

# 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.

NACo supports 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 streamlining administrative requirements in order to direct more funding toward highway improvement.

**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. NACo requests funding be maintained or increased for the Highly Rural Transportation Grants (HRTG) program through the U.S. Department of Veterans Affairs.

- 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.
- B. 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.
- C. 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 for Air Ambulances to be Regulated under the Airline Deregulation Act (ADA)

**Issue:** Air ambulances cannot be regulated under the Airline Deregulation Act (ADA), and therefore are able to charge exorbitant rates.

**Adopted Policy:** The National Association of Counties (NACo) supports policies to remove air ambulances from the definition of “Air Carrier” in ADA or other policy to protect consumers from price-gouging and/or balance billing conducted by some air ambulance providers. NACo encourages Congress to cause a thorough and complete study of Air Ambulance operations to be conducted.

**Approved | July 25, 2016**

### Resolution to Establish and Clarify NACo’s Legislative Priorities for FAA Reauthorization

**Issue:** As counties own 34 percent of the nation’s publically-owned airports and spend \$4.5 billion annually on air transportation, Federal Aviation Administration (FAA) reauthorization could have significant impacts on county governments, their budgets and the economic well-being of their communities.

**Adopted Policy:** As Congress considers legislation to reauthorize the FAA, The National Association of Counties (NACo) calls for provisions that would:

- Modernize the Passenger Facility Charge (PFC) program by:
  1. increasing the cap to \$8.50 and indexing it to inflation so it can be automatically adjusted going forward;
  2. streamlining the application process; and
  3. eliminating program requirements that are applicable only to medium and large hub airports.
- Reauthorize the Airport Improvement Program (AIP) at the current funding levels. In exchange for raising the PFC cap to \$8.50, eliminate program entitlements (apportionments) for large hub airports and redirect the resulting savings to fund projects at small airports (airports designated as small hubs and smaller).
- Reauthorize the Federal Contract Tower and ensure that FAA does not change the requirements for participating in the program in a way that would close existing towers, prevent new towers or force local communities to pay onerous portions of the required program costs.
- Re-establish Congressional intent and 29 years of federal interpretation that state and local sales tax measures of general application are not the same as aviation fuel excise taxes and the states and localities should be able to use those revenues as they have determined based on state and local statute

**Approved | July 25, 2016**

### Resolution on Indian School Bus Route Maintenance

**Issue:** Tribal residents of counties whose regional road networks include primary access routes that are tribal dirt roads are denied access to education due to the failure of the Bureau of Indian Affairs (BIA) to enforce its own National Environmental Policy Act (NEPA) guidance for categorical exclusions.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress include language in Department of

Interior (DOI) Appropriation bills directing the BIA to comply with DOI regulations for enforcement of NEPA, (43 CFR Part 46.210), BIA Guidebook (59 IAM 3-H), and DOI's Departmental Manual (516 DM 10.5), to adhere to all three NEPA compliance components:

1. Categorical Exclusion;
2. Environmental Assessment; and
3. Environmental Impact Statement.

**Approved | July 25, 2016**

### **Resolution on the Establishment of a 'Toward Zero Deaths' Grant Program**

**Issue:** The need for additional funding for safety improvements on county roads.

**Adopted Policy:** The National Association of Counties (NACo) supports the establishment of a federal Toward Zero Deaths (TZD) 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 25, 2016**

### **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 (SHSPs).

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to make safety on county roads a priority 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 (SHSPs) and by directing proportionate Highway Safety Improvement Program funding to areas of safety concern regardless of roadway ownership.

**Approved | July 25, 2016**

### **Resolution to Support Innovative, Connected, Automated Technology for Transit Solutions**

**Issue:** Innovative, advanced, connected, cost-effective technology, such as Intelligent Transportation Systems (ITS), and connected, automated vehicles and systems can substantially improve safety, mobility, and connectivity of shared public transit but is not being widely considered despite current public use in Europe, Asia and, in limited form, the United States.

**Adopted Policy:** The National Association of Counties (NACo) urges modifying U.S. Department of Transportation (USDOT), Federal Transit Administration, or Federal Highway Administration policy in all appropriate innovative, advanced, connected, cost-effective technology grant guidelines to allow Automated Transit Networks as eligible for capital funding and to encourage states, local governments, or Metropolitan Planning Organizations to consider innovative, connected, automated technology in planning for transportation solutions.

**Approved | July 25, 2016**

## **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:** The National Association of Counties (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 25, 2016**

## **Resolution Stressing the Important Role of Counties in Establishing and Implementing Laws and Regulations for Unmanned Aircraft Systems (UAS)**

**Issue:** Counties must have a seat at the table as Congress and the Administration develop and implement laws and regulations relating to unmanned aircraft systems (UAS), i.e. drones.

**Adopted Policy:** The National Association of Counties (NACo) calls on Congress and the president to consult and work closely with county officials and other local stakeholders as they consider new legislation and regulations addressing the emerging UAS/drone industry and to permit appropriate local regulations in any new legislation or regulation. We further urge the FAA to allocate additional seats on the Drone Advisory Council to counties.

**Approved | July 25, 2016**