface transportation bill (preferably six years in length) that provides sufficient funding and supports counties' surface transportation priorities.

County surface transportation priorities in the reauthorization of MAP-21:

- **Provide Long-Term Funding Certainty:** Support passage of a new surface transportation authorization that provides long-term funding certainty by raising the federal gas tax and/or finding alternative sources of revenue to make the Highway Trust Fund solvent.
- **Increase Funding for County Road and Bridge Projects:** Support county road and bridge projects by: 1) maintaining the set-aside for off-system bridges and continuing states' ability to reduce the set-aside requirement if there are insufficient off-system bridge needs; and 2) providing more funding for locally-owned on-system roads and bridges by increasing the overall funding level for the Surface Transportation Program (STP) and continuing the STP suballocation to local areas but increasing the share to greater than 50 percent.
- **Increase the Role of Counties in Statewide Planning:** Provide an increased role for counties in statewide transportation planning by: 1) requiring state departments of transportation, at a minimum, cooperate with local government officials (including county transportation officials) in the development of planning and funding allocation processes, including the development of State Strategic Highway Safety Plans; and 2) requiring state departments of transportation coordinate with local government officials in defining the term 'high risk rural road' – or developing a federal definition of the term 'high risk rural road' after considering input from state and local stakeholders and other performance measurements.
- **Build on Reforms from MAP-21 that Strive to Expedite Project Delivery:** Continue and expand efforts to streamline and expedite project delivery by: 1) maintaining the categorical exclusion for projects receiving limited federal assistance (\$5 million or less); and 2) simplifying the process for pursuing categorical exclusions.
- **Support Public Transportation Systems of all Sizes:** Support rural, small and large transit systems by: 1) continuing to fund transit programs through the Mass Transit Account of the Highway Trust Fund; 2) increasing federal funding for rural transportation systems; 3) continuing and expanding transit operators' flexibility to use federal dollars for operating assistance; 4) restoring historic funding levels for the Bus and Bus Facilities program and revising the program to require that all funds for Urbanized Areas with a population of 50,000 or more be apportioned directly to the designated recipients of 5307 funding; and 5) providing discretionary funding for both rural and urban transit systems to address one-time and/or major investments.
- **Make Safety a Priority on all Roads and Bridges:** Emphasize safety on all roads and bridges by: 1) revising the High Risk Rural Road (HRRR) safety rule under the Highway Safety Improvement Program, which requires an increase in existing fatality rates on HRRRs over a two-year period before a state must obligate funds to improve rural road safety – rather than waiting for safety problems to get worse, states should either be required or incentivized to decrease existing fatality rates on HRRRs through safety investments; 2) prioritizing investments for federal-aid bridges to address safety and infrastructure improvements for bridges with the greatest need – regardless of whether they are on or off the National Highway System; and 3) continuing existing limits on truck size and weight due to the enormous threat larger and heavier trucks pose to road safety and locally-owned infrastructure.

- **Support Innovative Funding and Financing Methods:** Continue and encourage alternative financing methods that help local governments stretch federal, state and local investments farther by: 1) continuing robust funding for the TIFIA program; 2) incentivizing innovative project funding and financing through an increased federal match (up to 100 percent) or by allowing local governments to use savings realized through innovative contracting methods toward their local match; and 3) creating a pilot program or providing technical assistance to local governments that support the planning for and design of multi-jurisdictional project bundling.
- **Invest in Passenger Rail:** Include funding for passenger rail in the reauthorization of MAP-21 that supports current rail service and the development of high-speed rail.
- **Continue Funding for the Reservation Road Program:** NACo believes reservation road funding should be continued for the improvement and maintaining of roads that are used to transport children to or from school or Head Start programs on or near reservations.
- **Support Freight Planning at the Local Level:** NACo further supports provisions in the next surface transportation reauthorization bill that incentivize freight planning at the county level.

Approved | July 13, 2015

Resolution on Funding for Tribal Roads and School Bus Routes

Issue: In general, tribal roads are in dire need of maintenance and improvement and many of these dirt and gravel roads become impassable during the rain and snow seasons. The unsafe condition of tribal school bus routes is unacceptable and unfair to students who miss school when the roads become impassable. Previous federal highway bills, the Transportation Equity Act for the 21st Century (TEA-21) and the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU) offered dedicated funding for the maintenance of these unimproved Indian school bus routes. The current highway authorization, Moving Ahead for Progress in the 21st Century (MAP-21) removed this authority.

Adopted Policy: NACo urges that the new federal highway authorization include funding for school bus routes in a similar fashion as was provided by Section 1806 of SAFETEA- LU. Section 1806 allowed for federal funds to be made available for the maintenance of Indian reservation school bus routes to States that have within their boundaries, all or part of an Indian Reservation having a land area of ten million acres or more. The latest authorization provided by SAFETEA-LU, fiscal year 2011, provided \$1.8 million. The new federal highway authorization should include Indian school bus route funding at a level of \$20 million.

Approved | July 13, 2015

Resolution on Modifying the Train Horn Rule

Issue: Supporting feasible and safe implementation of railroad quiet zones through modification of the Train Horn Rule.

Adopted Policy: NACo urges the U.S. Congress and the FRA to reexamine the Train Horn Rule (49 CFR, Part 222, the Use of Locomotive Horns at Highway- Rail Grade Crossings) in order to determine how local communities can feasibly implement quiet zones without insurmountable costs, requirements and processes while also continuing to protect public safety. Additionally, NACo encourages Congress to provide new or unobligated federal funds to localities for the express purpose of establishing quiet zones.

Approved | July 13, 2015

Resolution Requesting Modifications to Rules for Challenges to Federal Aid Highway Construction

Issue: Project development and environmental review challenges to federal aid highway construction projects result in unnecessary delays and excessive litigation with unwarranted added costs.

Adopted Policy: NACo urges proposed legislation to modify the relevant laws and regulations that will prohibit the ability to make legal challenges to federal aid highway projects, delaying them from moving forward, after the jurisdictional entity proposing the project has received a “Record of Decision” in relation to the project and all required project submittals have been made and accepted to receive the “Record of Decision.”

Approved | July 13, 2015

Resolution Supporting Equitable Funding and Expenditures of the Highway Trust Fund

Issue: The long-term solvency of the Highway Trust Fund.

Adopted Policy: NACo urges Congress to ensure the long-term solvency of the Highway Trust Fund by considering revenue sources that will better capture all users of the nation’s highways and account for all vehicles. Congress should also consider reducing allowable administrative costs in order to direct more funding toward highway improvement funding.

Approved | July 13, 2015

Resolution on Elevating the Role of Local Governments in the Development of State Strategic Highway Safety Plans

Issue: The need for elevated coordination with local governments in the development of state Strategic Highway Safety Plans.

Adopted Policy: NACo urges Congress to make safety on county roads a priority in the reauthorization of MAP-21 by requiring that state departments of transportation, at a minimum, cooperate with local government officials (including county transportation officials) in the development of state Strategic Highway Safety Plans and by directing proportionate Highway Safety Improvement Program funding to areas of safety concern regardless of roadway ownership.

Approved | July 13, 2015

Resolution on the Establishment of a ‘Toward Zero Deaths’ Grant Program

Issue: The need for additional funding for safety improvements on county roads in the reauthorization of MAP-21.

Adopted Policy: NACo supports the establishment of a federal Toward Zero Deaths grant program that will provide funding to local governments and non-profit organizations for the purpose of implementing proven safety practices and programs.

Approved | July 13, 2015