

Support County Priorities in a Surface Transportation Reauthorization Bill

ACTION NEEDED

Urge your Members of Congress to support county priorities as Congress works to reauthorize [P.L. 114-94](#), the *Fixing America's Surface Transportation Act* (FAST Act).

BACKGROUND

Counties play a critical role in the nation's surface transportation system, owning 45 percent of all public roads – compared to the 32 percent of public roads owned by cities and townships, 19 percent by states and 3 percent by the federal government – and 38 percent of the National Bridge Inventory. Counties also directly support 78 percent of the nation's transit systems that are providing safe and efficient options for keeping our residents connected to critical services during the ongoing pandemic.

President Obama signed the bipartisan *FAST Act* in December 2015, which directed \$305 billion over FY 2015 through FY 2020 for highway construction and maintenance, highway and motor vehicle safety, public transportation, rail, hazardous materials safety, and research, technology and statistics programs.

The FAST Act expired on September 30, 2020 but was extended by lawmakers for one year through September 30, 2021. As the 117th Congress looks toward enacting a new surface transportation reauthorization, counties believe a strong intergovernmental partnership is critical to strengthening our nation's transportation system. Consistent federal investment through a new, long-term surface transportation reauthorization, developed in consultation with federal, state and local partners, will allow counties to undertake much-needed infrastructure improvements and development projects.

In order to facilitate success at all levels of government, any surface transportation legislation must preserve local decision-making, direct federal investments to local governments and streamline the regulatory landscape to save money and time while still ensuring strong environmental stewardship. Federal funding levels and local authority should adequately reflect the county role in the nation's transportation system. Finally, a user-pay approach should continue to be the cornerstone of federal transportation funding, and federal policy should provide counties with the flexibility to use additional financing tools.

Owning more roads (45 percent) and bridges (38 percent) than any other government entity, counties play a critical role in our nation's transportation system. Counties are also directly support the operation of 78 percent of the nation's public transit systems.

The one-year extension of the FAST Act will expire on September 30, 2021. As of February 2021, both the U.S. House and U.S. Senate have advanced legislation that, while incomplete, is intended to address the impending expiration of the FAST Act extension.

A new reauthorization must preserve local decision-making, provide direct federal funding to counties and contain regulatory relief while still ensuring strong environmental stewardship.

OFF-SYSTEM BRIDGES

Off-system bridges are located on a public road that is not part of the federal-aid highway system.

281,184

Share of County Owned	62%
Share of City/Town Owned	17%
Share of Other Locally Owned +	0.4%
Total Locally Owned =	79.4%

In July 2020, House Democrats advanced their surface reauthorization through the Lower Chamber along mostly party lines with the passage of H.R. 2, the *Moving Forward Act*, that included a five-year, \$494 billion surface transportation reauthorization, in addition to funding for a wide array of infrastructure sectors. The bill did not receive any consideration in the then-Republican controlled Senate, who viewed it the entirely Democratic bill as a nonstarter. View NACo's analysis of H.R. 2 [here](#).

As of February 2021, the U.S. Senate's only action to date remains the favorable passage of a \$287 billion, five-year highway title, S. 2302, the *America's Transportation Infrastructure Act*, by the U.S. Senate on Environment and Public Works (EPW) Committee in July 2019 (view NACo's analysis [here](#)). This inaction looks to change soon, however, with Chairman Tom Carper (D-Del.) vowing to rewrite much of the bipartisan bill on an ambitious timeline that would see new, long-term legislation on highways, roads and bridges passed by EPW by Memorial Day. The new legislation will likely resemble H.R. 2 and, although S. 2302 contained the first-ever climate title in a reauthorization, any new environmental provisions are certain to be considerably more stringent. EPW typically sets the timing for the Senate on surface reauthorization, which means once their bill is released, Senate Commerce will likely follow suit with its rail title and Senate Banking with its mass transit title, resulting in a full surface transportation reauthorization.

With the current law's expiration looming once again, the path forward for a compromised package that can garner the necessary Republican support in the Senate is unclear, though lawmakers remain optimistic. If they are unable to reach an agreement, they will need to extend the FAST Act for a second time.

KEY TALKING POINTS

As lawmakers work towards reauthorization, counties urge Congress to include the following county priorities in a surface transportation bill:

- **Establish funding certainty through a long-term surface transportation reauthorization:** Counties rely on the certainty of federal funding to plan and execute transportation projects. For counties to confidently commit to critical transportation projects, any reauthorization must deliver consistent funding over several years.
- **Promote long-term solvency of the Highway Trust Fund:** In order to maintain a robust infrastructure network, the Highway Trust Fund must remain solvent. Counties support an "all tools in the toolbox" approach to accomplishing this, including increased usage of user-fees to support surface transportation and alternative collection methods, such a Vehicle Miles Traveled tax.
- **Provide direct funding to counties and increase local decision-making authority:** Counties encourage Congress to increase the amount of federal funding infused into the local share of the Surface Transportation Block Grant Program (STBGP) to at least 62.5 percent as it was before being revised downward in P.L 112-141/MAP-21. We also support a new STBGP population tranche between 50,000 and 200,000, as is provided for in H.R. 2, that will offer increased decision making for these communities.
- **Maintain and increase the set-aside for off-system bridges:** Under current law, counties receive roughly \$777 million annually for off-system bridges. Amending the basis for the set-aside to a more contemporary appropriation level, as is done in H.R. 2, would provide the funding increase needed for counties to safely maintain and operate these often-compromised structures.
- **Streamline the federal permitting process:** Counties support streamlining the federal permitting process through concurrent reviews and increased thresholds for categorical exclusions, which can help reduce project delays.

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