

House Transportation and Infrastructure Committee Surface Transportation Authorization Act Summary

Funding Levels

A total of \$500 billion in funding would be provided under the STAA over six years. This includes \$337.4 billion for highway programs, \$99.8 billion for transit (including \$12.2 billion from the general fund), as well as an additional \$50 billion for high speed rail not funded out of the Highway Trust Fund. Compared to previous authorizations, a larger share of funding would go toward non-highway modes.

Policy and Organization

Performance Based Program

STAA will include program-specific performance standards and measures “that will hold funding recipients accountable for their choices on projects and the impact that those choices will have on meeting national objectives.” The draft notes “performance standards will be tailored to the particular challenges of a State or metropolitan area as part of an overall long-term plan for investing surface transportation funds.” Under a number of programs, states would work with US DOT to set performance targets and set goals for continuous improvements. States would then need to develop an investment plan to describe its strategy for using funding to meet performance targets as well as an annual report on use of funds and progress toward meeting performance targets.

Intermodalism

An Office of Intermodalism led by an Under Secretary of Intermodalism will be established within the Office of the Secretary. The Under Secretary will administer the Metropolitan Mobility and Access and Projects of National Significance programs and National Infrastructure Bank. STAA will also revitalize the DOT Council on Intermodalism.

National Transportation Strategic Plan

The Under Secretary for Intermodalism will be responsible for developing and implementing a long-range multimodal National Transportation Strategic Plan that will have state long-range plans as its foundation. The plan will include nationally and regionally significant projects submitted by states and selected by US DOT based on their ability to create national economic benefits, improve mobility by increasing transportation options for passengers and freight, and create intermodal links.

Impact on Oregon: The recently updated Oregon Transportation Plan, the Oregon Highway Plan and other mode and topic plans will contribute to the development of the National Transportation Strategic Plan. ODOT is in the process of developing a Freight Plan and a Rail Study, which is assessing the infrastructure needs for both freight and passenger rail. Any plan implementation actions established by US DOT could require amendments to the OTP and other plans.

Office of Livability

STAA will create an Office of Livability within FHWA that will be a “focal point . . . to advance environmentally sustainable modes of transportation, including transit, walking, and bicycling” and “will encourage integrated planning, linking land use and transportation planning, to support the creation of livable communities.” The Office of Livability will administer the Safe Routes to School, Transportation Enhancements, Recreational Trails, and Scenic Byways programs. It will also produce and disseminate best practices and technical assistance on land use/transportation integration, transit oriented development, comprehensive street design, and practical design.

Impact on Oregon: Oregon planning and ODOT highway programs already address the livability focus areas mentioned. The State of Oregon Statewide Planning goals go a long way in addressing much of the anticipated planning efforts, including linking land use and transportation planning. Collaborating with FHWA on best practices for Oregon would be necessary for ODOT and local governments.

Comprehensive Street Design/Practical Design

STAA will require that all federal-aid projects consider comprehensive street design principles that take into account the needs of all users, including bicyclists, pedestrians, and individuals with disabilities. Projects will also be required to be consistent with practical design standards, defined as “a collaborative, interdisciplinary approach that involves interested entities to develop a transportation facility that fits its physical setting, balances costs with the necessary scope of the project, and preserves scenic, aesthetic, historic, and environmental resources, while maintaining safety and mobility.”

Impact on Oregon: Oregon already has fairly strong requirements to consider bicycle/pedestrian needs in the planning process. In addition, the state has embarked on Context Sensitive Solutions for some of its projects and is working to implement this type of effort for the most of the projects developed by the agency. Under HB 2001 ODOT will be moving further toward practical design. The impacts of any new federal requirements will depend on the specific rules and standards promulgated by FHWA.

Office of Expedited Project Delivery

STAA creates offices within FHWA and FTA to improve the project delivery process by shepherding large, complex projects through environmental review, design, and construction and disseminating information on effective means of expediting projects.

Impact on Oregon: Creating separate offices within FHWA and FTA will do little to help the Columbia River Crossing and could actually make it more complicated for the project.

Planning

Blueprint planning in metropolitan areas

Metropolitan areas larger than 500,000 wishing to receive Metropolitan Mobility and Access funding would be required to undertake “Blueprint” alternative scenario planning that assesses land use patterns, housing supply, reducing greenhouse gas emissions, and livable communities, among others.

Impact on Oregon: Oregon has anticipated this type of planning, but funding limitations have limited its applicability. Scenario planning has been part of the development of Regional Transportation Plans for MPOs in the State of Oregon including addressing air quality concerns but until now not reducing greenhouse gas emissions. ODOT has been tasked with developing a Least Cost Planning methodology to look at both the supply and demand sides of transportation.

Greenhouse gas emissions reduction planning

STAA will link transportation planning with GHG emissions reductions. EPA, in consultation with DOT, will establish national emissions reduction goals. Under the existing planning process, DOT will require states and MPOs to develop GHG emission reduction targets and then incorporate strategies to meet these targets into their transportation plans. Performance measures will be used by DOT to verify that states and MPOs achieve progress toward GHG emissions reduction goals.

Impact on Oregon: During the recent legislative session, state agencies were tasked to work together and develop a rule that would establish GHG reduction targets by MPO area. The two largest MPOs in the state were also tasked with developing land use scenarios that address GHG reduction. Given that Oregon is already moving toward planning for GHG emissions reductions, the impact of a new federal mandate is not likely to be significant unless it goes well beyond the standards the state puts in place or conflicts with these requirements.

Multi-state freight corridor planning

STAA allows US DOT to designate up to 10 freight corridor coalitions nationwide and make grants to these organizations, which will develop multimodal corridor-level plans that identify projects based on state and metropolitan plans and investment programs.

Impact on Oregon: The West Coast Corridor Coalition would likely seek designation as a freight corridor coalition and ODOT would collaborate with other partners in the Coalition to develop a corridor plan. Clarity will be needed on the expectation for prioritization of projects along the corridor.

MPO size

The population threshold for establishment of an MPO would be raised from 50,000 to 100,000. Existing smaller MPOs could remain as MPOs.

Impact on Oregon: Albany would not become an MPO after the 2010 Census, and Bend and Corvallis would be able to disband as MPOs if they chose to do so.

Rural planning organizations

STAA would create a formal role for rural planning organizations (RPO), defined as organizations designated by a State to enhance the planning, coordination, and implementation of statewide transportation plans and programs in areas with a population of less than 50,000 individuals. States would be required to develop the statewide transportation plan in coordination with RPOs and consult with RPOs before obligating STP funds for areas 5000 to 200,000 within their boundaries.

Impact on Oregon: Though Oregon currently has no officially recognized RPOs, regional councils of governments and other entities could be designated an RPO. Some Area Commissions on Transportation may be able to serve in this role.

Finance

National Infrastructure Bank

A National Infrastructure Bank will be created to finance highway, transit, rail, and intermodal freight projects, with priority for large capital projects that have significant national or regional economic benefits. The bank will provide grants and credit assistance as well as bonding authority to projects under the Metropolitan Mobility and Access, Projects of National Significance, and High-Speed Rail initiatives.

Impact on Oregon: An infrastructure bank would likely only benefit major projects, such as the CRC, that have revenue sources from tolls and will use bonding or loans to raise up-front cash.

Metropolitan Infrastructure Banks

Metropolitan areas would be allowed to establish infrastructure banks to offer financing to projects. MPOs would be allowed to capitalize the banks using a portion of their Metropolitan Mobility and Access funds.

Tolling and Pricing

The pilot programs used by US DOT to grant authority to states to toll are eliminated in favor of a “single, centralized source of Federal toll authority.” An Office of Public Benefit within FHWA will implement oversight of tolling on the federal-aid highway system, including review of toll rates, toll rate adjustment methods, plans to mitigate toll impacts, and public-private partnerships. Metropolitan areas appear to receive greater flexibility in use of congestion pricing and tolling as part of a metropolitan mobility plan.

Impact on Oregon: ODOT would likely have to seek tolling authority from the Office of Public Benefit for the congestion pricing pilot required under Section 3 of HB 2001. The changes to tolling eligibility would not seem to hamper the ability of ODOT and WSDOT to toll the Interstate Bridge, nor is it anticipated that the Office of Public Benefit would cause any difficulties in seeking toll authority for the Columbia River Crossing.

Highway Programs

Core Programs

STAA will modify the existing core highway program structure. In addition to the programs listed, a program to ensure distributional equity among states is also included, but it is not clear how the formula will be structured.

Critical Asset Investment Program. This program, which will focus on bringing the National Highway System and bridges on the NHS and federal-aid highway system into a state of good repair, will consolidate the primary highway preservation programs: Highway Bridge, Interstate Maintenance and National Highway System. CAI requires US DOT to work with states to establish state-specific performance targets to reduce deck area of structurally deficient bridges on the Interstate and National Highway Systems and reduce lane miles on the Interstate and

National Highway Systems that are in poor or fair condition. These targets would establish percentage reductions in these levels that each state must achieve. Each state would have to develop a CAI investment plan to describe its strategy for using funding to meet performance targets and submit an annual report on use of funds and progress toward meeting performance targets. US DOT would withhold project approvals if the proposed use of funds is inconsistent with the state's CAI plan.

Impact on Oregon: It could be very difficult for ODOT to meet the targets for continuously improving bridge and pavement condition because the system is in a strong state of repair and funding will likely not be adequate to maintain this condition over the long term. Overall, CAI would not likely be adequate to significantly invest in improving the system's state of repair.

Highway Safety Improvement Program. A number of programs are consolidated into the existing HSIP, including High Risk Rural Roads, Highway-Railway Grade Crossings, Operation Lifesaver, and Work Zone Safety. States will work with US DOT to establish performance targets in the areas of reduction in the annual number of highway fatalities and serious injuries. With these targets in mind, states will have to develop an HSIP investment plan and multi-year investment strategy that will explain how the state will meet its performance targets. States will also have to provide annual reports on their progress in meeting performance targets.

Impact on Oregon: ODOT would have to examine the structure of its HSIP program and consider whether to move to a centralized rather than regional program. Significant additional work would be required to develop the required performance targets, investment plans and strategies, and annual reports.

Surface Transportation Program. The 10 percent off-the-top set-aside of STP funds for Transportation Enhancements is shifted to a 10 percent set-aside within each suballocation to MPOs and other areas of the state. States will also have to suballocate 80 percent of all STP funds to MPOs and other areas, rather than 56.25 percent under current law.

Impact on Oregon: Local governments will receive more funding under STP. Because Oregon suballocates to nearly 100 cities, counties, and MPOs, meeting the TE requirement might be challenging if interpreted strictly.

Freight Improvement Program. A new Freight Improvement Program (FIP) will provide states funding by a yet-to-be-identified formula for highway freight projects, including projects on freight routes, access to freight-related facilities, truck parking, and freight planning. Funding will be focused on the NHS and secondary freight routes, generally local roads that carry relatively heavy volumes of freight that will be inventoried and designated by the state. To receive FIP funding, each state will be required to develop a freight plan and establish a freight advisory committee. DOT will establish quantifiable performance measures on speed and reliability of freight movement and work with states to set state-specific targets for each measure.

Impact on Oregon: ODOT is in the process of developing its first Freight Plan, which will be multi-modal for all freight endeavors. The Oregon Highway Plan already designates freight

routes as do some MPOs in their RTP. There might be a need to designate secondary freight routes. The state already has a legislatively mandated Freight Advisory Committee, though the membership may need to be modified depending on the requirements for membership. Any expectations around freight performance measures would also need to be addressed in the freight plan.

Congestion Mitigation and Air Quality Improvement. CMAQ will remain in place with minor changes.

Discretionary Programs

Metropolitan Mobility and Access. This new program, funded at \$50 billion over six years, will provide funding to metropolitan areas over 500,000 that develop a metropolitan mobility plan that lays out a comprehensive congestion-reduction strategy and identifies a system of projects that include system operations improvements, demand management, and new road and transit capacity. Ten metro areas will split 40 percent of the funding, while the other 60 percent will be split among the other metro areas. In addition, US DOT and the National Infrastructure Bank will be empowered to provide these metro areas grants, loans, federal credit support, bonding authority, and other financial tools.

Impact on Oregon: Only the Portland metro region would qualify and would likely receive several hundred million dollars under this program.

Projects of National Significance. This program, funded at \$25 billion over six years, will consolidate Projects of National and Regional Significance and a number of other existing programs into a single discretionary grant program focused on improving freight mobility by funding high-cost projects with significant national economic benefits. Projects will be selected through an open, competitive process based on national economic, mobility, and safety benefits. In addition to direct grant funding, DOT and a National Infrastructure Bank will provide grants, loans, federal credit support, bonding authority, and other financial tools to states to finance these nationally significant projects.

Impact on Oregon: As written the program would provide an excellent chance for the CRC to compete for a significant amount of federal funding.

Terminated Discretionary Programs. A number of discretionary programs that have provided funding to Oregon would be terminated: Freight Intermodal Distribution Pilot, Highway Bridge Discretionary, Highways for LIFE, Interstate Maintenance Discretionary, National Historic Covered Bridge, and TCSP (Transportation, Community and System Preservation) are among those proposed for elimination. Many of these were earmarked by Congress.

Impact on Oregon: Oregon has received significant funding under these programs, but that would likely be made up by shifting the funding into formula programs. The loss of Covered Bridge might be the hardest to make up from other sources, though costs of rehabilitating historic covered bridges could be covered under the TE program.

Transit Programs

Program Structure

The majority of transit funding will be focused in four core categories:

- Urban and rural formula
- Fixed Guideway Modernization program
- Coordinated Access and Mobility (CAMP), to provide mobility and access to transit-dependent individuals; this would consolidate the Elderly Individuals and Individuals with Disabilities, JARC and New Freedom programs
- New Starts and Small Starts

A new Intermodal and Energy Efficient Transit Facilities program would also be established.

New Starts Reforms

STAA will restructure New Starts/Small Starts to speed project delivery and “ensure that all of the benefits of the proposed projects are fully evaluated.”

Impact on Oregon: These changes would make it easier for TriMet, Lane Transit and others to move forward with high-capacity transit projects and could also make it easier to get approval of the CRC’s transit component.

High-Speed Rail

STAA will provide \$50 billion over six years from outside the Highway Trust Fund for a High-Speed Rail Initiative for high-speed rail corridors (including the Northwest Corridor). DOT and a National Infrastructure Bank will provide grants, loans, federal credit support, bonding authority, and other financial tools to states to finance these corridors.

Impact on Oregon: This program could provide an excellent opportunity to make long-term investments in the Northwest High-Speed Rail Corridor from Eugene to Vancouver, British Columbia, one of ten designated corridors nationwide.

Safety

Safety Programs

STAA will consolidate most of the existing safety programs into one combined Highway Safety grant program with a single application. States will be required to produce an annual performance-based safety plan that identifies fatality and injury targets. The following programs would be consolidated into the Highway Safety program: Alcohol-Impaired Driving Countermeasures, Child Safety and Child Booster Seat Safety, Motorcyclist Safety, Occupant Protection, and Seat Belt Performance. The Innovative Projects, Seat Belt Incentive, and State Highway Safety Data Improvements programs would be eliminated.

Ignition Interlocks

STAA requires that states enact and enforce a law requiring installation of an ignition interlock device for six months for any individual who is convicted of a DUII. States that do not comply face withholding of up to 5 percent of funds from several major highway programs.

Impact on Oregon: Oregon has a law in place mandating that those convicted of a DUII have an ignition interlock device (IID) installed on their vehicles after their suspension period is complete. However, NHTSA believes this law may not meet the standards set in STAA because Oregon's penalty for failure to produce proof of installing an IID is to extend the suspension until the required IID period has expired. ODOT would need to seek an official opinion from NHTSA and may need to ask the Legislature to modify the state's IID requirement.

Motor Carrier Safety

STAA will consolidate a number of motor carrier programs into one streamlined MCSAP grant program that is more performance-based. STAA would adjust the MCSAP maintenance of effort (MOE) requirement from a three year rolling average to the three years preceding passage of the legislation and include both size and weight enforcement and traffic safety enforcement costs in the MOE calculation.

Impact on Oregon: The changes to MOE could prevent ODOT from adjusting downward its spending on a variety of programs without jeopardizing federal funds. The ambiguous language on enforcement of state traffic safety laws might sweep the Oregon State Policy and local law enforcement costs into the MOE calculation for the first time, so a decision by the Legislature to reduce OSP patrol staffing unrelated to trucks might jeopardize Oregon's MCSAP funding.