

# 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.
- E. County Role in Unmanned Aerial Systems (UAS) Regulations:** Counties shall have the authority to regulate certain aspects of Unmanned Aerial System (UAS) operations to ensure public safety and privacy. These aspects would include, but not be limited to: certain lower levels of altitude, time-and-day of operation restrictions and enforcement capabilities.

NACo urges the Federal Aviation Administration (FAA) and Congress to allow for local governments to be able to govern certain UAS capabilities and work in collaboration with local governments to ensure the safety of the national airspace as UAS technology is further integrated.

## **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 in Support of Direct Funding to Local Governments for the Improvement and Maintenance of Local Roads in America within any Proposed Infrastructure Spending Bill**

**Issue:** Include direct funding for roads owned and operated by local governments to address America's rapidly deteriorating transportation network and create jobs

**Adopted Policy:** The National Association of Counties (NACo) urges the president and Congress, through any proposed infrastructure spending bill, to create dedicated funding allocated directly to local governments for the improvement and maintenance of local road and bridge infrastructure in America.

**Adopted | July 16, 2018**

### **Resolution to Establish NACo's Legislative Position for United States Department of Transportation's Budget Appropriation for FY 2019**

**Issue:** The nation's counties rely on a strong federal-state-local partnership to successfully meet the transportation and infrastructure needs of their constituents. This partnership has included the federal government providing, through the annual appropriations process, funding to assist the needs of local government.

**Adopted Policy:** U.S. Department of Transportation (DOT) annual appropriations for FY 2019 shall be maintained, at minimum, at the authorized FY 2018 level, and whenever possible, be increased to assist projects that support the economic output, mobility and safety of the American people.

**Adopted | July 16, 2018**

### **Resolution on FAA Reauthorization or Extension**

**Issue:** As counties own 34 percent of the nation's publicly-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: increasing the cap to \$8.50 and indexing it to inflation so it can be automatically adjusted going forward; streamlining the application process; and 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 30 years of federal interpretation that state and local sales tax measures of general application are not the same as aviation fuel excise tax and the states and localities should be able to use those revenues as they have determined based on state and local statute.
- NACo urges Congress to continue to fully fund the Essential Air Service (EAS) program that provides dollars to airlines that serve small communities. NACo also urges Congress to continue guaranteed funding of the Small Community Air Service Development Program (SCASDP) that helps small communities address air service and airfare issues.
- NACo urges Congress to establish in the next Federal Aviation Administration (FAA) reauthorization or extension of the current FAA authorization law, a pilot program within the FAA that, in consultation with airline operators and general aviation users, oversees the installation and operation of remote air traffic control towers.

**Adopted | July 16, 2018**

**Resolution Urging Federal Policy Makers to Include Support for Transit Options in any Upcoming Infrastructure Package and/or List of Expanded Legislative Principles**

**Issue:** Counties and local jurisdictions desire transit options to reduce traffic congestion, spur economic development and job growth, and enhance regional connectivity and mobility.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress and the U.S. Department of Transportation (DOT) to provide funding mechanisms in its upcoming infrastructure package, including incentives for private investment such as public-private partnerships, to state and local governments for purposes of expanding, installing, and maintaining transit systems; including but not limited to Bus Rapid Transit (BRT), Heavy Rail, and Light Rail systems.

**Adopted | July 16, 2018**

**Resolution in Support of Eliminating Regulatory Impediments for Effective Delivery of Federal Aid Projects**

**Issue:** Elimination of regulatory impediments to the effective delivery of federal aid projects

**Adopted Policy:** The National Association of Counties (NACo) urges the president and Congress to implement measures that would eliminate regulatory impediments on local and state sponsored federal aid projects to achieve our shared goals of strengthening transportation networks, improving public safety and advancing our economic competitiveness.

**Adopted | July 16, 2018**

## **Resolution Supporting Increased Consideration of Alternative Congestion Mitigation Measures**

**Issue:** Federal funding for automated technologies has been focused mostly on the development of driverless cars and shuttles which can enhance mobility and improve first/last-mile accessibility, but have limited ability to reduce road congestion, and may increase vehicle miles traveled before mitigation measures can be implemented.

**Adopted Policy:** The National Association of Counties (NACo) urges U.S. Department of Transportation (DOT) to make road congestion mitigation a top priority by exploring, implementing and funding automated shuttles and transit network systems for congestion mitigation that reduces the impact of driverless vehicles on road congestion and increases usage of Automated Transit Networks (ATN) to relieve travel demand on roads.

**Adopted | July 16, 2018**

## **Resolution Urging Congress to Amend the Electronic Logging Device (ELD) and Hours of Service Final Rule to Provide an Agricultural Exemption**

**Issue:** Federal regulation mandating the use of an electronic logging device for agricultural transportation drivers does not take into account delays drivers will encounter in the process of loading, unloading and transporting livestock, which could result in inhumane animal treatment, devalued livestock pricing, and further economic hardship to rural counties across the United States.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to amend the Federal Motor Carrier Safety Administration Electronic Logging Devices and Hours of Service final rule to exempt agricultural trucking activity from this regulation.

**Adopted | July 16, 2018**

## **Resolution in Support of Fully Funding Federally Mandated Local Airport Security**

**Issue:** Pursuant to 49 U.S.C. § 44903(c) and 49 C.F.R. Part 1542, Airport operators are required to establish an air transportation security program that provides a law enforcement presence and capability at the airport that is adequate to ensure the safety of air passengers. This program is part of the cooperative effort between Transportation Security Administration (TSA) and airports to support deployment of sufficient law enforcement officers, by airports, to ensure passenger safety and counter risks to transportation security. Local Airport Authorities are receiving insufficient funding from the TSA to cover the cost of locally employed law enforcement officers for airport security.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to increase the federal funding allocated for the TSA Law Enforcement Reimbursement Program so that the maximum reimbursement rate may be increased to cover the local airport's actual cost of (non-TSA) law enforcement officers employed by the local airport to fulfill federally mandated airport security requirements.

**Adopted | July 16, 2018**



## **Resolution on Indian School Bus Routes**

**Issue:** Poor maintenance of dirt school bus routes on Indian reservations prevents students from getting to school and contributes to the Native American absentee rate that is four times that of non-Native students.

**Adopted Policy:** The National Association Counties (NACo) urges the improvement of dirt school bus routes on Indian reservations through three key measures: 1) increasing annual funding for the Bureau of Indian Affairs (BIA) Road Maintenance Program (RMP); 2) prioritizing additional RMP funds for dirt school bus routes on Indian reservations that are persistently impassable; and 3) including counties in tribal roads meetings hosted by the BIA and Office of Federal Lands Highway.

**Adopted | July 16, 2018**