

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 government responsibility but emphasis should be at the local and regional level to improve our transportation system. 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. The impact of federally regulated interstate commerce transportation decisions on communities and quality of life must be recognized and considered. 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 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 robust and multimodal 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 MPOs 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 MPOs 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 MPOs 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 U.S. Department of Transportation 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 MPOs 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 U.S. Department of Transportation 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.

f. *Manuals for Advising*

The federal Manual on Uniform Traffic Control Devices (MUTCD) must be modernized as a trusted resource for federal, state and cities' transportation staff to select appropriate road safety devices for all road types. MUTCD must not be used to create preferential treatment among modes, supersede local professional judgement or block cities from using innovative new technologies. Appropriate research funding and resources should be provided by USDOT for communities to further the experimentation process for new devices, particularly to reduce risk for all road users. USDOT must weigh the economic cost of their recommended changes which can be prohibitive to upgrading local infrastructure.

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 purposes 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 U.S. 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 U.S. 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 that includes local representation and represents passenger rail interests serving cities along the routes.

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 U.S. Department of Transportation, 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 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, and 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. Road Safety

Federal safety programs should provide local governments with increased resources and tools to address safety issues on all roads to save lives. 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 road 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 to save lives.

NLC supports funding to eliminate grade level crossings for high traffic rail lines in urban areas with the addition of underpasses, overpasses, and pedestrian bridges 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 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 U.S. Department of Transportation 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

NLC urgently requests Federal Aviation Administration (FAA) intensify and accelerate efforts to deliver rapid relief to residents of cities impacted by airports and aircraft overflights and their heightened and increasingly unacceptable levels of aircraft noise and pollution. In that effort, FAA policy should be extended to provide for the funding and implementation of measures to address the negative impacts of aircraft on affected communities. FAA should enforce

adherence to “Fly-Quiet programs”, as well as residential-compatible runway usage, flight paths, and curfews established by local jurisdictions and approved by FAA. The NLC further requests FAA to revise flight paths, to the extent compatible with aviation safety, away from sensitive receptors and residential areas, and complete and implement the findings of the study of alternatives to the currently applicable 65 Db DNL (or CNEL in California) noise metric upon which FAA relies in its evaluation of noise impacts. FAA must adhere scrupulously to the requirements of NEPA. In doing so, it must not only conduct complete environmental impact studies rather than relying on Categorical Exclusions from environmental review of operations over affected communities but must also use a noise standard that accurately reflects the impacts of flight path changes and NextGen routing over established communities. The NLC encourages the appropriation of Federal funds to provide the resources required by affected communities to plan for compatible zoning regulations proactively in areas near airports and that are subject to substantial aircraft overflight. Finally, included in its complete environmental review should be a thorough study of the health impacts of burned jet-fuel residue on the health and quality of life of residents in affected areas, as well as on the environment. To effectuate these goals efficiently and expeditiously, increased, collaborative FAA/citizen participation in the planning, design, and implementation of NextGen routing process is also essential. (See clarifications at EENR Section 2.09, Noise Control, and CED Section 3.06, Land Use)

D. Federal Role in Air Traffic Control

The federal government should provide funding for and ensure all airports and aircraft, including horizontal space delivery vehicles, are participants in a national air

navigation system which provides for safe aircraft operation. Additionally, the federal government should continue to provide for the safe integration of new aviation entrants into the national airspace and engage with local governments in the creation of new structures and technology to manage airspace such as the Low Altitude Authorization and Notification Capability system. NLC encourages FAA to consider how to advance a more responsive system for temporary notices and flight restrictions.

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 U.S. Department of Transportation 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

Local governments and our agencies remain one of the most significant authorized user groups of unmanned aircraft systems (UAS or drones), and cities are poised to benefit from the entry of new advanced urban air mobility (UAM or AAM) vehicles and UAS. Congress and the FAA must respect and uphold the existing authorities of local governments over land use, zoning, privacy, trespass, transportation, and law enforcement operations and work proactively with communities to seamlessly integrate and optimize drone operations. Further, FAA should not create unfunded mandates for local communities by the UAS and UAM structures they create nor allow for unsafe conditions to be created on the ground for communities from flights.

It is unacceptable for local safety and emergency personnel to be burdened by managing the careless, clueless and criminal operators without appropriate tools and support. Congress must consider granting provisional or cooperative counterdrone authority for local law enforcement before FAA further opens UAS operations as it increases safety risks to communities.

Congress should establish a ground-to-air transportation planning program to begin to align UAM integration planning into existing long-term transportation plans with capital funding to develop and test operational concepts and development of heliport guidance should be appropriate to urban, suburban and rural environments and cost-effective for development where air carriers have abandoned essential air service.

USDOT and FAA must include local government representation to all federal stakeholder groups and advisory committees that will impact local skies.

5.05 Rail

A. Rail Principles

NLC encourages the federal government and Federal Railroad Administration (FRA) to establish forward-looking and comprehensive visions, plans and regulations for passenger and freight rail that serves the development and renewal of safe and efficient freight movement through and to cities and connected and effective passenger rail including long-distance, inter-city regional and commuter service that provides significant mobility options to Americans.

The rail system in the U.S. should be modernized and renewed to supply:

1. Freight movement that delivers goods, supports economic activity, operates safely and efficiently and works with cities towns and villages to reduce noise,

blockages, emergency service disruptions and other impacts.

2. Long-distance inter-city passenger rail service traveling at least daily between myriad city pairs that is safe and convenient, is a proven economic catalyst for cities and regions, widens access to regional employment, education and medical care and opens the flow of tourist revenue for the communities it serves.
3. Regional and commuter rail service that travels frequently between city centers, outer suburbs, and commuter towns connecting people to jobs, educational opportunities, medical facilities, and centers of art and tourism, unlocking opportunities and aiding city towns and villages work toward equity, quality of life and sustainability.

NLC encourages the federal government and FRA to prioritize federal investment in rail projects that meet the following principles:

1. *Local input:* accord with the recommendations of local governments to state compacts and state and federal rail plans;
2. *Rail Infrastructure:* use of existing rail infrastructure, introduce improvements to benefit unimpeded freight and passenger traffic on the same corridor;
3. *Service Equity:* introduce or enhance passenger rail service to underserved communities and/or regions unserved with rail transportation options;
4. *Expand Connectivity:* by increasing service, city pairs, and new lines of service in a wider rail network and coordinating with “last mile” transit options;
5. *Reduce GHG Emissions:* shift travel and freight demand to the significantly more energy-efficient option of rail to reduce the percentage of transportation related emissions.

B. Passenger Rail Planning

NLC believes substantive engagement of local communities in passenger rail planning is essential to achieving a national network that meets the needs of the American people. NLC urges Congress and the Administration to develop a long-range vision and plans for a coordinated national network of long-distance and state supported passenger rail service serving growth in America's regions and providing service to underserved areas. Plans should draw on state and intra-state rail plans and prioritization.

Ensure that plans are informed by and reflect the needs and priorities of local communities:

1. FRA, Amtrak and other operators should substantively include local governments in all their planning activities. The federal government should require states to do the same in state rail planning efforts required and supported under federal law.
2. NLC supports the authority to form multi-state and regional rail compacts to engage in corridor recommendations, coordination and project prioritization and development of multi-state regional rail, plans and maps and implementation of rail projects based on the local and state input received.
3. NLC further urges that states, regions and localities be provided sufficient resources in planning and implementing regional and commuter services.

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.

C. Passenger Rail Finance

NLC encourages the federal government to enact policies and programs that would

expand public and private investment in both passenger and freight rail mobility. NLC supports creation of a rail trust fund or similar mechanism to ensure continued investment and appropriate expansion to meet the rail visions adopted which include:

1. *Increased funding*: for existing programs such as Consolidated Rail Infrastructure and Safety Improvements Program (CRISI) and Restoration & Enhancement Grant Program and creation of new programs as needed to adequately fund rail infrastructure acquisitions, improvements, and rights-of-way and operating costs;
2. *Increased passenger specific funding*: federal sources specifically designated for passenger and commuter rail, including a set aside to ensure equity for undeserved regions and populations;
3. *Flex funding*: allowing state, regional, and local government entities the option to flex a portion of their federal transportation allocation on intercity rail; and
4. *Bonding*: Allowing federal and state governments to issue tax-exempt or tax-credit bonds for financing rail improvements;
5. *Competition*: Support open competitive bidding on all contracts related to passenger rail development.

D. Rail Safety

American deaths and serious injuries by rail have plateaued despite efforts by FRA and railroad operators. NLC calls on FRA and the Surface Transportation Board to continue to regulate safety using existing structures and legal options to follow through on modern safety practices and using policy tools, including incentives and penalties.

NLC urges the FRA to redouble its attention to the safety and mobility challenges that result from capital and operational decisions

such as the running of longer trains. The FRA should conduct a study including local impact data from rail. The federal government require rail operators to introduce state-of-the-art solutions where train length and/or frequency impair the safety, mobility and/or pedestrian connectivity of communities on the project corridor.

NLC urges Congress to review the following rail safety issues:

1. *Local Access*: Requirements to close multiple rail crossings to receive agreement for support on isolated new investments in safe overpasses, underpasses, pedestrian bridges is unnecessary and unsafe;
2. *Blocked Crossings*: The increasing length of freight trains poses a safety hazard to communities which lack grade separations for emergency responders and other vehicular traffic, and safety standards should be established for the maximum length of time and reoccurrence of blocked crossing with appropriate consequences for failure;
3. *Technology for Prevention*: NLC supports the continued implementation of rail safety systems, such as positive train control (PTC) systems, to ensure safety on passenger rail lines to limit injuries and derailments;
4. *Communication*: NLC urges the federal government to direct the FRA to establish direct and transparent channels of communication between host railroads, operators and local governments through which to address safety issues and incidents and pursue productive collaboration between railroads and operators as needed to reduce conflicts, as well as deaths and fatalities related to rail lines.
5. *Maintenance*: Lack of railroad maintenance jeopardizes safety. The

closure of poorly maintained crossings and infrastructure cause congestion on remaining crossings putting operators and passengers of motor vehicles at a greater risk;

6. *Hazardous goods*: The proximity, switching and storage of railroad cars containing volatile and hazardous materials in and through urban and residential neighborhoods;
7. *Crew size*: The hazard of reduced crews undermines the safe and efficient movement of trains and puts local first responders in unsafe situations during rail incidents and accidents.

E. Freight and Passenger Rail Oversight

NLC urges Congress and the Federal Railroad Administration (FRA) to ensure that the expectation set in the Rail Passengers Service Act of 1970 (RPSA) for reasonable cooperation between Amtrak intercity passenger rail providers and railroad companies owners is upheld. Adjustments to existing passenger rail providers and rail service should not be subjected to unreasonable compensation demands or unjustifiable access delays. The FRA should utilize its authority to achieve the intent of the law.

Rail owners must be disincentivized by the federal government from uncompetitive practices by the federal government to price gouge other entities seeking to reasonably access the network. Rail operations should be competitive, and market driven.

Congress and FRA must improve on-time passenger interstate rail service by ensuring the Surface Transportation Board is able to effectively measure it and report it publicly by having access to freight and passenger data from rail owners and operators.

NLC believes that no federal rail advisory committee on rail is complete without local and regional representation. NLC recommends Amtrak's board include at least one local elected official and regional planning leader to appropriately represent the communities it serves.

F. Rail Operations and Maintenance

Continued maintenance is the individual responsibility of the rail owner. NLC urges the federal government to review and update rail track standards for dual freight and intercity passenger rail uses through appropriate rail improvements and clarify responsibility and funding mechanisms for dual use tracks. Congress and the public and private sectors must cooperate to provide for the efficient movement of freight and passengers, especially with regards to the management, relocation of rail lines, sidings, and increased rail traffic within metropolitan areas, to maximize benefits while reducing safety hazard and disruptions to municipal functions.

G. Rail Environmental and Noise 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. FRA's Train Horn rules must be modernized to utilize technology to affordably and safely make rail notifications in communities. FRA should work with communities to develop, test and adopt modern noise and light standards using

new tools and methods to reduce community harm and disruption while continuing operations. Also, the impact of the increasing weight of freight trains along with increasing length must be evaluated in terms of impact on noise and vibration levels experienced in surrounding communities. Rail yard lighting standards and types need to be established that minimize lighting impact on neighboring communities.

H. 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:

1. Require railroads to provide specific information concerning traffic trends, profitability, and rail line conditions to federal authorities, rail users, and state and local governments six months prior to the filing of the abandonment application.
2. 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.
3. Provide federal financial assistance for the purpose of converting existing rail terminals into intermodal/ multimodal facilities.
4. Ensure that active but unused rail lines are not allowed to deteriorate beyond the condition that would allow public use if the line were abandoned and transferred to public ownership.
5. 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.

I. Rail Mergers

NLC calls on USDOT and FRA to increase their safety oversight under all existing laws and regulations to reevaluate railroad incentives and penalties, address noise issues in communities, decrease barriers for local communities that perpetuate inequities, while ensuring safety at at-grade rail crossings. Freight rail mergers in the United States must be in the best interest of the country and a competitive marketplace. The Surface Transportation Board should be required to consider the impact on cities, towns and villages and their resident's quality of life and all aspects of a railroad's safety record as two of the key criteria for approving railroad mergers or expansions. 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.

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. Transportation In and Out of 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 PHMSA 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 #37**PARTNER WITH CITIES, TOWNS, AND VILLAGES ON FLEXIBLE PROGRAMS TO MEET EVERY COMMUNITY'S TRANSPORTATION NEEDS AND VISION**

WHEREAS, the National League of Cities (NLC) applauds Congress, the President, and the Administration for advancing the Infrastructure Investment and Jobs Act (IIJA), a historic national infrastructure package that will allow us to rebuild and reimagine America's transportation and essential infrastructure together; and

WHEREAS, the economic potential of our cities, towns and villages relies on a safe and efficient multimodal network of locally owned and operated roads, bridges, transit, rail, sidewalks, trails, airports and ports built on strong transportation plans starting at the local and regional level and intersecting with state and national systems; and

WHEREAS, local governmental agencies own 74.8% of the nation's highway lane mileage¹ and 50% of the nation's 617,000 bridges² while 845 urban and 1,684 rural transit providers are directly owned by local governments and make up 46% of the nation's transit providers;³ and

WHEREAS, as the level of government closest to America's communities, cities, towns and villages continues to be responsive to emerging and obstinate challenges while also being nimble, innovative and welcoming to new creative ideas and processes that deserve further recognition; and

WHEREAS, local governments are prioritizing the full transportation network as a critical instrument for reaching community goals including quality of life for residents, economic opportunity for workers and businesses, health outcomes for children, equity for disadvantaged people and neighborhoods and so many more, but we share ownership and responsibility for the transportation network with federal and state authorities whose decisions can impact what is possible in our own areas, such as with the limitations from the Manual on Uniform Traffic Control Devices.

NOW, THEREFORE, BE IT RESOLVED that NLC urges the federal government to *prioritize infrastructure partnership* with America's cities, towns and villages as a national priority through direct and flexible programs that are positioned to meet every community's transportation needs and vision as they carry out the programs and policy in the Infrastructure Investment and Jobs Act; and

BE IT FURTHER RESOLVED that local governments expect that the USDOT will *support the full transportation network* of the U.S. and align available programs, investments, research, and support more appropriately to reflect the demands of the full system and work with all infrastructure owners productively;

¹ <https://www.fhwa.dot.gov/policy/23cpr/chap1.cfm>

² <https://crsreports.congress.gov/product/pdf/R/R44459>

³ <https://crsreports.congress.gov/product/pdf/R/R44459>

BE IT FURTHER RESOLVED that NLC asks for federal, state and regional *commitments to collaboration* with cities, towns and villages on the rebuilding and reimagining necessary for transportation, including renewing a long-term comprehensive transportation vision and completing thousands of projects in the next decade; and

BE IT FURTHER RESOLVED that NLC recommends that the *federal funding process and administration be guided and streamlined* so that cities, towns and villages are empowered to manage and utilize federal transportation investments efficiently and effectively without fear of unnecessary burden or surprise costs; and

BE IT FURTHER RESOLVED that America's local governments fully support a more *equitable approach in the distribution and competition for federal resources* across the full transportation network and prioritizing projects based on their local and regional impact; and

BE IT FURTHER RESOLVED that local governments call on the federal government to support local initiatives to *modernize and improve transportation planning and community engagement*, including partnerships with community leaders and community-based organizations to ensure a greater and more equitable role for impacted communities in transportation planning; and

BE IT FURTHER RESOLVED that America's local governments support both *traditional and emerging transportation modes* including regional and intercity rail connections, safe biking and walking infrastructure, transit and micromobility of all forms including autonomous vehicles, modern buses, scooters and e-bikes; and

BE IT FURTHER RESOLVED that NLC supports continuing to move toward a *outcome-based transportation structure* where the goals of the programs align with the region's goals for economic development, sustainability, safety, innovation, equity, and regional connectivity; and

BE IT FURTHER RESOLVED that local governments call on the federal government to address the nation's congestion points in collaboration with our communities and actively consider the essential urban and rural connections between ports, rail, freight and highways and the implications on the nation's energy use, economy, public health, and environment.

NLC RESOLUTION #38**ADVANCING SAFETY FOR ALL TO REACH VISION ZERO WITH POLICIES THAT ACHIEVE SAFE, HEALTHY AND EQUITABLE MOBILITY FOR ALL**

WHEREAS, every traffic death in the U.S. is unacceptable and preventable, yet each year more than 40,000 people are killed and thousands more are injured on American streets and every 7 minutes a pedestrian is injured; and

WHEREAS, while everyone is affected by collisions, collisions do not affect everyone equally; and

WHEREAS, preventable deaths and serious injuries disproportionately impact disadvantaged and vulnerable communities that include, but are not limited to: children, older adults, individuals experiencing homelessness, individuals who rely on streets, bike lanes, and sidewalks for income, individuals with a disability, and individuals who have historically been profiled by law enforcement; and

WHEREAS, as the primary owners and managers of the road network in the U.S., America's local governments are leading safety efforts across the country on the roads, rails and sidewalks they own and operate by implementing road design and technology solutions that allow us to reach a goal of zero fatalities – Vision Zero; and

WHEREAS, the United National has proclaimed a [Decade of Action for Road Safety from 2021-2030](#), to target a reduction of road traffic deaths and injuries by 50% by 2030 using a [Safe Systems approach](#) and Senator Blumenthal of Connecticut and Representative Schankowsky of Illinois have introduced a bi-cameral resolution expressing a desire to reduce traffic fatalities to zero by 2050; and

WHEREAS, communities of all sizes can aid in preventing the deaths of our residents, neighbors and families by taking a proactive, preventative [“Safe Systems” approach](#) that acknowledges humans make mistakes and uses a holistic safety approach of the road system; and

WHEREAS, communities across the country are engaged in planning and constructing connected networks of safe trails and active transportation infrastructure that enable people to, in the safest way possible, walk or bike to their daily destinations, including their schools, workplaces, and commercial centers; and

WHEREAS, road collisions also have an economic cost to the injured and even to those who are not immediately impacted, since communities share responsibility for the increased costs of medical services, legal and court fees, emergency service response, insurance administration, congestion, property damage, and decreased workplace productivity from incidents.

NOW, THEREFORE, BE IT RESOLVED that America's city leaders urge the President, Congress, USDOT and all federal agencies to commit federal leadership and support to cities prioritizing safety for all residents through safety efforts, implementing Safe Systems in roadway design and guidance recognizing that design is more effective than enforcement, honing proven countermeasures and interventions that prioritize transportation safety for all, investing in safe and

connected trail and greenway networks, and working with cities toward the “Vision Zero” goal of zero deaths on roads in the U.S.; and

BE IT FURTHER RESOLVED that to design safe, healthy, equitable multi-modal mobility for all and utilize the strength of cities as the laboratories of innovation, we urge Congress to authorize and appropriate sufficient safety and infrastructure funding to cities to implement Safe System local plans that provide a path of actions to “Vision Zero” and provide safer streets for all users and invest in safe and connected on- and off-road active transportation networks; and

BE IT FURTHER RESOLVED, cities, towns, and villages call on USDOT to ensure that safety data is widely available and accessible, methodologies for showcasing safety outcomes are developed in collaboration with communities, and that the value for investments in safety are demonstrated; and

BE IT FURTHER RESOLVED that USDOT should encourage state departments of transportation to improve data gathering and technical assistance for local government on safety as well and tracking of traffic crashes and other issues related to transportation safety; and

BE IT FURTHER RESOLVED that NLC encourages the USDOT to update design standards and manuals, such as the Manual on Uniform Traffic Control Devices (MUTCD), and guidelines for road speeds with a focus to put safety first for all users and shift away from constructs like level-of-service in lieu of improved performance standards; and

BE IT FURTHER RESOLVED that given the inequitable impacts to disadvantaged communities of unsafe roadway design and lack of access to safe and connected networks for walking and bicycling, achieving equity in safety should be a priority to repair the disparity in access to safe transportation options; and

BE IT FURTHER RESOLVED that public education is not achieved through advertising alone so we urge the use of more effective education strategies with USDOT resources such as demonstration projects, tactical urbanism projects, local community engagement, local road safety audits, and other effective strategies to address safety and capture interest.