

5.00 Transportation Principles

The United States' transportation systems are essential to the economic growth, vitality and resilience of our nation's cities and towns and the country as a whole. These systems can preserve and strengthen local and regional economies, stimulate economic growth and strengthen our competitive position in world trade. The safe and efficient movement of people and goods must be the prime objective of transportation policy at all levels of government, and federal, state and local governments should be guided by the following principles in the development and implementation of transportation policies and programs.

A. Local Control

Fundamental responsibility for overall transportation decision-making is a shared federal, state and local responsibility but emphasis should be at the local level. NLC supports the ability of states and municipalities to set their own priorities in transportation investment, and to have a greater voice in influencing transportation plans that satisfy local needs and objectives.

Where there are overriding national or statewide transportation concerns, federal and state governments have a legitimate role in planning and decision-making, but local governments should never be excluded from those processes. Congress should strengthen provisions for local decision-making as a central component of any federal transportation program, and any funds intended for local use must not be diverted to state governments.

B. Flexibility

NLC supports local flexibility to build, operate and maintain local and regional

transportation projects. It is important that state and local government officials have the ability to "flex funds," or use federal transportation funding as they properly determine.

C. Modal Equity

NLC supports investment in the nation's infrastructure and encourages the federal government to enact policies and programs that would expand public and private investment in all areas of infrastructure. Federal policy should treat all transportation modes with equity and should urge federal, state, and local officials to work together on the safe, efficient, and environmentally-friendly designs for solving transportation problems. Public subsidies for particular modes of transportation, if used, must be explicit in the outcomes required and must support and enhance the efficient operation of our market-based economic system. Rural and urban transportation needs should be addressed equitably.

D. Intermodalism/Multimodalism

NLC recognizes the need for regional and federal strategies to create a seamless, national transportation system. It is essential that the nation's transportation system be seamless and mode-neutral. Federal policy should encourage "closing the gap" of independent modal elements of the transportation system, with the goal of ensuring that efficient connections between modes are available for the movement of people and goods.

NLC supports federal priority funding for improving the efficiency of the connecting modes of intermodal/ multimodal facilities.

E. Integrated Management and Operations

Federal policy must encourage integrated management and operation of all transportation systems at regional and local levels, maximizing the use of information technology for management of traffic and transit, monitoring structural integrity, and enforcement for public safety.

F. Advanced Transportation Technologies

City leaders welcome advanced technologies that can improve safety, reduce congestion and decrease costs within the transportation networks. It should be a federal policy to accelerate the testing, deployment and integration of advanced transportation technologies, such as automated, connected, electric and shared vehicles, that have the capability to increase mobility options and accessibility, while simultaneously ensuring safety and reducing emissions, collisions and congestion. This should be done in close consultation with cities and include a robust public engagement process and appropriate regulations that ensure the unique needs of each municipality are accounted for. Adoption of new technologies should also be linked to solutions to address persistent challenges including funding, data for research and integrated transportation planning.

G. Disadvantaged Business Enterprise (DBE) Requirements

The federal government should seek greater economic opportunity for disadvantaged businesses in federal procurement and financial assistance programs. DBE goals should be high enough to be effective, and enforcement should be reasonably consistent. Furthermore, a flexible, efficient waiver procedure should be instituted to take into account the percentages of DBEs in an area and the availability of DBEs.

5.01 Transportation Policies

A. Transportation Planning

1. Metropolitan Planning Organizations

The federal government must continue to require that Metropolitan Planning Organizations (MPOs) be responsible for a continuing, comprehensive, and coordinated transportation planning process that develops multimodal transportation programs in cooperation with state transportation departments, public transportation agencies, and local implementing agencies. The MPO endorsement of these plans and programs must be a prerequisite for approval of federally assisted transportation projects in urbanized areas. The federal government should continue to provide adequate financial assistance to MPOs for planning efforts.

The federal government should allow the MPO and/or the local government to plan projects that use alternate design standards while meeting environmental objectives, when the use of rigid federal design standards is inconsistent with local needs.

Federal regulations should continue to require that the elected officials of general purpose local governments be adequately represented on the MPO and that such officials participate in the designation and re-designation of the planning organization and its membership.

MPOs representing metropolitan areas with populations of more than 50,000 must be the direct recipients of federal transportation funding for all transportation planning and program efforts in those areas. Small cities with populations less than 50,000 should have the option to receive federal transportation funding directly or retain the current practice of state sub-allocation.

The federal government shall require states to work cooperatively with MPOs to develop joint forecasts of anticipated federal transportation funding to create more accountability in federal highway projects.

2. Rural Consultation

The federal government must require states to implement a process for consulting with local jurisdictions in rural, non-MPO areas, regarding transportation project planning and decision making.

3. Project Identification

States should be prohibited from implementing projects unless they are first included in the transportation improvement plans, except for Management and Operations (M/O) projects.

NLC urges the federal government to require states to consult with affected local communities on transportation projects regarding the inclusion of environmental retrofits, such as storm water runoff and noise abatement, as part of projects that are exempt from federal environmental requirements, including categorical exclusions.

4. Project Delivery

The federal government must streamline the federal transportation project delivery process to facilitate construction of federally funded projects and reduce project delays. Delays in the implementation of federally funded transportation projects must be eliminated in order to increase local control and make more effective use of limited financial resources. The federal government should require states to implement transportation projects identified on the local level and of local importance with the same timeliness and priority as other regional transportation projects.

The project delivery process must:

- Mandate concurrent reviews among all federal and state agencies involved in the environmental review of all federally funded transportation projects;
- Standardize environmental policy and the review/approval process within DOT modes;
- Develop clearly defined procedures for resolving disputes among those agencies;
- Require all agencies to determine appropriate time frames to complete their reviews;
- Eliminate duplicative environmental review by crediting equal or more stringent state environmental review actions during the federal environmental review process;
- Continue to allow federal transportation dollars to be used by local and state government to provide the resources necessary to meet the time limits established for the federal environmental process; and
- Include locally elected officials in any pilot program created to examine environmental streamlining efforts.

5. Municipal Impact Analysis

The social, environmental, economic, and energy impacts of proposed federal transportation legislation and regulations should be identified by the MPO or local jurisdictional body prior to implementation, and steps should be taken to mitigate any adverse impacts. Existing and proposed federal transportation programs and regulations must be carefully designed to ensure that actions taken support municipal elected officials and their constituents' efforts to improve the social, economic and environmental sustainability of their communities and flexibility in the use of federal dollars to achieve local goals.

6. *Research and Development*

The federal government should continue to research, develop, and conduct local pilot and demonstration projects of new technologies through federally-financed programs, and include local governments as key partners at the request of local officials.

B. Transportation Finance and Administration

1. The Federal Role

The current federal surface transportation programs are not meeting the financial needs of the transportation system. NLC supports broadening the definition of innovative financing techniques beyond debt financing to include:

a. Innovative Management of Funds

NLC encourages the federal government to permit municipalities to use innovative financial management techniques such as advanced construction financing, toll credits and flexible federal – local match options with federal transportation funds to maximize limited public funds and leverage private capital. Innovative management must follow generally-applicable accounting principles.

b. Credit Assistance

Credit assistance, tax incentives and other transportation finance tools have been effective tools in expanding the available revenue for transportation investments. NLC supports federal direct (low interest) loans, loan guarantees and credit line assistance with favorable terms through programs like Infrastructure Banks and the Transportation Infrastructure Finance and Innovation Act (TIFIA). NLC supports the application of objective approval criteria for credit assistance. Approval factors should include, but not be limited to, threshold cost requirements, consistency with long-range regional and state transportation plans, generation of economic benefits, goods

movement and congestion relief improvements, leveraged private capital, and the promotion of innovative technologies.

While TIFIA has provided flexible funding for major transportation projects and helped local governments leverage private and other non-federal investments, limited budget authority and delays in the approval process can result in cost increases. NLC supports an increase in the available funding for the TIFIA program and greater flexibility for DOT in approving projects that can take advantage of favorable financing.

c. Revenue Generation

The federal government should encourage a new generation of creative and innovative revenue generation options at the state and local levels such as public-private partnerships to help finance critical transportation infrastructure needs. (*See also FAIR Section 1.02C.5, Increasing the Supply of Municipal Capital.*)

d. Debt Financing

Debt financing for highway and transit projects is an important financial tool if exercised prudently. Low cost loans from the federal government can be extremely useful in getting highway projects moving and resolving significant transportation funding issues. Where federal funds are involved, NLC recommends ensuring sufficient protections to balance immediate transportation needs against the financial burden on future generations. Such protections include, but are not limited to, debt ceiling caps and required public referenda.

e. Federal Aid Turnback

NLC Strongly opposes proposals to dismantle federal transportation finance by turning back all or a portion of the federal aid to the states.

2. *Surface Transportation Revenue Sources*

a. *Guiding Principles*

NLC endorses the preservation of federal fuel taxes to fund the Highway Trust Fund (HTF), which funds national surface transportation needs. All federal fuel taxes need to be increased in steps to reflect inflation since the last increase and then indexed for inflation in future years. In addition, the decrease in HTF revenue collections indicate the need for alternative transportation funding system. Vehicle miles traveled (VMT) and other experimental ideas should be developed to meet the nation's long-term needs. These programs should have a mechanism that both reflects inflation and vehicle gross weight, and emissions

The following principles should guide federal efforts to achieve this objective:

- i. Fairness:* Any new transportation revenue system must ensure that no single segment of the population bears an inequitable financial burden.
- ii. Privacy:* The design of any new transportation revenue and related tax collection system must integrate reasonable privacy protections yet provide information related to miles driven within travel jurisdictions.
- iii. Administrative Ease:* The design of any new transportation revenue system should improve administrative effectiveness and efficiency. At minimum, there must be no administrative deterioration from the current system.
- iv. Seamless Transition:* The implementation of any new transportation revenue system must provide for a seamless, gradual transition to ensure stable revenue

collections, tax fairness, administrative ease, and policy stability.

- v. Revenue Generation:* Any new transportation revenue system must be able to generate more revenue than collected currently, and it must maintain the precedent under the current system's design that protects against cheating to avoid paying one's fair share of fuel taxes.
 - vi. Reliability:* Revenue streams must be reliable and sufficient to meet the diverse and growing transportation infrastructure needs of the nation.
 - vii. Technology Improvements:* The increasing shortfall of revenues from fuel taxes caused by the reduction in gasoline usage from increasingly fuel-efficient vehicles and alternative fuel cars and trucks (i.e., hybrid, all-electric, alternative fuel, and hydrogen-electric vehicles), and higher use of alternative transportation systems that utilize no gasoline must be offset with alternative revenue sources to fairly reflect their share of road usage. At the same time, the need for revenue stability should be balanced with the need for federal, state and local policies to encourage reductions in vehicle emissions, particularly in urban areas.
- b. Fuel Taxes as HTF Revenue Source*
Until a new, national transportation financing system is in place; Congress must maintain a dedicated federal fuel tax on diesel, gasoline, and gasohol that generates sufficient annual revenues dedicated to the HTF for transportation purposes only. These funds must not be diverted for other purposed and need to be (a) increased to reflect loss of purchasing power and (b) indexed to

account for future inflation and the federally mandated Corporate Average Fuel Economy (CAFÉ) standards

- Congress should require heavier trucks to increase their contribution to the HTF so that they pay in proportion to the costs they impose on the highway system. The heavy-use truck fee should continue to be required until such time as the Department of Transportation can recommend to Congress an alternative tax which is more equitable than the heavy-use tax, easy to administer, and will generate at least as much revenue as the use tax. This could be in the form of a VMT to reflect annual mileage traveled and indexed to reflect gross vehicle weight. This would operate as a national program but would not exclude similar state programs. Devices such as studded tires are permanent or seasonally permanent that increase wear and tear abnormally on highways should bear a portion of highway maintenance expense through the imposition of mount/dismount or other installation fees at the state level.
- Congress should allow the use of toll financing on federally aided highway, tunnel and bridge projects.
- Congress should develop incentives for local governments to increase their contribution to the federal highway program, for instance, by allowing localities to increase the local matching share of highway funds at their discretion. However, those increased contributions should not be considered a substitute for the federal highway funds to which a state or locality is entitled.

c. Funding Public Transportation

NLC supports an increase in funds designated for public transportation, and urges Congress and the federal government

administration to both preserve current guaranteed funding mechanisms and to increase the percentages allocated to the federal transit program.

To provide a viable alternative to the automobile, public transportation services need to be of quality and frequency if they are to attract a significant number of passengers. This shift in passenger traffic can only be accomplished with an increased commitment of public funds for essential equipment, staff, and maintenance.

NLC opposes state-by-state minimum allocations for federal transit funding. NLC opposes the imposition of “caps” on the amount of federal transit funding a state may receive. Caps do not address differences in transit needs in the country, and force a “one-size-fits-all” approach to federal spending on transit programs.

A federal commitment should be made to new funding and not by shifting funding from existing transportation programs. States or localities that provide a greater financial commitment shall receive higher priority for federal funding for public transportation systems.

Maintenance and productivity indices should be incorporated into federal allocation formulae and there should be incentives in the matching-ratio to encourage productivity improvements and maintenance of existing transit facilities. However, productivity improvements alone will not mitigate the problems of rising transit costs and inadequate transit revenues.

Federal policy should also continue to emphasize the proper management of existing transit systems and the implementation of low cost transit improvements.

3. Transportation Tax Policy to Encourage Commute Alternatives

NLC supports changes to the tax code and federal tax incentives to encourage vanpooling, ridesharing, transit usage, telecommuting and other commute alternatives. Current law prohibits employers from providing tax-free commuter benefits. NLC seeks reinstatement of those tax-free benefits that were deleted by Congress as part of the 1986 Tax Reform Act. NLC urges the federal government to ensure that pretax benefits offered for commute alternatives, including transit, are equal to or greater than those offered for parking.

NLC strongly urges the federal government to promote transportation demand management programs for both passenger and freight movement and other commute alternatives. NLC supports federal tax incentives for small employers to coordinate and promote ridesharing programs, including the use of new connected vehicle technologies, and services that provide flexibility. Cities should be encouraged to coordinate with other transportation agencies to spread the movement of highway passenger and freight traffic from peak to non-peak times.

4. Federal Aid Turnback

NLC strongly opposes proposals to dismantle federal transportation finance by turning back all or a portion of the federal aid to the states.

5. Federal Earmarks

NLC is opposed to federal earmarks in the congressional transportation funding process that are inconsistent with regional and local priorities. NLC believes that such earmarks are inefficient, and often reduce the funding available to a state or locality for higher priority projects.

C. Federal Responsibility for Planning and Funding Freight Mobility

The U.S. goods movement system needs greater federal leadership. Freight bottlenecks can be found all over the country, but the task of prioritization and fixing them is often beyond the means of the states, counties and cities in which projects are located. A national freight strategy and dedicated, competitive and formula funding is critical in order to maintain the efficiency of the transportation system and the U.S. economic competitiveness. NLC urges the federal government to adopt the following specific measures;

1. National Freight Strategy:

The Secretary of Transportation should be directed to develop a national freight strategy that addresses multi-modal freight needs in the United States. In addition to covering domestic freight, the strategy should address the movement of U.S. imports and exports through U.S. ports

2. Senior, Focused Freight Leadership:

A multi-modal freight office led by an official at least at the assistant secretary level should be established with the Office of the Secretary of Transportation. This official would develop the national freight strategy and associated policies, advocate for freight across the modal administrations, and award funding for goods movement programs and projects

3. Dedicated Freight Program and Funding:

A dedicated, formula-based goods movement program with dedicated funding should be created within the Department of Transportation. Ports should be eligible to seek funding from this program for freight

projects both inside and outside their terminals.

4. Projects of Regional/National

Significance:

A discretionary, merit-based grant program for projects of national significance should be established. Freight measures should be heavily weighted among the criteria used to select projects for funding.

5. Freight Eligibility for Existing Programs:

Eligibility requirements for existing surface transportation programs should be expanded to better address freight requirements.

a. Congestion Mitigation and Air Quality (CMAQ): Although freight projects are currently eligible for CMAQ funding, they are not major recipients of funds. CMAQ criteria should be refined to more appropriately recognize freight's potential to contribute to air quality improvements.

b. Road-rail grade separations: The criteria for funding grade separation projects should be expanded to acknowledge congestion relief and freight benefits, as well as safety benefits.

c. TIFIA: The TIFIA program should be clarified to include projects located within a port terminal that improve the intermodal interchange, transfer, and surface access of goods into and out of ports and that reduce environmental impacts of freight movement.

6. Tax Credit for Rail Infrastructure

Investment:

To encourage the expansion of freight rail capacity, a tax credit should be created for

certain rail infrastructure investments that generate public benefits.

7. States' Freight Planning:

Each state should be required to develop a freight plan and establish a freight advisory committee.

D. Air Quality

Specific air quality policies are contained in Section 2.03 of the EENR chapter.

Transportation sources are significant contributors to the levels of pollutants, and as congestion increases in cities and the nation, levels of these pollutants increase as well, despite efforts to reduce emissions from mobile sources. Addressing transportation issues is an effective way of reducing emissions in cities. Therefore, NLC urges the federal government to offer a funding program for non-attainment areas and those cities struggling to maintain attainment to address emissions from mobile sources. The United States Department of Transportation (DOT), and not the states, should administer this program.

E. Congestion Mitigation

To maintain economic and environmental viability, congestion mitigation programs must be available to all cities. A comprehensive, federal funding program to address congestion would foster project innovation, enhance intermodal planning, promote savings in infrastructure investment, and increase the livability and economic viability of communities across the country. The federal government must develop a congestion mitigation program that provides direct funding to all cities to address congestion problems in their communities. Eligible projects could include intelligent transportation systems, projects to increase vehicle occupancy, demand management strategies, traffic flow improvement projects,

congestion pricing, mode shift including transit and non-motorized modes, and innovative transportation technologies such as automated, connected, electric and shared transportation that would address the efficiency of cities' transportation networks.

F. Transportation of Hazardous Materials

The condition of the nation's roads and railroad infrastructure impacts the frequency and severity of accidents. Consequently, increased investment in this infrastructure will also help reduce the number and severity of accidents involving hazardous materials by improving the safety of roads, bridges, and rail. Therefore, NLC continues to advocate for increased federal investment in this critical infrastructure.

NLC supports existing federal performance standards to guide the selection of highway and rail routes along which hazardous materials can be shipped including shipments made by or under the direction of the United States Department of Energy or Defense.

States and localities must be allowed to adopt and enforce highway and rail route requirements (including time-of-day restrictions, escorting, and local bans) that are consistent with the federal performance standards. NLC supports federal exemptions when a state or locality can demonstrate that it has unique local safety requirements.

G. Surface Transportation Security

NLC does not support diverting any portion of the federal fuel tax to fund security measures for surface transportation systems. Securing these systems is a matter of national security and must be funded as part of our national defense.

H. Racial Equity

America's cities need transportation infrastructure and services that support opportunities for all. Federal policy must support municipal efforts to provide essential transportation systems, with a focus on communities of color and other underserved, disadvantaged populations.

NLC recognizes that federal policymakers have too often accepted limited input from these communities, creating racial disparities, and gaps of economic opportunity and social mobility in vulnerable populations. NLC supports federal transportation policies that:

- Ensure opportunities for input in the transportation planning process from affected communities;
- Promote safety and address disparities in traffic fatalities among people of color;
- Provide resources to municipalities to be able to incorporate community impact assessments and health impact assessments into the transportation planning process;
- Provide resources to municipalities to strengthen minority business enterprise (MBE) and disadvantaged business enterprise (DBE) programs;
- Restore communities destroyed, divided or economically disadvantaged or divided by past decisions regarding placement of transportation infrastructure; and
- Provide access to safe and affordable multimodal transportation options with equity across all communities based on need.

Transportation system shall include affected locally elected officials in the planning process. NLC urges the federal government, in cooperation with local governments and transportation system operators, to assess the vulnerabilities of the entire surface

transportation system. Federal agencies must assist local governments by sharing information, intelligence, technology, and best practices, and by providing adequate funding for vulnerability assessments.

NLC urges all sectors of the transportation industry, including public transportation systems, water transportation, public and private transit and rail companies, and highway systems, to participate in cooperative vulnerability assessments, emergency response plans, and drills. Federal financial assistance must be made available to implement these plans and assessments.

NLC expects the federal government to:

- Provide technical assistance to local governments to develop possible countermeasures to deter, detect and delay the consequences of terrorist threats against vulnerable assets;
- Continue to research technologies to detect chemical, biological, and nuclear contaminants in transit systems and provide technical and financial assistance to local governments to implement these technologies;
- Develop methods to harden assets deemed most vulnerable;
- Provide current security guidelines for all transportation systems; and
- Encourage the use of information technology in traffic management, including the enforcement of traffic laws, monitoring infrastructure integrity, and public safety.

5.02 Streets and Highways

A. Highway Trust Fund Finance

To balance the effects of inflation on the Highway Trust Fund by indexing the gas tax to the consumer price index (CPI), NLC strongly opposes diverting any of these funds

to any non-transportation purposes, including reducing or masking the federal deficit.

NLC also supports adoptions of a VMT based funding mechanism that increasingly captures the use of highways and roads by alternatively powered vehicles such as hybrids and electric vehicles as well as the value of the transportation product generated by all vehicles as a function of gross vehicle weight.

Every state should also be guaranteed a minimum percentage of funds to cushion any negative annual shifts in a state's historical share of federal transportation funds. Any funds that may be distributed by the federal government to the states should be distributed in each state on an equitable basis.

B. Bridges

NLC urges the federal government to maintain the current Bridge Replacement and Rehabilitation program with sufficient funding to repair bridges that are structurally or operationally deficient. Off-system bridges should continue to be eligible for federal bridge funds, and the discretionary bridge program should be preserved.

NLC urges the use of information technology in monitoring the structural integrity of bridges.

NLC also strongly urges efforts at all levels of government to review road and bridge needs and work to provide adequate revenue to ensure the safety of our transportation infrastructure.

C. Highway Beautification

NLC recommends that the responsibility for controlling outdoor advertising and junkyards should be returned to municipalities, and to states in areas outside municipalities. These governments should

have the authority to order the removal of those signs and the relocation of those junkyards that are incompatible with state and local land use plans and zoning laws, and allow sign and junkyard owners to amortize their losses through advertising revenues.

Federal controls over outdoor advertising should be retained only on interstate highways outside the jurisdictions of municipalities and on federally aided primary highways selected as scenic highways by states.

D. Transportation Alternatives Program

NLC supports the Transportation Alternatives set aside in the Surface Transportation Block Grant Program, which serves as a dedicated source of federal funding for local transportation priorities including bicycle and pedestrian trails and facilities.

To foster fiscal certainty and security in the transportation planning process. NLC urges the U.S. Congress to maintain a funding level for the Transportation Alternatives set-aside that is equal to, or greater than, the inflation adjusted levels established under the most recent previous authorization of the Transportation Alternatives Program. These programs should be protected from recession.

NLC encourages the federal government to maintain the Transportation Alternatives set-aside as a dedicated source of funding for transportation projects because such projects have strengthened our nation's multi-modal transportation system and have contributed significantly to economic development and environmental improvement at the local and regional level.

E. Intelligent Transportation Systems

NLC supports intelligent transportation systems (ITS) technology development and

deployment and an increase in federal funding for these purposes. By applying ITS technologies and services, we can improve the safety and efficiency of goods movement, and thus the competitiveness of America's intermodal and international freight transportation systems.

The federal government should give funding priority to ITS projects that improve traffic flow on existing streets and highways as alternatives to major new construction, especially in high-density areas. Priority should also be given to street and highway improvements which benefit public transit, such as preferential lanes for high occupancy vehicles, bus lanes, ramp metering, computerized traffic control, one-way streets, reversible traffic lanes, traffic signal priority for buses, parking management strategies.

With the rapid advent of autonomous, connected, electric and shared advanced transportation technologies, the federal government should facilitate the testing and deployment of demonstration projects including single, multiple-occupancy and transit vehicles in those cities that choose to accelerate and integrate their adoption, in order to increase mobility options while simultaneously reducing emissions, crashes and congestion.

The federal government should facilitate the use of uniform technology in the collection of tolls on roads across jurisdictions and transportation systems such as vehicle mounted toll tags or passes and transit stickers or passes.

F. Highway Safety

Greater consideration should be given to safety in planning, design and construction. Additional resources need to be focused at all levels of government on research, education and enforcement to increase highway safety,

including work zones. NLC supports the use of incentive grants to encourage states to adopt more stringent impaired driving and seat belt use laws. NLC also supports the use of information technology in traffic enforcement and pedestrian and bicycle safety.

NLC supports the funding of elimination of grade level crossings for high traffic rail lines in urban areas where the railway bisects cities and towns impeding the flow of traffic and creating public safety issues.

G. Motor Carriers

1. Truck Weight and Size Limits

NLC opposes increases in truck weight limits unless and until such increases are accompanied by simultaneous and sufficient increases in the heavy truck-user tax.

NLC opposes allowing the longer combination trucks (i.e., “triple-trailers” or “truck trains”) both on and off the designated national network of truck highways until the impact of increased truck length and width standards on highway costs and safety is assessed and reflected in highway user fees and appropriate safety regulations.

2. Truck Routing

NLC supports federal government study of the impact of the designation of routes along which longer, wider trucks may travel. This study should be used in the development of any performance standards for such operations. State and local governments should also retain authority to designate truck routes, truck access pickup and delivery points on roads which are not a part of the designated truck network.

3. Regulation of the Motor Carrier Industry

The federal government should encourage increased competition within the trucking industry and remove barriers to free entry by

increasing the flexibility of carriers to set rates and establish routes. No federal action should be taken to weaken truck safety requirements in any way. NLC also urges that federal motor carrier safety requirements be applied uniformly for both domestically-registered and foreign-registered vehicles.

4. National Commercial Truck Driver Standards

NLC continues to support federal national uniform standards for the training and licensing of interstate and intrastate drivers of commercial motor carriers. States should administer those standards.

5. Enforcement of Motor Carrier Safety Regulations

The federal government should continue adequate Highway Trust Fund funding for the Motor Carrier Safety Assistance Program (MCSAP). This program provides grants to states for development and implementation of programs (including roadside vehicle inspection programs), which enforce federal and compatible state motor carrier safety regulations.

The federal and state governments should identify and develop new technologies and innovative strategies, which will enhance and improve commercial motor carrier safety, protect the driving public from commercial motor carriers that do not pass safety inspections, and promote and enforce much stricter safety standards for commercial motor carriers, such as adequately securing truck loads and imposing penalties for missing treads.

6. Motor Carrier Substance Abuse Assistance Program

NLC supports a federal incentive grant program for states that wish to conduct random roadside inspections for driver alcohol and drug abuse.

7. Motor Carrier Data Collection

NLC urges the federal government to develop a centralized system for collecting and disseminating information on motor carrier drivers and vehicles. The federal government should:

- Expedite the development of the National Driver Register (NDR);
- Ensure that commercial truck driver records are included in the Register;
- Adequately fund the program; and
- Assist states with collecting, exchanging, and maintaining comprehensive truck accident and violation data and truck driver and inspection records and history of substance abuse.

H. Barriers to Connectivity

NLC believes that well-connected communities are better able to serve all of their residents and create economic opportunity for all parts of the community. In many cities and towns, problematic past placement of federal highways has divided communities and created dangerous and isolating barriers to mobility, especially pedestrian and cycling mobility within a community. These barriers have in many instances created or worsened racial divides, food deserts, and access to healthy recreation or employment opportunities. These problems can be extremely difficult and costly to remedy. In light of the federal highway program's responsibility for creating these barriers, additional dedicated federal funding should be created to assist cities and towns in addressing these barriers and reuniting divided communities with pedestrian/cycling overpasses and underpasses.

5.03 Public Transportation

A. Support for Public Transportation

Mobility is central to individual prosperity, as well as to commerce and to the growth of

communities. Public transportation can contribute to the viability of the nation's cities by helping to reduce congestion, protect the environment, stimulate economic development and create employment opportunities. Transit investment is in the national interest of an effective, national transportation system, especially where it alleviates congestion and increases economic productivity.

B. Role of the Private Sector

NLC believes the federal and state governments should make public-private partnerships an option for all communities for viable, appropriate projects that they decide will serve their community.

However, federal or state imposed, competitive privatization of transit service undermines the public-serving nature of transit, and privately provided transit services will never serve all transit needs.

Decisions about the terms and conditions of private sector participation in transit, including the decisions to subcontract with private providers if warranted, should be made at the local level, not the federal or state level.

C. Local Control

NLC believes that local control is paramount in transit decisions. NLC encourages the federal government to require a public transit operator that accepts federal funding to cooperate with cities whose residents contribute to the funding of the operator concerning the location, operation, and maintenance of transit stops, routes and facilities within those cities.

D. Role of Federal Partnership

NLC urges a continued federal role in public transportation policy, and strongly opposes federal actions which would reduce or

eliminate the federal commitment by turning back the transit program to states, eliminating funding eligibility for new fixed rail starts, or phasing out operating assistance.

The federal government should facilitate the use of uniform technology in the collection of tolls on roads across jurisdictions and transportation systems such as vehicle mounted toll tags or passes and transit tickets or passes.

E. Labor

With regard to The Fair Labor Standards Act, the federal government should not make determinations on “traditional and integral” functions of state and local government without consulting local governments and documenting the fiscal impact on state and local governments.

F. Accessibility

Public transportation is an essential public service that provides mobility for all people, including the disabled, elderly, and economically disadvantaged, in all places and is not simply for those who can afford to pay for the service.

NLC supports federal performance standards that indicate the level of handicapped-accessible service that is to be provided without specifying the means for achieving the service levels. Decisions regarding the specific nature and level of service for citizens with special mobility needs should be made at the local level, based upon locally identified needs, goals, and resources.

Existing accessible services, where it is demonstrated that such services adequately serve the needs of those with mobility impairments, should constitute local compliance with federal accessibility requirements. Under no circumstances should the federal government impose additional accessibility requirements

(beyond the performance requirements) on existing fixed guideway systems, or require existing bus fleets or rail systems to be retrofitted with accessibility equipment.

G. Procurement Requirements

NLC supports federal procurement policies that expedite the production and procurement of transit vehicles. Alternative bidding procedures which are better suited to present transit production conditions should be given due consideration. Additionally, NLC supports federal performance and equipment standards that replace the present transit design specifications, and that give manufacturers latitude in choosing an appropriate technology to meet a specific technical objective.

H. Innovative Transportation Technologies and Demonstration Projects for a Seamless Transportation Network

Recognizing the nation’s dependency on a single type of transportation fuel, which has serious negative impacts on both the environment and economy, and the need to explore other fuel sources and transportation alternatives, NLC endorses the use of innovative transportation technologies and demonstration projects, such as Personal Rapid Transit or congestion pricing, that are specific to the needs and requirements of each city to further enhance mass transit and transportation efficiency. These transportation technologies should complement and work with existing regional technologies to create a seamless, national transportation network.

5.04 Air Transportation

NLC advocates federal policy that provides adequate, predictable, and long-term funding for airport development projects which enhance system capacity and ensure aviation safety.

However, NLC opposes attempts by the federal government to mandate expansion of federally-aided airport facilities, or to otherwise limit the ability of local governments to continue to determine the scope and type of airport facilities needed, or the type of airport use restrictions, including airport noise or airport access restrictions, imposed in their particular location. Local airport operators and local governments must have the authority to regulate airport use and development in order to protect the public health and safety of surrounding communities, to enforce airport uses that are appropriate to the airport's capacity and to ensure that local transportation, environmental (including noise control) and economic needs are met.

A. Funding

1. Airport Trust Fund

The user-generated Airport and Airway Trust Fund should continue to be used to finance airport development and improvements. Funds from aviation user fees and tax receipts should be appropriated and should not accumulate unspent in the Trust Fund. Aviation users should benefit from the aviation-related taxes they pay.

2. Federal Airport Improvement Program

The federal Airport Improvement Program (AIP) should continue to be disbursed to air carrier airport sponsors through existing funding mechanisms. Eligible airports should be allowed to compete for discretionary funds.

NLC supports increased AIP flexibility, including extending AIP eligibility to groundside improvement projects. However, NLC opposes diversion of AIP funds for federally mandated security projects.

3. Block Grants to States

NLC strongly opposes proposals to restructure the airport grant program for small- and medium-sized airports into a state block grant program. Local governments and airports sponsors must continue to be directly responsible for airport planning and development.

4. Off-Airport User Fees

NLC opposes federal preemption of a local government's ability to charge off-airport user fees.

5. Passenger Facilities Charges

NLC supports local jurisdictions setting passenger facilities charges (PFCs), which give local airport authorities the flexibility to address capacity and to implement major capital equipment upgrades, new technologies, and operational costs. These fees should be raised with inflation in order to maintain their purchasing power to build and maintain modern airport facilities.

B. Small Communities

Insufficient service and unreasonably high fares have left some small communities without commercial air transportation service. To address these problems, NLC recommends the following policies:

1. Essential Air Service Programs

The federal government should maintain current funding for the Essential Air Service (EAS) program and NLC urges Congress to fully fund the EAS program.

To promote competition and ensure efficient use of federal dollars, the USDOT should hold designated EAS air carriers to existing performance standards.

2. *Small Community Air Service Development Program*

Projects funded through this program have the potential to identify a broad variety of options to expand and improve service in small communities. NLC urges continued Congressional support of this program.

C. Airport Noise and Pollution

The federal government must intensify its efforts to provide prompt relief to residents of cities located close to airports from unacceptable levels of aircraft noise and aircraft pollution. (*See clarifications at EENR Section 2.09, Noise Control, and CED Section 3.06, Land Use*)

This should be tied to encouraging changes in local zoning regulations to restrict noise sensitive property development. .

The Federal Aviation Administration should require adherence to fly-quiet programs, preferred runway usage, preferred flight paths, and local curfews as established by local governments and authorities.

NLC encourages the appropriation of funds to cities and towns that adjoin an airport but do not operate the facility for compatible land use and noise mitigation planning purposes.

D. Federal Role in Air Traffic Control

The federal government should provide funding for and ensure all airports are participants in a national air navigation system which provides for safe aircraft operation such as the conversion of radar based guidance systems to GPS.

E. Aviation Security

A thorough assessment of the current and potential threat to the air transportation industry is required. The Transportation Security Administration (TSA), the FAA and other aviation experts, in partnership with

locally elected officials and law enforcement, must work cooperatively and take immediate action to ensure that the aviation security system is capable of responding to specified threat levels. The public interest demands an aviation system capable of deploying a mix of technology and procedures as a unified system capable of countering all vulnerabilities, while considering effects on passenger convenience.

NLC strongly urges the federal government to ensure air travel safety through implementing the screening of commercial cargo on passenger planes, improving passenger and airport employee screening procedures, expanding traveler programs and improving terminal safety requirements. NLC also encourages Congress, or the U.S. Department of Homeland Security through the regulatory process, to further strengthen the “known-shipper” program by improving procedures for monitoring and auditing “known-shippers” of cargo.

To develop an effective aviation security policy, Congress must clearly define responsibilities within the structure of the federal transportation program. The TSA, FAA, state and local governments, and the US DOT must develop a coordinated plan to determine the level of authority each agency and government entity controls in any situation.

Since aviation security is a matter of national defense, any funds necessary to assure security must come from defense funding, not from additional fees levied on passengers. Shippers could be subject to additional fees for cargo screening. NLC opposes continued diversion of AIP and PFC funds for aviation security measures. The federal government must reimburse local governments for the expenses incurred from the mandated local law enforcement presence at airports.

Congress should also reimburse costs to airports accrued from compliance with mandated security upgrades, including installation and deployment of Explosive Detection Systems.

F. Unmanned Aircraft Systems

Congress and the Federal Aviation Administration must not preempt the authority of local governments to create and enforce regulations with regard to the use of Unmanned Aircraft Systems as it relates to land use, zoning, privacy trespass, and law enforcement operations.

The Federal Aviation Administration should establish a transit zone for privately owned and commercially operated Unmanned Aviation Systems that is sufficiently high enough above ground level that it prevents disturbances to landowners, while also protecting navigable airspace.

5.05 Rail

A. Rail Principles

1. Local Role in the Nation's Rail Planning Program

The federal government should require states to involve local governments in state rail planning efforts required under federal law to ensure that local needs and objectives are satisfied.

2. Financing

NLC supports investment in the nation's rail infrastructure and encourages the federal government to enact policies and programs that would expand public and private investment in both passenger and freight rail mobility.

3. Rail Safety

NLC urges the federal government to promote safe and efficient passenger and

freight rail transportation and to seek creative solutions.

Federal and state governments should require operator funded local rail safety programs to reduce safety hazards at railroad crossings through rail relocation, sealed quiet zones, grade separation, or by other means. To increase traffic safety at crossings, stricter penalties for rail crossing violations should be imposed.

NLC supports the implementation of positive train control (PTC) systems as an essential safety measure on passenger rail lines to limit incidents caused by human error.

4. Operations and Maintenance

Continued maintenance is the individual responsibility of the rail owner. NLC urges the federal government to readdress rail track standards for dual freight and intercity passenger rail uses through appropriate rail improvements.

NLC further urges the federal government to redefine the responsibility for funding mechanisms to maintain tracks that carry both freight and intercity passenger rail traffic.

5. Environmental Impacts

Federal law regulating railroad activity should not preempt local, state, or federal environmental review and requirements for permitting and mitigation of railroad activities. The environmental impacts of railway activities and facilities, including pollution, poor air quality, land use, vibration, light pollution, and noise, should not be exempt from local environmental, public health, safety, or welfare-based regulations.

Railroads should be subject to light pollution and noise constraints. Rail yard lighting

standards and types need to be established that minimize lighting impact on neighboring communities. There is a need for uniformity among the different federal agencies in their policies governing acceptable noise levels. (See also *EENR Section 2.08, Railroad Noise Policies*)

B. Passenger Rail

NLC urges Congress and the Administration to develop a long-range vision and fund for passenger rail in the United States. Amtrak, in cooperation with state and local transportation officials, citizen groups, and other stakeholders, must develop such a plan as expeditiously as possible. National passenger rail plans should include acquiring and improving rail lines that would otherwise be abandoned. NLC urges the Administration to prioritize the safety review and approval of the use of information technology and crashworthy vehicles, such as passenger rail cars on low speed urban dual use passenger and freight lines.

NLC recommends the following:

1. Amtrak's Self Sufficiency Requirement

NLC urges repeal of Amtrak's statutory self-sufficiency requirement, since no known passenger rail system operates without government subsidies.

2. Development of and Access to a High-Speed Rail Network

NLC supports the investment in high-speed rail development as an important part of our national transportation network. Networks should be developed only after detailed analysis of their operational and financial feasibility and with local consent. NLC urges Congress to support creation of new high-speed rail.

3. Funding Options for Amtrak and High-Speed Rail

NLC supports the development of a long-term funding mechanism for infrastructure acquisitions, improvements, and rights-of-way and operating costs. In addition to appropriations, options include:

- Increasing the federal funding sources specifically for passenger rail;
- Directing the diesel fuel tax currently levied for rail operations and deposited into the general fund be moved into a newly created Trust Fund for rail improvements;
- Allowing state, regional and local government entities the option to spend a portion of their federal transportation allocation on intercity rail; and
- Allowing federal and state governments to issue tax-exempt or tax-credit bonds for financing rail improvements.

C. Freight Railroads

1. Freight Rail Service

Congress and the public and private sectors must cooperate to ensure and provide for the efficient movement of freight, especially with regards to the relocation of rail lines and increased rail traffic within metropolitan areas, which could constitute a safety hazard and disrupt municipal functions.

2. Freight Rail Safety

NLC urges Congress to review the following freight rail safety issues:

- The hazard of reduced crews or lack of current safety technology use undermines the safe and efficient movement of trains and takes away the trained first responder at rail incidents and accidents. This action leaves no other person to monitor quickly changing circumstances or affirm, discuss or point out critical operations and safety issues;
- The lack of railroad maintenance has jeopardized safety. The closure of poorly maintained crossings cause congestion on remaining crossings and cause short trips

to be substantially extended due to poor road access, putting operators and passengers of motor vehicles at a greater risk; and

- The switching and storage of railroad cars containing volatile and hazardous materials in urban and residential neighborhoods.

3. *Rail Line Abandonment*

Congress must protect national, state and local government interest in alternative public transportation regarding the use of abandoned rail corridors.

Congress should:

- Specify how the federal government should balance the impact on shippers and the community of losing rail service against the burden upon the railroad of continued service and the potential use of the corridor for public transportation, including biking and hiking. Alternative means of freight and passenger conveyance should be considered.
- Require railroads to provide specific information concerning traffic trends, profitability, and rail line conditions to rail users and state and local governments six months prior to the filing of the abandonment application.
- Require a railroad to transfer an abandoned rail corridor to a state or local agency for no more than the constitutional minimum valuation, for alternative public uses including walking and biking, and public-private transportation initiatives. Public interest in alternative use of rights-of-way should be fully considered during rail merger proceedings.
- Provide federal financial assistance for the purpose of converting existing rail terminals into intermodal/ multimodal facilities.

4. *Rail Mergers*

Freight rail operations in the United States are expanding through rail mergers, often resulting in the implementation of new routes, or intensified use of existing ones, as well as new and expanded rail yards. Because of the potential impact mergers can have on local municipalities, federal law should ensure that local governments have police, zoning, and land use authority for the protection of the environment and public safety.

The Surface Transportation Board should be required to consider all aspects of a railroad's safety record as one of the criteria for approving railroad mergers or expansions.

5.06 Waterways, Ports and Landside Connections

Waterways and ports are an integral part of a comprehensive, intermodal transportation system vital to our nation's economic security and the financial health of cities.

The effects of ports go beyond their immediate boundaries. NLC recommends that the federal government consider the following funding and public safety issues related to ports:

A. Funding for Harbor Maintenance and Dredging to Increase Capacity

Recognizing the importance of ports and their impact on the national economy and job creation, NLC supports funding for harbor maintenance and funding for dredging to maintain or increase capacity. NLC urges Congress to recommend a defined revenue source for this purpose and provide support for development of environmentally friendly ship channel shoreline systems. NLC further calls on Congress to provide financial and technical assistance to communities and their watershed partners to promote innovative

approaches for the construction and maintenance of shorelines in the vicinity of federally maintained navigable waters.

B. Local Infrastructure, which Connects Land Transportation to Ports

NLC expects the federal government to assist local and state government agencies in providing the needed financial resources to support the landside infrastructure in and around ports required to operate an efficient intermodal system and to support efficient port operations including commuter transportation at port facilities such as ferries.

C. Operations Funding to Implement the Transfer of Cargo to Portside Distribution

NLC supports the design and implementation of equitable waterway commercial user fees and customs duties necessary to generate sufficient revenues to finance waterway and port operations and improvements.

D. Security

Because cargo containers are distributed throughout the country, any dangerous cargo in a particular container could pose a threat to any city in the nation. Greater security can be achieved by establishing partnerships with industry and foreign ports to encourage increased security in their supply chains and the federal government should continue to establish such partnerships as quickly as possible. To reduce cities' vulnerability from cargo containers, NLC recommends that the federal government:

- Increase funding for waterways and port security;
- Allow locally elected officials to coordinate waterway and port security at the local level, in conjunction with the U.S. Coast Guard and other affected federal agencies;
- Continue to provide technical guidance and oversight for port vulnerability

assessments, entrusting one federal agency with this responsibility;

- Require screening and background checks of port personnel;
- Establish a grant program for ports to acquire new security technology;
- Increase inspections on cargo containers, through the U.S. Customs Service, and provide additional funding and equipment to Customs to monitor cargo without slowing the movement of commerce;
- Establish criteria for identifying high risk containers;
- Pre-screen containers, according to international agreements, before shipment; and
- Develop and require the use of containers that are resistant to tampering.

Port security measures should be funded through national defense programs and general fund revenues, not through increased user fees.

E. Funding for Maintenance of Inland Waterways and Locks

Recognizing the importance of inland waterways as well as locks and their impact on the national economy and local economies, NLC supports sufficient funding for inland waterways infrastructure, fully funding the Inland Waterways Trust Fund.

5.07 Pipelines

The system of gaseous and liquid pipelines is an important component of an efficient transportation network for moving hazardous material. Our nation's pipelines keep portions of these hazardous materials off of our roads, waterways, and rail lines, making those modes of transportation safer for all users.

Unremitting attention to the safety of this system is vital to cities, due to the hazardous

nature of these materials, the proximity of many pipelines to homes and businesses, and the potential environmental impacts of any failure in the system.

To improve the safety of the system, the federal government, through the Office of Pipeline Safety (OPS), must:

- Continue to allow states the flexibility to impose safety requirements beyond federal requirements, and extend the right to enforce those safety requirements to states that have imposed such requirements;
- Develop standards for periodic testing of pipelines and periodic hydrostatic tests;
- Further refine and advance the definition of High Consequence Area, or HCA, to assure the definitions appropriately capture “environmentally sensitive areas” and “high density population areas” which would be severely impacted if a failure in a pipeline were to occur; and
- Strengthen rules regarding pipeline operation, maintenance, and public reporting.

To reach the goals stated above, NLC recommends that the federal government:

- Require formal testing and certification of pipeline operators;
- Promulgate needed regulatory improvements in transmission pipeline integrity management approaches and enforce such advances to reduce pipeline failures
- Require Study implementation of new technologies to detect pipeline releases, especially transmission pipeline ruptures;
- Impose equivalent safety standards, where appropriate, for both liquid fuel and natural gas pipelines;
- Require pipeline operators to report all liquid spills to the Office of Pipeline

Safety and affected jurisdictions, except those spills truly de minimis in nature;

- Require pipeline operators to disclose to local and state authorities the results of all pipeline inspections;
- Require the Office of Pipeline Safety to work with local emergency response providers to develop preparedness and response plans, and to provide appropriate funding, including grants, to local jurisdictions to implement such plans;
- Recognize the right of local governments through franchise provisions to require pipeline operators to 1) provide to local governments the data and results from internal and external pipeline assessments along with a description of the testing methods to allow for their analysis of the potential risks to public safety; 2) require pipeline operators to cooperate with local governments in emergency preparedness and response and 3) require pipeline operators to have state of the art safety, warning, detection and emergency response capabilities to protect cities and their citizens and to mitigate potential damages from an accident;
- Require pipeline operators to provide data to the National Pipeline Mapping system administered by OPS and make this data available to local jurisdictions;
- Require periodic management audits of pipeline companies to assure compliance with the foregoing;
- Provide enhanced funding to federal agencies and states charged with the implementation and oversight of pipeline safety laws and regulations; and
- Require pipeline operators to provide for anti-tampering devices and surveillance systems to protect pipelines from criminal activity, including terrorist attacks to deny service, and drug cartel use of the pipelines for drug deliveries.

NLC RESOLUTION #28**PROTECTING CITIES AND TOWNS FROM RAIL DISASTERS INVOLVING
HAZARDOUS MATERIALS¹**

WHEREAS, new technologies have resulted in the development of unprecedented amounts of both domestic and foreign oil, natural gas, tar sands, bitumen, and other petroleum products and derivatives, which, in turn is expected to significantly increase the volume of petroleum products transported across the nation by land and waterbodies; and

WHEREAS, the U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration has determined that crude oil originating in the Bakken formation is more flammable than traditional crude oil; and

WHEREAS, in many instances, the rail lines that carry hazardous material, such as crude oil and ethanol, as well as other hazardous explosives, compressed gases, flammable liquids and solids, oxidizers and organic peroxides, toxic materials, radioactive material, and corrosive material², run through and by city neighborhoods, schools, parks, business and industrial areas, and along waterfronts, creeks, wetlands and other sensitive natural areas; and

WHEREAS, state and local emergency managers may not have the necessary, accurate or timely information on the materials transported through their communities or the resources to adequately respond to an emergency; and

WHEREAS, local governments are concerned about the potential impacts on public safety, infrastructure, drinking water supplies, and resulting economic disruptions from possible derailments and spills of hazardous materials as trains run through their communities and surrounding areas, as well as the direct and indirect costs associated with response and recovery from a derailment and spill; and

WHEREAS, there have been a number of significant rail accidents involving hazardous materials causing tragic impacts on the affected communities, including instances such as a train carrying ethanol that derailed outside Rockford, Illinois on June 20, 2009 killing one person; a train carrying crude oil that derailed in Lac Megantic, Quebec on July 6, 2013 killing 47 people; a train carrying crude oil that derailed on December 30, 2013, in Casselton, North Dakota causing violent explosions and a hazardous plume of smoke; and a train carrying crude oil that derailed in Lynchburg, Virginia on April 30, 2014; and these incidences continue to pose an ongoing threat to cities across America; and

WHEREAS, it is the responsibility of federal regulators to assure that the transport of hazardous materials does not pose a significant threat to the public safety and welfare, and to ensure there are staff crew redundancies even with the rollout of new technologies like positive train control; and

¹ Joint resolution by the Energy, Environment and Natural Resources Committee, Public Safety and Crime Prevention Committee, and Transportation Infrastructure and Services Committee.

² Classes of hazardous material, U.S. Department of Transportation.

WHEREAS, DOT analysis concluded that many freight railroad insurance policies are not likely sufficient to cover damages resulting from a moderate to severe train accident involving hazardous materials³; and

WHEREAS, the National Transportation Safety Board has advised industry and regulators since 1991 that the DOT-111 tank car that is used as the primary packaging for the shipment of hazardous materials is unusually prone to puncture in rail accidents and derailments; and

WHEREAS, DOT has initiated a rulemaking process to improve the safe transportation of large quantities of flammable and hazardous materials, including enhanced tank car standards, reduced operating speeds, and emergency response notification.

NOW, THEREFORE, BE IT RESOLVED that the National League of Cities (NLC) urges Congress and the Administration to create clear, forward-looking, and comprehensive regulations to improve the safety of rail transport of hazardous materials so as to assure the public that its safety is not being unduly threatened by this transport; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to create regulations for tracking chemical composition of transported flammable and hazardous materials and liquids so that local governments and emergency managers can better understand and plan for the risks associated with the specific types of hazardous materials traveling on rail lines through their communities; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to develop an appropriate mechanism for rail transporters and product shippers/importers to provide, in the event of an incident, state and local emergency managers with accurate and immediate information, using available technology, such as radio frequency tags, regarding the identity and location of all hazardous materials on a train; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to require rail transporters and product shippers/importers to prepare and fund an emergency response assistance plan for their products and routes, in consultation with states and local governments, to ensure sufficient emergency response supplies, equipment, personnel and resources are available for rapid response assistance on rail lines that serve as routes for hazardous materials; and

BE IT FURTHER RESOLVED that NLC urges Congress and the Administration to require all rail transporters and product shippers/importers of hazardous materials to maintain sufficient liability coverage for moderate to severe accidents and to provide the community with financial assistance on the response through final clean up in a timely manner; and

BE IT FURTHER RESOLVED that NLC urges the federal government to develop and implement new regulations improving federal tank car design, operation requirements and rail infrastructure, including the phase-out of older-model tank cars used to transport hazardous

³ Wolfe, Kathryn A., "DOT: Rail Insurance Inadequate for Oil Train Accidents," Politico, (Aug. 6, 2014) available at: <http://www.politico.com/story/2014/08/dot-rail-insurance-inadequate-for-oil-train-accidents-109744.html>

materials on an aggressive timetable and a prohibition on introducing Canadian-banned railcars in the U.S.; and

BE IT FURTHER RESOLVED that NLC urges the federal government to require railroad companies to use alternative routes, if available, when transporting hazardous materials through or near major population centers.

NLC RESOLUTION #29**MODIFY FEDERAL RAILROAD ADMINISTRATION'S TRAIN HORN NOISE RULE FOR SAFE IMPLEMENTATION OF RAILROAD QUIET ZONES**

WHEREAS, the Federal Railroad Administration's (FRA) Train Horn Rule requires that locomotive horns be sounded at public highway-rail grade crossings and preempts state and local train whistle bans, and

WHEREAS, FRA rules for establishing a quiet zone seek a balance between safety for motorists, rail employees and passengers at public highway-rail grade crossings; and

WHEREAS, the process for establishing a quiet zone involves an agreement between state and local authorities, the railroad and the federal government; and

WHEREAS, establishment of a quiet zone is costly for a community; and

WHEREAS, communities have different circumstances for establishing a quiet zone.

NOW, THEREFORE, BE IT RESOLVED, that the National League of Cities calls on FRA and the US Congress to finalize the reopen NPRM on the Train Horn Rule for safe and more effective implementation of quiet zones; and

BE IT FURTHER RESOLVED, that FRA determine how local communities can implement quiet zones that are less burdensome and allow for differences in community circumstances while continuing to protect public safety; and

BE IT FURTHER RESOLVED, that Congress provide federal funds for the express purpose of establishing quiet zones; and

BE IT FURTHER RESOLVED, that FRA considers new and emerging technologies which may enhance the safety of quiet zone.

NLC RESOLUTION #30**SUPPORTING DEDICATED FUNDING FOR THE FEDERAL SURFACE
TRANSPORTATION PROGRAMS**

WHEREAS, the economic wellbeing of our cities is dependent on a safe and efficient multi-modal network of roads, bridges, transit, rail, ports, sidewalks, and bike paths; and

WHEREAS, Americans take 1.1 billion trips across this network each day – totaling almost 40 miles per person per day – to and from work, shopping, and recreation; and

WHEREAS, approximately 43 million tons of goods with a value of about \$30 billion is moved across this network each day; and

WHEREAS, according to the National League of Cities (NLC) State of the Cities 2016 report, economic development and infrastructure are ranked first and fourth respectively among city leaders, and among all infrastructure priorities, funding is ranked first; and

WHEREAS, the Highway Trust Fund, was created to provide dedicated federal funding for the Highway and Mass Transit Accounts, which together fund the majority of federal surface transportation programs; and

WHEREAS, the federal fuel tax of 18.4 cents per gallon on gasoline and 24.4 cents per gallon of diesel fuel, which is the primary method of revenue generation for the Highway Trust Fund, has not been raised since 1993; and

WHEREAS, The Congressional Budget Office projects that spending will exceed fuel tax revenues by \$180 billion over the next decade if current trends continue; and

WHEREAS, Congress has relied on a number of non-transportation related funding patches and bailouts from the general fund, which will total more than \$100 billion by Fiscal Year 2020; and

WHEREAS, the 2017 American Society of Civil Engineers American Infrastructure Report Card stated that investment shortfalls in America's infrastructure are costing each American \$3,400 per year; and

WHEREAS, the current long-term transportation authorization, the Fixing Americas Surface Transportation (FAST) Act of 2016 will expire in fiscal year 2020; and

WHEREAS, local governments own and operate 78 percent of the nation's road miles, 50 percent of the nation's bridges and operate the majority the nation's transit systems; and

WHEREAS, the lack of sufficient federal transportation revenues and continued uncertainty in funding prevent local governments from making the necessary investments and maintenance necessary to sustain a world-class infrastructure system:

NOW, THEREFORE, BE IT RESOLVED that NLC urges the President and Congress to quickly identify and implement a long-term funding solution to keep the highway trust fund solvent and address funding shortfalls; and

BE IT FURTHER RESOLVED that the President and Congress should increase the federal fuel tax or implement a per-barrel fee on oil, indexed to inflation and the Corporate Average Fuel Economy (CAFE) standards to ensure the near-term viability of the Highway Trust Fund, and begin steps to implement long-term solutions such as a Vehicle Miles Traveled (VMT) fees; and

BE IT FURTHER RESOLVED that repatriation of federal taxes, corporate tax reform, or any other non-transportation related pay-for should only be considered for a one-time infrastructure investment that brings our existing infrastructure to a state of good repair; and

BE IT FURTHER RESOLVED that while innovative market based financing can be a useful tool for accelerating a limited number of major projects, it is not a substitute for the stable and reliable funding America's cities rely on for a comprehensive, multimodal transportation network; and

BE IT FURTHER RESOLVED that NLC continues to support a long term comprehensive national transportation plan that would:

- Increase the overall funding directly available to local governments such as an increase in the suballocated share of the Surface Transportation Block Grant Program (STBGP) and Transportation Alternatives set aside under the STBGP currently available for local decision-making and developing sharing opportunities with local decision makers within other federal programs; and,
- Increase the role of local governments in statewide planning; and,
- Include local governments in decision making on all transportation programs that impact their communities as laid forth by United States Department of Transportation; and,
- Allow local governments a decision-making role in choosing the right mix of transportation options that suit their community economic development and other goals; and,
- Include principles of sustainability, innovative technology, regional decision making, and performance measures; and,
- Ensure that transportation decisions are made in an equitable manner to provide safe, accessible multi-modal transportation opportunities for historically disadvantaged communities, including communities of color, low-income communities, and people with disabilities, and that the historic pattern of inequitable decision-making is addressed and reversed; and,
- Integrate the highway, rail, air, and port freight systems of the North American trade bloc to enable the U.S. to remain a competitive economy and to connect urban and rural communities to each other and to the global economy; and,
- Recognize the vital role of a funded rail infrastructure system that promotes enhanced freight mobility and provides additional options for intercity travel; and,
- Recognize the connection between transportation and land use planning, housing, energy, the economy, public health and the environment; and,
- Improve options for safe biking and walking within our communities; and,

- Support affordable public transportation systems of all sizes and modes; and,
- Support innovative funding and financing; and,
- Invest in maintenance and expansion of a quality national passenger rail system; Streamline regulatory review processes including incentives for innovative project implementation; and
- Create and expand permanent inflation sensitive revenue-generating mechanisms that are developed collaboratively by federal, state, and local governments, reflect the true cost to the infrastructure of every mode of transportation, and recognize the need for new methods of revenue generation.

NLC RESOLUTION #31**INTERCITY PASSENGER TRAINS ACCESS**

WHEREAS: The intercity railroad system in the United States was created as a common carrier system in the 19th and 20th centuries,

AND WHEREAS: Federal legislation granted railroads 170 million acres of right-of-way land, subsidies and privileges with requirements to be available for transportation of both people and goods,

AND WHEREAS: Most railroad companies have divested themselves of the capability of reasonably transporting people in their equipment,

AND WHEREAS: The B&O railroad was the first licensed common carrier railroad in the United States and was tasked, at that time, with serving the public at large by handling any freight or passenger traffic without discrimination by not denying either access to transportation, which it did until dissolving in 1987,

AND WHEREAS: The Rail Passenger Service Act of 1970 (RPSA) defined “railroad” as a “common carrier by railroad,”

AND WHEREAS: The RPSA recommended that the basic system take into account, “... rail passenger service within and between all regions of the continental United States,”

AND WHEREAS: The RPSA authorizes and requires reasonable cooperation between intercity passenger rail providers and railroad companies,

AND WHEREAS: The RSPA relieved the railroads of their common carrier obligation to provide intercity passenger rail service, which threatened their financial viability, in return for making their tracks and other facilities available to intercity passenger providers (Amtrak) for “reasonable terms and compensation,”

AND WHEREAS: The RPSA requires railroads to provide access for additional Amtrak operated trains on an expeditious basis unless this would “unreasonably impair” their freight operations,

AND WHEREAS: railroads sometimes unjustifiably delay, or seek unreasonable levels of compensation for, the operation of additional intercity passenger trains,

THEREFORE, BE IT RESOLVED: That the National League of Cities calls upon the President and Congress of the United States to enforce these historic policies of the United States through its passenger and freight licensing policies and procedures with appropriate penalties and/or disincentives for failure to comply in a reasonable and cooperative manner to achieve the intent of law.

NLC RESOLUTION #32

IN OPPOSITION TO PRIVATIZATION OF AIR TRAFFIC CONTROLLERS (ATC)

WHEREAS, the current Administration has announced a plan to privatize this Nation’s Air Traffic Controllers (ATC).

WHEREAS, NLC advocates federal policy that provides adequate, predictable, and long-term funding for airport development projects which enhance system capacity and ensure aviation safety.

WHEREAS, the federal government should provide funding for and ensure all airports are participants in a national air navigation system which provides for safe aircraft operation such as the conversion of radar systems to GPS.

WHEREAS, NLC opposes federally imposed, competitive privatization of FAA Air Traffic Controllers because such privatization undermines the public-serving nature of air travel safety.

WHEREAS, FAA funding runs out September 30, 2017, and both the U. S. House and Senate have proposed plans to keep the agency running.

WHEREAS, the House Transportation and Infrastructure Committee passed the AIRR Act (H. R. 2997), which would privatize air control on June 27, 2017. The bill is now under consideration for a vote in the House.

WHEREAS, NLC advocates federal policy that provides adequate, predictable, and long-term funding to ensure aviation safety.

WHEREAS, privatization would cost taxpayers and giving the authority to dictate public policy at the expense of general aviation and rural communities.

WHEREAS, privatization would threaten the safest, busiest, and most complex airspace worldwide.

WHEREAS, privatization would create a “too-big-to-fail’ monopoly that will need taxpayer bailouts.

WHEREAS, privatization would be for profit, rather than service driven, thus leading to increase costs for both travelers and taxpayers.

WHEREAS, privatization would eliminate middle-class jobs by allowing corporations to arbitrarily cut the ATC workforce. Based on recent BLS data, 24,500 Air Traffic Controllers (civil servants) are currently employed by the FAA. Privatization potentially would have a catastrophic impact on this workforce.

WHEREAS, privatization would create inefficiencies and disrupt stability by creating bureaucratic silos and formal separation of air traffic from safety officers.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the National League of Cities calls members of the U. S. Congress to oppose H.R. 2997, which would lead to the privatization and dismantling of federal air traffic controllers.

BE IT FURTHER RESOLVED, that NLC urges Congress to allocate sufficient resources earmarked for modernization, not privatization of ATC infrastructure, giving priority to technology and systems upgrade.