

## **Surface Transportation Authorization extended to March 4<sup>th</sup>**

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On December 22<sup>nd</sup>, 2011, Congress approved a bill to extend until March 4<sup>th</sup> appropriations for the U.S. Department of Transportation and other government agencies as well as the authorization for federal highway and transit programs.

After clearing the Senate earlier in the day, the House of Representatives voted to pass the continuing resolution (HR 3082) extending government funding and surface transportation authorization to March 4. President Barack Obama signed the measure into law December 22<sup>nd</sup>. Government funding had expired December 21<sup>st</sup>, while temporary authorization for highway and transit programs had been scheduled to lapse December 31<sup>st</sup>.

The measure maintains Fiscal Year 2010 funding for most government programs through March 4<sup>th</sup>. Congress did not complete any of the dozen appropriations bills for Fiscal Year 2011, which began October 1<sup>st</sup>. When the House previously voted on the continuing resolution December 8<sup>th</sup>, it included language to extend appropriations and surface transportation authorization through the end of the fiscal year (September 30<sup>th</sup>). That timetable was shortened by the Senate, however, after there were not enough votes to move forward on a full-year omnibus appropriations package.

This stopgap measure is the sixth short-term extension of the 2005 surface transportation authorization law known as "SAFETEA-LU," which originally expired September 30, 2009.



## **AASHTO Presents Top 10 Transportation Issues for the New Year**

The American Association of State Highway and Transportation Officials has compiled a list of the top 10 distinct and pressing transportation issues that loom at the local, state, and federal levels as 2011 begins. Congressional enactment of a long-term surface transportation reauthorization measure tops the list.

"We are urging Congress to write a balanced bill this year that meets the needs of preservation and new capacity, meets the needs of rural and urban America, and meets the needs for highways as well as transit," said John Horsley, AASHTO's executive director. "If we get a bill passed with these elements, we have a shot of meeting the country's needs."

He said it is important to remember that for every dollar that Americans do not spend today to preserve highways, it will cost the nation \$7 in rehabilitation costs five years from now.

"President Obama wants exports to lead our national economic recovery," Horsley said. "But you can't move goods competitively to markets without a solid aviation, water, and rail system. If we let those systems decline further, we won't be able to sustain that export-led growth. Bottom line: it's vital to the national economic recovery to have a world-class transportation system."

Here's a look at the top 10 transportation topics that AASHTO believes will be part of the national conversation in 2011:

1. **Enacting a Long-Term Transportation Bill That Will Keep America Moving:** In 2010, there was a lot of talk about the need for a new long-term transportation bill. But in the end, Congress opted for a short-term extension until March 4 of the existing law. Rep. John Mica, R-Florida and the new chairman of the House Transportation and Infrastructure Committee, has said he would like a new bill ready for consideration in the spring. Short-term extensions can create difficulties for state departments of transportation that must juggle major, multi-year public-works projects such as reconstructing bridges or interchanges. In addition, these projects require that states have secure, long-term financing before any contracts can be signed. A multitude of associations, states, counties, cities, businesses, and highway users will continue to work to ensure that a balanced, long-term, and multi-year surface transportation reauthorization bill is adopted in 2011.
2. **Paying for the Transportation System We Need:** Although the need to pass a long-term bill is a significant priority for the country, the question often comes back to how we pay for it at the federal, state, and local levels. Many states are facing severe cutbacks in funding used to match the federal contribution, compounding the overall problem. Work is expected to continue in this Congress to adopt a series of sustainable funding sources for transportation infrastructure; identify state and federal responsibilities for the funding of transportation; and create innovative financing options such as infrastructure banks, public/private partnerships, or subsidized bonding programs.

3. **Ensuring Safer Roads:** Deaths from traffic collisions dropped significantly in 2010. As the economy turns around and the number of miles Americans drive continues to increase, keeping our roads safe will be an ongoing challenge. In 2010, much of the emphasis from the U.S Department of Transportation and state DOTs focused on distracted driving. These efforts will continue. But in 2011, transportation agencies will have a chance to join with a national roadway safety effort -- Toward Zero Deaths -- intended to eliminate roadway fatalities completely. Toward Zero Deaths will be unveiled in 2011. It will take a comprehensive approach that combines aspects of new technology, roadway design, law enforcement, and cultural change to achieve this goal.
4. **Moving on High-Speed Rail Grants:** State DOTs are working closely with railroads, Amtrak, and the Federal Railroad Administration to deliver on \$8 billion in investment in high-speed and intercity passenger rail included in the American Recovery and Reinvestment Act of 2009 as well as another \$2.5 billion allocated to state programs in 2010 by federal appropriations. States and their contractors are gearing up to begin work on an unprecedented level of investment in our nation's passenger rail system. Whether it is establishing a right of way for a new high-speed rail line, improving or expanding an existing intercity passenger rail line, or developing standards for rail cars that will boost American manufacturing, states are building passenger rail aimed at generating more convenient options for travelers.
5. **Bringing Modernization and New Technologies to Our Transportation Network:** 2011 could mark the beginning of the era of smart cars, smart roads, and smart construction. More smart cars on the road will help increase safety for all of us. And with new "whiz-bang" technologies using specialized materials, updated techniques, and innovation, road builders and the transportation construction industry will be able to speed up construction, reduce costs, and increase safety. The sixth edition of AASHTO's publication "A Policy on Geometric Design of Highways and Streets" -- popularly known as the "green book" and the bible of transportation engineering -- will be published early this summer. In addition, the next generation of air-traffic controls -- based on global-positioning satellite technology instead of radar -- will smooth air travel.
6. **Moving Freight to Keep Our Communities More Competitive in the Global Economy:** Grain grown in Nebraska moves by truck to a nearby railhead in Kansas, where it is loaded and sent to a barge floating down the Mississippi River. Once at the Port of New Orleans, it is sent to countries around the globe, part of an integrated system that depends on a well-functioning transportation system. Problems such as too-narrow country roads; congested freeways; old, worn-out levees; and ports with limited access pose significant challenges to our economic future. With the widening of the Panama Canal by 2014, ports along the eastern seaboard and in the Gulf of Mexico are gearing up to serve larger ships. That, in turn, will cut container shipment time from Asia to the eastern United States, while placing new burdens on the existing and aging transportation system. 2011 could also be the year in which the United States adopts a national multimodal freight plan.
7. **Increasingly Assertive Environmental Regulations:** The U.S. Environmental Protection Agency is proposing more stringent rules to control stormwater from

transportation sources. Other regulations addressing air quality and other transportation-related issues are also expected in the year ahead, adding new challenges and financial pressures on construction, maintenance, and preservation. State DOTs are looking closely at their existing programs and many are instituting promising practices to address these new challenges.

8. **Social Media Continues to Rock the Transportation World:** The Nebraska Department of Roads created a YouTube video that features some of its recent transportation construction projects set to original guitar licks. Washington State DOT has more than 12,000 Twitter followers. Fifteen states and 24 metropolitan areas along the Interstate 95 Corridor participate in the website [www.i95travelinfo.net](http://www.i95travelinfo.net), offering travel speed and congestion information to travelers. Social media has hit the state DOTs in a big way. "Know Before You Go," transparency, and information are the hallmarks of the new outreach, and drivers are clamoring for more. Ahead: more targeted use of social media, with better communication and information being the end result.
9. **New Support Systems to Bolster Renewable and Reliable Energy Sources:** With the advent of electric vehicles, charging stations will begin to pop up where vehicles park to allow the driver to connect to the U.S. electricity grid. AASHTO is working with the Pew Center on Global Climate Change on a project to integrate plug-in electric vehicles with that grid. Elsewhere in the transportation sector, opportunities to support energy and climate goals include vehicle technology, alternative fuels, transportation system operation, driver behavior, and reducing travel demand.
10. **Wrapping Up Recovery Act Projects -- What's Next?:** The Federal Highway Administration has reimbursed state and local governments almost \$17 billion for thousands of projects completed under the American Recovery and Reinvestment Act of 2009. Seventeen states have spent at least 80% of their recovery act allocations. That leaves two questions: With no additional federal funding coming to states for transportation projects, what's ahead for small (and large) transportation construction businesses and their workers in 2011? And how will state DOTs respond to their backlog of aging road, bridge, and transit projects? (Examples of state projects and more data regarding recovery act implementation are available from AASHTO at [recovery.transportation.org](http://recovery.transportation.org).)



## **CRS: Earmark Ban Could Change How Highway & Transit Dollars Are Allocated**

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Earmark bans proposed in both chambers of Congress will not necessarily strip lawmakers' ability to influence how federal transportation dollars are used, and could boost attention given to the formulas used to distribute funds to state transportation departments and transit authorities, the Congressional Research Service said in a report released last week.

An earmark moratorium would primarily affect discretionary programs and could increase congressional scrutiny of how those funds are instead allocated by U.S. Department of Transportation officials, according to the CRS report, "Transportation Spending Under an Earmark Ban."

House Republicans, who took control of the chamber when the 112th Congress convened Jan. 5, have voted to disallow earmarks. Such a ban has not been adopted in the Senate, but Senate Majority Whip Dick Durbin, D-Illinois, said last week that earmarks are unlikely in that chamber this session due to Republicans' opposition. At the end of the last Congress in December, the Senate did not act on a draft Fiscal Year 2011 spending bill with almost \$1 billion for more than 990 transportation earmarks. Congress instead passed an earmark-free bill continuing Fiscal Year 2010 spending levels until March 4<sup>th</sup> of this year.

Most transportation earmarks are for projects created by reauthorization legislation. Surface transportation authorization expired September 30, 2009, and has been continued six times on a short-term basis. The latest extension is set to expire March 4<sup>th</sup>. About 80% of transportation earmarks are written into authorization bills, BNA reported, while the remaining 20% are contained in annual appropriations measures.

"One alternative to earmarks would be more detailed legislative language to govern the allocation of funds," CRS states in the report.

Absent those guidelines, however, lawmakers still hold some powerful tools with which they can direct spending, according to the report. For example, there are forms of "soft" earmarks that appear to be allowed under the ban. While lawmakers could not write a bill providing funds for a specific project under an earmark ban, legislation can direct an agency to give priority to projects either from a certain area or on a certain highway.

Congress also could modify the formulas used to govern the majority of transportation spending to favor particular states, localities, or projects. About 80% of federal highway money and 70% of transit spending is disbursed to states via formulas written by Congress, CRS notes.

But the Equity Bonus program, written into the last surface transportation reauthorization known as "SAFETEA-LU" in 2005, "makes the impact of a ban on earmarks difficult to gauge," CRS states.

The program was designed to more evenly spread funds among all states, ensuring a minimum rate of return for each state's contribution to the Highway Trust Fund's Highway Account. If the

program is reauthorized, each state's share of funding might not be changed despite an earmark ban.

The 15-page CRS report is available at [bit.ly/CRSearmarks](https://bit.ly/CRSearmarks). More information on the Equity Bonus program is available from the Federal Highway Administration at [bit.ly/FHWAbonus](https://bit.ly/FHWAbonus).