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# IMPROVING AND REFORMING OUR NATION'S SURFACE TRANSPORTATION PROGRAMS: OKLAHOMA CITY, OKLAHOMA, FIELD HEARING WITH ADDITIONAL SUBMISSIONS FROM A JOINT SENATE AND HOUSE FIELD HEARING AND NINE LISTENING SESSIONS

(112–9)

## HEARING

BEFORE THE

## COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

FEBRUARY 24, 2011

Printed for the use of the
Committee on Transportation and Infrastructure

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Available online at: http://www.fdsys.gov/

U.S. GOVERNMENT PRINTING OFFICE

65–737 PDF WASHINGTON : 2011

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During February and March 2011, the Committee on Transportation and Infrastructure held a national series of field hearings and listening sessions to gather information from State and local officials and stakeholders on pending major surface transportation legislation. Testimony from the joint Senate and House field hearing held in Los Angeles, CA, as well as testimony from the listening sessions, which did not have a record, is included in this hearing.

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# U.S. House of Representatives
## Committee on Transportation and Infrastructure

John L. Mica
Chairman

James W. Coon II, Chief of Staff

Washington, DC 20515

February 24, 2011

Nick J. Rahall, II
Ranking Member

James H. Zoia, Democrat Chief of Staff

**MEMORANDUM**

**TO:** Members of the Committee on Transportation and Infrastructure
**FROM:** Committee on Transportation and Infrastructure Staff
**SUBJECT:** Field Hearing on "Improving and Reforming our Nation's Surface Transportation Programs: Oklahoma City, Oklahoma Field Hearing."

**PURPOSE**

The Committee on Transportation and Infrastructure will meet on Thursday, February 24, 2011 at 9:00 a.m. in Union Rooms 1 and 2 at the Oklahoma City Community College located at 7777 South May Avenue, Oklahoma City, Oklahoma to receive testimony related to the reauthorization of the Federal surface transportation programs. This hearing is part of the Committee's effort to reauthorize Federal surface transportation programs under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). These programs expired on September 30, 2009, but have been extended through March 4, 2011. The Committee will hear from the Governor of Oklahoma, the Oklahoma Department of Transportation, the Transportation Revenues Used Strictly for Transportation Coalition, and members of the construction and highway safety industry.

**BACKGROUND**

*Current Authorization*

SAFETEA-LU, enacted in August of 2005, reauthorized Federal surface transportation programs through September 30, 2009. A series of extensions of SAFETEA-LU were enacted in the 111th Congress to continue funding authority under SAFETEA-LU program structures. The latest extension, the Surface Transportation Extension Act of 2010, Part II (Public Law 111-322), extended these programs through March 4, 2011.

*Highway Trust Fund Solvency*

Federal surface transportation programs are funded out of the Highway Trust Fund (HTF), which receives revenue from the Federal excise tax on gasoline and diesel fuel. The

current Federal excise tax on gasoline is 18.4 cents per gallon, 15.44 cents is deposited into the Highway Account, 2.86 cents is deposited into the Mass Transit Account, and 0.1 cent is deposited into the Leaking Underground Storage Tank Trust Fund. Of the 24.4 cents per gallon Federal excise tax on diesel, 21.44 cents is deposited into the Highway Account, 2.86 cents is deposited into the Mass Transit Account, and 0.1 cent is deposited into the Leaking Underground Storage Tank Trust Fund. The latest data show the HTF receipts totaled $35 billion in FY 2010, with $30.1 billion deposited into the Highway Account, and $4.8 billion into the Mass Transit Account.

The cash balance in the Highway Account of the HTF has fallen steadily. The Highway Account had a balance of $22.55 billion at the end of FY 2000, and by TEA 21's expiration at the end of FY 2003, the balance had dropped to $13 billion. In September 2008, the balance in the Highway Account decreased to a level requiring Congress to transfer $8 billion into the HTF from the General Fund. Subsequent General Fund transfers to the HTF in 2009 and 2010 totaled $26.5 billion. At the end of FY 2010, the balance in the Highway Account had declined further to $7.9 billion. Current projections show the cash balance in the HTF will be depleted sometime in 2013.

*Innovative Financing*

Revenue deposited into the HTF is not keeping up with our highway and transit infrastructure needs. Distinct from the sources of funding, transportation financing tools are used to leverage transportation funding and revenue sources, allowing transportation agencies to raise the resources needed to build projects and expedite the implementation of surface transportation improvements. These financing tools are used to expand upon the existing funding sources. Innovative financing is a broadly defined term that encompasses a combination of specially designed techniques that supplement traditional surface transportation funding and financing methods.

Innovative financing tools and private investment in financing surface transportation projects are methods that the Committee will explore to help the Federal government and states find ways to do more with less and better leverage existing revenue sources. States and localities already using innovative techniques to finance projects, including bonding, loan programs and public private partnerships, can serve as a guide for the Federal role in innovative financing.

*Project Delivery*

Time delays and inefficiencies in project delivery not only postpone needed improvements in our nation's transportation infrastructure but also result in increases in the cost of projects. According to the American Association of State Highway and Transportation Officials, highway and transit projects today can take ten to 15 years from the beginning planning stages to completion of construction—with up to six of those years for the environmental review process. As the reauthorization of the Federal surface transportation programs moves forward, the Committee will look at potential reforms to the project delivery process. The Committee will determine what improvements can be made to existing rules and

regulations governing project delivery in order to expedite the delivery process for all projects and reduce the cost of transportation projects.

*Programmatic Reform*

The U.S. Department of Transportation currently administers more than 100 highway, transit, and highway safety programs. Many of these programs serve similar purposes and several of them might not be necessary any longer because the nature of our transportation system has changed over time. During reauthorization of the surface transportation programs, the Committee will review whether or not programs serve duplicative purposes or are no longer needed, and will take steps to consolidate or eliminate those programs.

*Performance Standards*

Currently, Federal surface transportation programs lack performance metrics and accountability. There are no requirements for State DOTs, localities, or public transit agencies to develop transportation plans with specific performance objectives. The Committee will study performance management approaches that increase the transparency and accountability of how Federal surface transportation funds are used.

## WITNESSES

The Honorable Mary Fallin
Governor
State of Oklahoma

The Honorable Gary Ridley
Secretary
Oklahoma Department of Transportation

Neal McCaleb
President
Transportation Revenues Used Strictly for Transportation (TRUST)

Jim Duit
President
Duit Construction

Jerry Hietpas
President
Action Safety

Larry Lemon
President
Haskell Lemon Construction

# IMPROVING AND REFORMING OUR NATION'S SURFACE TRANSPORTATION PROGRAMS: OKLAHOMA CITY, OKLAHOMA, FIELD HEARING WITH ADDITIONAL SUBMISSIONS FROM A JOINT SENATE AND HOUSE FIELD HEARING AND NINE LISTENING SESSIONS

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**Thursday, February 24, 2011**

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
WASHINGTON, DC.

The committee met, pursuant to call, at 9:00 a.m., in Union Rooms 1 and 2, Oklahoma City Community College, 7777 South May Avenue, Oklahoma City, Oklahoma, Hon. John L. Mica [chairman of the committee] presiding.

Mr. MICA. Good morning. I'm Congressman John Mica. I chair the House Transportation and Infrastructure Committee, and I'd like to call this meeting of the committee to order.

This today is a field hearing and public input session regarding provisions that will be included in a new Federal transportation legislation and reauthorization.

I'm delighted to be here today at the invitation of your Congressman, Mr. Lankford, the gentleman from Oklahoma, in his district. And also, let me explain, first of all, what we're doing and then the order of business before the committee today.

As you know, everyone here I think knows that Congress must adopt a long-term authorization, which sets forth all of the Federal policy, the projects and the financing formulas for all of the transportation, major transportation countries for the Nation, in legislation.

The current legislation that we are working under expired, actually, in September of 2009, we're on the sixth extension, Congress must extend the law in order to authorize the programs and even the existence of department—Federal Department of Transportation.

We are going to, next week, when we return pass the seventh extension, and I hope that will be the last extension. That extension will go through the 30th of September of this year. I would rather have a shorter term extension, but because of the requirement, and the needs of the local and State government to have some definition as to what the Federal Government's partnership, funding, arrangement and rules of the game, so to speak, will be in place, and

we have to do something for some definite period of time, rather than these short pickup kinds of extensions that have taken place today. So that will take us through the fiscal year, and it's my hope that when we finish these hearings and field listening sessions, that we can return to Congress.

Now, what you're seeing here today is part of a national listening and hearing session. We started after votes last Saturday morning, which ended at 4:30 in the morning, flew to Columbus, Ohio, the State capital there, began these sessions. We've been in Indianapolis, we've been in Chicago, flew to Portland and Vancouver, Washington, Fresno, Los Angeles, here today, tonight we'll be in Jonesboro, Arkansas, and then we'll be up in Memphis, then I'm going back to Florida. We'll have additional sessions in New York, Pennsylvania, probably two or three other locations.

The hope is to have that hearing process, what you're involved in here today, completed sometime in March, and then I've offered to host a pizza, diet Pepsi, I was going to say beer, and sit down with the members and look at all the input that we've received and try to start drafting and finalizing legislation that would be our—a six-year transportation bill. So, that's the reason we're here, that's the order that we'll follow.

The committee took up this week that extension of the transportation bill, which will be considered by the house, tentatively the word I got yesterday afternoon is Wednesday afternoon, some of you are interested, because the current extension, the sixth extension, it expires on the 4th of March, along with a CR. And we're not sure what's going to happen with a continuing resolution, if you've watched some of that debate, but we have to make certain that transportation is not left behind. So that's the reason we're taking it in that order.

Additionally, I'd just comment that the FAA reauthorization, which I helped to draft the last law in 2003 with Mr. Duncan and others that were there, that expired in 2007, we've done 17 extensions, and we've not had Federal policy law, authorization in place, only 17 extensions of the law. Next week, when we return, one of our first orders of business, after passing last week the House version of the FAA reauthorization, will be to try to get that on the floor as soon as possible. The Senate has passed their version, conferenced it, and the FAA, 17th extension runs out March 31st, and it's my fervent prayer that we do not have an 18th extension, that we have a four-year bill in place.

So that's the reason we're here, and let me say also that we wouldn't be here if we didn't have one of the leaders of this—the new generation of Members of Congress, who obtained—actually competed for a seat on the Transportation Infrastructure Committee, but we're delighted to be here at his request. He follows in the footsteps of your Governor who was on the committee, and we are just delighted, again, to come across the country and listen to folks and their recommendations on what we need as far as positive improvements in the current Federal law relating to transportation policy.

The order of business is I'll yield first to Mr. Lankford, then I'll yield to Mr. Duncan for opening statements, and then we'll get to our panel of participants and witnesses today.

So with that, thank you, again, for hosting us. Let me recognize the gentleman from Oklahoma, Mr. Lankford.

Mr. LANKFORD. Thank you. It is a joy to be able to have the chairman here and to have the field hearing, to have a chance to listen to the ideas that are coming from Oklahoma, we have a lot of great ideas. I'm looking forward to sharing these ideas and other ideas that will be coming from individuals.

Let me recognize a couple of people. I know the chairman will be recognizing the people on the panel itself, but Dr. Paul Secrest is the President of OCCC, and I wanted to get a chance to recognize him and say thank you. And Dr. Jerry Steward is also the Executive Vice President, thank you so much for doing this. I know Gina put in a lot of work, where is she? There you are, OK, put in a ton of work to be able to pull this together. Thank you for doing that.

On my own staff, Brittnee Preston is here probably somewhere, and worked very hard from the D.C. side as well as here, and Mona Taylor and Holly Isch and all the rest of the staff that's here in Oklahoma City for our Congressional office put in a lot of work on this. Thank you for doing that.

This is the crossroads of America, as we who live here in central Oklahoma understand well, three major highways come right through the middle of us. And if there are products and goods and services just about anywhere in the southern part of the United States, they came through Oklahoma City at some point, whether that be by rail or whether that be by water, through the Port of Catoosa or whether that be by coming across on our highways.

I'll put out we're also the pipeline crossroads of America. We have a lot going on. Today we're talking about surface transportation specifically, but this is a major topic for us in Oklahoma. We've seen it both in the I–40 and what's happening on the crosstown, we've seen it all across our major highways and our own bridges, we've gone through a long journey on this.

Oklahoma City has seen quite a resurgence in the past fifteen years. And we've seen a revitalization of the city itself that we're sitting in, as well as the state and what's going on in so many ways.

So I loved telling the story and getting a chance to say come and see what's going on in Oklahoma City and the resurgence that we have experienced here, but also get a chance to come and hear the ideas. As we have talked about often, ideas don't come just from Washington, D.C. They come from individuals who live and breathe these issues and these ideas and we're looking forward to getting a chance to hear these issues and ideas today.

For others that want to submit thoughts and suggestions, they are obviously welcome to be in the conversation. So, thank you for coming, for holding this field hearing here and looking forward to getting a chance to hear the testimony.

Mr. MICA. Thank you, Mr. Lankford. And let me turn now to the chair of the Highway Subcommittee. We have six subcommittees under our full committee, and one of the leaders in transportation and also the chair of that important subcommittee, who will be helping craft this legislation, the gentleman from Tennessee, Mr. Duncan. Mr. Duncan, you are recognized.

Mr. DUNCAN. Thank you very much, Mr. Chairman, and thank you for allowing me to be part of this nationwide tour of these hearings and this listening session. This is my 23rd year on this committee, and I've served in that time, I was just sitting here thinking, under six other chairman, there's never been another chairman who has gone as many places as you have in such a short time, and I think that's great for the very reason that Congressman Lankford just said, that all the ideas, in fact, sometimes the worst ideas come from Washington and the best ideas come from the local folks right here.

And I said driving over with your Governor a few minutes ago, I think the people of Oklahoma are just almost identical or exactly like the people in Tennessee where I'm from. I'm from the Knoxville area, which is a very fast growing part of our United States. But I had the privilege about three years ago of coming with Congressman Jerry Costello, a Democrat from Illinois, and Jimmie Fellow, one of our top staff members from the Transportation Committee at the request of then your Congresswoman, Mary Fallin, and now you're Governor.

And let me say, first of all, she was a very hard worker in the Congress and made a great impression on both Democrats and Republicans alike, and I am convinced that she will be an outstanding Governor for your state. And Congressman Lankford, in his short time in the Congress is getting off, I think, to a great start. We're trying to come up with ideas for the highway bill. I've had the privilege of chairing the Aviation Subcommittee, we have a six-year limit on chairmanships on the Republican side, and, I chaired the Aviation Subcommittee for six years and chaired the Water Resources and Environment Subcommittee for six years, and now have the privilege, thanks to Chairman Mica, chairing the Highway and Transit Subcommittee.

We've been told in hearings in all of those subcommittees that it takes on average about three times as long to do an airport project, a water project, a highway project, and about three to four times as much cost to do those types of projects as it does in any other developed nation. We've got to change that, we've got to speed that up, because common sense would tell you, if we can even cut that project delivery time in half, that we could do two projects where we have been doing one.

Chairman Mica sometimes gets embarrassed when I say this, but we need to get the environmental radicals under control, that's the problem in this country, in my opinion. If we don't do some more domestic energy production, yesterday USA Today on the front page said gas prices are going to go to $5 a gallon. That's going to hurt a lot of people if that happens. So we need to do some things in this country. We need to not be afraid to let our free market, free enterprise system work, and we need to kind of get out of the way and let things—let things—let progress take place.

And that's why we're here today, to get your ideas and suggestions, and I'm honored to be here with you. Thank you very much.

Mr. MICA. Thank you, Gentlemen. And a little housekeeping and ask you now to consent that all of the witnesses' testimony be included in the record today, and also for the listening sessions that

we had in Indianapolis, Chicago, Vancouver, Los Angeles was a joint House and Senate hearing, and for today's hearing.

Without objection, so ordered.

Let me also say at this point, that—and Mr. Lankford will move that we keep the record from this hearing open for two weeks.

Mr. LANKFORD. Yes, so moved.

Mr. MICA. So moved without objection. Now, we could only have a limited number of panelists today. And everyone couldn't participate on the panel, otherwise, we would never get done with our work. But what I do want to announce is that we will keep the record open with the past request by the gentleman from Oklahoma. We'll keep the record open for a period of two weeks.

So if you don't get an opportunity to be heard, again, in a formal manner today, we invite you to submit, and I would prefer through your representative, you can also do that to any Member of the Committee, but we will attempt to include all of that information, and then we'll use your suggestions as we consider it, again, completing the final bill in legislation.

So, again, that's an open invitation, some folks sometimes are reluctant, will try to stay a couple of minutes afterwards and heard from a few folks last night on ideas, but we want you to know you can have an important role and you can participate in this process.

With that being said, we'll move now to our panel of witnesses. We're going to do a little bit different order today, because we're honored to have the Governor with us, and she has another commitment and then I'm rejoining her on a trek across part of Oklahoma, anyway, to Tulsa after this hearing. But we are delighted to have our former colleague, Mr. Duncan and I, and your friend, Mr. Lankford, the very distinguished Governor. I can tell you having known the Governor in her former capacity, you couldn't have a more dedicated public servant. No one who would be more aggressive on behalf of positive outcomes for the state and their former district. She's just a tireless, energized individual, 24–7.

I was just telling Mr. Lankford this morning, the problem is she also has my cell phone number. But we are, again, delighted to be here at Mr. Lankford's request, but also the Governor's request.

But I will recognize her first, and we're just delighted to have you, and thank you for your past friendship and now your leadership and also for your hospitality during our visit. Welcome, my former colleague and now Governor, and you're recognized.

## TESTIMONY OF MARY FALLIN, GOVERNOR, STATE OF OKLAHOMA

Governor FALLIN. Thank you, very much, Mr. Chairman, and let me just first of all say, welcome to Oklahoma, it's great to have you, Mr. Chairman, here in our great state. It's certainly good to see you, Subcommittee Chairman Duncan, and we appreciate your second visit to our state to see our infrastructure systems. And we're very proud of Congressman Lankford and his new service to this committee, and he's certainly going to do a great job and he's off to a wonderful start, so we are thrilled to have you back in our great state for such an important hearing and to be able to meet with our local officials.

You have two cabinet secretaries here, our current Secretary of Transportation, our former Secretary of Transportation, and other people who are in the industry represented in this room. So we are thrilled to have you here for this testimony.

I want to tell you I really appreciate you making the trip to Oklahoma, because as you told us last night at our lovely reception, you've been to many states on a very fast paced track during this time, listening to ideas from across the Nation on so many important issues, and I appreciate the time you've taken today to let us visit with you about our issues.

I know you're going to hear about the I–40 crosstown, you're going to make a trip later today to see the Inner Dispersal loop in Tulsa, so, thank you for taking that time. And I know that we're going to be able to make some good presentations here today with all of the people who are represented.

Let me just, first of all, say, that I want to brag for a few moments about our Secretary of Transportation, Gary Ridley. As you might remember, Mr. Chairman, and our colleagues here, Secretary Ridley came to Washington many times on behalf of the transportation committee to testify on behalf of how important it is that we get our transportation plan passed in our Nation, and we certainly support your efforts in getting through all the extensions and just getting a permanent transportation bill passed out of Congress.

It's not only important for the state of Oklahoma, it's important for our state budget, it's important for our people who are in the road construction industry and bridge construction industry to have some certainty in knowing what the budget's going to be and to knowing how much money will be available.

So I want to brag upon our Secretary of Transportation Gary Ridley for being what we believed in our transportation committee, to be one of the first states in the Nation to have shovel ready projects when we had a bill a couple of years ago putting more money towards transportation and infrastructure. So, thank you, Secretary Ridley, for all of your great work.

We are here to discuss the urgency of building our Nation's transportation infrastructure, as well as the need for our state and the Federal Government to work together and effectively as partners in this process. Building our road and our bridges is essentially to the economic wellbeing of our state and our Nation, it represents an important investment in the future of our country.

There was a bipartisan interest in ensuring that goods can be moved quickly and efficiently across state lines and throughout our country, and that we have safe roads and safe bridges with minimum congestion. Mr. Chairman was talking to me a little bit about our congestion in Oklahoma City last night. It's because we've got a lot of good construction going on. We're fixing those roads and bridges in our state.

Mr. MICA. We ran into all of it.

Governor FALLIN. He gave me a lecture on it last night, and I said, well, we're repairing our roads and our bridges as we need to be. I know that Chairman Mica and the committee members are well-versed on the importance of maintaining and expanding our transportation infrastructure. I'd like to real briefly go over the eco-

nomic impact as Governor of our state that it has upon Oklahoma's economy.

According to the U.S. Census, there have been 2,630 transportation and warehousing establishments that exist in our state, and that employs over 64,000 Oklahomans or 3 percent of Oklahoma's work force. The total quantity of freight that moves across our Interstate and our road systems, moving in and out through Oklahoma on all modes of transportation, totals more than 945 million tons with a value of $624 million—$624 billion, Congressman Lankford, in Oklahoma's economy.

And so transportation infrastructure-related issues are big business, it's very important to Oklahoma's economy in moving the goods and services in transportation. Over 115 million tons of goods are shipped from Oklahoma to states and countries beyond our state's borders, and that number is actually expected to increase from 155 million tons—to another 155 million tons by 2035. So I appreciate your mention of our port, we have the most inland port in the Nation in our state, too.

Oklahoma's central location makes it very ideal for a location for warehousing and distribution of a diverse array of products and services and goods, and so improving our transportation infrastructure is a very important step in supporting our massive distribution networks, as well as our various industries that are in our state.

Agriculture and livestock production, for example, account for a significant portion of Oklahoma's exports, and we stand to benefit from improved rail services, and something Secretary Ridley and Congressman and I talk about a lot is the need to have efficient, effective rail systems in Oklahoma.

Aerospace is certainly a growing industry in Oklahoma that requires not only good airports, but it requires reliable and expansive highway and airport networks to solidify our position as a state, as a national supplier, even in the military defense industry.

So as you can see, transportation has a huge impact upon Oklahoma's economy, on the jobs, on the goods and services that come through our Nation and, of course, across our state.

So as a former Congresswoman on the transportation committee and now Governor, it is my great hope that the State of Oklahoma can continue to be a partner with U.S. Transportation Committee, certainly with Congress, and that we can both together seek ways to improve our Nation's infrastructure and transportation system.

The Director Ridley will tell us in a few moments that there is a backlog of transportation needs in Oklahoma and it's large and it must have a consistent long-term Federal investment strategy for our state. And it is my hope that such a strategy will include flexible Federal spending, we've talked about that many times. We want to be free from Federal unfunded mandates or a rigid one size fits all policy for our state. Such mandates and regulations can be seen in a couple of examples I'd like to share with you.

While a member of the transportation committee, one of the issues that we worked on on behalf of Oklahoma was private farm vehicles that come under increased scrutiny from local and state law enforcement in regards to Interstate commercial motor vehicle standards. And as you're aware, the Federal law allows each state

to determine their own classification for commercial motor vehicles, for trucks with gross vehicle weight ratings of less than 26,000 pounds while traveling within our Oklahoma borders.

However, the Federal standards mandates of those trucks traveling across state lines with a gross vehicle rate rating of more than 10,000 pounds are considered to be commercial motor vehicles.

So the discrepancy between these two standards forces our farmers with heavy pickup trucks who cross state lines to acquire additional licenses, creates a cumbersome burden upon our farmers and our ranchers who sell across state lines to support their households and their families. So farmers and ranchers in Oklahoma and across the country have been seriously inhibited by these regulations that were never intended, I think, to apply to them.

You might remember I wrote a piece of legislation, along with Congressman Boren, to address this issue and to make changes on the Federal standards for the mandate for commercial motor vehicles, and I would certainly continue to urge Congress to pass similar legislation to help our rural farmers, not only in Oklahoma, but certainly, throughout our Nation.

Another issue I'd like to visit with you about is the National Environmental Policy Act, NEPA, and it offers another illustration of burdensome Federal regulations under NEPA states are subject to extensive Federal regulations in order to make even the most basic improvements to infrastructures within transportation right-of-ways.

In order to repave an existing stretch of roads, states should not have to acquire a new right-of-way or undergo a full environmental review and be subject to such added expenses. These projects within existing corridors should be exempt from NEPA regulations so that progress may continue to be made without delay.

Regulations from the Environmental Protection Agency, there's another way that we have increasing concern. I'm proud to say that under the Clean Air Act, Oklahoma's air quality has been in containment for over a decade and continues to improve, however, if the EPA continues to impose even more stringent air quality targets, after only three years of lowering our previous target levels, major areas in Oklahoma's metro will risk nonattainment, which would effectively bring a halt to continued growth of Oklahoma's economic development centers, and that will be unacceptable, especially a time when we are trying to recover from a recession.

The final example I'd like to make is the undue Federal regulation that can be seen in Davis Bacon, and I know our contractors here will stand by me with this. The state is currently divided into four territories with approximately 22 job classifications. The current system has proven to be fair and effective for all parties involved. In fact, there were generally never problems with meeting Davis Bacon mandated wages because of the market driven wages in Oklahoma are frankly just higher.

However, the U.S. Department of Labor has conducted an evaluation of Oklahoma's wages and has now proposed dividing Oklahoma into 66 territories with 36 different job classifications. And this is problematic, because if a road happens to cross a county line, an employee could make a certain wage one day in one area,

he could cross that county line and make a different wage in a different area the next day. So Department of Labor has allowed other states that have found themselves in the same position to conduct their own labor studies in partnership with the contractors, Department of Transportation, Department of Labor, and this would allow state departments involved with—with contractors to work together to serve by payrolls in an appropriate manner, and it could be evaluated for a few years, we would ask to ensure that fairness.

So I hope Oklahoma will be able to do the same, rather than fall, once again, under the same one size fits all Federal regulations. I know our director will talk to you about some of our infrastructure needs in other projects, so I'd like to conclude these comments now. You have a lot of great people here that are going to give some testimony, but once again, Chairman Mica, Committee Chairman Duncan, and certainly Congressman Lankford and your staff that are visiting here in Oklahoma, today, thank you for taking time to listen to the ideas that will be presented so we can continue to improve the infrastructure in our state.

And I just want to let you know that we stand with you, ready to work with you in helping you pass not only a six-year transportation bill, but also to work on the FAA reauthorization. That's important to our state. Thank you so much and welcome to Oklahoma.

Mr. MICA. Thank you again, Governor, and thank you for being with us. And we're going to take the Governor out of order for questions and then we'll go to the remainder of those on the panel, because she does have some other commitments, and we're just really pleased that you would even take the time today to join us with your busy commitment schedule.

Let me yield first to Mr. Lankford to see if he has any questions for the witness.

Mr. LANKFORD. I do. Thank you for being here. I know you have a busy schedule as well, and I know that you know what it's like to be on both sides of this desk, so thanks for taking the time to be here.

Can you spend a little more time talking about the flexible Federal mandates and how that would help Oklahoma and just to give Oklahoma, I guess, more permission, is what it sounds like you're asking for to be able to make a decision locally, rather than somebody in Washington D.C. Making those decisions?

Governor FALLIN. Absolutely, Congressman Lankford. You know, we believe that we know our needs in our state and our funding needs, our priorities as far as what's the most important project that needs our attention, what would help in the transportation of goods and services across our state. We believe that we know where our bridge deficiencies are and where the money needs to be spent, and I'm proud to say Oklahoma's lowered our bridge deficiency by 30 percent, I read in an article in the paper last week, so we've done a good job in having an eight-year plan in Oklahoma.

We fund our plan based upon priorities, based upon needs, not based upon politics, which I think is very important. And we have a great team of people, a great Department of Transportation staff that is leading our state and working with our communities. And

so we'd like to have more flexibility in deciding what our priorities are and we would like to have more flexibility in even being able to be process those contracts in a more timely way.

Congressman Duncan mentioned how time delays drive up costs. We had a bridge that you might remember that collapsed many years ago in Oklahoma, was very effective and efficient in bringing that bridge back up through some creative work with—incentivizing a faster pace in completing that bridge.

And so we believe there are great solutions in our state, and we hope that we can have more flexibility to share those ideas. I know that Secretary Ridley and I'm sure Secretary McCaleb has testified many times about innovative solutions and how—allowing us just to be able to have that flexibility can make our dollars go far and be more efficient.

Mr. LANKFORD. Perfect. By the way, I do look forward to picking up that same piece of legislation that's unfinished on the commercial vehicle ratings for agricultural vehicles. It's still sitting out there and our staff has been looking at it to see if we can finish the job on that, so thanks for getting it started and we hope to get it finished, that would be a tag team experience to get that thing done.

Governor FALLIN. Thank you, Congressman.

Mr. LANKFORD. I yield back.

Mr. MICA. Mr. Duncan, you're recognized.

Mr. DUNCAN. Thank you, Mr. Chairman, I don't know that I have any questions. I'll just say that I agree with everything the Governor has said in her testimony, you know, there's an important national role in these projects, because people in Ohio sometimes use the roads in Tennessee and vice versa, and people in New York sometimes use the airports in Texas and vice versa, and so you can go on and on.

Interstate 40 runs right through Knoxville as well as here. So I appreciate that you're telling us about this Department of Labor situation, and that's ridiculous to do that, and—most of these delays are environmental delays, so I'm well aware with the NEPA situation.

It's our goal, Chairman Mica, and my goal, to get a six-year bill, and we'd like to do it this year, but at least hopefully do it in this Congress. And I believe we will, they tried to do it in the last Congress and didn't come close for various reasons.

But thank you very much, this work needs to be a partnership of Federal, state and local. And we don't need the Federal people dictating everything, and the mandates you're talking about, that's a problem that's been going on for years, and we need to work on that as well. But thank you very much for your testimony here this morning.

Governor FALLIN. Thank you, Congressman.

Mr. MICA. Thank you. Just again, you said that two areas that do drive your costs up or delay—well, also the NEPA process that delays your project, any estimate as to what you could do, what kind of money you would save, both in a restructuring, realignment of the NEPA process? We've had some suggestions, too, for certain levels of exemption, and also consolidating some of the process for NEPA.

And then Davis-Bacon, maybe you have some more specific or when we get to Secretary Ridley, maybe he could tell us the exact difference in costs that the state incurs because of the current Federal regulations.

Governor FALLIN. Absolutely, absolutely. Well, in committee, when I was there over the last couple of years, we debated Davis-Bacon and prevailing wage many, many times, and the added costs it can add upon our construction projects, and what we typically find is that the market force is driven, will actually set the wages within the market itself and a free enterprise, free competitive system itself, and as my testimony just said, we pay on the average more than what the prevailing wage might be just because of the market itself.

And certainly, after we went through the stimulus funding and the different road projects that we had in our state, I think there was some pretty good work that was had out in our road contractors and bridge contractors, so, you know, we just believe that the market prices are the best way to set our pricing and we know, and I think Secretary Ridley can give some specifics on this, on costs to his department, but it does increase costs on our road projects, and we have a certain amount of money that we may let or plan for in our eight-year budget and then all of a sudden, the estimates may come in a lot higher than that, and that gives us less money to put towards our important projects of our state. So I know our secretary will be able to give you some more specifics on how it impacts his budget, in particular, but we hope that you'll just consider that as you look for it in legislation.

Mr. MICA. I want to thank you for coming out today and taking time out of your busy schedule to be with us. We look forward to being with you shortly in Tulsa. I might say, too, when I was driving in from the airport and I saw all the construction underway, I thought, and this is, again, knowing your Governor and working with her, and seeing her tenacity on different projects, I couldn't help but think that some of that construction that was underway was her handiwork, as she never stopped in her efforts, again, to try to assist her entire state and the Nation with the projects moving forward. So I'm sure you had something to do with them.

Some of the delays that probably will expedite people's travel in the future, hopefully we can do more with you in the future, I know we will be able to. We appreciate you taking time to be with us today.

Any other questions for the Governor? And we may have some that we'll submit, along with additional questions in writing, to witnesses. So, at this time, I'll just excuse the Governor, and let you——

Governor FALLIN. Thank you so much, Mr. Chairman. Thank you, Congressmen.

Mr. MICA. Thank you. We'll now turn to the panel and thank everyone again for coming out today. We're very privileged to have the distinguished participants, and among them, an individual I've had the opportunity to work with in the past and highly respected among the leaders of transportation across the Nation, is your director, we call them the Head of Transportation for the State of

Oklahoma, Mr. Gary Ridley. We're pleased to have you, you're recognized.

And let me say, I know all of you probably have formal written statements, and they will be included without objection into the record. What I'd like to do for the remainder of the time is have you informally give us your recommendations, your ideas of what specific things, I think maybe two or three things, one, two or three things that we could put in law that would make this process work better for you, bring projects in faster, lower the costs, financing will be a key, we need ideas on creative financing, leveraging and then speeding up the process, doing more with less, because, of course, we face an incredible financial crisis at the Federal level, as everyone knows.

So with that, Mr. Ridley, you're recognized and again, welcome.

**TESTIMONY OF GARY RIDLEY, SECRETARY OF TRANSPORTATION, STATE OF OKLAHOMA; NEAL A. McCALEB, PRESIDENT, TRANSPORTATION REVENUES USED STRICTLY FOR TRANSPORTATION (TRUST), INDIAN RESERVATION ROADS (IRR) IN NON–RESERVATION STATES; JAMES A. DUIT, PRESIDENT, DUIT CONSTRUCTION COMPANY, INC., EDMOND, OKLAHOMA; JERRY HIETPAS, PRESIDENT, ACTION SAFETY SUPPLY COMPANY; AND LARRY LEMON, CHAIRMAN, HASKELL LEMON CONSTRUCTION COMPANY**

Mr. RIDLEY. Thank you, Mr. Chairman, Members of the Committee, Congressman Lankford. The Governor said it very well. If we're going to look at specific things, and knowing full well that it will be difficult, if almost impossible, to increase the Federal budget when concerning surface transportation, that we have to look at things that will not only improve the process, expedite the process, but certainly take the bureaucracy out of the things that we do.

I happen to be a long-term bureaucrat that really hates bureaucracy. If there's a way that we can manage that system, we think that there are some things that could be done in the new highway bill. One of them was brought out, we think could be very significant that Governor Fallin mentioned, and that's working within existing rights-of-way. As we have to rebuild our Interstate system across the country, not only in Oklahoma, but across the country, we have existing rights-of-way, and in order to rebuild our Interstate system, whether it's rebuilding bridges that are currently within those existing rights-of-way or replace the roadway section because it has outlived its useful life, we ought to be able to do that without the double jeopardy of having to go back and reopen an environmental document.

We shouldn't have to go back through the 4–F process, the NEPA document, the Corps of Engineers, all of the whistles and bells that has to be done by our state and other states just to keep things in a state of good repair. Whenever we're able to work on the—on the roadways within those existing rights-of-way, we ought to have the freedom to be able to do that, do it quickly and efficiently.

The bridge that the Governor had made mention that we worked on that had been knocked down on Interstate 40 many years ago, and the lessons learned from that, we spent almost $30 million in

64 days, two hours and 40 minutes that the bridge was down. We ought to be able to take those lessons learned and put them to use on our routine, regular projects. There should be no reason why we can't expedite the process and be able to do them quickly.

We certainly have problems with the Davis-Bacon Act. The idea that the Department of Labor wants to make 66 separate categories, just thinking about that is a nightmare for the state and the cost that that will be able to administer and administer fairly, one would have to believe it would be many times over what the labor costs would be today.

The idea of mandates, whether it is the enhancement project mandate that's mandated in the statute, safe routes to schools, those all may be and probably are worthwhile activities, however, the states ought to be permissive to be able to spend funds on that.

Where our Nation's infrastructure is in so critical and disrepair, the idea of setting aside monies that would rehabilitate old buildings or provide trails, to unnecessarily pull money out of us being able to replace bridges.

The idea that—that the ADA, the American Disabilities Act, that forces states to rebuild sidewalks, wheelchair ramps and put things in ADA compliance, when all we're doing is simply trying to resurface a city street, is really somewhat ridiculous.

If we're going to rebuild the section, then certainly, we have to look at how we can improve the accessibility for people that need additional help for access, that certainly needs to be done. But states, counties, cities, should be able to have the ability to be able to do routine maintenance effort on their streets and on the highways without having to completely rebuild the sidewalks and the other portions of in compliance with the ADA Act.

Mr. Chairman, I'll be glad to answer any questions.

Mr. MICA. Thank you. What we'll do is withhold all the questions until we're finished, now we have another leader in transportation here in Oklahoma, Mr. McCaleb, and he's president of a TRUST where he could probably tell us what that is, and we look forward to your testimony and you're recognized.

Mr. MCCALEB. Thank you, Mr. Chairman, and good morning to you and Members of the Committee. TRUST stands for Transportation Revenues Used Strictly for Transportation.

Mr. LANKFORD. Could I ask you could you pull the microphone? Thank you.

Mr. MCCALEB. TRUST stands for Transportation Revenues Used Strictly for Transportation and we are, as the name implies, a highway advocacy group, for the use of revenues raised from road users. I'm going to make a point this morning, and welcome to you to Oklahoma, also. Oklahoma, by the way, is a Choctaw word, which means land of the red man. And Oklahoma is unique in that we have 39 federally recognized tribes and that our state is the second most populous state in Native Americans in the United States. That is significant in my testimony because I want to talk about the Indian Reservation Roads program. The name sort of implies it's restricted to reservation states, which Oklahoma is not. We have no surface reservations in Oklahoma, notwithstanding the large populations that I just mentioned.

So my remarks this morning will be threefold. One, the justification, the justifiable application of the program to nonreservation tribes, not only in Oklahoma, but across the United States.

Secondly, the efficacy of the use of these funds to empower Indian tribes and local government officials in the development and improvement of roads serve not only Native Americans, but the population at large.

And thirdly, the threat that we have to the current status of the application of these funds and the formulas that are applied by administrative fiat, and I'll explain that a little bit later.

My comments are going to focus on Oklahoma, my personal perspective through my service at ODOT and the U.S. Department of Interior, Bureau of Indian Affairs. The IRR, and I'll use the letters, instead of going through the words every time, program was intended to enhance the opportunities and safety of Native Americans throughout America, providing for their safety and also access to economic opportunities. Although the title indicates it's for reservations, the law specifically says it's for nonreservation tribal areas within the boundaries, the historic boundaries of those tribes, and specifically identifies Oklahoma in some of the past legislation.

There are more Native Americans living off reservation in the United States than there are on reservations. So for this bill to serve its intent, it needs to be applied as intended. And pursuant to that objective, the provisions of SAFETEA–LU require that there would be established a mechanism to get tribal input to establish what the rules and regulations and formulas were to be in the allocations of these funds that were authorized and ultimately appropriated by Congress.

That was establishing a group called negotiated rulemaking process, and it involved tribes from all over the Nation that were nominated that came together. They were to determine what these formulas, what these regulations and eligibility were. It took a long time, over four years to get the tribes together.

But finally, they reached a consensus and developed a workable program for those allocations and eligibility requirements. That was accomplished in 2004, as published by the Department of Interior in the Federal Register, it became an adopted regulation.

Unfortunately, since that has happened, there has been a movement by administrative forces within the Federal Highway Administration, Federal lands area, and the Bureau of Indian Affairs to change those formulas and rules in direct conflict with the intent of Congress.

The application, now, how effective have these funds been, in Oklahoma, they've been tremendously effective. One of our underfunded elements of government is the role of government in county roles in particular. We have 14,882 structurally deficient or obsolete, functionally obsolete bridges. We happen to be the second highest in the Nation for that dubious honor.

We're making progress on that, but it's going to be eroded by the fact that if these rules are changed, notwithstanding Congressional intent, they are doing it under the presentation that it's a clarification and not a rule change, but it operates to change the allocation of the formula.

My request is that the committee include language in the reauthorization bill to instruct all effective parties to respect the provisions of the negotiated rulemaking committee until it is changed by the appropriate mechanism representing all tribes.

Thank you so much. I'll answer questions at the appropriate time.

Mr. MICA. Thank you, and we'll get into some questions. Now we've got Mr. Jim Duit, President of Duit Construction. Welcome, sir, and you're recognized.

Mr. DUIT. Thank you, Mr. Chairman, and distinguished guests. I'm pleased to be here to report on, perhaps, three strategic ways that we can improve the surface transportation issue. The first one is a system that is already in place, and it's been in place in the SAFETEA–LU and the TEA–21 program, and it is a collaborative effort for research and development on technological advancements in the highway paving industry.

And I was fortunate enough in my career to work on several of these advancements, but the one that's most important to our industry is a pavement research overlay system, where we put concrete pavement over the old system, the old pavement systems. And this is, again, developed collaboratively with many academia and Federal highway and whatever.

It has been a tremendous—a tremendous value and an extremely high leverage asset. For example, on an Interstate highway system, by using this overlay system, we can save approximately $800,000 a center line mile. And it's very significant and it's been used here in Oklahoma for many, many years, been very successful.

So I ask that you, perhaps, keep the provisions of the—the research and development. That is only one small example, there are hundreds of them, all industries participated in it, and it has a great success story and a great leverage of the U.S. Taxpayers' money.

Streamlining project delivery systems. We need to look at, again, as you said, the must-haves versus the nice to have in our programs. One of the aspects that come to mind in our highway industry is the architectural designs that are beautiful and on our roadways and our retaining walls and on our bridges, but they come at a large cost to the taxpayer. Perhaps this isn't the time that we continue that. I think we can develop and design these architectural designs to be applied at a later date when the economy might be better.

I think that would be—it would work out just fine, but some of these designs have as much as a 20 percent cost to add these to the projects. And obviously it will help streamline, shorten the project duration.

Partnering. One of the—in my career, one of the biggest things that I've noticed with DOT's that have great success, I've been in this business 43 years, is the ability to partner with the DOT's, and work out our problems. In some states, however, it's not that easy. Oklahoma, for example, has had for years, under the direct leadership of Gary Ridley, a quality initiative task force.

And it's for all the divisions, it's the bridge division, asphalt paving, concrete paving division, where we come together with all the stakeholders and we talk about the issues and design changes and

adding new technology, so we can talk about the pros and cons together, and we can come out with a decision that that leverages our taxpayers' money, has been extremely successful, something that could be used in other states to leverage the taxpayers' money.

One issue under the new design processes where we're entering into a computer aid design, it would be nice if we could get the engineering design files so we can take the geometric designs and put them directly onto our GPS equipment, and we can actually go out and build the roads probably a little more cost effectively.

Utility relocation is also another issue that we have that costs time and money, and perhaps there can be a more efficient way of relocating it, utilities, or perhaps put those particular utility locations in the contract to help streamline the process.

One other issue we need to look at in our highways, and our DOT's are doing very well at looking forward, looking at life cycle costs of our pavements and bridges. One thing the Europeans do very well is they have a long-term look at their pavements and their bridges, instead of a 20- or 30-year design, they are looking at a 40- or 50-year design.

And technology has shown us that we can actually start predicting these life cycle costs with some of the new technology that is available. We need to look at these on a—instead of a cradle to grave concept, maybe a cradle to cradle. In other words, what materials we put in our roadways and bridges now, make sure they are recyclable and reused in the future, and make sure whatever we put into those roadways can allow for the next generation to recycle.

Mr. Chairman, that concludes my comments, thank you for the time.

Mr. MICA. Thank you, we'll get back for questions. Mr. Jerry Hietpas, welcome and you are recognized. You are President of Action Safety Supply Company. Thank you.

Mr. HIETPAS. Thank you, Mr. Chairman, honored members of the panel. It is certainly an honor to be able to visit with you today, and, of course, a great responsibility as well. As I chatted with you and other members last night, I came to realize how very similar we are. The gentlemen that are seated to either side of me, when I go to visit their offices, one of the first things that you'll note is the awards for quality of construction that are hanging on their wall. It's some of the most prominent features. That's what the industry is driven by is a desire to do quality work.

I was visiting with a former chairman of the Oklahoma legislature that was talking about a funding bill that he had written over five years ago that is still as a matter of law today and it continues to fund Oklahoma's roads. He was talking about that with a lot of pride in his voice, because it was something of a quality piece that he's done. And after visiting with you and listening to the great pains that you're going through in order to write a quality bill, I recognize that you, like us, are driven more about quality than about just getting another piece of work done and off the table so you can move on to something else. It—it's really a privilege to be able to connect with you on that level, and to be able to be a part of the team that's helping you write this legislation.

Some of the things that—by the time it gets to my level, we're in the road construction and traffic control services business, and when it gets to my level, all the red tape has basically been cut, the rules and regulations are in place and all we have to do is comply.

Do we know what kind of impact it has on us or what could happen if the process was streamlined? For 36 years, we've done it this way, we don't have a clue how much better it can be. What we do know is that changing things like the wage rules and breaking it off into these smaller pieces would cost us one whole heck of a lot of money. We do know that programs with words like safe routes to schools sound absolutely wonderful on the outside, but I have been involved in some of these projects in part of the road construction work that we've done, and I've witnessed putting in—the cost to put in the measures in some of these towns where there isn't two kids riding a bike or walking to school because of the logistics. But because of the fact that it was a Federal mandate project, one size fits all, the thing has to be in place.

We have struggled with the disadvantaged business program and the process that the Department of Transportation has to go through in order to put that into the—into the—into the method. The ADA requirements that Secretary Ridley visited with a little bit about, and our Governor, that when we go through just to simply maintain a roadway, we have to now, if we spend too much money in maintaining, to do an asphalt overlay in a particular project, we have to go through and upgrade all of these intersections with wheelchair ramps, even though just immediately adjacent to that is a vacant field, there aren't sidewalks in these little towns anywhere near.

So it becomes a one size fits all solution, which is really easy to write on one end, but it costs so much money on the other end. So I encourage you just to continue to do what you can to make this more of a user friendly bill, rather than just a highway user bill.

And on the last perspective, I know we don't want to have to pay any more money or have any more things charged against us in order to fund our roads and our bridges. But we don't have any kind of a problem if we choose to go see a movie, to pay the ticket and then walk inside the theater and enjoy the experience. That's a user fee.

What we need to do is seriously take a look at user fees being associated with the funding of our highway program, be it—right now it's gasoline and diesel fuel taxes, but we've got a lot of vehicles coming up, the electric vehicles and those kinds of things that are going to be riding on the exact same roads and contributing to the exact same kind of congestion that you were visiting about earlier. We have to be able to find a way to get a reasonable user fee from those vehicles as well, so that they can enjoy the same benefits that we do.

I thank you for your time today.

Mr. MICA. Thank you for your testimony. And we'll turn now to Mr. Larry Lemon, he's Chairman of the Board of Haskell Lemon Construction. Thank you, sir.

Mr. LEMON. Thank you, Mr. Chairman. My name is Larry Lemon, I'm chairman of Haskell Lemon Construction Company. We

are a three generation, family-owned paving business and we've specialized in building roads and highways here in the state of Oklahoma for over 60 years. I really want to thank Chairman Mica and Congressman Duncan and Congressman Lankford for coming today and having these field hearings, thank you for being in our state.

I also come before you today not only as a practitioner for highways and roads, but this past year, I had the honor to serve as chairman of the National Asphalt Pavement Association and we're also members of the Associated General Contractors. The two main concerns I would like to raise the awareness of today is the unpredictability of funding that is making it extremely difficult for our State Transportation Department and our construction companies to prepare for this construction season, and also the diversion of monies from the Highway Trust Fund for nonhighway uses.

With the Federal program currently operating under a series of short-term extensions, the government funding reductions in the maintenance and construction of highways has a very uncertain impact on both our state DOT and on our construction companies, and that is uncertainty for our employees.

We support the priority Congress and the American people have identified in reducing the national debt and balancing our Federal budget. This also means aligning the spending of the Highway Trust Fund with the revenues going into the trust fund. I hope that you will draft a reauthorization bill based on our current revenues going in the trust fund, and as part of that legislative process, consider proposals to consolidate the trust fund programs.

Our programs now are fractured into so many different programs, that, really, we don't have enough money to fund the core issues of what the highway system is really needed. We need to reestablish this core purpose and fund only those activities related to our highways and bridges. When President Eisenhower proposed our great highway system, he proposed a user fee of three cents a gallon on gasoline and diesel for all the construction and maintenance. The user fee is a good concept and it's worked well for our American citizens. Today the user fee is 18.3 cents on our gallon of gasoline, which really has not kept up with inflation, and the purchasing power of our Highway Trust Fund is substantially diminished.

It's interesting to note that in 1955 at the time of this new three cent user fee, the cost of a stamp was also three cents and now the cost of a stamp is 44 cents. What a difference our Highway Trust Fund would be in if it could have been given the same priority as our postage system. The vehicle user fee concept continues to be a very effective way to pay for our highway needs and keep them in the first-class condition. We suggest that this transportation bill have a comparable user fee for electric vehicles, for natural gas vehicles, hybrid, really any and all alternative fuel vehicles, because each vehicle needs to have a uniformed user fee and that will enhance our Highway Trust Fund and allow us to build more and better roads.

With the Highway Trust Fund receiving a full user fee from each vehicle, we'll build more roads and pay for them out of the trust fund. Mr. Chairman, we recognize the current condition of our in-

frastructure, we absolutely must include all vehicles, maximize the effectiveness and priorities of the Highway Trust Fund. American needs to grow and modernize its highway system. Our Nation's standard of living and our security depend on it. The construction industry of Oklahoma pledges to help you meet your metrics of doing more with less.

Thank you very much.

Mr. MICA. Thank you and thank all of our witnesses. And now we'll turn to questions and I'll turn to and recognize Mr. Lankford first.

Mr. LANKFORD. Thank you. Thank you all for coming and preparing your statements. We have an extensive written statement you've also submitted on that and I appreciate that with a lot of other details on it.

Gary Ridley, can you tell us a little bit more about what we learned from the Webbers Falls bridge incident and rebuilding that in 64 days? Give us a guideline here. That was redone in 64 days, take all the changes and exemptions that were given during that time period, what would a bridge like that typically mean as far as time to rebuild it?

Mr. RIDLEY. Mr. Chairman, if you are looking at a bridge that's some 526 foot long, an Interstate bridge, from the time that you would conceive that you would have to replace it until the time the actual construction was completed, given all the problems associated with the NEPA documents and everything that would go with that, assuming you would stay on existing right-of-ways, that bridge was done on a state existing right-of-way, and the bridge that would cost with detour, somewhere around $30 million, one would imagine that would be probably a three, maybe four-year process at best.

Mr. LANKFORD. So we took a three-year process and did it in 64 days.

Mr. RIDLEY. Uh-huh.

Mr. LANKFORD. What were the things that you would say these are lessons learned from that, here's how we contracted all the time and the permissions and exemptions we were given to get it done, can you give us a couple of examples?

Mr. RIDLEY. Congressman, government can do some good things if government gets out of the way and allows its private sector to do their business. We were allowed to turn loose the innovativeness of not only our staff, but also the private sector in order to rebuild that bridge. Things were done simultaneously, rather than going end to end.

When the head of the Federal Highway Administration came here, Senator Inhofe as well, then Lieutenant Governor Fallin said, "Build it, build it quickly", and just turned us loose and we did. Again, I think that the gentlemen at the far end of the table know how to do their job, certainly our staff knows how to do theirs, but we can do it quickly, again, if government can stay out of the way.

Mr. LANKFORD. Those are things that can be documented and say, here are ideas, we'd very much like to have those ideas in writing, say, here are three or four things we've learned on that and we'd like to be able to present those on and continue moving, because obviously you lose money as you lose time on all of these,

if we can accelerate the process, then it saves us a lot of money as well.

Obviously, people aren't wading around barrels in construction, coming in from out of town to try to figure out where our construction lies, because we can get it done and get it turned around.

We have something very unique in Oklahoma, we have an eight-year plan, that's already been referenced as well. That is a great piece of legislation that was done in 2005. Talk to us a little bit about and catch the Chairman up some on this eight-year plan and how we function as a state and do our organization and planning.

Mr. RIDLEY. Mr. Chairman, if I may, the eight-year plan is put together, and it's financially constraint. I know the Congress is wrestling with how much money we will have toward the end of this fiscal year. Yet we estimate what our dollars will be for the next six, seven, eight years, both at the Federal level and at the state level. We take a very conservative approach on what those revenues will be.

We also look at our critical needs, these are not politically motivated projects. We do not look at any political subdivision to make determinations as to what projects we will do. They are all totally based on critical need.

My office, for two months out of the year, looks like a war room in that we look at all the data, it is data driven. The eight-year plan has forced us to sit down and work on those critical projects, we rely on good estimates, we reevaluate that once a year. We deliver on those projects. About 80, 85 percent of the projects are delivered in the year we say we're going to do them in. Again, we take the political process out of there, therefore, it doesn't change as members might change or whether in the House or Senate or even in the Governor's office.

Governor Fallin has been extremely supportive of that, and she has been associated with that for the last ten years and it has worked very well. Again, we are able to deliver on the things we say we're going to do when we say we're going to do them.

Mr. LANKFORD. That's terrific. Mr. Duit, I want to ask you a specific question on it as well. And that is, you and I have talked about before about things and you had mentioned to me offhand one day that we seem to try to save a few dollars now and it costs us a lot more later. Can you emphasize some of those things or give us specific examples you've experienced as a company.

Mr. DUIT. Well, I can, and this happened again when money from the Federal Government was very scarce. It was about 20 years ago and we were invited or we bid an eight-mile section of pavement in the Oklahoma area, and there was an alternate bid in that section, which allowed for some additional reinforcing steel to be placed in that concrete pavement.

That alternate bid or add to that bid would have been approximately $500,000 for those eight miles of pavement. Fifteen years after the project was done—and it was elected not to do that, the alternate.

And fifteen years after that was done, there was a contract let for $4.7 million to put steel back into that pavement, and retrofit that pavement. And my concern is, when money gets tight that we

have to get from point A to point B, some of these accessories are left out.

Now, I will say, also, that in the last fifteen years we have not done any paving without that. There was technology at that time that suggested that might be—might be able to work, it didn't. It not only happened in Oklahoma, it happened in every state of the union, it happened in Europe, it happened all over. So, again, when money's tight, we need to make sure we spend it on the functional products.

Mr. LANKFORD. Sure. Do either of you gentlemen have examples like that as far as decisions that are made and how the bidding process goes out in trying to save money now actually costs us a lot more later.

Mr. LEMON. I think that building a pavement that will last for future generations is a wise value of our money, and both the asphalt and the concrete pavement industry has terms called perpetual pavement and permanent pavement.

And if we will build the structure right one time, it's a great benefit to the next generation of engineers and contractors and our citizens that the surface can be renewed in offpeak times into the future, and this is real value for the taxpayer.

Mr. HIETPAS. I also have an example that ties on to that in a very small way. My company does the pavement markings and as you have driven some of the Interstates as you headed here, you saw the black and white stripes out on the Interstate system.

These are indicative of a multi polymer pavement marking, which was tested in Oklahoma almost 11 years ago now, on a section of I–44 between I–40 and the 39th Street Expressway. Had one of the highest ADT's of over 265,000 vehicles per day. And that pavement marking material was installed and remained in place and serviceable over those entire ten years. It was just very recently replaced. And, of course, now you see it all over the place.

What the state has been forced to take a look at is do they spend a little bit more money and invest in a pavement marking that will last ten years under those kind of conditions or are they forced with replacing pavement markings that are missing or completely functionally obsolete because of the snow removal seasons and that kind of stuff. So they are torn between spending a little bit more money and getting a really durable product or stretching those dollars using a less durable product and covering all the places where the pavement markings are missing. So that's one of the things they run into, and with the kind of—with the kind of money we could get, we could make those improvements one time and last for a long time.

Mr. LANKFORD. Two more quick questions, if that's OK. One is to both of the former lead people in transportation in our state and that is dealing with truck weights, there's a lot of conversation now about truck weights and how to handle that, obviously they do a lot more damage to pavement as they travel.

There's some conversation about adding additional axle to increase the weight of the truck, that would reduce the number of trucks on the road, but increases the actual weight and distributes it on another axle. Just give me your perspective on that.

Mr. RIDLEY. If we're talking about the truck weights on the Interstate system where we have an 80,000 pound GPW, the Interstate pavement, as well as the bridges, were designed for that 80,000 pound load. As you know, the truck weights have increased over time. The axle loads that you have on a truck contribute to the detriment mainly on the pavement itself, pavements are designed based on axle loads.

Bridges are designed, for the most part, for the weight of the vehicle itself. So the span bridges that—if you increase the truck weights on span bridges, I would imagine that that will decrease the life of those bridges, simply because of the life that's in the steel, for sure, of the fatigue life that's in the steel beams in how they were originally designed. I think that we need to be very cautious about increasing the truck weights on the Interstate in excess of where they are at today.

I think that there needs to be a lot of good dialogue first before someone will pull the trigger on that. Certainly, it may reduce the number of trucks, but it also may increase the damage, certainly on our bridges.

Mr. LANKFORD. OK. Thank you.

Mr. MCCALEB. I agree with Secretary Ridley. I just make one further explanation. You know, if you increase the number of axles and keep the axle weights the same, theoretically, you're not increasing the stress in the particular area, and you can do that with triples and long combination vehicles and a number of other ways. You cannot reduce the increased stress on bridge beams, as Secretary Ridley said, because that's a function of the bending moment and the stress at the critical point in the middle of the span, no matter how many axles you put under that essential point loading will increase the stress repetition and the rate of stress repetition and will reduce the life of the bridge.

Mr. LANKFORD. So is it better to have, say, one truck with additional axles or to do one truck that is actually doubled up, if they are carrying, you know, a double vehicle is going to carry more weight than a single with an additional axle, which one—I mean, it's a guess, we're going to have to look at it through engineering, but give me just your perspective on that.

Mr. MCCALEB. On the pavement section, the longer vehicle, I think, is more desirable. On the bridges, I don't think it makes a lot of difference. I'm an advocate of heavier loads, but you have to design for those heavier loads. You can't just superimpose those heavier loads on a system that was designed—wasn't designed for them.

Mr. LANKFORD. Perspective the same on that, Mr. Ridley.

Mr. RIDLEY. Yes, sir.

Mr. LANKFORD. One last question on this. Mr. McCaleb, talk to us a little bit more, give you an additional moment on this, in dealing with the—all the different tribes and investing on what they do into Indian country in so many ways. Obviously that is not an Interstate, typically, but sometimes it's access to an Interstate, a lot of us work with county leadership into Indian country areas. What impact does that have on the change and form that's Oklahoma specific.

Mr. MCCALEB. Thank you, Congressman. It has a tremendous impact on what's proposed. Most of the Indian Reservation Roads that are on the transportation inventory plan, TIP, are rural roads, because that's where the majority of the population is, and that's where the need is with the counties, because they are underfunded.

A lot of counties earlier couldn't utilize their dedicated off system bridge money because they didn't have the 20 percent local match. The tribes came and provided that 20 percent local match with IRR funds, and that accrued to the safety and the benefit of population at large, as well as the Native Americans living in the area. That's one example.

And one of the things that this proposed for change or clarification, as they say, would do, would restrict the use of those funds and eligibility for county collector rolls, which is where the traffic is.

Mr. LANKFORD. OK. Thank you very much.

Mr. MICA. Very good questions. You helped two senior members have a sort of an enlightened side bar discussion on this weight issue, which you two shed some interesting points. Thank you so much.

Mr. Duncan, I'll recognize you.

Mr. DUNCAN. Well, thank you, Mr. Chairman. I'll be very brief, and Congressman Lankford did ask a really key question about the increased truck weights, because I've had two groups come and visit me just in the last couple of weeks to their request of increases. And I think that's going to be a really key question in our legislation, and it's good to hear your testimony. In fact, I appreciate the testimony of all the witnesses, if I had to sum it up or summarize it, I would say it just boils down to common sense. We've had a very common sense panel here.

But we talked about the fast bridge projects. It seems these groups that impose all of these highway projects won't oppose these bridge collapses because they know that the public would just be outraged about that. But we had—just last week we had the administrator of the Federal Highway Administration testify that the average highway project now takes 13 years from conception to completion, and actually he's fairly new on the job and there was a fairly recent study from his own agency, which said 15 years.

And the example I used a lot of times when I chaired the aviation subcommittee, they told us at a hearing one time that the newest runway at the Atlanta Airport, which is several years old now, but it took 14 years from conception to completion, it took only 99 construction days, and they were so relieved to get all the—all the delays, practically, were environmental.

And they finally were so relieved to get all of those approvals, they did 24 hour construction days and built it in 33 days. I mean, that's amazing, what's going on. But I appreciate, Secretary Ridley, your statement that you were—you're a bureaucrat that's frustrated by bureaucratic delays, and it is frustrating to a lot of the good people in Congress.

We sometimes talk about incentives and penalties for private companies, and I think there is an important place for incentives—incentive payments when work is done quicker and so forth and penalties for delays. Maybe we should try to figure out some way

to incentivize and penalize these bureaucracies, especially the Federal bureaucracies when they delay a project for a long time. And maybe try to limit in some respects the groups that could file these lawsuits that tie things up, because that's a problem, too. Sometimes these delays are tied up in the courts.

I think, Mr. Duit, you made a good suggestion to delay some of these architectural frills and so forth, because that does make some sense. We all hope the economy is going to improve.

And I appreciated the testimony about the electric vehicles, because if we're going to have more and more and more of those, we're going to have to find a way that they need to pay their share as well, too.

I'm a very conservative Republican, but I also am an American first conservative, and I think we've got to stop these endless, I think, unnecessary foreign wars and stop spending hundreds of billions to rebuild Iraq and Afghanistan and all these other countries and start rebuilding some things in this country.

And anyway, but I do appreciate the work that you all are doing, and it's a—it's very, very important to this country. And not only is it important to us economically, but it saves lives. I mean, when we can take a two lane highway that is a death trap, I can give you a lot of examples, and turn it into a four lane, maybe with a center turn lane, you save lives.

And when you delay these projects and make them 13 years when they could do them in three or four years, you're really—you're really killing people. I mean, you're causing lives to be lost that shouldn't be lost. And so I'm willing—I'm willing to do good things for the environment and I don't want to pave over all the green areas, I don't want to do that. But we need a good highway system in this country and we need to keep it in good repair as well.

But I thank you for your testimony, you've been a very helpful panel.

Mr. MICA. Thank you, Mr. Duncan. And let me just to direct a couple of questions here first to Mr. Ridley. You were talking about using existing rights-of-way, and I've been a strong advocate of that, in fact, ordered some studies to see what we can do when we built the Interstates years ago. We had the luxury of wide swaths of land, and we have some extra safety lanes and measures, and valuable access, sometimes right-of-way that can be utilized.

One of the things—your statements was to not go back to further NEPA review when you made improvements. Now, one of the issues that you have, and your testimony made me think about this. I'm a strong advocate, too, of condensing or not going back to NEPA where you don't have to. But if we take, say, some of that right-of-way and we actually increase the amount of traffic on that, that does have some environmental implications.

When the original design of NEPA was done, and I don't know this and maybe staff can help me, too, is the traffic count calculated for just the construction or for future construction, and utilization of additional capacity? Do you understand what I mean? And if we don't, maybe we should require that so we're not coming back and doing—reinventing the wheel the second time. Maybe you could enlighten us on that point.

Mr. RIDLEY. Mr. Chairman, you're absolutely right. Today when we clear a corridor, because a process takes so long, we will clear that corridor, if we know that fifteen, twenty years from now, that we may have to add capacity over and above what we're doing today, we would clear the corridor for a more multi-lane facility, even though we may not build it.

Mr. MICA. So in your current plans and review and environmental, you are actually submitting a document and statement that would indicate a capacity beyond what you're building for, is that current law or requirement.

Let me ask counsel, Mr. Tymon.

Again, the current law requires that they submit for approval under NEPA the absolute potential utilization of——

Mr. TYMON. There is a projection timeframe for the NEPA analysis. I don't believe it exceeds twenty years, though.

Mr. MICA. So that's what you're submitting and it's being reviewed.

Mr. RIDLEY. That's correct, Mr. Chairman, an example might be, you have a narrow, two-lane road that you were speaking of earlier with no shoulders, poor horizontal, vertical sight distance, you know at some point in time you're going to have to make that a multi-lane facility, but you would certainly like to make the improvements to that two lane now, put shoulders on it, improve sight distance, satisfy clear zone requirements so that an errant vehicle could gain recovery if they lost a vehicle.

Mr. MICA. Well, let me give you a specific, like in central Florida, we had an inside safety lane and a barrier and then we had the outside safety lane, and then two traffic lanes and duplicated in both directions, and we convinced them to take the inside safety lane and convert it to a passenger lane, it increased our capacity by, what, 25, 30 percent, and with it, and it was very cost effective.

So we increased our capacity, we eliminated that inside lane, which we found—and I also found driving in here that the inside lane doesn't do much good, because there was an accident and it was all messed up anyways. But, again, I want to have—I want to see if we need to adjust the law to give you the right of using every inch of usable space, you know, you just can't continue to pave over Florida and Oklahoma and every state. And we just came from California, and I asked one of the aids, I said, help me count the lanes, because we got to eight on one side and then there were some coming in from one side, so they had maybe 20 lanes going in. And they didn't have an inch of safety right-of-way left in that.

Well, the other thing, too, if you would review, please, the current law and how it might need to be modified to achieve what you're talking about, because what we want to do is make certain that we—nobody wants to roll over the environment. We want to make certain that any negative impact is accounted for and considered. So that is one of my questions.

The other question on NEPA, again, I think we seem to be going back to that process, is, you were able to condense some of the timeframe, and do some things concurrently, rather than consecutively. Now, if we made that sort of the law of the land for all projects, and specifically where could we—where do you think we could save some time? You're very familiar with the process.

Mr. RIDLEY. Well, certainly, as we start the NEPA process on adding additional right-of-way, needing additional right-of-way, you could certainly do things at the same time, if allowed to by the Federal Highway Administration. But the real key is, I think, for the future, is that we are not going to be acquiring new rights-of-way in the future. I think the alignments that we have across the country, certainly, the ones in Oklahoma, will—for the most part, will stay in existing alignment, we'll probably use the existing right-of-way in most cases, and I think if the focus of the new legislation would allow us to be able to rebuild that system without having to go through that NEPA process.

And let me just give a short example. If we decide to go out and resurface, just resurface an Interstate section, we have to go through the complete NEPA process if we're using complete Federal funds before we'll get approval from Federal Highway just to resurface, which if we put new guardrail on bridges, you have to go through the NEPA process in order to be able to do that, which, certainly, we could all agree——

Mr. MICA. That there could be elimination of a whole host of activities that should not—that you would recommend not be subject to recasting.

Mr. RIDLEY. Certainly, as you described a minute ago, when you increase capacity, you may have to look at some things, certainly by notice abatement or other things. But one good thing that we could all agree if you are not at your capacity, if you're just keeping things in a state of good repair——

Mr. MICA. In the same footprint.

Mr. RIDLEY. Exactly, sir.

Mr. MICA. Now, this might be a little controversial, I hope I don't get in too much trouble here, I did hear a lot of public private partnerships, most of those are raised on private firms coming in and operating either some of the toll roads that Mr. Daniels, Governor Daniels put the 150 miles of the state's toll up for lease and received, I think, about $3.8 billion, which he's reinvested into various projects. We heard about that in Indiana when we were there.

I'd like to get your take on that. I'm pretty hardnosed on not tolling the existing capacity of the Interstate, and maybe I should ask these in reverse, this deals with right-of-way first, very hardnosed about that, because I think then you just end up with a series of toll roads and destroy the free Interstate that I had hoped that we would always have access to.

But we do have existing right-of-way and sometimes we don't have the money, the folks here were talking about the challenges we face there, and Mr. Duit was talking about saving money and recycling and things of that sort. What is your take on some sort of toll or fee in the additional right-of-way, and leaving the existing capacity free on the—on your Interstate? Sorry, Ridley, that I did that to you, but——

Mr. RIDLEY. Public-private partnerships come in a lot of forms. Oklahoma has some 600 miles of toll roads, which are a public private partnership, bond—people that buy the bonds are private entities or private individuals.

Mr. MICA. But they are not—they haven't been turned over to a lessee, that's state operated, all of the——

Mr. RIDLEY. That's correct. But it is somewhat a quasi public, again, it comes in several different forms, from the private investors actually operating the toll facility and determining what the charges will be on those toll roads in order to get a return on their investment. So it can come in a lot of different forms in the public private partnerships.

If I understand what you're asking on additional capacity on existing Interstates where you add additional lanes, is there a possibility of having those lanes possibly tolled in order to pay for those lanes and that expansion. I think that that needs to be a tool in a toolbox of states. States ought to have the ability and the right to be able to do that, if necessary. Certainly, we're going to have to deal with freight movements across this country.

At some point in time, there needs to be a hard look at having freight corridors or freight lanes that would allow the free movement of the trucking industry, to be able to transverse the country and provide goods.

Mr. MICA. So basically you're not opposed and you wouldn't oppose if we take some of the right-of-way, and, again, I'm pretty hardnosed on the existing capacity. But that's your take on that.

Now, let's go to the second part of the question, which I had asked first was on the NEPA. Again, speeding up that timeline.

Mr. RIDLEY. I think that, again, if you can put in legislation that would free the process up on existing right-of-way, you shouldn't have to go through the same procedures on existing right-of-way that you do on new alignment and new right-of-way. It will force our engineers to develop plans that we use existing right-of-way.

Mr. MICA. Now, but when you did the project that you described for Mr. Lankford, he asked you about how—you did things concurrently, rather than consecutively, which is—is not the normal procedure, and you're saying we could make that the normal procedure.

Mr. RIDLEY. That's correct, sir, the Minnesota bridge class is another kind of——

Mr. MICA. I've often used that, yeah.

Mr. RIDLEY. It——

Mr. MICA. 437 days, your example was even more dramatic, and I never mentioned the fire power of Senator Inhofe and he is actually the leader, the Republican leader of the committee of jurisdiction in the Senate, and I had extensive discussions, conversations with him already and already about my being here, and he has an aid here, I met. Where is his aid? Stand up and introduce yourself, what's your name.

Mr. HERRGOTT. Alex Herrgott, professional staff for Senator Inhofe.

Mr. MICA. He agreed with me, I mean, I didn't even have my foot on the ground. But Senator Inhofe is our go-to guy in the Senate and he will have a great deal of say, he's already begun discussions trying—as I'm trying to work with Senator Boxer, who is the chair of that. He's the Republican leader of the U.S. Senate on that issue. So he actually, I'm sure, was very helpful in that 34th or whatever the number of limited days process. And so we're hoping, also, to gain, you know, his—his assistance. And I have to have it to move forward, period.

Anything else then that you want to raise before the committee?

Mr. RIDLEY. I certainly think that we really appreciate what you're trying to do and really streamlining the process and not just say it, but really do it. And I can't tell you how much we appreciate the committee's willingness to look at—looking at things a little bit differently than we have in the past. We've had this process in place since 1969, certainly, we ought to be able to do better.

Mr. MICA. Mr. McCaleb, what about the idea of turning some of these—you used to head up the Turnpike Authority. What about turning some of these operations over to private entities for operation.

Mr. MCCALEB. Well, I'm reluctant to do that because you lose control of the pricing.

Mr. MICA. If you could put—I mean, you have to write a good contract, and you have to have some terms, if you could get a handle on that, would you be more likely.

Mr. MCCALEB. Yes, structuring the agreement where price increases met certain criteria.

Mr. MICA. There is a manner in which it could be done. What about just getting—well, I guess the states have the right to do that anyway, but in our jurisdiction it's pretty much limited to the Interstate, which we had that discussion. I can't—we can't force and I wouldn't force the states to do anything, but so many states come to me and ask me for millions and billions and a lot of them—you have 600 miles of Turnpike?

Mr. MCCALEB. Over 600 miles.

Mr. MICA. Just a suggestion on—I may not be invited back after a suggestion.

Mr. MCCALEB. I would say, notwithstanding your reservations about putting tolling on existing Interstate, that the states might consider giving the states the authority to toll the Interstates in certain areas and that becomes kind of a——

Mr. MICA. Again, you have your opinion on the Turnpike and turning that over, I have my opinion on not tolling the existing capacity, which will prevail, by the way.

Mr. MCCALEB. Yes, sir.

Mr. MICA. But, again, it's not ask what your Federal Government can do for you. Let's all see what this states and other entities again. Thank you again. And, Mr. Duit, savings and you talked about recycling. Now, would you mandate some of your recommendations in law or how could we do some of the things you're talking about, without, you know, that the heavy hand of the Federal Government. Incentivize?

Mr. DUIT. It could be incentivize.

Mr. MICA. Everybody wants the green, they like the green they have. The green, the—you can't appreciate this, Mr. Lankford, agreeing to all of it, the tableware at the—in the cafeteria in the House office building, they green the whole thing, add a half a million dollars in cost and the spoons melt. It's sort of a joke, the payoff was like in three generations out. But again, how do we do what you're talking about.

Mr. DUIT. Well, I had the opportunity twice to go to Europe with the Federal Highway on a scan tower in 1992 and again in 2006. And that was one of the things we really looked at over there. Aus-

tria, for example, mandates every Interstate highway that 100—100 percent of the product needs to be recycled somewhere back in that highway. Now, from a cost standpoint in areas where we're close to natural aggregates, it's not cost effective, but it's becoming more and more cost effective as we're developing more equipment, more machines to do this efficiently.

So I guess the answer is, it would certainly be, if you could certainly encourage it, rather than take up the old highway and put it in some rancher's field, certainly, it can be used back in the highway in some form.

Mr. MICA. How much of yours is done, Ridley, in recycling in the state of Oklahoma.

Mr. RIDLEY. Quite a bit, Mr. Chairman, we recycle quite a bit, not only of our asphalt pavements, but also our concrete pavements. Mr. Duit is working on a project on Interstate 40 over in the eastern part of the state where he's recycling the concrete pavement.

Mr. MICA. Mr. Lemon, you wanted to comment.

Mr. LEMON. Mr. Chairman, I think you could help from the Federal standpoint to encourage the implementation of new technology to the construction industry and the private community is developing new products and new specifications, and if the FHWA and the state DOT's were allowed to accept them more rapidly as proven technology, this gets cost savings and speeds up the construction with the new methods.

Mr. MICA. Good suggestion. And we have several—we support a number of research projects and designates some transportation institutes, to some of their findings and all, it seems like they end up on the shelf or the technology, and new approaches are not readily adaptability or acceptable.

Any other comments from any other panelist, anything you felt that we—that you would like to contribute as far as, again, specific recommendations you want to see in the law, out of the law, considered? Mr. Lemon?

Mr. LEMON. I would like to just follow up on Congressman Duncan's common sense for environmental rules. The construction industry supports the environment and we want to leave the place better for the next generation than we have it. And we're not at odds, we can have both. We can build high production, high quality, award winning projects and we can manage the water and manage the air and manage the environment while we do it. I think the key word is common sense, and together we can move forward.

Mr. MICA. I think that's a very positive note. Let me see if Mr. Lankford, first, has any final questions.

Mr. LANKFORD. I'd like to make a final comment, if I could.

Mr. MICA. Well, we'll save your final for the final word of the committee hearing. Mr. Duncan.

Mr. DUNCAN. No, I will say this, Senator Inhofe is a former member of our committee in the House and he is really helpful. I was with him about three weeks ago in a small group and he's really good on these. I don't have any problems about private companies getting involved in these highways and so forth like in Indiana, but I do have this concern that we don't want to let some Governor or

mayor get all of this big, huge money on the front end and then a company go under 15 or 20 or 25 years from now, and then the taxpayers are left holding the bag, so to speak.

Mr. MICA. Good point.

Mr. DUNCAN. So those precautions need to be built into whatever agreements are made. But that's all I have.

Mr. MICA. Excellent point. Well, let me just say before I yield to close to Mr. Lankford, we do appreciate your coming out today, your testimony. If you come up with any other ideas or as we proceed, you see we're going down the wrong path, I'd sure like to know about it.

We intend to move in an expedited fashion and finish these series of hearings and listening sessions across the country. And then at least from the House side, as I said, my intent is to try to get a bill, beginning drafting by the end of March and something on the floor in late April. I have to consult with the leadership before I get to put anything before the entire House, but we are willing to work at any point, and the best ideas, as Mr. Duncan said, usually come from outside Washington.

And I think Mr. Lankford is refreshing in his—again, not being part of the—Mr. Duncan and I together have been there, what, almost, I don't know, a good part of 40-some years, if you add it up, but the new ideas are what we need, new approaches, and then building a consensus and moving forward.

And you're fortunate to have a Governor, great partner and very knowledgeable and very aggressive, and Mr. Inhofe is perfectly placed, and now to have Mr. Lankford on the committee, you've got a triple hitter, and you're in very good position to help us draft this legislation. So without—let me yield for any closing statements, Mr. Lankford.

Mr. LANKFORD. Thank you.

Mr. MICA. And thank you again for hosting us today.

Mr. LANKFORD. Thank you. It's an honor that everybody can get a chance to come and be able to hear what's going on. I think you've heard the priorities and what we're talking about and that is we don't have additional dollars. It's well known and well stated, and turn on the TV any particular day, there are not extra Federal dollars that are laying around.

We've got to find ways to be more efficient with both the time that's required on construction and the dollars. If there are places where the Federal structure, we're making it more expensive and take longer, we need to correct those things and get that out of the way.

I'd like to get more miles out of the dollars that we have, rather than continue to add additional Federal regulations, get fewer and fewer miles, and so we are dependent on more dollars that are not there.

So hopefully some of the ideas that you have submitted today can help us get towards that, simple things to give more states more flexibility in changing words in the Federal law from "must" to "may" to a state would make a dramatic difference, and saying to a state, if you choose to do this, that's terrific, but you're not required to do this, so you look at your bridges and see if they are falling apart first before you are required to be able to put a piece

of art on another bridge to make it more beautiful when this one is about to fall apart.

So shifting some of those priorities, giving more state control to that would be a terrific asset, and hopefully, we'll be able to integrate that as well.

And I really am honored that you all took the time, it was a significant amount of time to be able to write up a written statement, give a chunk of your day here to be able to be a part of this. I think you exemplify very well the Oklahoma attitude, which is, we don't complain about problems, we fix problems. So you all did not come with complaints, you came with solutions, and I appreciate that a great deal, and hopefully we can integrate these things into it and you represent our state extremely well. And honored, Gentlemen, with that yield back.

Mr. MICA. Thank you, Gentlemen, and, again, thank everyone for participating. And as I did announce, we have a unanimous consent agreement to leave the record open for a period of two weeks, that's fine with you, and that motion passed, and that will give you an opportunity to submit through your representative here today, and also Mr. Inhofe's suggestions, recommendations, but to be part of this hearing again, we ask that you go through one of our committee members or Mr. Lankford.

There being no further business before the House Committee on Transportation and Infrastructure, this committee meeting is adjourned.

Thank you.

[Whereupon, the committee was adjourned.]

**Testimony of**
**Mr. James A. Duit**
**President**
**Duit Construction Company, Inc.**
**Edmond, Oklahoma**

**Submitted to the**
**Committee on Transportation and Infrastructure**
**U.S. House of Representatives**

**"Improving and Reforming Our Nation's Surface Transportation Programs: Oklahoma City – Oklahoma Field Hearing"**

February 24, 2011
9 a.m.

Good morning Chairman Mica and distinguished guests. My name is Jim Duit, and I am the President of Duit Construction Co., Inc., in Edmond, Oklahoma. I appreciate the opportunity to appear before you during this field hearing, and to share some perspectives about Improving and Reforming Our Nation's Surface Transportation Programs.

In addition to my role with Duit Construction, I have served as the 2001 Chairman of the American Concrete Pavement Association, as well as similar leadership roles with the ACPA-affiliated Oklahoma/Arkansas Chapter.

In addition to presenting my views about ways to improve and reform our nation's surface transportation program in the state of Oklahoma, I also am pleased to present a few national perspectives as a contractor member of the American Concrete Pavement Association, the Associated General Contractors of America, and the American Road & Transportation Builders Association.

If there is a fundamental lesson learned from the recession our nation has been struggling with for the past several years, it is that the traveling public demands and deserves the highest value for their hard-earned dollars.

As highway contractors, we recognize the importance of value. We also have been living in an era of doing more for less money for many years. Indeed, the recession has forced many in our industry to do so.

In 43 years in the construction business, I can tell you one of the most difficult things for many contractors is to eliminate personnel and take away the livelihood of people who want to work and need to work. In addition to the human toll, layoffs and downsizing also affects our economy, because the people affected will have less money to spend on essentials, let alone to replace durable goods or even think of buying many discretionary items. Of course, layoffs and closings also have affected many communities, which means that tax rolls have declined at every level of government. At the same time, government bears the burden of providing financial aid to unemployed or underemployed workers.

The broad construction industry has not realized sustained growth, and worse, the industry continues to hemorrhage badly in terms of the losses it has endured for several years. Discussions about belt-tightening are not resonating well in the industry, particularly as so many contractors have been forced to lay off employees and shut down operations.

At present, the construction industry is facing 22.5% unemployment, according to the most recent figures from the Bureau of Labor Statistics' (BLS) website. The national average unemployment rate is about 9%, down from 9.7% since October 2010. In sharp contrast, the

construction industry's unemployment rate have increased from 17.3% to the current 22.5%. This is more than double the average unemployment rate for the nation.

I would be remiss if I did not say the industry looked upon The American Recovery and Reinvestment Act with great hope. Indeed, this much-needed initiative helped stabilize the overall economy and reduce unemployment.

I had the opportunity last year to report to the U.S. House Transportation & Infrastructure Committee on the impact of ARRA, and there were certainly many areas of the country where our industry and the road using public benefited from this important legislation. Unfortunately, there were regions of our country where our industry was not included in the investment mix, and the public did not benefit from the long life highway solutions our industry delivers so well.

As you know, one of the goals of ARRA was job creation, but for many contractors, this was more about *retaining* personnel than *creating* new jobs. Even where ARRA helped stabilize the economy and reduced unemployment, it did so only on a temporary basis. Now, without an adequately funded, long-term highway bill, some of those gains are already being reversed.

It is fair to say that many contractors believe the situation is at a tipping point. There is great concern that more belt-tightening runs the risk of compromising the safety, performance, and longevity of our surface transportation system. At the same time, we are concerned this

expectation may place further hardship on the businesses and agencies, as well as all the people who work to build and maintain our highways and bridges.

Notwithstanding these concerns, we also recognize the need to maximize value and to do everything we can to make every dollar count. From the concrete pavement industry's perspective, there are three primary focal points that are essential to the successful delivery of our highway infrastructure in the future. They are the applied research and technology transfer investment; streamlining project delivery, and optimizing the efficiency of construction investments.

**Applied Research and Technology**

In SAFETEA-LU—and in fact, going back to TEA-21—Congress included research provisions that fostered innovation among the highway construction industry, highway agencies, and academia. This enabled us to collaboratively develop materials and processes that increased the value of public monies used for roadbuilding. One prime example of this is the funding that went into concrete overlay research. Overlay technology allows us to remove a few inches of an existing distressed roadway surface, and then place new concrete, which greatly extends the life of the pavements.

This means that instead of replacing entire roadway pavements, we are using a lower cost, high value process to extend the life of the roadway. This technology also reduces costs and streamlines the delivery process significantly because it makes both the design and

construction process simpler and faster. It also has value to motorists, businesses, and residents because there are fewer disruptions and traffic delays and more time between repair cycles than we see with quick fixes.

The acceptance and use of this technology is possible because of the federal funding that supported both cooperative research and the technology transfer activities that put those research results and technological improvements into the hands of state highway agencies, designers, and contractors across the nation.

Research and development also yield processes and products that increase competition, which in turn, means greater value to taxpayers. Competition also translates directly to improved quality, durability, and longevity of our highways and bridges.

**Streamlining Project Delivery**

One of the ways we can improve the delivery process is through streamlining, and this should begin with a prioritization of the most essential aspects of the project, those that directly impact the core infrastructure. This means that a clear distinction should be made between the "must have" versus "nice to have" program and project elements.

Streamlining also should avoid the all-too-common occurrence of diverting funds or expending time, money, and human resources on layered bureaucratic processes. Unfortunately, we have seen projects delayed because of often redundant and complex federal requirements.

In his remarks on the House floor, Representative Jim Lankford, warned that "We are regulating common sense out of Federal, State, and local governments, and we are costing State and local taxpayers millions in unfunded mandates."

He described an example where the Oklahoma Department of Transportation simply needed to replace an old out-dated bridge with a new bridge. Instead of being able to do this quickly and efficiently, the process was delayed as the agency had to navigate through the Clean Water Act, the National Historic Preservation Act, the Endangered Species Act, the Migratory Bird Act, and many more. All the while, people continued driving over an old bridge. In this case, the process clearly could have been improved. We believe it is essential to streamline regulatory requirements so that we can meet the core requirements of our nation's highways.

If we consider Congressman Lankford's example, it is clear to see some of the challenges of layered federal bureaucracy, as well as the associated monetary and time expenditures that impede project state agencies and contractors from delivering projects more efficiently. With improvements in streamlining regulatory compliance and greater latitude in scoping and scheduling projects, state highway agencies and contractors across the nation could better deliver projects that meet economic, performance, and safety parameters.

Another important aspect of meeting the most critical needs involves the close coordination among all the stakeholder groups. Oklahoma tops the list of states where exceptional

collaboration and partnering are a way of life.

Oklahoma Department of Transportation Secretary Gary Ridley and his staff do a great job of collaborating with all stakeholders. One example of this collaboration can be seen in Quality Initiative Task Forces, which are comprised of Oklahoma DOT personnel, suppliers, and contractors. These task forces focus on ways to prevent and solve problems; implement new technology; reduce costs; and otherwise strive to ensure the greatest value possible. This model would have great value to other highway agencies and stakeholders throughout the nation.

Another example of how project delivery could be streamlined is by improving the integration of automated machine guidance. Many contractors today use global positioning systems (GPS) to guide grading and paving equipment, which speeds project delivery and reduces costs. Unfortunately, contractors who need the data must collect and enter it into plans manually because of concerns about liability among consulting engineering firms and agencies. Were there safeguards in place for the design community, there would likely be more confidence in providing those data, and as a result, projects could be delivered more efficiently.

Streamlining also would occur if there were greater incentives for emerging highway technology to be implemented on a more consistent and widespread basis. Far too often, new materials and processes take a decade or more before they are implemented, but with the right systems in place, states could implement improvements faster and more consistently.

Earlier, I spoke about prioritizing the core elements of programs and projects, and one example of this is in the architecturally pleasing features – pictures and designs on walls and bridges—that can add significant time and cost to projects. Many of these could be deferred and applied retroactively in better economic times, which would have not only expedite project delivery, but would also be more in keeping with the austere times that so many states are facing.

**Optimizing Construction Investments**

The concrete pavement industry lives by the mantra of "getting in, doing things right, getting out, and staying out." We believe it is not a wise investment to continue the cycle of short-term fixes, when longer-term solutions provide the best value.

It is for this reason that we believe strongly that a fair, objective, and consistent life-cycle cost analysis should be used with highway construction and rehabilitation projects.

One very important key to life-cycle cost analysis is sustainability, the balance of environmental, societal, and economic factors. Sustainability is not a trend; it is here to stay, and we firmly believe that it will become increasingly important in the specification process. In relative terms, the transportation construction community is doing much in this area, and there are many examples of how re-use, recycling, and source reduction have been used.

Fully optimizing sustainable construction practices and realizing the full benefit of doing so requires taking a 30,000-foot view, and evaluating factors related to both the production phase (generally everything up to and including construction) **and** the operational phase or what is also called the use-phase, which relates to the use of the highway.

Current and future research that may increase energy efficiency during the production phase includes:

- Recycling and re-use of pavement after they have served their useful life.
- Developing and adopting highly efficient equipment, as well as methods for evaluating and improving constructability.
- Increasing the use of industrial byproducts in concrete, which not only enhances performance, but also help reduce the cement content.
- Reducing and eliminating construction waste and increasing the use of recycled water.
- Developing and adopting highly efficient equipment to minimize fuel consumption and emissions generated during construction.

These include improvements that may be realized through the maintenance, rehabilitation, and recycling operations and those that directly benefit the highway user and surrounding communities.

Current and anticipated research that addresses improvements in energy efficiency during the use phase includes:

- Increased pavement longevity, minimizing future maintenance and reducing user costs and delays resulting in significant energy savings.
- Fast-track or expedited repairs and rehabilitation of concrete pavements to reduce construction time and congestion and associated wasted energy from vehicles delayed through work zones.
- Precast pavements/slabs for rapid repair and replacement of concrete pavements, particularly where minimal disruption to motorists and businesses is imperative.
- New and improved in-place recycling techniques that save energy by eliminating any need to transport materials to and from a crushing and processing facility.
- Highly reflective surfaces that require less illumination, saving lighting energy and lowering the overall energy required for cooling urban areas.
- Optimized pavement surface textures that reduce tire-road noise, particularly in urban settings.

**Conclusion**

Mr. Chairman and distinguished guests, it is our view that although a long-term highway bill would address many of these concerns, we believe it more important to have the ***right*** program in place than just to have ***a*** program in place. We would support a six-month (or longer) continuing resolution, particularly if it meant we could agree on the scope of the program as well as the means to fund it.

We appreciate the opportunity to share with you these few ideas of how the available dollars can be invested more efficiently to realize the highest possible value. If there is one silver lining to the current recessionary climate, it is the expectation and hope that efficiency and value should be the watchwords and best practices of the transportation-construction community for all time.

Although we believe that the three platforms of investing in research and technology transfer; streamlining project delivery, and optimizing construction investments, will be impactful, we cannot in good conscience suggest that these will be enough.

Credible sources have long held the United States is in dire need of a massive infrastructure investment. Among these sources are the American Association of State Highway Officials, American Society of Civil Engineers, the National Surface Transportation Policy and Revenue Study Commission, Reason Foundation, Heritage Foundation, Milken Institute, Miller Center National Transportation Policy Conference, National Commission on Fiscal Accountability and Reform, and others).

This would be a wholesale change from what many people expect, but without significant investment, the risks are real and significant in terms of safety, global competitiveness, and the reliability of our multimodal transportation system, which always has and always will rely heavily upon highways.

Our industry has gone on record in strong support of a nominal motor-fuels tax increase, which would be the first since 1993. Unfortunately, the response is that the topic is a "non-starter." We submit that it must be part of the long-term solution, and there have been many studies, polls, and reports that support that a nominal increase would not only be accepted by citizens, it would also be barely perceptible amid the day-to-day fluctuations in retail fuel prices. Those fluctuations, clearly trending upward, are often measured in double digits and sometimes occur several times per month in many markets.

I urge you to consider these suggestions in the spirit of enhancing the safety, performance, and durability of the Federal-aid highway system.

Thank you Mr. Chairman and members of the Committee. I will be happy to entertain any questions you may have.

# # #

# TESTIMONY OF

# GOVERNOR MARY FALLIN

# OF OKLAHOMA

# REGARDING

# "THE IMPORTANCE OF TRANSPORTATION INFRASTRUCTURE TO THE STATE OF OKLAHOMA"

# BEFORE THE

# COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE U.S. HOUSE OF REPRESENTATIVES

# FEBRUARY 24, 2011

Good afternoon,

I'd like to begin by thanking Chairman Mica and Subcommittee Chairman Duncan for making the journey to Oklahoma. Chairman, we hope you enjoy your time here and we appreciate the effort you have made to come to our state to review important transportation projects like the Inner Dispersal Loop in Tulsa and to hear from our transportation professionals and elected officials.

Congressman Lankford, thank you as well for your dedication to Oklahoma's transportation infrastructure needs. Oklahoma is well-represented and well-served to have you on the House Transportation Committee.

And to my Secretary of Transportation and our Director of the Oklahoma Department of Transportation, Gary Ridley, thank you for your continued professionalism, expertise and service to the state. Under your leadership and that of your staff, the Oklahoma Department of Transportation's 8 year Construction Work Plan has paved the way for Oklahoma to be one of the top shovel ready states in the nation. We could not ask for a more qualified, capable commissioner than you.

And finally, thanks to our other transportation professionals here today and all of those who helped to make this hearing possible.

We are here to discuss the urgent necessity of building our nation's transportation infrastructure, as well as the need for state and federal governments to work closely and effectively as partners in that process.

Building our roads and bridges is essential to the economic wellbeing of our nation, and it represents an important investment in the future of our country. There is a bipartisan interest in insuring that goods can be moved quickly and efficiently across state lines and throughout our country on safe roads and bridges with a minimum of congestion.

I know Chairman Mica is well versed in the importance of maintaining and expanding our transportation infrastructure, but I'd like to briefly bring to his attention the economic impact of transportation to the state of Oklahoma.

According to the U.S. Census, 2,630 transportation and warehousing establishments exist in the state, employing over 64,000 people, or three percent of Oklahoma's workforce.

The total quantity of freight traffic moving into, out of, within and through Oklahoma on all transport modes totals more than 945 million tons, with a value of over $624 billion. Over 115 million tons of goods are shipped from Oklahoma to states and countries

beyond the state's borders. That number is expected to increase to 155 million tons by 2035.

Oklahoma's central location makes it an ideal location for warehousing and distribution of a diverse array of products and goods. Improving our transportation infrastructure is an important step in supporting those distribution networks, as well as various industries throughout Oklahoma.

Agriculture and industrial livestock production, for example, which account for a significant portion of Oklahoma's exports, stand to benefit from improved rail freight services. Aerospace, a growing industry in Oklahoma, requires reliable and expansive highway and airport networks to solidify the state's position as a national supplier. So as you can see, the economic impact of our transportation systems resonates across the state's economy.

As a former Congresswoman and governor of this state, it is my great hope that the state of Oklahoma and the federal government can work as mutually complimentary partners as we seek to improve these transportation systems.

As Director Ridley will tell us, the backlog of transportation needs in Oklahoma is large, and requires a consistent, long-term federal investment strategy.

It is our hope that such a strategy will include flexible federal funding, free of unfunded mandates or rigid "one size fits all" requirements on states. Such mandates and regulations can be seen in the following examples.

While I was a Member of Congress and the Committee on Transportation and Infrastructure, private farm vehicles came under increased scrutiny from local and state law enforcement in regards to interstate commercial motor vehicle standards. As you are aware, federal law allows each state to determine their own classifications for commercial motor vehicles for trucks with a gross vehicle weight rating of less than 26,000 pounds when traveling within their own borders. However, these federal standards mandate that trucks traveling across state lines with a gross vehicle weight rating of more than 10,000 pounds are considered to be commercial motor vehicles. The discrepancy between these two standards, which forces farmers with heavy pickup trucks who cross state lines to acquire additional licenses, creates a cumbersome burden for our farmers and ranchers who very seldom cross state lines to support their households and families.

Farmers and ranchers in Oklahoma and across the country have been seriously inhibited by these regulations that were never intended to apply to them. I wrote and tried to pass a bill in Congress to make changes to the federal standards mandate for commercial motor vehicles and urge Congress today to pass similar legislation that might enable

Oklahomans and rural farmers across America to conduct business as usual and further contribute to our nation's economy.

The National Enviornmental Policy Act (NEPA) offers another illustration of burdensome federal regulations. Under NEPA, , states are subject to extensive federal regulations in order to make even the most basic improvements to infrastructure within existing transportation rights of way. In order to repave an existing stretch of road, states should not have to acquire a new right of way or undergo a full environmental review and be subject to such added expenses. These projects within existing corridors should be exempt from NEPA regulation so that progress may continue without delay.

Regulations from the Environmental Protection Agency (EPA) are another area of increasing concern. I am proud to say that under the Clean Air Act, Oklahoma's air quality has been in attainment for over a decade and continues to improve. However, if the EPA continues to impose even more stringent air quality targets, after only three years of lowering previous target levels, major areas of Oklahoma's metro will risk non-attainment, which would effectively bring a halt to the continued growth of Oklahoma's economic development centers. This is unacceptable.

A final example of undue federal regulation can be seen in the Davis Bacon Act. The state is currently divided up into four territories with approximately twenty-two job classifications. The current system has proven to be fair and effective for all parties involved. In fact there are generally never problems with meeting Davis Bacon mandated wages because the market driven wages are higher. However, the U. S. Department of Labor conducted an evaluation of Oklahoma's wages and has now proposed dividing Oklahoma into sixty-six territories with thirty-six different job classifications. This is very problematic because if a road happens to cross a county line an employee could make a certain wage one day and a different wage the next day. The Department of Labor has allowed other states that have found themselves in the same position to conduct their own labor studies in partnership with Contractors, the Department of Transportation and the Department of Labor. This would allow the state departments involved and the contractors to work together to certify payrolls in an appropriate manner and it could be evaluated every few years to ensure fairness. I would hope that Oklahoma would be able to do the same, rather than fall under another series of one-size-fits-all federal regulations.

As the director will inform the panel, we believe in Oklahoma that such mandates hinder our ability to provide necessary infrastructure upgrades and ultimately increase the cost of these projects to the state and federal government as well as taxpayers. These mandates, while perhaps well-intentioned, hinder our shared mission to provide world class infrastructure. It is my hope that Chairman Mica, Congressman Lankford and their

colleagues on the Transportation and Infrastructure committee can work to aggressively eliminate them and to provide states with a more flexible form of funding assistance.

I'm greatly encouraged by Chairman Mica's presence here today, and I'm optimistic that our elected officials on both the state and national level can work together to develop transportation policies that provide the kind of flexile, consistent, long-term investment in our economy that our citizens deserve and our nation requires. Certainly that kind of cooperation and mutual understanding is fostered by the kind of field hearing we are holding today.

Again, Chairman Mica, Congressman Lankford, Director Ridley and others, thank you for your hard work and your dedication to meeting the nation and the state of Oklahoma's transportation needs. I'm looking forward to hearing your testimony and to continuing our work together.

**Testimony of Jerry Hietpas**
**Action Safety Supply Co**
**Before the House Transportation and Infrastructure Committee**
**Field Hearing on**
**Improving and Reforming our Nation's Surface Transportation Programs**
**Oklahoma City, Oklahoma**
**February 24, 2011**

My name is Jerry Hietpas, President of Action Safety Supply Co., a family-owned and operated business that has been a subcontractor and contractor working on roads, streets, bridges, airports and highways in the State of Oklahoma for over 35 years. I want to thank Chairman John Mica, Congressman James Lankford, and the other members of the House Transportation and Infrastructure Committee for allowing me to participate in this important hearing on improving and reforming our Nation's surface transportation programs.

As I make my presentation today I have the privilege of representing my interests, the interests of the 100 employees and their families of my company, the interests of the many companies and families in Oklahoma and all across this nation that work directly on the roadways funded by this vital legislation.

Of major main concern to our industry is the lack of stability of funding. It is extremely difficult for state transportation departments and companies to prepare for the construction season. You are aware that the current federal program is operating under a series of short-term extensions the latest of which is due to expire on March 4, 2011. The threat of a shutdown on the Federal Highway Administration due to expiration of the present law further destabilizes the necessary planning for an efficient and effective road maintenance and construction season. We desperately need your bill as soon as possible.

We urge you to enact a multi-year Surface Transportation reauthorization bill with dedicated and predictable levels of funding for the maintenance and construction of our highway system. Doing so will go a long way toward restoring confidence in our industry and provide the foundation for our country's future economy and job creation potential. As individuals and families as well as businessmen, we recognize the importance of working within our means and budgets and agree that the Federal government must do the same in order to remain fiscally responsible. My children and grandchildren are counting on me to leave them with the same strong and free America that I was given, an America that is not enslaved to others by the burden of uncontrolled debt.

When the Highway Trust Fund was established in 1956 it was used principally to finance the construction and maintenance of the Interstate Highway System. Our national Interstate system valued at more than $1.75 trillion was built and rebuilt over the years with the money from this fund. According to AASHTO stated in their 2009 "Rough Roads Ahead" report, every one (1) dollar that is invested today in restoring our roadways saves as much as $14 on rehabilitation and reconstruction. During fiscally challenging time such as these it would be easy to try to defer the maintenance of our investment to financially better times. It would be very poor stewardship indeed to attempt to do that at the risk of damaging our investment.

Our Interstate creates and sustains America's workforce. It carries $25 billion dollars of goods everyday and nearly 24 million of our children to and from school. Our Secretary of Transportation Gary Ridley in his role as ODOT Director has gone on record regarding the importance of the National Highway System saying,"... preserving this asset is essential to our economic future." I completely agree with him.

There are those that would look at my testimony today as just another special interest trying to put their needs ahead of other Americans in these difficult times. Asking Congress to invest more in our nation's highways, roads and bridges as it deduces spending in other federal programs could in fact look just like that. There are certainly reports and testimony saying that we could and should reduce what we spend in all areas of government. In my opinion, it would be a costly mistake to forgo essential preservation work on our highway transportation system. I am hoping you share that opinion as well.

**Highway Trust Fund Optimization**

I support the priority Congress and the American people have identified in reducing the national debt and balancing the federal budget. We cannot spend more from the Highway Trust Fund than we receive if we are going to achieve this. Mr. Chairman, you have announced that you will draft a reauthorization bill based on current revenues into the Highway Trust Fund. I would ask you as you undertake this effort that you do all you can to eliminate non-transportation programs from funding under the Highway Trust Fund.

Over the years the federal role in surface transportation has expanded, and as a consequence there are many new programs that the Highway Trust Fund has funded. As the growth in revenues increased, Congress added more goals and programs for which the Highway Trust Fund may be used including many instances where these activities are not related to, nor do they contribute to the construction and maintenance of highways, roads, and bridges. When the Highway Trust Fund was first established it's role was not to become a vehicle for funding social programs. That is not the case today. Just referring to the Disadvantaged Business Enterprise portion of the present law alone, many dollars are dedicated to resolving social issues rather than building and maintaining our highway system. Our traffic control services business has been directly impacted by the expansion of this program as have businesses specializing in erosion control, fencing and guard rail.

The present law has encouraged innovation of both materials and processes in the construction of our roads and bridges. Our company has installed miles of durable pavement marking materials that have proven to last nearly 10 years on our Oklahoma roads providing delineation and guidance to all motorists. We have installed over 100 miles of cable barriers along our Interstate and National Highway System roads. The areas chosen for the installation of this product by ODOT had a high incidence rate of crossover type accidents that routinely result in serious injury and death. Those types of accidents have been virtually eliminated at a cost far below other types of construction.

The Highway Trust Fund, as presently funded by the users of the system, is spread so thinly it cannot perform its core function of constructing and maintaining highways and bridges well. Others in this group have or will give testimony quoting hard numbers on the diversion of Highway Trust Fund dollars.

I support their position that your Committee take a stand against the diversion of these funds for non-highway construction and maintenance purposes.

**Eliminate Exemptions to the "Highway Trust Fund"**

Every vehicle that uses our network of highways and bridges should pay their fair share for the construction and maintenance of the transportation system. The present vehicle user fee system has for the most part been an effective means to pay for our highway needs and I support the concept that each vehicle that uses our highways pays an equal user fee. I would encourage you to include in this reauthorization bill a comparable user fee for electric vehicles, natural gas vehicles, hydrogen vehicles, and all alternative fuel vehicles.

At some future date we will have to address a restructured user fee system that will allow us the opportunity to fund the expansion of our transportation system. These economic times and the looming deadline of March 4, 2011 will not allow your Committee to address this issue today. The safety of our citizens as they travel across this land will make this matter a priority soon enough.

Thank you for your time, your dedication and attention.

**Testimony of Larry Lemon**
**Haskell Lemon Construction Company**
**Before the House Transportation and Infrastructure Committee**
**Field Hearing on**
**Improving and Reforming our Nation's Surface Transportation Programs**
**Oklahoma City, Oklahoma**
**February 24, 2011**

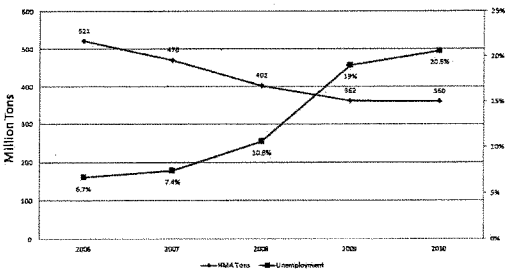
My name is Larry Lemon, Chairman of Haskell Lemon Construction Company, a family-owned and operated business that has specialized in the construction of roads and highways in the State of Oklahoma for over 60 years. I want to thank Chairman John Mica, Congressman James Lankford, and the other members of the House Transportation and Infrastructure Committee for holding this important hearing on improving and reforming our Nation's surface transportation programs.

Oklahoma has always enjoyed strong representation in the House and Senate Committees charged with the establishment and oversight of our Federal surface transportation programs. Senator James Inhofe was a member of the House Transportation and Infrastructure Committee before serving our state as Senator and is now the Ranking Member of the Senate Environment and Public Works Committee. We value his leadership as well as the leadership Congressman Lankford and the members of the House Transportation and Infrastructure Committee bring to this critical issue.

Today, I come before you not only as a practitioner in the construction of highways and roads, but as the most-recent past Chairman of the National Asphalt Pavement Association (NAPA) and as a member of the Associated General Contractors of America. As Chairman of NAPA this past year I travelled around the country meeting with contractors and suppliers in the highway construction industry and learned a great deal regarding the issues they face as well as the technologies being implemented that will revolutionize highway construction. Many of my comments in this testimony are reflections of those discussions and I am very happy to share these with you today.

The main concern for our industry is the unpredictability of funding which is making it extremely difficult for state transportation departments and companies to prepare for the construction season. With the current federal program operating under a series of short-term extensions, and state and local government funding reductions in the maintenance and construction of highways and bridges, this has been a very difficult period for the employees of the companies in our industry. From 2006-2010, production of construction materials declined on average 38 percent and construction unemployment increased 200 percent.

HMA Tons Produced Annually
Annual Unemployment Rate – Construction Industry



Timely enactment of a multi-year surface transportation reauthorization bill with dedicated and predictable levels of funding towards the maintenance and construction of our highway system is the key to restoring confidence in the industry and providing the foundation for our country's future economy and job creation potential. We also agree that the Federal government must get its fiscal house in order. This is essential not only to our current economy, it is also critically important to future generations of Americans.

Asking Congress to invest more in our nation's highways, roads and bridges as it reduces spending in other federal programs is a very difficult situation and I know you have received many reports and testimony saying we should do just that.[1,2,3] We fully and wholeheartedly agree with those recommendations. But I am before you today not to talk about how much we should invest in our highways and bridges, rather how we are spending Highway Trust Fund dollars. I also want to challenge the members of this Committee to assist us in fully implementing several exciting breakthroughs in pavement technologies that which fully employed will revolutionize the construction and maintenance of our nation's pavements.

**Highway Trust Fund Optimization**

As I mentioned previously, we support the priority Congress and the American people have identified in reducing the national debt and balancing the federal budget. This also means aligning spending out of the Highway Trust Fund with revenues going into the fund. Mr. Chairman, you have announced that you will draft a reauthorization bill based on current revenues into the Highway Trust Fund and, as part of the legislative process, the committee will consider proposals to consolidate the program. We are very pleased that Congress will be looking at how the funding from the Highway Trust Fund is directed in an effort to eliminate unnecessary, duplicative, and non-transportation programs from funding under the Highway Trust Fund.

When the Highway Trust Fund was established in 1956 it was used principally to finance the construction and maintenance of the Interstate Highway System. I think we can all agree that the Highway Trust Fund performed as was intended by creating a national highway network that was the envy of the world and powered America's economic growth over many years.

However, over the years the federal role in surface transportation has expanded, and as a consequence there are many new programs that the Highway Trust Fund has funded. As the growth in revenues increased, Congress added more goals and programs for which the Highway Trust Fund may be used including many instances where these activities are not related to, nor do they contribute to the construction and maintenance of highways, roads, and bridges.

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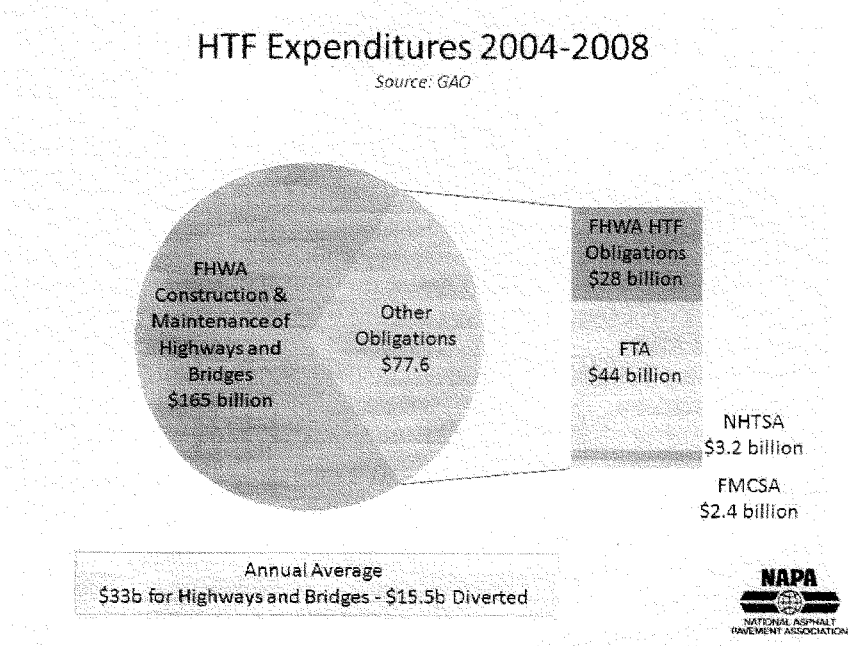
1. The Moment of Truth, The National Commission on Fiscal Responsibility and Reform.

2. Transportation for Tomorrow, The National Surface Transportation and Revenue Study Commission.

3. Paying Our Way: A New Framework for Transportation Finance, The National Surface Transportation Infrastructure Financing Commission.

We are clearly in a situation where the Highway Trust Fund, funded by the users of the system is spread thinly, it cannot even perform its core function of constructing and maintaining highways and bridges. By any metric, whether it's the American Society of Civil Engineers Report Card on America's Infrastructure, The Road Information Programs (TRIP) report on America's roughest roads or the Texas Transportation Institutes report on mobility and congestion, we are rapidly falling behind in even maintaining the current highway system. Something has to give because the current trajectory of Highway Trust Fund revenues and spending is not working.

The General Accountability Office issued an 18-page report on June 30, 2009 entitled: Highway Trust Fund Expenditures on Purposes Other than Construction and Maintenance of Highways and Bridges during Fiscal Years 2004-2008. The report provides a condensed version of how Highway Trust Fund monies have been obligated for purposes, other than construction and maintenance of highways and bridges. During 2004 through 2008, a total of $78 billion – or about $15.5 billion annually - was obligated for other purposes. In other words, about 32 percent of Highway Trust Fund dollars were diverted for activities such as landscaping, restoration of buildings, and transportation museums. In




addition, large portions of funding are directed to agencies other than the Federal Highway Administration.

While many of these programs and agencies have merit, it is important for the Committee to look at where the funding is going and ask whether there is another way to fund these programs outside of the Highway Trust Fund. For too long the Highway Trust Fund has been all things to all people. The Highway Trust Fund should not be treated like an ATM machine dispensing cash to satisfy an immediate need. According to the Congressional Budget Office, the balance in the Highway Trust Fund will approach zero sometime next year. Congress needs to re-establish the purpose of the Highway Trust Fund and fund only those programs and activities related to that function. The GAO report is an excellent menu of potential programs and activities Congress should evaluate and consider not funding or fund outside the Highway Trust Fund.

**All Vehicles Pay into the "Highway Trust Fund"**

When President Eisenhower proposed our great Interstate Highway System, he recommended a pay-as-you-go user fee of 3 cents per gallon on gasoline and diesel to fund all of the construction and maintenance. This user fee concept is a good system, and it has worked well for the American Citizens. Today the user fee is 18.3 cents per gallon on gasoline, and our purchasing power of the Highway Trust Fund has substantially diminished. It is interesting to note that in 1955 at the time this new user fee was proposed, the cost of a stamp was 3 cents, now the cost of a stamp is 44 cents. What a difference our Highway Trust Fund would be in, if it could have been given the same increases as our Postal System.

The vehicle user fee concept has been a very effective system to pay for our highway needs, and the concept that each vehicle that uses our highways pays an equal user fee needs to be continued. We suggest that THIS reauthorization bill include a comparable user fee for electric vehicles, natural gas vehicles, hydrogen vehicles, and any and all alternative fuel vehicles. If we do not begin to extend the user fee to all forms of power, we may find significant resistance to include them in the future. I also think it is important that the Highway Trust Fund receive the same user fee for ethanol and bio-diesel, as it does for pure fuels. The concept and need for a subsidy for ethanol and biodiesel is long since over. We are hurting ourselves with an ethanol subsidy by reducing the funds to build our highways.

If we re-establish the funds going into the Highway Trust Fund to include all vehicles, and use them strictly for highways and bridges as intended, we will be able to bridge the tough economic times we are in, and generate more construction projects and jobs going into our national highway program. Ultimately, we must address the funding needed to construct and maintain our great highway system with increased user fees.

**Doing More With Less**

Even though the construction industry has been challenged by the current economic situation, there is a technological revolution underway in the way we design, test, and build our asphalt and concrete pavements. While we have made significant progress, the pace of implementation has been too slow and the next reauthorization bill can be a real catalyst in implementing these new technologies.

The asphalt pavement industry has a proven record of technology and innovation. These include the use of reclaimed asphalt pavement (RAP) and recycled asphalt shingles (RAS). We have developed perpetual pavements, polymer modified binders, stone matrix asphalt, warm mix asphalt (WMA), thin overlays, and porous asphalt pavements. These new technologies provide numerous benefits including reduced costs, conservation of materials and energy and emission savings.

Let me give you two examples to demonstrate the important benefits these technologies mean for our country. Asphalt pavement consists of asphalt binder (about 5 percent in volume) and aggregate. There are about 18 billion tons of asphalt pavements on our highways and roads today. While asphalt pavements are the most recycled material in the world today with about 100 million tons recycled back into the pavements, we could do better.

A recent NAPA survey of the industry indicates that in 2008 the percentage of RAP incorporated into new pavements was 12.5 percent. In 2010, the percentage of RAP into new pavements increased to 19 percent.

Warm mix asphalt is another innovative technology that has created a tremendous opportunity to be sustainable and economical for the owner. Warm mix asphalt technologies reduce the temperature of the asphalt pavement which results in reduced fuel use and emissions, and improved working conditions for workers. Additional benefits include longer hauling distances, cold-weather paving, and use of higher RAP mixes.

NAPA estimates that in 2009, 13 million tons of warm mix asphalt was produced. In 2010, 46 million tons of warm mix asphalt was produced. So far, these pavements have performed well and state transportation departments are pleased with the results.

As good as these results are, we must do better. NAPA has set an industry goal of 25 percent RAP in asphalt pavements and the majority of the industry's asphalt tonnages be warm mix asphalt within three years. If we are to achieve these goals we need your help. For example, there are 10 states that still do not allow for RAP in surface mixes. We need performance testing of these technologies to get innovative products such has RAP and warm mix asphalt into the hands of the state DOT's and other customers faster. We also need the owners of these projects to share the risk of these new technologies with the contractors. The use of lab results and test track data will help us understand these risks and lead to the further development of these new technologies that are implemented quicker.

This month, the National Center for Asphalt Technology (NCAT) located in Auburn, Alabama entered into a partnership agreement with the Asphalt Research Consortium (ARC) led by the Western Research Institute. ARC brings together the premier asphalt research institutions under one umbrella and has been authorized by Congress in both TEA-21 and SAFETEA-LU. ARC has focused its research on, among other things, alternative binders for asphalt pavements. This is critically important for the industry, and the test track and research capabilities at NCAT will help implement these new technologies to industry and into the pavements faster.

In the next reauthorization bill, Congress should help support the rapid implementation of these new technologies including higher RAP mixes, the further development of warm mix asphalt, and the implementation of alternative binders by reauthorizing ARC and providing funding for this program.

Mr. Chairman, we all recognize the current condition of our infrastructure and the uncertain economic climate that currently exists. We absolutely must include all vehicles and maximize the effectiveness of the Highway Trust Fund so we can save lives and build more miles of safe highways with only the money going into the Highway Trust Fund. In addition, the increased use of RAP and warm mix asphalt in combination with other technologies will have a profoundly positive impact. The construction industry in Oklahoma is committed to supporting the rapid implementation of these new materials and processes, and pledge to help you meet your goal of "Doing More with Less."

**TESTIMONY OF:**

**NEAL A. McCALEB**

**PRESIDENT, TRANSPORTATION REVENUES USED STRICTLY FOR TRANSPORTATION (TRUST)**

**INDIAN RESERVATION ROADS (IRR) PROGRAMS IN NON-RESERVATION STATES**

**BEFORE:**

**THE SUBCOMMITTEE ON HIGHWAYS OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE OF THE UNITED STATES HOUSE OF REPRESENTATIVES**

**OKLAHOMA CITY, OKLAHOMA**

**FEBRUARY 24, 2011**

Good morning Mr. Chairman and members of the Committee. My name is Neal McCaleb and I serve as president of the Oklahoma transportation infrastructure advocacy group, "TRUST" which stands for Transportation Revenues Used Strictly for Transportation. I formerly served as Director of the Oklahoma Department of Transportation (ODOT) and Oklahoma Secretary of Transportation. More recently, I served as Assistant Secretary for Indian Affairs at the U. S. Department of Interior. I am present today to testify regarding "Indian Reservation Roads" and its applicability to Oklahoma and other non-reservation states.

Let me begin by thanking you, Mr. Chairman, for holding this field hearing in Oklahoma as a prerequisite to the consideration of the reauthorization of the "Federal Highway Trust Fund". We are honored to have you in our great state.

My remarks will focus on three important areas:

1. The justifiable application of the program to non-reservation tribes.
2. The efficacy of the use of these funds for the safety and opportunities to Native Americans in Oklahoma and the benefits to the general public.

3. The current status of the allocation of these funds established by the "Negotiated Rule Making" process, dictated by the provisions of "SAFTEA-LU" and the necessity of maintaining Congressional intent contained therein.

My comments will additionally focus on Oklahoma's experience from my personal perspective through my service at ODOT and the Department of Interior–Indian Affairs.

1. The IRR program was intended to enhance the opportunities and safety of all Native Americans provided by good access to all aspects of our great nation and its economy. Although the title indicates its applicability to reservation tribes, there are more Native Americans living off reservation than on. Oklahoma has no surface reservations; however is the second-most populous state for Native Americans. The authorizing language clearly states it applies to "former reservations" as well as current Tribal reservations.

In pursuance of this universal objective, the provisions of SAFTEA-LU required that there would be an established mechanism for consultation with all Federally Recognized Tribes in order to establish the rules and formulas for the distribution of funds authorized for this purpose. In response to this directive, a process known as the "Negotiated Regulation Committee", composed of representation from tribal governments across America, was established with wide tribal representation meeting throughout "Indian Country".

This process took several years and resulted in a Tribal consensus for the use and distribution of these programmatic funds. The process was accomplished under the guidance of the Bureau of Indian Affairs (BIA) and the Federal Lands Division of the Federal Highway Administration (FHWA). The rules and formulas were published by the Department of Interior for public comment and became effective in 2004.

These regulations provide for the applicability of such funds to public roads, as well as BIA and tribally-owned roads, which were included in the individual Tribes "Transportation Improvement Program" (TIP) serving Native American populations.

The effective result of this legislation has been for the 39 federally-recognized Tribal governments in Oklahoma to access the IRR funds and apply them to various public roads serving their members. These projects, so authorized, have made possible the improvement of Tribal travel conditions in rural Oklahoma and improved access to Tribal enterprises.

2. The application of IRR funds to various public roads in Oklahoma has permitted county commissioners to fully utilize "off system" bridge replacement funds designated for that purpose. There are 14,882 structurally-deficient or functionally-obsolete bridges (second highest in the nation) on the 84,767 miles of county roads in Oklahoma. Eighty percent of these roads, located in the most rural areas and largely used by Native Americans, are ineligible for federal funding as major or minor collectors. In 2010, Tribes participated in the replacement of 71 deficient county bridges, and over the last decade, have assisted ODOT with over 100 million dollars in safety and access improvement projects. These critically-needed projects were funded in large measure from monies contributed and generated by Tribal enterprises. IRR funding since 2004 has greatly facilitated the cooperation between state and local governments for transportation and other public projects, including public safety, health care and education. Oklahoma is the only state to have enacted special provisions for a "Tribal Transportation Advisory Board" to assist ODOT and county governments in identifying and prioritizing transportation projects. Oklahoma tribes enjoy a synergistic and compatible relationship with state and local governments which benefits both Tribal members and the state's general citizenry.

3. There is currently a move by the Obama administration, through the BIA and Federal Lands Division of the FHWA, to change the effective IRR eligibility for public roads on Tribal TIPs, and therefore, reduce funds available to tribes in non-reservation states such as Oklahoma. The agencies have held a series of public hearings throughout "Indian Country" for the ostensible purpose of clarifying rule 10 of the "Negotiated–Rule Making" process. They have now published the proposed "clarification" and are moving forward with its adoption in spite of the Congressional intent expressed in the attached letter from Congressman Don Young and Senator Jim Inhofe, chairmen of their respective committees, during the development and passage of SAFTEA-LU. At the time SAFTEA-LU was approved, Congress anticipated an increase of the eligible IRR mileage and increased the funding of the program from $275 million to $450 million.

On behalf of TRUST and the Sovereign Tribes of Oklahoma, I respectfully request that the Committee include language in the Re-Authorization bill to instruct all affected parties to respect the provisions approved by the "Negotiated Rule Making" committee, as published by the Department of Interior, and hold the eligibility and allocation formulas harmless from any changes or "clarifications" that would impact the intent and letter of the rules until such time as the Tribes convene an amendatory process under sanctions of the Congress.

Thank you, Mr. Chairman, for the privilege of coming before this committee.

# TESTIMONY OF

## THE HONORABLE GARY RIDLEY

SECRETARY OF TRANSPORTATION
STATE OF OKLAHOMA

REGARDING

## "IMPROVING AND REFORMING OUR NATION'S SURFACE TRANSPORTATION PROGRAMS: OKLAHOMA CITY, OKLAHOMA FIELD HEARING"

BEFORE THE

## COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
## U.S. HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2011

Mr. Chairman and Members of the Committee, my name is Gary Ridley. I am Secretary of Transportation in Oklahoma. I am here today to testify on behalf of the Oklahoma Department of Transportation.

First, we want to thank you, Mr. Chairman, for your leadership and your interest in identifying ways to increase the efficiency of investing transportation funding and to accelerate project and program delivery. We appreciate that you, Congressman Lankford and the Members of your Committee recognize the important contribution of the transportation system in improving the Nation's economic viability and sustaining our quality of life.

Today, I want to emphasize several points –

- The backlog of transportation infrastructure needs in Oklahoma is substantial and requires a continuing, consistent, long-term federal transportation investment strategy.

***The conditional deficiencies of a long underfunded national transportation system cannot be resolved by the States alone.***

- With consistent and flexible federal funding, State departments of transportation can operate more efficiently thereby ensuring that more transportation dollars support our core infrastructures as intended.

***Unfunded federal mandates, federal regulation and federal bureaucracy stifles efficiencies, redirects transportation dollars to other fringe or completely unrelated initiatives and unnecessarily delays critically needed transportation improvements.***

- The streamlined delivery of transportation improvements can result in immediate cost savings and a significant, long term reduction in the cost of travel and commerce.

***The costs of implementing transportation system improvements can be significantly reduced through minimizing the administrative burden placed on project delivery, thereby allowing for more transportation generated dollars to find their way to the Nation's core infrastructures.***

- Performance measures should be created that are of direct benefit to state DOTs and that clearly communicate the benefits and effectiveness of transportation investments.

***The return on transportation system investments must be a primary consideration of performance measurement and the results should be honestly and accurately communicated to the Congress, our state officials and our citizens.***

**TESTIMONY**

***The conditional deficiencies of a long underfunded national transportation system cannot be resolved by the States alone.***

**The Oklahoma Perspective**

Governor Mary Fallin along with our Legislature and the general public are working hand in hand to make the improvement of the transportation system a priority of the state. However, much work remains to be done to a state and national system in documented disrepair.

For example, in Oklahoma we must sustain a bridge replacement / rehabilitation rate of more than eighty bridges a year far into the future to keep pace with the aging and deterioration of the state's existing bridges. Even now with 650 bridge replacements or major rehabilitations encompassed by our eight-year Construction Work Plan, the Department recognizes 345 narrow or deficient bridges that are currently unfunded. Also, Oklahoma has many large bridge structures on the National Highway System that are at or nearing the end of their life cycle that represent extremely expensive improvements with no current fiscal solution.

The recognized work needed on Oklahoma's highway pavements is no exception. More than 2,500 miles of our 12,268 mile long system are in need of immediate attention and have no planned or viable options due to financial limitations. In addition, hundreds of millions of dollars of needed improvements are now past due on Oklahoma's high volume arterial interstates and freeways in order to keep local, state and national traffic flowing freely.

Long term, consistent funding is critically important to the development and delivery of transportation improvement projects. States must understand and be able to project the availability of resources in order to properly plan, design and construct projects. We constantly inspect our facilities and collect and analyze a wide variety of data in order to assess the operational and conditional status of our highways. Decisions related to the care, preventative maintenance, reconstruction and expansion of the transportation system are predicated on the critical needs of the system and our understanding of our long term resource availability.

When considering the currently projected state and federal resource availability, the magnitude of the recognized needs of Oklahoma's transportation system is significant. As such, it is reasonable to plan our preventative maintenance activities over the coming four years and our major construction activities over an eight year time period. We have found that when our data driven investment priorities are coupled with sound engineering judgment, we do not experience significant changes during these windows of time. If determined necessary, any adjustments to projects can be readily managed through our annual Asset Preservation Plan and Construction Work Plan review and balancing process. This strategy affords us with an encompassing transportation improvement program that is fiscally constrained, tangible, explainable and extremely easy to discuss with transportation professionals, elected officials and the public.

**The Federal Perspective**

It is important to note that the Highway Trust Fund has been on the verge of insolvency several times in recent history. It can be reasonably anticipated that the current gas and diesel tax deposits to the fund will once again be outstripped by expenditures in the near future. Congress must be prepared to address these deficiencies and identify new, non-traditional transportation revenue streams that can provide consistent and increasing funding levels for transportation infrastructure. In addition, we must eliminate unnecessary federal mandates and untimely regulatory actions that redirect transportation dollars and strangle the efficient investment in the core transportation infrastructure that keeps this Nation on the move.

It is imperative that states be afforded the opportunity to quickly implement improvements and direct federal funding in a manner that is consistent with a national transportation strategy and that is supported by our resident stakeholders in state policy and law. The new national transportation strategy and associated federal policy should provide a framework that empowers states to direct federal transportation funding to the interstate and national highway system as required to address their unique needs.

Oklahoma's own Senator James Inhofe was instrumental in crafting the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Highway Bill in a manner that has provided additional transportation funding, introduced a greater level of equity in funding distributions and that initiated many of today's most successful streamlining efforts. We must rekindle the Senator's spirit of continuous improvement and create new opportunities to advance initiatives that focus on improving our core transportation infrastructure.

A bold, new vision will be necessary to meet the increasing transportation challenges ahead and states should not be left to bear the financial burden of a national transportation system in decline alone. The resolution of our national transportation funding crisis and the crafting of new, more effective project and program delivery protocols must be jointly developed in a renewed State and Federal partnership.

**Increasing Private Sector Investments and Enhancing Financing Options**

The federal interstate and national highway system has been predominantly constructed and operated on a publicly financed basis with the majority of projects designed, operated and maintained by public sector transportation agencies. However, nothing in proposed federal transportation law should inhibit or restrict the way a state is allowed to fund the transportation improvement projects and transportation facilities of today. Every available option should be on the table when drafting a new transportation bill and every option should be given full, careful and complete consideration. In a time of such funding uncertainty, states should be empowered to look outside the federal government for desperately needed transportation investment dollars.

That being said, the difference between identifying new near and long term sources of transportation revenue and simply creating new ways to incur debt must also be acknowledged. Public / Private partnerships and proclaimed innovative financing options should not be held as the federal government's best or only solution to stemming the further deterioration of our national transportation system.

In 1956, the Federal-Aid Highway Act that initiated the interstate era included a general prohibition on tolling on the interstates and other federally assisted highways. Even today, this prohibition remains largely in effect with the tolling allowed only under very specific circumstances. However, public / private partnerships (P3s) and other debt financing options are encouraged and even touted as effective and widely accepted financing options. With public oversight and proper reviews and protections in place, simple tolling can be very effective and is the purest representation of a public / private partnership. Bond holders finance the initial transportation improvements and the public's use of the facilities provides for a reasonable return on their investment.

Certainly, when properly vetted and administered, a variety of financing methodologies can be utilized to successfully deliver significant transportation improvements that might not be financially viable otherwise. The utilization of such methodologies in order to fund certain, well defined transportation system needs and, in turn, generate a user specific revenue stream in order to finance the construction, operation and maintenance of the facility should not be unnecessarily restricted or inhibited by federal regulation.

***Unfunded federal mandates, federal regulation and federal bureaucracy stifles efficiencies, redirects transportation dollars to other fringe or completely unrelated initiatives and unnecessarily delays critically needed transportation improvements.***

For practical purposes, there are only two external influences that have significantly impacted the delivery of the federally funded transportation improvements in recent history. One is the consistency and availability of federal funding and the other influencing factor can be attributed to federal regulatory actions. Optimistically we will assume that the Congress will make every effort to at least fund transportation at the historic levels. Therefore, if we are to realize any transportation investment increases in the near term, we must do so by reducing or eliminating transportation funding diversions and increasing the efficiency of project delivery.

**Federal Transportation Funding Reallocations**

The Oklahoma Department of Transportation does not discount the importance of the programs that are discussed in this section of our testimony. However, when the core transportation infrastructure of this Nation has an enormous backlog of unaddressed deficiencies, we simply question the merit of mandating transportation funding for peripheral projects and programs.

Programs that mandate the commitment of dedicated transportation funding to recreational and fringe activities such as bicycle and pedestrian trails, landscaping and historic preservation should be vigorously reviewed. Much of the popularity of such programs can be attributed to the recreational or cultural nature of the facilities and the fact that little or no other significant funding sources exist for such activities. If the Congress believes that community livability projects and other similar programs are important, other funding mechanisms should be identified and the programs should be funded separately from core transportation infrastructure.

For example, each year the mandated transportation enhancement set aside under the current law diverts an estimated $12 million of Oklahoma gasoline and diesel tax dollars to such projects. This diversion may seem insignificant in the context of the federal transportation program, but when every deficient bridge replacement and the repair of every mile of inadequate pavement is critical,

$12 million can be a difference maker. Each state should have the latitude to decide if the eligible activities warrant the commitment of scarce resources above all other transportation needs. The future funding of this program should be left to the discretion of the states alone and the currently mandated set aside should be eliminated.

Much the same as the Enhancement Program, the Safe Routes to Schools program seeks to encourage bicycling and walking as alternate transportation modes for students to get to school. The concept is admirable at face value, but can be somewhat disheartening if you consider that fully loaded school buses are traveling over structurally deficient bridges and are subjected to deterioration and even damage from poor pavement surfaces. Again, if this program is determined to be important at the national level, the decision to implement it should then be left to the full discretion of the states.

**Unfunded Mandates**

The Americans with Disabilities Act represents a significant unfunded mandate for states and local governments. Everyone should recognize that we must do more to accommodate individuals that are physically challenged. However, when considering accessibility in public rights of way, it is difficult to accept that the Act was intended to be so broadly interpreted as to prohibit the surface maintenance of highways and streets unless the adjacent pedestrian facilities are brought into ADA compliance.

Rarely do small or even medium sized communities possess the resources to bring their community sidewalks into ADA compliance. The unintended consequence is often marked by a noticeable reduction in the local highway pavement surface quality beginning at the corporate city limits. Like the communities, the Department does not possess the resources to bring all of the local sidewalks adjacent to the highway into compliance. Often the costs of the mandated sidewalk improvements can be many times the cost of the badly needed simple asphalt overlay and may also require the complete reconstruction of the highway. Therefore, in most cases we are effectively prohibited from performing routine pavement maintenance activities inside the city limits. However, if the highway is in need of complete reconstruction, ADA compliant adjacent sidewalks are incorporated into the reconstruction project.

In addition, the Act represents another opportunity for other erroneous interpretations. Often, a federal interpretation to construct accessible curb ramps at intersections and other locations is invoked in the name of ADA where no connecting sidewalk exists. Such a wholesale directive can result in curb ramps that terminate in an adjacent vacant lot or worse yet, a ditch bottom, embankment or signal or light pole base. The serious nature of the ADA and everyone's desire to do the right thing and make sure we are in compliance sometimes leaves no room for exercising common sense.

ADA compliance within the public rights of way is important. However, the Act should not force a state department of transportation to assume an enforcement role on behalf of the Federal Highway Administration or the Department of Justice. Nor should it dictate a state's ability to maintain the highway system within a community or delegate all related decision making authority to a particular federal agency. Again, a dedicated, non-transportation related funding source should be identified for community based ADA compliance efforts and initiatives and highway system compliance activities should be limited to projects that clearly constitute reconstruction.

**The Environment and System Users**

The Nation has made great strides in the last 20 years in improving air and water quality as well as preserving resources. In the case of environmental regulatory issues, we certainly recognize the need to exercise care in protecting the environment. However, we must consider the need to deliver transportation improvements in a manner that enhances the function of the system and the safety of the traveling public as quickly and cost effectively as possible. Regulatory restrictions, bureaucratic actions and mandates that drive up costs, increase delivery times and divert transportation system dedicated resources should be carefully scrutinized and limited or eliminated. In addition, regulatory policy that invokes other unrelated regulatory policies and introduces bureaucratic redundancies should also be minimized to the extent possible.

**National Environmental Policy Act (NEPA)**

The Federal Highway Administration's policies for implementing the National Environmental Policy Act are important as related to the major transportation improvement projects. NEPA was adopted in 1969 primarily as a result of the construction of the thousands of miles of interstate highway system on virgin alignments. Today, with the focus on state of good repair improvements, a majority of transportation improvements occur within already existing transportation rights of way.

When such projects encompass or require the acquisition of new right of way to support the implementation of the proposed improvements, a reasonable consideration of potential social, environmental and cultural impacts is warranted. Therefore, if it is determined that private property is to be acquired for a permanent, public transportation use, it is always prudent to fully vet and carefully document the investigation, analysis and decision making process.

However, if a transportation improvement project is being developed entirely within an existing or previously reserved transportation corridor, it should be reasonable to expect that the improvements will be of a nature that does not require federal regulation or oversight. Any responsibly executed activity required to construct, reconstruct or maintain that facility as determined necessary by the state Department of Transportation should not be subject to the added expense, delay and potential double jeopardy of further federal oversight, review or regulation. Such state of good repair and operational improvement projects should be allowed to progress from conception to construction unimpeded in order to effect the necessary improvements to the facility.

**Therefore, it is recommended that legislative provisions be crafted that provide a full NEPA exemption and minimize or eliminate the impact of other non-transportation related federal regulations when transportation improvements are being implemented within existing transportation rights of way.** A few examples of such cross cutting federal mandates include the Clean Water Act, the National Historic Preservation Act, the Endangered Species Act, the Migratory Bird Treaty Act, and so forth. A long list of environmental reviews that are commonly mandated for work within existing right of way is included for reference as Attachment 'A'.

The benefits of such action are broad and far reaching. First, departments of transportation will be inherently encouraged to work within existing transportation facility footprints which will

minimize additional impacts to private property or the environment. Second, the preparation efforts and time saved to deliver projects that meet defined criteria will translate as a cost savings to the agency and a direct "user benefit" to commerce and the traveling public through an expedited improvement delivery. Also, the state and federal regulatory, resource and lead agencies will have the opportunity to focus more of their internal resources on progressing other larger scale proposed transportation improvements in a more timely and effective manner.

**Section 4(f) of the DOT Act**

The Department of Transportation Act (DOT Act) of 1966 introduced Section 4(f), which stipulated that the Federal Highway Administration (FHWA) and other DOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless there is no feasible and prudent alternative to the use of land and the action includes all possible planning to minimize harm to the property resulting from the use.

Section 4(f) is a redundant, duplicative and time consuming regulation in the broad context of the preparation of environmental documents under NEPA. The issues related to public lands and historical sites referenced in 4(f) are consistently addressed under NEPA as applicable to federal-aid transportation improvement projects. As such, in August 2005, Section 6009(a) of SAFETEA-LU made the first substantive and positive revision that simplified the process and approval of projects that have only de minimis impacts on lands impacted by Section 4(f).

The need and applicability of Section 4(f) should again be carefully scrutinized and evaluated in order to further understand the effectiveness of the regulation. If it can reasonably be determined that the regulation adds no value other than the reinforcement of redundancies already commonly addressed under NEPA, it should be eliminated.

**Air Quality**

Undoubtedly, the government, the business community and the general public have all been a force in improving air quality in the United States under the Clean Air Act. As further exemplified for the Oklahoma City area in Attachment 'B' of this document, air quality has progressively improved to the point that the attainment of former air quality targets that once seemed unachievable is now common place. The results for the Tulsa metropolitan area would be similar. Our concern is that the Environmental Protection Agency (EPA) has continually ratcheted down air quality targets and associated measuring requirements to the point that today a common dust storm at an inopportune time can result in non-attainment.

Currently Oklahoma has no areas that are classified as non-attainment. Even so, Oklahoma has invested significant Congestion, Mitigation and Air Quality (CMAQ) funds in proactive program development to stay in attainment and protect the health of our citizens. However, several areas of the state including both the Tulsa and Oklahoma City metropolitan areas teeter on the verge of non-attainment under the lower targets and more restrictive interpretations and measuring requirements. The impacts and costs of non-attainment are significant to both private industry and the transportation system. Non-attainment seriously restricts a state's ability to manage transportation improvements within the designated areas, requires a substantial investment in

planning and conformity studies and analysis before implementing most transportation system improvements or capacity expansions and embattles the private sector against the government.

Air quality targets and guidelines must be established that are determined to be reasonable by state governments and by the private sector and that do not restrict the economic growth, competitiveness and development of our Nation. Oklahoma companies are developing clean energy sources to include wind power, biodiesel fuels and compressed natural gas to assist with air quality improvements. Air quality targets should also fully anticipate the future improvements that will be realized through the enhanced utilization of clean energy sources and the stewardship being exercised by both the government and the private sectors.

**Clean Water Act - Proposed Effluent Limitations Guidelines (ELG) and New Source Performance Standards to Control the Discharge of Pollutants from Construction Sites**

The Department acknowledges that the EPA desires to reduce the impact of construction activities on the Nation's receiving waters and do not disagree with the concept in principle. However, we have substantial concerns with the general approach taken by EPA. In particular, we are dissatisfied with the far reaching impact their indiscriminate regulation has on linear transportation improvement projects.

Specific to the ELG, the rule itself is ill-conceived when considering linear transportation system improvement and utility construction sites in the subcategory of Heavy Construction. The Proposed ELG includes many provisions that are technologically and/or economically unachievable. It will not be possible to meet the suggested water quality numeric limits in some cases because it is not always feasible to capture, detain and treat all runoff from all transportation improvement projects.

We anticipate that the conventional passive sediment and erosion controls commonly used today will not achieve the turbidity levels mandated in the proposed rule and more intensive, invasive and extremely expensive measures will surely be necessary. Some projects would likely require the Department to acquire additional right of way and displace residences and businesses in the attempt control runoff and comply with the proposed ELG. Many required provisions are likely to increase ground disturbances and construction impacts in the vicinity of discharge points (e.g. water bodies), which would invariably increase impacts to environmental resources that are associated with water bodies.

Much the same as air quality, we should recognize that by federal law, the EPA is obligated to establish effluent limitation guidelines. Nevertheless, it appears that the EPA has drastically underestimated or ignored the number of transportation projects that would be subject to the proposed ELG. Also, the ELG fails to recognize the complexity of the treatment systems that would be required on linear transportation projects that often span many miles, the implementation costs to state departments of transportation, and the impact the actions will have on the Nation's ability to maintain its infrastructure.

***The costs of implementing transportation system improvements can be significantly reduced through minimizing the administrative burden placed on project delivery, thereby allowing for more transportation generated dollars to find their way to the Nation's core infrastructures.***

As we consider the full magnitude of the current inadequacies of our national transportation system, we must recognize that it will be extremely difficult for the Congress to increase transportation funding and quite challenging to even sustain the current SAFETEA-LU federal transportation funding levels. Therefore, more of the available resources must be directed to our core infrastructures without set asides or diversions. In addition, we must work together to style the project delivery process to be more efficient and free from unnecessary bureaucracy, laws, rules, directives or redundant regulations.

We know efficiencies can be realized because the federal government and DOTs have a long and storied success working together to quickly deliver complex and extensive transportation projects during emergency conditions. Just a few more recent examples include the work done on the I-35 Bridge over the Mississippi River in Minnesota, I-10 in Louisiana and Mississippi, the MacArthur Maze tanker truck fire in California, the I-40 Bridge over the Arkansas River in Oklahoma and the Port Isabella Bridge in Texas. We have often discussed the benefits of mainstreaming the lessons learned to establish such practices as the rule rather than the exception.

Time is money when you are addressing a less than adequate transportation system. The impact of diverted transportation funding and the cost of regulatory compliance are significant and can be quantified in dollars to some extent. The costs of layered federal bureaucracy and delays in transportation improvement project delivery are less tangible but have a far greater impact on the economy, commerce and the safety of the traveling public.

***The return on transportation system investments must be a primary consideration of performance measurement and the results should be honestly and accurately communicated to the Congress, our state officials and our citizens.***

**Performance Measurement and Accountability**

All proposed national performance measures should be provisioned to factor and report both the state and federal resources that are available and being invested to sustain and improve the system, element or condition. The measures should also outline the anticipated performance improvements that can be expected with an increased transportation investment. This type of Return on Investment (ROI) format should be developed for each proposed performance measure and should be the standard for reporting.

Each state should understand that the single largest condition influencing factor is the level of state resources available to leverage and enhance the federal-aid program. No state has enough federal or state resources to manage the transportation system in the manner that they desire. However, some states enjoy state funded programs that far exceed their federal-aid allocations and others have very few state budgeted transportation dollars available. Therefore, measures must include provisions to account for and clearly explain such budget disparities when performance is intended to or may be compared on a state-to-state basis.

It is extremely important that states monitor and document the performance of the highway system as related to safety. Safety performance is always a major factor when transportation investments are considered. Accident data and information is meticulously collected and readily available today and thereby should be considered as a primary source for the establishment of related performance measures.

Composite performance measures should be utilized when possible that can accurately reflect and report the overall condition of the transportation system, component or element by considering multiple condition factors. The bridge sufficiency rating and the pavement quality index are examples of such composite measures that can tell a complete and truthful story of condition and of the general improvement or decline of our system.

It is imperative that a performance measure be established to benchmark and measure project delivery as a project progresses from concept to construction contract and on to completion. The time necessary to deliver transportation improvements heavily influences the cost of the improvements. As such, project delivery cannot be separated from the relative measure of the performance of the system we are trying to improve. The project delivery measure can also reflect the effectiveness and focus of the partner and regulatory agencies that a state DOT must coordinate with.

Oklahoma welcomes the establishment and utilization of thoughtful performance measures that can benchmark our transportation system and provide useful information. The high level performance measures adopted for the transportation system should be broad, simple and, above all else, the measures should be meaningful and understandable. However, we must insure that we are attentive to the valuable input that states have to offer and that meaningful and easily understood performance measures are crafted. Performance measurement related to the transportation system must be more than another exercise in bureaucracy.

**Conclusion**

It is our belief that those of us who work in state government know we can do better. We know we can perform at a very high level in a less bureaucratic and heavily regulated environment. We know we can deliver transportation improvement projects more efficiently, we know we can invest transportation dollars more effectively and we know that commerce and the traveling public will be better off for it. As government transportation officials, we simply request that the Congress make every effort in new legislation to empower us to get out of our own way.

**ATTACHMENT 'A'**

Environmental Reviews Required for work within existing Right-of-Way:

- **Endangered Species Act (ESA)-** Check listed species, evaluate if activity has the potential to affect, if so, USFWS concurrence is required. ESA requires avoidance, minimization, and mitigation, in that order.
- **Bald and Golden Eagle Protection Act (BGEPA)** – Survey for nests, restricts activity within a radius of an active nest (generally, 660 feet while nests are active).
- **Migratory Bird Treaty Act (MBTA)** – Prohibits destroying active nests with eggs or fledglings. Check for nests, avoid nesting season if they are there, or restrict access to the bridge. (For ODOT this is typically Cliff Swallows, though the list of protected birds is very long. To fully comply, ODOT would be restricted from cutting down any tree with an active nest in it, anywhere.)
- **National Historic Preservation Act (NHPA)** – Check or evaluate if bridge or road segments are eligible for the National Register. (**Interstates are Exempt**). If activity will have an adverse effect, consultation with interest groups, and negotiated mitigation is required, subject to the Advisory Council for Historic Preservation (ACHP in Washington DC) and the State Historic Preservation Office (SHPO).
- **4f**– Adverse effects under NHPA trigger 4f (FHWA responsibility). 4f dictates that there must be no feasible and prudent alternative to the adverse effect. Requires avoidance alternative if it exists. Causes in depth alternative analysis.
- **404 Permit** – Required to place concrete or fill below the ordinary high water mark, or in a jurisdictional wetland. In order to get this permit from the Corps of Engineers, ESA and NHPA must be satisfied. General conditions include not impounding water, (maintaining water flow during construction), implementing erosion control measures. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows and must be removed in their entirety returned to pre-construction elevations and revegetated, as appropriate. If an Individual Permit is required (greater than a half acre of fill below the OHWM), Public Review is undertaken by the Corps, and DEQ can require additional measures through the 401 Certification Process.
- **Construction Stormwater Permit** - Required from DEQ if One Acre or more of ground will be disturbed. It also required ESA and NHPA compliance.
- **FAA Permit** - If near a general aviation airport with new lighting or a bridge, this permit may be required. Ensures new structures won't be a hazard to air traffic.
- **Coast Guard Section 9 Permit** – Required for Bridge work over Navigable Waters for interstate commerce. Also requires 401 Cert, ESA, and Coast Guard NEPA.
- **Corps of Engineers (COE) Section 10 Permit** – Required for work that affect the course, condition, or capacity of navigable waters of the United States. This term includes those waters defined as navigable, and "historically navigable" or that with modification may be available for future use to transport interstate commerce as determined by the COE. (Parts of Arkansas, Canadian, North Canadian, Grand, Illinois, Poteau, Red, Verdigris and Washita Rivers, and Bird and San Bois Creeks.
- **Scenic Rivers** – Work over one of the States Scenic Rivers requires coordination with the Commission.
- **FEMA Map Revisions** – Work affecting hydraulics of stream may require Conditional Letter of Map Revision (CLOMAR)/LOMAR.

**ATTACHMENT 'B' – (Provided by the Association of Central Oklahoma Governments)**

Air Quality General Information:

- EPA started regulating ozone in 1971
- Central Oklahoman is currently in attainment for all federally regulated pollutants (i.e. ozone, particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, lead)
- Ozone is monitored at 6 sites in Central Oklahoma
- Motor vehicle exhaust and industrial emissions, gasoline vapors, and chemical solvents as well as natural sources emit NOx and VOC that help form ozone. Ground-level ozone is the primary constituent of smog. Sunlight and hot weather cause ground-level ozone to form in harmful concentrations in the air. As a result, it is known as a summertime air pollutant. Many urban areas tend to have high levels of "bad" ozone, but even rural areas are also subject to increased ozone levels because wind carries ozone and pollutants that form it hundreds of miles away from their original sources.
- The Ozone standard is measured by taking a 3-year average of the fourth highest 8-hour reading at each monitoring site. Only one monitoring site has to be out of compliance for the entire region to be declared non-attainment.

**Background:**

**1997** - EPA revised the air quality standards for ozone replacing the 1979 standard with an 8-hour standard set at 0.08 ppm (technically 0.085 ppm since rounding was permissible).

**2008** – EPA strengthened the 8-hour ozone standard to 0.75 ppm

**2010** - EPA proposed to strengthen the national ambient air quality standards (NAAQS) for ground-level ozone to a level within the range of 0.060-0.070 parts per million (ppm). Announcement of the new standard has been delayed three times.....**expected to be announced in July 2011**

**Issue:**

- Despite the fact that ozone levels have steadily decreased in Central Oklahoma since 1997 (See Figure 1), adherence to the new federal standard (between 0.060 – 0.070) will be very difficult, if not impossible in the short term.
- The end result would be that our region would be saddled with a "dirty air" designation, along with hundreds of other metropolitan areas. The policy paradox is that we have done everything to keep our air clean, but we still may not be able to maintain our clean air status. Being declared a "dirty air region" would result in an arduous, long and costly process in which we would have to develop an emissions reduction strategy to show that we have the capacity to return our air to "clean air status."

**Recommendations:**

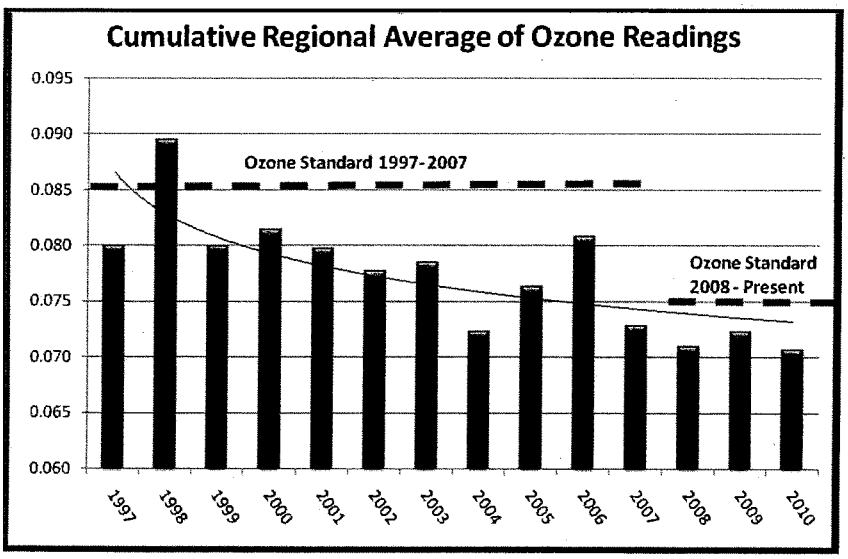
- **Strengthen National Measures.** It is our belief that any tightening of the standard must be accompanied by simultaneous strengthening of national measures (such as regulatory requirements for power plants, mileage/emissions requirements on motor vehicles, and uniform, cleaner fuels) that affect ozone emissions nationwide. It is simply not in the toolkit

available at the local level to efficiently effect a change significant enough to meet a 0.060-0.070 ppm standard. **If Congressional action is necessary to affect the ground rules on a national level, we support revisions of the Clean Air Act to make such changes.** The need for proposed, more stringent standards, and the fact that basically the entire country would be found in non-compliance, underscores the fact that this is a national problem, and the solutions must emanate from the federal level rather than on the backs of cities across the country. We simply do not have the strategies or controls to fulfill the ever increasing requirements. The resources saved by looking at a national approach versus the tremendous effort required keeping track of hundreds of communities and their local efforts would be enormous. We believe those financial and human resources could be put to far more efficient and better use by EPA in a holistic, nationwide plan.

- **Lengthen implementation timeline.** In the event that a national approach is not feasible for this rule, ACOG recommends that the timeline for implementation be increased in order to lessen the financial impact of trying to implement a lower standard so close to the most recently announced 0.075 ppm and to give previously established measures time to take effect. As stated by the National Association of Regional Councils (NARC), "states and localities have worked to identify strategies that are both politically and financially feasible to reach attainment through the NAAQS Ozone standard set in 2008. Tightening the standard further will require a duplication of those efforts, with a significant cost to states and regions both financially and politically." The planned requirements for improvements in vehicle fuel efficiency and cleaner power plants would not have had time to take effect before local areas would be judged as non-compliant.

- **Provide new tools and strategies.** Despite years of sanctions and federally established milestones, many parts of the country have been unable to meet the current ozone standard. Instituting an ozone standard that is more stringent without additional tools such as the 8-Hour Ozone Flex Program, resources and authority would put even more pressure on cities and states. Central Oklahoma has diligently and successfully worked to remain in compliance with the current standard, but even with numerous proactive efforts, teeters on the edge of non-compliance and is dependent on cooperative weather conditions and industrial regulation at the federal level.

**FIGURE 1**


Cumulative Regional Average of Ozone Readings
0.095
0.090
0.085
0.080
0.075
0.070
0.065
0.060
Ozone Standard 1997-2007
Ozone Standard
2008 - Present
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010

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BILL ANOATUBBY
GOVERNOR

March 8, 2011

Honorable James Lankford
United States House of Representatives
Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Lankford:

The Chickasaw Nation is pleased to provide comments regarding the field hearing held at the Oklahoma City Community College on February 24th, 2011 over improving and reforming our nation's surface transportation programs through the re-authorization of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Before SAFETEA-LU was enacted, over half of Indian country was left out due to previous formulas. The Transportation Equity Act (TEA-21) mandated a Negotiated Rule Making committee to adopt a new Indian Reservation Road (IRR) program funding formula that consisted of tribal representatives from small, medium, and large tribes across the country and representatives from the federal government. The new formula provided a more fair and equitable share of federal road funding for tribes across the nation. For almost 80 years, the Chickasaw Nation could not identify our true need for the IRR program, resulting in unwarranted dangerous conditions and lost lives on our roads.

SAFETEA-LU finally provided most needed funding and saved many lives on the roads our citizens drive day in and day out. As a tribe in Oklahoma, we have a unique circumstance because of our past treaties and agreements with the United States of America. Although the county governments maintain the majority of roads our citizens travel on, county governments only have an easement for the road and maintain it out of necessity. The funding the counties receive for these roads is enough to pay for a handful of county workers and enough fuel for their equipment in order to grade a road twice a year at the most. Our roads serve both the Indian and non-Indian community; therefore, we have made roads safer for the community as a whole. We have had much success

working cooperatively with both the county entities and the Oklahoma Department of Transportation (ODOT) in leveraging funding, labor and resources together in order to get the most beneficial and efficient project.

Recently, the Bureau of Indian Affairs Division of Transportation (BIADOT) and the Federal Highway Administration (FHWA) have administratively revised the regulatory provisions governing the IRR funding formula without initiating a negotiated rulemaking, as mandated in TEA-21. These changes are substantial and will negatively affect over half of the Indian country that was left out of past funding formulas. This action will negate the progress and hard work that has been accomplished by the negotiated rulemaking committee. The only course for a solution is for Congress to restore the integrity of the IRR program through re-authorization, and clarify its intent not only for the tribes in Oklahoma under SAFETEA-LU, but for what was determined as fair and equitable by the negotiated rule.

Sincerely,

Bill Anoatubby

Bill Anoatubby, Governor
The Chickasaw Nation

Tulsa OK 74114
6 March 2011

The Honorable John Mica
US House of Representatives
2187 Rayburn House Office Building
Washington, DC 20515
Fax: (202) 226-0821

Dear Rep. Mica:

Since you visited Oklahoma to hold hearings about transportation issues, I thought you would like to see comments I prepared for the Oklahoma Department of Transportation relative to their rail plan. My focus is mostly on passenger rail.

ODOT is soliciting public comments on their rail plan, but I am not sure my comments arrived in the proper place since ODOT gave us an invalid email address to use. Following are the comments I attempted to deliver to ODOT.

It is difficult to comment on any rail plan for ODOT because one always wonders whether the plan is really going to be a plan or simply a formality for the FRA or a distraction for Oklahoma citizens.

Economy, safety, mobility, environmental sustainability, current and future needs....

Obviously, more use of rail, both passenger rail and freight rail, in Oklahoma would be much more economical for most individuals and businesses than the current heavy reliance on highways. It would also be more economical for the state of Oklahoma, which wastes so much on highways and the highway lobby's pockets

I should mention here an economic injustice in that heavy trucks cause a huge amount of damage to our highways. The $$ burden for highway repair should fall on those heavy trucks, not on the Oklahoma taxpayer in general.

Speaking of economy, **ODOT should not be selling profitable rail property --or ANY rail property for that matter.** Why was state property sold to the Wichita Tillman and Jackson Railroad? What about selling the Kansas to Texas line through Enid and Chickasha? Selling state rail lines does not make economic sense. ODOT appears highly irresponsible, no, CRIMINAL, when it sells or destroys valuable rail property --such as the Union Station rail yard and infrastructure it destroyed in Oklahoma City.

Anyone who has driven on a crowded highway (such as the Turner Turnpike) knows that more use of rail, both for passengers and freight, would relieve highway congestion and make travel safer.

Of course, one would have to trust ODOT to ensure that rail crossings in cities and towns were safe. ODOT's history in OKC (e.g., on Robinson) does not inspire confidence.

Mobility for great numbers of people who simply cannot travel now would be provided with more passenger rail in Oklahoma. There are youngsters too young to drive, seniors who can no longer drive, handicapped people, people who simply cannot afford a car. ODOT should provide rail mobility for them.

The Tulsa-OKC route (which will sensibly be developed as conventional rail, making it affordable to almost everyone and accessible to small towns along the route) is just a beginning. We need restoration of the passenger train service that existed back in the 1940s. And more than that.

The Amtrak Heartland Flyer from Oklahoma City to Fort Worth Texas has been extremely successful. Why has ODOT treated it as just a token? That service needs to be extended northward so that Oklahomans can connect with Amtrak in Kansas City and St. Louis.

If it were not for volunteers who man the Oklahoma City terminal for the Heartland Flyer, that train would probably not have enjoyed so much success. It seems that ODOT has little conception of passenger service. (Admittedly, passenger service is a weak point at many Amtrak terminals across the country, as I have often experienced.)

Environmental sustainability is a major reason to develop more passenger and freight rail in Oklahoma. We all know that it takes a lot less fuel to move people and goods on a train than in individual automobiles and trucks.

Rail transportation takes less fuel and produces less pollution. Rail transportation spares our air, not just from burning fuel but also from the refining process.

The gas that runs our cars is coming from more expensive, dirtier sources all the time. It makes sense to cut back on the use of that gas. (It's also getting more and more expensive. See "economy" above.)

Developing more rail transportation in Oklahoma needs to be a SHORT-TERM GOAL, not just long-term.

Health is important to us all. Cleaner air makes a difference in the health of our population. Also, more passenger rail could alleviate the STRESS of driving in unsafe or marginally unsafe conditions. This would affect thousands of people in *our very unhealthy state*.

Current and future needs? Think of all the people who simply cannot travel right now because they cannot drive a car or cannot afford purchase, upkeep and gas for a car. Right now there are people who can barely afford gas. Soon they will join the ranks of those who cannot afford to drive. That will no doubt mean many will lose their jobs.

Rail is a job-protector. Rail is also a business-stimulator. Development follows transportation.

The need for more rail in the future seems self-evident. The Tulsa-OKC connection, by CONVENTIONAL RAIL*, is a good place to start. Connections to Kansas and Missouri should follow so that Oklahomans can connect, as mentioned above, with nationwide Amtrak lines. I'd like to see more cooperation from ODOT with Kansas and KDOT.

*Conventional rail, by the way, is what is really needed right now. It's less expensive to develop (compare $220 million for conventional to $TWO BILLION for high-speed) for the Tulsa-OKC route, and much less expensive to ride! High speed rail is for the rich and not all Oklahomans are rich!

For all the above reasons and more, I submit that a serious rail plan by ODOT will actually mean setting aside dollars right now for developing conventional passenger rail. The common good should take precedence over the highway lobby's endless greed.

The federal government may demand studies, but we all know that studies need to be serious and followed through. Why does ODOT talk big about plans and studies and then shelve studies? How can the FRA and Amtrak take Oklahoma seriously?

Yours truly,

BA Geary

B.A. Geary

Edwin Kessler

Norman, Oklahoma 73072

March 3, 2011

Representative John Mica
2187 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Mica,

This letter presents further input to the hearing on transportation that you held in Oklahoma City on Thursday, February 24th.

The purpose of this message is to ensure that you know of a certain costly (now near $1 billion for 4½ miles of road) highway program in Oklahoma and of its background. There are four enclosures to this message for provision of basic information. We want to be sure that your policy be developed with full knowledge of the situation here.

Oklahoma is primarily a highways state: policy here can only confirm our Nation's dependence on petroleum from foreign, often basically hostile sources. Local policy also confirms near-total absence of decent alternatives to transportation by automobile, and thereby makes it difficult for older, low-income, and handicapped persons to move far from their homes.

I refer mainly to the Crosstown Highway Program in Oklahoma City, which has involved destruction of the facility previously existent at the Union Terminal in Oklahoma City. A group of Oklahomans has opposed this vigorously since the middle 1990s, but destruction is now essentially complete, and the Association of Central Oklahoma Governments is supporting, with mostly federal money, a study to suggest location(s) of a new rail hub. We believe that a rail hub here that is equal in quality to that which has been destroyed cannot be constructed except at extraordinary unjustified cost.

One of several basic problems is that there has been no explanation of why destruction of the existing hub was a good action. No letter to authority or statement before the Oklahoma City Council has ever received response. There have been no explanations, and a policy of proponents is not to respond to inquiries. The former Director of City Planning in Oklahoma City, Garner Stoll, who presented nine reasons for opposition, was transferred to unbefitting work after he wrote a report with nine reasons for opposition. His message has never been publicly addressed by proponents, and, amazingly, we opponents don't know to this day who among the very powerful here are fundamentally responsible for this debacle. Mr. Stoll is now in Austin, Texas, and his report, as submitted to the Federal District Court for the Western District of Oklahoma, is one of the attachments. Another attachment is Mr. Stoll's statement to the Federal District Court for the Western District of Oklahoma.

Still another attachment is an extended historical statement that I wrote. It was published in Norman's local newspaper, *The Norman Transcript,* (exactly as in the attachment) on June 20th and 21st of 2009. This editorial indicates, among much else, that laws were broken by the Oklahoma State Office of Historical Preservation. Although, on other aspects of this case, we have been to the Surface Transportation Board, The Oklahoma Corporation Commission, the Federal District Court for the Western District of Oklahoma, and the Federal Court of Appeals for the District of

Columbia Circuit (decisions pending), proponents have had their way and the Union Terminal facility has been destroyed as a rail hub. One of those who testified at your hearing, Neal McCaleb, signed a letter in 1989 that confirmed purchase of OKC's Union Terminal, again with mostly federal money, for future use as a rail hub!

A fourth attachment is a one-page statement by Tom Elmore, Executive Director of the North American Transportation Institute, based in Moore, Oklahoma. Mr. Elmore has been the leader of our opposition group – he has an intimate knowledge of RR history here and elsewhere and is a past president of the Oklahoma Railway Museum.

We hope for comments by you or your staff on this letter and the attachments. The information available on this subject is enormous, and much more could be provided.

Thank you for consideration.

Sincerely,

Edwin Kessler

Enclosures

Statement by Garner Stoll, 22 Feb 1999
Statement by Garner Stoll to the U.S. District Court for the Western District of OK
Editorial by Edwin Kessler, June 20-21, 2009
Statement by Tom Elmore about the Union Terminal and description

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE WESTERN DISTRICT OF OKLAHOMA**

| | | |
|---|---|---|
| (1) **EDWIN KESSLER,** | ) | |
| Plaintiff | ) | |
| -vs- | ) | NO. CIV-2008-358-R |
| (1) **BNSF RAILWAY COMPANY**, and | ) | |
| (2) **STATE OF OKLAHOMA**, *ex rel.* **OKLAHOMA DEPARTMENT OF TRANSPORTATION**, Secretary of Transportation (3) Phil Tomlinson and Director (4) Gary Ridley, in their official capacity, | ) | |
| Defendants. | ) | |

**DECLARATION OF GARNER STOLL**

I, Garner Stoll, of lawful age, upon information and belief, make the following Affidavit:

1. I am Assistant Director, Neighborhood Planning and Zoning Department for the City of Austin, 505 Barton Springs Rd., Austin, Tx 78704. At the time that I prepared the original portion of the attached Exhibit A, I was Director of the Oklahoma City Planning Department.

2. I have extensive experience with matters of city planning and urban development. A copy of my Vita is attached as Exhibit C.

3. The attached Exhibit A is entitled, "A Transcribed Fax Message from Garner Stoll Regarding the Proposed 'New I-40 Crosstown Expressway." As indicated in Exhibit A, I prepared this document in February 1999 as a comment or critique of ODOT's Major Investment



AUG-04-2008 MON 09:03 AM City of Austin NPZD FAX NO. 512 974 6054 P. 01

Study Regarding Alternative Routes for the Reconstruction of I-40 through downtown OKC. I have reviewed the attached Exhibit A and identify it as a transcribed copy of my original document.

4. As a part of my review of Exhibit A to make this Declaration, I also prepared a supplement which appears at the beginning of Exhibit A. I did this on July 28, 2008.

5. The views expressed in Exhibit A are my own and based upon my professional judgment in examining the "new" I-40 Crosstown Expressway in Oklahoma City.

6. Attached Exhibit B is a document I received from the Department of Transportation which indicates that "Americans drove 9.6 billion fewer vehicle-miles traveled (VMT) in May 2008." I regularly rely upon such documents from the Department of Transportation in my work. It is my opinion that this document supports the premises of my memo contained in Exhibit A.

7. I declare under penalty of perjury that the foregoing is true and correct. **28 U.S.C.A. §1746**

EXECUTED THIS 4th DAY OF AUGUST, 2008.

**GARNER STOLL**



AUG-04-2008 MON 09:04 AM City of Austin NPZD FAX NO. 512 974 6054 P. 02

**A transcribed fax message from Garner Stoll regarding the proposed "New" I-40 Crosstown Expressway**

*To whom it may concern:*

*This is the text of a critique that I wrote about ODOT's Major Investment Study regarding alternative routes for the reconstruction of I-40 through downtown OKC in 1999. At that time I served as was Director of the Oklahoma City Planning Department. I wrote the paper on my own time at the request of a member of the Oklahoma House of Representatives.*

*This paper concluded that ODOT did not complete an objective analysis of the alternative routes for the reconstruction of I-40 as is required for a Major Investment Study. I still hold this view.*

*Looking at this project from the perspective of 2008, (with the emergence of higher energy costs, climate change, and renewed interest by private investment in metropolitan areas that provide a wide variety of transportation choices) I believe that all of the alternatives considered in 1999 should be rejected. I question the desirability or need for constructing a 10-lane, limited-access freeway anywhere in the area between the Oklahoma River and Downtown. Rather, an at-grade boulevard at the present location of I-40, could provide for cross town traffic while providing better access to downtown Oklahoma, at a much reduced cost. A well designed boulevard could greatly increase transportation choices and access, community amenities, and enhance future development potential of the greater downtown Oklahoma City area, while preserving all options for future rail transit facilities.*

*I give my permission to use this report. I am currently employed as Assistant Director of Planning and Zoning in Austin, Texas, and can be reached by phone at 512-974-2397, or email at garner.stoll@ci.austin.tx.us.*

*Garner Stoll AICP*

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**2-22-99**
**I-40 REALIGNMENT: A CRITIQUE OF ALTERNATIVE "D"**

This paper addresses some unresolved issues relating to ODOT's proposal for realignment of I-40. While I work for the City of Oklahoma City and served on the Technical Advisory Committee for the Major Investment Study undertaken by ODOT, this paper represents my personal viewpoint and is not intended to represent an official position of the Planning Department of the City of Oklahoma City.

A proposal to relocate an interstate highway through the center of a city is fraught with a complex array of economic, social, political, city planning, and engineering



**Exhibit A - Garner Stoll**

considerations. It is predictable and perhaps inevitable that reasonable people would reach different conclusions regarding desirability of the alternative alignments. This certainly has occurred in Oklahoma City. My problem with this study goes beyond expected conflicts between planning, community development, and engineering objectives. I believe the study used flawed assumptions and was carefully conducted to support ODOT's preferred route from the beginning. Please let me explain.

**1) ALTERNATIVE "D" WAS ODOT'S PREFERENCE FROM THE BEGINNING**

The engineering community's preference for the "D" alignment was well known around city hall far in advance of ODOT undertaking this Major Investment Study. After the MAPS tax passed in December, 1994, the Oklahoma City Public Works Department commissioned a traffic study (completed by outside consultants in 1995) that assumed the "D" alignment as part of its recommendations. The Oklahoma City Public Works and MAPS staff/consultants worked with a graduate class of OSU students to produce a scale model of downtown Oklahoma City that also proposed the "D" Alignment with the Boulevard on the existing I-40 rights-of-way.

The major investment study presentations were frequently convened with an announcement that "ODOT did not favor any of the alternatives," which would be followed by testimonials about the merits of Alternative "D." I have not talked to anyone that was extensively involved in this process that was not aware of ODOT's preference for Alternative "D" well before the study was complete. Both the ODOT staff and their consultants spent a disproportionate amount of time at public meetings stating the merits of Alternative "D" and emphasizing the problems associated with the other alternatives. This study was not a serious attempt at objectively analyzing a list of desirable alternatives. Alternative "B-3" as presented had serious flaws; it had poor access to downtown and Brick town, proposed to close major arterioles, and was routed through expensive real estate.

**2) THE MAJOR INVESTMENT STUDY WAS BASED ON MISGUIDED PREMISES.**

Two fundamental premises guided the examination of the alternatives: 1) the desired design speed was to be 70 miles per hour and 2) the access points had to be spaced at least one mile apart. I am not aware of any interstate highway that passes immediately adjacent to a major downtown that has a 70 mile per hour speed limit or has access points spaced one mile apart. I have attached maps of other downtowns that have access points spaced closer than one mile.

Is it really safe or desirable for fully loaded trucks to proceed at 70 plus miles per hour through the center of a congested urban area with complicated interchanges on either end? Can ODOT give one example of an interstate that is constructed adjacent to a major downtown area that has either a 70 mile speed limit or one mile access spacing? Yet these are the assumptions that restrict reasonable access points from being proposed from the "B-3" alignment.

Can ODOT explain why the one mile access spacing is even an issue if through traffic is routed to separate express lanes?

**3) CONTRARY TO ODOT'S CONCLUSION, ALTERNATIVE "D" IS THE MOST COSTLY ALIGNMENT.**

This is the big issue. We have to construct Alternative "D" because it is the least expensive. ODOT's cost figures for Alternative "B" and "B-3" are, in my opinion, overestimated and their figures for Alternative "D" underestimated. ODOT's cost figures for Alternative "B" and "B-3" include from 47 to 59 million dollars for the reconstruction of I-40 between Western and I-44 to widen it from eight lanes to ten lanes. It presently is an eight-lane facility, in good condition, and is functioning at service level "D" or better. It has capacity to carry the existing and anticipated traffic volumes and does not need to be rebuilt. ODOT contends that it needs to be rebuilt because it presently does not have a 70 mile per hour design speed.

ODOT's alignment for B-3 requires the acquisition of the cotton gin. An alignment that misses the cotton gin entirely appears to be possible. This would save $40 million in right-of-way acquisition costs.

Their cost estimates for Alternative "D" do not include an adequate bridge over the canal nor adequate sound barriers or mitigation for the remainder of the alignment. Their proposal does not include funds for a bridge east of Western that is necessary to make the Boulevard usable.

Perhaps more important than an accurate estimate of construction costs is an analysis of the life cycle costs of the various alternatives. ODOT has not completed this required analysis, but it is clear to me that Alternative "D" with the Boulevard, or with retaining the existing bridge is by far the most expensive alternative from a life cycle perspective. To claim that the construction, maintenance, and reconstruction of two parallel highways is cheaper than one is ludicrous on the face of it.

Life cycle costing is even more important in light of a member of the Oklahoma Congressional Delegation's recent announcement that additional "earmarked" funds may not be available for this project.

**4) DOWNTOWN OKC's ECONOMIC VIABILITY IS DEPENDENT ON VISIBILITY AND ACCESS.**

Alternate "D" provides less convenient access to downtown and severely reduces its visibility from I-40. This issue has been pointed out consistently by every credible expert that has looked at the proposal. This includes the ULI panel, the RTKL report, and the local real estate and downtown business community. Alternative "D" proposes to move a major portion of the regional traffic away from the downtown business core, which benefits from it. It proposes to reroute it through the Riverside Neighborhood, which is

harmed by it. This issue is only partially corrected by keeping the existing bridge in place. The traveling public is still routed away from downtown.

**5) THE LONG TERM VIABILITY OF THE RIVERSIDE NEIGHBORHOOD IS SEVERELY THREATENED BY ALTERNATIVE "D."**

Neighborhoods do not benefit from having freeways built through or adjacent to them. This is especially true of the ten lane variety with 70 mile per hour design speed with interchanges on either side. Walls and sound barriers help, but do not solve the problem.

**6) FEDERAL LAW PROHIBITS SAVING MONEY ON HIGHWAY CONSTRUCTION BY ROUTING THEM THROUGH MINORITY NEIGHBORHOODS.**

While I do not agree that ODOT is saving money by choosing Alternate "D," that is their stated reason for their choice.

**7) FEDERAL LAW PROHIBITS ROUTING HIGHWAYS THROUGH PARKS.**

Alternative "D" proposes to shave the northern edge off of Wheeler Park. If the highway is moved to the north to miss the park a railroad would have to be relocated, which appears to be unaccounted for in their cost estimates. Even if it misses Wheeler Park, it will severely damage its tranquility and future use.

**8) FEDERAL LAW REQUIRES AN ASSESSMENT OF IMPACTS ON HISTORIC RESOURCES AND REASONABLE EFFORTS TO MITIGATE IMPACTS.**

ODOT's report regarding historic resources is oblivious to the many historic resources impacted. The report inventories obscure residential and commercial structures that are older than 50 years, while ignoring Alternative "D's" impact on the Union Train Station, Little Flower Church, Wheeler Park, and the rest of the historic neighborhood. It is my understanding that, to date, the State Historic Preservation Commission has not been contacted regarding this issue.

**9) ALTERNATIVE "D" IS HARMFUL TO THE CITY'S MAPS PROGRAM.**

Alternate "D" does not include an adequate grade separation over the canal and is devastating to the future of the river as a parks and recreational facility. The western end of the proposed route is to be constructed at grade adjacent to the river causing severe noise impacts and limiting the amount of adjacent green areas that can be developed.

Alternative "D" also reduces exposure and access to the remaining MAPS public and private investments. This is particularly true for the ballpark, arena, convention center, and downtown hotels.

**CONCLUSION**

In my view, ODOT's major investment study was orchestrated to justify a conclusion that had already been made. That conclusion was that Alternate "D" was easier to build than the other alternatives. There are many questions regarding the validity of their assumptions, the objectivity of their cost estimates, and their assessment of neighborhood impacts, historical resources, and economic and community development impacts. We have recently learned that the bridge is not in danger of falling down and that ODOT has not even attempted the required life cycle cost analysis. We should ask them to go back to the drawing boards to develop desirable alternatives based on realistic premises. These alternatives should be subjected to objective and independent analysis.

I am convinced that ODOT, working closely with the community, can develop an alternative that meets both Oklahoma City's needs and serves the traveling public. Oklahoma City deserves the best.

Two Decades of Deceit

Edwin Kessler

Exactly as published in The Norman Transcript 28-21 June 2009

A letter dated July 27, 1989, signed by Neal A. McCaleb, then Director of the Oklahoma Dept. of Transportation (ODOT), confirmed ODOT support for purchase "of the Union Station terminal in Oklahoma City as a means of providing a central focal point for existing public transportation and potential future passenger rail services for Central Oklahoma". The $1.2 million price for purchase of the terminal, which is in excellent condition today, was 80% funded with federal dollars.

During the 1990s, however, civic and government leadership in Oklahoma City (OKC) proposed in contradiction to the 1989 letter, that the elevated Crosstown Highway (I-40) through downtown Oklahoma City be replaced by a 10-lane highway through the rail yard at Oklahoma City's Union Terminal. Government may change its policies, but the proposed change has never been fairly justified. And Neal McCaleb now leads a group here (Restore Trust) that promotes highways.

The estimated cost of the proposed four miles of new highway is about $600 million, and the highway would destroy future use of the Union Terminal as the rail hub that it once was and could readily be again.

Two tracks through the Union Terminal rail yard connected Oklahoma to the national rail system. One track is operated by the Union Pacific Railroad and is an active freight line today. It continues to connect to Choctaw, Harrah, Shawnee, and Seminole to the east, also serves several business on the west side of Oklahoma City and goes further west. This track is not abandoned, but would be depressed and run parallel to the new highway.

The second track, proposed for permanent removal, is the BNSF Chickasha line, and it carries trains operated by the Stillwater Central Railroad. During the week beginning June 7th, it was removed from the Union Terminal, and it is now replaced by a bypass, the Packing Town Lead, on the south side of the North Canadian River. It connects on the west side with Chickasha, Lawton, Ft. Sill, Altus, and intermediate points. To the east, it goes to Wellston, Stroud, and Tulsa.

In a report dated February 22, 1999, then OKC Planning Director Garner Stoll stated that the routing decision was made in advance of study, that the chosen route was the most expensive by far among alternatives, and gave several other important arguments against the choice of the alternative route and the highway design. Thus, the Crosstown project, through tilted meetings at which policy was

enunciated and formally defined, violated the Environmental Policy Act, because §§1502.2 and 1506.1 of the Act require that "Agencies shall not commit resources prejudicing selection of alternatives before making a final decision".

In a letter dated July 24, 2000, the State Historical Preservation Office (SHPO) found that the Crosstown project "will have no adverse effect on the Union Station, a property individually listed on the National Register of Historic Places." While the letter referred to the so-called 106 Process (36 CFR Part 800), it did not indicate that the 106 Process speaks emphatically to public participation, which was not part of the SHPO study. Furthermore, tunnels that facilitate all-weather access to the tracks, and underpasses that promote public safety and remain key design elements of the Union Terminal and its rail yard are not mentioned in the SHPO letter, but consideration of such elements is part of the legally required 106 process. Thus the SHPO finding of no adverse effect violates the 106 Process as defined in the Historic Preservation Act. Protest at the time of the letter was to no avail. Another violated law was Section 1204 of the Transportation Equity Act for the 21st Century, as presented on pages 82 and 83 of that Act.

On September 23, 2005, the BNSF Railway Company filed with the Surface Transportation Board (STB) a petition to abandon the Chickasha rail line through the Union Terminal rail yard. The STB regulates U.S. rail, especially for freight. Opponents cited a rule that requires approval of proposed abandonments to be contingent on a lack of freight traffic that originated on the segment proposed for abandonment during the two years preceding an application for abandonment, but opponents were unable to obtain sworn statements certifying the existence of local freight service during the relevant period.

On October 13, 2005, the STB granted abandonment authority to BNSF, but included timing restrictions that applied to completion of an alternative route, the Packing Town Lead, which runs south of the North Canadian River and connects with the Chickasha Line on both ends. The timing limitations were not met but they became unimportant in light of a subsequent STB decision.

This decision, served on June 5, 2008, declared the initial abandonment application by BNSF in 2005 "void ab initio" because of "false and misleading information". In other words, BNSF, backed by the Oklahoma Dept. of Transportation, had lied to the Surface Transportation Board. Numerous filings in this matter with much additional information are available on the STB website under file AB-6-430-X.

Prior to the final STB decision on the original request for abandonment, there was another on February 7, 2008. This directed BNSF not to consummate the abandonment. BNSF interpreted this decision as only requiring BNSF to restrain

from pulling the last tie and piece of track, not from intermediate steps of removal. BNSF removed or allowed others to remove large sections of track and BNSF diverted traffic on the Chickasha Line to the Packingtown Lead.

Therefore, opponents filed in the Federal District Court for the Western District of Oklahoma for injunction against removal of tracks by BNSF and/or the Oklahoma Dept. of Transportation or other entity. The suit was dismissed following the STB final decision of June 5, 2008 that threw out the BNSF application of September, 2005. A related action in the U.S. Court of Appeals in Washington, D.C. was also declared moot upon the issuance of the June 5, 2008 STB decision. Nevertheless, considerable track was cut and removed. BNSF has stated that the track will be replaced if there is a request for service, but additional track is being removed, not replaced. The STB lacks enforcement authority, and there has been no significant effort toward stopping BNSF and ODOT from consummating their plans well in advance of receiving permission to do so.

During the case at the United States District Court in Oklahoma City, Garner Stoll, now Assistant Director for Planning and Zoning in Austin, Texas, presented his 1999 report and added comments as follows: "This paper [1999 report] concluded that ODOT did not complete an objective analysis of the alternative routes for the reconstruction of I-40 as is required by a Major Investment Study. I still hold this view." Mr. Stoll also said that the route of the new Crosstown was a bad idea in 1999 and is worse today.

Other authorities who have decried the route of Oklahoma's Crosstown Project in public statements, include Marvin Monaghan, a former member of the Board of DART, in Dallas; Rocky Anderson, the mayor of Salt Lake City (who called the project "insane"); Malise Dick, a former international highway planner with the International Monetary Fund; and Garl Latham, a railroad consultant in Dallas who has twice visited Oklahoma City and testified at a meeting of our Oklahoma Legislature's Transportation Committee. And there is a plank in the Oklahoma Democratic Party Platform document from 2007 that calls for preservation of the Union Terminal rail yard! Yet, in spite of this chorus, ODOT continues determined to remove Oklahoma's existing rail hub and in this is even supported strongly by our Governor, who has stoutly refused even to convene a commission to review the Crosstown process! Indeed, in February and March 2004, Councilors of the City of Norman were threatened by ODOT Director Gary Ridley with loss of funds should they vote to ask the Governor to support a study of the Crosstown project!

In view of the June 5 decision, adverse to BNSF and its promoter, ODOT, BNSF filed with the STB on July 15, 2008, a request to commence a Declaratory Order

proceeding to determine whether BNSF's rerouting of rail traffic onto the Packing Town track constituted an unregulated 'relocation' or a regulated 'abandonment'

There were many convincing responses that urged change to the route of the new highway in order to preserve the Union Terminal rail yard. The new public interest organization, ONTRAC (Oklahomans for New TRansportation Alternatives Coalition) joined the Oklahoma Chapter of the Sierra Club, the Norman Chapter of the League of Women Voters, the Norman Sustainability Network, The cities of El Reno, Lawton, Norman, Oolagah, and Shawnee, the Oscar Romero Catholic Worker House, legislators and citizens in opposition to the proposed Crosstown route.

Nevertheless, in a decision served on May 20, 2009, the Surface Transportation Board ignored all public inputs, and in their very own words, "the need is far too speculative to overcome the valid and immediate public purpose of relocating the I-40 highway". And this in spite of the 1989 letter, contradictory statements by ODOT Director Gary Ridley, the national security threat represented by our country's dependence on foreign oil, clear indications of decline of the automobile, and the many falsehoods and deceptions that have been characteristic of the Crosstown process since its beginnings. Particularly galling is STB's statement, "...an exemption will foster sound economic conditions and encourage efficient management...." The STB decision is essentially a deregulation or loosening of rules that otherwise govern BNSF.

The STB is a very powerful agency, and it is legally empowered to render exemptions. As the Board stated in its decision: "The Board may grant exemptions on its own initiative", and it did! Senator James Inhofe of Oklahoma knew of the decision two or more weeks before it was rendered, suggesting that his office had let it be known that he favored approval of the ODOT proposal and that, for all of its alleged independence, the Board bows to political pressure. Well, the New Jersey Congressional delegation is fully angered by the STB decision for Oklahoma, because of its possible impact on issues in New Jersey!

Most strangely, the decision has flagrantly violated several mandates to the STB presented in 49 U.S. Code 10101. These call for promotion of beneficial competition among rail carriers and various modes of transportation; promotion of reduced congestion and smooth flow of rail traffic; promotion of effective freight service and promotion of public safety and convenience.

An ONTRAC filing with the Surface Transportation Board documents the violations! Local monopoly by the BNSF is increased, and rail traffic on the Chickasha Line has been delayed up to five hours because of the requirement that

traffic must now be cleared to cross the North Canadian River on one mile of the already congested N-S BNSF line. Public safety is reduced by proposed permanent elimination of grade-separated crossings of the Chickasha Line at Walker and Robinson in Oklahoma City and their substitution by at-grade crossings on the same streets at the Packing Town Lead. Although the at-grade crossings were improved with about $35 thousand taxpayer dollars provided by ODOT, the substitution of at-grade crossings for grade separated crossings is a blow to public safety and contrary to both state and national policies begun by the 1994 safety initiative of the Federal Railway Administration.

Why does practically every Oklahoma citizen who learns about this issue oppose the Crosstown plan? It is because the choice of route would permanently handicap future rail service for passengers, freight, and mail in Oklahoma and because energy-efficient rail transportation is assuming ever more importance at this time of increasing concern about global warming and resource limitation issues. Our State owns nearly 900 miles of rail line and most converge at Union Terminal, which until the mid-20$^{th}$ century was a hub for passengers, mail and package freight, and remains in excellent condition. Opponents seek transportation suited to today's conditions: sustainability, reduced highway congestion, reduced carbon dioxide emissions and increased efficiency of energy usage. Such objectives are of increasing concern today, and intertwined issues of resource depletion and global warming are ever more clearly perceived. The Crosstown highway has become the most important issue for Oklahoma of recent decades.

We need to ask and try to answer very big questions, WHY??!! Why has the Association of Central Oklahoma Governments not responded to the petitions by the City of Norman and other Oklahoma cities, both to our Governor and to the Surface Transportation Board? Why does Oklahoma City-based Alliance for Public Transportation focus so completely on buses and never mention the Union Terminal? Why has response been so delayed to results of surveys showing a strong public wish for better public transportation? Why are unanimous opinions of authorities disregarded? Why do we have so many studies and surveys with few results? Why is essential information on this matter concealed from public view? Why is Oklahoma more than a decade behind other cities, e.g., Atlanta, Dallas, Phoenix and Salt Lake City, in development of energy-efficient public transportation by rail?

Answers in significant part lie in findings publicized by former Oklahoma legislator Wanda Jo Stapleton last April 25th in *The Oklahoma Observer*, and elsewhere – findings of large financial contributions by highway and petroleum interests to political campaigns, reflecting the continuing broken nature of the political system in this our country. And, Are these influences in the real long term

interests of the contributors? There is other thought concerning land purchases and ownerships.

We note that General Motors is bankrupt today. In 1949, several companies apparently led by General Motors, were convicted of conspiring to monopolize the provision of parts and supplies to subsidiary companies, which bought electric railway systems and then replaced electric cars with buses. In the words of E. J. Quinby, president and founder of the Electric Railroader's Association, this had been part of "an organized campaign to deprive the American public of their splendid electric railway systems..." The campaign was successful, though GM and some other companies were convicted, with the conviction confirmed on appeal in 1951.

What was General Motors' vision in the early 20th century that led that company to conspire with others to remove trolley tracks? What is the vision of Oklahoma leadership today, impelling toward permanent removal of the "best in the west" promise for public transportation by rail? And how will Oklahoma and our Nation fare in a future greatly influenced by powerful "highways only" lobbies, although liquid fuels will become scarce and expensive? Opponents do not oppose highways, but they oppose "highways only".

This is a small fraction of available information. For more information contact the author at kess3@swbell.net.

# Why - in the post 9-11-01 world - would Oklahoma officials insist on the unnecessary destruction of the finest potential rail and transit center in the West to make way for a 4-mile, half billion dollar road?

*Urge our officials to preserve the OKC Union Station Yard. Rethink the "new Crosstown."*

Dallas and Denver have preserved and are developing their historic Union Stations as vital new transportation centers bringing together intercity and regional transit trains and buses. Meanwhile, Oklahoma leaders remain silent while our "highways-only" Department of Transportation works to destroy the usefulness of OKC Union Station by building "the New I-40 Crosstown" - an entirely unnecessary 10-lane expressway - directly through its yard.

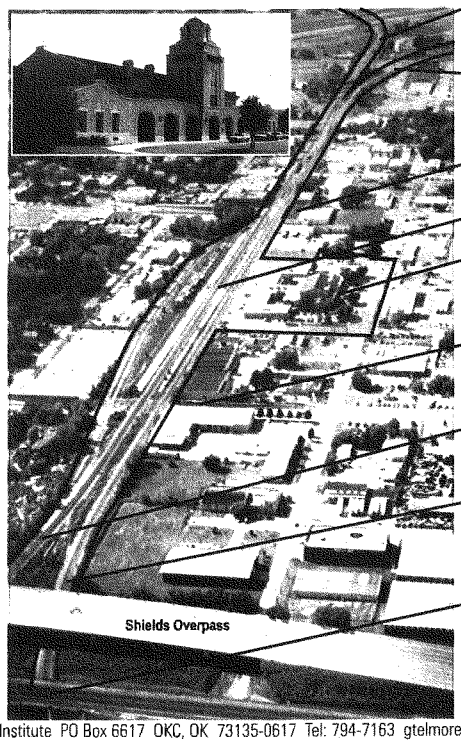
The railway corridor in the photo below is where the New Crosstown will be if they succeed in building it. The highway project would excavate every square inch of the elegant Union Station Yard - including the Robinson and Walker Street underpasses. They're telling us it's "a done deal" - but we don't work for them. They work for us.

The choice of this path for the new highway instead of simply refurbishing the existing roadway was made in the "Pre-9-11-01 World." We live in a different world today - a world where the need for security and fuel-efficiency demands urban and suburban transport options like the modern rail transit systems finding stunning success in other Western U.S. cities.

$500 million for four miles of "New Crosstown?" Why haven't Oklahomans been told the old road could be redecked and refurbished to serve another full life cycle for less than $50 million? Is ODOT serving the taxpayers - or somebody else?

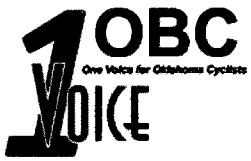
This highway project should be rethought. We simply don't have to sacrifice Union Station to have a quality Crosstown. This project is less than one-half funded. It can and MUST be altered.

Call and write Governor Henry. Ask him to suspend this project until a comprehensive, independent investigation and audit can be made.




Honorable Brad Henry
Governor of Oklahoma
212 State Capitol Buidling
Oklahoma City, OK 73105
Tel: 405 521 2342
Fax: 405 522-3492

North American Transportation Institute PO Box 6617 OKC, OK 73135-0617 Tel: 794-7163 gtelmore@advancedtransport.org




WRITTEN STATEMENT OF
**Mary Ann Cash, LAB LCI #1327, Cooper's Bicycle Center, Oklahoma Bicycling Coalition**
FOR THE
**Field Hearing of the House Committee on Transportation and Infrastructure in Oklahoma City, Oklahoma**

**February 23, 2011**

Chairman Mica, Rep. Duncan, Rep. Lankford, and other Members of the Committee,

Thank you very much for coming to Oklahoma City for your field hearing on the surface transportation reauthorization. Our organization is concerned about ensuring that the small percentage of funding dedicated for bicycle and pedestrian infrastructure and safety be sustained in the next bill.

We wish to respond for the record to the remarks made by the Honorable Gary Ridley, Secretary of Transportation for Oklahoma that recommended that Transportation Enhancements and Safe Routes to School be made optional. On behalf of all the people who bicycle and walk in Oklahoma, we urge you to recognize the national importance of accommodating safe bicycling and walking by including these programs in the surface transportation reauthorization.

The Oklahoma Bicycling Coalition is a statewide organization representing the bicycle industry including bicycle dealers and their employees, bicycle clubs with a membership of over 1000 bicyclist, teachers bringing the Safe Cyclist program to Oklahoma Public Schools and assisting our universities to make bicycling part of campus transportation.

The Oklahoma Bicycling Coalition works with cities including Oklahoma City, Tulsa, Stillwater, Edmond, Norman, Broken Arrow and others on improving biking and walking facilities. One of the best examples is the Tulsa River Parks. Stillwater received Transportation Enhancement monies to build Kameoka Trail which is very popular with bicyclist and walkers.

**The Safe Routes to School program**

The federal Safe Routes to School program is improving safety and increasing opportunities for children to safely walk and bicycle to schools, which reduces traffic congestion. Between FY05-FY10, Oklahoma DOT (ODOT) has received just $9 million total—an average of $1.5 million per year—for Safe Routes to School. This is a tiny fraction of ODOT's overall transportation

spending. Nationally, Safe Routes to School represents just 0.2 percent of the federal transportation budget.

Thus far, ODOT has awarded $6.3 million in 36 grants to communities all across the state. The average grant size is approximately $175,000 and is being primarily used for important infrastructure improvements around schools, including sidewalks, crosswalk improvements, lighting and speed monitoring trailers. Communities large and small are benefiting from these funds, including Bartlesville, Broken Arrow, Catoosa, Coweta, Enid, Kingfisher, Lawton, Oklahoma City and the Tulsa Public/Indian Nation Council—just to name a few.

The Safe Routes to School program serves a unique purpose—improving safety around schools. Nationally, for just 0.2 percent of the federal transportation funding, Safe Routes to School is helping improve safety around more than 10,000 schools. Approximately one-third of children's traffic deaths occur when children are walking and bicycling and are struck by cars. Safe Routes to School is the only program focused on addressing this tragic reality. Through Safe Routes to School, local governments, school systems and parents work together to identify danger areas and develop plans to alleviate the dangers. The funding provided by Safe Routes to School is absolutely essential in helping these communities make infrastructure improvements to reduce traffic safety risks to children. For example, simply adding a sidewalk reduces by half the risk that a pedestrian will be struck by a car. For each collision avoided, communities save money and tragedies are avoided.

Safe Routes to School is also a smart use of federal dollars. Making a one-time, low-cost investment like adding a sidewalk can reduce long-term school busing costs by making it safer for kids to walk and bicycle to school, and ease financial burdens on schools struggling to absorb the rising price of gasoline into their budgets. A recent study of jobs through transportation infrastructure in Baltimore, Maryland showed that pedestrian and bicycle construction projects generated nearly twice as many jobs as roadway construction. Communities of all shapes and sizes—rural, suburban and urban—are competing for these dollars, and in some small towns Safe Routes to School funding has resulted in the town's first set of sidewalks—which also helps support access to local businesses.

Safe Routes to School can also help communities manage traffic congestion. Approximately 15-25 percent of morning traffic is generated by parents driving their kids to school, so the choices parents make about the trip to school affect other drivers trying to get to work. Nearly half of kids that live between one-quarter and one-half of a mile from school are currently driven to school, and the most commonly cited reason for driving is a lack of safety. These short trips can be shifted to walking and bicycling with Safe Routes to School, easing the morning commute.

Finally, Safe Routes to School can help school systems create opportunities for children to be physically active. A lack of physical activity among children has fueled the childhood obesity epidemic, which has huge economic costs to America as more children develop diseases like type II Diabetes. Safe Routes to School infrastructure gets children moving, creating an opportunity for daily physical activity and improved health through self responsibility.

If the Safe Routes to School program were eliminated, communities across Oklahoma would lose access to an important funding stream to address children's safety. If the discretion to fund this program were left to the states, based on Secretary Ridley's testimony, it appears likely that ODOT would use this funding for highway and bridge projects. This would shortchange small towns and cities across Oklahoma and greatly diminish their ability to ensure children are safe on the trip to school. We ask that Congress retain the dedicated funding for the federal Safe Routes to School program.

**Transportation Enhancements**

Bicycling and walking are essential to our communities and to our state. The federal transportation dollars that support these activities boost our economy, help families and government agencies save money, and address many of the concerns our transportation system is struggling with now, including congestion and safety.

In these times of fiscal constraint, we can only afford to fund programs that address multiple concerns. Bicycling and walking programs do just that. Currently, one of every eight trips are taken by foot or by bike, and the use of these modes of transportation in America is on the rise, increasing 25 percent since 2001. For many Americans, walking and bicycling is a necessity, as one-third of Americans don't own cars, including children, the elderly, people with disabilities, and low-income individuals. In addition these trips reduce wear and tear on our roads, reduce congestion, and improve safety and air quality. Nationally, the federal investment in bicycling and walking infrastructure and programs is minimal—only about 1.5 percent of federal transportation spending. This small investment is supporting 12 percent of transportation trips made by bicycling and walking.

Investing in bicycling and walking infrastructure is also important for our economy. A study by the Outdoor Industry Association shows that the bicycling industry nationally supports 1.1 million jobs and brings in nearly 18 billion dollars in federal, state and local taxes. In Oklahoma, there are 194 individual bike businesses that bring in $71 million dollars a year to our state economy. Bicycling and walking also helps with tourism and brings money in to local businesses. For example, the annual Oklahoma Free Wheel ride is a week-long cross-state bicycle ride that attracts approximately 1,000 riders each year. Along the way, riders stay overnight in small communities and patronize local businesses in small towns along the way for food and entertainment.

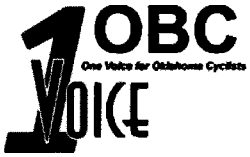
Nationally, Americans will make more than four billion bike trips and 42 billion walking trips this year alone. More bicycles are sold annually than cars and trucks combined. Half of all trips Americans make are three miles or shorter, and one-quarter are less than a mile—easy distances for walking or bicycling, but only if conditions are safe. People who bicycle or walk instead of driving save money on every trip, reduce road congestion, and inflict minimal wear and tear on roads and bridges. Every trip made by bicycling or walking instead of motor vehicle helps reduce government spending on road and parking infrastructure.

All of these benefits are only possible if the federal transportation bill invests in making bicycling and walking safe. The Transportation Enhancements program is a critical source of funding for bicycling and walking. Without a federal requirement, it is unlikely that the Oklahoma DOT would invest in the bike lanes, sidewalks, multi-use paths and other biking and walking infrastructure supported by this important program.

Nationally, the total federal investment in bicycling and walking infrastructure and programs is minimal—only about 1.5 percent of federal transportation spending. This small investment is supporting 12 percent of transportation trips made by bicycling and walking. We ask that Congress continue this critical but modest investment in bicycling and walking and protect the structure of the Transportation Enhancements program.

**Recommendation**

Thank you again for this opportunity to submit testimony as you prepare to write the transportation authorization bill of 2011. We urge the House Transportation and Infrastructure Committee continue dedicated funding for Safe Routes to School and Transportation Enhancements in the next surface transportation bill authorization. These programs improve safety, create more jobs, and help create a thriving economy for America.




WRITTEN STATEMENT OF
**Dr. Kevin Mussett, Legislative Chairman and Past President,**
**Oklahoma Bicycling Coalition**

FOR THE
**Field Hearing of the House Committee on Transportation and Infrastructure**
**in Oklahoma City, Oklahoma**

**February 23, 2011**

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Thank you very much for coming to Oklahoma City for your field hearing on the surface transportation reauthorization. Our organization is concerned about ensuring that the small percentage of funding dedicated for bicycle and pedestrian infrastructure and safety be sustained in the next bill.

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The Oklahoma Bicycling Coalition is a non-profit organization dedicated to promoting bicycle access, safety, and education in Oklahoma. Our membership includes bicycle clubs, shops, riders and advocates throughout the state of Oklahoma.
We communicate with OK Law Enforcement agencies for a better understanding of cycling laws and we provide training to OK bike patrol officers through Oklahoma State University.
We work with the OK Dept. of Transportation on the SRTS programs and were instrumental in ODOT's review and rewriting of their rumble-strip policies.
We've partnered with the OK Dept. of Tourism and Recreation seeking to develop Rt. 66 as an OK bicycling corridor and to create an OK State Bicycling Map.
We annually train LAB certified bicycling instructors and in 2010 trained 18 instructors for the OK SafeCyclist Program to teach 4th and 5th grade students.

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In these times of fiscal constraint, we can only afford to fund programs that address multiple concerns. Bicycling and walking programs do just that. Currently, one of every eight trips are taken by foot or by bike, and the use of these modes of transportation in America is on the rise, increasing 25 percent since 2001. For many Americans, walking and bicycling is a necessity, as one-third of Americans don't own cars, including children, the elderly, people with disabilities, and low-income individuals. In addition these trips reduce wear and tear on our roads, reduce congestion, and improve safety and air quality. Nationally, the federal investment in bicycling and walking infrastructure and programs is minimal—only about 1.5 percent of federal transportation spending. This small investment is supporting 12 percent of transportation trips made by bicycling and walking.

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All of these benefits are only possible if the federal transportation bill invests in making bicycling and walking safe. The Transportation Enhancements program is a critical source of funding for bicycling and walking. Without a federal requirement, it is unlikely that the Oklahoma DOT would invest in the bike lanes, sidewalks, multi-use paths and other biking and walking infrastructure supported by this important program.

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**Recommendation**

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**American Concrete Pavement Association**
500 New Jersey Ave., NW
7th Floor
Washington, DC 20001
202.638.2272 | www.acpa.org

March 11, 2011

The Honorable John Mica
Chairman, Committee on Transportation and Infrastructure
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, DC 20515-6256

Re: Testimony for the Record: Hearing on Improving and Reforming Our Nation's Surface Transportation Programs

Dear Chairman Mica:

On behalf of the more than 400 member companies of the American Concrete Pavement Association, we would like to thank you and Ranking Member Rahall for holding the recent series of hearings and listening sessions to examine ways to improve and reform our nation's surface transportation programs. We appreciate the opportunity to submit the following written testimony for record.

The American Concrete Pavement Association, founded in 1963, is comprised of companies involved in the construction and maintenance of our nation's concrete highway, roadway and airport infrastructure, including paving contractors, cement companies, ready-mixed concrete producers, and suppliers of capital equipment, machines, materials, value-added products, and services that are used in the construction of concrete pavement.

As a preface, we would like to recognize and reinforce the excellent points Mr. James A. Duit (Duit Construction Co.) already made in his testimony. There are definitely opportunities for enhancing the effectiveness of our transportation investments through 1) continued investment in applied research and technology, 2) streamlining project delivery by focusing on the "must have" versus "nice to have" core elements, and 3) focusing on longer time horizons and employing life cycle approaches.

In addition, we would like to buttress a significant point made in testimony by Mr. Larry Lemon (Haskell Lemon Construction Company). He references a June 30, 2009, U.S. Government Accountability Office report (GAO 09-729R) that highlights how approximately one-third of highway trust fund (HTF) monies are obligated for purposes other than the construction and maintenance of highways and bridges. We agree that Congress should examine whether these programs could or should be funded outside the HTF.

Beyond these opportunities, it is ACPA's strong belief that within the guidance of "doing more with less" and maximizing the return on investment for taxpayers, there is a significant opportunity in the highway program that has yet to be fully realized – namely through competition.

COMPETITION:

The idea of competition as a means to realize savings and drive innovation in the highway sector is not a new one. This concept has been recognized in pavement type selection processes since at least 1960. "*An Informational Guide on Project Procedures*[1]," published in 1960 by the American Association of State Highway Officials or AASHO (now the American Association of State Highway and Transportation Officials or AASHTO), acknowledges the importance that competition between (not just within) industries plays both in spurring innovation and maximizing economic value to the owner. The main purpose of the guide is to ensure that highway dollars are spent as efficiently as possible, which is best stated in the guide's introduction: "*It is imperative that all possible and proper measures be taken to ensure the tax payers of this country that they are receiving full value of every highway dollar spent.*"

This 51-year-old document provides some still relevant and perennially useful guidance on the topic of pavement type selection and stewardship. In fact, the document is particularly relevant for Federal–aid highway projects, as it is referred to directly in current federal policy on pavement type selection (FHWA Pavement Type Selection Policy Statement, October 8, 1981).[2]

This Federal policy revolves around four key issues: 1) Pavement type selection should be based upon an engineering evaluation considering the factors contained in the 1960 AASHO publication titled, "*An Informational Guide on Project Procedures*," 2) Pavement type determination should include an economic analysis based on life cycle costs of pavements, 3) The economic analysis and pavement type selection should be updated just prior to advertising, and 4) Where [appropriate], alternate bids may be permitted if requested by the contracting agency.

In turn, the 1960 AASHO guide referred to in the first paragraph of the Federal pavement type selection policy mentions a whole host of guiding factors to be considered when making pavement type determinations, but of particular interest and significance today (given the enormous needs and significant resource constraints) are the sections discussing "*Cost Comparison*" and "*Stimulation of Competition.*"

In section V "*Cost Comparison*" of the document, the authors discuss the virtues of considering cost on the basis of service life or service rendered by a pavement structure, but caution that "*doubt as to the validity [of such analyses] arises in the case where on[e] type of pavement has been given monopoly status by the long-term exclusion of a competitive type.*"

Moreover, the Guide acknowledges the value that competition between paving industries provides to owners. In section VI "*Stimulation of Competition*," the authors state: "*It is desirable that monopoly situations be avoided, and that improvement in products and methods be encouraged through continued and healthy competition among industries involved in the production of paving materials.*" Clearly, the authors of the day recognized the importance that healthy and spirited competition plays in providing value to the public.

In a select number of states, this healthy and spirited competition among industries involved in the production of paving materials is alive and well. These states recognize the benefit of competition between industries and incorporate it directly into their pavement type selection process.

Unfortunately, not all current practice takes competition into account. There are several regions in this nation where effective pavement type monopolies currently exist, and the public (as well as the agencies they entrust to manage their highway resources) are not reaping the benefits that healthy economic competition between industries can provide. This is evident by studying bid price tabulations publically available from state departments of transportation. This situation is especially worrisome in our current climate of continually dwindling infrastructure resources and ongoing increases in construction costs.

We at ACPA believe that there are significant opportunities to ensure maximum return on highway investments if transportation departments prioritize healthy and spirited competition between paving industries. The opportunities for cost savings under the Federal-aid program could be quite significant, as evidenced by states such as Iowa, Wisconsin, Louisiana and Missouri and others that have saved hundreds of millions of dollars by instilling industry competition into their processes. [3,4]

Moreover, we believe that FHWA's current pavement type selection policy is equipped to address this serious challenge. There is no need to re-write or change Federal policy; it is satisfactory the way it is. The policy just needs to be reaffirmed and enacted uniformly among those entrusted with making pavement type selection decisions.

The current policy acknowledges the process outlined in the 1960 AASHO document, and is flexible enough to allow for proper consideration of all factors in pavement type determinations, including competition. Whether this is done overtly or programmatically, or through some innovative contracting mechanism really does not matter. The goal is still the same: "*Ensure the tax payers of this country that they are receiving full value of every highway dollar spent.*" America was built on the principle of open competition, and our surface transportation infrastructure would benefit from a 'level playing field' in either a recessed or robust economy.

Additional details about federal pavement type selection policy and the role that competition plays in maximizing value to the public can be found at (http://www.betterroads.com/understanding-pavement-type-selection/). [5]

INVESTMENT:

ACPA appreciates the opportunity to share our perspectives on how the available highway dollars can be invested most efficiently. Although we believe that 1) investing in R&D, 2) streamlining project delivery, 3) embracing life cycle approaches, 4) reducing HTF diversions and 5) enhancing competition all will be impactful, we cannot in good faith suggest that these will be enough.

This Nation's current and future economic might and prosperity rests largely on our ability to move people and goods efficiently. Unfortunately, we have for many years underinvested significantly in infrastructure development and even rehabilitation, so much so that we have created a legacy of agencies and industries not only doing more with less, but doing without the requisite resources to perform even the most basic maintenance and repairs. We can no longer simply rely on the investment that past generations made in our transportation infrastructure to carry our Nation forward. That approach is no longer sustainable. We must re-invest in transportation or we will continue to lose our ability to compete and prosper in a global economy.

The U.S. highway infrastructure is something most Americans today take for granted. Highway agencies and contractors have been so successful at doing more with less for decades that most Americans feel that our roadways should be provided for free. Few people realize how little we citizens actually pay.

The Federal-aid system of highways comprise roughly one million miles of roadways in 50 states and two territories (including the 47,000 mile network of Interstate highways). This one million mile network of roads and bridges has been sustained primarily by the same 18.4 cents in federal motor fuels tax per gallon since 1993. For someone that drives a 2010 model-year Ford F-150 4x4 pickup truck, this essentially amounts to one cent per mile. If you drive a smaller economy car, it amounts to even less. The Federal-aid system of highways and bridges is truly America's best value (and best kept secret)!

According to a recent USA Today report, Americans today spend (in inflation-adjusted dollars) less than ½ of what they spent in 1975 on fuel taxes. In fact, Americans spend less on fuel taxes as a percentage of income than at any time since the Government began keeping records in 1929.[6] There is a fundamental disconnect between the revenues received and the funding required to address even the most dire needs of our surface transportation infrastructure, and one example of this can be seen in the alarming spend-down of the Highway Trust Fund. With all the belt-tightening the state departments of transportation and our industry have done in the past two decades, it is alarming that we are now being asked to do more with less. The likely outcome will be more business closings, more states struggling to maintain a safe and efficient system, and an even higher unemployment rate than the 22.5% the construction industry is currently experiencing.

It is ACPA's opinion that the United States is in urgent need of a massive infrastructure investment. This is not an overspent entitlement program. Many credible sources share this perspective, including the American Society of Civil Engineers, National Surface

Transportation Policy and Revenue Study Commission, Reason Foundation, Heritage Foundation, Milken Institute, Miller Center National Transportation Policy Conference, and National Commission on Fiscal Accountability and Reform.

It is also important to acknowledge that several user groups have expressed support for increased funding for infrastructure, and a willingness to pay for it with taxes, including American Highway Users Alliance, American Truckers Association and The Chamber of Commerce.

CLOSING:

We thank you for asking for and encouraging input on this issue. We urge you to consider effective means to ensure that existing highway dollars are used as efficiently as possible. We also urge you to identify stable and sound revenue sources for robust and sustained investment in transportation infrastructure. Most of all we look forward to your leadership in putting America on a path of reinvesting in the infrastructure that is the lifeblood of our nation's economy.

On behalf of our member companies and our entire highway industry, we thank you for your commitment to deliver a multi-year highway authorization bill this year. We sincerely hope that you find our perspectives helpful. If you have any questions or would like for us to elaborate further on any of the points made, please do not hesitate to contact me via email at lwathne@acpa.org.

Respectfully,

Leif G. Wathne, P.E.
Vice President – Highways and Federal Affairs

References:

1. "An Informational Guide on Project Procedures: A guide for the review of certain administrative, inspection, and documentation practices in use by state highway departments with particular attention to contract construction, pavement type selection, and right-of-way acquisition", American Association of State Highway Officials (AASHO), Nov. 26, 1960.
2. "Pavement Type Selection; Policy Statement", 23 CFR Ch 1, FR Vol. 46, No. 195, October 8, 1981.
3. Temple, William, "Alternate Design-Alternate Bid", Presentation to ACPA Annual Meeting, Nov. 30, 2007.
4. Ahlvers, Dave, "MODOT Alternate Pavement Approach", Presentation to AASHTO Subcommittee on Construction, Summer 2009.
5. Wathne, Leif, "Understanding Pavement Type Selection", Better Roads Web-Exclusive, Jan. 18, 2011.
6. "Gas Taxes give Us a Break at the Pump", USA Today, Jul. 2, 2010.

**From:** Linda
**Sent:** Thursday, February 24, 2011 2:47 PM
**To:** Hines, Clint
**Subject:** Hearing in OKC

Clint,

This is just a follow up to our brief meeting in Oklahoma City today. I wanted to introduce myself to you a little more in-depth.
I applaud Representative Mica for taking the time to meet with people throughout the country to gather information as the committee prepares for the reauthorization of the nation's transportation spending bill. I attended today to urge the committee to make improvements to motor carrier regulations and laws as they proceed.

With 4,000 people being killed in truck crashes every year in our country and an additional 100,000 more suffering serious injuries, we need your leadership to take steps in this bill to protect, and not further endanger, the motoring public. 4,000 people is by no means a small number and it seems that we have become desensitized about truck crash fatalities because if this many people were killed in other modes of transportation – airplanes, boats, trains – I would think swift and immediate steps would be taken to remedy the causes.

I speak from the heart on this issue son, Orbie, was killed in a violent truck crash. Orbie was starting his freshman year at Southwestern Oklahoma State University and was in the process of moving out on Labor Day in 2002. He was on the Interstate and had to stop because of a stalled vehicle ahead of him. I think at one point or another every driver has experienced this type of scenario. But what happened next forever changed everything for me and my family. A semi truck going approximately 75 mph slammed into the rear of Orbie's car and Orbie's car exploded. My husband, Gary, who was a volunteer first responder, drove upon the crash on his way home. He walked by Orbie's car two times before he recognized what was left of one wheel as Orbie's. In the confusion of the days that followed, I vowed to myself that if there was something that I could do to prevent another family from having to go through what we had to, that I would do it. That is why I attended the hearing today.

The truck driver who caused the crash had driven from Bakersfield, California to mile marker 87 in Oklahoma without a break. A driver being pushed beyond his limits is not an isolated occurrence – it happens every day throughout the country. You may recall the horrific crash on the Will Rogers Turnpike in 2009 when a tractor trailer slammed into a line of cars that was stopped due to an earlier crash, killing 10 people. It was reported that the driver had not braked, pointing to the probability that he had fallen asleep behind the wheel. His truck drove over 3 vehicles before coming to a final stop.

We need to reduce the number of hours truck drivers are being pushed to drive, and we need electronic on-board recorders (EOBRs) in every truck to prevent the rampant disregard for hours of service laws. Our country is way behind the technology curve as these devices are already used in all European Union countries, Brazil, Israel, Japan, Turkey and others. I support the proposed rule issued by the Federal Motor Carrier Safety Administration (FMCSA) in January 2011 as well as legislative and regulatory efforts which would require EOBRs in all commercial motor vehicles (CMVs), and I urge you to take action that would expedite this long overdue requirement. Similarly, I ask that you not oppose the proposed hours of service rule which is essential to reducing truck driver fatigue and improving truck safety on our highways.

We also need to make sure that trucks are not allowed to be even bigger and **heavier**, which would lead to even more deaths and injuries and damage to our environment and infrastructure. Special trucking interests should not take priority over innocent lives being lost on our highways. I urge you to support the bi-partisan Safe Highways Infrastructure and Preservation Act (SHIPA) which would freeze truck weights on the National Highway System and

retain the 1995 legislated freeze on longer combination vehicles (LCV's), triples and long doubles. I also urge you to not allow any so-called pilot projects which give special exceptions to the federal size and weight laws. Once one exception is made, there is nothing stopping a neighboring state or another industry from asking for a special exemption. Soon the exemptions take over the rule, and it is all of us traveling on the roads who will be further endangered.

In addition to more and better enforcement of current laws, these are just three of the many steps to which I believe our country must commit in order to stop the preventable deaths and injuries being caused by truck crashes. I hope and look forward to working with the Committee and Rep. Mica's as he continues his important work in creating the laws that will protect all of us on the roadways in the years ahead.

Lives are at stake in these decisions. We just don't know which ones. I never dreamed Orbie would be taken in an instant by things completely unrelated to him or us.

www.orbiewilburn.net

www.stopbiggertrucks.org

Best regards,

Linda Wilburn

Weatherford, OK 73096

# Joint Field Hearing, Senate Committee on Environment and Public Works and House Committee on Transportation and Infrastructure, Los Angeles, CA, February 23, 2011, Testimony for the Record and Submissions for the Record

Testimony of Joseph A. Czyzyk
Chairman of the Board of the Los Angeles Area Chamber of Commerce and
CEO of Mercury Air Group, Inc.
Joint Hearing of:
Senate Environment & Public Works Committee
House Transportation & Infrastructure Committee
February 23, 2011
Greater Los Angeles Veterans Administration

**IMPROVING AND REFORMING OUR NATION'S SURFACE TRANSPORTATION PROGRAMS TO SUPPORT JOB CREATION AND THE ECONOMY**

Chairman Boxer and Chairman Mica and distinguished Members of the House and Senate, my name is Joe Czyzyk and I am the Chairman of the Board of the Los Angeles Area Chamber of Commerce, the largest business organization in Southern California. It is a privilege for me to appear before you this morning. First, allow me to thank you for bringing this important hearing here to Los Angeles. Welcome to our great City.

Second, a quick word of our history...it was the LA Area Chamber of Commerce, back in 1890, that presented a resolution to Congress and hosted interested members of the House and Senate for a tour of what we envisioned would become the Port of Los Angeles.

Today, our Ports of Los Angeles and Long Beach are the largest in the Nation and are the backbone of trade with Asia. Our Ports are a result of collaboration between business and our federal government.

This morning, you will hear about ways to kick start vitally needed infrastructure projects here in Los Angeles County and across the Nation. Together, we can once again become collaborators in improving our Nation's dated infrastructure.

You know this without me saying it—better transportation drives jobs. Getting goods to market faster and people to work more efficiently is critical to our Nation's economic recovery.

Here in Los Angeles, we are committed to reducing congestion, repairing and modernizing our infrastructure and improving our environment and quality of life. With Measure R in 2008, which the Chamber fully supported and worked to help pass, the region committed to investing in our transportation system.

In our City's history, business has collaberated with our local elected officals, the environmental community and labor, a coalition that again sits in front of you today united in support for a program to accelerate the development of those Measure R projects.

Our County's voters did their part by taxing ourselves, now Washington must do its part. Innovative financing tools from the federal government will help stretch tax dollars further without any major impact to the federal budget.

One way you can help is to fully fund the Transportation Infrastructure Finance and Innovation Act (TIFIA).

By enhancing and expanding the current TIFIA program, the federal government will meet the positive demand to finance transportation projects and create much needed new jobs. A flexible TIFIA program is needed that can move forward individual projects or a unified collection of projects.

Specifically, the LA Area Chamber of Commerce recommends an increase to the TIFIA funding cap to reflect current demand. Existing funding is insufficient, the program is severely oversubscribed and eligible, high-quality and credit-worthy projects are being turned away. Increasing the funding cap will help projects from California to Florida. This will help accelerate transit construction. And this will put people to work.

In conclusion, the Chamber will be in Washington DC the first week of May for our annual Access DC trip. We have partnered with the Mayor's office, MTA, the Los Angeles County Federation of Labor and other business groups to continue advocating for critical infrastructure investment during our visit.

Please remember, we've collaborated successfully before. We need to collaborate again.
Thank you for coming here. I appreciate the opportunity to testify.

I hope you enjoy your time in our City of Angels.

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TESTIMONY OF STEVE HEMINGER
EXECUTIVE DIRECTOR
METROPOLITAN TRANSPORTATION COMMISSION
SAN FRANCISCO BAY AREA

PRESENTED TO THE JOINT FIELD HEARING
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

FEBRUARY 23, 2011
LOS ANGELES, CALIFORNIA

Good morning, Chairman Boxer, Chairman Mica, and members of the committees. My name is Steve Heminger and I am executive director of the Metropolitan Transportation Commission (MTC). MTC is the metropolitan planning organization and regional toll authority for the San Francisco Bay Area. I was also privileged to serve on the congressionally-chartered National Surface Transportation Policy and Revenue Study Commission, which published its report *Transportation for Tomorrow* in January 2008. I attach the executive summary of that report to my testimony for the record.

Like many in the transportation community, I was delighted to see the two chairs of these committees sitting side-by-side at the most recent State of the Union Address. It is commendable that you have continued to exemplify that spirit of bi-partisanship by convening this joint field hearing. Perhaps, as the classic movie ending goes, "this is the beginning of a beautiful friendship." Such a strong partnership – between the House and Senate, between Democrats and Republicans – has never been more essential to rescue a federal surface transportation law adrift on a sea of short-term program extensions, General Fund borrowing, and competing national priorities. We desperately need your leadership to firmly grasp the wheel and chart a new course for the nation's infrastructure investment programs. Our hopes are very much in your hands.

I know that in your role as senior Members of Congress, you are currently engaged in a debate in Washington DC about a fundamental question: what is the proper role for the federal government in our national life? That broad question is especially relevant today in the specific field of surface transportation investment. During construction of the Interstate Highway System, the mission of the federal government was crystal clear: to convert lines on a road map into miles of concrete, asphalt and steel. Some two decades since the substantial completion of that engineering marvel, it is much more difficult to discern what the federal program is up to. In the words of our Policy Commission report: "The Commission believes that surface transportation programs cannot fully contribute to economic growth, international competitiveness, or other national goals without a national investment strategy. Furthermore . . . this investment strategy can serve as a basis for allocating funds among States and metropolitan areas to maximize the return on Federal investment and achieve the greatest overall improvement in surface transportation conditions and performance." Or as the father of the Interstate System put it more bluntly: "Plans are nothing; planning is everything."

*Transportation for Tomorrow* recommended several areas of intense focus for a renewed level of federal investment; let me highlight three of them in my brief testimony today. First, there should be no question that Job #1 is to protect the federally significant infrastructure we've already built. The Interstate System is the nation's most important surface transportation asset, with a replacement value in the trillions. Anyone who's done any driving lately knows what kind of shape it's in. The nation's seven largest rail transit systems face a staggering repair backlog of $50 billion. Deficient bridges litter the landscape – sometimes, tragically, quite literally. While the elevated investment in

system maintenance during the "TEA Era" has improved conditions somewhat, we are still earning failing grades in the annual report of the American Society of Civil Engineers. We can and must do better.

Second, if any transportation priority justifies a robust federal role better than goods movement, I don't know what it is. Freight flows freely between state borders and beyond our national borders in the global economy. Article I, Section 8 gives Congress a constitutional mandate "to regulate commerce with foreign nations, and among the several states." Yet, among the 108 federal surface transportation programs in current law, not a single one is dedicated to goods movement on a meaningful national scale with all modes – rail, truck, and water – eligible for investment. The goods movement challenge facing the United States is too daunting for any single state to overcome, even a state as large and dynamic as California. The Ports of Los Angeles and Long Beach are Exhibit A for a new federal focus on freight, so you've brought this joint hearing to the right place.

Finally, I would be derelict in my duty as a board member of the Association of Metropolitan Planning Organizations if I did not make the case for a more productive partnership between the federal government and the nation's major metropolitan areas. Just the top 50 metropolitan areas generate 60% of U.S. gross domestic product. In transportation terms, the same areas account for 90% of all public transit commuters and suffer nearly 100% of urban traffic congestion. These economic engines are not firing on all cylinders because the federal transportation program still treats them as wards of the States, rather than as valuable partners in creating the nation's future economic prosperity. The Policy Commission recommended that a distinct federal program be

established to de-congest the flow of both people and goods in these major metropolitan areas, and I continue to believe that such an approach would pay huge economic dividends – not just for those regions, but for the country as a whole.

In transmitting his plans for the Interstate System to Congress in 1955, President Eisenhower stated: "Our unity as a nation is sustained by free communication of thought and by easy transportation of people and goods . . . Together the unifying forces of our communication and transportation systems are dynamic elements in the very name we bear – United States. Without them, we would be a mere alliance of many separate parts." In recent reauthorization squabbles over donor state guarantees and project earmarking, Ike's message seems to have gotten lost. It's never too late to make a fresh start, however, and your committees have the goodwill and best wishes of numerous transportation stakeholders across the nation to do just that.

Thank you both very much for the opportunity to testify at this joint field hearing. I would be pleased to respond to any questions you might have.

Robbie Hunter, Council Representative

Los Angeles/Orange Counties Building & Construction Trades Council

02.23.11

TESTIMONY TO JOINT HOUSE SENATE FIELD HEARING ON TRANSPORTATION & INFRASTRUCTURE

The Los Angeles and Orange Counties Building and Construction Trades Council represent 150,000 construction trade workers and apprentices who are employed by the privately owned construction industry companies in this area.

For decades there has been an absolute need for a commuter transit and High Speed Rail System for commuters and commerce in California. There has been upgrades and modernization in some regions such as the Alameda Corridor. But these are few and have been less effective due to the lack of a real grid and extended support system that would maximize their potential.

The political, business and labor leaders of the County and City of Los Angeles have made the decision that they cannot expect the federal government to fix the gridlock in our County and state as a coalition we stand ready and able to play the lead roll both in paying for and moving these projects forward hopefully with the help of your committee.

Through a partnership these leaders introduced Measure R to Los Angeles County voters. It was not easy to ask a beleaguered workforce in a time of recession to approve a ½ cent increase in the sales tax.

Measure R needed 2/3rd of the voters to approve the measure which seemed to some impossibility. But the citizens of this County came to realize that if they did not pay for a system to get commuters out of their cars on the clogged freeways and clean the air, then the status quo would continue and we would build more freeways with more cars and congestion, none of which would improve the quality of life for residents or relieve the gross inefficiencies of our freeway system for business.

In the wake of the passing of Measure R a plan emerged commonly known as the "30/10 proposal" which aims to build a dozen projects in 10 years instead of the original 30.

In seeking Federal loans and subsidies this County could speed the building of transportation projects which would provide tens of thousands of private jobs, reduce traffic congestion and carbon emissions.

Infrastructure projects not only increases the productivity of the region, the projects themselves are a driving force for the economy.

Construction workers reinvest their earnings directly back into the local economy through mortgage payments, buying consumable items supporting small businesses, paying taxes, and having health and retirement benefits that are provided by a private plan and not the state.

These construction workers are working for private construction companies who competitively bid with the understanding that the lowest and most efficient bid will win the project.

The goal of these private companies and their workers are the same. Do it once....do it right in the least amount of time with the most streamlined, well trained, skilled workforce possible so both the employer and worker will be the chosen contractor for the next project these are also the rules that the Building Trades live by.

With a viable transit system in Southern California many families could be free of the need to own 2 cars or more.

The cost maintenance and operation of an average car in California is over $4,000 per year. This money could well be used to increase the personal wealth and quality of life for the family. The transit system would help relieve our nation of the chronic need to import oil.

Because of the economic conditions at this time actual construction costs are at an all time low and competition is at an all time high. Many large projects here in Southern California are coming in at 20% and more below projected costs. I don't believe there are any rules that say the Federal and State governments cannot take advantage of this. This is a great time to build.

As a representative of 150,000 construction workers and apprentices in the Los Angeles and Orange County area, I would ask your committee to consider our request to increase funding for the Transportation Infrastructure Finance and Innovation Act.

This is supported by Business, Labor and citizens alike. We are not asking you to pay for these projects, we are simply asking for loans that will be repaid with Measure R funds.

This is a model that I believe the Federal Government could use to show other states that if they do the work, then the Federal Government will support them.

Testimony of:

**Will Kempton**
**Chief Executive Officer**
**Orange County Transportation Authority**
**Orange County, California**

Before the

**United States House of Representatives**
**Committee on Transportation and Infrastructure**
and
**The United States Senate**
**Committee on Environment and Public Works**

Joint Hearing on:

# Improving and Reforming our Nation's Surface Transportation Programs to Support Job Creation and the Economy

Wednesday, February 23, 2011
8:30 a.m.
Brentwood Theatre
West Los Angeles Veterans Administration Campus
11301 Wilshire Boulevard
Los Angeles, California

Chair Boxer, Chair Mica and members of the House Transportation and Infrastructure and Senate Environmental and Public Works Committees, my name is Will Kempton and I am the Chief Executive Officer of the Orange County Transportation Authority (OCTA), located in Orange County, California. I am very pleased to be here today to share with you our ideas regarding how the future transportation reauthorization legislation can create jobs, improve our economy and improve the lives of those who reside and travel in Southern California.

OCTA is part of a larger coalition of Southern California business and public transportation entities, called Mobility 21, which I currently chair. Last week, Mobility 21 visited Washington and set out a vision for transportation reauthorization for Southern California during these difficult economic times. That vision requires doing more with less as we address some of the most stubborn congestion in the nation and creating the jobs needed to bring the economy back to health. First Mobility 21 recognizes that, in spite of the recession, investment in transportation infrastructure is essential to the creation of jobs and global competitiveness. Second, we acknowledge the benefit of innovative financing tools to stretch local investments. Finally, Mobility 21 endorses the efforts of OCTA and others to expedite and improve the delivery of federal projects to accelerate the creation of jobs.

That regional vision of transportation forms the framework for the efforts of OCTA and other transportation providers in Southern California to work in a new partnership with the federal government in these difficult times. Whether it is the Los Angeles 30-10 program, Riverside County's need for TIFIA funding, or OCTA's capital needs along with our efforts to break down existing barriers to expedited project delivery, we hope that the federal government will continue its important role in the investment of transportation by supporting the kind of regional partnership commitments which we are making here in Southern California.

At OCTA we are more than equal partners in the funding of transportation infrastructure projects. This year will mark the successful completion of $4.1 billion in locally funded transportation improvements promised to Orange County voters in 1990, when they approved Measure M, a twenty-year half-cent local sales tax program. At the same time, we are beginning implementation of a renewed Measure M program that was approved by nearly 70 percent of our voters in 2006, and is projected to provide more than $15 billion in new local funding for freeway, regional/local streets and roads, and transit improvements by 2041.

OCTA's six-year plan for federal capital projects has previously been shared with the Committee Chairs and is attached to these remarks. It shows a list of ten multimodal projects intended to attack regional congestion, improve the efficiency of highway, transit and goods movement in and through Orange County, and improve livability in the most populous cities within the County. Most importantly, the plan reflects OCTA's belief that a strong State and local financial commitment must lead the way to project funding. The total cost of this plan is $3.7 billion, with $2.61 billion, or over 70%, being provided from anticipated state or local revenues and user fees.

Several key projects in this plan demonstrate the strategic use of limited resources to provide the largest benefit for Orange County. The plan includes two new start transit projects designed to improve mobility in two of the densest parts of Orange County: the Santa government center/downtown area and the Anaheim resort/professional sports area. These two projects were developed from a region-wide OCTA planning process and Measure M commitment to increase the reach of the Metrolink commuter rail system by creating urban circulator systems.

The Santa Ana project is anticipated to be a streetcar system that would travel along a major east-west corridor providing access from the Metrolink commuter rail station through Santa Ana's downtown to the Santa Ana Civic Center, state and federal government offices and courthouses. The system would reduce traffic congestion, reduce emissions, promote livability, support economic development, improve land use and provide a more pedestrian-friendly community in central Santa Ana.

The Anaheim Rapid Connection project is envisioned to operate as a high-capacity transportation system, providing convenient and efficient transfers to Metrolink commuter rail, Amtrak, bus and future high-speed train services at the Anaheim Regional Transportation Intermodal Center (ARTIC). The 3.5 mile system will connect residents, workers and visitors to ARTIC, the Anaheim Convention Center, new mixed use office and residential development in the area and the Anaheim Resort, including Disneyland.

Another project from this plan will address the San Diego Freeway (I-405) in Orange County. This project will add new lanes to eleven miles of I-405 from the Costa Mesa Freeway (State Route 55) to the San Gabriel River Freeway (Interstate 605), generally within the existing right-of-way (ROW).

The project is currently in the environmental clearance phase and there are three build alternatives under consideration, ranging from the addition of one general purpose lane in each direction, two general purpose lanes in each direction and an express lanes alternative, which would add one general purpose lane and one express lane in each direction. Under this last alternative, the new express lane and existing high-occupancy vehicle (HOV) lane would be operated as a two-lane tolled express facility in each direction (consistent with the existing operation of the State Route 91 Corridor) and HOV's would ride free, or be discounted at peak hour. This project may provide an option for the application of innovative procurement techniques and potential private investment.

While we strongly support efforts to build high speed rail in California, we also recognize the need to continue to make improvements to existing rail corridors in order to improve system efficiency and safety. Therefore, the OCTA plan also includes grade separation projects along the LOSSAN Corridor in Orange County. The LOSSAN Corridor, connecting Los Angeles to San Diego through Orange County, is the second busiest passenger rail corridor in the nation, carrying 2.5

million passengers last year. Expanded track capacity in the LOSSAN corridor, using existing rolling stock, could significantly reduce travel times between San Diego and Los Angeles and could be completed by 2016. Continued federal support for high speed rail and federal investment in rail infrastructure will aid in the movement of goods and people in Southern California and improve the economy nationwide.

OCTA hopes that the committees will place an emphasis in reauthorization legislation on funding projects such as the ones contained in the OCTA plan, where federal goals of congestion reduction and livability are being accomplished with a strong local financial commitment and where there is consideration of innovative arrangements to leverage federal funding commitments.

As important as project funding is, OCTA also understands that an important key to creating jobs and improving the economy is efficient, expedited project implementation. It is well known that federally funded projects often take an extraordinary length of time--as much as 14 years-- from the time of funding availability to project completion. This is time wasted in processing that slows down the creation of jobs

Any infusion of construction jobs into the economy at this particular time brings an added benefit. Right now, bids on construction projects at OCTA, throughout California and around the nation are coming in at between 25 and 40 percent below engineering estimates. This means if we can the funding and build projects now, we can receive more benefit for the public dollars spent. In the past year alone, OCTA has saved $138 million from construction bids below engineering estimates. This savings will be put to work to pay for other unfunded projects in the county.

In early 2010, OCTA, led by Board Member Peter Buffa, began discussions with top United States Department of Transportation officials and key Congressional leaders regarding the opportunity to unlock the jobs tied up in the federal project delivery process and create jobs in Orange County and throughout the nation. This earlier creation of jobs can be accomplished without the expenditure of massive amounts of federal funds.

OCTA's discussions with Congress and the Administration over the past months have revealed that others in Washington share the view that now is the time to expedite federal funding and reduce the burdensome requirements long associated with major federal projects. The Federal Highway Administration's (FHWA) "Every Day Counts" initiative seeks to identify and deploy innovation aimed at shortening project delivery. The 437 Plan of House Transportation and Infrastructure Committee Chair John Mica (R-FL) is seeking to apply the goal which was achieved in the shortened timeframe it took to rebuild the collapsed Interstate 35W bridge in Minneapolis, to all federally funded projects. President Obama recently authored an op-ed piece in the Wall Street Journal criticizing "absurd and unnecessary paperwork requirements that waste time and money" and issuing an Executive Order to review existing rules that stifle job creation.

The Breaking Down Barriers initiative has been a process of listening and collecting the experiences of OCTA counterparts in California and across the nation. OCTA has reached out to state and local governments, as well as key transportation industry and business associations such as the American Association of State Highway Transportation Officials (AASHTO), the American Public Transportation Association (APTA), and the U. S. Chamber of Commerce for their assistance in this initiative.

OCTA has conducted over 40 confidential interviews over the past four months with project implementers and trade associations in an effort to collect the widest sampling of recommendations as to where changes in the status quo can expedite project delivery. The interviews found that delay in project delivery can be attributed to the following causes:

a. A misplaced federal focus on **micromanaging** in the name of good project control;
b. A misplaced reliance on **document length** in the name of **quality**;
c. A focus on **processing** in place of **advancing** projects;
d. A failure to adopt a federal, state, and local **partnership** effort to replace the highly **risk-averse attitude** presently associated with federal oversight,
e. An erroneous belief that **delay** is evidence of **diligence**.
f. A failure to **penalize delay** and **reward innovation** at the federal and state or local level.

The OCTA final report is still in development, but to date we have identified more than two dozen changes in existing federal law, regulations, or practices which could speed up the project delivery process. These recommendations are grouped into three general areas. The first set of recommendations is intended to shift the federal focus to the outcome of delivery of a transportation benefit. Actions supporting this goal include: providing for universal pre-award spending to state and local entities; clarifying the transportation improvement program amendment process; extending the NEPA delegation authority; removing redundant steps in the environmental review process; and providing for modular or scenario-based conformity determinations.

The second set of recommended actions would encourage federal and state or local project managers to team together for project performance. Actions supporting this goal include: the ability to enter into project and program delivery partnering plans; establishment of "prompt action" provisions at key decision points in the project approval process; establishment of a partnering award program to positively reinforce prompt project action; and creation and funding of liaison positions to move projects through decision chokepoints.

The third set of recommendations focus on strategies that recipients can employ internally, in conjunction with federal funding agencies, to reap time and cost savings. Actions supporting this goal would include the development of transportation program data bases and project information that can be universally accessed; the establishment of a federal grant program for innovative contract management; and investment in the internal capabilities to use innovative contracting mechanisms effectively.

OCTA has specifically reassured the environmental community in California and at the national level that none of the recommendations from the Breaking Down Barriers initiative are intended to eliminate necessary environmental protections related to federal projects. Instead, they are designed to expedite those projects in an environmentally responsible way. OCTA will continue to inform and involve the environmental community and all other interested parties as this initiative progresses.

Three specific examples of proposed process improvements will serve to show that the Breaking Down Barriers initiative is not intended to eliminate necessary environmental requirements. First, the report will recommend the expansion and continuation of the NEPA delegation which was authorized by SAFETEA-LU. California is the only state which took advantage of this program and after over three years the delegation has been an unqualified success, with statewide average time savings between 10-14 months and median time savings between 14 and 19 months.

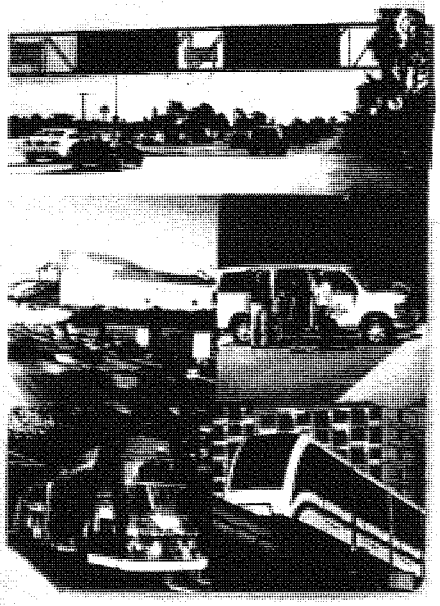
Second, the report will highlight that the planning process should not delay project implementation. Programming power should be delegated to local MPO's to amend the Transportation Improvement Program (TIP) quickly and with minimal federal delay. Once projects are in the TIP, grantees should be trusted to be able to move forward on project implementation, even before formal grants are authorized. This is already true with regard to the transit formula program, but is not the case on the highway side.

Third, the report will advocate for a "prompt action" provision in law whereby federal agencies would be required to act on project approvals within a set timeline. This provision could be coupled with a "carrot" that would waive the timeline where the grantee and the federal agency work together through a voluntary "partnership plan" which sets clear project deadlines and delegates project responsibility to the grantee.

Again, we appreciate the monumental task facing the committees as you work to enact the nation's next transportation reauthorization. We look forward to working with you on this important and critical endeavor. Thank you once again for the opportunity to testify today. I would be pleased to answer any questions from the committees.

Orange County Transportation Authority

# 6-YEAR FEDERAL CAPITAL PROJECTS



December 20, 2010

OCTA

# FEDERAL REQUEST

| | FEDERAL FISCAL YEAR 2012 | FEDERAL FISCAL YEAR 2013 | FEDERAL FISCAL YEAR 2014 | FEDERAL FISCAL YEAR 2015 | FEDERAL FISCAL YEAR 2016 | FEDERAL FISCAL YEAR 2017 | TOTAL FEDERAL REQUEST (IN MILLIONS $) |
|---|---|---|---|---|---|---|---|
| **New Starts** | | | | | | | |
| A Anaheim Fixed Guideway | $77.6 | $62.4 | $129.1 | $129.1 | $129.0 | | $527.2 |
| B Santa Ana - Garden Grove Fixed Guideway | $22.3 | $52.0 | $52.0 | | | | $126.3 |
| **Highways** | | | | | | | |
| C San Diego Freeway (I-405) Improvement Project | | | $16.2 | | | $176.0 | $192.2 |
| D Santa Ana Freeway (I-5) Improvements, Costa Mesa Freeway (SR-55) to Orange Freeway (SR-57) | | | | | $17.5 | | $17.5 |
| E San Diego Freeway (I-5), Avenida Pico to Pacific Coast Highway | | | | | $42.1 | | $42.1 |
| F SR-241/91 Express HOV/HOT Connector | | | | $40.0 | | | $40.0 |
| G Bristol Street Widening | | $13.2 | $74.8 | | | | $88.0 |
| H State College Boulevard Grade Separation (LOSSAN Corridor) | | | | | | $28.3 | $28.3 |
| I 17th Street Grade Separation (LOSSAN Corridor) | | | | | | $30.2 | $30.2 |
| **Transit** | | | | | | | |
| J Goldenwest Transportation Center Expansion | | | $2.0 | | | | $2.0 |
| | | | | | | TOTAL FEDERAL REQUEST | $1.09 Billion |

**6-Year Capital Projects Program**
**$3.70 Billion**

*The match assumption includes potential revenues from a managed express lanes facility on I-405.

## Summary of Goals and Projects

With a population of over three million, Orange County is the third most populous county in California and the fifth most populous county in the nation. OCTA continues to focus on strategic and high priority county and regional congestion relief projects that improve the efficiency of the highways, transit systems and goods movement in some of the busiest corridors in the nation. The following projects represent $3.70 billion in investment that will ensure the federal funding is maximized and regional projects are delivered.

### New Starts

**A Anaheim Fixed Guideway**

**Request: $527.2 million for engineering, right-of-way and construction**
**Local match: $148.8 million**
The city of Anaheim plans to build an east/west fixed guideway between the Anaheim Regional Transportation Intermodal Center (ARTIC), the Platinum Triangle and the Anaheim Resort. The system will provide convenient transfers to Metrolink, Amtrak, bus rapid transit, local bus, and future high-speed train services connecting at ARTIC. This connection will link Orange County's backbone Metrolink commuter rail system with the city of Anaheim's major employment and activity centers in the Platinum Triangle and the Anaheim Resort area.

**B Santa Ana - Garden Grove Fixed Guideway**

**Request: $126.3 million for engineering, right-of-way and construction**
**Local match: $36.5 million**
The cities of Santa Ana and Garden Grove plan to build an east/west fixed guideway system between the Santa Ana Regional Transportation Center (SARTC) and key activity and employment centers. The first project phase will connect SARTC with the Santa Ana Civic Center that includes major city, county, state, and federal employment centers. A second phase would extend the project east to the busy Harbor Boulevard transit corridor.

### Highways

**C San Diego Freeway (I-405) Improvement Project**

**Request: $192.2 million for right-of-way and construction**
**Local match: Between $600 million and $1.8 billion depending on which alternative is selected**
The I-405 Improvement Project will add up to two lanes in each direction for a distance of approximately 11 miles from the vicinity of SR-73 to I-605. One option adds one lane in each direction; the second adds two lanes in each direction. The third option is to operate a managed express lane facility by combining one new lane with an existing carpool lane. This alternative provides additional travel options, congestion relief and generates revenue for the project. In addition, this option adds a new general purpose lane in each direction from Euclid Street to the I-605 interchange.

**D Santa Ana Freeway (I-5) Improvements, Costa Mesa Freeway (SR-55) to Orange Freeway (SR-57)**

**Request: $17.5 million for final design**
**Local match: $17.5 million**
The project will add new lanes in each direction on I-5 between SR-55 and SR-57. This central segment of I-5 experiences high-levels of peak period congestion. The project may include the addition of one carpool lane in each direction to provide a four-lane HOV cross section.

**E San Diego Freeway (I-5), Avenida Pico to Pacific Coast Highway**

**Request: $42.1 million for construction**
**Local match: $204.9 million**
The project will add new lanes for approximately six miles on I-5 between Pacific Coast Highway (San Juan Creek Road) and Avenida Pico interchanges to increase freeway capacity and reduce congestion in the San Clemente area. The project will add one HOV lane in each direction plus auxiliary lanes between on- and off-ramps.

**F SR-241/91 Express HOV/HOT Connector**

**Request: $40.0 million for construction**
**Local match: $200.8 million (including toll revenue)**
The SR-241/91 Express HOV/HOT Connector project provides toll-to-toll connector ramps between the SR-241 and the 91 Express Lanes. The project includes a median-to-median connector that will allow a seamless transition between the two toll facilities to reduce weaving on the SR-91 as well as improve access to the SR-241.

**G Bristol Street Widening (Phases 3 and 4)**

**Request: $88 million for engineering and construction**
**Local match: $12.0 million**
The project will widen Bristol Street to provide three lanes in each direction with a landscaped median from Civic Center Drive to 17th Street and from Warner Avenue to St. Andrew Place through the heart of Santa Ana. The project also includes modifications of traffic signals, 11,400 feet of soundwalls, construction of parkway and cul-de-sacs, landscaping, bus stop pads, new signing and striping and other necessary improvements.

**H State College Boulevard Grade Separation (LOSSAN Corridor)**

**Request: $28.3 million for construction**
**Local match: $66.0 million**
The project will construct a vehicular overpass at State College Boulevard and the LOSSAN corridor in the city of Anaheim. The grade separation will significantly reduce vehicular traffic delays at the existing grade crossing.

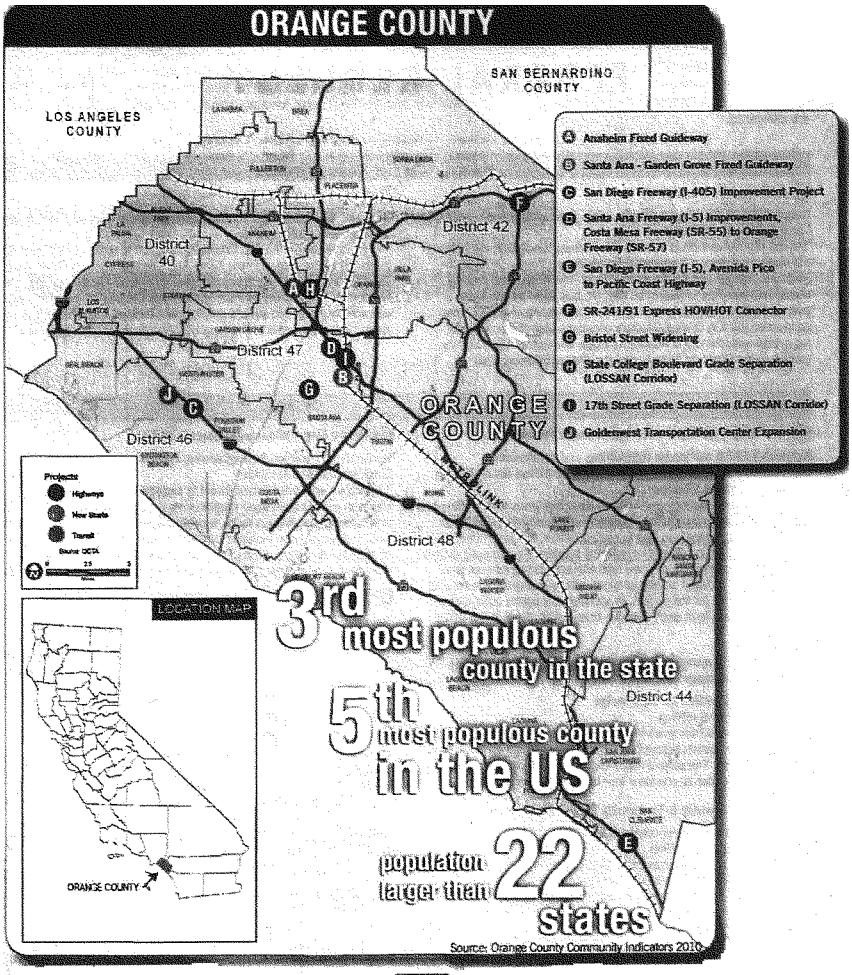
**I 17th Street Grade Separation (LOSSAN Corridor)**

**Request: $30.2 million for construction**
**Local match: $72.2 million**
The project will construct a vehicular overpass for 17th Street and the LOSSAN corridor in the city of Santa Ana. The grade separation will significantly reduce vehicular traffic delays at the existing grade crossing.

### Transit

**J Goldenwest Transportation Center Expansion**

**Request: $2.0 million for construction**
**Local match: $8.6 million**
The existing OCTA transportation center, located on Center Avenue in Huntington Beach, will be reconstructed to expand park-and-ride and vanpool parking capacity. There are currently 10 bus bays (for express bus and local bus services) at the facility, including approximately 124 parking spaces for passenger vehicles. The existing parking facility operates at 100 percent capacity. The new project will construct a four-level parking garage with approximately 300 parking spaces and will continue to serve as a park-and-ride and bus transfer facility.




OCTA
Orange County Transportation Authority
550 S. Main Street • P.O. Box 14184 • Orange, CA 92863-1584

December 20, 2010

TOOC_183

**Testimony of**
**The Honorable Don Knabe**
**Chairman**
**Los Angeles County Metropolitan Transportation Authority**
**Joint Hearing Of The**
**U.S. Senate Committee on Environment and Public Works**
**U.S. House Committee on Transportation & Infrastructure**
***"Improving and Reforming our Nation's Surface Transportation Programs To Support Job Creation and the Economy."***
**February 23, 2011**

Good morning Chairman Boxer and Chairman Mica.

On behalf of the Los Angeles County Metropolitan Transportation Authority (Metro), I appreciate the opportunity to join you today at this historic hearing to outline our agency's perspective on our nation's next surface transportation bill.

Before delivering my testimony, allow me to very briefly describe the agency for which I serve as Chairman. Metro is the third largest public transportation agency in the United States. We are responsible for transportation planning, coordination, design, construction and operation of bus, subway, light rail and Bus Rapid Transit (BRT) services for the 10 million residents of Los Angeles County. We are also partners with Caltrans and Metrolink and Metro helps to support an extensive HOV and commuter rail network. We are also undertaking major improvements to our region's highway system. Our highways form the backbone of our economy and are an important part of the nation's goods movement system. Metro also funds street construction, bike paths, manages the freeway service patrol, among a number of other projects and services. Metro serves a 1,433 square mile service area with approximately 200 bus routes, over 75 miles of rail lines, and over 400 miles of carpool lanes that crisscross Los Angeles County. We have over 9,000 dedicated employees and an annual budget that exceeds $3.5 billion.

Today we are at an important crossroads on federal transportation policy. The solutions designed more than 60 years ago are no longer sufficient to meet our needs. The federal program for surface transportation funding no longer works to solve the many transportation challenges we face as a nation and no other region demonstrates that as well as the Los Angeles metropolitan area. The bottom line is that our transportation network is the engine of our economy and our ability to compete worldwide will depend on our ability to move goods and people with greater efficiency - both in terms of cost and speed.

There are several points I would like to share with you today that I believe are important considerations for future policy.

**1) Local Leadership**

We need to recognize the importance of non-federal investments in transportation - state, local, and private.

The voters of Los Angeles County have made the choice, on three occasions, to tax themselves to create more mobility for themselves, their families and their broader community. These three sale taxes, taken together, amount to approximately $1.5 billion annually. To date, the Federal Government has largely turned a blind eye to the local leadership shown by our agency and local taxpayers, along with others like us across the nation. The current federal surface transportation program neither recognizes this nor rewards this, nor do the current policies incentivize other metropolitan areas to do the same.

**2) Leveraging Local Leadership**

Metro has been advancing two innovative financial concepts to effectively leverage local transportation dollars with what I would like to refer as "smart federal dollars." I say "smart federal dollars" because these funds – coming in an era of a financially stressed Highway Trust Fund – make the most of existing dollars.

We strongly believe that smart, targeted, and innovative financing mechanisms can achieve two major national priorities: minimize impacts on the Federal budget and maximize the generation of new private sector jobs, particularly in the small business sector.

A new Federal approach to financing incorporated in the next surface transportation bill, which leverages transportation projects at the state and local levels can achieve both of these national priorities. Metro is proposing two specific legislative financing proposals: (1) Qualified Transportation Improvement Bonds (QTIBs); and (2) Enhanced Transportation Infrastructure Finance and Innovation Act Program (TIFIA).

Our proposal relative to bonds seeks to amend section 54 of the Internal Revenue Code to establish a new class of qualified tax credit bonds, called "Qualified Transportation Improvement Bonds" (QTIBs). These qualified tax credit bonds are taxable rate bonds issued by state, local or other eligible issuers where the federal government subsidizes most or all of the interest cost through granting investors annual tax credits in lieu of interest. Our initiative envisions that these bonds would be authorized in the amount of $4.5 billion per year over the next ten years, or $45 billion in total. As we have proposed, QTIBs would allow issuers to finance more than twice the dollar value of capital improvements than is possible with traditional tax-exempt bonds for any given annual revenue stream. QTIBs will not only stimulate greater investment, but they will also take pressure off conventional federal grant programs.

Our proposal with respect to TIFIA seeks to modify the program's structure to authorize the U.S. Department of Transportation to make upfront conditional credit commitments for certain large projects or programs of related projects that satisfy national infrastructure investment goals. We are also seeking to significantly increase funding for the TIFIA program and raise the credit limits for projects receiving assistance. From my recent dialogue with several Members of Congress in Washington, DC, I believe that there exists a strong bi-partisan majority to significantly enhance the annual funding provided for the TIFIA program.

Taken together, our bond and TIFIA proposals hold the promise of reinvigorating our nation's infrastructure, creating a large number of good paying private sector jobs, all without burdening the Federal government with a large bill. We believe this is a sound approach and that the fundamentals of our proposal offer a reasonable and prudent path for federal policymakers who, like all of you, are struggling to craft a strong and meaningful surface transportation bill in a demanding fiscal environment.

**3) Federal Transportation Investments Create Broad Economic Benefits**

It is difficult to outsource a construction job for a transportation project in America. Whether that project is a light or heavy rail project in Southern California or a highway improvement in Montana, the Federal Government's investment in transportation projects is an investment in America.

Metro has developed an innovative bond and TIFIA proposal that will accelerate the construction of highway and transit projects not only in Los Angeles County, but across the nation. We believe this plan will generate sustained job creation, new state, local and national tax revenues, and promote overall economic growth. Recently, Metro requested the Los Angeles County Economic Development Corporation (LAEDC) to project the benefits of our innovative financial approach on a nationwide basis.

The LAEDC concluded that $67.8 billion of investments in transportation infrastructure utilizing the innovative financing mechanisms Metro is proposing for the next federal surface transportation bill will yield $157.6 billion in economic activity over the course of the investment and generate 918,300 annual private sector jobs with total private sector labor income of $50.8 billion. The economic activity generated by the leveraged financing Metro is proposing will generate between $11.1 billion in tax revenues under the QTIBs program and $5.3 billion under the expanded TIFIA program, approximately one-third of which will be directed to state and local authorities and two-thirds to the Federal treasury. This type of innovative transportation related financial leveraging, if implemented would be unprecedented.

**4) Conclusion**

As Congress prepares to craft a new surface transportation bill and reform what needs to be reformed, I believe both the House and Senate should be mindful not to discard programs with a proven track record. Programs such as the New Starts Program have assisted many jurisdictions, like Los Angeles County, to address growing congestion and environmental problems while demanding a significant non- federal investment. If you are looking for a model for the future, this is it. We should not be talking of eliminating this program, we should be discussing creative ways to expand its approach and how that can serve as a model for other parts of the federal program.

We need to use the power of the federal government to help leverage federal and non federal sources of money. In the 1950s states did not have the wherewithal to finance and build an Interstate highway system. Today, states and local governments are much more sophisticated but find themselves in similar circumstances where financing is again the critical element. This time

however, the federal government is not paying the lion's share of the cost but must assume the important role of assisting with the financing.

And let's be clear, I am not saying we need a new federal program for loaning money, or a new federal infrastructure bank. With all due respect to the President's proposal, we here in Los Angeles County do not need a federal bureaucracy picking winners and losers. We need flexibility, self-determination and the power to access federally-subsidized financing to make these projects possible.

Lastly, I want to make it crystal clear that our strong and sustained support for leveraging local dollars does not in any way mean that we want to diminish existing federal assistance.

Thank you for inviting me to testify before this historic joint hearing and I welcome the opportunity to answer any questions you may have.

Improving and Reforming our Nation's Surface Transportation Programs
To Support Job Creation and the Economy
Los Angeles, CA
February 23, 2011
Anne Mayer, Executive Director
Riverside County Transportation Commission

Good Morning Chairman Boxer, Chairman Mica and committee members. I am Anne Mayer, Executive Director of the Riverside County Transportation Commission. I am also Chair of the Self-Help Counties Coalition, which represents the 19 counties in California who have voter-approved transportation sales taxes programs. Thank you for conducting this meeting in Southern California and inviting me to speak before you today.

Southern California is so important as a region and so vast in terms of its size and impact that you could be here for weeks listening to our region's input on how vital the transportation network is to our future. It is vital not only to ensure workforce mobility but also to maintain and grow our vibrant economy.

The Southern California transportation network of highways and railways is an integrated system that is only as healthy as its weakest link. A failure on one part of the system impacts the entirety of the network. Our collective, proactive planning efforts have identified system needs in the billions of dollars. While many of us have significant locally generated sales tax revenues, it is also imperative that we have access to federal innovative financing programs such as TIFIA. As has become very clear in the past few years, the current program is insufficient to support the financing of critical infrastructure improvements. Improvements needed now; mobility needed now; jobs needed now.

**Expand and Enhance TIFIA Now**

I have one clear message for Congress on behalf of Riverside County, and I am sure on behalf of self-help counties and agencies across the country who have revenue streams and projects that are ready to go: *expand and enhance the TIFIA program now.* This program works and is far too limited for the massive amount of jobs that can be created, and the mobility goals that can be achieved for this country.

Let me offer several specific recommendations:

1. Expand the size of the TIFIA program immediately. TIFIA is one of the only programs where you can say that for every federal dollar -- ten more private, local, or state dollars are invested.

2. Allow up to 50% of project costs to be covered by TIFIA, including 100% of all pre-construction costs. Today, only one-third of project costs can be covered by TIFIA; raising this cap provides greater flexibility for agencies to finance large projects.

3. Ensure that TIFIA loans are made based on credit-worthiness and the project's contribution to a regional and national mobility system. Southern California's transportation network is extremely diverse and complex, yet each piece is dependent on the other and together all modes function as a system that keeps our region's – and nation's economy moving. **TIFIA should be responsive to all of them**. Whereas L.A.

may need a subway and San Bernardino needs a truck corridor, and San Diego needs a border crossing, Riverside needs a major highway improvement. If one of these projects doesn't happen, our entire regional system fails. When Southern California fails, the rest of the nation fails. TIFIA cannot prefer one mode over another and must remain true to Congress' original intent: a financial tool based on credit-worthiness for projects with major impacts on regional and national mobility.

4. Allow TIFIA applicants to pay some -- or all -- of their credit subsidy. Jobs are delayed when credit-worthy, shelf-ready projects are rejected from TIFIA because the program budget is too small. Self-help counties like Riverside have revenue streams that can supply the credit-subsidy to otherwise worthy projects. In essence, I am suggesting that I be allowed to pay my own way into the program if my project is worthy at ZERO cost to the federal government. I believe this has the potential to revolutionize TIFIA.

5. Eliminate the "Springing Lien" provisions of the program, which have the potential of nullifying the subordinate debt status of TIFIA credit.

I believe all of these reforms will have broad national support and benefit countless projects; however, let me give you a very real example of a project close to home that can benefit from these ideas.

The State Route 91 Corridor Improvement Project is a $1.3 billion extension of Orange County's *91 Express Lanes* through one of Southern California's most notorious corridors. It is paid for entirely by local taxpayer dollars. With a TIFIA loan it can go to construction by early next year. 18,000 jobs can be created in the near term while adding $2 billion of economic output to California; save million of gallons of gasoline, and save the average commuter 75 hours per year of sitting in congestion. All of this can be achieved with only a $44 million TIFIA partnership. I call that a "good buy." However, the 91 Project must compete to be one of only 4 or 5 projects that will be selected out of more than 3 dozen others around the country.

On March 1st we are submitting a TIFIA program Letter of Interest seeking a loan that will enable the 91 Project. The 91 Project has big impacts on California jobs and our livable communities. The 91 corridor is the mobility artery between Riverside, Orange and Los Angeles Counties. It also provides an important link to the rest of the Southwestern United States by connecting to Interstates 10 & 15.

This project is a poster child for the TIFIA program and a great example of the kind of investment crucial to our economy and creation of jobs. The TIFIA reforms mentioned earlier would ensure that this project can move forward without delay. More importantly, with greater access to this financial tool, agencies like mine will be more likely to invest our own local dollars on innovative and ambitious projects that I believe Congress wants us to do. The 91 Project is but one important example of many around the country, and I hope that you will consider adopting these changes as soon as possible. Moreover, our project is ready and could break ground next year. The economy has hit Riverside County especially hard and we continue to suffer from double-digit unemployment rates, and investment in better infrastructure will certainly bring a welcome return.

Riverside and San Bernardino Counties will continue to grow faster than the rest of California; this is an unavoidable fact and something that we openly embrace. Over 40% of all job growth in California between 2000 and 2006 occurred in Riverside and San Bernardino Counties.

Providing affordable housing is also an important goal, and with median home values at $200,000 Riverside County has done so for many in the L.A. basin.

**Sustainability and Environmental Goals Can be Met by Highway Projects**

In terms of sustainability and the environment we can speak authoritatively that for Southern California, livability includes having a job and being able to get there without insufferable congestion; having options to use express lanes, express bus service, commuter rail, or ride-sharing. Sustainability and smart long-term planning is an important priority in shaping our communities. Senator Boxer has been an unwavering advocate and champion of reducing harmful emissions, protecting air quality and preserving sensitive habitat. When it comes to this issue, there are few better places than Riverside County for your committee to consider. Over a decade ago, Riverside County responded to its sharp population growth by launching the Riverside County Integrated Project (RCIP). This comprehensive planning effort incorporated transportation, housing and the environment together into one blueprint. Measure A has contributed over $130 million to a key component, the Multi-Species Habitat Conservation Plan (MSHCP). To this day, the Riverside County MSHCP is the largest and most comprehensive of its kind in the nation. This integrated effort pays dividends to the environment, and also to our region's infrastructure and the drivers who use it.

**Goods Movement Improvements Must Remain a Priority**

Finally, I would like to briefly raise a long-standing issue that should not be forgotten just because of the downturn in the economy. Just as I spoke earlier Southern California's multi-modal network, one integral piece of that network is goods movement. I would like to highlight H.R. 526 by Congressman Ken Calvert. This bill is known as the ON TIME Act and provides a sensible means of providing needed funding for goods movement projects and does so in a way that will not unfairly impact economic activity, consumers or our nation's competitive standing. While there has been general agreement that there needs to be greater investment in freight-related infrastructure, Congress has yet to advance this legislation or similar bills. Given Southern California's role in international commerce, please consider H.R. 526 and the need to make freight investments a top priority.

The issue of goods movement is certainly relevant to the challenges faced by Riverside County on the 91 Freeway but also provides an important economic opportunity. The 91 corridor is one of three primary freight routes between the Port of Los Angeles and Port of Long Beach (POLA/POLB) and I-15 and I-10 (Figure 5). More than 40% of the nation's imported goods enter the United States through the POLA/POLB, which are then distributed to throughout the country. United States container traffic doubled over the past decade and is expected to nearly triple by 2030 according to studies completed in July 2009.

Southern California's rail lines and highways are already heavily congested, and with an expected 25% increase in regional population by 2030, port-related congestion problem will only get worse and will hit the 91. A recent study published by the United States Department of Transportation (USDOT) Bureau of Transportation Statistics identified traffic bottlenecks on the landside transportation system serving the nation's seaports as a critical impediment to the efficient movement of goods.

In 2005, the most recent year for which data on port freight activity and landside traffic delay are available, the POLA/POLB was the largest port in the United States and, at the same time, suffered from the worst congestion in the nation, averaging approximately 72 hours of annual traffic delay per traveler. Nowhere is this more evident than on SR-91, which has the worst peak-hour congestion of the three primary routes serving the POLA/POLB.

**– POLA/POLB Freight Travel Time Comparison**

| POLA/POLB to I-15 East (Devore) | Distance | Travel Time (Off-Peak) | Travel Time (Peak) |
|---|---|---|---|
| Via I-10 | 75 miles | 1:20 | 2:50 |
| Via SR-91 | 78 miles | 1:23 | 3:30 |
| **POLA/POLB to I-10 East (Banning)** | | | |
| Via 1-10 | 98 miles | 1:45 | 3:10 |
| Via SR-91 | 94 miles | 1:42 | 3:40 |

H.R. 526 will generate a new source of funding for freight-related infrastructure, which is needed to avoid the potential of overwhelming mobility, environmental and sustainability improvements that are being contemplated in the new surface transportation authorization bill. In considering the passage of a new bill, I would urge that the expansion of the TIFIA program combined with an added funding source such as what is contemplated in H.R. 526 could be critical in addressing transportation needs in areas that play an important role in the nation's economy – Southern California being a prime example.

In summary, self-help agencies like RCTC and the 18 other counties in California, as well as regional agencies across the country, have a proven track record of delivering projects that create jobs and meet federal policy goals if only they are given the tools and resources to do so. We know local and regional needs; we manage our system very well with what we have. We help ourselves as much as we can in spite of perennial state deficits and an uncertain federal future. However, this cannot go on forever. Federal partnership is needed, and needed now. Ambitious efforts by RCTC and other self-help agencies have accelerated projects so that many are ready for construction, but cannot proceed unless there is a federal component. Keep in mind that federal "partnership" doesn't always mean we are looking for a hand-out from Uncle Sam – although we will never turn down the opportunity to receive that kind of support. Financial tools to leverage our own revenue streams will make the most of limited funds, ensuring job creation, congestion reduction, and environmental stewardship. Stepping up and taking responsibility for a truly federal issue in international and interstate commerce will pay huge dividends by bolstering America's economic competitiveness. I encourage Congress to find common ground on a surface transportation bill now. Give us the tools; we are ready to go.

In closing I want to thank you once again for conducting this hearing in Southern California and for your leadership in advancing our nation's transportation policy.

Joint Hearing of the

Senate Environment and Public Works Committee

and House Transportation and Infrastructure Committee

Senator Barbara Boxer and Representative John L. Mica

February 23, 2011,

Los Angeles, CA

Good morning Senator Boxer, Representative Mica, members of the joint committees and other distinguished guests. I'm Cindy McKim, Director of the California Department of Transportation. I appreciate the opportunity to speak to you today on behalf of Governor Jerry Brown and the citizens of California.

I want to provide you with a clear sense of the transportation issues facing this state – the most populous in the nation and the eighth largest economy in the world.

Our economy depends heavily upon a complete, efficient transportation system; it carries the goods, people and services that, in turn, power California – and America's – prosperity. Transportation's importance in this state and to the rest of the nation cannot be over-stated.

California has invested heavily at the state and local level in a transportation system that is responsible for benefits that ripple throughout the economies of every other state in the nation. More than 40 percent of containers moving into and out of America use California's highways, railroads, ports, and airports. With 12 percent of the nation's population, California is responsible for almost 14 percent of the nation's Gross Domestic Product.

However, California cannot do it alone. We urge Congress to enact visionary legislation, with a bold funding plan that meets today's challenges. We all know the Highway Trust Fund isn't keeping up with needs. In addition, the National Surface Transportation Policy and Revenue Study Commission has reported that the nation faces a $140 billion annual investment shortfall with regard to maintaining existing transportation assets and expanding our road and transit systems to handle future growth. If we want a viable transportation system, we are going to have to invest strategically, streamline project delivery, and reward efficiency.

**Reauthorization needs to ensure the financial integrity of the Highway and Transit Trust Funds.** The financial integrity of the transportation trust fund is at a crossroads. Current user fees are not keeping pace with needs or even the authorized levels in current law. The current revenue stream will not provide the revenue or stability needed, especially as new fuels enter the marketplace. This authorization will need to stabilize revenues and prepare the way for the transition to new methods of funding our nation's transportation infrastructure, such as the flexibility to use creative financing tools. We appreciate Senator Boxer's work to strengthen and expand the TIFIA program.

**We need to rebuild and maintain our transportation infrastructure in a good state of repair.** Conditions on California's (and the nation's) surface transportation systems are deteriorating while demand is increasing. This is adversely affecting the operational efficiency of our key transportation assets, hindering mobility, commerce, quality of life and the environment.

**Our economic health demands that we establish goods movement as a national economic priority**. Interstate commerce is the historic cornerstone defining the federal role in transportation. The efficient movement of goods across state and international boundaries increases the nation's ability to remain globally competitive and generate jobs. You can help by creating a new federal program and funding sources dedicated to relieving growing congestion at America's global gateways. This congestion is acting as a trade barrier and creating environmental hot spots.

**Our urban areas deserve enhanced mobility through congestion relief within and between metropolitan areas.** California is home to six of the 25 most congested metropolitan areas in the nation. These mega-regions represent a large majority of the population affected by travel delay and exposure to air pollutants. We ask that you increase funding for enhanced capacity for all modes aimed at reducing congestion and promoting mobility in the most congested areas.

**The next authorization has the opportunity to streamline project delivery.** We appreciate Chairman Mica's commitment to speeding up the time it takes to deliver federal projects. Extended processing time for environmental clearances, federal permits and reviews, etc., add to the cost of projects and delay needed mobility improvements for the traveling public. Given constrained resources, it is all the more critical that these clearances and reviews be kept to the minimum possible, consistent with good stewardship of natural resources.

I'd like to point out that California was the only state to fully implement the National Environmental Policy Act (NEPA) delegation pilot program contained in SAFETEA-LU, which California began using in 2007. Through this program, Caltrans has assumed most federal responsibilities for environmental documents and now completes routine NEPA documents about 14 months earlier than before. Overall project delivery timeframes have improved as well. California recommends that this successful pilot be made permanent.

California is working to develop programmatic advance mitigation for natural resource impacts. The next authorization can facilitate this innovative strategy by allowing greater flexibility to do advanced mitigation based on mutually approved modeling.

**You can consolidate federal programs to improve efficiency and provide flexibility.** The Administration's surface reauthorization proposal suggests consolidating 55 highway programs into five "core programs", along with other program consolidations in other areas. If this includes giving the states flexibility in making funding decisions that are appropriate for them, it is a good start to providing the flexibility we need.

We are looking for a continued, stable, and reliable long-term investment strategy from Washington that can support the transportation infrastructure necessary to continue our nation's economic supremacy. No other action by Congress could serve transportation as well, create as many jobs, or build badly needed infrastructure as effectively as that action.

To reiterate, the reauthorization should include provisions to:

- Ensure the financial integrity of the Highway and Transit Trust Funds.
- Rebuild and maintain our transportation infrastructure.
- Make goods movement a national priority.
- Reduce congestion in metropolitan areas.
- Streamline project delivery and extend California's NEPA delegation.
- Consolidate federal programs

We will continue working with our federal partners at FHWA, as well as our local transportation partners to meet California's transportation needs. These partnerships have been critical to our success.

I'm grateful for the time you have given me, and I look forward to working with you in the future. And now, if you have any questions or comments, I would be glad to hear them.

Testimony of

**Kathryn Phillips**
**Director, California Transportation and Air Initiative**
**Environmental Defense Fund**

Before the

**United States House of Representatives**
**Committee on Transportation and Infrastructure**

And the

**United States Senate**
**Committee on Environment and Public Works**

Joint Field Hearing on

# "Improving and Reforming Our Nation's Surface Transportation Programs to Support Job Creation and the Economy"

February 23, 2011
8:30 a.m.

Brentwood Theater at the West Los Angeles Veterans Administration Campus
11301 Wilshire Boulevard

Chairwoman Boxer, Chairman Mica, Representative Hunter, and members of the committees, thank you for inviting me to testify today. My name is Kathryn Phillips and I direct Environmental Defense Fund's transportation policy work in California and at the federal level. Environmental Defense Fund, or EDF, is one of the leading organizations dedicated to protecting and preserving our nation's air, water, and natural resources. We do this by relying on science, economics, law and policy advocacy and we partner with a range of other entities, including businesses, in our efforts to develop and apply workable solutions to some of the toughest environmental challenges.

EDF is also a member of Transportation 4 America, a coalition composed of more than 400 organizations, including many represented by members of the audience. While my remarks today may not reflect those of every member of the T4 coalition, I can accurately say that all of us in T4 are united in our desire to see a better, more efficient transportation system in this country.

Today I will address ways to get to that better system through surface transportation policy, especially the federal transportation bill. I will specifically address freight policy, and also the National Environmental Policy Act (NEPA). As an environmentalist and transportation policy analyst, my focus, of course, is on how to improve the environmental performance of the system. While my professional background is essential to this discussion's framing and substance, you should be aware that my thoughts are also informed by my experience growing up in a car-dependent Southern California town with a father who was a long-distance truck driver and a mother who did not have a driver's license. I understood early that a reliable freight transportation system is essential to the economy, and that the availability of good public transit can make or break access to every sort of opportunity.

**Freight Transportation**

*Economic and Environmental Impacts*

Surface freight transportation—from rail to trucks to ships and barges--is the backbone of America's economy. It is nearly impossible to pass a single day in this country without touching something that benefited from that system. Our food, our clothing, the electronic gadgets we love and hate—all of it came to us through that system.

The system also provides a plethora of jobs, from the people who help load and unload ships and trucks, to the people who work in logistics and figure out how to make sure a load gets where it needs to go. The Port of Los Angeles alone takes credit for producing about 1 million jobs in the Southern California region, and 3 million jobs nationally through its direct and indirect impacts.[1]

[1] Port of Los Angeles. Accessed February 19, 2011: http://www.portoflosangeles.org/finance/economic_impact.asp.

The cargo delivery has come with heavy environmental costs. Today, the freight system in this country is responsible for about half the smog-forming oxides of nitrogen pollution and more than a third of the fine particulate matter pollution. The freight system is the leading source of toxic diesel soot pollution. It also stands as one of the fastest growing sources of greenhouse gas emissions.

Just as the freight system helps drive the economy, the system's pollution saps the economy. In the Los Angeles Air Basin where we sit today, economists estimate that not meeting ambient air quality standards costs the people living in this basin about $22 billion a year through health costs, premature death, lost days at work and school.[2] In this basin, emissions from ships, trains, trucks and equipment at the port of Long Beach and Los Angeles represent "the largest single fixed source of air pollution in the Los Angeles Basin."[3]

*Demand Overwhelms Infrastructure*

Despite the freight system's economic importance and environmental impacts, the system has been allowed to deteriorate. Today it carries more than 60 million tons per day, or the equivalent of about 2.4 million truckloads of goods, and has grown substantially in the last 15 years or so.[4] For instance, in the decade beginning in 1997, trucking ton-miles grew by 22 percent, and rail grew by 25 percent.[5] By 2020, that number is expected to grow to more than 90 tons per day.[6] Yet the infrastructure and operations have not kept pace.

Our freight system's reliability, especially in urban hubs, is uneven at best, nonexistent at worse. You've probably heard the common complaint that it can take longer for a train of goods to cross Chicago than it takes to cross the country. In this Southern California region, the system's congestion is evident on nearly every freeway, but especially on those surface streets and freeways running between the ports and the inland rail yards and distribution centers. A 2009 study of freight modernization needs by the Rand Corporation found that most freight users interviewed cited reliability "as a key attribute in their transportation choices, sometimes more important than speed."[7]

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[2] Hall, Jane and Vic Brajaer. *The Benefits of Meeting Federal Clean Air Standards in the South Coast and San Joaquin Valley Air Basins.* November 2008. Accessed February 18, 2011: http://business.fullerton.edu/centers/iees/reports/Benefits%20of%20Meeting%20Clean%20Air%20Standards.pdf.

[3] South Coast AQMD. "AQMD to Hear Public Concerns About Ports' Air Pollution During Two Special Meetings at Long Beach City Hall." October 24, 2006. Accessed February 18, 2011: http://www.aqmd.gov/news1/2006/mobileboardmeetingPR.html.

[4] Hillestad, Richard, Ben D. Van Roo, and Keenan D. Yoho. *Fast-Forward: Key Issues in Modernizing the U.S. Freight-Transportation System for Future Economic Growth.* Rand Supply Chain Policy Center. Rand Corporation. 2009. Accessed February 18, 2011: http://www.Rand.org.

[5] Ibid.

[6] Phillip R. Herr. Approaches to Mitigate Freight Congestion. Government Accountability Office. November 20, 2008. Accessed October 2009: http://www.gao.gov/new.items/d09163r.pdf.

[7] Hillestad, op. cit.

Despite freight transportation's economic and environmental impacts, until recently, the freight system—*as a system*—has not received the attention it deserves in federal transportation planning and funding. In the federal transportation bill in the past, it has been assumed that by providing funding for highways and roadways, freight transportation will be effectively addressed. In fact, this approach hasn't worked to effectively modernize the system so that it works better and cleaner.

*Modernize the Freight System While Reducing Environmental Impacts*

It is possible to simultaneously modernize America's freight system, improve its efficiency AND reduce its environmental impacts, especially its air pollution and greenhouse gas emissions. Not only is it possible, it is necessary. This is an opinion that I can confidently say is shared by a range of people who work within the freight industry. It is not just the opinion of the environmental community. And it is an opinion based on what we have seen in the United States and abroad: When communities, businesses, freight system operators and governments make simultaneously cleaning up and modernizing the freight system a priority, it has happened, and the ability to continue operating freight without work-stopping community conflict is improved.

Just one example: The Clean Air Action Plan adopted in 2006 by the ports of Long Beach and Los Angeles laid out a multi-year, multi-step program to reduce those ports' emissions while growing its business. To date, the ports have cut port-related emissions by a third to more than a half, depending upon the source, and they have continued to update their air cleanup plans to incorporate new innovations to reduce emissions.[8] Port activity continues to be robust and is showing good recovery from the economic downturn.

The federal government cannot solve or pay for all of the modernization needed in the freight system. However, the money the government does invest can be spent to get more benefit from limited dollars. It can also influence how and where others invest, and ensure that national goals for the economy and the environment are met through freight system improvements.

*Federal Transportation Bill Improvements*

The federal transportation bill reauthorization provides an important opportunity to make our freight system work better. The new bill can help make America's freight system meet demand while reducing the systems air pollution, water pollution and noise through targeted provisions. These include:

- **Define project eligibility for Highway Trust Fund spending in a way that emphasizes system performance outcomes, including freight movement reliability and environmental performance.** This will encourage applying the most

[8] Port of Los Angeles. "2010 Clean Air Action Plan Update Approved." News Release. November 22, 2010. Accessed February 19, 2011: http://portoflosangeles.org/newsroom/2010_releases/news_112210_CAAP_update.pdf.

appropriate approach to improve bottlenecks, including intermodal approaches. Research shows that the conflict between freight trucks and passenger cars in urbanized areas is one particularly insidious freight system slower. The best way to improve the system in these cases can include providing more reliable public transit options to commuters to reduce roadway congestion and conflict on key freight corridors. In other cases, investing in on-dock rail terminals or grade separations where rail and roadways meet would reduce conflicts between truck traffic and rail traffic.

- **Require the Secretary of Transportation, in consultation with the Environmental Protection Agency, to establish freight reliability and environmental performance standards to help inform project eligibility for federal funding.** This will help ensure that the most serious bottlenecks are addressed in a way that delivers lasting—not temporary--benefits.

- **Require the Secretary of Transportation to develop within one year a national freight plan that identifies key hubs, ports, corridors and gateways whose improvement is essential to simultaneously meet pressing reliability and environmental and public health goals.** This planning will help establish where special attention should be directed.

- **Create an Office of Multimodal Freight within the office of the Secretary of Transportation.** The mission of the office should be to advance simultaneous improvements in freight transportation reliability and environmental impacts. Among other things, this office's duties would include working closely with U.S. EPA to identify and implement ways to reduce freight system impacts on local communities.

- **Establish technical assistance funds for states and regions to distribute to appropriate entities to develop port, gateway and corridor clean-up plans.** Clean-up plans help freight system operators thoughtfully consider the best way to modernize their system. To get the best plan, though, often requires technical knowledge beyond the operators' normal range.

- **Establish a competitive grant program that recognizes innovation and encourages projects that simultaneously deliver system reliability and emissions and other environmental impacts reductions.** Funding competitions established through the transportation bill have proved effective in driving transportation planners and engineers to work with other entities to develop better ways to address problems. This could be a new stand-alone

freight improvement competitive grant program. Or the same effect could be achieved through spending criteria assigned to formula funds.

- **Direct funding toward better data collection on freight system needs and impacts.** DOT has improved its freight data collection and analysis, but there are still gaps and needs. The gaps include data on the system's environmental, community, economic, job and trade impacts.

- **Develop grants for testing and deployment of cleaner freight system technologies.** This would be an appropriate inclusion in the bill's research and development section. For instance, American-made electric heavy-duty trucks suitable for port drayage have been developed. Broader in-the-field experience and demonstrations is needed to help test and develop greater acceptance and reduce vehicle costs. Incentives to employ these trucks would provide this in-field experience and help develop a market. Likewise, incentives to accelerate replacement of other freight-system equipment powered by older, high-polluting diesel engines—such as gantry cranes, yard hostlers and switcher locomotives—would help modernize while reducing emissions.

- **Encourage operational improvements.** Operational improvements are "the most effective near-term source of increased capacity" according to the Rand Corporation.[9] They simultaneously improve efficiency and reduce environmental impacts. They include such measures as congestion pricing on freight corridors to better manage existing infrastructure; time-of-day port access pricing; reducing or changing packaging to carry more goods per trip; and improving intermodal access to allow use of the most efficient mode for the length of trip or type of cargo handled. There are various ways to encourage operational improvements through the transportation bill, including grants to demonstrate the feasibility of or to deploy certain operational improvements (e.g. congestion pricing), or establishing funding criteria that gives preference to project applicants who have demonstrated they have employed a suite of operational improvements.

The list I have just presented is not exhaustive. I do hope, though, that it will provide some assistance as you look for ways to improve the transportation system while reducing its environmental and public health costs.

**National Environmental Policy Act**

*The Causes of Project Delay*

[9] Hillestad, op. cit.

I would like to turn to the National Environmental Policy Act (NEPA) and the continuing discussion about its role in transportation project delay.

First, it's important to note that NEPA is a coordinating tool. That is, it doesn't set environmental standards; other laws do that. NEPA provides a way to make sure that transportation projects are consistent with our nation's environmental and public health protection goals. It essentially makes sure that the agencies charged with enforcing environmental laws, and the public that will live with the consequences of the project, are brought into the project planning earlier than experience showed happened before NEPA was adopted in 1970.

Second, I think it's fair to conclude that few are interested in delaying good transportation projects that simultaneously offer better transportation options while also improving a community's physical and public health environment. Nevertheless, there is some evidence that some projects are taking longer to complete than what appears reasonable.

It is hard to pin down exactly how many projects are unreasonably slow or how long is too long because the literature and data neither broad nor deep. Estimates for project lengths seem to average around 4 to 7 years, with some outliers averaging twice as long. A few key studies completed in the last decade identify a list of reasons for excessive project length, and the most common reasons tend to vary a bit among the studies.[10] However, reasons that seem to rank high for delaying or adding time to projects include:

- project redesign or design additions;
- the need to relocate businesses;
- project complexity;
- lack of funding for the project;
- local objections to the project; and
- interagency communications problems.

While environmental review makes it onto the extended lists, review isn't the most frequently cited cause. This makes sense because, in reality, very few projects are actually required to complete an Environmental Impact Statement (EIS)—the full analysis possible under NEPA. In 2001, of all highway projects that received federal funds, only 3 percent of projects, accounting for 9 percent of funds, had an environmental impact significant enough to require preparation of an EIS.[11] Nearly all

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[10] For a good overview of two recent studies, plus her own, see Dill, Jennifer. *What Influences the Length of Time to Complete NEPA Reviews? An Examination of Highway Projects in Oregon and the Potential for Streamlining*. Paper Submitted for Presentation to the 85th TRB Annual Conference (January 2006). Paper revised and submitted November 2005. Accessed February 19, 2011: http://dot.alaska.gov/stwddes/desenviron/assets/pdf/resources/nepareviewtime.pdf. Also, for a fourth and most recent study, see Keck, Dennis, et al. Accelerating Transportation Project and Program Delivery: Conception to Completion. National Cooperative Highway Research Program, Report 662. Transportation Research Board. 2010. Accessed February 19, 2011: http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_662.pdf.

[11] Dill, Ibid.

federally funded transportation projects have been eligible for Categorical Exclusions or Findings of No Significant Impact (FONSIs),[12] both of which substantially abbreviate any environmental review requirements.

*Dangers Inherent in Weakening Environmental Review*

Some people have suggested that removing environmental review requirements or substantially scaling back the requirements for transportation projects will significantly hasten project completion. Again, this isn't borne out by the limited evidence. What appears to be more successful in speeding good projects is an increased emphasis on bringing experts from resources agencies into the project planning phase early, before the project's formal environmental review begins. SAFETEA-LU Section 6001 has encouraged transportation agencies to routinely invite environmental, land management and natural resources agencies to participate in all the planning studies early, and this appears to be helping reduce time-delaying conflict later. At least 20 of 27 state DOTs reported that they have revised their practices to include earlier consultation and engagement. [13]

As one researcher concluded after reviewing other studies and interviewing agency staff responsible for completion of 12 Oregon-based highway projects:

> Efforts to streamline the process may not alter overall timelines significantly simply because deadlines are set. Instead, the most significant improvements to the process are likely to come from better communication and information, along with earlier involvement. If a streamlining effort can succeed in these areas, the formal review process may be shorter. Perhaps more importantly, the process could result in better projects and better environmental outcomes.[14]

NEPA is not perfect. But it has too often been the focus of debates about project delays when it hasn't been the culprit. Bad planning, poor communication and a range of other issues—including lack of funding for resource agency staff to produce the analyses needed—are also in play, and must be addressed.

The Orange County Transportation Authority has been working to develop a proposal for ways to reduce barriers that add unnecessary time to project delivery. One reason I am very interested in this effort is that it promises to fairly address the range of issues involved in delay. As Will Kempton, executive director of OCTA recently testified, he "has specifically reassured the environmental community in California and at the national level that none of the recommendations from the Breaking Down Barriers initiative are intended to eliminate necessary environmental protections related to federal projects."

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[12] U.S. General Accounting Office. *Highway Infrastructure: Perceptions of Stakeholders on Approaches to Reduce Highway Completion Time.* April 2003. Accessed February 20, 2011: http://www.gao.gov/new.items/d03398.pdf.
[13] National Cooperative Highway Research Program. *Legal Research Digest 54: Practice Under the Environmental Provisions of SAFETEA-LU.* Transportation Research Board. December 2010.
[14] Dill, Op Cit.

That said, we have just witnessed a range of attacks on basic environmental protections moved through the House through the budget process. This has been profoundly disappointing to the environmental community and put most of us—and lawyers who work on environmental issues—on high alert. I worry that regardless of OCTA's or others' good intentions, there may be further attempts to weaken environmental review through the transportation bill. If that occurs, the result will be a resurgence of lawsuits to stop projects—the type of lawsuits that are relatively rare today because environmental review requires agency and community consultation. We'll get stuck in a cycle that feeds the court but doesn't help deliver the kind of transportation system America needs.

*Conclusion*

There is no doubt that Americans want clean air. We all want clean water. We want to be confident that future generations will be able to know the joy of discovery that nature offers. We also want the practical benefits that a good transportation system offers. We want to fix our local sidewalks, streets and bridges. We want better, more innovative public transit to help us manage our budgets as fuel prices rise. We want a freight system that provides good jobs, but doesn't poison us with toxic emissions.

The challenge now is to push beyond the charged political atmosphere and deliver both a clean environment and an effective, efficient transportation system. I remain optimistic that can be done. I look forward to working with all of you as you develop the next federal transportation bill to help deliver such a system.

ANTONIO R. VILLARAIGOSA
MAYOR

**Joint Field Hearing before the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works**

Written Testimony of Los Angeles Mayor Antonio R. Villaraigosa

February 23, 2011

Thank you Chairman Boxer, Chairman Mica, Ranking Member Inhofe, Ranking Member Rahall, and members of this joint committee for the opportunity to provide testimony at the "Improving and Reforming our Nation's Surface Transportation Programs to Support Job Creation and the Economy" hearing.

America continues to suffer from high unemployment, and unemployment here in Los Angeles is even higher. Simply put: Americans need jobs and cities and states across the nation need a federal partnership to help us put people back to work, which can be done through smart, innovative investments in our transportation infrastructure.

Los Angeles continues to be an economic engine for the U.S. The ports of Los Angeles and Long Beach handle 40% of the sea-borne containers entering the U.S. These goods are then moved to all 50 states via rail and truck. The gross domestic product of Los Angeles County alone is $718 billion, higher than all but four states (CA, TX, NY, and FL) and 5.5% of the nation's GDP.

Unfortunately, Los Angeles continues to lead the country in overall delay related to traffic congestion. This costs the local economy an estimated $12 billion in delay, wasted fuel, and truck congestion. Truck congestion alone accounts for $3.2 billion of the $12 billion cost. ("The 2010 Urban Mobility Report", Texas Transportation Institute, December 2010).

But like many cities and states across America, we are doing something about it. We are leading the nation with our investment in operational treatments to reduce traffic congestion on our streets and freeways. And we rank fourth (behind only New York, Chicago, and Washington, DC) in avoided delay associated with our growing investment in public transportation (ibid.).

We have done this with the support of the federal government and the state of California, but we also have made a massive local commitment to transportation infrastructure. Three times the voters of Los Angeles County have supported taxing themselves through a half-cent transportation sales tax (1.5% aggregate), most recently in 2008 through Measure R. In the current fiscal year (2010-2011), our voter-approved

taxes will generate $1.8 billion in revenue that we are using to build, operate, and maintain a multi-modal transportation system, including robust investments in both highways and public transit.

As you can see from our local commitment, we believe that one of the best ways to support job creation and the economy is through investment in transportation infrastructure. For example, soon after Measure R passed, we broke ground on a new busway extension, creating 2,300 new jobs. We then accelerated construction of one of our new light rail lines, creating another 6,900 jobs. Over the next two years, we will start construction on four more major rail lines, creating thousands more jobs.

With financing assistance we and other jurisdictions could accelerate our construction programs and create more jobs that both would stimulate the economy directly and create a more competitive national transportation infrastructure that would position the U.S. to prosper in the 21st century global economy.

We think this can be achieved through the creation of a National Innovative Finance Program for Transportation Infrastructure that creates jobs, brings in federal tax revenue, and leverage federal dollars through the construction of transportation infrastructure. Such a program would provide financing assistance to jurisdictions seeking to create jobs and build new highway, rail, and transit projects.

Part of proposal is an expansion and enhancement of the Transportation Infrastructure Finance and Innovation Act (TIFIA) program. We are proposing six key changes to the current program that we believe will create jobs by leveraging federal dollars and getting more local and private investment in transportation infrastructure.

1. **Increase annual funding from $122 million (SAFETEA-LU authorization) to $375 million/year.** This would leverage up to $3.8 billion in loans annually and $7 billion in investment each year. It also could provide funding for partial interest rate subsidies (see below). Obviously, higher annual funding levels would leverage even more investment and job creation, which we would support.

2. **Increase the maximum TIFIA share from 33% to 49%.** While this reduces the leverage, it broadens the appeal of the program and makes it easier for more jurisdictions to participate.

3. **Broaden eligibility to include *programs* of related projects.** This lets jurisdictions engage in comprehensive, multi-modal planning and project delivery.

4. **Authorize USDOT to make upfront contingent credit commitments for certain large projects or programs.** This would mitigate financing risk for project sponsors

while enabling the federal government to establish rigorous criteria for what types of projects would qualify for upfront contingent credit commitments. The commitments and performance requirements could be memorialized in a "master credit agreement". By reducing risk, it will be easier to attract private capital and investment.

5. **Authorize USDOT to offer a limited interest rate hedge to a project sponsor receiving an upfront contingent credit commitment.** This also would mitigate financing risk, especially for programs with multiple projects and phased construction. Since an actual loan cannot be executed until all federal environmental work is complete, interest rates may rise between the time a master credit agreement is signed and the loan is executed. Again, by reducing risk, it will be easier to attract private capital and investment.

6. **Authorize USDOT to provide a loan with a fully subordinate lien on pledged revenues if certain conditions are met.** This would address a challenge with the current program whereby subordinate TIFIA loans "spring" to parity with other senior debt if there is a bankruptcy-related event. It is difficult or impossible to getting such a feature into a bond indenture. This is a barrier to getting private capital invested into projects through bonds.

Our proposal has multiple benefits to the federal government and meets many policy goals articulated by Congress.

- We can create real jobs for Americans. A national program will generate almost one million new jobs in the U.S. and $51 billion in income ("Federal Programs to Accelerate Highway and Transit Improvements", Los Angeles Economic Development Corporation, February 15, 2011). At a time of continuing high unemployment, nothing could be more important than putting Americans back to work.

- We will stimulate the economy. Our proposal will generate $158 billion in total economic output. Direct activity will be in the construction and professional, scientific, and technical services, but we also will see significant boosts to many sectors, including retail trade and manufacturing (ibid.).

- We will increase federal tax revenue by $10.6 billion and state tax revenue by $5.8 billion (ibid.). While the current federal scoring methodology does not consider new tax revenue, we argue that it should. At a minimum, Congress should recognize that by stimulating economic activity federal tax revenue also will grow. In effect, there will be a direct return on federal investment.

- Financing programs are not earmarks. They are tools that help jurisdictions seeking to create jobs and build their infrastructure do so faster. To make sure that nationally and regionally significant projects move forward, Congress can establish funding criteria to make sure that the best projects get help. Of course, direct federal investment and grant programs are still important and need to be continued.

- The program creates the conditions to bring private sector capital and investment to transportation infrastructure. Bond programs are advantageous to the federal government because 100% of the up-front money comes from private investors, not the U.S. Treasury. This means no appropriations or up-front cost to the federal government. This feature addresses near-term budgetary and spending challenges facing Congress today.

- The program also would create incentives for jurisdictions to raise their own revenue. Creating a program that requires a significant local match or repayment from a non-federal source encourages the development of local and state revenue sources. The federal government remains an important investment partner, but is not the principal investor.

- The program could be beneficial to jurisdictions with existing, funded long-term infrastructure programs. While there is an incentive to raise local revenue, even existing plans could be accelerated. Projects could be built sooner and Americans put back to work.

- Combining significant local revenue with federal investment results in more overall investment in the nation's transportation infrastructure. This means more jobs and better transportation systems to support business and commerce.

Our proposal has garnered growing support from a wide range of business, labor, and environmental leaders and groups. This includes support from national leaders such as Thomas Donohue, President and CEO of the U.S. Chamber of Commerce, and Richard Trumka, President of the American Federation of Labor and Congress of Industrial Organizations. Creating jobs and building transportation infrastructure can and should be a bipartisan issue.

Local jurisdictions also are supporting the call for a new federal partnership. The U.S. Conference of Mayors has adopted a support position on innovative financing and over 60 mayors – including both Republicans and Democrats – have signed on to a support letter for a national program.

We think the time is now for Congress to enact a National Innovative Finance Program for Transportation Infrastructure. It would be ideal if these ideas could be incorporated

into reauthorization, but Congress should pursue stand alone legislation if reauthorization does not occur this year.

Please do not hesitate to contact me directly or Deputy Mayor Jaime de la Vega at (213) 978-2360 or jaime.delavega@lacity.org before or after the hearing if you have any questions.

Finally, I want to express my thanks to Chairman Boxer and Chairman Mica for your interest and commitment to creating jobs and helping America build its transportation infrastructure. Your passion and leadership on these issues is just what America needs. We think that a National Innovative Finance Program for Transportation Infrastructure would be transformative for our nation and hope that Congress can establish such a program this year. I look forward to working with you both and your respective committees and am available to assist in any way that is helpful.

Attachment: "Federal Programs to Accelerate Highway and Transit Improvements", Los Angeles Economic Development Corporation, February 15, 2011

**Statement for the Record**
**Senate Committee on Environmental and Public Works and**
**House Committee on Transportation & Infrastructure**
**Los Angeles, California Field Hearing**
**"Improving and Reforming our Nation's Surface Transportation Programs to Support Job Creation and the Economy"**
**February 23, 2011**

The undersigned organizations appreciate the opportunity to submit this statement for the record to express our priorities for the reauthorization of the surface transportation bill.

Transportation provides access to opportunity for millions of people, and thus, the bill has the potential to serve as a key component in addressing poverty, unemployment, and equal opportunity goals. As organizations that represent persons of color, women, children, individuals with disabilities, gays and lesbians, older adults, labor unions, major religious groups, civil libertarians, and human rights organizations, we are committed to ensuring that transportation investments are equitably targeted to the people and places that need them the most.

Our transportation policy has the potential to expand economic opportunity for low-income individuals by connecting them to jobs and creating, training, and retaining underrepresented workers in highway construction, transit, and rail projects. It also has the potential to exacerbate some communities' isolation from jobs and resources. At a time of high unemployment and unprecedented income inequality, equity in transportation policy is one of the most pressing civil and human rights issues our nation faces.

We believe that equal access to affordable transportation is a fundamental civil right and that several core principles must be adhered to in federal transportation policy. First, federal policy must create affordable, available, and accessible transportation options for everyone, regardless of income, race, age, disability, background, or ZIP code. Second, transportation policy must create, protect, and ensure equal employment opportunities in the transportation industry. Third, federal transportation investments must promote healthy, safe, and inclusive communities with housing opportunities for families of all incomes. Fourth, equity requires that decisions regarding the public dollars invested in transportation must be made by bodies that represent all constituents equally. Finally, there must be strengthened civil rights enforcement to ensure access to transportation, as well as prevent disproportionate negative impacts on disadvantaged communities.

The federal surface transportation program is an important and essential source of funding for providing safe and reliable transportation service and improving the Los Angeles region's highways, roads, and public transportation conditions while ensuring fair access to quality jobs and contracting opportunities.

**Transportation and the Los Angeles Region**
With over 12 million people, the Los Angeles metropolitan area is the second largest urban area in the nation. However, the region's current transportation infrastructure does not meet the needs

of its residents. The average Los Angeles commuter spends 72 hours stuck in traffic every year, the worst in the country.[1] The consequences of a lack of transportation options reach far beyond commute time—47 percent of Los Angeles commuters report that traffic has negatively affected their health.[2]

Far too many Angelenos do not have access to reliable, affordable transportation, leaving them isolated in neighborhoods located far from jobs, grocery, stores, quality schools and health care clinics, with no way to connect to these vital opportunities and services. This is particularly the case for low-income people and communities of color in Los Angeles, where almost 85 percent of public transportation users in Los Angeles are people of color and 65 percent have family incomes under $15,000.[3]

**Transportation Equity Fosters Employment Growth and Promotes Equal Job Opportunity**
According to the Brookings Institution, by 2006, 45 percent of jobs in our 98 largest metro areas were located more than 10 miles from the urban core.[4] While jobs are increasingly moving to suburbs and remote exurbs, affordable transportation options to and within these areas have not increased at the same pace. As a result, many lower-income and minority people living in rural communities, small towns and urban areas are often isolated from job opportunities.

Most of the outlying areas where an increasing percentage of American jobs are located are reachable only by car. This disproportionately harms people of color: 19 percent of African Americans and 13.7 percent of Latinos lack access to automobiles, compared with 4.6 percent of Whites.[5] Lack of public transportation also impedes efforts to reduce poverty—three out of five jobs that are suitable for welfare-to-work participants are not accessible by public transportation.[6]

Our next major federal investment in surface transportation will create hundreds of thousands of jobs in the transportation sector. States and regions with diverse public transportation options have better job growth and economic development. By improving the Los Angeles region's transportation network, Congress can help create good paying and much needed jobs. Investments in transportation can and will create jobs and stimulate the economy. Given the level of unemployment and high poverty levels, the next transportation bill should ensure fair access

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[1] "In Depth: 10 Worst Cities For Commuters." *Forbes, Inc.* Retrieved from: http://www.forbes.com/2008/04/24/cities-commute-fuel-forbeslife-cx_mw_0424realestate3_slide_3.html?thisSpeed=undefined

[2] "Los Angeles ranks high in 'commuter pain' study, but things could be worse." *Los Angeles Times*. 30 June 2010. Retrieved from: http://latimesblogs.latimes.com/lanow/2010/06/los-angeles-ranks-high-in-commuter-pain-study-but-things-could-still-be-worse.html

[3] Geoff Ray. "LA Bus Riders' Union Rolls Over Transit Racism." Race, Poverty & the environment. Winter 2005/2006.

[4] Elizabeth Kneebone, "Job Sprawl Revisited: The Changing Geography of Metropolitan Employment," Metropolitan Policy Program at Brookings, April 2009, *at* http://www.brookings.edu/~/media/Files/rc/reports/2009/0406_job_sprawl_kneebone/20090406_jobsprawl_kneebone.pdf.

[5] Brookings Institution and UC-Berkeley. "Socioeconomic Differences in Household Automobile Ownership Rates" *at* http://gsppi.berkeley.edu/faculty/sraphael/berubedeakenraphael.pdf

[6] Surface Transportation Policy Project, "Transportation and Poverty Alleviation" *at* http://www.transact.org/library/factsheets/poverty.asp referring to study by the Volpe Institute.

to all Angelenos—regardless of race, gender, income, disability, and ZIP code—to quality jobs, workforce development, and contracting opportunities in the transportation industry.

The Los Angeles region needs an enhanced transportation network that improves mobility of both people and goods. Los Angeles, like many of our nation's port communities is facing a dire situation. The U.S. Environmental Protection Agency estimates that 87 million Americans live and work in regions near major port facilities that violate federal air quality standards. Each day they are exposed to toxic diesel exhaust from polluting port trucks, which are contributing to deadly diseases like asthma, heart disease, and cancer. Over 100,000 U.S. port truck drivers toil everyday in dirty diesel rigs, without adequate safety protections.

The Port of Los Angeles' Clean Truck Program put 8,500 new clean diesel and alternative fuel vehicles into service, and emissions were reduced by 80 percent in the surrounding communities. It is important that our federal surface transportation program support innovative approaches that alleviate freight chokepoints, put the Los Angeles region on a path to economic prosperity, all while cleaning the air, improving public health and ensuring that port workers and drivers have quality, high-road jobs.[7]

**Transportation Equity Means Affordable, Available, and Accessible Transportation Options**

Our civil rights laws bar employers, federal, state, and local governments and public accommodations from discriminating in access to health care, employment opportunities, housing, education, and voting (among others). Although our laws promise to open doors to opportunity, this is a hollow promise for people who are physically isolated from jobs, schools, stores that sell healthy food, and health care providers. As our metropolitan areas have expanded and jobs and services have become more diffuse, equal opportunity depends upon equal access to affordable transportation.

Transportation investment to date has produced an inhospitable landscape for low-income people, people with disabilities, and the elderly. People of color are disproportionately disadvantaged by the current state of transportation. The cost of car ownership, underinvestment in public transportation, and a paucity of pedestrian-friendly—and bicycle-accessible—thoroughfares have isolated low-income people and struggling families from jobs and services.

This is the civil rights dilemma: Our laws purport to level the playing field, but our transportation choices have effectively barred millions of people from getting across it. Traditional nondiscrimination protections do not protect the person for whom opportunities are literally out of reach.

For this reason, our transportation policy should expand and improve access to people for whom the cost of car ownership is prohibitive and for those who may depend on public transportation, including older adults, people with disabilities, people in rural areas, and low-income people. The Los Angeles region's transportation policy needs to support a wide range of choices and

[7] Rebecca Smith, Dr. David Bensman, and Paul Alexander Marvy, "The Big Rig: Poverty, Pollution, and the Misclassification of Truck Drivers at America's Ports: A Survey and Research Report," *at* http://www.nelp.org/page/-/Justice/PovertyPollutionandMisclassification.pdf?nocdn=1

users, not just car travel on highways and roads.[8] Seniors or persons with disabilities may not be able to use or may not want to drive. New highways exacerbate transportation inequities by extending the gaps between housing and jobs. An equity agenda should favor fixing existing infrastructures and incentivizing fill-in development in metro areas.

In Los Angeles, quality jobs, affordable housing, grocery stores and other retail, critical supportive services, quality education, and health care facilities are very decentralized. Lack of access to affordable and reliable transportation has been cited as one of the biggest hurdles to finding and keeping a job, particularly for individuals with limited income, single parents, and others transitioning to work.[9] Because of the cost of car ownership, which averages $9,500 per year[10], some Angelenos cannot afford to purchase or maintain a car. The Job Access and Reverse Commute (JARC) program addresses this barrier by providing funds to support the development of new transportation services, services that fill gaps in existing services, or the promotion of transportation use to employment and related destinations.[11] The JARC program seeks "to improve access to transportation services to employment and employment related activities for welfare recipients and eligible low-income individuals and to transport residents of urbanized areas and nonurbanized areas to suburban employment opportunities."[12]

The New Freedom program was designed "to provide additional tools to overcome existing barriers facing Americans with disabilities seeking integration into the work force and full participation in society."[13] We support the goal of the JARC and New Freedom programs of improving access to transportation services to employment and employment-related activities for Temporary Assistance for Needy Families recipients and eligible low-income individuals in rural and urban areas. JARC and the New Freedom programs should be fully funded in the next transportation bill, so that the Los Angeles region can continue to use funds to, among other things, assist low-income individuals to gain access to employment opportunities through such solutions as car loan and purchase programs.

A decade ago, elimination of federal operating funding for public transportation systems serving communities of more than 200,000 people forced states and regions to make up for the federal cut. The result has been that many states and regions struggle to provide adequate public transportation service. Even more, the federal support for building of new transit facilities (i.e. new light and heavy rail lines) and the lack of commensurate support for maintaining and/or expanding existing public transportation service incentivizes regions to spend money on new

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[8] Surface Transportation Policy Project, *Transportation and Poverty Alleviation* http://www.transact.org/library/factsheets/poverty.asp referring to study by the Volpe Institute.
[9] Community Transportation Association. Employment Transportation Briefs: A Guide to Job Access and Reverse Commute Programs, http://web1.ctaa.org/webmodules/webarticles/articlefiles/A_Guide_to_JARC.pdf
[10] Your Driving Costs. AAA. Retrieved from: http://www.aaaexchange.com/main/Default.asp?CategoryID=16&SubCategoryID=76&ContentID=353
[11] Community Transportation Association. Employment Transportation Briefs: A Guide to Job Access and Reverse Commute Programs, http://web1.ctaa.org/webmodules/webarticles/articlefiles/A_Guide_to_JARC.pdf
[12] U.S. Department of Transportation, Federal Transit Administration, FTA Circular 9050.1: The Job Access and Reverse Commute (JARC) Program Guidance and Application Instructions, May 1, 2007, II-1.
[13] U.S. Department of Transportation, Federal Transit Administration, FTA Circular 9045.1: The New Freedom Program Guidance and Application Instructions, May 1, 2007, II-1.

infrastructure even as they cut existing public transportation service. This is a threat to mobility and economic prosperity in the Los Angeles region.

**Transportation Equity Promotes Healthy Communities**
Transportation decisions contribute to economic and racial segregation in our metro areas. Emphasis on one-use highways (without sidewalks, bicycle access, or rapid bus routes) contributes to this segregation and severely restricts housing choices for people with disabilities, low-income people, and seniors. When a community is car-dependent, those who cannot afford automobiles or lack the ability to drive cannot live there even if housing is affordable.

With respect to community health, emissions from traffic congestion and heavily used transportation facilities (i.e, bus depots and seaports) increase the rates of asthma for nearby residents. Chronic diseases create significant financial and social burdens for communities. Public transportation creates healthier communities, ultimately reducing air pollution, which disproportionately affects low-income neighborhoods and communities of color, encouraging people to walk more, and increasing access to jobs. Thoughtfully crafted federal infrastructure investments can help remedy disparities among low-income people and communities of color that are a result of poor air quality, unsafe roads, missing sidewalks and bike paths. Promoting healthy and safe communities should be a priority in the upcoming surface transportation bill.

**Transportation Equity Requires Equitable Decision-Making Power**
Our transportation policy has been made by bodies that do not represent all constituents equally.[14] A more equitable transit system is only possible if low-income people, people of color, and people with disabilities have meaningful representation in local decision-making bodies such as metropolitan planning organizations. Everyone should have a seat at the table when transportation policy is developed and funds are spent.

**Transportation Equity Requires Meaningful Civil Rights Protections**
Transportation policy has always played a central role in the struggle for civil and human rights. Practical access to transportation helps ensure access to good schools and housing, basic services like health care, and the acquisition of job skills and employment opportunities. Conversely, the absence of affordable, available, and accessible transit threatens the civil rights of millions of Americans. Past investment has disproportionately benefitted people in outlying areas, leaving many low-income Americans out of reach of jobs, and forcing others to exhaust their budgets on transportation at the expense of other needs such as health care, housing, food, and education. Enforcing civil rights protections to ensure fair and equitable access to the benefits of our transportation system, and prevent disproportionate negative impacts on disadvantaged communities are a priority of civil and human rights organizations.

We urge you to support transportation investments that focus on equity. We look forward to working with you and your staff in crafting a bill that addresses the needs of all communities.

---

[14] Thomas W. Sanchez "An Inherent Bias? Geographic and Racial-Ethnic Patterns of Metropolitan Planning Organization Boards." Accessed from: http://www.brookings.edu/reports/2006/01transportation_sanchez.aspx

Asian Pacific American Legal Center, a member of Asian American Center for Advancing Justice
Karin Wang, Vice President of Programs & Communications
Los Angeles, CA

Labor/Community Strategy Center and Bus Riders Union
Francisca Porchas, Lead Organizer
Los Angeles, CA

Mexican American Legal Defense and Educational Fund (MALDEF)
Thomas A. Saenz, President and General Counsel
Los Angeles, CA

Strategic Concepts in Organizing & Policy Education (S.C.O.P.E.)
Gloria Walton, Executive Director
Los Angeles, CA

***

The Leadership Conference on Civil and Human Rights
Wade Henderson, President and CEO

PolicyLink
Angela Glover Blackwell, Founder and CEO

# Indianapolis, IN, Listening Session, February 19, 2011, Testimony for the Record

Chairman John Mica
House Transportation and Infrastructure Committee
2187 Rayburn House Office Building
Washington, DC 20515

Respectfully submitted – February 19, 2011

Indianapolis Listening Session

For over 150 years Central Indiana has served as the crossroads of America. Our state is the national leader in practical policy that has allowed for innovation in the funding of essential infrastructure. In particular our region is leading again with Indy Connect, a unique public private partnership that has created a comprehensive, multi-modal 25 year transportation vision driven by benefit cost analysis, quality of life goals, full employment, mobility, access, and regionalism. The Indy Connect vision is a trend setting approach to transportation planning which communities around the country may wish to emulate.

We believe that in these tough fiscal times, further innovation is required to incent more private investment in transit infrastructure. From experience as an elected official and business advisor, I encourage the committee to consider new incentives such as targeted tax credits, accelerated depreciation, and capital gain exemptions to make capital investments in transit infrastructure and transit operations more attractive to the private sector.

We also suggest greater flexibility in the definition of "private investment" for credit applied to local match requirements in federal capital discretionary grant programs like the Federal Transit Administration's New Starts and Small Starts. With respect to planning, we would like to see the fiscal constraint requirement be lifted from the long-range transportation plan process.

Last but not least, we are proud of our plan and believe that no one understands local transportation needs better than citizens and local officials working in partnership together. We encourage the committee to reduce barriers in funding so that our tax dollars achieve their full potential in creating jobs through investment at a local level. In drafting a new transportation bill please work to eliminate undue bureaucracy and "pass thru" of transit funding to state transportation agencies.

Respectfully,

Christine Altman, President
Central Indiana Regional Transportation Authority
Hamilton County Commissioner

Cc: Honorable Andre Carson
Honorable Larry Bucshon

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http://www.cirta.us

**Indy Connect – Central Indiana's Transportation Initiative**
**A unique public-private partnership representing 1.8 million residents in central Indiana**

**Public Sector**
Three public agencies representing urban, suburban, and rural areas working collaboratively to address regional issues

- *Indianapolis Metropolitan Planning Organization*
- *Central Indiana Regional Transportation Authority (CIRTA)*
- *IndyGo – Indionapolis Public Transportation Corporation*

**Private Sector**
Leadership from our corporate community understands the tremendous economic benefit of a multi-modal transportation investment program

- *Centrol Indiana Corporate Portnership* - formed in 1999 to bring together the chief executives of Central Indiana's most prominent corporations and its university presidents in a regional approach to long-term economic growth.
- *Central Indiana Community Foundation* - a public charitable foundation in central Indiana.
- *Greater Indianapolis Chamber of Commerce* – represents business interests in 9 counties in central Indiana

With Indy Connect we are addressing regional issues of economic development and competitiveness, work-force development, access to jobs, sustainability/environmental benefits, and quality of life enhancements via the expansion of our multi-modal transportation system. Creativity and innovation in financial solutions is being explored through both traditional and non-traditional revenue sources. A comprehensive cost benefit analysis was conducted on the Indy Connect transit plan which demonstrated a strong return on investment.

Three critical areas would benefit from inclusion in the new surface transportation reauthorization:

**Bus Replacement** - IndyGo tracks bus age and operating costs to identify replacement needs for our fixed route buses. In the past IndyGo has relied on earmark and special appropriations for capital purchases for buses and facility upgrades where FTA formula grant distributions have been used to cover rising preventive maintenance costs (operational). This practice although necessary to keep service on the street is not sustainable. IndyGo will need to use FTA formula funding for capital which may have an adverse impact on our ability to maintain current levels of service to our customers.
Request: Based on 2010 data, IndyGo needs approximately$38M in federal funding in the next five year authorization bill to replace 133 of our aging buses in the fleet.

**Northeast Corridor: Union Station (downtown Indianapolis) to Noblesville**
Indy Connect proposes a northeast transit alignment to connect Union Station to Noblesville serving adjacent neighborhoods that could benefit from economic development/redevelopment opportunities. The Northeast Corridor will connect with existing and proposed bus routes and community circulators to improve mobility and accessibility for central Indiana residents.
Project Status: Conducting Alternative Analysis and Draft Environmental Impact Statement - scheduled for completion in early 2012. **New Starts application to be submitted during 2012 application cycle.**
Request: $40 Million for Preliminary Engineering and Final Design; $700 Million for New Starts Capital Grant

**Indianapolis Belt Rail Road: Downtown Indianapolis**
Project proposes to upgrade existing Indianapolis Belt Rail Road to expedite freight rail traffic through downtown Indianapolis, create commuter transit access to Union Station, eliminate freight rail and rail transit conflict, and eliminate homeland security threat through freight rail deferral from Indianapolis Central Business District.
Request: $30 Million for Environmental Assessment, Preliminary Engineering, and Final Design

Lori Miser-MPO 317-327-5269 / Ehren Bingaman-CIRTA 317-327-7588 / Mike Terry-IndyGo 317-614-9310

**Hoosier Heartland Industrial Corridor, Inc.**
Greater Lafayette Commerce
C/O Tom Weatherwax
337 Columbia Street
Lafayette, IN 47901
Phone: 765-432-9858

The Honorable John L. Mica
Chairman, House Transportation & Infrastructure Committee
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Feb. 22, 2011

RE: Completing FHWA High Priority Corridor 4

Chairman Mica,

Thank you for bringing the House Transportation and Infrastructure Committee to Indianapolis, Indiana, on Saturday, Feb. 19th. On behalf of the communities along FHWA High Priority Corridor 4, the Heartland Highway, we appreciate you taking an interest in learning how important infrastructure is to our future. The Heartland Highway stretches from Lafayette, Indiana, to Toledo, Ohio.

This limited-access FHWA High Priority Corridor has been under construction for two and a half decades. During this time, the communities along the highway corridor have faced multiple challenges in completing the highway. By 2013, all but four and a half miles of High Priority Corridor 4 will be open to traffic. This accomplishment is due in large part to Indiana Governor Daniels' Major Moves program.

As you look to the future of how the United States will continue to connect rural America to the larger regional and national economies of North America, we would ask that you find a way to complete projects like the Heartland Highway. Let us share with you a simple truth that we have learned in our efforts to build this highway. We build highways not for today, but for our children's children. It is our belief that with the completion of the Heartland Highway, the next generations in our cities and towns will have the opportunity to find local employment and stay in their communities.

Thank you for this opportunity to share with you our belief in the importance of your efforts to keep America moving forward.

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P.S.
Check out our website to see how much progress has been made on completing the highway:
Website: http://www.hhicinc.com

Health by Design
creating built environments to foster healthy living
an ALLIANCE FOR HEALTH PROMOTION initiative

401 West Michigan Street
Indianapolis, IN 46202-3233
317-352-3844 phone
317-634-7817 fax

www.healthbydesignonline.org

February 19, 2011

Chairman John L. Mica
Transportation and Infrastructure Committee
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Mica and Members of the U.S. House Transportation and Infrastructure Committee:

Welcome to Indianapolis! We appreciate your visit and this opportunity to provide input to your drafting of the long-term reauthorization guiding our surface transportation investments. As you know, wise and balanced transportation spending has the opportunity to create and maintain jobs, rebuild our economy, and spur economic development like few other investments can. Comprehensive, connected, multimodal choices make communities safer, healthier and more vibrant while also reducing citizens' household transportation costs.

In this new fiscal reality, reform is needed to ensure that the money we do spend meets multiple objectives and is prioritized for infrastructure projects that are most effective. We must commit to fixing and maintaining the roads and bridges we already have. We must meet the needs of all users, providing affordable, convenient and safe transportation choices so they can get to work, medical appointments, community events, and shopping. We must use performance measures that reflect what matters to Americans citizens – not the number of lane miles – but energy-independence, efficiency, equity, and environmental stewardship.

Please not only preserve, but expand programs like Safe Routes to School and Transportation Enhancements. Such programs contribute miniscule cost to the budget, while offering huge benefits to citizens and communities and reducing spending in other areas. Sidewalks and bikeways - particularly when near schools, downtowns, and other activity centers - are absolutely among the most cost-effective infrastructure investments we can make. These one-time, low-cost projects improve safety, reduce congestion, minimize other long-term transportation and medical costs, and enhance citizens' mobility.

Our local communities and metropolitan planning areas need greater flexibility and more direct funding in order to respond to their own individualized needs and achieve their own unique goals. Please empower them to be able to do so, while also incentivizing good decision-making and wise investments and holding them accountable for demonstrated performance on the issues that matter.

You are here at the Crossroads of America. Likewise, our nation is at a crossroads with regard to transportation funding and priorities. Please guide us in investing effectively in infrastructure that will rebuild our economy, create jobs and access to them, and meet the needs of all Americans by providing mobility options within a balanced transportation system. Thank you for your service to the United States of America.

Sincerely,

Kim Irwin
Executive Director

Health by Design is a coalition of more than 200 Indiana organizations working together to address the connections between the built environment and public health. Our work is focused on achieving four priority goals: increased walking, biking and other public transit options; increased neighborhood, city and regional connectivity; land use decision making that promotes public health; and reduced dependency on automobiles.

**Indiana Construction Association**

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Fax (812) 421-5883

**inconstruction.org**

Quality People. Quality Projects.

March 2, 2011

The Honorable John L. Mica
Chairman
U. S. House Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Mica:

Thank you for holding your Committee listening session in Indianapolis. I attended the session and wanted to offer the following suggestions as a follow-up. By way of background, Indiana Construction Association represents the highway, underground and commercial building contractors in Indiana. I have been President of ICA for 22 years and before that I spent 20 years as a bridge contractor in eastern Indiana.

**Cut the Cost of Construction:** In my experience the cost of constructing highways and bridges has greatly increased. And I don't mean cost of materials or labor. I suggest your Committee take a comprehensive look at what goes into building a bridge, or rehabbing an urban interchange or building a mile of highway today versus what went into it 20, 30 or 40 years ago. You will find that a construction project is not the same animal it was back then.

- *Shut down traffic*: As an example, contractors today have extraordinary traffic control requirements that were not necessary before. Often, contractors are required to maintain traffic at enormous expense throughout the duration of the project. Increased cost comes from placing and then moving barrier wall, placing and then moving directional signage, and the list goes on and on. *Construction costs could be greatly reduced by* ***shutting down traffic*** *on a highway or interchange or bridge during construction.* Contractors can get in, get out, reducing not only the time it takes to complete the project, but also the cost associated with maintaining traffic as described above. Departments of Transportation should look at shut downs as the preferred method of construction first, and only fall back to the other alternatives if absolutely necessary. The end result of this is that projects will be done faster and at less cost, without sacrificing safety, allowing funds to be available for additional projects elsewhere in the state.

- *Reduce erosion control requirements*: Contractors are required to minimize the amount of erosion caused by a construction project such that any drainage off of the project must meet certain environmental standards. What is missing is that in a weather event that leads to run off from a project, *there is no way a contractor can control what is coming onto the job site from other sources.* If there's a farm next to the project, and the farmer has just tilled the land for planting and a huge spring rain hits the area, that

topsoil washes into the construction project, but it's the contractors duty to clean it up before it leaves the job site. That is absolutely unreasonable and increases the cost of the project substantially. Also unreasonable is the requirement that contractors control erosion *within the construction limits*. How can it matter that material moves from one location to another *within* the construction limits? Again, this type of requirement adds costs to all construction projects for no viable purpose. We suggest that you work on provisions in a new bill that make the erosion control standards reasonable.

**Figure out a Sustainable Funding Mechanism for the Program:** Over time as costs have increased (as described above), there have not been correlating increases in funding streams to the highway trust fund. Obviously, this situation cannot sustain itself. In addition, there have been more and more programs added to the federal highway bill that have nothing to do with maintaining our nation's highways and bridges. Cut out all those ancillary programs and focus expenditures from the highway trust fund on highways and bridges. Bottom line: We strongly encourage you to fund the program at the levels that are needed to take care of our highway system, and at the same time, focus expenditures on the core programs of highways and bridges so that the funding goes as far as possible to improve our highway system.

**Preserve Donor State Equity:** Like your home state of Florida, Indiana is a donor state. We pay more into the highway trust fund than we get back. Hoosiers have quite literally funded great highway projects all across this country. Please realize that as the Hoosier state infrastructure has aged, we have great needs to improve and expand our system. Some in Washington may think a bridge in New York or a highway in Rhode Island is a national priority and should be funded by Hoosiers. But I don't think the residents of Connersville, Cass County or Newburgh would agree. These Hoosier taxpayers need safe highways on which to commute back and forth to work and school. Ask them and they'll tell you their priorities and where their highway tax dollars should be spent. They want them and need them to be spent in Indiana. Preserve the Equity Bonus Program so that Hoosiers get our fair share.

Chairman Mica, my intent with this letter is to have been straightforward and direct. I hope I've accomplished that in a manner that is useful to you. Should you want to discuss these issues further, don't hesitate to call. On behalf of the Indiana Construction Association, thank you for your consideration.

Sincerely,

Charles V. Kahl
President

cc: Representative Larry Bucshon
Representative Dan Burton
Representative Andre' Carson
Representative Joe Donnelly
Representative Mike Pence
Representative Todd Rokita
Representative Marlin Stutzman
Representative Pete Visclosky
Representative Todd Young

February 25, 2011

The Honorable John L. Mica
Chairman
U. S. House Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Mica:

Thank you for conducting a listening session for your Committee in Indianapolis, Indiana this past Saturday afternoon, February 19, 2011. We appreciated the opportunity to attend and participate. We offer the following comments for your and the Committee's consideration and ask that these comments be included in your record of the listening session.

1) **Donor State Issue** – Like Florida, Indiana is a highway funding donor state. In the past our congressional delegations have worked together to improve the equity of the federal highway program. Through these efforts Congress created the Equity Bonus Program, which ensures that every state receives at least 92 percent of its share of contributions to the Federal Highway Trust Fund. Today, Indiana receives 40 percent of its federal highway funds through this Equity Bonus Program. As the Committee begins to draft its authorization bill, we urge you to continue the Equity Bonus Program and ensure that donor states continue to receive their fair share of federal highway funds.
2) **Federal Highway Program Funding** – We understand the budgetary challenges that you will be facing as you draft the authorization bill and suggest the following to address that issue.
    a. **Expand Tolling** – Please consider an expansion of tolling allowable on the interstate system. Currently, there are very limited opportunities for using tolls on the interstates, with even more restrictions on how those funds can be used. As Indiana learned with the lease of the Indiana Toll Road, the potential exists for significant proceeds from the tolling of an interstate which could benefit highway projects throughout the state as well as provide improvements to the tolled facility. As our interstates reach an age that demands both preservation activities and expansion, tolls would be a welcome revenue source for states.
    b. **Incentivize Use of Private Dollars** – To be used in conjunction with tolling, or as a separate mechanism, we suggest that you consider incentives for leveraging private dollars into highway projects. For states, like Indiana, that are courageous enough to enter into P3s for their highway projects, an incentive that recognizes the national

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interest in promoting this revenue source would be very beneficial. Over the past several years, we have heard from some who would like to penalize P3-friendly states by taking away some of their federal dollars, which is simply not an acceptable approach. Instead, these states should receive some sort of incentive, possibly a federal match specifically for private dollars, to encourage such investment.

c. **Increase Gas Tax** – Please consider increasing the federal gas tax. We know the difficulties that come with this discussion, and we need to educate the general public about the direct benefits of such an increase in support of any such efforts. In Indiana, we went through this in 2002 when our legislature raised the state gas tax, and we stand willing to help however we can.

3) **Focus Expenditures on Programs that Benefit the Gas Tax Payer** – One way that we can regain the public's confidence in the gas tax is to take a look at the purpose of the many programs funded out of the Highway Trust Fund, and their benefit to the motoring public (the payers of the gas tax). Recreational Trails, Safe-Routes-to-School, Transportation Enhancements and other boutique programs have been added to the federal highway legislation, each time diverting gas tax revenue from its intended purpose – maintaining our highway system to optimal performance standards to facilitate commerce and personal travel. With the revenues into the Highway Trust Fund on the decline for the immediate future, we need to take a more focused approach to the expenditure of those funds and think about how those gas tax dollars best benefit the user who is paying them, whether the passenger car driver or the trucker.

Once again, we want to thank you for taking the time to visit Indiana. Please know that our Indiana citizens have benefited from utilizing many of the tools that we are asking you to consider in drafting the next highway bill – public private partnerships, gas tax increases and tolls. If we can be of any help in sharing our experiences in more detail, please do not hesitate to contact us.

Sincerely,

Vicki Kitchin
Executive Director

cc: Representative Larry Bucshon
Representative Dan Burton
Representative Andre' Carson
Representative Joe Donnelly
Representative Mike Pence
Representative Todd Rokita
Representative Marlin Stutzman
Representative Pete Visclosky
Representative Todd Young

**Lochmueller Comments for Congressional Listening Tour**

Chairman Mica, Congressman Shuster, Congressmen Bucshon, Carson, Rokita, and Stutzman from Indiana, Mayor Ballard, and other distinguished members of the panel, thank you for this opportunity to provide testimony on a subject to which I have devoted my entire life. I have served as CEO of Bernardin, Lochmueller, and Associates since its founding 30 years ago, and, before that, I was involved in local government for 21 years serving as MPO director in Evansville, Indiana. My comments to you today come from that long experience in planning, design, and implementation of transportation projects, both large and small.

That experience has led to my belief that requirements for sound planning and for sensitivity to environmental impacts are important to the success of our transportation infrastructure and the public's benefit. In our work, we encourage communities to take seriously the task of sound comprehensive planning with a well-developed transportation component, and we work hard to ensure that projects are developed with proper attention to the environment where they exist and that impacts are properly mitigated. So, I'm not here to advocate that you eliminate all regulation. I am here to advocate that those regulations should be flexible and that regulatory processes should not be unduly long. As an example, review times for regulatory agencies under NEPA should be substantially reduced and there should be greater coordination between agencies to avoid duplicative and/or unnecessary documentation which wastes taxpayers' dollars.

The same is largely true in the area of design. We respect the engineering design standards established for safe and dependable roads and bridges. At the same time, we see much opportunity to increase flexibility in application of standards depending upon

the nature and location of the improvements. While major highway projects may well be held to more optimal design standards, more accountability could reasonably be granted to state DOTs and local governments to apply flexibility within the boundaries of federally approved AASHTO standards to achieve creative and more affordable transportation improvements in less time.

Most importantly, I want to emphasize how important it is that the next transportation funding bill not be burdened with the sort of restrictive and federally controlled policy initiatives as we have recently seen in former Transportation Chairman Oberstar's proposed transportation bill and in the current budget proposal. As I have previously indicated, our work has given us many opportunities to serve numerous state transportation departments. They don't all do things the same way. They reflect the differences in the cultural, social, and environmental nature of the states and localities they serve. We don't always agree on everything, but we feel certain that the unique personalities of our fifty states are much better served by depending upon the existing state DOTs to manage our transportation plans and priorities rather than to duplicate or replace their authority with federal offices of public benefit or livability as have been proposed. These are barely disguised attempts to implement federal land use policy and to dictate a preference for a highly urbanized lifestyle. Nothing could be more wrong for many of the smaller or rural communities we serve in this state and others.

I won't waste your time asking for more funding for transportation, but I do wish to urge that whatever funds are directed are provided in a multi-year appropriation and that the funding categories be streamlined with each "pot" of federal funds allowing more flexibility for a variety of project types. It is also important that funding not be designated to alternative transportation modes such as passenger rail at the expense of road and bridge funding. The U.S. boasts a roadway system which is the envy of the

world and it should not be stripped of the investment needed to maintain or improve it especially in this era where much of the U.S. inventory of goods is stored in trucks on our highways as required by "just in time inventory" dictates of American industry.

Thank you again for your time and I will gladly expand upon any of these points should you have questions.

# Planning Regulations & Requirements

in the Proposed Surface Transportation Authorization Act of 2009

Presented by:
Bernardin, Lochmueller & Associates, Inc.

December, 2009

# Planning Regulations & Requirements

## in the Proposed Surface Transportation Authorization Act of 2009

### roduction

The Surface Transportation Authorization Act of 2009, "A Blueprint for Investment and Reform," introduced by Congressman James Oberstar of Minnesota proposes a significant departure from past transportation bills with regard to planning. While knowledgeable politicians and transportation officials agree that the final law will vary from a good deal from Congressman Oberstar's proposed legislation, they also agree that much of the content in Congressman Oberstar's version will be included. With this in mind, FHWA officials are currently reviewing the Oberstar bill in great detail. We, at Bernardin, Lochmueller & Associates, Inc., also appreciate the need to understand Congressman Oberstar's proposal and its impacts particularly with regard to planning regulations and requirements. This brief white paper summarizes these regulations and requirements.

## Major Initiatives

The proposed transportation bill sets forth a series of overall major initiatives that are woven throughout the bill. These initiatives include the:

- Development of Transportation Plans and Projects with Specific Performance Standards and Measures
- Desire for Communities that are Livable and Environmentally Sustainable
  - Linking of Transportation Planning with Greenhouse Gas Emissions Reduction
  - Need to Address all Modes of Transportation in Developing Plans and Projects
- Consideration of Highway Safety and the Reduction of Fatalities and Injuries in all Transportation Plans and Projects
- Increased Efficiency of Freight Movements to support Economic Competitiveness

Performance Standards & Measures Initiative – Whether State DOTs and MPOs are developing freight plans, HSIPs, strategic long-range transportation plans, or other plans, performance measures and targets will be established to ensure accountability of plans and projects. Annual reports documenting the progress in meeting their targets will need to be submitted to FHWA. Failure to meet established performance requirements could result in up to 20% of funds for various programs being withheld.

Livability & Sustainability Initiative – The proposed bill establishes an Office of Livability. This office would promote sustainable modes of transportation and encourage projects that increase a choice of modes and enhance the quality of life for communities. To measure this progress in livability, mode-share performance targets would be established for sustainable modes of transportation such as transit, walking, and bicycling.

Greenhouse Gas Emissions Reduction Initiative – Transportation planning and greenhouse gas emissions reduction are linked throughout the entire proposed bill. State DOTs and MPOs will need to develop transportation-related greenhouse gas emission reduction targets and incorporate strategies to meet these targets into transportation plans and projects. The main greenhouse gases in the Earth's atmosphere are water vapor, carbon dioxide, methane, nitrous oxide, and ozone. Achieving these emissions reductions will likely include efforts to increase mobility using sustainable modes of transportation such as transit, walking, and bicycling. Failure to meet emissions reduction targets would result in the forfeit of 20% of federal funds.

# Planning Regulations & Requirements

## in the Proposed Surface Transportation Authorization Act of 2009

**Sustainable Modes Initiative** – Expanding mobility and improving accessibility to all modes of travel for people will be a critical focus of all transportation planning programs and projects. HSIPs must consider non-motorized travel such as walking and bicycling as well as transit. Emphasis is placed on Comprehensive Street Design (Complete Streets) which incorporate transit and non-motorized modes as well as private autos. These sustainable modes are also critical to the reduction of greenhouse gases and improved livability in general. Strategic long-range plans will provide for the development and implementation of an intermodal, interconnected transportation system.

**Safety Initiative** – As each State DOT prepares their Highway Safety Improvement Program (HSIP), specific performance targets for reductions in fatalities and serious injuries must be established covering a 6-year period. Safety issues for all transportation modes including motorists, bicyclists, pedestrians, the disabled, and other highway users must be addressed with the aim of improving the livability of the communities through enhanced public health, safety, and the quality of life.

**Freight Initiative** – The transportation of freight is recognized as vital to the national economy, as is the need to relieve freight congestion. The proposed bill would require economic criteria for evaluating freight capacity improvement projects and would require MPOs serving Transportation Management Areas (TMAs) to produce freight plans. The bill also emphasizes the need to consider the interconnectivity between highways, rail lines, airports, and waterways to achieve the efficient movement of goods.

## What These Initiatives Mean for State DOTs

1) New performance targets will need to be developed especially to measure progress in quality of life, livability, and sustainability issues. The federal government will use the performance measures and targets to determine the progress that each State DOT makes toward an intermodal, interconnected transportation system that improves safety, while increasing mobility and improving accessibility to all modes of travel for both people and goods. Therefore, State DOTs will likely need certain new or enhanced planning tools that can accurately and reliably measure progress towards those performance targets.

2) The Federal program will be restructured by consolidating or terminating more than 75 programs. The proposed bill defines four core formula categories.

    a. Critical Asset Investment
    b. Highway Safety Improvement
    c. Surface Transportation
    d. Congestion Mitigation and Air Quality Improvement (CMAQ)

3) Environmental sustainability, livability, and quality of life will need to be addressed in all transportation plans. The focus will be on creating livable communities and neighborhoods where transportation users have choices of various modes of travel. Roadways need to serve all modes of transportation.

4) Greenhouse gas emissions reduction will require State DOTs to use the US EPA Motor Vehicle Emission Simulator (MOVES) computer model. The MOVES model is targeted to replace MOBILE 6.2 for SIP and conformity analysis in part because MOVES includes greenhouse gas analysis capabilities that are superior to MOBILE 6.2.

# Planning Regulations & Requirements

## in the Proposed Surface Transportation Authorization Act of 2009

5) State DOTs will need to refine existing street design policies to include sustainable modes of transportation– transit, walking, and bicycling. The new Comprehensive Street Design policies (often referred to as *Complete Streets*) will need to maintain mobility and safety while preserving scenic, aesthetic, historic, and environmental resources.

6) Accessing national and international trade markets will require State DOTs to implement freight improvement programs that support economic development. The proposed bill clearly states that State DOTs may need to add capacity to the freight transportation system to meet economic needs. Freight corridor coalitions consisting of DOTs, MPOs, and freight stakeholders may be formed. These coalitions would be responsible for a freight plan for a particular corridor. The freight plan would be based on a multimodal analysis of the needs and develop projects designed to facilitate an integrated freight corridor transportation system.

7) State DOTs will need to deal with several new offices at the federal level including: the Office of Livability; the Office of Intermodalism; the Office of Expedited Project Delivery; and the Office of Public Benefit.

    a. Office of Livability – will promote environmentally sustainable modes of transportation including transit, walking, bicycling. This office will encourage State DOTs to link land use, transportation, and environmental analysis in planning functions.
    b. Office of Intermodalism – will promote the development of a national intermodal transportation system that is economically efficient and environmentally sound. People and goods would be moved in an energy-efficient manner.
    c. Office of Expedited Project Delivery – will work to enhance the speed of delivery of highway construction projects with particular emphasis on significant highway construction and substantially delayed projects.
    d. Office of Public Benefit – will focus on highway toll projects and public-private partnerships in Federal projects.

## What Do These Initiatives Mean for MPOs?

1) Voting members of the Policy Board of the MPO are represented in proportion to the population of each political subdivision. Central cities will likely have the largest representation, potentially controlling the MPO. Some suburbs may lose representation.
2) The responsibilities of the MPOs will change based upon their size.

    a. In areas under 50,000 individuals, State DOTs can designate a Rural Planning Organization (RPO) to conduct the planning, coordination, and implementation of transportation plans and programs.

    b. Small MPOs with a population of more than 50,000 and less than 100,000 will continue to conduct their activities as they did under the previous transportation bill.

    c. MPOs with a population between 100,000 and 1,000,000 have new minimum requirements that include establishing performance targets and strategies. If these MPOs serve aTMA, then they will need to address greenhouse gas emissions reduction.

# Planning Regulations & Requirements

## in the Proposed Surface Transportation Authorization Act of 2009

d. MPOs with a population over 1,000,000 have additional performance targets to assess land use that improves mobility and reduces single-occupant vehicle trips, housing supply, impacts on natural resources, water conservation, energy efficiency, greenhouse gas reduction, and livability.

3) USDOT will set the qualitative and quantitative performance measures for MPOs with minimum requirements. The MPOs will develop performance targets to meet the performance measures.

4) A national MPO database and reporting system will be established to accumulate MPO structural, financial, operating, planning, programming, and performance measure information. This would be similar to the database of transit operators currently maintained by FTA.

5) MPOs will need to develop planning tools which can accurately and reliably measure progress towards their performance targets. Performance will be measured for new criteria likely including travel time reliability, accessibility, noise, monetized user benefits such as fuel cost savings and other factors as well as the more traditional metrics such as vehicle-mile-of-travel (VMT), vehicle-hours-of-travel (VHT), mode shares, crash statistics and vehicle emissions.

6) MPOs that serve a TMA will address greenhouse gas emissions and identify emission reduction targets and strategies. Greenhouse gas emission goals will be set by the MPO and the State and must be designed to meet national goals. Greenhouse gas emissions reduction will require MPOs to use the US EPA's MOVES computer model. The strategies will include efforts to increase transit ridership and non-motorized transportation such as walking and bicycling. MPOs must demonstrate progress toward stabilizing and reducing greenhouse gas emissions from transportation sources.

7) MPOs must demonstrate progress toward stabilizing and reducing greenhouse gas emissions from transportation sources. Achieving emissions reduction is linked to MPO certification. De-certification can result in the withholding of up to 20% of highway and transportation funds.

8) MPOs that serve a TMA will also have to produce freight plans with performance measures and standards.

9) The strategies to reduce greenhouse gases and improve livability must include efforts to increase transit ridership and non-motorized transportation such as walking and bicycling. MPOs will need to refine existing street design policies to include sustainable modes of transportation – transit, walking, and bicycling. The new Comprehensive Street Design policies (often known as Complete Streets) will need to maintain mobility and safety while preserving scenic, aesthetic, historic, and environmental resources.

10) Funds are available for MPOs with a population over 500,000 to develop a metropolitan mobility plan. The mobility plan is designed to reduce congestion; maximize mobility and access of people and goods; and improve safety, environmental sustainability, and livability.

11) MPOs that have a metropolitan mobility plan and have received a grant under the metropolitan mobility and access program can establish a metropolitan infrastructure bank. The bank is administered by the MPO and can make loans available to public and private entities for eligible mobility projects.

# Thoughts for National Transportation Reauthorization

Presented by:
Bernardin, Lochmueller & Associates, Inc.

February, 2011

# National Transportation Reauthorization

## Economic Sustainability

Environmental sustainability is a noble goal, but a program is not sustainable if it is not also economically sustainable. If a transportation project or program requires massive subsidies, as transit operations do, for example, its economic sustainability should be considered.

- *Measuring economic sustainability* – New performance measures mandated for use in transportation planning should include economic performance measures including both user benefit-cost ratios as well as revenue-cost ratios. Major projects often attacked by liberals for generating "induced demand" actually increase gas tax revenues and should receive credit for this rather than just being penalized for generating greater environmental impacts.
- *Sustainable funding source* – The federal gas tax has experienced a cumulative loss in purchasing power of 33% due to inflation since the current 18.4 cent tax was established in 1993. AASHTO's or similar initiatives to index the gas tax to inflation would help address the problem while avoiding actually raising taxes.

## Performance-Based Planning vs. Federal Control

Among the administration's initiatives a distinction must be made between what is measured and what the measurements are used for.

- *Performance-Based Planning* – The requirement of well defined, standard performance measures that must be reported in the planning process stands to benefit the entire profession, provided the required performance measures address the whole array of transportation issues including economics as well as environment. The required use of benefit-cost measures and life-cycle costs, in particular, could help ensure that limited funds are used more efficiently to manage and develop transportation assets.
- *Give States More Flexibility* – However, at the same time, the way in which performance measures are used is crucial. They can be used simply to improve transparency, accountability and efficiency in the planning process, or they can be used in conjunction with federally established targets or goals or with competitive federal funding programs to usurp decision-making power from the states and channel monies toward areas that align themselves with the administration's goals. States need to be given maximum flexibility in spending their share of the transportation monies.

## Funding Programs

The complexity of the current funding mechanisms needs to be simplified for a host of reasons from administrative burden to the way in which the system channels money to special interests.

- *Combining Funding Programs* – The growth in the number of funding programs has been designed to fund many non-highway programs. The end result has been a growing administrative burden and an attempt to dictate local transportation strategies from Washington. The funding programs need to be combined so that barriers can be removed and decision-making be decentralized to ensure the transportation solutions meet the needs of the local areas.

# National Transportation Reauthorization

» *Formula Funds vs. Competitive Funds* – The administration has consistently advanced the use of competitive funding mechanisms such as the TIGER grants, over traditional formula funds for transportation. These competitive funding mechanisms are biased both against rural and smaller metropolitan areas (e.g., Evansville must compete with Chicago) as well as for programs which align themselves ideologically with the administration, since the administration defines the goals of the competition.

## Commercial Traffic & Freight Movements

Transportation infrastructure's most direct contribution to the economy is the provision of efficient means of moving goods and people for business purposes. Relieving congestion and providing more reliable transport of freight and service vehicles is crucial to ensuring the health of the national economy.

» *Travel Time Reliability* – Under the previous administration, travel time reliability emerged as a critical performance measure for evaluating the impacts of congestion, especially for freight. The current administration's neglect of this new initiative should be addressed and travel time reliability should be a key performance measure included in any federally mandated transportation planning.

» *Intermodal Freight Capacity* – Federal transportation policy should encourage intra- and inter-state planning and investment in infrastructure aimed at improving goods movement by removing bottlenecks and adding capacity whether within or between modes. Efficient interconnectivity between highways, rail lines, airports, and waterways needs to be a priority, as does sufficient capacity on both highways and major rail lines. The myth promoted by the current administration that congestion can be addressed simply by better management strategies without additional capacity must be put to rest. The growing use of "just in time inventory" by U.S. industry means that an ever-increasing percent of our nation's warehousing is in transit on trucks. If the economy is to continue to grow, freight movements must grow with it as must transportation capacity.

» *Service Vehicles* – As the service sector of the economy continues to grow, the efficient movement of service vehicles (e.g., plumbers, cable repairmen, visiting nurses, etc.) is an issue ripe for attention. In some urban areas, it is now estimated that non-freight commercial vehicles make up as much as 10% of the vehicles on the road. For each stop that congestion prevents one of these vehicles from making, there is real economic loss. New initiatives should investigate the needs of service vehicles, which differ in some key ways from both freight and passenger movements.

## Asset Management Programs

Asset management focuses on business and engineering practices to manage and maintain transportation assets, including roads, bridges, rails, and tunnels to improve their condition while minimizing agency costs.

» *Encourage State & Local Programs* – States and local governments will need new and enhanced planning tools that can accurately and reliably measure and predict asset conditions (e.g., pavement conditions, etc.) given varying levels and strategies for transportation investment. One key strategy for minimizing agency costs and maximizing asset conditions is to identify the proper use of preventative maintenance that may require some additional cost up front, but save agencies much more in the long run. Without solid analysis and asset management tools, preventative maintenance goes undone and the result is higher life-cycle costs for maintaining facilities.

Michael O'Loughlin

Indianapolis, IN 46260

Representative John Mica, Chairman
Transportation & Infrastructure Committee
US House of Representatives

February 19, 2011

Dear Chairman Mica:

Let me first thank you for providing an opportunity to offer comments on the next transportation bill that you and the House Transportation & Infrastructure Committee will be working toward over the next several months. I also want to thank Indianapolis Mayor Greg Ballard for hosting the Indianapolis "listening session" on February 19th

My wife and I have been residents of Indianapolis since the early 1980s. We have seen this area change significantly and grow more urbanized. In the mid-90s, only a couple years after passage of the ISTEA Transportation Bill, we began to notice a gradual shift in the way transportation was defined. A growing interest in walking and bicycling took shape in central Indiana and elsewhere. New programs, supported with federal transportation money, began addressing the needs of pedestrians and bicyclists and others who could not or chose not to drive. Facilities for bicycling and walking began to appear. It seems demand for safe places to walk and bike has only increased from year to year.

Now, thanks to the Transportation Enhancement Program and the Recreational Trails Program, old railroad corridors are being preserved and public trails are being established all over Indiana. More and more residents can walk or bike to destinations if they want to. Neighborhoods recognize that sidewalks are key pieces of livable cities and transportation choices have become as important as good schools for attracting business investments. A variety of transportation programs have helped make these changes possible.

With help from the Safe Routes to School Program children are starting to walk and bike to school again like their grandparents did (like my wife and I did when we were growing up). This shift is helping to reduce traffic congestion and vehicle emissions and provide healthy travel options for young Hoosiers. Daily, we hear reports that obesity rates are climbing to dangerous levels, while health professionals urge everyone, young and old, to build more physical activity into their daily routines. Funding made available through transportation programs helps provide options for our children to walk or ride to school, for seniors to walk to the store and for middle aged mothers and fathers to bike to work.

My wife and I love to walk. We're attracted to places where we can get out of the car and safely enjoy our environment on foot. We like to bike in our neighborhood and on Indianapolis' growing network of bike lanes. On weekends we enjoy riding the trails here in Indianapolis and exploring the many trails in other parts of Indiana. In nicer weather I try to bike to work once a

week and on weekends I often run errands by bike. Having that choice means so much to us and to our quality of life.

As you deliberate over transportation priorities, please don't turn back the clock to the time when transportation only meant highways, bridges, cars and trucks. Please continue to provide federal funding that specifically supports walking and biking and the facilities that make these modes viable forms of transportation.

Sincerely,

Michael O'Loughlin
Susan O'Loughlin

**THE COUNCIL**
**CITY OF INDIANAPOLIS**
**MARION COUNTY**

**Marilyn Pfisterer**
Councillor, District 14

Congressman Mica,

I attended your hearing in Indianapolis on Feb 19th. I was the City Councilor who stood to be recognized and said that I wanted to discuss roads for my District in Indianapolis. Unfortunately I had to leave for another commitment before my turn to speak occurred—hence the letter to you.

My Council district lies on the west side of Indianapolis and includes the Indianapolis Motor Speedway track. It also has many other industries that contribute to the economy of the City, State and Nation, one being Allison Transmission. Since you have been involved with transportation I am guessing that you recognize the Allison name for its long time contributions to the national transportation system with electric buses and the transmissions for our military.

The bottom line here is:

*Other than the beltway, there are NO north south routes for the west side of this city and that has impacted all the businesses I have mentioned and dozens more. We need the opportunity to have good traffic flow here to facilitate business and residential commerce.

* We have an opportunity to accomplish that with 16 blocks of new road. Only 16 blocks would connect the south side to the north side by connecting Holt Rd to Lafayette Rd and give access to Interstate 65, in addition to creating businesses along that route. That corridor puts commercial traffic on a direct path from Interstate 70 to Chicago and major cities to the north and west of here.

*Studies were done 30 years ago to create this very corridor and the project was only partially completed for lack of leadership and funding. To complete this vitally needed project we only need the 16 blocks mentioned above.

I have a long list of business leaders and elected officials who are in support of this project. What we need to have is the initial funding to get it started with feasibility and environmental studies.

I ask your help in accomplishing this goal. I would be happy to answer your questions. The easiest way to reach me is by E Mail at cpfist1061@aol.com.

Sincerely,

Marilyn

1001 Mt. Auburn Dr. • Indianapolis, IN 46224
Phone: 317.244.7156 • Fax: 317.247.6413
Email: cpfist1061@aol.com

considerbiking

Serving people who pedal.

February 18, 2011

House Transportation & Infrastructure Committee Testimony

Dear Chairman Mica,

I write to you representing Consider Biking, Ohio's largest bicycle and education advocacy organization. We represent a broad and diverse constituency of bicyclists - ranging from recreational, competitive, off-road, touring, school children, and the exploding segment of people that bicycle for utilitarian purposes to commute to work, run errands…or, out of necessity.

We trust you're hearing from our national partner organizations, all the reasons that the Federal government should support the investment in accommodations for active transportation options. You have surely seen the evidence that bicycle-friendly communities have better health, environmental and livability indexes. You have surely seen the recent research reports that demonstrate that more jobs per dollar invested, are created for bicycle and pedestrian projects than traditional road and bridge projects. And, I trust you've seen the "green dividend" evidence that demonstrates that cities with lower per capita car usage (and higher active transportation rates) have benefited with the reinvestment of saved monies into the local economies. And, you've certainly seen the vibrancy and livability of the cities across the country, that have leveraged Federal support to invest in building more transportation options in the past decade.

However, our organization, and Central Ohio, has caught the attention of the national active transportation movement for a unique reason. We have **unified our corporate community to embrace and encourage bicycling**….particularly for utilitarian purposes. With the partnership of the Fisher School of Business at the Ohio State University, we have developed the country's first business case and calculator for a business' Return On Investment in developing bike to work programs. ***We've proven that bicycling is good for a business bottom-line!***

In October, 2010, we launched a campaign called "2 BY 2012" which is a broad bicycling encouragement program, targeted toward our largest corporations and employers. Within four months we have secured the commitment and support of over 70 of our region's most significant employers….representing over 150,000 employees. You'd recognize many of the partners – Nationwide Insurance, American Electric Power, Ohio Health, Worthington Industries, Columbia Gas, Huntington Bancshares, Battelle Memorial Institute, and more. And, we've gained the signature of commitment from the CEO of each of these 70 organizations.

4041 North High Street, Suite 201, Columbus, OH 43214 614.447.8894 www.considerbiking.org

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Serving people who pedal.



Our corporate leaders, and civic leaders, see the financial benefit to their corporations and their communities. CEOs recognize that bicycling is good for a business bottom-line! Therefore, our region is eagerly seeking the opportunities to invest in the accommodations that will make our communities more bicycle-friendly…and thus, make our region more economically competitive! A region's mobility options, beyond the automobile, is a critical variable in Ohio's ability to attract and retain new economy workers and businesses.

World-class communities, have world-class means to move people beyond single use automobile trips. We believe there must be a method to ensure equitable funding levels to active transportation options in the next Transportation Reauthorization Act. Investment in active transportation accommodations will generate substantial long-term returns, and be sustainable into future generations.

I've attached a letter from December 2009, which Consider Biking wrote to our regional leadership to help show support for increased Federal investment opportunities in bicycling accommodations. You'll note that we gathered the signatures of 23 major CEOs and business leaders supporting our case. This letter, and the unified corporate support, speaks well for our cause. If we were to entertain this exercise today, we'd easily gain 100 CEO signatures, and that of the majority of our region's municipal leaders and elected officials.

Our communities are eager to invest in vibrant new transportation infrastructures. We ask for your help to recognize, like our corporate leadership here, the benefits of these investments. And, to develop the funding mechanisms that will ensure equitable funding to the 10+ % of citizens in this country that choose active transportation as a primary means to get about. Thank you for your consideration while developing the next Transportation Reauthorization Act.

Sincerely

Jeff Stephens

Executive Director

4041 North High Street, Suite 201, Columbus, OH 43214 614.447.8894 www.considerbiking.org

# 2 BY 2012 PARTNERS

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- American Electric Power
- B1 Bicycles
- Betty's Family of Restaurants
- Bricker & Eckler LLP
- Brown and Caldwell
- Café Brioso
- Campus Partners
- Capital Crossroads Special Improvement District
- Center of Science and Industry (COSI)
- Central Ohio Transit Authority
- City of Columbus
- Columbia Gas of Ohio, Inc.
- Columbus Bar Association
- Columbus Chamber of Commerce
- Columbus College of Art and Design
- Columbus Council on World Affairs
- Columbus Sports Connection
- Columbus State Community College
- Consider Biking
- Delicious Mixtures
- Discovery Special Improvement District
- Downtown Residents' Association of Columbus
- Echelon Racing Team
- Edison Welding Institute
- Evolved Energy Solutions
- Fifth Third Bank
- FlyMuch.com
- Franklin Park Conservatory
- Franklin University
- Franklinton CycleWorks
- GBQ Consulting LLC
- GhostMarketingGroup
- Go Sustainable Energy
- Goodwill Columbus
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- Grange Insurance Audubon Center
- GreenTech Solar & Building Solutions
- Hahn Loeser & Parks LLP
- Haladon Technologies, Inc.
- Jeni's Splendid Ice Creams, LLC
- Jones Lang LaSalle Americas, Inc
- kidslinked.com
- King Business Interiors
- Lane, Alton & Horst, LLC
- Luper Neidenthal & Logan
- M•E Companies, Inc.
- Metcalf and Associates, Inc.
- Metro CD Engineering, LLC
- Metro Parks
- Nationwide Children's Hospital
- Nationwide Insurance
- OCLC
- Ohio Environmental Council
- Ohio Environmental Protection Agency
- OhioHealth
- Otterbein University
- Paradise Garage
- Pattycake Bakery
- PNC
- Porter Wright Morris & Arthur LLP
- Resource Interactive
- Seagull Bags
- Small Business Beanstalk
- State Auto Insurances Companies
- The Columbus Partnership
- The Dispatch Printing Company
- The Ohio State University
- Tipping Point Renewable Energy
- Trek Bicycle Stores Columbus
- US Bank
- WBNS-10TV
- Webbed Marketing
- Westerville Bike Shop
- Worthington Industries

For further information:

Consider Biking
e: 2by2012@considerbiking.org
t: 614.447.8894
4041 N High Street, Suite 201
Columbus, OH 43214

On the web at: www.2by2012.com

***The goal of 2 BY 2012 is for each citizen of Central Ohio to use a bicycle, instead of a motor vehicle, as transportation to work, school or for local errands twice a month by the Columbus Bicentennial in 2012.***

The Columbus Foundation

2 BY 2012 is made possible by the Robert Bartels, William C. and Naoma W. Denison, Charlotte R. Hallel, Robert B. Hurst and Martha G. Staub funds of The Columbus Foundation.

considerbiking

Making Central Ohio a Better Place to Bicycle!

P.O. Box 937
Worthington, OH 43085
614.579.1127
www.considerbiking.org

December 17, 2009

Mr. Alex Fischer
President and CEO
Columbus Partnership
41 S. High Street
Columbus, OH 43215

Mr. Ty Marsh
President and CEO
Columbus Chamber of Commerce
150 S. Front St., Suite 200
Columbus, OH 43215

Dear Messrs. Fischer and Marsh:

World-class cities have world-class methods to move their citizens beyond single-use automobile trips. Experience from the most vibrant and livable cities across the country and world has proven that robust accommodation for bicycle use contributes to the health, environmental sustainability and economic competitiveness of these cities. For that reason, the Columbus Corporate Cycling Caucus wishes to support the efforts to secure funding for the Columbus Bicentennial Bikeway Plan ("Bikeway Plan") from the fiscal year 2011 federal appropriations bill for transportation, housing and urban development. For the reasons set forth below, we believe that this project would be transformative for our community:

1. **We have a world-class, comprehensive bicycle plan ready for implementation**. The Bikeway Plan, commissioned by the City of Columbus in 2008, was prepared by ALTA Consulting, the top bikeway consulting firm in the country. The plan included significant community input and, as a result, enjoys widespread public support. It is a detailed, state-of-the-art plan that, when implemented, will transform our streets into "complete" streets and facilitate active transportation and recreation by our citizens – making central Ohio a more livable community. According to many experts, infrastructure for active transportation is an essential element of a 21st century urban transportation plan.

2. **Demand for bicycling accommodation is increasing rapidly.** There is a "pedaling revolution" going on in central Ohio. Led by Mayor "Bikin' Mike" Coleman, Franklin County Clerk of Courts Mary Ellen O'Shaughnessy and several passionate community leaders, we are experiencing significant "mode shift" in our community. An increasing number of citizens are biking, walking and using mass transit to get to work and school because it helps them stay healthy, saves money, and is good for the environment. The Bikeway Plan will add over 400 miles of bikepaths, bike lanes, shared lanes and other necessary infrastructure to make it safer and more convenient for citizens to bike to destinations throughout central Ohio.

3. **The Bikeway Plan will help make Columbus "greener."** Replacing short urban automobile trips with bicycling and walking significantly reduces the emission of $CO_2$ and pollutants and is one of the "greenest" things a community can do. That is why the City's widely popular GreenSpot Program encourages companies to facilitate active transportation for their employees. New economy workers and the companies that wish to employ them are increasingly factoring "greenness" and community sustainability criteria into their decision regarding where to locate. Columbus' adoption of the Bikeway Plan last year was a significant reason it moved up 20 spots and was named "most improved" city in the important

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SustainLane ranking of the greenest cities in the U.S. Additionally, the Bikeway Plan will complement other community investments in sustainability such as the recent Capital Crossroads commitment to add bicycle parking, lockers and other end-of-ride infrastructure in the downtown area surrounding capital square.

4. **The Bicentennial Bikeway Plan has garnered national attention for Columbus**. Based on our commitment to implement the Plan, Bicycling Magazine named Columbus one of the top 5 "up and coming" bicycle cities in the country. As mentioned above, our commitment to active transportation helped Columbus move up 20 spots and be named the "most improved" city in the important SustainLane ranking of the greenest cities in the U.S. Finally, our commitment to the Plan helped Columbus obtain the coveted League of American Bicyclists' "Bicycle Friendly City" status, making it one of only 80 cities in the U.S. (and only city in Ohio) to earn this honor. Columbus received this recognition based on the "promise" of the Plan—now we must follow through and build it.

5. **Young professionals will be attracted and retained by a bicycle-friendly community**. New economy workers are increasingly making the decision where to locate based on lifestyle, not employment opportunities. Experts such as "CEOs for Cities" and NextGen Consulting have advised us that one of the main reasons YPs prefer Chicago, Portland, Seattle and New York over Columbus is that those cities have the infrastructure for active transportation. Implementation of the Bikeway Plan will help Columbus attract and retain new economy workers and the companies that wish to employ them.

6. **Implementation of the Bikeway Plan will benefit the entire community and region**. It will facilitate active transportation and recreation in all neighborhoods of the city, including many in which mobility options are limited for underserved communities. Additionally, the Bikeway Plan will complement the growing initiatives of the surrounding suburban municipalities and connect all bikeway systems to the City of Columbus bikeway system, thereby creating a true regional infrastructure.

7. **Implementation of the Bikeway Plan will complement significant health initiatives already identified as priorities in central Ohio**. In particular, it will dovetail with the United Way's bold goal to stop the obesity epidemic ravaging our community. Based on the recently published benchmarking report commissioned by the Columbus Partnership, central Ohio has the highest adult obesity rate of the 16 cities surveyed. More alarmingly, according to the report the obesity rate in central Ohio increased from 25.6% to 30% in the past 2 years. Experts are now projecting the U.S. obesity rate will reach 50% by 2018. The United Way and public health institutions across central Ohio are urging citizens to use active transportation in an effort to combat this serious public health crisis because research indicates that cities with the highest rates of active transportation have the lowest rates of obesity. The Bikeway Plan will facilitate this mission. Additionally, the implementation of the Bikeway Plan will provide the critical foundation for success of the Safe Routes to Schools programs being implemented via Columbus Public Health and in several suburban communities.

8. **The Bikeway Plan will help the Corporate Cycling Caucus implement its "Corporate Two-Wheel Tookit" and Mode Shift Program at companies in central Ohio.** The "TwoWheel Toolkit" which was developed by the Caucus in partnership with Leadership Columbus, has gained national attention and explains to companies why encouraging and facilitating active transportation for employees is good for their bottom line—research shows that employees who bike or walk to work are healthier, miss less work and are more productive, resulting in lower health care costs. The Toolkit explains the simple, low cost things that a company needs to do to encourage and implement an active transportation

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program for employees. Additionally, the first-year Pelotonia fundraising event captured the enthusiasm of our corporate community by attracting thousands of people to the joy and benefits of recreational cycling.

9. **The City of Columbus has already committed local funding resources to implement the Plan**. The City of Columbus has already committed local funding resources to implement the Plan. Most significantly, Columbus City Council has approved $20 million in its 2008-2013 Capital Improvement Plan for several specific projects identified in the Bikeway Plan. Realization of the funding has been delayed due to postponement of anticipated bond sales, however, the City's commitment to allocate funding for the Bikeways Plan remains firm. This is demonstrated in the City's investment of over $500,000 on several high priority bikeways projects since the completion and adoption of the Plan in 2008.

For the foregoing reasons, the Corporate Cycling Caucus and other organizations set forth below respectfully request you to support the funding of the Bikeway Plan.

BATTELLE MEMORIAL INSTITUTE

By J Wadsworth
Title: President & CEO

CALFEE, HALTER & GRISWOLD LLP

By
Title: Senior Counsel

CAPITAL CROSSROADS AND DISCOVERY SPECIAL IMPROVEMENT DISTRICTS

By
Title: Executive Director

COLUMBIA GAS OF OHIO

By
Title: President

MANLEY DEAS KOCHALSKI LLC

By Ted Manley
Title: MEMBER

NATIONWIDE CHILDREN'S HOSPITAL

By
Title: President & COO

OHIO HEALTH

By
Title: President & CEO

NATIOWIDE INSURANCE

By
Title: CEO

PELOTONIA

By
Title: Executive Director

considerbiking

COSI

By
Title: Pres & CEO

FIFTH THIRD BANK

By
Title: PRESIDENT & CEO

FRANKLIN COUNTY COMMISSIONERS

By
Title:

GRANGE INSURANCE

By
Title: CEO

HUNTINGTON NATIONAL BANK

By
Title: Regional President

INSTITUTE FOR ACTIVE LIVING, COLUMBUS PUBLIC HEALTH

By
Title: Director

JP MORGAN CHASE

By
Title: President, Central Ohio Market

PORTER WRIGHT MORRIS & ARTHUR LLP

By
Title: Managing Partner

ROLL: DEVELOPMENT COMPANY LLC

By
Title: CEO

THE OHIO STATE UNIVERSITY

By
Title: Vice President

THE OHIO STATE UNIVERSITY MEDICAL CENTER

By
Title: CEO, OSU Medical Center

TREK STORES COLUMBUS

By
Title: Owner

UNITED WAY OF CENTRAL OHIO

By
Title: President + CEO
UWCO

IndyGo SM

DATE: February 19, 2011

TO: United States House of Representative's Committee on Transportation & Infrastructure

FROM: Michael A. Terry, President and CEO

RE: Listening Session – Indianapolis, IN

Indianapolis Public Transportation (IndyGo) is the city's mass transit service provider, primarily with bus service only. The following are issues and concerns confronting our ability to provide safe affordable and convenient public transportation to the citizens of our community.

1. IndyGo invested ARRA (stimulus) funds and portions of federal formula grants into capital projects (facility and buses) which have reduced operational costs, improved efficiencies and mitigated the environmental impact on air quality. Maintaining a state of good repair for our facility, vehicles and equipment is critical to our ability to keep service on the street. Federal funding for capital projects will allow us to continue our investment in maintaining a state of good repair.

2. Public Private Partnerships are valuable to our Indiana economy. IndyGo contracts over 1/3 of our service and operations to private sector businesses. Buses in our fleet have Cummins engines (Columbus, IN) and Allison transmissions (Indianapolis, IN) some are equipped with hybrid electric technology and many additional parts and components are manufactured by other Indiana companies. Transit is good for the Indiana economy.

3. IndyGo currently exceeds the federal transit ADA requirements for providing service to persons with disabilities in our city. This is an important and valued service; however the financial strain on our operating budget is significant. Nearly 13% of our budget is committed to Para transit service but represents only 3% of our overall ridership. Additional funding to maintain service for disabled transit services would be welcomed.

4. Charter Regulations – several years ago new FTA regulations limited public transit agencies from providing transportation support to public events in our city. IndyGo would like greater flexibility in providing mass transit service for regionally significant events such as races at the Indianapolis Motor Speedway as well as activities at the new Lucas Oil Stadium (Super Bowl 2012 and Indianapolis Colts football games). There is full recognition and appreciation that public sector services should not compete with private charter services, however the demand for transit services at regionally significant events where hundreds of thousands of people converge on the city, the capacity for transportation service is exceeded and requires a public transit solution. Greater flexibility for our agency to support these public events would be welcomed by our city.

Indianapolis Public Transportation Corporation
1501 West Washington Street • Indianapolis, In. 46222
Tel: (317) 635-2100 Fax: (317) 634-6585

# Dupage, IL, Listening Session, February 20, 2011, Testimony for the Record

# League of Illinois Bicyclists

2550 Cheshire Dr., Aurora, IL 60504
www.BikeLIB.org, 630-978-0583, lib@bikelib.org

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Gin Kilgore, Program Manager
Chicago

March 1, 2011

The Honorable Randy Hultgren
United States House of Representatives
Washington, DC 20515

Dear Representative Hultgren,

On behalf of our Illinois members and bicycle industry partners, we submit this written testimony for the February 20 T&I Committee transportation bill hearing.

Bicycling and walking nationally account for 12% of trips, 14% of traffic fatalities, but only 1.5-2% of federal transportation spending. Yet, this very modest level has been seen by some as a frivolous luxury or even as a scapegoat (I-35 Minneapolis bridge collapse). Instead, this small fraction provides a bit of balance that should be preserved – especially in these hard economic times when more people rely on these modes. Biking and walking projects move people!

Many would like to combine various transportation programs to give states more spending flexibility. This sounds good in theory, but history (rescission orders, obligation limitation, pre-1991, etc.) has clearly shown this hurts the biking and walking balance. It's hard to blame state DOTs, as most road-building agencies are judged by how they convert dollars to lane-miles – not whether they safely accommodate those who walk or bike by choice *or necessity*.

For this reason, it is necessary to maintain dedicated funding for biking/walking infrastructure, to retrofit safety omissions in the existing transportation system. This funding has been very popular with constituents and government agencies.

It's much cheaper to build bike/walk ways as part of a road project than to retrofit later. Too many federally-funded road projects ignore this safety obligation. We need stronger language than "consider", in federal law since 1991. A common sense "Complete Streets" provision is needed, perhaps tied into performance measures or project selection criteria, to ensure federal road projects improve – not worsen – bike/ped safety in urbanized areas and elsewhere with latent demand.

Finally, streamlining is needed for cost efficiency and project delivery. This can be achieved by granting categorical exclusions for many types of bike/ped projects.

Thank you for the opportunity to comment and for your consideration.

Sincerely,

Ed Barsotti

Ed Barsotti, Executive Director

Chicago Metropolitan
Agency for Planning

233 South Wacker Drive
Suite 800
Chicago, IL 60606

voice 312-454-0400
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www.cmap.illinois.gov

February 18, 2011

Via e-mail:
mischa.fisher@mail.house.gov

The Honorable John Mica
Chairman, House Transportation and Infrastructure Committee
2187 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Mica:

Thank you for the opportunity to testify at your committee's field hearing in DuPage County, Illinois, on February 20, 2011. Attached is written my testimony, and of course my spoken remarks will be very brief, as requested by your staff.

I will be testifying on behalf of the Chicago Metropolitan Agency for Planning (CMAP), which represents the seven counties that make up our region. The new GO TO 2040 comprehensive regional plan, which was approved unanimously last October, includes strategic recommendations for policies and investments to strengthen our region's economy and 284 communities. Its four primary chapters are Livable Communities, Human Capital, Efficient Governance, and Regional Mobility. Our belief is that these issues must be looked at comprehensively to ensure the maximum public benefit of implementing GO TO 2040.

Transportation is of course a central element of our plan, because it drives economic prosperity and significantly affects quality of life. These overarching goals inform our plan's specifics, and they likewise shape my testimony's recommendations for how Congress and the administration should go about the important task of formulating a new transportation bill to replace SAFETEA-LU. I look forward very much to this Sunday's opportunity to hear your thoughts and to discuss how metropolitan regions like ours can help achieve your aims for the nation.

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Gerald Bennett, Chair
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Executive Director
Randy Blankenhorn

Sincerely,

Randall S. Blankenhorn
Executive Director

TG:RSB/stk

CMAP

# Transportation Reauthorization Priorities, Spring 2011

The Chicago Metropolitan Agency for Planning (CMAP) thoroughly understands the budget realities that officials in Washington must face. CMAP is the Metropolitan Planning Organization for the northeastern Illinois counties of Cook, DuPage, Kane, Kendall, Lake, McHenry, and Will. CMAP developed and now leads the implementation of GO TO 2040, metropolitan Chicago's first comprehensive regional plan in more than 100 years.

GO TO 2040 is founded on the importance of setting clear priorities for policies and investments at all levels of government. Achieving efficiency and coordinating investments are among the plan's fundamental goals. In that regard, reauthorization of federal transportation legislation provides a rare opportunity to streamline the processes that U.S. and state departments of transportation use to carry out infrastructure projects that are crucially important to our economy. CMAP encourages Congress and the administration to address and support the role that major metropolitan areas have in the nation's transportation network. GO TO 2040 stresses coordinated investments, efficient government, and performance-based goals. To address anticipated population growth of more than 2 million new residents, GO TO 2040 establishes coordinated strategies that help the region's 284 communities address transportation, housing, economic development, open space, the environment, and other quality-of-life issues. See www.cmap.illinois.gov for more information.

## Reauthorization Priorities

Leaders in Washington should give highest priority to the following overall policy objectives in crafting and implementing a new federal transportation bill:

**Accountability.** Institute national goals and objectives for all the federal transportation programs and establish accountability to them through specific performance measures. Metropolitan planning organizations that are inclusive of all stakeholders should be given the responsibility for setting the performance targets and identify the strategies to reach those targets. Funding commitment levels should be tied to regional performance in meeting the targets.

**Regional Comprehensive Programming and Planning.** Transportation does not operate in a vacuum so the prioritization of projects necessitates a regional perspective that takes into consideration economic development, housing, land use and the environment including climate change. Dedicate funds to the planning and programming of transportation infrastructure that are inclusive of these different objectives.

**Funding Commitments** Set funding levels that can meet the demands for preservation and renewal of the current transportation system and allow for strategic capacity increases for all modes. The nation's ability to do so will determine our position in the global economy, to improve the environment, to reduce our energy dependence on fossil fuels and to improve our quality of life.

**Sustainable Revenues.** Identify new revenue streams that will supplement the current motor fuel tax or replace it. Any new revenue sources should be constructed in a manner that gives them flexibility to adapt to shifts in market forces.

**National Vision.** Establish a method to formulate a national freight plan that can guide regional and state efforts to improve the freight systems. Create a systematic funding program for freight improvements. Establish a national plan for the development of inter-metro passenger rail service considering both high-speed rail along with standard services that link our nation's economic engines. This will help alleviate interstate highway and airport congestion and provide redundancy for the times when other parts of the national transportation system are overburdened.

## Increase the Gas Tax and Index it to Inflation

When the U.S. Chamber of Commerce and AFL-CIO agree on an issue, it is worth noting. This week they stood together in urging an increase in the gas tax to fund necessary infrastructure. In GO TO 2040, CMAP has called for the gas tax to be increased and -- importantly -- indexed to inflation. In the two decades since the federal gas tax was last increased, its value as a revenue source has been eroded constantly by the increasing costs of construction. Had it been indexed in 1990, the federal gas tax would have naturally risen from 18.4 cents per gallon to over 32 cents, which would have created a firm foundation for our nation's transportation infrastructure. GO TO 2040 emphasizes user fees that tie infrastructure funding to how people actually use the system. The gas tax is one such user fee that is already in place.

## Streamline the Project Delivery Process

Before becoming CMAP's first executive director in 2006, I worked for more than 20 years at the Illinois Department of Transportation. Each of us in this field has our own favorite examples of how inefficiencies caused projects to take too long and cost too much. Reduction and consolidation of the programs within USDOT is a major part of the solution. There are quite simply too many distinct programs. Equally important is to ensure the *coordination* across programs, and across all levels of government. The common factor in most stories about the need for streamlining is a painful lack of coordination.

For example, we have a new CTA Yellow Line station in Skokie, a northern suburb of Chicago, but the process that led to it was laborious. It was funded through a CMAQ grant to the village, which completed Phase II engineering and then got caught in a bureaucratic "no man's land" in which various federal and state agencies declined to take responsibility for project management. Because CMAQ is a federal highway program and FTA doesn't deal with local governments, only transit agencies, the project began with oversight from FHWA. After the environmental process was completed, FHWA determined that the project should actually be under the jurisdiction of FTA as a transit related investment. For FTA to take the project over, the EIS would have to be reopened to address additional issues. By working through our congressional delegation, Skokie eventually convinced FHWA to remain as the lead agency. The station finally opened last June, but the village engineers who brought the project to completion swear they will never again undertake such a project.

As a more positive example, throughout 2008, the federal Surface Transportation Board (STB) reviewed the then-proposed Canadian National Railway Company's (CN) acquisition of the EJ&E-West Company (EJ&E). While, from CMAP's perspective, the review did not adequately consider the regional economic benefits, I have to say that it was conducted expeditiously and, most would say, fairly. A record of decision was reached in 12 months.

## Make Freight a High Priority

By any reasonable measure, metropolitan Chicago is the nation's freight hub. Regional freight movements are 67 percent truck, 30 percent rail, and three percent other. Nearly 500 freight trains per day operate in the Chicago region. Six of the nation's seven Class I railroads have major terminals in Chicago, moving $350 billion in goods to, from, or through the region each year. CMAP estimates that approximately 1.472 billion tons of freight was moved by truck in 2007, representing about 24,000 trailers and containers and about 16,800 carload units with a total of $572 billion in goods.

But our current rail and road networks are not equipped to handle volumes forecast through 2040, potentially compromising the region's and nation's position in the global economy. Rail freight moving to, from, and through our region will increase by more than 60 percent by 2040, with intermodal volumes growing even faster. Freight carried by truck in the region may grow by more than 70 percent.

In 2008, roughly 236,000 of the region's jobs (4 percent of total private sector employment) were in the transportation and warehousing sector. These jobs provide more than $13 billion in personal

income for our region's residents. That is a microcosm of freight's importance to our nation's economy.

In the metropolitan Chicago region, we have a strategic public-private effort called **CREATE (Chicago Region Environmental and Transportation Efficiency)**, a program to invest billions in critically needed improvements to increase the efficiency of the region's freight infrastructure and the quality of life for residents. This program is a first-of-its-kind partnership between U.S. DOT, the State of Illinois, City of Chicago, Metra, Amtrak, and the nation's freight railroads. CREATE is the poster project for an approach that provides funding for projects that have national impacts on the movement of people and goods and on our national economy.

CREATE reached a $100 million grant agreement with U.S. DOT and the Illinois DOT in July 2010 to begin work on five projects. In just five months, all of the federal funds were obligated, a great example of partner commitment to the program. Despite this and other substantial progress (10 projects completed to date), CREATE needs to prioritize the remaining projects and aggressively secure funds to implement them. CREATE was established long before TIGER existed, and it needs continued support as part of a coordinated national policy for freight. While our local and state government partners, along with the railroads, continue to provide substantial support to this project, we will need a strong federal commitment to reap all of the national benefits of CREATE.

## Transportation Trends and Challenges

To assert that our nation's transportation infrastructure is broken would be an overstatement, but there is much that needs to be done to bring it into a good state of repair. According to the U.S. Department of Transportation, 27 percent of the bridges across the country as of December 2008 were listed as structurally deficient or functionally obsolete. Congestion in the major metropolitan areas is costing the nation $87 billion a year in wasted fuel, lost time, and vehicle costs as reported in the Texas Transportation Institute's 2009 Urban Mobility Report.

The current federal motor fuel tax is not able to replenish the Highway Trust Fund at adequate levels to meet the demand for transportation investments. The National Surface Transportation Infrastructure Finance Commission estimated that the average annual capital needs for the country's highway and transit systems between 2008 and 2035 will be $96 billion per year, but the current revenue levels will only meet 33 percent of that need at $32 billion per year.

Congestion problems in metropolitan Chicago are severe, with the region holding the unflattering national ranking of having the country's worst congestion. Metropolitan regions drive the economy of the U.S. They are home to 80 percent of the nation's population, and they generate 85 percent of the gross domestic product. As the population centers and economic engines of our country, metropolitan areas must be a focus for the mobility of people and goods.

Among CMAP's top priorities is to increase the commitment to transit. For more of our residents, we need transit to be the first option instead of the last. As a region, we are in a sense penalized because we are being prudent in emphasizing, through GO TO 2040, modernization and maintenance rather than expansion of the transportation system, including transit. The federal New Starts process emphasizes expansion, sometimes without adequate consideration for how those projects will be maintained over the long term. That process should be reformed to include support for established systems like ours where taxpayers' interests are best served through modernizing rather than expanding.

GO TO 2040 also encourages federal support for high-speed rail, but new spending on high-speed rail should not come at the expense of support for regional transit. Our plan includes support for transit projects that would benefit from but by no means depend upon the advent of high-speed rail.

## Summary of Reauthorization Priorities

To summarize, CMAP recommends that Congress and the administration pursue the following transportation reauthorization priorities:

- Provide transportation investments based on regional priorities using performance-driven criteria that lead to decisions that are transparent, outcome-based, and mode-agnostic.
- Evaluate and prioritize infrastructure investments in a comprehensive way that looks beyond transportation benefits to include land use, economy, environment, and other quality-of-life factors.
- Provide adequate federal investments in the nation's transportation systems.
- Reform the transportation funding system by placing a new emphasis on sustainable revenue sources.
- Establish a national transportation vision that includes the movement of goods and the development of a national high-speed rail network.

**Parents Against Tired Truckers and Citizens for Reliable and Safe Highways**

**Statement of Kate Brown**
**Mother of Truck Crash Survivor Graham Brown**
**February 23, 2011**

It has been five, long, painful years since my son Graham Brown was hit by a drugged and fatigued truck driver. This driver fell asleep, swerved into the oncoming lane, hitting Graham's car and sending it airborne into a field. The driver stepped out of his rig and was witnessed saying he had been "partying all night". A crack pipe was found in his truck, drugs and alcohol in his urine and blood.

Because of the severity of his injuries, Graham was airlifted to the hospital where he remained for 48 days. A 6 hour emergency surgery was performed to save his life. The entire left side of his body was crushed, with only skin holding his left arm to his body. He suffered severe blood loss, concussion, broken legs and a right arm. All nerves, arteries, bones, muscles, and biceps in his left arm were completely destroyed. Glass and metal were embedded throughout his entire body.

During those 7 weeks in the ICU and trauma ward, he suffered pulmonary embolisms, neurological damage and such severe complications from surgery that last rites were given 3 times. The damage made it necessary for him to have to relearn how to read and write. Unable to walk, he remained in a wheelchair for 6 months.

In total, he has had 22 surgeries and 3 solid years of occupational and physical therapy. His medical bills were approximately 1.3 million dollars.

Graham is now 32 years old and permanently, partially disabled. The doctors were able to save his left arm by using implants, skin grafts, metal bars and pins, but he has no use of the arm, hand, or fingers. He suffers from chronic pain, post-traumatic stress, headaches, fatigue, nightmares, anemia, and depression.

He will forever need assistance performing daily tasks. For years, no one would insure him. Over half of his body is scarred and cannot be exposed to the sun. An athlete all of his life, he can no longer participate in any sport. Once a strong, confident young man, his self image has suffered immensely.

It is painful to think he went through all of this agony, because of the truck driver who wanted to party all night and got behind the wheel of an 18 wheeler. This driver spent approximately two years in jail. He had a long history of criminal convictions for forgery, theft, concealed weapons, assault as well as moving violations and warnings for erratic driving. Yet he was allowed to obtain a Commercial Drivers License. He is most like driving a truck again today.

Because this happened in Illinois, there was a 1 million dollar insurance policy for this occurrence. The trucking company filed bankruptcy, thereby reducing the amount of damages awarded to my son. He received a total of $300,000 to live on, disabled, for the rest of his life.

This story cannot even scratch the surface of the mental, physical, psychological and financial toll that this crash has had on my family.

Yet, we understand that with all that Graham has been through, he is one of the lucky ones. He is still alive. Each year in the US, approximately 4,000 people are killed in crashes with trucks. We are fighting to prevent these senseless deaths and the 100,000 yearly injuries from happening to other families. It is unacceptable that due to lax laws and standards in the trucking industry, Americans are subjected to such dangers.

I am now a volunteer advocate for the Truck Safety Coalition and am asking you to help us in support of truck safety issues and safer roads. We are urging Congress to act on the following issues:

**Oppose Industry Efforts to Increase Federal Truck Weights from 80,000 to 100,000 lbs.**

- Research shows that excessively heavy trucks are more deadly and more destructive. The numerous dangers intrinsic to heavy trucks include longer stopping distances, more loss of control crashes, and increased risk of rollovers.
- According to statistics from the U.S. Bureau of the Census and the Federal Highway Administration, increases in truck sizes and weights always result in more bigger, heavier trucks than before, not less.
- Allowing trucks weighing 97,000 pounds or more on U.S. roads and bridges would radically increase damage to highway pavement and bridges. Overweight trucks create a disproportionate level of damage to our roads and bridges, consistently documented in research studies conducted by the states, the federal government, and the National Academy of Sciences.
- The TSC supports the bi-partisan Safe Highways and Infrastructure Preservation Act (SHIPA) which would freeze truck weights on the National Highway System as well as retain the 1995 legislated freeze on longer combination vehicles (LCVs), triples and long-doubles.
- The TSC opposes any special interest exemptions or pilot projects to subvert federal weight laws, including S. 112 which would exempt Maine and Vermont and the Safe and Efficient Transportation Act (formerly HR 1799) which would undermine current federal standards.

**Do Not Oppose the Proposed Hours of Service Rule.**

- Fatigue is a major safety problem in the trucking industry. The National Transportation Safety Board (NTSB) found that driver fatigue is a factor in up to 40% of all fatal truck crashes. Revising the current hours of service (HOS) rule for truck drivers is essential to improving truck safety on our highways.
- The current HOS rule allows truckers to drive and work excessively hours with only minimal time off duty, contributing to driver fatigue and resulting in crashes. Under the current rule, truck drivers can drive 77 hours a week and work up to 84 hours a week, more than twice the normal 40 hour work week of most Americans.
- The Federal Motor Carrier Safety Administration (FMCSA) notice of proposed rulemaking (NPRM) takes corrective action to reform the current HOS rule which will result in making highways safer and reducing truck driver fatigue. Although the proposed changes in the NPRM would not produce an optimal HOS rule from the standpoint of safety, the NPRM remedies a number of the factual, scientific and legal problems that plagued the issuance and successive re-issuance of the current HOS rule.

- Previous cost-benefit analyses for the current HOS rule derived large economic benefits by eliminating the need for the trucking industry to hire over 60,000 drivers. The NPRM takes corrective action by limiting the maximum number of hours a trucker can drive and work and thereby restoring an estimated 44,000 trucking jobs to payrolls by reform of the current HOS rule.

**Require Electronic On-Board Recorders in All Commercial Motor Vehicles.**

- The TSC supports regulatory and legislative efforts to require electronic on-board records (EOBRs) in all commercial motor vehicles (CMVs), including the proposed rule issued by the FMCSA in January 2011.
- The U.S. Department of Transportation (DOT) and the National Transportation Safety Board (NTSB) have repeatedly cited driver fatigue as a major factor in truck crash causation. EOBRs which objectively document driving time and on-duty status will help reduce driver fatigue, eliminate fraudulent paper log books, and improve hours of service (HOS) rules enforcement.
- Paper logbooks, commonly referred to as "comic books" because they are widely falsified by truck drivers and their companies, are inefficient for truck drivers and trucking companies and ineffective for law enforcement.
- Currently, EOBRs are required in all European Union countries as well several countries in South America and Asia.

**Increase Minimum Insurance Levels for Motor Carriers.**

- Minimum levels of insurance for trucks and motor coaches have not been increased in over 30 years and are woefully deficient. Consequently, a very large portion of the damages and losses caused by the trucking industry is imposed upon the American motoring public.
- If the industry were to be required to absorb the losses it causes, there would be significant changes in the industry which would result in safer highways for all.
- In 1980, when Congress deregulated the trucking industry, it set the absolute minimum insurance level for motor carriers of property, persons, and hazardous materials at $750,000, $S,000,000 and $5,000,000, respectively, and gave the Secretary of Transportation authority to increase amounts to achieve the intended purposes of providing compensation to truck crash victims and causing insurance companies to provide effective underwriting so that the insurance market would provide incentives for safe operations of motor carriers.
- The Secretary has never increased these bare minimums set by Congress, and these low amounts have provided less and less of an incentive over the years to operate safely and have become almost insignificant when compared to the damages caused by the huge trucks now allowed on our highways.
- The TSC urges Congress to direct the U.S. Department of Transportation (DOT) to begin a rulemaking on this issue and to increase insurance requirements every two years.

**Issue Overdue Safety Standards on Rear and Side Underride.**

- In an underride crash, a passenger vehicle goes partially or wholly under a truck or trailer, increasing the likelihood of death or serious injury to the passenger vehicle occupants. It is estimated that front, side or rear underride occurs in 50 percent of all fatal crashes.
- The TSC urges Congress to direct the DOT to require all trucks and trailers to be equipped with velocity-sensitive, energy-absorbing rear impact guards and side panels mounted lower to the ground (16 inches) to effectively protect car occupants from death and injury in rear and side impact crashes. Proven safety technology is available.

**Reduce Speed Limits for Trucks and Require Speed Governors be set at no higher than 65 mph.**

- High travel speeds increase truck stopping distances, which already are much longer than those of cars. A large truck going 75 mph takes approximately one-third longer to stop compared with one going 65 mph. (IIHS)

- Speed exacerbates the size and weight differences between large trucks and passenger vehicles, leading to more severe crashes. (IIHS)
- The European Union, Australia and Japan, among other countries, already require speed governors in large trucks.

Thank you for your support in these vital issues.

Kate Brown

March 2, 2011

Congressman John Mica
United States House of Representatives
2187 Rayburn House Office Building
Washington, DC 20515

Re: Lafarge comments on the T&I field hearings

Dear Chairman Mica:

Lafarge North America Inc., and its US subsidiaries appreciate the opportunity to comment on the next Transportation Bill. Lafarge is the largest diversified supplier of construction materials in the United States and Canada, with three major products line including cement manufacturing, gypsum drywall manufacturing and an aggregates and concrete division.

Lafarge supports and promotes transportation development and deployment throughout our businesses worldwide. Lafarge believes, as an industry leader, we set the pace and are a role model in our industry relative to product innovation, research and development and deployment of those innovative products in the construction markets.

As a major construction materials supplier, we are aware of the important role played by our nation's infrastructure. It connects the American people, provides a link between producers and consumers, and represents the backbone of our global economic competitiveness.

During the recent round of Field Hearings, you expressed a commitment to improved efficiency in the next Transportation Bill. We at Lafarge applaud your focus on increased efficiency as a common sense way to complete as many necessary projects as possible with whatever funding becomes available. That is why we are asking you to consider life-cycle budgeting as you write this bill.

Life-cycle budgeting is an innovative, yet proven way of ensuring that we use our transportation funds as efficiently as possible so that the value of every dollar dedicated to our infrastructure is maximized. The process – backed by groundbreaking research at Massachusetts Institute of Technology – incorporates three simple policy steps, each of which are currently in use at the state DOT level by leading officials in several states across the country:

1. A comprehensive, year life-cycle cost analysis (LCCA) to account for the full, long-term costs of these projects including initial construction, maintenance, operation, and end-of-life-disposition so that we can budget in the full cost of these investments from the start;

2. Use of AASHTO's Mechanistic Empirical Pavement Design Guide (MEPDG) to optimize the engineering efficiencies of road designs and prevent roads from being over-designed, thus lowering construction costs; and

3. Encouraging the use of Alternate Design/Alternate Bid (ADAB) techniques to increase competition, drive innovation, and control costs.

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Taken together, these three steps can result in substantial savings on a national level. They are applicable to new capacity, full depth repair and to the innovation found in concrete overlay solutions. Studies in Indiana have attributed savings of $23 million in one year alone to the use of MEPDG in that state. In Missouri, the state DOT reported that the average pavement costs for alternate bid projects were between 14 percent and 17.4 percent lower than for non-alternate bid projects. In Louisiana, projects using alternate bidding techniques came in about 9 percent below estimates, while traditionally-bid projects were about 20 percent above estimates.

Given your stated focus on efficiency in the next Transportation Bill, we at Lafarge believe that life-cycle budgeting is a perfect fit. A life-cycle approach would dramatically increase the efficiency of the next Transportation Bill, with a long-term emphasis guiding transportation planning officials in all fifty states towards projects which produce the best value for taxpayers and the best roads, bridges, and highways for our country.

We at Lafarge appreciate the hard work that you and your colleagues on the Committee Staff are putting into shaping this vital piece of legislation.
We hope that you will consider life-cycle budgeting as a way to achieve our shared goal of increasing the efficiency of the next Transportation Bill.

If you have any questions or need further assistance with regard to our submission on the Transportation Bill, please do not hesitate to contact us directly.

Respectfully Submitted,

Debbie Master
Vice-President of Manufacturing
Lafarge Gypsum Division
Palatka, Florida

Craig Campbell
Vice-President of Environment & Government Affairs
Lafarge Cement Division
Reston, Virginia

Metra
547 W. Jackson Blvd. Chicago, Illinois 60661 Telephone: 312-322-6900 TTY# 1-312-322-6774

March 3, 2011

The Honorable John Mica
Chairman, House Transportation & Infrastructure Committee
2187 Rayburn House Office Building
United States House of Representatives
Washington, DC 20515

Dear Chairman Mica:

I greatly appreciate the opportunity to attend the listening session you held at the DuPage County Airport last month. I want to offer some thoughts regarding the reauthorization of the surface transportation bill, particularly as it affects public transit, which as the operator of the Chicago region's commuter railroad is Metra's primary interest.

It is essential that any surface transportation program be reauthorized as a long-term multiple-year program. Transportation projects require stability in the funding and regulatory environments as planning, engineering and construction timelines often extend beyond the current six-year reauthorization cycle. In addition to a longer timeline to benefit new projects, the surface transportation reauthorization should also include mechanisms to sustain the programs it intends to fund and should include a higher level of funding to address the current backlog of transit capital needs at Metra and other transit providers. One way to address these needs would be through a new funding program dedicated to bringing existing transit systems into a state of good repair. Another new component of the reauthorization that would be of value to transit operators would be a dedicated funding source to support the engineering of transit capital projects, ensuring that project sponsors can fully utilize targeted investment programs and public-private partnership opportunities as they become available.

In addition to funding priorities, reauthorization addresses regulations and policies to support those funding priorities. We feel that changes in some of the specific policies could help further these funding priorities and better support the development of projects. Under the High-Speed Rail (HSR) program, extending funding for local transit agencies for intermodal connectivity and feeder services would broaden the reach of HSR. Another beneficial policy change for transit would be to streamline the Federal Transit Administration New Starts program and expand the definition of a reasonable expectation of funding. This could allow projects to proceed to engineering and develop technically as a plan for funding is developed. Current regulations require funding plans prior to engineering. On a related note, transit projects are not currently allowed to begin design without being part of the fiscally constrained long-range transportation plan, while highway projects are not subject to this restriction. Leveling this playing field would better support the development of projects and the reauthorization funding priorities. Finally, allowing project sponsors to initiate land acquisition in advance of the completion of the National Environmental Policy Act process would allow projects to be completed more quickly and more cost effectively, without prejudicing the process, resulting in more value for the federal and local investment.

Thank you for the opportunity to share some thoughts with you regarding upcoming surface transportation legislation. Additional details on these recommendations are included in the attached document. I hope that this feedback will be valuable in your consideration of the transit elements of surface transportation reauthorization. I look forward to continuing to work with you on these issues in the future.

Sincerely,

Alexander D. Clifford
Executive Director/CEO

Attachment: Additional Detail of Metra Reauthorization Recommendations - 3/3/11

*Metra is the registered service mark for the Northeast Illinois Regional Commuter Railroad Corporation.*

## Additional Detail of Metra Reauthorization Recommendations - 3/3/11

This document provides additional detail on the surface transportation reauthorization recommendations made in Metra's letter dated March 3, 2011.

**Duration of Reauthorization**

A long-term multi-year reauthorization program is essential to the planning and implementation of transportation capital projects. Transportation projects, especially those constructed with federal funds, have long lead times. The planning, engineering and construction of a single project can take multiple years and may even extend beyond a single authorization period. The codification of priorities and rules for funding as well as the guaranteed commitment of funds allow project sponsors to implement projects with a degree of certainty of the federal partnering that may be available for a given priority. We ask you to work to reauthorize surface transportation funding in a long-term way to enable projects to be successfully implemented.

**Level of Funding for Reauthorization**

In addition to being long-term in its vision and duration, surface transportation reauthorization needs to sustain the programs it intends to fund. More funding is necessary to address unmet capital needs. In 2010, Chicago's Regional Transportation Authority identified a backlog of over $3.7 billion in capital needs for Metra over the next 10 years in addition to $1.7 billion of normal replacement costs and $2.0 billion of capital maintenance costs over the same time period. According to the American Public Transportation Association, even doubling the total federal commitment to transit to $123 billion over the length of the authorization would only approach 50% of the estimated $60 billion in annual capital needs for U.S. transit agencies. Transit needs more funding, not merely an extension of the existing funding streams, and this will require additional funds unless other transportation programs suffer to benefit transit programs. The status quo of repeated continuing resolutions has materially reduced the funds available to transit in the near term, and even a reauthorization with no increase in motor fuel taxes would be a reduction in funding as more fuel-efficient vehicles lead to lower rates of tax revenue while capital costs continue to grow. To continue to build on the success of transit, the annual components of the next surface transportation authorization should grow incrementally with inflation or projected construction cost increases over the life of the authorization.

**Funding for State of Good Repair in the Reauthorization**

The next reauthorization should also recognize that there is a pressing need for investment in the state of good repair of transit facilities, especially those in long-established transit regions. A dedicated funding stream focused on state of good repair projects would help maintain the safe, on-time operations on which Metra prides itself. Metra currently requires approximately $275 million in capital spending each year to maintain a state of good repair but in recent years our annual capital budgets have been only approximately $175 million. For Metra to maintain a state of good repair, rail cars must undergo rehabilitation every 15 years, meaning that 55 rail cars per year must go through our rehab program. Without adequate funding streams, Metra has been able to rehab only 23 cars per year since 2005, resulting in a 36-year rehabilitation cycle. In addition, our experience tells us that our locomotives must be rehabbed every ten years to maintain good repair. However, under the current federal regulations the life cycle is 12 years. Metra has extended the cycle to at least 12 years and is beginning to see significant increases in our failure rate as a result. Capital costs will continue to climb as we are faced with implementing more unfunded mandates such as Positive Train Control, crash energy management, and limitations on diesel exhaust emissions.

**Dedicated Engineering Fund in the Reauthorization**

Another way to address longer-term transit needs is to explore a dedicated engineering fund for transit projects. Many good projects were not in a position to take advantage of targeted programs such as ARRA, TIGER, TIGER II, TIGGER, TIGGER II, and DERA as they had not been sufficiently designed to declare them "shovel-ready." Current funding shortfalls only allow us to address immediate needs; a new engineering funding program would enable project sponsors to also focus on essential future needs so that projects can be ready when targeted funding becomes available. Engineering "seed" money can be especially valuable if the ultimate project can be financed through a public private partnership (PPP). If engineering "seed" funding could advance a project to the point that it is a viable candidate for a PPP, then this could greatly reduce the need for future federal investment. Metra is in support of all potential innovative financing strategies that will allow us to partner with the private sector to advance our projects, however we must be cautious that these funding mechanisms do not borrow our future and simply move our funding issues to a later date in time.

**Funding for Intermodal Connectivity under the High Speed Rail program**

One targeted program that has been put forth in recent years is the High Speed Rail (HSR) program. Commuter rail operations can benefit from coordinated projects that benefit both intercity and commuter operations when they operate on coincident or crossing alignments. However, in order to reap the full benefits of investment in HSR, local transit connections are essential. These local connections broaden the reach of HSR by giving users access to public transit for the first and last legs of their journey. Without these connections, HSR riders may be forced to rent a car to get to their ultimate destinations. In order to support this, HSR funds should include funding to improve local transit systems in the regions served by HSR to connect the systems together as seamlessly as possible. This will ultimately make both the local transit and HSR operations much more successful.

**FTA New Starts Reform – Streamlining PE Approval**

Beyond increasing the amount of funding and solidifying the rules for funding, the next reauthorization should take steps to fully support the development of projects. One example of this is found in Metra's experience with the Federal Transit Administration's (FTA) New Starts program. Metra completed Alternatives Analysis studies for two proposed New Starts projects in fall 2007. Metra has still not been approved to move forward with the design, as FTA does not feel that the assumptions made in the financial plan constitute a reasonable expectation of future funding. Funding that has already been appropriated for engineering these projects is not able to be used. Making it possible for projects to more readily move through the New Starts process will help to deliver more projects at a reduced cost as it will be less costly to build projects in the nearer term. Lowering the threshold for project sponsors to begin to design New Starts projects will ultimately result in more projects being completed.

**Level Playing Field for Transit and Highway Projects**

Another example of a change that could more fully support the development of projects lies in the inequity between Preliminary Engineering (PE)requirements for highway and transit projects. Currently FTA requires that a transit project seeking FTA New Starts funding be included in the fiscally constrained long-range transportation plan before it can begin PE. Conversely, the Federal Highway Administration (FHWA) allows projects that are in the long-range plan to proceed into PE regardless of whether they are in the constrained or the unconstrained portion of the plan; however they must be in the constrained portion upon completion of PE. This inequity means that exclusion from the constrained list does not limit the planning, design and development of a highway project in the same way that it does for transit projects.

**Land Acquisition under the National Environmental Policy Act (NEPA)**

One final example of an opportunity for regulation and or legislation to more fully support the development of projects relates to land acquisition for transit projects. Currently any negotiations related to land acquisition for a project cannot be initiated, nor can land be acquired until the NEPA process is completed. Expanding the opportunity for advance property acquisition by developing a class of acquisition for willing sellers at fair market value would help projects to be brought to fruition more quickly and more cost effectively, yielding lower overall costs, or more value for the investment. Provided no alterations are made to the property prior to the completion of NEPA, this change in property ownership will not prejudice the NEPA process.

## Before the U.S. House of Representatives
## Transportation and Infrastructure Committee

### Testimony of the Commercial Vehicle Training Association, Inc.

These comments are submitted to the Transportation and Infrastructure Committee on behalf of the Commercial Vehicle Training Association, Inc. ("CVTA"). CVTA is a not-for-profit trade association organized under the laws of the District of Columbia. The regular membership of CVTA consists of commercial motor vehicle driver training schools. In addition, CVTA has an associate member category that permits participation by other organizations that have an interest in commercial driver training. The Association currently has 59 member schools that operate more than 180 training locations nationwide. The Association also has as members many of the major motor carrier employers of entry-level drivers.

The primary mission of CVTA is to improve the overall quality of driver training programs by providing educational opportunities to its members. The Association requires, as a condition of membership, that all courses offered by its members be a minimum of 160 hours in length, with a minimum of 40 of those hours being actual "behind-the-wheel" training. It has also created a training and testing program to improve the quality of instruction given to students.

CVTA representatives sit as members of the boards of directors of the Truckload Carriers' Association; the National Association of Publicly Funded Truck Driving Schools; and the Professional Truck Driver Institute, Inc. In addition, the Association is an associate member of the American Trucking Associations and the American

Association of Motor Vehicle Administrators. The address of the Commercial Vehicle Training Association, Inc. is:

Commercial Vehicle Training Association, Inc.
P.O. 5310
Springfield, VA 22150

Telephone: (703) 642-9444

There is currently a massive shortage of entry-level truck drivers. For example, Penske Logistics has estimated that the trucking industry will need approximately 400,000 new drivers before the end of 2011. "21st Annual State of Logistics Report" *Council of Supply Chain Management Professionals*, (June 9, 2010). This demand is being driven by growth in the economy, normal turnover and retirement, and newly mandated safety regulations.

The good news is that the demand for new drivers creates outstanding employment opportunities for those that enter the industry. Employment in the trucking industry can offer significant benefits:

- Drivers typically earn approximately $40K during their first year
- Most companies also offer:
    - Paid Vacation
    - 401K and Retirement Plans
    - Insurance Benefits
    - Longevity and Productivity Bonuses
- Because of high demand for the foreseeable future, the occupation presents a secure form of employment
- Jobs in the trucking industry can never be outsourced

There are an estimated 15.5 million trucks operating in the U.S., of which 1.9 million are Class 8 tractor trailers. There are an estimated 3.3 million truck drivers in the United States (Source: truckinginfo.net):

The U.S. Department of Labor states:

> Job opportunities should be favorable for truck drivers. In addition to growth in demand for truck drivers, numerous job openings will occur as experienced drivers leave this large occupation to transfer to other fields of work, retire, or leave the labor force for other reasons

U.S. Department of Labor, Bureau of Labor Statistics, *"U.S. Occupational Outlook 2008 – 2009." (Emphasis in Original).*

In order to enter the occupation, potential drivers must first obtain their Commercial Drivers' License ("CDL"). While courses vary in length, a student that chooses to attend school on a full-time basis can earn his or her license in as little as four weeks. The student will then typically enter a "driver finishing program" with his or her employer. During that time (which typically lasts from four to eight weeks), the entry-level driver is coupled with an experienced driver-trainer who teaches and evaluates the new employee and ultimately certifies that he new employee is qualified as a solo driver.

By comparison, an average graduate of a four year university program with a non-science degree will earn approximately the same annual compensation as a graduate of a truck driver training program that lasts as little as four weeks. Further, most trainiees are able to obtain a "pre-hire letter" from a motor carrier employer that offers a job upon completion of training and obtaining a CDL *prior* to beginning their training.

A typical CDL training program costs $4,000 - $6,5000. Unfortunately, despite the relatively high compensation and job security, it is difficult for trainees to find funding for the training. Many of the students that seek to enter the industry have been unemployed or underemployed, and thus do not have the credit history to qualify for private financing.

A major source of funding for truck driver training are funds that are available as a result of the Workforce Investment Act. This program, administered by local Workforce Investment Act Boards, provides grants to students that are in difficult circumstances that choose to improve their employment opportunities through career training. At many schools, this funding accounts for as much as 70 percent of all student funding.

While the federal budget is far from decided, their have been suggestions that funding for training under programs such as the Workforce Investment Act be cut substantially. One press report indicated plans to cut approximately $2 billion from this funding source. The consequences of such a cut would be crippling to the trucking industry in its ability to attract entry-level drivers that are desperately needed.

CVTA commends the Committee for holding these hearings to listen to the concerns of the transportation industry in order to formulate priorities for federal action. The Association also understands that the Committee lacks jurisdiction regarding the referenced budgetary concerns; however the Association asks that the Committee make the relevant budgetary committee aware of the severe impact that such cuts will have on the trucking industry, and thus the competitiveness of our transportation infrastructure.

CVTA appreciates the opportunity to be allowed to submit this testimony for the record in these listening sessions.

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February 28, 2011

Congressman John Mica
House Transportation Chairman
2187 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Mica:

Thank you for the opportunity to provide comments to the House Transportation Committee on the very important topic of transportation funding and project delivery. As a local official, I frequently am asked why certain projects are taking so long to complete. Unfortunately, too often one of the answers is "because there is federal funding". We understand the need for accountability and transparency, but too often the amount of federal oversight becomes excessive to the point that it discourages applicants for federal funds, unnecessarily delays project delivery, and ultimately increases project costs beyond what is considered necessary and reasonable.

I urge Federal and State agencies to become better partners in the project delivery process. All too often projects are seriously delayed or even aborted due to overly zealous interpretations of rules and regulations and lack of urgency in reviews and approvals. The Village of Villa Park has experienced this on some of our projects. I would like to specifically cite a local, federally funded bridge replacement project as an example.

Ardmore Avenue in Villa Park connects North Avenue, a major east-west arterial in Du Page County with the Village's commuter station on the Union Pacific West Line. This commuter line provides services from Suburbs to the west of Chicago to and from Chicago's central business district. There are nearly 200 commuter trains traveling this line during the week.

To reach the station on Ardmore Avenue, commuters must also cross a single set of tracks owned by the Chicago Central Pacific Railroad. The existing bridge over the tracks requires rehabilitation and has been closed since 2009. Federal Highway Bridge Program (HBP) funds are providing 80% of the estimated $3.3 million needed for this project. We greatly appreciate the funding but are frustrated by the time it takes to work through the process.

For example, approval of a $30,000 amendment to a Phase I Engineering agreement took six months. Even if the Village had chosen to fund this work entirely with local funds, the amended engineering agreement would still have required federal and State review because future phases of the project are federally funded. Ultimately, we would not have saved any time.

As requested by yourself and the members of the House Transportation Committee, I offer the following suggestions for improving the project delivery process:

1. Speed up the review process by setting deadlines for completion of reviews by State and Federal agencies,
2. Allow simple edits and revisions to take place without requiring a complete resubmittal,
3. Allow a limited waiver of federal requirements for partially federally funded projects,
4. Apply federal requirements only to that phase of the project for which federal funds are used,
5. Allow concurrent review by multiple State and Federal agencies instead of one at a time,
6. Allow a single set of requirements to apply when there are multiple sources of federal funding (e.g. HUD and FHWA)
7. Allow more direct dialogue between the federal or State reviewer and the local agency.

In general, we believe that altering the mission of the federal and State reviewers so that they function as facilitators as well as regulators will reduce the number of resubmittals, allow better quality reviews, and ultimately lead to a better project delivered in a shorter time.

Thank you for the opportunity to comment on this very important subject. Please feel to contact me if you require any clarification or would like any further testimony.

Respectfully yours,

Thomas Cullerton
Village President
Village of Villa Park

Cc Randy Hultgren
Philip J. Page
Vydas Juskelis

TC/srm

March 4, 2011

The Honorable John L. Mica
Chairman, House Transportation & Infrastructure Committee
2165 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman,

I would like to express my thanks to you and your colleagues for the effort you made to be in Illinois on February 20 to conduct the regional "listening session" on matters related to reauthorization of SAFETEA-LU. I believe your willingness to extend an ear to local elected officials in determining what the problems are in the current framework, and openness to hearing how we might focus solutions will result in a final bill that expedites the needed investment in high-priority transportation infrastructure projects tbat are so critical to this nation's future prosperity.

There was much talk at the DuPage Airport of the necessity to streamline the federal NEPA approval process for transportation-related projects. I heartily concur with that sentiment as it will save time and money for all. If there are clear expectations of desired environmental outcomes for transportation projects at the outset, the process can be streamlined because guiding criteria are in place, versus the shotgun approach of assessing all issues with no direction as to what to do about problems as they become clear. I would also concur with the need to reduce the overall number of distinct funding programs. This will streamline the process and allow the most critical projects to be prioritized for sufficient funding.

Finally, I do want to thank you for your suggestion, in response to my comments on road-from-rail grade separation projects, to review the RRIF program for its use in funding the type of infrastructure projects that have been necessitated by Canadian National Railway's (CN's) purchase of the EJ&E rail line. Unfortunately, as it is now structured RRIF does not appear to be an option for us as it is a fund for **railroad infrastructure** projects and not the road-to-railway grade separation projects **("highway" projects)** that are the issue of concern to Barrington and the other TRAC communities.

Furthermore, even if RRIF were made available for highway/rail projects, since RRIF is a loan program and not a grant program, the TRAC communities would be faced with a financing conundrum since we are not in a position to generate revenues for a grade separation project. Additionally, providing a taxpayer subsidy for infrastructure required by a railroad's business decision is difficult to

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support. Perhaps if Congress chooses to restructure the RRIF loan program for projects such as the one in Barrington, and CN was then held responsible for the 35-year loan payments based on the earnings the EJ&E will generate for CN, RRIF could be an option to fund the highway/rail grade separation project required in Barrington. We have touched upon the RRIF program and other issues – as well as offered specific policy recommendations – in the enclosed written statement TRAC has prepared for the Committee's record.

Again, thank you for your receptivity to hearing from the public on this critical issue and your openness to receiving written testimony from all transportation stakeholders.

With Warm Regards,

Karen Darch

Karen Darch
President, Village of Barrington
& TRAC Co-Chair

Copies To:

The Honorable Bill Shuster,
Chairman, Subcommittee on Railroads, Pipelines and Hazardous Materials
The Honorable Randy Hultgren
The Honorable Daniel Lipinski
The Honorable Adam Kinzinger

The Regional Answer to Canadian National

**SUMMARY OF TRAC COMMENTS ON SAFETEA-LU REAUTHORIZATION**

March 4, 2011

***Failures of Current Rail Policy Framework Necessitate Change:***

- Taxpayer subsidies for the railroads must end. Current policy fails to create any "responsible corporate citizen" expectations for the railroads -- unlike all other private commercial development in the United States. There must be clear policy that sets expectations for railroads that their private business interests cannot trump all other considerations and leave taxpayers responsible for rectifying the fall-out from their decisions. Federal law must frame a set of railroad development expectations for the public and the railroads in advance of any railroad making a decision that results in significant shifts of rail freight volume from one area to another. Right now, railroads have no incentive to weigh taxpayer or other transportation or business impacts in their planning and decision-making processes, as they are allowed to shift significant rail freight volumes without factoring in the taxpayer costs that stem from the necessity to undertake transportation projects (such as grade separations) to integrate increased traffic into impacted communities.

- Current policy clearly tips the interstate commerce balance for railroads in that mergers are routinely approved without a dedicated funding mechanism for mitigation projects that could ameliorate harms caused for: (1) other modes of transport in impacted communities; (2) existing business and commercial interests in impacted communities/regions; and, (3) the public safety of communities impacted by rail operations.

- The review process for railroad transactions is contentious, expensive, and time-consuming because parties are aware that public policy makes this a zero-sum game with a winner and a loser – with the loser generally being those entities impacted by significant increases in rail freight traffic. Because rail freight interests are currently prioritized above – rather than balanced with – the interests of impacted communities and existing businesses and transport modes, railroads minimize the amount they will invest in mitigating harms, and instead, focus their effort on fighting any substantial investment in rectifying the harms their operations cause.

***Policy Changes that Would Balance Freight Rail and Public/Taxpayer Interests:***

- Setting of appropriate threshold criteria by Congress that would be applied by regulators to trigger a substantial railroad financing allocation for rail-to-road grade separation projects necessitated by shifting a significant amount of rail traffic from one rail line to another.

- Congressionally-authorized identification of rail freight corridors of national and regional significance (such as the CREATE project in Chicago) that will be the primary focus of federal infrastructure investments, along with the concurrent authority to hold railroads responsible for financing a substantial cost-allocation for infrastructure improvement projects *if* a railroad chooses to pursue merger transactions that will increase rail freight traffic above a baseline percentage on freight corridors that have not been designated by Congress as significant freight rail corridors.

- Congressional authorization that explicitly empowers federal regulators to make rail operation decisions (train lengths, volumes, travel time curfews, etc.) that can mitigate harms stemming from rail freight traffic until infrastructure improvement projects integrating that freight traffic into impacted communities are completed.

**TRAC "Win-Loss" Experience with Status Quo Rail Merger Policy Based on the CN-EJ&E Transaction & Balance that Can be Achieved Through Policy Changes**

| STATUS QUO POLICY | RAILROAD IMPACT | COMMUNITY/PUBLIC IMPACTS | TRANSPORT/BUSINESS IMPACTS |
|---|---|---|---|
| ***Environmental review process does not assess "public" impacts fully as long-term necessity for taxpayer funding of road-to-rail infrastructure projects is ignored*** | WIN – no limitations on making significant traffic changes; on the EJ&E-CN merger this amounts to up to 400% increase in freight rail volumes | LOSS -- major down-the line public burden on specific impacted communities *AND* taxpayers – 26 most significantly impacted roadways in need of grade separation projects on the EJ&E will cost $1.4 billion; only 27% of crossings on the EJ&E are grade-separated | *LOSS* -- other transport modes (cars/trucks and commuter rail) blocked with no redress (ex: of Metra STAR line – a collar-county suburban commuter line lost only viable track when CN purchased the EJ&E); local, regional, and interstate commerce business interests harmed as workers, customers and suppliers can't get to and from collar county business sites freely |
| ***No clear and defined expectations for railroads on mitigating harms stemming from railroad mergers*** | LOSS – railroads look at financials of a merger with no certainty as to mitigation costs regulators will impose; regulator-imposed mitigation led to litigation on CN-EJ&E merger | LOSS – communities negotiate settlement agreements with railroads with little understanding of what the possibilities could be (ex: of Joliet, IL – according to the STB, it would have received a grade separation financed largely by CN, however, it settled early in the process with only a $500,000 agreement in place); CN/EJ&E merger led to litigation due to arbitrary and capricious mitigation imposed by the STB | LOSS – businesses that developed in impacted areas are less viable and growth is curtailed; blocked crossing instances demonstrate major increases in traffic flow problems throughout the region due to CN traffic on the EJ&E |
| ***No defined funding mechanism to finance roadway infrastructure projects necessitated by significant increases in rail operations*** | WIN – railroads off the hook for even paltry status quo 5% match as impacted communities and states can't assemble necessary funding package | LOSS – specific communities bear full freight traffic burden despite realizing no benefits from increased rail operations | LOSS – regional business interests are harmed when traffic gridlock caused by rail operations is not mitigated |
| **SUGGESTED NEW POLICY** | **RAILROAD IMPACT** | **COMMUNITY/PUBLIC IMPACTS** | **TRANSPORT/BUSINESS IMPACTS** |
| ***Setting threshold criteria necessitating substantial railroad funding of rail-to-road grade separation projects*** | WIN – railroads will have certainty around their financial obligations and this will drive focused railroad investments; NEPA process will be streamlined as threshold issues will be addressed in initial railroad application | WIN – community and taxpayer interests will be balanced with the interests of railroads | WIN – regional transport systems and businesses can plan for growth without having uncompensated harms created by freight rail operations |
| ***Defining freight rail corridors (like Chicago's CREATE) and holding railroads accountable for substantial costs of public infrastructure projects if railroads shift significant traffic off of these designated corridors*** | WIN – railroads will have the certainty of knowing that long-term infrastructure needs are being addressed by U.S. policy/funds in a way that benefits their own long-term planning | WIN – by incentivizing railroads to minimize community impacts, railroads will work with one another and the public sector to increase efficiencies on key rail lines rather than expanding the geographical reach of problems created by rail operations | WIN – regional transport systems and businesses can plan development and growth based on long-term understanding of how rail operations will impact site location decisions |
| ***Authorizing regulators to temporarily limit rail operations in decisions approving rail transactions*** | WIN – the environmental review for rail mergers will be shorter and less contentious if communities have federal protections in place | WIN – Public interest will be balanced with railroad interests | WIN – other modes of transport and business interests will be balanced with railroad interests |

**WRITTEN STATEMENT OF**

**KAREN DARCH**
**PRESIDENT, VILLAGE OF BARRINGTON, ILLINOIS**
**& CO-CHAIR, THE REGIONAL ANSWER TO CANADIAN NATIONAL (TRAC)**
(Village of Barrington, 200 South Hough Street, Barrington, IL 60010; 847/304-3400)

-and-

**TOM WEISNER**
**MAYOR, CITY OF AURORA, ILLINOIS**
**& CO-CHAIR, THE REGIONAL ANSWER TO CANADIAN NATIONAL (TRAC)**
(City of Aurora, 44 East Downer Place, Aurora, IL 60507-2067; 630/256-3010)

**Submitted to**
**THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**
**FIELD HEARING RELATED TO**
**REAUTHORIZATION OF FEDERAL SURFACE TRANSPORTATION PROGRAMS**

**Under the**
**"SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS (SAFETEA-LU)"**

**MARCH 4, 2011**

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While the Transportation and Infrastructure Committee did not specifically focus the Illinois listening session on matters related to rail issues, we would like to thank the Chairman and Committee members for their receptivity to receiving a written statement for the record as it relates to rail policy and rail-to-roadway infrastructure project funding, as that is a critical issue to the local units of government that have comprised the *ad hoc* "TRAC Coalition" since its inception in 2008. The TRAC Coalition* originally formed to create a cohesive regional response to Canadian National Railways' (CN) acquisition of the EJ&E rail line that runs in an arc through the collar counties of Chicago in the Illinois 10th, 8th, 6th, 14th, 13th, 11th, 2nd, and Indiana 1st congressional districts.

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* The local elected leaders of the TRAC Coalition are drawn from the numerous local and county governments along the EJ&E rail corridor. TRAC members worked together to represent the region's interests before the Surface Transportation Board (STB) during the environmental review process prior to its approval of the merger; we are representing the region's interests before the federal Appellate Court in the appeal of that STB decision; and, we are working with the STB during its oversight period of the transaction to insure that: 1) CN is complying fully with the spirit and letter of the STB's mitigation mandates; and, 2) the STB's environmental impact assumptions are proving largely accurate during the operational implementation period of the EJ&E/CN merger.

As the "poster child" for a region dealing with the ramifications of a railroad merger that transformed a century-old rail freight "country back road" into an international rail freight "superhighway" in our communities, TRAC would like to offer our perspective to your Committee and your congressional colleagues on the necessity to improve federal policies for integrating increased freight rail operations into impacted communities. While we would like to work with the Committee at some point to address deficiencies related to the overall STB process in reviewing rail mergers and the agency's oversight efforts post-merger, we will leave that for another day as we understand that the Committee has been gathering public input from across the country to best determine how to approach the reauthorization of SAFETEA-LU.

We commend the Committee for its proactive outreach in shaping public policy, and we are pleased that TRAC can serve as a resource to inform your decision-making on a critical bill that will shape the nation's investment in transportation projects for years to come. Our comments will focus on how best to increase private sector investment in rail transportation projects -- specifically those rail-roadway grade separation projects that are necessitated when a Class I railroad exponentially increases freight volume on what had been a Class II or Class III rail line. As Congressman Hultgren said in his opening statement prior to hearing public comments on February 20, funding of transportation projects such as these are vital to attracting business to any region as "people need to be able to get to work."

***Perspective of TRAC Member Communities:***

We would like to preface our comments by summarizing the point of view the TRAC communities bring to this issue, and assure the Committee that we are not opposed to efficient rail commerce as we are quite familiar with the trade-offs that accompany business development – whether it be commercial, residential, retail, or industrial development. To the contrary, the fact that we do work closely with businesses and developers on a daily basis makes us fully aware that the continued economic growth of this region is fundamentally tied to the proper integration of business interests into the fabric of our communities.

As local elected leaders, our goal is to insure that any such development ultimately ends up being a win-win situation for all involved parties and the people we represent since business development is such a critical driver to economic growth and supports our tax bases. Local zoning ordinances provide the foundation for sensible, planned, new growth and development regulations assist us in that endeavor while providing clarity of expectations for business interests. Development agreements and regulations traditionally provide that developers underwrite the costs of necessary infrastructure for a new development in the community as it is one of the costs of doing business. While local governments insure

that private property rights and community character are protected through zoning, the proper allocation of development costs between the new business and the community insures that our residents are not saddled with a development that creates an uncompensated harm that forces the local community to subsidize the new business venture or development

It is our very experience as local elected government leaders, however, that has caused us to be so taken aback by the policy framework surrounding the review, approval, and oversight process for rail mergers. TRAC has discovered over the last several years that federal transportation policy seems to prioritize rail commerce above all other considerations, even other interstate commerce considerations. While TRAC certainly believes that we all benefit from a cost-effective freight rail system, it makes little sense to continue a policy framework that has harmed other regional, national, and international commerce drivers that thrive in the outlying areas of greater metro Chicagoland. Instead, freight railroad policy must recognize that railroads' interests must be balanced with other transportation and public interests, so the process does not continue to be a zero-sum game with immense negative consequences for taxpayers.

Clearly, the funding of projects to alleviate some of the most egregious impacts of freight rail operations on the communities the railroads operate in or the roadways they cross at grade level is the two-ton gorilla in the room, and unfortunately, the issue does not promise to fade away. Given the long-term expected growth in freight rail traffic and the reality that public funds for such projects are limited, by necessity, it is in the unambiguous interests of the federal government to shape the policies that can sustain such commerce while meeting reasonable public expectations for lessening the environmental harms freight rail traffic causes.

It has been our experience on the EJ&E/CN merger that the railroads enjoy a privileged status in rail transactions – even in those cases where there are negative environmental impacts of immense proportions. Absent a change in public policy to "level the playing field" for all parties -- and a guaranteed public-private funding mechanism to build vital community infrastructure upgrades -- such transactions will continue to remain rancorous, time-consuming, and costly.

In an effort to move this point of view beyond the abstract, we would like to provide an example of just one TRAC community that had been injured by the favored status of the railroads in rail policy and its limitations in addressing community and regional business harms that ensue from rail mergers. Barrington is a town of just over 10,000 people 35 miles northwest of Chicago. The town was

incorporated in 1865 along a small railroad that came to the area in 1854, and now serves at the UP/Metra commuter line. The EJ&E line was built in the community in 1888 and until CN's purchase of it in 2008, it was a small local line used to serve local customers of the steel industry. Even during World War II (at the peak of its use) the EJ&E saw very little in the way of freight traffic, and as a result, Barrington grew up as the business, social and schools hub to the many small offshoot towns that are now situated around it.

The EJ&E rail line runs through the heart of Barrington, intersecting with 4 major arterial roadways (with a combined average daily traffic count of nearly 75,000 cars) and a Metra commuter rail line that runs 65 trains a day – all within a span of 5,918 feet. The closet grade-separated roadway is eight miles south of Barrington. After over 120 years of Barrington co-existing peacefully with the local freight traffic using the EJ&E, CN decided to purchase the line and transform it into an international intermodal freight super-highway – the main Chicago bypass for goods shipping from Asia into Canada, and moving to Memphis and beyond. With freight trains running from 6,500 feet up to 2 miles in length and a planned freight traffic increase of 400%, Barrington has discovered just how incompatible it is to have this enormous volume of rail freight dropped into its midst – especially since one train could block all crossings and the commuter train up to 20 times daily.

With the federal government's approval of this rail transaction, the character of Barrington will be changed forever. It is a glaring failure of federal policy that there is absolutely no federally-mandated mitigation fund in place to deal with the consequences of such an action by a private rail company. Instead, communities such as Barrington (and those nearby communities that are affected because they are served by Barrington's roadway system) and the business interests that have thrived along the EJ&E over the last several decades are treated like second class citizens and told that our interests are secondary to those of "Big Rail." TRAC asks the Transportation and Infrastructure Committee to remedy this failure in its SAFETEA-LU reauthorization.

***The Cost Of Public Infrastructure Mitigation Must Be Made A Factor In The Railroads' Business Planning:***

TRAC communities will pretend no expertise in the development of rail policy that balances the need to foster rail commerce with the protection of local community and other transportation modes. However, having been in the trenches in attempting to protect the region's interests under the current policy framework for the last three years, we believe that TRAC has the ability borne of experience to

highlight inadequacies in the current public policy framework based on the unfolding of the EJ&E/CN merger, and proffer some suggestions as to how Congress might consider addressing them.

It has been TRAC's impression that the failure of current policy to weigh public interest beyond matters of competition for rail mergers that exponentially increase freight rail traffic in any given area is detrimental not only to the specific communities directly affected, but in fact, the national public interest writ large. It is essential that federal rail freight policy recognize the reality that the American taxpaying public ultimately pays for the federal government's investment in the costly infrastructure upgrades necessary to insure that the public and other mechanisms of transport in severely impacted communities are not perpetually gridlocked by a wall of rail freight traffic moving through them twenty-four/seven, 365 days a year. It is a matter not only of public convenience and facilitating a free flow of commerce by other transport mechanisms. But, also, it is also a matter of public safety as full unimpeded access by emergency responders is of critical necessity in protecting the well-being of the American public.

Since taxpayer dollars have traditionally been the "fix" to local problems created by railroads as they pursue their business interest of gaining competitive advantage no matter what the public consequences, it is essential that federal policy serve as a change agent for securing increased private sector investment in such projects by the railroad industry. ***Simply put, the taxpayer subsidy of the railroad industry must end.*** Congress needs to take steps that would incentivize the railroads to proceed with merger options that minimize the necessity for public infrastructure investment. As it is now, the railroads are allowed free rein to increase traffic wherever and whenever they like, leaving it to federal, state, and local taxpayers to serve as a shovel brigade to clean up the fall-out that is a natural consequence that stems from substantial increases in freight rail traffic in communities lacking the infrastructure to cope with it.

The failure to weigh any aspect of public interest beyond competition was a foundational flaw in the review of the EJ&E/CN merger in that CN has been allowed to expand Chicago's renowned rail congestion beyond the centrally recognized CREATE core when CN received federal regulatory approval to shift unprecedented levels of rail traffic to a line that has only 27.5% of its rail-to-road crossings grade-separated as opposed to keeping it running on its existing rail lines that are 58% grade-separated from intersecting roadways. The ultimate increase in rail traffic stemming from this merger is staggering -- ranging from a low of a 143% increase to a high of a 456% increase depending upon the segment of the EJ&E rail line one examines.

Relieving the freight gridlock burden on the public TRAC represents will require significant infrastructure investments in the years ahead. Because the federal government is charged with the approval process for rail mergers and the regulation of interstate commerce, it is incumbent upon the federal government to plan proactively to ameliorate the harms created in approving such transactions and secure increased private investment -- not leave it to local and state governments to address the ensuing problems. The necessity to relieve roadway gridlock along the EJ&E is underscored by the U.S. Census figures released in mid-February demonstrating that the population shift in the Chicago metropolitan area between 2000 and 2010 has continued the trend of the last several decades in which Chicago and Cook County are losing populations (-6.9% and -3.4% respectively over the last decade) while the collar counties grow at an aggressive pace (+34.9% in Will County; + 1.4% in DuPage County; +18.7% in McHenry County; and, +9.2% in Lake County.)

In responding to TRAC's oral summary of this problem on February 20, it was suggested to us that TRAC communities should consider looking at the $35 billion Railroad Rehabilitation and Improvement Financing (RRIF) program as a means of funding these grade separation infrastructure projects that are necessitated by CN's purchase of the EJ&E. In a review of that program, however, we have discovered that RRIF is really not available to us in addressing the needs of the region.

In the first place, it appears that RRIF covers railroad infrastructure projects -- not highway infrastructure projects where a grade separation requiring a roadway be shifted above or below a rail line is the identified project. Even if rail-to-roadway grade separations were the focus of the RRIF fund, the many small communities along the EJ&E that might like to access such loans are not in the position of earning a revenue stream from a necessary grade separation project, and therefore, would be in no position to repay a RRIF loan to cover costs ranging from $11 million to $84 million per grade separation (depending upon the complexity of the grade separation project at each location significantly impacted by CN traffic.) The only entity in the funding equation that is earning a revenue stream and would be capable of repaying such a loan is CN; however, it has no incentive to serve as a partner in applying for any type of RRIF loan that might integrate its freight traffic into the TRAC communities. So unfortunately, the RRIF program -- as currently structured -- is a non-starter for TRAC member communities.

In responding to Chairman Mica's request to the participants at the February 20 listening session to identify problems and suggest possible solutions, we are happy to proffer some explicit changes in policy that the Committee might wish to consider. We realize that the Chairman noted several times that he would like to identify the "carrots" that could engender increased private sector funding of necessary

infrastructure projects, however, it is difficult to imagine what "carrot" could be offered to the railroads to increase funding for the types of projects that will become so vital to the TRAC communities in the years ahead. Simply put, the financial interests of the railroads seem to be best-served by a preservation of the status quo in which they are expected to fund only about 5% of the cost of rail-to-roadway grade separation projects. With that as an initial observation, TRAC suggests the following:

Policy Concept 1:

In the decision approving the EJ&E/CN transaction, the STB required that CN pick up 67% of costs for a grade separation project in Aurora, IL and 78.5% in Lynwood, IL. This railroad match ratio is eminently sensible, as CN is overwhelmingly responsible for the harm it is creating along the EJ&E, and thus, should bear the lion's share of the accompanying mitigation financing burden. However, the fact that only two out of dozens of similarly impacted public grade level crossings on the EJ&E received this private sector investment benefit makes it advisable for *Congress to develop a set of appropriate threshold criteria that would be applied by regulators to trigger a substantial railroad financing allocation.* This funding threshold would be known by all parties in advance and only be triggered when the surrounding communities experience an exponential increase in freight traffic (whether or not that significant increase in traffic stems from operational changes requiring federal regulatory approval.) By developing a public-private infrastructure investment framework that holds railroads responsible for most of the costs associated with mitigating community and local business harms in certain cases, railroads will have a stake in lessening those costs in their business planning.

Policy Concept 2:

As a means of focusing public investment ***and*** incentivizing railroads to take into consideration the public harms their actions would cause in making merger decisions, *Congress may wish to consider identifying rail freight corridors of national and regional significance (such as the CREATE project in Chicago) that will be the primary focus of federal infrastructure investments to facilitate rail commerce in the decades ahead.* Then Congress could hold the railroads responsible for financing a substantial cost-allocation for infrastructure improvement projects ***if*** a railroad chooses to pursue merger transactions that will increase rail freight traffic above a baseline percentage on freight corridors that have not been designated by Congress as significant freight rail corridors.

Policy Concept 3:

*Congress should explicitly empower federal regulators to make temporary rail operation decisions that can mitigate harms stemming from rail freight traffic.* The goal should be to balance the railroads' interests with those of

impacted communities and other forms of transport by allowing regulators to mandate a broad range of operational limits. Such limits could be lifted as surrounding infrastructure improvement projects that facilitate the integration of that freight rail traffic into impacted communities are completed.

In proffering these suggested changes to the nation's rail freight policies, TRAC emphasizes that they should not be the slippery slope to bankrupting the rail industry, as their application could be targeted to apply only to those few cases in which rail freight traffic will increase significantly ***and*** the existing infrastructure to integrate it into local communities is woefully inadequate for the population of the impacted region.

***Summary:***

On behalf of all the communities along the EJ&E that have been involved in TRAC's efforts to represent the region's interests in some form or fashion over the last three years vis-à-vis the CN/EJ&E merger, we thank the Committee for the opportunity to begin to outline our thoughts concerning necessary improvements in the public policy framework for the freight rail industry. We believe these concepts would lead to an increase in targeted private sector investment in infrastructure projects necessitated by freight rail operations.

It is essential that federal law and regulation recognize that judicious public and private investments are necessary and warranted because no American community – nor the taxpaying public – should continue being voiceless victims to international freight rail commerce decisions made solely at the discretion of the railroad industry or an individual railroad. There is a proper public policy balance that can be struck, and we trust that the Committee will be able to shift the pendulum to create an equitable way of fostering rail freight commerce while accommodating the concerns of specific impacted communities and American taxpayers. We stand ready to continue this dialogue with you as you shape the provisions of SAFETEA-LU during this Congress.

**Bi-State**
**Regional Commission**
Serving local governments in Muscatine and Scott Counties, Iowa;
Henry, Mercer and Rock Island Counties, Illinois.

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February 23, 2011

The Honorable Randy Hultgren
U.S. House of Representatives
1797 State Street, Suite A
Geneva, IL 60134

Dear Congressman Hultgren:

We appreciate the opportunity to provide these comments to the House Transportation and Infrastructure Committee.

The I-74 Bridge Corridor Project has been the top priority of the Quad City area and the Bi-State Regional Commission for many years. The replacement of the I-74 Bridge is not only critical to the continued economic well-being of the Quad Cities area, but it serves as an alternate crossing for Interstate 80, one of the nation's greatest east-west commercial corridors (see attached fact sheet and briefing paper).

The project has been value engineered resulting in a design that exceeds seismic and barge collision requirements while reducing the construction period from eight to ten years. The project will create/retain over 12,000 jobs with 12 construction contracts and many additional supply/specialty contracts.

In addition, the reconstructed I-74 Bridge will improve quality of life with its multi-modal features. It includes a trail for bicyclists and pedestrians to allow for cross river travel in the eastern portion of the Quad Cities, where access does not currently exist. The widened structure and full shoulders will provide for improved travel reliability even during traffic incidents for transit trips across the Mississippi River and allow for direct access to the Quad City International Airport and Moline Centre Passenger Rail Station.

With the NEPA work and the Record of Decision in hand and the final design nearly complete, the project is ready for construction. We look forward to the identification of funding programs for construction-ready large projects of national significance, such as the Interstate 74 Bridge Corridor, in the transportation bill reauthorization. Thank you for your leadership and guidance on this important issue.

Sincerely:

Mike Freamire, Commission Chair
Mayor City of Bettendorf

Don Welvaert, Chair Transp. Policy Comm.
Mayor, City of Moline

cc: Kitty Weiner

Enclosures: As state above

DB/ag
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**I-74 Bridge Corridor Project**

The project is positioned to receive significant additional dollars from both State and Federal sources for construction with all NEPA requirements completed and final design underway and near completion. Construction elements of the project along with Right-of-Way acquisition have begun.

**Key Project Facts**

**$85 Million Obligated or Programmed:**

- NEPA work is completed January 2009
- Record of Decision awarded April 2009
- The final design contract with Alfred Benesch and company is underway and is anticipated to be complete by FY 2013.
- Final Design Elements are being prepared and approved by both DOT's including: piers, lighting, railings, retaining walls, sound walls, pavement, hanger and floor beam spacing, etc.
- Parts of the project have been completed or will be constructed in 2011including the Lincoln Road Overpass and the I-74/53rd Street Interchange.
- Right- of-Way acquisition is underway and Iowa DOT has programmed all ROW acquisition by 2015. Illinois DOT has begun to negotiate property acquisition.
- The actual staging schedule of the construction is nearing completion

**Interstate 80 Redundancy:**

- The project provides redundancy for I-80/280 Mississippi River Crossings;
- I-74 Bridge will be the most reliable Mississippi River Crossing in the Iowa/Illinois bi-state area.
- Reconstructed I-74 Bridge corridor will have full shoulders allowing for emergency vehicle access that currently does not exist in the event of an incident.
- Reconstructed I-74 Bridge will have increased protection for seismic occurrences and barge collisions.
- The project is an interstate bridge replacement and part of the National Highway System.

**Economic Impact:**

- It is estimated that the entire I-74 Corridor project will create/retain 12,120 jobs over a 5 years.
- A total of 12 construction contracts are anticipated.
- Various supply and specialty contracts are additional.

**Multi-Modal Aspects:**

- The Bridge will include a multi-purpose trail for bicyclists and pedestrians.
- The widened structure will provide for improved travel reliability, during traffic incidents, for transit bus trips across the Mississippi River.
- The Bridge provides direct access to the Quad City International Airport, and the Moline Centre Station passenger rail stop.

# I-74 Mississippi River Bridge Corridor Project And Transportation Act Reauthorization

**Issue**

The reauthorization of the transportation act will be considered in the upcoming year and very large infrastructure projects throughout the nation and in the Bi-State Region will be impacted. A funding program for large scale ready to go projects will be needed. The key highway project in the Bi-State Region is the replacement of the I-74 Bridge Corridor which is carrying almost 70,000 vehicles per day and is functionally obsolete. Project costs are being refined through the final design process and remaining funds needed for the I-74 project are expected to total over $900 million in today's dollars. The work of the entire federal legislative delegation to obtain over $83 million thus far for the project is greatly appreciated by all Quad City leaders. Ten million dollars per state in funding for I-74 Bridge Replacement Preconstruction/Initial Construction Activities is being requested.

**Background**

**Interstate 74 Bridge Corridor Replacement:**

Mississippi River crossings continue to be the highest transportation priority in the Quad Cities with nearly 160,000 vehicles crossing the Mississippi River on an average day and almost half of these crossings on the I-74 Bridge alone. The bridge itself is functionally obsolete and never met Interstate standards. The Iowa bound span was built in 1935 and the Illinois bound span was built in 1959, both for local non-interstate traffic and were retrofitted to become Interstate 74 in the 1970's. The Bridge has no shoulders and the entrance ramps nearest the bridge have inadequate merging lanes. The bridge is currently carrying 70,000 vehicles per day but was designed to handle less than 50,000 vehicles per day. Crashes along portions of the Interstate 74 Corridor exceed three times the national average for similar corridors. The Interstate 74 Bridge Corridor project is an urgent transportation need and is included in the Quad City Area Long Range Transportation Plan. The estimated construction costs of the central bridge section of the Interstate 74 Bridge Corridor project is approximately $850 million in today's dollars.

**Economic Impact:**

The need for sufficient infrastructure and bridge crossing capacity was identified in the Comprehensive Economic Development Strategy for the Bi-State Region. Over 50 percent of employed Quad City residents work in a community outside of their residence. Over 20 percent of those employed work outside of their state of residence, many of whom cross the River via the I-74 Bridge. The I-74 Bridge also provides access to one of the few military arsenals in the United States, the Rock Island Arsenal.

**Multi-Modal Project Aspects:**

The project provides the most reliable multimodal transportation corridor for the future. It will be built with safety features beyond standards and those met on in any bridge in the Quad Cities including seismic safety, barge collision protection and real-time monitoring. It will provide direct access to the Quad City International Airport which Serves Western Illinois and Eastern Iowa. The Bridge also is the most direct route to the Amtrak passenger rail multi-modal station located in downtown Moline. In addition, the reconstructed bridge will provides a rare Interstate multi-purpose trail along downstream side. Further, the full shoulders of the reconstructed

**I-74 Funding History as of January 2010**

The project/corridor has received $17,400,000 in federal earmark/discretionary funding in Fiscal Years 2001, 2002, 2003, 2004, 2005 and 2010 Department of Transportation Appropriation Acts as follows: Note that in some years the actual final funding amounts allocated to the state may be slightly lower than those shown below due to administrative "take-downs" by the Federal Highway Administration or due to "across-the-board" cuts by Congress in the final bill.

| | Program | |
|---|---|---|
| FY 2001 | $5,100,000 | NCPD |
| FY 2002 | $2,000,000 | TCSP |
| FY 2002 | $2,000,000 | Section 330 |
| FY 2003 | $ 950,000 | IMD (discretionary) |
| FY 2003 | $1,000,000 | DBF (discretionary) |
| FY 2003 | $3,000,000 | NCPD |
| FY 2004 | $1,250,000 | DBF (discretionary) |
| FY 2005 | $1,100,000 | DBF (discretionary) |
| FY 2010 | $1,000,000 | IMD (discretionary) |

Additionally, in SAFETEA-LU, the project received $67.4 million.

| | Program/Project Number |
|---|---|
| $15,000,000 | HPP 15 |
| $1,200,000 | HPP 245 |
| $6,000,000 | HPP 4000 |
| $2,000,000 | HPP 4029 |
| $3,200,000 | HPP 3243 (Illinois) |
| $1,500,000 | HPP 4069(Illinois) |
| $3,500,000 | TI 146 (Illinois) |
| $35,000,000 | Bridge set-a-side |

Since 2001, over $85 million dollars have been provided thus far for environmental work, preliminary design, final design, right-of-way acquisition and reconstruction of interchanges in the I-74 Corridor.

**Status of Funding**

On June 8, 2010, the Iowa DOT adopted 2011-2015 State Transportation Improvement Program and over $31 million dollars was programmed in right-of-way acquisition and interchange improvements as part of the I-74 corridor project. The Record of Decision for the project was received in April 2009 and the final design is under way with a project completion in the third quarter by 2013. Nearly $40 million dollars is contracted for the final design of the project with Alfred Benesch Consultants.

**Testimony to the U.S. House of Representatives Committee on Transportation and Infrastructure**
**February 20, 2011**
**DuPage Airport, West Chicago, Illinois**

**Submitted By:** John Greuling
President & CEO
Will County Center for Economic Development

On behalf of the Will County Center for Economic Development (CED), I would like to thank Chairman Mica and the Committee for the opportunity to participate in this discussion on the legislation that will reauthorize the Nation's highway, transit and highway safety programs.

In many ways, Will County is a microcosm of the country's transportation needs today. Being host to one of the largest inland ports in North America, Will County in partnership with the Federal and State governments must find sustainable ways to balance competing transportation needs in a 21st century economy. We need:

- A system that is well-maintained and safe while also modernized and efficient;
- A system that accommodates passenger travel (including transit) as well as the movement of large volumes of freight;
- Funding for new construction to expand and improve the transportation network in place to remain globally competitive in business and industry;

With five interstate highways, six Class I railroads, Amtrak, transit rail service, inland waterways, airports and two intermodal rail facilities, Will County today is an important freight hub with regional and national significance. We understand the need for streamlined and efficient federal transportation funding programs that meet national priorities and are prepared to support them.

Since the Burlington Northern Santa Fe and Union Pacific railroads developed modern intermodal facilities in Will County over the last decade, the Chicago region continues to lead the way in efficient freight movement. In 2009, over a million international shipping containers were moved through Will County from west coast ports for distribution to over 100 million people. Likewise, the exporting of agricultural products in containers shipped back to the Pacific Rim has opened new international markets to Midwestern farmers. These projects will create tens of thousands of new jobs throughout the region. The investments already made here will position Will County to attract a significant share of the projected growth in rail freight over the next 30 years.

**Recommendations**
As a private/public economic development corporation the CED knows that infrastructure investment decisions need to be based on need, cost, accountability and outcomes. We believe that Federal infrastructure investments should be applied strategically to further our national economic, environmental, and social goals:

- We support development of performance measures that can be tracked and used by everyone to evaluate the impacts and benefits of federal transportation investments;

- We believe the funding process should prioritize projects which will create jobs in growth industries (direct and indirect), boost system efficiency, connect multiple modes, relieve urban congestion and expand the use of new technology;
- We support policies that give priority to projects that can leverage federal dollars to encourage private investment. We believe the federal government should set aside funding for public private partnerships (P3's) that meet our national transportation goals. We know that not all projects will be conducive to a public private partnership structure, but we can and should identify those that are good candidates on a national level and target them for funding. In northeastern Illinois, we are uniquely positioned to implement public private financing for transportation projects because:
    - ✓ We are a hub location that ties the national freight system together and have already had over $2 billion of private investment in new intermodal facilities;
    - ✓ The Illinois Tollway provides an established mechanisms for toll revenue collection;
    - ✓ State enabling legislation exists to construct the proposed Illiana Expressway with a P3. Illinois has proposed state legislation to expand the use of P3s in northeastern Illinois;
- Another approach to alternative financing that we believe is worth exploring is creation of a National Infrastructure Bank. An infrastructure bank would encourage private, state and local entities to invest capital in projects of national and regional significance.
- Finally, states and local governments should be given more flexibility to prioritize funding for projects. Federal funding is currently funneled through narrowly-defined programs, some of which target non-essential transportation needs in sparsely populated areas. Project sponsors often have to scope projects based on strict eligibility requirements or target local matching funds to low-priority projects.

Federal transportation programs can be a catalyst for achieving our most compelling national goals – economic competitiveness, innovation, creation of livable communities and environmental sustainability – if allowed to focus resources on the highest priority projects.

Thank-you.

Testimony
by

Gary Hannig
Secretary
Illinois Department of Transportation

Submitted for the record
To the

House Committee on Transportation and Infrastructure

Field Hearing on:

IMPROVING AND REFORMING OUR NATION'S SURFACE TRANSPORTATION SYSTEM

West Chicago DuPage Airport

West Chicago, Illinois

February 20, 2011
**REVISED - MARCH 7, 2011**

Gary Hannig
Secretary
Illinois Department of Transportation
2300 South Dirksen Parkway
Room 300
Springfield, Illinois 62764
Telephone: (217) 782-5597

Chairman Mica, Members of the Committee and Members of the Illinois Congressional Delegation, I appreciate the opportunity to submit testimony concerning improving and reforming our nation's surface transportation system. I am pleased that one of the Committee's highest priorities for the 112th Congress is to enact a fiscally responsible multi-year surface transportation bill. I am also pleased that you chose West Chicago DuPage Airport in Illinois as a venue for one of these important listening sessions as you and Members of the Committee crisscross the nation seeking input and innovative ideas to help shape a comprehensive and effective surface transportation bill.

Illinois is a transportation hub of the nation and we appreciate your recognition of those issues that we find pressing and important to address in the next surface transportation bill. Illinois, given its central geographic location in the United States and historical prominence in agriculture, manufacturing and commerce, has developed an extensive and intensively used system of transportation and transportation services. For example:

- Illinois lies at the heart of the nation's interstate system. Three coast-to-coast interstates (I-70, I-80 and I-90) pass through Illinois. There are nearly 141,000 centerline miles of public roads in Illinois – 3.5 percent of the national total – and nearly 295,000 lane miles of public highways in Illinois carrying more than 106 million vehicle miles of travel annually – 3.6 percent of the national total;
- Northeast Illinois has the second largest combined transit system in the nation. With more than 600 million passenger-trips each year, the Regional Transportation Authority (RTA) system carries more than 90 percent of the transit riders in Illinois;
- Amtrak provides 56 trains in and through Illinois, that constitute approximately 4.7 million Illinois trips each year, and Illinois is pursuing an incremental approach to introducing high-speed passenger rail service in Illinois which will upgrade track shared with freight operations, add frequencies and use new technology to allow passenger trains to go faster and make schedules more reliable on existing rail. In addition, Illinois has a 7,300 route-mile rail freight system that ranks second in length only to Texas;
- Illinois' airport system is one of the largest in the nation, with 113 airports designated for public use, including Chicago O'Hare International Airport – the world's second busiest airport in takeoffs and landings.

As you engage with other state, local officials and transportation stakeholders throughout these hearings and when you return to Washington D.C. to begin the herculean task of drafting the next bill, we hope that the comments offered here today by the Illinois Department of Transportation (IDOT) and others assist you in that endeavor.

IDOT's FY 2012 – 2017 Proposed Highway Improvement Program is being developed assuming SAFETEA-LU levels of federal funding throughout the six-year timeframe of the program. The continued lack of a multi-year surface transportation reauthorization bill seriously jeopardizes the advancement of many projects published in the program. IDOT's model in estimating federal funds in the "out-years" (those years beyond the last year of SAFETEA-LU) uses a straight-line, no-growth assumption.

Short-term extensions of acts like SAFETEA-LU[1] tend to create difficulties for state departments of transportation that must juggle plans for major, multi-year public works projects such as reconstruction of bridges and interchanges because of funding unknowns. In order to plan properly at the state level, capital projects such as these require advance knowledge of the size of future funding commitments to help ensure that long-range planning can seamlessly continue year after year. IDOT will continue to fund critical safety and economic development related projects with state-only funds, if available, but this can mean that large, capacity-expansion projects and even some routine preservation and improvement projects could need to be deferred. IDOT supports the reauthorization of a multi-year, balanced surface transportation reauthorization bill that will meet system preservation needs and meet new capacity requirements. However, if Congress and the states find it difficult to come to an agreement with the myriad of complex issues that must be addressed to fashion a well financed multi-year bill, a longer-term extension that can provide some continuity may be a practical option.

I hope that we can agree that when SAFETEA-LU was enacted on August 10, 2005, it was a good transportation bill for the entire nation – it was the largest surface transportation investment in our nation's history. As you are aware, SAFETEA-LU provided a total guaranteed spending level for highways, highway safety and transit at $286 billion over six years – a 42 percent increase over its predecessor bill, TEA-21[2].

Under SAFETEA-LU for federal fiscal years 2005 through 2009, Illinois received a total of $6.8 billion for highways and $2.6 billion for mass transit. SAFETEA-LU provided increased funding for IDOT's entire highway/transit system, as well as funding specific to critical projects of national significance, such as: Construction of the Elgin/O'Hare Bypass Extension, a new Mississippi River Bridge at St. Louis and CREATE, our signature freight-rail program partnership to help untangle freight rail congestion in and around Chicago. IDOT has worked diligently to see that each of these projects is progressing and fulfilling the intentions of Congress. Here are current status and strategies for these three projects of national significance under SAFETEA-LU:

**Elgin-O'Hare West Bypass**

**Status:** In October 2010, Governor Quinn created the Elgin-O'Hare West Bypass (EOWB) Advisory Council to facilitate regional consensus around financing the project. Bridge replacement, land acquisition, preliminary engineering for project managers, engineering for design, location and environmental studies are programmed during FY 2011-16 at an estimated cost of $125 million. Of this total, $40 5 million is included in FY 2011 for bridge replacement, preliminary engineering, design engineering, location and environmental studies and land acquisition. Tier 1 of the Environmental Assessment has been completed, allowing for the start of right-of-way acquisition Tier 2 of the study is under way and will include a detailed analysis of potential and innovative funding sources. SAFETEA-LU provided $140 million for these projects. Construction is not currently funded.

**Strategy:** IDOT is currently undertaking the second phase of this long-term project that will provide easier western access to O'Hare International Airport, easing traffic congestion as it supports demand for industrial/commercial areas and accompanying job creation along the western side of the airport.

**Mississippi River Bridge at St. Louis**

**Status**: Resurfacing and additional lanes for 1.1 miles from I-55/I-70 to 18th Street, engineering for contract plans, engineering for subsurface utilities, archaeological survey, land acquisition, utility adjustments, new bridges, bridge replacement, bridge rehabilitation, ramp modifications, retaining walls, demolition, interchange reconstruction, intersection reconstruction, resurfacing of side streets, signing, lighting, grading, paving and construction engineering are programmed during FY 2011-16 at a cost of $409.4 million. Of this total, engineering for contract plans, archaeological survey, land acquisition, utility adjustments, new bridges, bridge replacement, bridge rehabilitation, retaining walls, interchange reconstruction, signing, grading, paving and construction engineering are programmed in FY 2011 at a cost of $155.8 million SAFETEA-LU provided a total of $164 million for this project

**Strategy**: Following the project groundbreaking in 2010, this new bridge will be constructed over the next few years to provide needed additional lanes across the Mississippi River between East St. Louis and St. Louis, Missouri, easing traffic pressure on existing bridges, and providing commuters and commercial carriers additional options in crossing the river, and supporting additional commercial/industrial development on both sides of the river. Illinois and Missouri are working in partnership, with Missouri serving as the project lead.

**CREATE – Freight-Rail Congestion Relief Program Partnership for the Chicago Area**

**Status**: Planned improvements under the CREATE rail congestion relief plan will help untangle the mess of train traffic as it currently exists in Chicago. The federal-state-local-private partnership already has resulted in investments totaling nearly $900 million for CREATE. These projects consist mainly of key track connections, sidings and upgrades, along with grade separations to free up rail and highway traffic at key congestion points. Overall project status:

- 11 projects have been completed, with a total cost of $105 million,
- 9 projects currently are under construction, totaling $491 million;
- 7 more projects will go to construction this year, totaling an estimated $300 million.

**Strategy**: CREATE will benefit the Chicago region and all of Illinois by reducing train delays by more than 60 percent in the CREATE rail network. It will reduce motorist delays at grade crossings on the CREATE network by as much as 25 percent Finally, CREATE will reduce corporate inventory costs for shipments in transit, since there will be fewer/shorter delays. CREATE should ensure that more freight travels by rail through Chicago, meaning less commercial vehicle congestion on roads around the city. Together, these benefits will lead to a more efficient and reliable movement of goods by rail and truck in the region. This in turn will help make Illinois more attractive to current Illinois businesses for future expansion and to new or existing businesses considering locating in Illinois

Beyond these designated projects of national significance, Illinois has identified many more projects of regional and national significance in various stages of planning, and we know you will hear about many of these from the esteemed local and regional officials providing testimony today. These include projects such as the Illiana Expressway, Prairie Parkway, the I-294/I-57 interchange construction, and the Central Avenue to Central Avenue connector near Midway Airport, just to name a handful. We want you to know that IDOT considers these projects of a high priority in high-level plans to comprehensively improve our transportation system – but plans also include hundreds more local and regional projects important to making the crucial connections needed to ease traffic pressure on current thoroughfares.

August 2011 will mark six years since SAFETEA-LU was signed into law. Although, the circumstances surrounding reauthorization of a new bill are now different and the next surface transportation bill will need to address a host of new challenges, such as:

- The deterioration of the nation's aging Interstate/Bridge network;
- Redefinition of the federal role in the surface transportation system;
- The need for increased federal funding for all transportation modes;
- The insolvency of the Highway Trust Fund;
- The identification of new revenue sources;
- Streamlining US DOT policies, programs and procedures for of project delivery;
- Re-Examine the workability of current financial plan rules;
- Private sector investment and creative financing alternatives; and
- Equity issues among state funding.

**DETERIORATION OF THE NATION'S AGING INTERSTATE/BRIDGE NETWORK**

The nation's 47,000-mile Interstate Highway System reflects only 1 percent of total U.S. highway miles, but carries 24 percent of all traffic and 41 percent of large truck traffic. Interstate vehicle miles traveled are expected to grow to 1.3 trillion by 2027. However, the Interstate System is aging and for a rapidly increasing number of segments, it is no longer economical or sensible for states to simply patch and resurface pavements. Complete reconstruction for many miles of the nation's Interstate highway system is necessary, and that is very costly. In Illinois, Interstate System reconstruction and capacity needs for the next ten years are anticipated to exceed $18 billion. While the Interstate System is the critical backbone of the National Highway System and the national economy, a growing percentage of Interstate mileage is beyond its design life. In Illinois 92 percent of the interstate system mileage is more than 20 years old. Only 16.5 percent of federal highway resources were allocated for Interstate Maintenance in SAFETEA-LU. Resources must be substantially increased in the federal highway program to adequately address national needs on this system of highest federal interest.

The Interstate System has more than 55,000 bridges, many of which are reaching 40 to 50 years of age, and are nearly at the end of their design life. Preserving the condition and performance of bridges – through the rehabilitation or replacement of existing bridges – is a high-priority transportation infrastructure investment that is critical to a safe and efficient national transportation system in the future. Approximately half of all Interstate bridges, built to a 50-year design life, are over 33 years old. According to the US DOT 2011 report of National Bridge Inspection data (representing calendar 2009 inspection data), approximately 23 percent of the nation's Interstate system bridges were classified as deficient. In addition, approximately 21 percent of the 12,320 bridges on the National Highway System (NHS) were deficient. Under SAFETEA-LU, only 14 percent of federal highway resources were allocated for bridges. It will be vital that any surface transportation reauthorization legislation include a strong bridge funding program so the states can address deterioration concerns before they can cause more serious problems.

**REDEFINITION OF THE FEDERAL ROLE**

In this post-Interstate construction era, the time is right for Congress and policy leaders to develop new national vision for transportation policy plans and goals to redefine and clarify the federal government's role in maintaining and improving the nation's inter-modal surface transportation system. A restructuring is advisable because existing federal surface transportation programs seem to have lost their "sense of purpose."

> From 1956 through 1991, the role of the federal government was shaped by federal legislation aimed at developing the Interstate Highway System. Upon completion of the Interstate System in 1991, the federal role lost much of its vision and purpose. Subsequent reauthorization bills, ISTEA,[3] TEA-21 and SAFETEA-LU have evolved the federal role by creating new programs such as the National Highway System and CMAQ[4] and by establishing broader eligibilities for use of federal funds.

That said, IDOT remains in support of a strong federal/state partnership as we believe that there is common-sense rationale to provide a core set of programs for the public good. Moreover, the future of the federal surface transportation program is at a crossroads and largely depends upon the restructuring of the federal surface transportation program.

**INCREASED FEDERAL FUNDING FOR ALL MODES**

Substantial federal funds are needed, beyond the incremental increases provided in SAFETEA-LU, to protect the nation's transportation infrastructure investment, repair the nation's deteriorating transportation network and reduce the backlog of road, bridge, transit and rail repair projects. The National Surface Transportation Policy and Revenue Study Commission, established by SAFETEA-LU, identified a significant surface transportation investment gap and called for an annual investment level of between $225 billion and $340 billion by all levels of government and the private sector during the next 50 years to upgrade all modes of surface transportation. Currently, a total of $86 billion is invested annually across all modes (highways/bridges, transit, freight rail, and passenger rail). Likewise, the National Surface Transportation Infrastructure Financing Commission "estimated that revenues raised by all levels of government for capital investment will total only about one-third of the roughly $200 billion necessary each year to maintain and improve the nation's highways and transit systems."

Infrastructure investments are expensive but they are not luxuries. That is, there are real costs of a failure to invest, such as increased congestion, diminished safety, and lost productivity and jobs.

> The Department of the Treasury with the Council of Economic Advisors conducted an October 2010 analysis of the significance of infrastructure investment and noted the following: "Since December 2007, the construction industry has lost 25 percent of its total payroll jobs, dropping from 7.5 million to 5.6 million employees. In August 2010, the unemployment rate for construction workers stood at 17 percent. This is more than triple the rate from three years ago, and is nearly twice the overall unemployment rate. Accelerated infrastructure investment would provide an opportunity for construction workers to productively apply their skills and experience."

Substantial federal funds are also needed for transit investment. The American Association of State Highway and Transportation Officials (AASHTO) noted in their publication, "Future Needs of the U.S. Surface Transportation System" that the "cost to improve" transit investment through 2030 is $55 billion. Illinois Governor Pat Quinn and IDOT have made mass transit investment a major priority by allocating $3 billion of state capital funds as a start toward keeping our state's transit system safe and functional. Without Illinois' extensive transit system, Northeastern Illinois would be in permanent gridlock. The Regional Transportation Authority (RTA) recently estimated that a $10-billion investment is needed to bring the Northeastern Illinois transit system to a state of good repair. Public-supported transit programs in 14 other municipal areas make up bus systems that carry 33 million passenger trips each year. An additional 4 million passengers are served by 37 rural downstate Illinois transit systems.

Illinois is among the first states in the nation to utilize recent funding made available for high-speed rail improvements, and we hope Congress will support additional funding for high-speed rail improvements across the nation, including the Midwest network. The incremental approach to high-speed rail in Illinois will help address the immediate and fast-increasing demand for reliable passenger rail service between Chicago and St. Louis. The Illinois high-speed rail network will serve as the hub of the Midwestern system, and the Midwestern system in turn will serve as a keystone in the national vision for high-speed rail, linking all parts of the country with reliable and faster service.

Moreover, sufficient federal dollars are needed to fund safer transportation systems, to address environmental concerns, to offset the erosion of the construction dollar, to continue to address crippling levels of congestion/delay and to meet the growing transportation demands of the future.

**INSOLVENCY OF THE HIGHWAY TRUST FUND**

During 2001, the fortunes of the Highway Trust Fund/Highway Account reached a turning point as spending from the HTF/HA exceeded receipts deposited into the account. This event was pivotal but the consequences were neither dire nor immediately painful because the HTF/HA had a healthy balance of approximately $20 billion. Spending, significantly boosted under TEA-21 and SAFETEA-LU, continued to outpace revenue growth, which has diminished due to the nation's economic downturn, higher oil prices, and more fuel-efficient vehicles on the road.

The most recent Congressional Budget Office (CBO) assessment notes that tax receipts deposited into the HTF/HA are projected to be less than expected when estimated in August 2010. The Winter Forecast estimates the HTF/HA will be unable to meet highway obligations by late FFY 2012 or early 2013. The disparity between HTF/HA estimated revenues and outlays steadily increases from FFY 2011 thru FFY 2014 peaking at a shortfall in revenues of $12.5 billion in 2014. The conclusion of the CBO assessment is that a highway program continued at the current level of $41.1 billion and extended "straight-line" (small inflation increases assumed) into the future, without some remedy, cannot be sustained.

Over the past three years, the federal HTF has required three General Fund transfers amounting to $34.5 billion to remain solvent. Based on the recent recommendation from the National Commission on Fiscal Responsibility and Reform, it is unlikely that the HTF will be the recipient of any future General Fund transfers. As the House Transportation and Infrastructure Committee considers the next surface transportation bill, emphasis needs to be placed on stabilizing the HTF.

**IDENTIFICATION OF NEW REVENUE SOURCES**

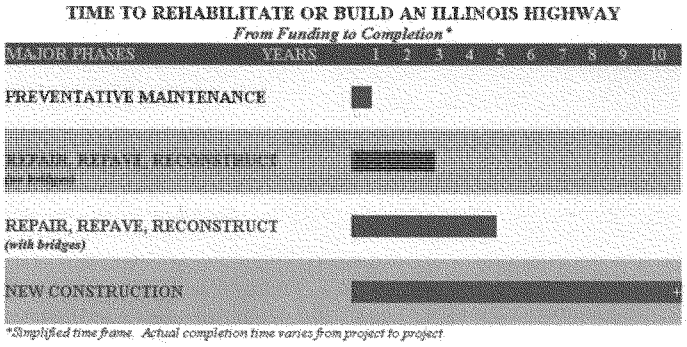
Congress and policy leaders need to examine proposed revenue options and unite around a package of financing mechanisms that will ensure a stable, long-term source of revenue that can sustain highway, transit and rail programs at the levels needed to meet increasing global competition. As noted above, existing user fees that provide the revenue stream for the HTF are not sufficient to keep the fund solvent or to meet the burgeoning surface transportation investment requirements of the future.

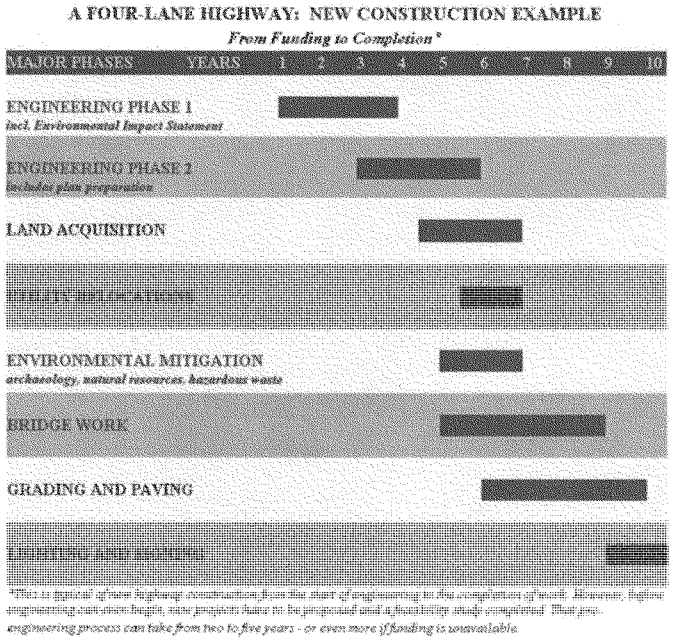
As discussions of increased user fees continue at the state and national levels, more and more citizens and organizations are recognizing the fact that a healthy infrastructure system fuels the nation's economy, and that infrastructure requires adequate investment. A recent report by the National Commission on Fiscal Responsibility and Reform included a recommendation to gradually increase the federal motor-fuel user fee by a total of 15 cents per gallon between 2013 and 2015 to support essential transportation infrastructure improvements. While the motor fuel tax remains the cornerstone of federal/state transportation infrastructure financing, other policy options for funding transportation need to be considered.

**STREAMLINING US DOT POLICIES, PROGRAMS AND PROCEDURES**

The next surface transportation reauthorization bill should streamline the federal planning and project development processes and should not impose new requirements unless they clearly add value to the overall planning and project development processes.

As illustrated in the histogram below[5] a funded highway project process can involve as many as 55 steps and take more than 10 years to complete. A major construction project involving a new highway, for instance, can take from five to 20 years to complete all the steps. Rehabilitating a highway make take up to five years. Clearly, there is room to streamline the processes involved in project development and delivery, without sacrificing the intent of existing regulations. This would have a two-fold effect of reducing the time it takes to complete a project and making more efficient use of federal, state and local resources.




In Illinois, IDOT has begun the process of reviewing prescriptive federal regulations with an aim toward streamlining the federal process. Last summer, in response to an FHWA initiative to streamline project delivery, IDOT engaged a working group consisting of transportation stakeholders and AASHTO to develop a framework which produced the Every Day Counts (EDC) initiative. Every Day Counts consists of 10 streamlining strategies and five technologies that are aimed at shortening project delivery and enhancing project performance.

For example, included among the strategies are flexibilities in right-of-way acquisition and utility relocation. Examples of technologies include prefabricated bridge elements (building large bridge components off site and rapidly setting them in place). Presently, IDOT and FHWA are developing the EDC State Transportation Innovation Leadership team with members consisting of state, federal and local transportation experts along with industry partners. IDOT is confident that this team will provide the direction needed for a better, faster, smarter way of doing business.

In addition to this effort, IDOT is working with AASHTO to review and assess onerous, inconsistent and redundant federal regulations that impede the delivery of transportation projects to the states per President Obama's January 18, 2011, Executive Order "Improving Regulation and Regulatory Review." IDOT has directed staff to make an internal assessment for inclusion in AASHTO's submittal to the Office of Management and Budget. For example, currently, New Starts funds cannot be spent on preliminary engineering for a project until the project's full financing plan through construction has been finalized. Paradoxically, it is difficult to finalize a full financing plan until the project has gone through preliminary engineering and a firm cost estimate has been identified. Conversely, highway projects can advance through preliminary engineering without the assurance of being fully funded. IDOT suggests that a transit project should be afforded the same treatment as a highway project, thereby making the New Starts process easier to manage.

IDOT is prepared to assist Congress and policy leaders during this window of opportunity to reassess, redefine and minimize prescriptive federal program requirements.

**RE-EXAMINE THE WORKABILITY OF CURRENT FINANCIAL PLAN RULES**

There is a need to revisit the role that a Financial Plan plays in the project development and the federal funding process. Based on available information as well as extensive discussions with the Illinois FHWA division, the Financial Plan must identify how a project will be funded (and show committed sources of funds), otherwise, the FHWA will not be able to authorize the use of federal funds for any element of the project. Therefore, for significantly large and complex projects that may cost hundreds of millions of dollars, state DOT's will not be able to incrementally build projects using available federal funds, which could result in project delays.

Specifically, IDOT cites the example of Interstate 57 at Interstate 294 (Tollway). The project involves the construction of a new system interchange which was intended to be split-funded between state/federal funds and Tollway funds. The project was processed as an Environmental Assessment. In addition, a Financial Plan was prepared that made assumptions on when the project would be completed. At the year of anticipated expenditure, the project would cost approximately $700 million. However, there is only approximately $100 million of funding committed to the project. The State has committed $50 million, the Tollway has committed about $46 million and there is a federal earmark for approximately $3 million. It was anticipated that the $50 million in committed state funding would be used as the local match towards any potential future federal funding that might be made available to cover the state's portion of the new interchange.

The state prepared the Financial Plan acknowledging and leveraging the limited amount of "available" funds by developing a staged implementation plan that focused on constructing some of the smaller project components that would be compatible with the subsequent construction stages. In this case, the initial stage included replacing the mainline bridge with a new bridge with a larger deck and opening to accommodate the future widened interstates. This initial stage also included building the substructure for one of the future flyover ramps, which would reduce the future impact to the motoring public. The next stage included doing some work along an arterial that was involved with a future interchange improvement as part of this project. The Financial Plan described how the first 2 stages could be funded with available state and federal funds. The subsequent stages, involving more complex and expensive ramp construction, were fully described in the Financial Plan but acknowledged that funding was insufficient for their construction. As a result, our Financial Plan was not approved and there appears no ability for the state to utilize the existing federal earmark.

In order to not delay addressing condition needs, the state used its $50 million of committed funds to initiate construction on the first stage of the project. However, since the Financial Plan was not approved by the FHWA, the state will not be able to leverage the funds used on the initial stages of the project as the local match for any future federal funds that might become available. Should federal funds become available, the state will need to find additional local match funds, which could delay the project.

The state certainly appreciates and supports the intent of the Financial Plan, which is to ensure that projects are not started that cannot be "completed," resulting in tunnels half built and bridges leading to nowhere. It is our understanding, however, that the Financial Plan is a living document. As such, if a state pursues incremental construction of a large expensive project, it would seem the Financial Plan could be revisited each time the state requested authorization to use the available federal funds. If using those federal funds would result in an undesirable safety or operational issue, the FHWA could deny the use of federal funds for that "stage" of the project. Therefore, if the state can show that building a project incrementally and sequentially within available resources would not result in safety or operational issues, the Financial Plan should be allowed to be approved even though funding for the entire project may not be immediately available.

**PRIVATE SECTOR INVESTMENT & CREATIVE FINANCING ALTERNATIVES**

In Illinois, through the leadership of Governor Quinn and the Illinois General Assembly, a nearly $14 billion state capital program enacted and implemented on the heels of the federal stimulus program in 2009 has helped the state keep pace with many of our critical transportation needs. Including ARRA dollars, in calendar years 2009 and 2010 alone, Illinois has addressed more than 4,800 miles of pavement, nearly 30 percent of the state system, and more than 500 bridges. We expect a similar annual rate of accomplishment in 2011. In addition, IDOT has been able to use its bonding ability and revenue base as a means to finance the six-year Highway Improvement Program as a whole rather than try to secure individual federal financing for select projects. Because current Illinois law provides the state flexibility in its financing structure, Illinois can emulate many of the innovative financing tools provided at the federal level. Because of this flexibility in Illinois, federal financing options such as GARVEE or the concept of state infrastructure banks are not as beneficial as perhaps in other states. In Illinois we are pursuing opportunities to draw private capital into transportation project financing. As an example, IDOT is evaluating the appropriate role for a private partner in the development of the Illiana Expressway in the Chicago region.

> The Illiana Expressway is a joint effort by the States of Illinois and Indiana to build a new east-west highway connecting I-55, I-57 and I-65. The partnership between the two states on this project will ease congestion, create jobs and spur economic growth along this corridor.

> Governor Pat Quinn and Governor Mitch Daniels signed a bi-state agreement in June 2010. Two studies evaluating the feasibility of the expressway's construction have been completed. The studies have indicated that the 56-mile project would create 14,000 jobs in Illinois and provide better access to the fast growing freight and trucking centers in Will County. More important, the new expressway would provide an alternative route for traffic along I-80/90/94 just to the north of the proposed Illiana corridor.

In addition, IDOT is discussing with members of the Illinois General Assembly possible legislation to grant IDOT statewide authority on public-private partnerships beyond the scope of the Illiana project. IDOT recognizes that Public-Private Partnerships (PPP) can be an effective project delivery method to help IDOT deliver projects that otherwise could not be built using just available public funding. In order for PPPs to be successful in Illinois, a variety of issues important to groups such as contractors, consultants, minority groups and organized labor must be addressed. Finally, while PPPs show great promise and will certainly play a role in future transportation projects, the concept of public-private partnership should not be considered a panacea for attracting investment opportunities for existing roadway pavements and bridges. It is, however, another important tool to help augment available funding.

**EQUITY ISSUES AMONG STATES**

The last three surface transportation reauthorization bills have been divisive because equity funding issues have been a major point of contention. While the intent is unquestioned, the reality is that complex "equity" issues from TEA-21 and SAFETEA-LU have undermined the ability to address truly national highway needs. Under SAFETEA-LU, the Equity Bonus program provided states an aggregate total dollar amount of funding that essentially overrode all needs-based formulas for each highway program category. Distributed funds based on objective measures of the size and use of the highway system should be examined by the Committee as well as the share a state contributes to the HTF. We believe that the Committee has a unique opportunity to rethink the manner in which federal funds are distributed to states.

This concludes my testimony. Chairman Mica and distinguished members of the Committee on Transportation and Infrastructure, we understand the difficulty you face trying to provide needed increases in transportation funding. However, an adequate and well-maintained surface transportation system is critical to the nation's economic prosperity and future growth. Your ongoing recognition of that and your support for the nation's infrastructure needs are much appreciated. Again, thank you for the opportunity to discuss our concerns before Members of the Committee.

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[1] Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users
[2] Transportation Equity Act for the 21st Century
[3] Intermodal Surface Transportation Efficiency Act of 1991
[4] Congestion, Mitigation and Air Quality
[5] IDOT brochure, "It Takes Time...Highway Construction From Start to Finish," August 2010

Kendall County Engineer, Fran Klaas.

1) Nationwide, 10% of all highway and bridge funds are set aside for transportation enhancements. (IDOT's ITEP - Illinois Transportation Enhancement Program) That's a lot of money that could go to highway and bridge projects that we're using for refacing museums, building paths and planting wildflowers. Reducing the diversion percentage from 10% to 5% would increase our highway/bridge funds by 5% without increasing taxes in any way. Additonally, it would be a big gain for the highway industry; would more efficiently create jobs; and would serve more people than isolated enhancement projects

2) More judicious declarations of "disaster" for snow blizzards, like the one we had at the beginning of February. This is the 4th time in 12 years that we will be declared a "disaster county" and receive FEMA money to pay us for something that we do anyway. There are real disaster like tornadoes, floods, etc, but plowing snow for a couple of days doesn't equate to a disaster.

3) Don't throw out federal earmarks completely; but make them compete against each other so that we can guarantee the earmarks are going to worthwhile projects that have a defined benefit. In this way, the total $$$ assigned to earmarks can be reduced and we'll still get important projects funded

4) Streamline the Phase I engineering process for federally-funded projects, including issues related to the Clean Water Act, the Clean Air Act, Endangered Species Act, etc. I honestly don't know how to do this. In my 28-year career in transportation, it has continually gotten more complicated. It is not uncommon now to spend 5 or even 10 years in Phase I Engineering before projects can proceed. Somehow this should be simplified

5) If we need a federal gas tax increase, why not increase the federal tax incrementally, or attach to some index (ie inflataion). Small increases over several years would minimally affect demand on $3.50 gasoline - not nearly as much as the appx $1 / gallon increase due to other factors.

Thanks,

JPP

**Congressional Listening Session on Surface Transportation Reauthorization**
**2/20/11**
**Midwest Interstate Passenger Rail Commission Testimony (Laura Kliewer, Director)**

On behalf of the Midwestern states, the Midwest Interstate Passenger Rail Commission asks that Congress include passenger rail development as a key component to any reauthorization of the federal surface transportation program. We also recommend that transportation programs continue to be delivered through a partnership with the states, local government, and the private sector, but the current programs be consolidated into a performance-based approach to decision-making and funding of projects.

Over the past five years, passenger rail ridership on the Midwest's shorter-distance corridors has grown 55 percent.

Illinois is an excellent example of how passenger rail development can benefit a state and a region. In FY 2007, Illinois doubled the frequency of passenger rail service on its three routes. Over the last five years, the number of riders on the service has grown tremendously. For example, during FY 2010, ridership on Illinois' state-supported *Lincoln* service – four daily roundtrips between Chicago and St. Louis – grew by more than 13 percent; over the last five years, it has grown by **136 percent**.

Last fall, Illinois began upgrading approximately 90 miles of existing track along the Chicago-to-St. Louis route to prepare it for future passenger train operations up to 110 mph. This is the first phase of construction on the route, made possible by the $1.1 billion the state has been awarded through federal stimulus funding for intercity passenger rail capital improvements.

Ridership on Missouri's twice-daily roundtrip service between St. Louis and Kansas during FY 2010 was up 14.4 percent over FY 2009. Missouri has been awarded $34.5 million in funding through the High Speed Intercity Passenger Rail Program for various improvements along the St. Louis-to-Kansas City line.

The Midwestern region has and will benefit strongly from the federal government's commitment to partnering with the states to provide capital improvements to corridors in our region. Our states, and states across the country that are planning for faster, more frequent passenger rail service will continue to need the federal government's partnership. We need to shift to looking at transportation development as a system. Passenger rail is generally the best option for transporting people who are traveling between 100 and 600 miles. It is also often a better transportation mode than others is certain types of weather and under emergency situations. When that transportation "leg" is weak, it leads to the congestion, lost travel time, and decreased fuel-efficiency.

The Midwest's desire for faster, more frequent passenger rail service did not materialize as a response to the first-ever infusion of federal capital assistance for passenger rail service provided under the American Recovery and Reinvestment Act. Our states have been working together for over a dozen years. We have a coordinated plan to increase access and improve service across nine states. The build-out of these multi-state plans are projected to bring more than $30 billion in economic benefits to the region, as well as create a significant number of short- and long-term jobs. Advancing those plans requires the same strong federal partnership that has historically benefited other modes of transportation such as highways and aviation.

Illinois is especially important to this plan, and will especially benefit. Why? Because Chicago already is the hub for passenger rail service to hundreds of destinations across the nation. And because our states have the detailed plans to make that service better for corridors from Chicago

across the Midwest: to Detroit; Cleveland; Indianapolis and on to Cincinnati; St. Louis and on to Kansas City; Des Moines and on to Omaha; and Minneapolis/St. Paul.

Our region is ready with the plans to build an efficient, cost-effective, vibrant system with the potential to reap tremendous economic returns and job creation for the region, while connecting 150 communities across the Midwest. The estimated return for this plan is 1.8, meaning that every dollar spent is expected to yield a return of 1.8 dollars. We ask that the current Congress make passenger rail development a strong, vital component in the upcoming surface transportation reauthorization, with a dedicated source of funding similar to other modes of transportation.

As the current Congress begins to consider reauthorization of the federal surface transportation act, it can strongly benefit from the work that has already been done by a key commission that was authorized by the last surface transportation reauthorization, SAFETEA-LU, in 2005. The National Surface Transportation Policy and Revenue Study Commission was a 12-member commission representing federal, state and local governments; metropolitan planning organizations; transportation-related industries; and public interest organizations.

Beginning in May 2006, the National Surface Transportation Policy and Revenue Study Commission met regularly to hear about the challenges facing America's surface transportation network. Commissioners heard testimony from national transportation advocates, policymakers, industry, labor, and from the general public. They also held ten field hearings around the country to learn about regional issues and dynamics that affect America's transportation system and authorized the creation of a 77-member blue ribbon panel of transportation experts from all levels of government, the private sector, industry, labor, and academic and research institutions to provide "big ideas" on improving the transportation network.

The commission's report, which was submitted to Congress on December 31, 2007, recommended a "new beginning" for surface transportation, including a collapsing of the current surface transportation categories (there are over 100!) into 10 programs, each guided by a national plan to accomplish key goals.

MIPRC concurs with the Study Commission's approach, including that intercity passenger rail be an integral aspect of that new paradigm.

In addition, as Congress works to craft a new surface transportation bill, the MIPRC asks that:

1. **there be a guaranteed funding level for each of the program areas.** The Study Commission report estimated that an average annual investment in intercity passenger rail of $8.1 billion per year over 44 years is needed, primarily to develop "new and enhanced 'regional service' in high growth intercity corridors." *(Ch. 4, pg. 20).*
2. **specific criteria be utilized when considering the inclusion of any earmarks in the legislation.** This criteria should require that earmarked projects be consistent with state and regional planning efforts and products. These planning efforts generally result in a prioritized array of projects that are arrived at through a data driven and collaborative process.

Thank you.

VILLAGE PRESIDENT
P. Sean Michels

VILLAGE ADMINISTRATOR
Brent M. Eichelberger

VILLAGE CLERK
Cynthia Galbreath

SUGAR GROVE INCORPORATED 1957

VILLAGE TRUSTEES

Robert Bohler
Kevin Geary
Mari Johnson
Rick Montalto
Thomas Renk

March 3, 2011

Congressman Randy Hultgren
427 Cannon Building
Washington D.C. 20515

RE: Request for $7.9 Million in Federal Transportation Funds for Completion of Rt. 47/I-88 Interchange

Congressman Hultgren,

We appreciate this opportunity to include the above referenced project in the minutes from the congressional listening session held on February 20, 2011 at the DuPage County Airport. The enclosed information demonstrates that significant regional economic benefit and job creation would be leveraged with a commitment of $7.9M in Federal funding. To date, 60% of project funding totaling $11.8M has been identified. Additionally, the project has strong local and regional support and a Feasibility Study has been approved by all agencies including IDOT and the Toll Authority. Our next step is to commence with Phase I & II design once 100% of funding sources have been identified. We would appreciate the opportunity to meet with you to discuss project need and benefit in greater detail. Please feel free to contact me with any questions.

Sincerely,

P. Sean Michels /BME

P. Sean Michels
Village President
Village of Sugar Grove

Cc: Brent Eichelberger – Village of Sugar Grove
Marvin Bailey – Crown Community Development
Eric Mancke, P.E. – Cemcon, Ltd.

10 S. Municipal Drive
Sugar Grove, Illinois 60554

www.sugar-grove.il.us

Phone (630) 466-4507
Facsimile (630) 466-4521

**Request for $7.9 Million in Federal Transportation Funds for Completion of Rt. 47/I-88 Interchange**

1. **Project Scope includes:**
   - New west bound exit ramp (from Chicago and metro area)
   - New east bound entrance ramp (toward Chicago)
   - New ramp will complete a full access, four way interchange at this location, expanding on the existing east bound exit and west bound entrance ramps.
   - Project also includes improvements to Rt. 47 at Interchange with I-88

2. **Project Benefits:**

   **Provides Significant Job Creation**
   - Over 550 project related construction jobs
   - Thousands of construction jobs over the next 10+ years to develop adjacent Crown Community property including over 1.1 million square feet of office, research & industrial (ORI) and retail as well as 900 residential units
   - Nearly 3,000 permanent jobs over next 20+ years resulting from development of new retail and ORI on Crown's property alone
   - Without the interchange, none of these jobs will be created
   - Interchange completion would result in additional indirect regional job creation in service and support businesses in nearby communities such as Sugar Grove, Elburn and Aurora.

   **Positive Regional Impacts and Economic Benefits**
   - Project will stimulate significant long-term economic development as a result of fostering regional job growth and creating new local sales and property tax bases
   - Development of retail, ORI, and residential uses on adjacent Crown property alone will generate the following additional revenues for the local economy at full build out:
     - Annual Retail Sales
       - $155M in gross sales revenues
     - Annual Property Taxes
       - $8.4M in retail, ORI, and residential property tax revenues
       - $5.6M directly to Kaneland School District
     - Annual Sales Taxes
       - $12.4M in total sales tax revenues
       - $3.1M directly to Sugar Grove
   - This is a high priority economic development project for Sugar Grove
   - Project also creates significant additional indirect regional economic growth from numerous new and expanded support businesses as well as material and service suppliers

**Significant Return on Federal Transportation Dollars**

- $7.9M Federal investment would generate $20.8M in property and sales taxes from Crown's development into the economy. Over 20 years this results in over 5000% return on federal dollars in additional property and sales taxes alone. Indirect benefits listed in previous section will increase this return significantly.

**Public Safety & Operational Benefits**

- Prevents illegal and unsafe u-turns on Tollway resulting from current partial interchange in rural location with no adjacent frontage roads or parallel streets. Currently eastbound motorists exiting at Route 47 must do one of the follow in order to return to eastbound I-88:
    - Travel 3.5 miles south on Rt. 47 , then east/NE an additional 4 miles in order to re-connect to eastbound I-88 – Difficult if not impossible if unfamiliar with the area (see Project Location Map)
    - Enter westbound I-88 and travel 15 miles to nearest interchange at Peace Road – Adding 30 miles and significant time to the trip
    - Enter westbound I-88 and illegally u-turn onto eastbound I-88 via an interstate cross connection, compromising public safety

**Enhances Movement of Commerce, People, and Goods**

- Currently undesirable partial interchange
    - Where exiting motorists can't return to the Tollway
- Improves utilization and access to and from Tollway
    - Benefits several communities along Rt. 47 corridor, particularly Elburn and Sugar Grove as well as an existing business park located 2 miles south

3. **Project Cost:**
    - Estimated total project costs - $19.7M

4. **Project Funding:**
    - Illinois Tollway – 50% of total project costs
    - Crown Community Development & Sugar Grove – 10% of total project costs through public/private partnership
    - 40% remains unfunded ($7.9M)
    - Federal contribution is missing link to complete funding
    - Great opportunity to demonstrate interagency cooperation and support a public/private infrastructure partnership

5. **Project Support is Widespread**
   - Project is on IDOT, KDOT, CMAP, Toll Authority and Sugar Grove long-term transportation plans and is supported by all agencies
   - Project is supported by three local municipalities, Sugar Grove, Aurora and Elburn
   - Identified by former Tollway Board Chairman as one of two high priority interchanges on the system which the Toll Authority would like to see completed

6. **Project Readiness**
   - Project Feasibility Study approved by all agencies including IDOT and Toll Authority
   - Agencies ready to begin Phase I interchange design pending Federal funding
   - Approved Feasibility Study was completed at cost of $209,800, paid for in a public/private cost sharing agreement between Sugar Grove and Crown Community Development
   - All relevant agencies (Toll Authority, IDOT, KDOT, Sugar Grove and CMAP) have agreed on the long term 2030 traffic assumptions contained in the Feasibility Study
   - Project budget numbers are very current with unit pricing based on 2009 Eola Road Interchange project
   - No land acquisition is required from any party except Crown Community Development, assuring project construction can start as soon as final design is complete

**How can the Federal Government make this project happen?** Allocate $7.9M in federal dollars to make up funding shortfall in order to stimulate regional economic and job growth.

**How can the project be funded/financed?** Project can be funded through public/private partnership between private land owner and local, state, and federal agencies. To date, public/private funding totaling 60% of project costs has been identified.

**What is standing in way of project?** Federal funding to bridge the $7.9M funding shortfall. Securing federal funds is crucial to fostering economic development and job growth. Crown Community Development cannot move forward with retail, ORI and residential development without a full interchange at Route 47/I-88.

**PROBABLE COST OF CONSTRUCTION**
**DIAMOND INTERCHANGE CONFIGURATION**
**INTERCHANGE FEASIBILITY STUDY**

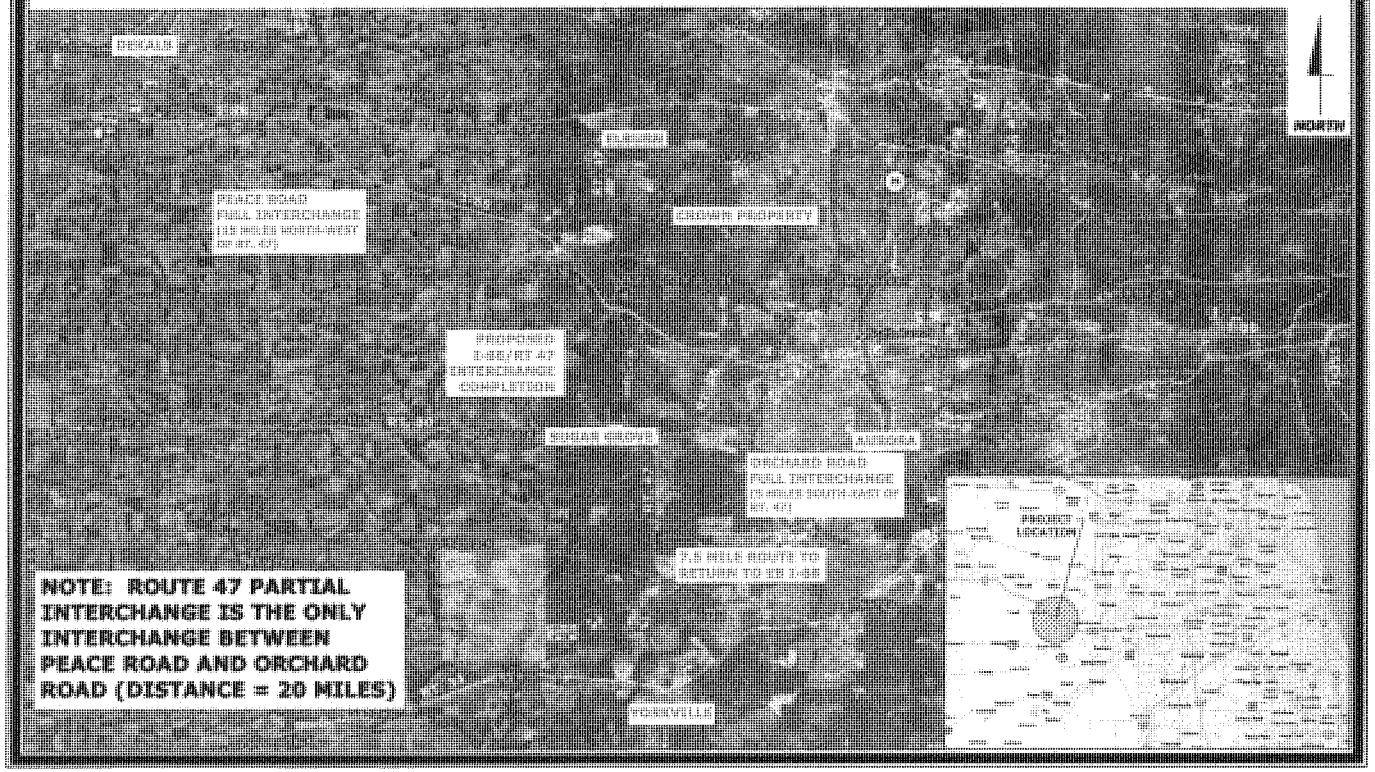
| OVERALL SUMMARY OF PROJECT COST | Estimate (In Millions) | Sub Totals (In Millions) |
|---|---|---|
| **I-88 (See Table II-2)** | | |
| Ramp and Toll Plaza Construction | $ 6.556 | |
| **Total Cost I-88 Improvements** | | $ 6.556 |
| **IL RTE 47 (See Table II-3)** | | |
| IL RTE 47 Improvements North of I-88 | $ 2.276 | |
| IL RTE 47 Improvements South of I-88 | $ 1.739 | |
| Seavey Road | $ 0.080 | |
| Finley Road | $ 0.098 | |
| **Total IL RTE 47 Improvements** | | $ 4.193 |
| **Maintenance of Traffic (See Note 1)** | | |
| Ramp Construction | $ 0.088 | |
| IL RTE 47 Improvements | $ 0.242 | |
| **Total Cost for Maintenance of Traffic** | | $ 0.330 |

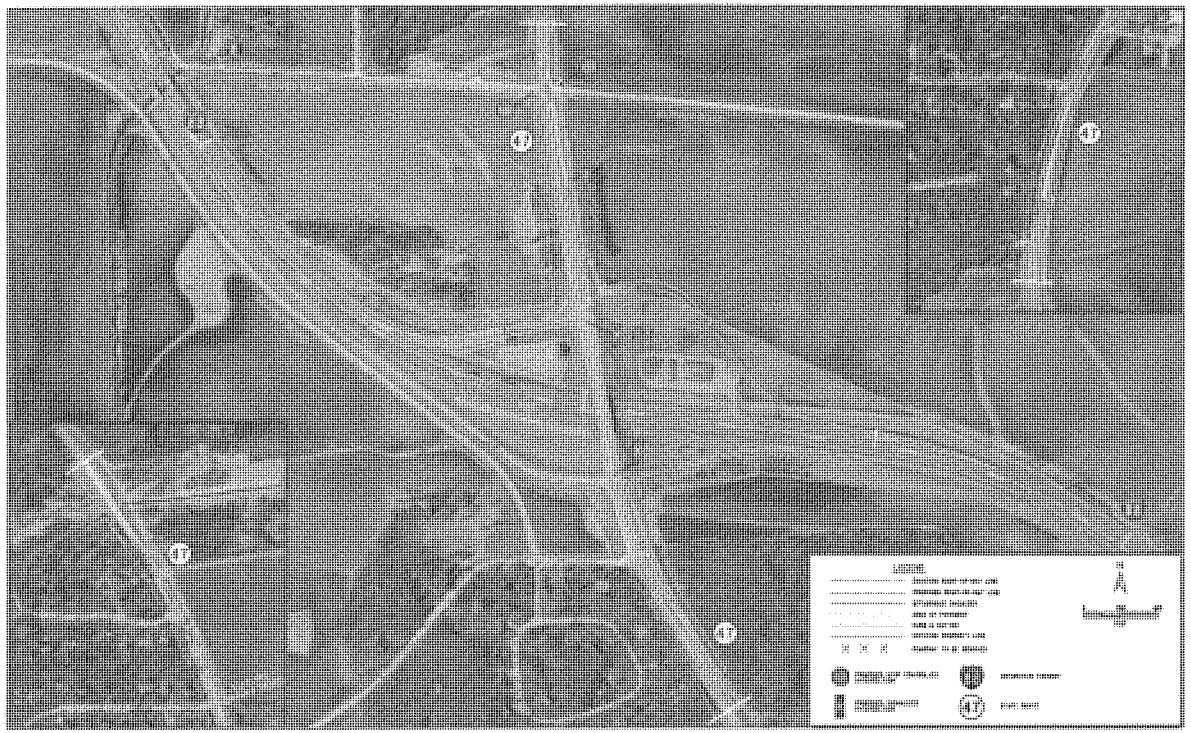
| | |
|---|---|
| **(A) SUBTOTAL =** | $11.079 |
| **(B) EXCAVATION = (See Note 2 )** | $1.100 |
| **(C) SIGNING = (See Note 3 )** | $0.158 |
| **(D) MOBILIZATION = (3% of Subtotal (A) +(B) + (C) )** | $0.370 |
| **(E) CONTINGENCY = (25% of (A) + (B) + (C) +(D) )** | $3.177 |
| **(F) PROJECT COST = ( (A) + (B) +(C)+ (D) + (E) )** | $15.884 |
| **(G) ENGINEERING COSTS = (See Note 4)** | $2.383 |
| **(H) UTILITIES COST = (Reference Table II-4)** | $0.325 |
| **(I) RIGHT-OF-WAY COST = (Reference Table II-10)** | $1.080 |
| **(F) + (G) + (H) + (I) = TOTAL =** | $19.672 |
| **SAY $19.7 MILLION** | |

Note 1: Maintenance of Traffic Cost is based on a 8 month duration @ $41250/Month
Note 2: Excavation and embankment based on cost component of total Eola Road project. 9.93% of total construction cost.
Note 3: Signing based on cost component of total Eola Road project and includes overhead signing. 1.3% of total construction cost.
Note 4. Design Engineering and Construction Engineering is 15% of Project Cost (F).

**TABLE I-II-1**

# PROJECT LOCATION MAP - I-88/RT 47 INTERCHANGE






GRAEF

Prepared by GRAEF

2030 CONVENTIONAL DIAMOND INTERCHANGE
(I-PASS TOLLING)

I-88 INTERCHANGE AT ILLINOIS RTE 47 - KANE COUNTY

EXHIBIT - 1

**Midwest Bus Corporation**
in conjunction with
David Hillock of Transit Associates
5333 Tall Tree Court, Lisle, IL 60532 – (630)241-2044

On October 4, 2010 the Federal Transit Administration announced Bus State of Good Repair grants totaling $776 million to 152 recipients. Of these funds, only $11 million, less than 1.5%, was allocated toward rehabilitation of legacy bus fleets[i]. How can a program with goals to insure good repair of fleets only allocate 1.5% of the budget to fleet capital maintenance?

*Rebuilding Makes More Sense Now than Ever Before*

In 1985, the Federal Transit Administration (FTA) established a minimum useful life of 12 years for transit buses purchased using FTA funds versus an 18 year standard for the same bus purchased in Canada with provincial funding. In 1985 transit buses cost less than $100,000.00.

Today, new transit buses cost $300,000 to $550,000 and are manufactured and marketed around the FTA 12 year benchmark in the US and the 18 year benchmark in Canada. Bus rebuilding projects typically cost less than half the price of a new bus and can extend the useful life by 8-10 years. Rebuilding also presents opportunities to incorporate the most efficient technologies into fleets. However, many transit agencies continue to focus on replacement as opposed to rebuilding. U.S. policy makers seeking to cut deficits while maintaining needed services need to look to bus remanufacturing as a tool for cost effective savings.

*The US Cannot Afford to Ignore Rebuilding*

Shortly after announcing the availability of State of Good Repair funds for buses, the FTA issued its assessment of the current state of good repair, which found:

> The actual level of investment in the rehabilitation, replacement and improvement of the nation's existing transit assets was in the range of $12.0 to $13.0 billion in 2009. This amount is below the $14.4 billion required to address normal replacement needs alone, suggesting the investment backlog for the nation's transit assets is increasing. . . .
>
> This analysis suggests that continued reinvestment at current rates will result in further declines in the overall condition of the nation's transit assets . . . . and the proportion of transit assets exceeding their useful life . . . will increase from the current 16 percent to more than 30 percent by 2029[ii].

*Call for Action*

If one half of the grant money ($388 million) had been spent on rebuilding our legacy fleets, more than 3000 buses could have been rebuilt[iii]. By focusing on rebuilding instead of replacing buses, we can avert the crisis and bring our legacy fleets back into a state of good repair.

---

[i] The $11,399,616 actually includes two grants for replacement and rehabilitation. Only one grant in the amount of $4,000,000.00 was awarded exclusively for bus rehabilitation.
[ii] See *2010 National State of Good Repair Assessment*, Federal Transit Administration, June 2010, http://www.fta.dot.gov/documents/National_SGR_Study_072010%282%29.pdf , Page 3
[iii] At an average cost of $125,000.00 per bus, 3040 buses could be rebuilt for $388 million

**TESTIMONY OF**
**Brian Raff**
**Marketing Director**
**National Steel Bridge Alliance**
**1 E. Wacker Drive – Suite 700**
**Chicago, IL 60601**

**Committee on Transportation and Infrastructure**
**Field Hearing on the Transportation Reauthorization Bill**

**February 20, 2011**

Mr. Chairman and members of the committee, thank you for holding this hearing today on one of the most critical issues facing this country: the need for an aggressive program of infrastructure investment. Your leadership on this issue has been critical to keeping the nation focused on this problem and will be imperative to moving legislative solutions in the coming months.

I am presenting this testimony to you on behalf of The National Steel Bridge Alliance located here in Chicago, IL. The National Steel Bridge Alliance is a not-for-profit trade organization representing over 130 U.S. structural steel bridge fabricators. In addition to structural steel fabricators and producers, NSBA brings together the agencies and groups who have a stake in the success of steel bridge construction, including representatives from the American Association of Highway and Transportation Builders (AASHTO), the Federal Highway Administration (FHWA), state DOTs, bridge design and engineering consultants, erectors, and representatives of the coatings, fastener, and welding industries.

Mr. Chairman, I would like to focus my testimony today on our nation's bridges. In the wake of the I-35W disaster in 2007, great attention was given to the state of disrepair plaguing our inventory of more than 600,000 bridges in the United States. However, almost four years after the I-35W bridge collapse, 25% of the country's bridges remain structurally deficient or functionally obsolete. The problem stems from economic uncertainty, severe budget pressures at the state level, increased highway traffic, and an aging system of bridges built with the interstate system. We are currently facing a perfect storm regarding our bridges.

Under your leadership, we hope that the committee and Congress move aggressively to refocus attention on the passage of a robust, multi-year reauthorization of the transportation bill. In order to maintain the nation's competitiveness, it is of utmost importance to invest in vital public infrastructure and upgrade our nation's deficient bridges through an aggressive investment schedule to boost employment and bolster commerce through the increased flow of goods and services.

Since the expiration of SAFETEA-LU in 2009, NSBA members have been gravely concerned about the negative effects of short-term extensions of the transportation bill. Because State DOT's lack the ability to plan long-term projects, we are seeing fewer bridge projects, continued strain on a system that is overcapacity, and experimental funding approaches and asset leases that respond in a piecemeal way, but do not reflect a real solution and address the systemic issues.

Mr. Chairman, as your committee prepares to draft reauthorization legislation this year the NSBA would like to make four recommendations.

First, use this opportunity to bring a renewed focus to a long-term, robust transportation bill that will bring the United States transportation system back to a leadership position. The competitive changes in the world economy demand it.

Second, accelerate the process so that federal funds get to work faster and projects go out to bid sooner. Our present system is not designed to move quickly unless there is a disaster. Then we see how long it really takes for a project to be completed. The use of Accelerated Bridge Construction should be the norm not the reverse. We strongly recommend adding incentives or requirements on states to spend the federal money faster and put projects out to bid. Acceleration in the project timeline will limit the time between bid and construction and lessen the impact on total project cost due to the volatility in raw material prices. In the world we live in now, with an increased worldwide demand on construction materials, longer project times increase the impact of raw material price increases between project bid and actual construction on total project cost.

Third, we ask that you protect the bridge design and development research title in the transportation reauthorization bill. This title has long supported research that leads to innovation and develops practical applications that readily translate into cost-savings.

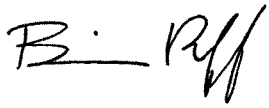
And lastly, we ask that you put America to work. Federal infrastructure investment provides good jobs at living wages not just for the construction workers on site, but for the fabricators, engineers and others who design the projects and produce the construction materials. Thirty years ago, Congress put in place Buy America laws to ensure that federally funded transportation infrastructure projects will use domestically produced steel. Over time, those protections have been eroded, undermining their

domestic job creating purpose. Specifically, the development of the so-called "segmentation loophole" which has developed around the definition of "overall project" within the Buy America law as it is applied when considering the cost waiver. The cost waiver allows the use of federal funds to purchase foreign steel on a bridge project where the difference between and foreign bid and a domestic bid is greater than 25%. Under the segmentation loophole, the bridge project is broken into smaller projects and the 25% cost waiver test is applied against the individual contract and not the entire bridge project. Congress has directed the Federal Highway Administration to interpret project as the overall shore to shore bridge crossing. The FHWA interprets projects to be defined by construction contracts for elements of the bridge and thereby applies the Buy America cost waiver test to each individual contract and not the overall project. The concern is not about using smaller contracts to manage a major bridge project but doing so in a way that effectively circumvents the intent of Buy America.

Mr. Chairman, on behalf of The National Steel Bridge Alliance and all of our members and industry stakeholders, let me express our deep appreciation for your leadership and desire to work with you and members of the committee as you tackle this critical challenge in the months ahead. Our country's infrastructure is the backbone of our economy. We have reached a time in our nation's history where we are experiencing global economic challenges with an infrastructure system that is falling behind the standards of our competitors. To remain competitive, we must be able to move people and goods safely, rapidly, and efficiently. That can only come from a committed and sustained investment.

I appreciate the opportunity to present our testimony today and look forward to working with you.

Sincerely,



Brian Raff
Marketing Director
The National Steel Bride Alliance

# KANE COUNTY

**DIVISION of TRANSPORTATION**

Carl Schoedel, P.E.
Director of Transportation
County Engineer

41W011 Burlington Road
St. Charles, IL 60175
Phone: (630) 584-1170
Fax: (630) 584-5265

February 28, 2011

The Honorable John Mica
Chairman, House Transportation and Infrastructure Committee
2187 Rayburn House Office Building
Washington, DC 20515

Via email to: mischa.fisher@mail.house.gov

Dear Chairman Mica,

Kane County would like to thank you for the opportunity to testify and provide written comments regarding the Department of Transportation's Surface Reauthorization Proposal. This legislation is perhaps the single most important piece of legislation to allow our country and region to thrive. Kane County is poised to move out of the recession and move towards economic recovery. Passage of a new transportation bill to replace SAFETEA-LU is a key step towards this recovery.

We are encouraged to see that within the proposed transportation bill there is a focus on streamlining the federal process and "cutting red tape". During this process, we request that the administration and Congress further consider that local governments are important implementers of the federal surface transportation program. Improvement of the existing federal process as administered by the various State DOTs will also serve to assist implementation of these programs by the local agencies.

Again, thank you for the opportunity to provide these suggestions for your consideration. If you have any questions or need additional information, feel free to contact me at (630) 584-1170.

Sincerely,

Carl Schoedel, P.E.
Director/County Engineer

Below are several themes that are important to Kane County.

- **LOCAL GOVERNMENTS ARE IMPORTANT IMPLEMENTERS OF THE FEDERAL SURFACE TRANSPORTATION PROGRAM:** In Illinois, local roads account for 88% of the total road miles and carry nearly half of the traffic.

- **STREAMLINING PROJECT DELIVERY** is also an important focus. Whether our projects improve safety, or mobility, or provide congestion relief, we need to make sure that our constituents are receiving these benefits sooner. The FHWA's "Every Day Counts" campaign includes many examples of the types of things we should be doing – and we need to go further, remembering that local agencies are important implementers of the Federal program and that we cannot focus solely on the relationship between the Federal Government and the States.

  - **If we are serious about streamlining, we should also be looking at improving the Federal Process from the point of view of Local Agencies.** For example, where local agencies are well staffed and capable of delivering complex programs and projects, we should consider further delegation down to the local level – both in terms of the flow of Federal Funding as well as certain Engineering and Administrative decisions.

  - More information is needed to determine how "Cutting the Red Tape" will work while still protecting public safety and following environmental regulations. (For example, the same regulations are going to continue to apply – the National Environmental Protection Act and the Clean Water Act...so **what types of changes will allow the government to integrate the various laws more readily than they do now?)**

- Support the recognition of innovation leadership, but development of **INNOVATIVE PROCESSES AND DEPLOYMENT OF NEW TECHNOLOGIES NEED TO GO A STEP FURTHER – DOWN TO THE LOCAL LEVEL.** Further consideration should be made for improving the existing federal process as administered by the various State DOTs to better serve the local agencies. Illinois' ability to deliver the program hampered by budgetary issues and historically low staffing levels.

  - Supportive of Infrastructure Bank since larger projects likely will not be completed with formula funds alone, but **is initial $30 billion ($5B/yr) enough?** In Chicago region alone, we have Prairie Parkway $1-3B, Illiana Expwy $3B, CREATE $2.5B, STAR Line $1B, Western O'Hare Bypass $2B.

  - **Focus on the State DOT staff positions that will make the most difference in improving project delivery** (audit, environmental, geometrics sections); consider use of qualified engineering or management consultants on short-term basis when workloads are unusually high. (e.g., consider experience with high volume of ARRA projects.)

    - Local Agency Agreements for Federal Funding - turnaround times from range from several months up to 1 year (may lose an entire construction season); it is difficult to receive accurate progress & status; changes to standard form/agreements or submittal procedures may result in resubmittal and starting over

    - Environmental Clearance Approval during Phase I Engineering - Turnaround times from 6-8 months; may be due to key staffing shortages

    - Engineering Plan Review - State Route involvement inc. complexity and review by IDOT staff; turnaround times 4-6 months; may be due to key staffing shortages; electronic plan submittal is not yet an option!

- **Consider further delegation (from State DOTs to County Engineers)** of certain engineering decisions to local agencies. (e.g., plan review / design exceptions for a Local Agency improvement not involving a State Route.)

- **Consider the prospect of Federal funds flowing directly to certain County agencies with adequate qualified staffing** (This would work similarly to existing MFT delegation agreements in Illinois.)

- **THE EMPHASIS ON "CORE PROGRAMS" SEEMS APPROPRIATE** and local agencies must remain as part of this core. In Kane County's 5-year Transportation Improvement Program, 43 of the 88 projects are some type of bridge repair or bridge replacement. We also direct tens of millions of dollars to pavement preservation – these examples of maintaining infrastructure in a state of good repair are exactly what we mean by 'core programs'. Typical bridge projects on our system are frequently costing $1M or more. Continued robust Federal funding for these projects is essential.

  - **Philosophically, we are supportive of consolidating Federal surface transportation programs and focusing on the core programs.** More detail is needed on how these programs are passed through to local governments. We are familiar with our current core programs that come through a variety of distribution methods – some competitive, some by formula, some through IDOT Central Office, some through IDOT District Offices, some through our Metropolitan Planning Organizations. These programs are things like **STP, Highway Bridge, Highway Safety, High-Risk Rural Roads, Congestion Mitigation & Air Quality, and Enhancement programs**. **As programs are condensed and consolidated, local agency access to these federal funds needs to be maintained.**

- It almost goes without saying that the current **FUNDING FRAMEWORK IS NOT FISCALLY SUSTAINABLE** and does not meet national needs. The principal issue is our reliance on Motor Fuel Tax which is collected on a pennies per gallon basis and which does not keep pace with escalating costs of construction & maintenance. Some of the agencies at the listening session appeared to support indexing the gas tax to inflation in order to avoid this constant erosion.

- **INNOVATIVE FINANCING & PUBLIC-PRIVATE PARTNERSHIPS (or P3s)** provide opportunities to leverage our limited transportation dollars, share risk with the private sector, reduce costs and ultimately deliver projects much faster.

  - P3s are especially important if we want to undertake massive transportation investments. In our area, MEGA-projects like the Prairie Parkway, the Illiana Expressway, CREATE, and Western Access to O'Hare Airport would be difficult to achieve solely on the basis of formula funding.

  - Local governments for the most part are an untapped resource in the development of P3s.

- Emphasis on safety is appropriate, though **local agencies should have more access to these funds since rural areas account for over 50% of fatal crashes.**

- Finally, **PROJECT PRIORITIZATION** should be made on the basis of a return on investment for the taxpayer's dollar. Investment decisions should be based on performance-driven criteria and objective methods. As the reauthorization proceeds, this should also be a central element of the legislation.

**MetropolitanPlanningCouncil**

February 20, 2011

The Honorable John Mica
Chairman of the House Transportation and Infrastructure Committee
Transportation Bill Listening Session, Chicago, Illinois

**Statement by the Metropolitan Planning Council**

In 2008, the Metropolitan Planning Council's (MPC) *Moving at the Speed of Congestion* study found the Chicago region was losing at least $7.3 billion every year in wasted time, fuel, and environmental damages. MPC's study also showed every driver spends an average of an extra two-and-a-half days stuck in traffic each year. Eliminating this excess road congestion in the region would allow the private sector to create an estimated 87,000 jobs that today are lost due to labor and transportation costs.

The current funding approach to building America's transportation system is unsustainable. As consumers continue to choose fuel-efficient vehicles over gas guzzlers, less frequent trips to the pump will mean even fewer dollars going into the nation's bankrupt Highway Trust Fund. The country needs a new, reliable revenue source to fund the transportation improvements commuters and employers desperately need.

MPC supports a new approach to transportation planning and funding that reduces gridlock and the demand for costly transportation expenditures, makes existing transportation infrastructure more efficient, creates new financing tools, and demonstrates the value of innovative investments. MPC offers three overarching principles that ground a re-examination of how America plans for and invests in its transportation assets.

1. **Make smarter transportation investments.**
   Today, we spend transportation dollars based on arbitrary formulas divided into isolated silos that fragment road, highway, transit, rail, bike, and pedestrian projects. Instead, we should be making targeted investments that advance coordinated regional goals and a strong national vision that outlines clear priorities for our transportation system. Precisely because there is a limited supply of federal dollars, we must evaluate potential investments based on their ability to reduce hours spent in traffic, curb emissions, and connect affordable homes and jobs, similar to the federal TIGER program. The criteria should not be about how much is spent, but rather whether each investment gets us closer to our goals.

2. **Get more out of our existing transportation.**
   We all know our needs outweigh available resources. The next federal transportation bill must maximize the use of existing transit, roads, bridges, and freight rail. In addition to maintaining the infrastructure already in place – job number one – the next federal transportation package must reward actions that squeeze more capacity from current transportation facilities. T4 must encourage innovative financing tools such as congestion pricing, high-occupancy lanes, high-speed rail, and bus rapid transit, to get more from dollars we've already spent by increasing capacity, improving safety, reducing emissions, and paving the way for new alternative modes of transportation. MPC also supports public-private partnerships (PPP) to finance transportation projects. Illinois House Bill 1091 and Senate Bill 146 would enable state transportation agencies to use PPPs to finance new infrastructure, an option they do not currently have by state law. In the face of shrinking public resources, PPPs can provide new and reliable revenue sources to finance transportation projects.

3. **Reduce the demand for future transportation resources.**
   Transportation accounts for one-third of the nation's greenhouse gas emissions. That's one compelling reason why we must develop strategies that reduce the need to drive. During rush hours across the country, more than 76 percent of all drivers are commuting alone. Many of these commuters are forced to drive either because they don't have an accessible transit alternative or because they cannot afford to live near their workplace. Strategic policy reforms – such as creating incentives for denser developments and transit-oriented development or for employers to offer employer-assisted housing programs to encourage their employees to buy or rent near transit – can begin to reduce the number of vehicle miles traveled, thereby curbing congestion and reducing the amount average Americans have to spend on housing and transportation. Simple and inexpensive improvements, such as bus shelters, bicycle parking, or clearer travel information, can help create a

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more attractive and inviting environment that encourages people to consider alternative modes of travel

Transportation is not an end in and of itself; it is a means to an end. Thus, transportation investments should further the ultimate goals of expanding safe, reliable, convenient travel options to move people and goods to their destinations When priority is given to projects that connect housing and mixed-use development and create cleaner, better, and more inviting places to walk, the benefits are visible, measurable, and very compelling

The next federal surface transportation bill (T4) offers the best opportunity to change America's surface transportation policy to improve our global competitiveness, as well as community livability and sustainability. By investing precious tax dollars rather than spending them, by getting more from dollars already spent, and by reducing the demand for costly new investments, we can improve quality of life, clean the air, and generate much-needed economic development We urge Congress and the Administration to embed these principles in T4.

Peter Skosey
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# united transportation union

Illinois Legislative Board
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| 1597 | J. Votteler |
| 1883 | D. Kortum |
| 1895 | R. Heuring, Jr. |
| 1929 | B. Smith |
| 1973 | T. Rodgers, Jr. |

**UTU Comments submitted for "Listening Session" of the**
**U.S. House Transportation & Infrastructure Committee**
**Dupage County Airport, West Chicago, Illinois**
**February 20, 2011**

When determining a Federal Surface Transportation Strategy, we would be remiss if we didn't highlight the continued success and rewards that investments into our national passenger rail provider, Amtrak, have provided. These "sound" investments, along with individual state support, have proven beneficial and have helped Amtrak enjoy a continued explosion in passenger growth. This past January marked the 15th straight month of ridership growth for Amtrak, which has set annual ridership records in seven of the last eight fiscal years, including more than 28.7 million passengers in FY 2010. Not surprisingly, Illinois ridership topped 4.7 million for the year, which represents an increase of 1.4 million passengers since the state doubled its support on three downstate routes in 2006.

Amtrak, and its employees, play an ever-increasing critical role in our national transportation network by providing efficient, environmentally friendly, alternative transportation choices. Hampering or limiting Amtrak's ability to provide such a choice would be counter to the obvious growing demand and ongoing need for our national passenger rail system. Reducing or eliminating Amtrak's role would further congest our roadways and airports, which are busting at the seams already. It would also wreak havoc on an historically successful Railroad Retirement system and not only affect the 20,000 Amtrak employees who pay into it, but the families of 100's of thousands of freight and commuter employees and retirees who rely on it for a dignified retirement.

<u>Points to remember when considering Amtrak's Importance to National Network</u>

- The high cost of fuel, along with traffic and airport congestion, is drawing travelers back to trains for commuting and travel between cities as much as 500 miles apart. Amtrak already enjoys the advantage for the D.C to New York Air-Rail Market.
- A Pew Research poll recently found that the number of Americans who enjoy driving fell by 10 percentage points over a 15 year span, and highway congestion, rather than fuel prices, was the reason.
- The American Association of State Highway and Transportation Officials (AASHTO) predicts that by 2020, some 90 percent of urban interstate highways will be at or exceeding capacity.
- Philadelphia officials estimate 50 additional flights daily would be needed to handle Amtrak passengers arriving and departing that city.
- Federal transportation officials estimate that without Amtrak service into Manhattan, 20 additional highway lanes, 10 new tunnels under the Hudson River and hundreds of acres of new parking would be required.
- Civil engineers estimate that two railroad tracks have the capacity to carry as many people each hour as 16 lanes of highway: and 300 miles of railroad use less land space than a single commercial airport.
- Railroads require less land than new highways and airports, they are less expensive to construct, they are more fuel efficient than highway or air transport, they are environmentally preferable to all competing forms of motorized transportation, and they are notably safer than highway travel.

# Vancouver, WA, Listening Session, February 21, 2011, Testimony for the Record

**Office of Mayor Sam Adams**
City of Portland

March 7, 2011

The Honorable John L. Mica
Chairman
House Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Nick J. Rahall, II
Ranking Member
House Committee on Transportation and Infrastructure
2163 Rayburn House Office Building
Washington, D.C. 20515

Re: Comments for Committee Field Hearing in Vancouver, Washington, February 21, 2011

Chairman Mica and Ranking Member Rahall:

Thank you for the opportunity to supply the Committee with written comments regarding your committee's creation of a multi-year federal surface transportation bill. In Portland, Oregon, we know that investment in transportation infrastructure creates both short-term employment and long-term economic development opportunities. In Portland, we are proud of our work our regional, state and federal partners to build a system that works both as a system of moving people and goods safe and efficiently, but also serves as a tool to drive economic development and revitalization.

For example, we have seen private investment outpace public investment along our streetcar and light rail lines. And because of an emphasis on a multimodal transportation system, we have been able to partner with local companies that share this vision.

To this end, we respectfully offer the following recommendations to the committee for consideration:

New Starts and Small Starts
Portland has recognized the importance of moving toward a 21st century transportation system despite a tough economic climate. The New Starts Program and Small Starts for Streetcars have been critical to our successful development of the modern streetcar and MAX light rail system.

For the new surface transportation bill, the City of Portland supports increasing the maximum federal grant award for Small Starts from $75 to $100 million. Additionally, the program would better serve communities wishing to invest in a streetcar strategy if the program took equal approach to evaluating a proposal for streetcars as compared to bus rapid transit and light rail systems. The Urban Circulator grant program and the Transportation Investment Generating Economic Recovery (TIGER) Grants program already have an evaluation model that has worked to take urban development into consideration for determining the cost effectiveness of project being evaluated. We would advocate that this same criteria guide decisions in the New Starts and Small Starts programs.

The East Side Streetcar Loop, which is currently under construction and the first streetcar project to receive Small Starts funding, will generate 1200 family-wage construction jobs by the time it is completed in 2012. We have seen $3.5 billion in private investment along Portland's existing streetcar line, and that is a trend we are confident will continue and serve to revitalize the city's urban core.

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When the line opens, streetcars locally manufactured by Oregon Iron Works will carry passengers on the line. Oregon Iron Works has built on Portland's investment in streetcars and has expanded their business to include the first modern streetcar built in America, adding 100 family-wage jobs in Oregon from our transportation investments and hundreds more across the country.

Additionally, I would also recommend that the Committee consider streamlining the New Starts and Small Starts applications and construction process by providing a Categorical Exclusion to the National Environmental Policy Act requirements for streetcar projects that stay within street rights-of-way. A Categorical Exclusion could allow for up to a 6 month reduction in a project timeline, and significant cost savings.

Girder Rail

Portland actively seeks to meet Buy America requirements. Girder rail is used by many jurisdictions around the nation for light rail and streetcar projects because of its high quality, low profile and the ability to compliment mixed traffic environments. We have discovered that it is difficult to source a domestic girder rail supplier who meets our safety requirements. We would like to support a domestically manufactured source of girder rail with the same enthusiasm that we do our domestic streetcar manufacturers. We would urge the Congress to incentivize domestic manufacturing for girder rail. Absent that there should be recognition of the lack of domestically manufactured girder rail and waivers for Buy America be more easily granted.

Pedestrian and Bicycle Facilities

Our city has a long history of working to provide options to get around. We're a national model for transit, and more people walk and bicycle here than any other major American city. We were the first major city to be awarded a "Platinum" designation by the League of American Bicyclists. We spend 100 million fewer hours stuck in traffic each year than residents of other cities our size, and have better quality of life and more money in our pockets – and in our local economy – to show for it.

To facilitate further pedestrian and bicycle investment, I ask that the surface transportation bill include the text contained Mr. Blumenauer's bill, the Safe Routes to High Schools Act. Extending this opportunity for competitive funding to high schools is a simple change will provide an extended opportunity for investment to create needed links in our transportation system and safe routes to schools.

Despite this challenging economic climate we have prioritized funding for Portland's Safe Routes to School program which provides direct service to over 70 schools, reaching thousands of students and their families. The city also supports the Transportation Enhancement Program, which has funded non-motorized traffic and safety projects and been used to augment our Safe Routes to Schools routes.

The city also supports the Congestion Mitigation Air Quality Program (CMAQ) that has provided funding for our Pedestrian Access to Transit project. This project has helped the city identify and strategies and improvements to create greater access to transit for the public. Improvements have included curb extensions, bus shelters, pedestrian refuge islands, new sidewalks and corner curb ramps, street lighting, and tree planting and landscaping which have all served to facilitate better access to transit.

Columbia River Crossing

The Columbia River Crossing is a project of regional significance that needs federal support. The I-5 corridor is one of the top trade corridors in the nation, carrying more freight than almost any other freeway, and the current Interstate Bridge is one of the worst bottlenecks on this corridor. By eliminating this bottleneck, the Columbia River Crossing will benefit the flow of freight on the I-5 corridor and facilitate economic growth, interstate commerce and international trade. The project is a long-term, comprehensive and sustainable multi-modal solution to the economic, safety, and environmental challenges caused by the current Interstate Bridge over the Columbia River.

Light Rail Investment
The new Portland-Milwaukie Light Rail line breaks ground later this year and we will see the first of 14,000 jobs to be created by its construction. This project has met the requirements for New Starts funding, and has been listed in the President's FY12 budget request at $200 million. This project will include a major investment of a new bridge across the Willamette River, which will serve to connect transit riders, bicyclist, and pedestrians on both sides of the river.

Metropolitan Mobility Program
The City encourages the creation of a Metropolitan Mobility Program, which will allow regions to build transportation systems that meets the multifaceted needs found in an urban environment, and urges the Congress to allow cities to be direct recipients of these federal funds. A dedicated stream of federal funds targeted at reducing congestion in metropolitan areas will leverage more private investment dollars than transportation projects elsewhere.

High Speed Rail
Because high speed rail preserves capacity for freight and is a economic driver, Mayor McGinn of Seattle, Mayor Piercy of Eugene, and Mayor Robertson of Vancouver BC and I are urging continued investment by USDOT in rail infrastructure. We have demonstrated our commitment to rail service by preserving Amtrak same-day service through the existing rail corridor, successfully applying for $ 598 million in federal money, and receiving $ 161.5 million in reallocated funds. We believe that the Pacific Northwest High Speed Rail corridor route is the right choice for further federal high speed rail investment. A high speed rail line from Eugene, Oregon to Vancouver B.C. will have a positive transformational effect on our respective economies and communities.

I thank you for the opportunity to provide input into the process. I ask that you consider the needs of cities across the country that are trying to provide economic opportunities to address the issues of now, while striving to provide for growth in the future.

Sincerely,

Sam Adams
Mayor

cc:
Congressman David Wu
Congressman Kurt Schrader
Congressman Earl Blumenauer
Congressman Peter DeFazio

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America Walks

February 21, 2011

Chairman John Mica
House Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, D.C. 20515

RE: America Walks Statement submitted during the Vancouver, Washington Transportation Bill Listening Session

Dear Chair Mica and House Transportation and Infrastructure Committee:

America Walks is 501(c)(3) non-profit organization working to make America a great place to walk. We are joined in coalition by almost 100 national and local organizations that are dedicated to advancing healthy, economically vital, environmentally sustainable, and socially equitable communities. And we all agree that increasing walking we will achieve these aims.

Walking is the first and most fundamental form of transportation, the most basic type of physical activity and the most popular outdoor recreation. Over the past fifty years, however, our nation has systematically engineered walking out of daily life. In 1969 walking made up 40 percent of all trips, but in 2008 walking trips decreased to 11 percent[i]. Massive high-speed roadways now divide cities and newer sprawled communities, making it difficult and even life threatening for the most ambitious person to walk to a destination. In the past fifteen years 76,000 people have been struck and killed by automobiles while walking; the costs caused by automobile-pedestrian crashes is $10 billion annually[ii]. Correspondingly, daily physical activity has declined, contributing to skyrocketing obesity rates and the attendant chronic diseases. Obesity and sedentary lifestyles cost American taxpayers, business owners, and individuals $147 billion in 2006[iii], and could rise to $344 billion by 2018 if trends continue[iv].

We can reverse these trends by investing in walking and active transportation modes. Investments in walking will help convert car trips of one mile or less that make up almost one-fifth of all trips; bicycle investments will address the additional twenty-five percent of American's trips that are one are three miles. Providing safe access to and from transit will help meet the other trips taken by the over 30 percent of Americans without a drivers license or personal automobile.

These investments will also stimulate local jobs and the economy.

- Walking and bicycling construction projects create more jobs per million than large-scale highway projects[v]
- Communities that drive less earn a "Green Dividend", for example, the Portland metropolitan region saves $2.6 Billion per year - $800 million of which stays in the local economy because people drive 3 fewer miles each day that the national average[vi]
- A community could retain $127,275,000 by owning 15,000 fewer cars, see attached ad by Intelligent Cities

National Office * PO Box 2834 * Alexandria, VA 22301 www.americawalks.org * 703-738-4889
Portland Office * 3903 N. Borthwick * Portland, OR 97227 sbricker@americawalks.org * 503.757.8342

- On the contrary, households in drivable suburban neighborhoods devote on average 24 percent of their income to transportation; those in walkable neighborhoods spend about 12 percent[vii]

With fewer federal dollars available, active transportation projects can be completed at a low cost and yield results such as shifting expensive automobile trips to low-cost walking and bicycling. The city of Portland, Oregon invested $60 million, the price of one lane-mile of freeway, to build the existing bikeway network. This investment has yielded a seven-fold increase in riders and avoided costly roadway expansions projects and numerous multi-million dollar parking garages.

Portland has also improved traffic safety for all modes citywide by investing in bicycling and walking projects and programs. Over the past 25 years, the City has seen a long-term, downward trend in total traffic fatalities that is being reduced approximately 6 times faster than the rate for the US. In 1986, there were 79 traffic fatalities, with 61 motor vehicle deaths; in 1996, a total of 59 total traffic fatalities with 41 motor vehicle fatalities; in 2011, a total of 26 total traffic fatalities with 11 motor vehicle fatalities.

In summary America would benefit from increased investments in walking and active transportation programs yielding:

- **Greater travel choices for the American public:** A recent national poll found that nearly three-quarters of American's feel they "have no choice but to drive as much as" they do, and two-thirds "would like more transportation options."

- **More jobs for small, local businesses:** Design, engineering and construction of walking and bicycling facilities creates more jobs per million spent the large-scale highway projects.

- **Less traffic congestion:** Local traffic is a top cause of congestion. Car trips of one mile or less make up almost one-fifth of all trips in America, and between 20 and 30% of morning traffic is generated by parents driving their kids to school. Increased bicycling and walking are ideal for cutting congestion from short trips, which will free up road space for longer trips, deliveries and emergency services.

- **Increased effectiveness of trains and buses:** Ninety percent of public transportation trips begin and end with walking trip. We must create safe routes to and from transit, so that people can get to work and school safety and efficiently.

- **Improved traffic safety:** Twelve percent of highway fatalities are pedestrian fatalities. Providing safe and convenient places to walk increases demand and reduces crashes.

- **Clean air:** Automobiles are responsible for 20% of U.S. climate emissions and a much larger percentage of pollutants that form smog. Shifting short trips to non-polluting forms of transportation eliminates the dirtiest part of automobile travel.

- **Reduced oil dependence:** Automobiles are responsible for 40% of U.S. oil use. Cutting miles driven is among the best ways to manage our oil-related economic, environmental and security vulnerabilities. Shifting short trips to bicycling and walking could save 4 to 10 billion gallons of fuel each year.

- **Vital local economies**: Trail and bicycling networks are a boon to local economies, resulting in increased tourism, property values and business activity.

- **Positive returns for the federal budget**: Active transportation investments save the federal government money by reducing the need to build more expensive transportation infrastructure, cutting federal health care costs, and creating jobs.

Focused federal investment in safe and convenient facilities for bicycling and walking is low cost and highly cost-effective. Fiscal constraints drive home the importance of getting the most benefit from each dollar, and active transportation is a tremendous mobility and accessibility bargain for the economy, the environment, public health, and the budget. Now is the time to invest in active transportation.

Sincerely,

Scott Bricker
Director

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enc: Intelligent Cities: *How do we value walkable cities?*

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**ENDNOTES**

[i] 2009 National Household Travel Survey (NHTS)
[ii] Incidence and Total Lifetime Costs of Motor Vehicle-Related Fatal and Nonfatal Injury by Road User Type, United States, 2005; CDC. http://www.informaworld.com/smpp/section?content=a926084087&fulltext=713240928
[iii] http://www.cdc.gov/media/pressrel/2009/r090727.htm
[iv] http://www.usatoday.com/news/health/weightloss/2009-11-17-future-obesity-costs_N.htm
[v] *Estimating the Employment Impacts of Pedestrian, Bicycle and Road Infrastructure, Case Study: Baltimore*; Political Economy Research Institute. December 2010.
[vi] Portland's Green Dividend, Cortwright for CEO's for Cities, July 2007.
[vii] http://www.brookings.edu/articles/2010/11_real_estate_leinberger.aspx

How do we value
walkable cities?
Tell us what you think at
http://go.ibm.org/intelligentcities

INTELLIGENT
CITIES

Cost of owning a car (per year):

$1,390

$7,095

If a city could reduce car ownership
by 18,000 cars:

$127,275,000

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Inland Northwest AGC
THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA
Your Voice in the Construction Industry

March 1, 2011

Representative John Mica
2187 Rayburn House Office Bldg
Washington, D.C. 20515

**RE: Transportation Dialogue**

Dear Congressman Mica,

I attended the regional hearing in Vancouver, Washington on Monday, February 21, 2011. It is time to revisit the Eisenhower years and his program of rebuilding America's transportation infrastructure. This letter is in response to your request for ideas of how we can do it better than we have been doing it the past few years:

- Regional allocations to MPO's - provided the opportunity to receive funds directly from the federal government. When all the funds are sent directly to State DOT's, then the political pressure is asserted where the bulk of the voting population is located. Rural areas of a State are always left fighting for the little pieces that DOT's provide to "keep them quiet" as the saying goes.
- The development of Infrastructure Banks has merit and should be explored and developed where applicable.
- Grant Pools also have merit and should be explored and developed where applicable.
- Earmarks have merit and should be re-written around "the priorities of transportation" as addressed below.
- Public-Private Partnerships have merit and should be explored and developed where applicable.
- No PLA's attached. Keep an open and free bidding market.
- Utilize technology to the fullest and that requires streamlining of the permitting and development process.
- Change the permitting and development process where the project is reviewed by all Departments/Agencies at the same time. Concurrent reviews. Pragmatic permitting.
- Eliminate environmental impact studies where not needed. For example: Placing an additional traffic lane on an existing road/highway, etc.
- Include Performance Measures.
- Financial incentives to complete the project ahead of schedule and under budget.
- Better coordination between the Federal government and State DOT's.
- EPA oversight to go to each State <u>not</u> under the Federal EPA.
- Best practices utilized.
- Grants to cover change orders.
- TIGER grant processing was successful and should be developed further.
- There should be different categories of funding (you might refer it as a new earmark system):
    - High priority
        - International trade routes for moving commerce and economic development
        - Public Safety corridors
        - Freight Mobility
        - Increases capacity
        - Fuel consumption savings
        - CO emissions reduction

- Priority
  - Interstate highway system upgrades & State highway upgrades
    - Utilize the same items listed under High Priority in regards to freight mobility, safety, increased capacity, fuel consumption and CO emissions reduction.
- Secondary
  - Other MPO and State DOT projects listed as their top ten priorities.

- Use the Minneapolis 487 Plan in rebuilding bridges throughout the country.

Attached is a sample project of what should be considered the way of the future in considering federal funding of transportation projects:

**NORTH SPOKANE CORRIDOR project:**

- Number One priority of regional MPO
- One of the top three projects in the State of Washington per the Governor and the State Department of Transportation (WSDOT)
- Best Practices being utilized
- Multi-model
- TIGER grant money successfully used for a portion of the project creating jobs in2010.
- Right-of-Way acquisitions/purchases complete for further project development
- State investment to date of over $500 million. Financial participation between State & Federal government on funding.
- International Trade Route moving commerce and economic development supporting national, international and global trade
- Public Safety – removes freight and traffic to Canada out of neighborhoods, school areas and parks
- This corridor will shorten the travel from Interstate 90 to US 395 connection by 30-35 minutes saving money, decreasing emissions, providing safety, and improving freight mobility.

There are many other points of information as to why this is a model for the country. I've attached the MPO's letter describing the project, my comments that I did not submit to the Committee panel at the hearing because, as you stated at the start of the hearing, you only wanted information to make the system work better, and a letter from the Mayor for the City of Spokane, Washington.

I hope my comments and attachments are addressing the issues you were requesting at the hearing. This sample project crosses the political area with support from both political parties, environmentalists, bicyclists, etc., and is a vital highway for our country's future economic growth and development for international trade. I thank you for taking the time to hold these regional meetings and I'm sure you will have a better process of awarding projects from these hearings.

Respectfully submitted,

Wayne Brokaw
Executive Director

Enclosures:
(1) Letter for the hearing in Vancouver, Washington
(2) MPO's letter for the hearing in Vancouver, Washington
(3) Mayor of Spokane, Washington letter for the hearing in Vancouver, Washington

Cc: Representative Jamie Herrera-Butler
Representative Cathy Mc Morris-Rodgers

**Transportation and Infrastructure Subcommittee Listening Session ~ Vancouver, Washington**
**February 21, 2011**
**Testimony – as prepared for delivery and for the record – by Chandra Brown**
**Vice President, Oregon Iron Works, Inc. – President, United Streetcar, LLC**

Welcome and thank you to Chairman Mica and Congressman Shuster for coming to the Pacific Northwest - and to Congresswoman Herrera Beutler for the invitation to participate in today's important discussion about our region's and our country's economic future.

I also want to acknowledge Congressman DeFazio. He has been a great partner and a great representative in Congress for the state of Oregon.

We all know that infrastructure projects – whether it's a road, bridge or rail system – are ventures that require everyone to be at the table and today's panel is reflective of that reality. Our transportation infrastructure is how we are linked – both literally – and economically. And how well-linked we are determines the efficiently at which businesses can move their products from the warehouse to the store shelves.

Oregon Iron Works has long been a partner in these ventures. As a world-class metal fabricator and manufacturer we have completed several critical steel bridge projects in the state of Washington, including bridges in Seattle, Selah, Nugents Corner and the Wes Smith Bridge project in Index, Washington for which we received national recognition.

We are proud to be one of the best bridge builders in the country and expect to one day also work on a new bridge that not only connects Washington and Oregon, but one that is also of critical importance to our regional and national economic competitiveness.

The Columbia River Crossing project aims to, and I believe will, decrease congestion for commuters, increase freight mobility for businesses, improve safety for all and also provide transportation choices with light rail and bike lanes. It is the comprehensive solution we need.

We also know that investing in our transportation infrastructure is the best way to create immediate jobs while also improving our nation's competitiveness in the long term. Federal transportation funds can be the seed investments the private sector needs to grow the economy. The reauthorization of the transportation bill provides that opportunity.

United Streetcar, a subsidiary of Oregon Iron Works, is a perfect example of how good public policy can not only create jobs, but also recreate an entire manufacturing sector. In other words, the USC story tells exactly how the Federal government can be an effective partner to grow the economy.

Through a combination of targeted infrastructure investment programs from the Federal government, namely the TIGER and Urban Circulator grants, and by re-investing company profits into a new endeavor, Oregon Iron Works successfully recreated the U.S. streetcar manufacturing industry.

Today, because of the partnership with the Federal government, United Streetcar delivered new work opportunities to over 200 vendors in the United States. This work resulted in our vehicle being Buy America compliant with over 70 percent domestic content. To follow, we partnered with Rockwell Automation to design and manufacture the first U.S. propulsion system for streetcars that will bring our vehicle to 90 percent domestic content. We have federal seed money and Congressman DeFazio to thank for this success.

But what I enjoy even more to share about streetcars is that unlike other public transit options, streetcar projects also attract private investments along the entire rail line. Projects in Portland and Seattle have been followed by billions of dollars in additional private sector investments.

This means that the federal funding delivered a number of benefits, including, immediate job creation, long-term job potential as more employers chose to locate along the line, transportation choices for residents and a reduction in greenhouse gas emissions.

We need more good results like these and the transportation bill is the opportunity to carry this good work forward. The bill should:

1.) Fund critical highway and bridge projects, including the Columbia River Crossing.

2.) Continue sufficient investments in public transit. There are over 80 cities in this country considering streetcar lines – and more when you also include light rail and buses. These projects require private sector, local, state and federal support in order to be successful. A few changes to federal policy that the reauthorization bill should address are:

   a. Amend the New Starts/Small Starts program to make it truly multi-modal.
   b. Streamline the project approval process – it doesn't make sense that streetcar projects are required to perform a full NEPA review when the rail line is placed in an existing road or public right of way. Instead, it would be smarter, more efficient, and less costly to simply allow for a Categorical Exclusion for these types of projects.
   c. Continue to use the "new and improved" evaluation criteria under TIGER and Urban Circulator grant programs – we can and should measure economic development potential as a criterion for federal funds.

3.) Continue to improve the transparency and accountability of Buy America regulations. Access to federal dollars should take into consideration the U.S. content and U.S. manufacture of products. The Department of Transportation does this well – and should continue to do so in order to help grow domestic manufacturing.

4.) Support American manufacturers in retooling facilities to drive innovation and increase competitiveness. Whether it's direct assistance or low interest loans, the government can help build the domestic supply chain. A good example of this that you will hear from transit agencies and construction firms is the assistance needed from the Federal government to encourage manufacturers to make girder rail for streetcar and light rail projects.

5.) Invest in research and development. In tight budget times, decisions are tough – but we should not take a short term view. Investments in R&D are what drive our economy forward.

As I said before, building bridges – and roads and rail systems – are literally what link us all together. A federal bill that invests in transportation choices for commuters and improvements in freight mobility for businesses will make our country stronger at a critical time on our history.

Chairman Mica, and to all the other federal officials here today, thank you for coming and including me in this important discussion. Please consider Oregon Iron Works and United Streetcar a partner as your work moves forward.

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February 21, 2011
At Vancouver, Washington.

Transportation and Infrastructure Committee
Honorable John L. Mica, Chairman

*Re: The Columbia River Crossing Project*

In 1997 my wife argued with Congressman Brian Baird to try to persuade him to back a new bridge between Vancouver and Portland. He eventually did. What we got is not what we expected.

What is wrong with what we got?

1) It is to be built in the wrong place.
2) We cannot afford it.
3) Local commerce, small businesses, will die during its construction.
4) The historic bridge will be destroyed unnecessarily.
5) It will not work. It will not relieve congestion region-wide.
6) There may be better alternatives.

Notice, everything that is wrong about the current plans for the crossing hinges on the first problem.

1) The Wrong Place.

In 2001, the Oregon Department of Transportation commissioned a study that found that commerce on the West Coast was being strangled by two transportation choke points – I-5 and I-205 crossing the Columbia River. The study recommended two (2) additional crossings be built to serve the Portland Metropolitan Area.

In 2006 the Clark County Regional Transportation Commission studied and recommended four (4) potential regional arterials and crossings – two east of I-205 and two west of I-5.

Also in 2006 the FTA and FWHA commissioned the Draft Environmental Impact Statement for the current Columbia River Crossing Project.

a) Restricted Scope
Actions of the FTA and FWHA appear to have been driven by an overriding desire to impose light rail on Vancouver. Using the NEPA process, the FTA and the FWHA unilaterally, without local or public input, restricted the scope and purpose of the project to only address the I-5 corridor and its immediate vicinity. That meant that any future problems the planners might anticipate or encounter would have to be dealt with within the constraints of project area given. All alternatives would have to be chosen only from among those available within those constraints. Viable alternative routes, earlier identified in the ODOT and RTC studies, were summarily dispatched in the DEIS because supposedly they failed the test of having any direct benefit to the I-5 corridor. Other options, such as no build or retrofitting the existing bridges for seismic safety failed the light rail test.

b) Unresolved Difficulties
The DEIS, the Independent Review Panel, and the Expert Bridge Review Panel have confirmed that difficult impediments to design remain unresolved to this day because of constraints of the project inherent in the chosen route – the I-5 corridor.

i) Expense

More important than the design of the bridge is its location, as noted by the Expert Bridge Review Panel. The bridge itself is only about 10% of the cost of the project. Most of the $4 billion cost is in modifications to the I-5 highway itself to bring it up to current FWHA standards for faster traffic. Because they must keep the existing bridge open during construction of the replacement bridge, they must try to punch a new alignment through environmentally, economically, and historically significant and sensitive areas of Downtown Vancouver, Hayden Island and Jansen Beach. An alternative alignment may have avoided all of these expenses.

ii) Historic Resources

Valuable historic resources, including the existing bridge, will be destroyed, falling victim to the "necessity" of a new bridge in this particular alignment. An alternative location may well avoid the concentration of historic resources around the I-5 corridor.

The existing bridge was built in 1917. It is on the national registry. It is safe at lower speeds and can be retrofitted for seismic safety. The only reason to pull it down is that it does not carry light rail.

iii) Right of Way Acquisition

Existing buildings, also known as someone's small business operation, will have to be destroyed to make way for the new alignment and expanded interchanges. In Washington, private property is protected by stringent provisions of the Washington Constitution Article 1 Section 16. Each property owner is entitled to a trial to determine if the taking is truly public and to a jury trial to determine the value of the taking. This applies to partial takings and restrictions to access to the property. It even applies to changes in grade to the street in front of the property. Each and every affected property owner has the right to have his issues resolved by the courts. An alternative location might well affect fewer parcels thus reducing litigation costs.

iv) Disruption to Commerce During Construction

The DEIS recognized the problem of disruption to commerce early in the process, calling it "possibly severe." Nonetheless, the DEIS offered no solutions or mitigation measures. The problem was simply deferred to a later date when it will be too late to let such a small matter stand in the way of progress. An alternative alignment may have provided a detour, especially for trucks, during later construction or reconstruction of the I-5 corridor.

c) Regional Transportation Network

During the six to nine years of construction along the I-5 corridor, traffic will divert to the only other crossing in the region: the I-205 Glenn Jackson Bridge. I-205 will quickly plug up and access to Portland Airport will be problematic for the whole region. Even after completion of the CRC project congestion on I-205 will continue because of traffic diversions due to tolls on I-5. Without tolls, traffic congestion on I-5 will shift South to Downtown Portland. The CRC project will not solve congestion problems in the region because that was never one of its goals; its aim was to extend light rail into Vancouver. By not building one of the alternative crossings we will miss an opportunity to improve the regional transportation network.

2) We Cannot Afford it.

As yet, nobody knows how much this project will cost. Preliminary estimates settle close to $3.5 billion capital cost. The Plaid Pantry/Impresa study estimates actual cost (including financing, interest, overruns, etc.) closer to $10 billion. It makes no difference – we can't afford the $3.5 billion.

Funding is supposed to be split three ways – federal, states, and regional contributions of a little over $1 billion each. It makes no difference – nobody can afford the $1 billion.

a) Federal Contribution
The FTA is only interested in light rail. They will contribute $800 million and build the light rail infrastructure. The rest of the project will get about $400 million from FWHA. That will about cover engineering and planning. Of course, the federal government is $14 trillion in debt (equal to the GDP) and so whatever contribution the federal government makes to the project will have to come from borrowed overseas sources.

b) Contributions from States
Oregon does not stand to gain much from having the new bridge – it mostly serves Oregon employees who live in Washington. Oregon has no money and they are trying to pull out of the partnership.

Washington has no money, either. We are $4 billion in debt. Washington will have to back any bonds sold to help finance the project with the full faith and credit of its treasury. The interest rate we will have to pay on those bonds will likely be high.

c) Regional Contributions
Tolls! The great untapped revenue stream! Free money! The CRC envisions raising $1.5 billion through the imposition of tolls. The Plaid Pantry/Impresa study points out that the actual amount needed to be raised though tolls is closer to $6 billion with financing costs, etc. No matter, we don't even have the $1.5 billion in this community.

i) Disproportionate Burden on Vancouver
Any casual observer will notice that southbound I-5 traffic out of Vancouver is heaviest in the mornings. Conversely, northbound out of Portland is heaviest in the afternoons. Let's assume that most of the users of the I-5 bridge are commuters – Vancouverites who work in Portland. Let's assume that a much smaller number of commuters live in Portland and commute to work in Vancouver.

The mayor of Portland, Sam Adams, recognized that the imposition of tolls will help control congestion. If you impose a toll many people will not use that roadway. The DEIS estimates that 10% will not make the trip at all and another 6% will choose alternative routes. The Australian experience suggests that 50% will not pay the toll. This suggests that most users who will pay the toll will be those who have no other options – commuters who have to get to work – mostly Vancouverites who work in Portland. No wonder Sam Adams said "No tolls, no bridge!" He gets a new bridge and freeway paid for by Washington residents who do not vote in Portland elections.

If tolls discourage all but essential travel across the bridge land prices will be even further depressed in Clark County.

ii) Disproportionate Burden on the Working Poor
The Plaid Pantry/Impresa study points out that many of the commuters who will be called on to pay the tolls to finance the bonds to build the project are economically disadvantaged – they are the working poor. Representatives of the Greater Vancouver Chamber of Commerce have testified publicly that they would gladly pay a toll if it means they get a better commute, free of congestion. What better way to free up lane space for the wealthy than to price the working poor off the road? Let the working poor take the bus. Let them ride the light rail. I'm sorry, but I drive because I can drive where I want to go when I want to go there. Public transit does not provide the same freedom of travel as driving.

iii) Cannibalization of Local Services
The City of Vancouver 2008 Comprehensive Plan has legally committed for capital improvements, including for the Waterfront, over the next 20 years, $750 million. 3/4 of a one $billion. Where and how are we going to get twice that, let alone 8 times that, out of this community?

iv) Benefit/Cost Ratio
We know the project will cost us dearly in money to build, finance and maintain and in disruption to commerce during 9 years of construction. We do not know what benefits we will derive once construction is complete. The DEIS suggests that the yearly benefit to the trucking industry in 2030 will be $8 million. That hardly seems worth the expenditure of $10 billion. What about the toll-payers? What benefit will we see for our $6 billion outlay?

Clark County Commissioner, Steve Stuart, asked the CRC back in January, 2010 for a benefit/cost analysis on tolls. To date, it has not been produced.

Conclusion
FTA and FWHA have taken a good idea and turned it into a boondoggle. Instead of addressing the real problem, congestion and impediments to commerce on the West Coast, they have narrowly sought to push light rail up the I-5 corridor to Vancouver.

Instead of studying the best alternatives and finding the most economically sound solutions they have burdened the project with expensive and insurmountable constraints. Instead of bringing financial assistance to the local community they have burdened us with crushing debt and impossible financial obligations. Instead of jobs and prosperity they bring us potential ruin.

Please suspend funding for the project except for the following studies:

1) A Supplemental EIS that includes ALL alternative crossing points in the region and whose number one goal and purpose is to eliminate choke points to commerce on the West Coast.
2) Preliminary Benefits/Costs analysis leading to a final Benefits/Costs analysis.
3) Economic impacts of construction itself (suggest Ken Casavant at WSU Agricultural Economics professor).
4) Justification for destroying the existing historic bridges.
5) Investment grade toll study.
6) Region-wide traffic impacts due to construction itself.
7) Costs and funding sources for realigning the railroad swinging bridge with the hump under the highway bridge, re-dredging the channel, ending all bridge lifts, and retrofitting the existing bridges for seismic safety.

Thank you for listening.

Please enter my communication in the Congressional Record.

Sincerely,

Robert Dean, President.

Richard J. Dolgonas

Roseburg, Oregon 97470

March 4, 2011

**Comments for the Record**
***The United States House of Representatives***
**Transportation and Infrastructure Committee**
"Transportation Bill Listening Session – Vancouver, WA."

First, I want to thank you for conducting listening sessions throughout the nation. I am very interested in transportation and the impact of the new bill on our communities and nation. I am not employed in any capacity that would have had me attend the session held in Vancouver, Washington, the closest listening session location, but rather am interested as a member of the public who recognizes the importance of this legislation. I would respectfully request my comments be included in the record.

My interests are based on the defining impact of our transportation system on our communities and our nation. As I look out the window of our home I see the major north-south interstate highway that has tied together the west coast. I frequently hear the sounds of trains passing through our community. Both of these systems have in many ways created the small city and the region in which we have lived for many years. Had either of these been built in different locations, or with different configurations, a vastly different city and region would have resulted. With the new leadership in Congress, it is my hope that there is a fresh approach to re-forming our transportation system to create a healthier, more environmentally sound and economically advantageous system rather than merely reinforce what we've been building for the past century with little regard for impacts, both negative and positive.

While no one can argue with the success of the interstate or rail systems, we need to use our imaginations to determine how to best utilize and remake those and other systems to create the future transportation systems which will define the future of our communities, regions, state and nation. Our transportation systems must increase choices for communities and enhance the livability and health of our communities.

This is a tremendous opportunity to re-think transportation funding so it does more than expand or re-build the current system or continue to try to play "catch-up" which we will be unable to do. Building more, bigger roads often leads to more of the same congested roads, with detrimental impacts to neighborhoods, and to those who are brave enough to try walking or bicycling. While some road expansion will be necessary, the new package must first take care of what we have and undertake expansion only after carefully consideration of alternatives and impacts, both negative and positive.

As it now stands, our rail lines are underutilized resources. Use of more rail service, both freight and passenger, would help delay or reduce the need to expand or re-build our highways. Our trucking industry is still needed, but resources need to be equalized so that rail is not at a disadvantage to trucking. Reducing trucks on our highways will serve to increase roadway capacity thereby reducing the need for expensive improvements, and greatly reduce wear and tear on our interstate system. More passenger rail will reduce the reliance on our deteriorating highway system. Such rail systems can also help reinvigorate some of our central cities as railway stations once again become centers of activity. For an aging population, train travel is a safe efficient travel mode. Passenger rail must be integrated into a system which will offer more choice, economic efficiencies, and ties into other modes.

Increasing use of modes other than the automobile will allow our interstate highways to function as they truly were meant to function and are needed: that is, to move people and freight long distances. Unfortunately, many of our interstate highways have become commuter routes within urban areas where other options abound, between urban areas where passenger rail is more appropriate, and even in more rural areas.

A recent publication by the International City/County Management Association (**Active Living and Social Equity: Creating Healthy Communities for All Residents,** January 2005) highlights some of the issues. The publication notes the escalating chronic disease rates associated with obesity, overweight, and sedentary lifestyles that public health officials now describe as an "epidemic." It goes on to indicate these conditions reflect a variety of root causes—from changing diets to technological innovations to increasingly sedentary jobs and leisure-time activities, but that evidence suggests there exists a strong relationship among health, physical activity, and the way we plan and design our communities.

The report notes the link between health and the built environment, which as previously noted is primarily shaped by our transportation system. To address the health issues, our communities must be built so that residents can easily incorporate physical activity into daily routines. However, it notes many communities currently lack the design and land use features that enable active living, making active and healthy lifestyles more difficult for residents. In these places, community design generally favors the automobile and other technologies over people. Essential services, healthy food options, workplaces, and other destinations are frequently not located within easy walking or bicycling distance from where people live. Moreover, other factors—a lack of quality sidewalks and open space, unsafe bicycle routes and street crossings, poor transit, fears of crime or personal safety, a lack of time or motivation, locked stairwells in offices and public buildings—further preclude healthy lifestyles. Hence, the need to carefully address our transportation systems.

The Center for Disease Control and Prevention (CDC) calls this "healthy community design" and describes it as planning and designing communities that make it easier for people to live healthy lives. One benefit of such design is it provides opportunities for people to be physically active and socially engaged as part of their daily routine, improving the physical and mental health of its citizens. Benefits of healthy community design are noted as promoting physical activity, improving air quality, lowering risk of injuries, increasing social connection and sense of community and reducing contributions to climate change.

According to the CDC, what's needed is to provide good mass transit to reduce the dependence upon automobiles, build good pedestrian and bicycle infrastructure, including sidewalks and bike paths that are safely removed from automobile traffic as well as good right of way laws and clear, easy-to-follow signage.

This concept is accepted by many. The National Association of Realtors publication "On Common Ground", in the Summer 2008 edition, outlines benefits from increased bicycle usage. It notes that about half of Americans already live within five miles of their workplaces, a perfect distance for a bike commute, and the U.S. bicycle industry is producing more bicycles designed for transportation and commuting. It's also shifting how it markets those bikes, taking into consideration rising gas prices and obesity rates, as well as global warming. "The bicycle is a simple solution to some of those complex problems," says Rebecca Anderson, Advocacy Director for the Trek Bicycle Corporation. "Forty percent of car trips are less than two miles. That is easily, clearly, a bikeable distance." The Realtors go on to note that Americans make 65 percent of their very short trips, those under a mile, in their cars which are also the most inefficient, as 'cold starts' burn more gasoline and emit more pollutants.

While there have been successes in promoting bicycling, the Realtors point out that the biggest barrier to widespread bicycle use in the United States is the lack of safe, convenient bicycling routes. The prospect of negotiating a six-lane suburban arterial on a bicycle, with cars speeding past at 55 mph, is something few Americans relish. When safer routes are introduced, their popularity hints that it's the road, not the biking itself, that dissuades people from riding. In many communities, multi-use paths suffer from congestion as cyclists go out of their way to use the paths in place of roadways. Bicycle advocates across the country are seeking to increase cyclists' options.

There is evidence that more residents ride when a community devotes resources to making bicycling a safe and attractive option. The realtors cite a study of 35 typical U.S. cities with a population over 250,000 in which each additional mile of bike lanes per square mile was associated with a roughly one percent increase in the share of workers commuting by bicycle.

Since 1980, the number of miles Americans drive each year has grown three times faster than the U.S. population, and almost twice as fast as vehicle registration. A major reason for the increase is the way development has occurred in urban areas, Reid Ewing, a research professor at the University of Maryland's National Center for Smart Growth, contends. "Americans drive so much because we have given ourselves little alternative. For 60 years, we have built homes ever farther from workplaces, located schools far from the neighborhoods they serve, and isolated other destinations— such as shopping—from work and home." The Energy Information Administration of the U.S. Department of Energy projects that the number of miles driven will jump 48 percent between 2005 and 2030.

But it takes more than mass transit and bike lanes to make a comprehensive, long-term reduction in greenhouse gases. It requires serious planning to find ways to condense development rather than allow it to sprawl, with mixed-use projects instead of purely residential subdivisions or

office parks, interconnected streets instead of cul de sacs and smaller housing lots, says research professor Ewing.

Americans are worried about climate change, urban sprawl and traffic congestion, and they'd much rather improve mass transit than build new roads. Those are some of the results of the 2007 Growth and Transportation survey sponsored by the NATIONAL ASSOCIATION OF REALTORS® and Smart Growth America.

David Wluka, past president of the Massachusetts Association of REALTORS® and 2006 chairman of the NATIONAL ASSOCIATION OF REALTORS'® Smart Growth Working Group notes their 2007 Growth and Transportation survey also found that congested roads and long commutes distress 70 percent of the people polled, and 61 percent said they are concerned that Americans have to rely on their cars more to get around because their destinations are spread over a wide area. They don't, however, support higher taxes as a way to discourage driving. Only 16 percent would support raising gas taxes. About half of those surveyed (49 percent) said they believe improved public transportation is the best long-term solution to reducing traffic in their communities. The poll found that 26 percent believe the best solution is to develop communities where people don't have to drive as much. Only one in five, 21 percent, support building new roads as a solution to traffic congestion. "We've seen a growing number of people responding to surveys like this come to the conclusion that more paving is not going to solve the problem," says David Goldberg, communications director for Smart Growth America.

The Strategies for Metropolitan Atlanta's Regional and Air Quality (SMARTRAQ) study by the Georgia Institute of Technology, shows the built environment clearly relates to a person's prospects for being overweight. Every additional 30 minutes a person spends in a car translates into a 3 percent greater chance of being obese, according to the study, "Obesity Relationships with Community Design, Physical Activity, and Time Spent in Cars," published in the *American Journal of Preventive Medicine* on the Web in June and in print in August. Also, the study shows that people who live in neighborhoods with a mix of shops and businesses within easy walking distance are 7 percent less likely to be obese, lowering their relative risk of obesity by 35 percent.

"The effect of urban form on travel behavior and health is one of the unique aspects of the project," observed James Chapman, SMARTRAQ co-director. "How we plan and build our communities not only affects air pollution and how much we drive, but also people's likelihood of being physically inactive and obese." SMARTRAQ is the first study to demonstrate that the built environment immediately around people's homes is a good predictor of how much they weigh, says co-director and lead author Lawrence Frank.

"SMARTRAQ determined that the Livable Centers Initiative plans would, indeed, result in fewer vehicle miles traveled and reduced emissions, which were exactly the results we hoped for," said Tom Weyandt, Atlanta Regional Commission's director of comprehensive planning.

Clearly, transportation matters greatly in the lives, health, enjoyment and economics of our citizens, whether living in smaller rural areas or large metropolitan areas. It is my hope that you seize the opportunity in crafting the new transportation package to maximize the benefits and minimize the detriments from our transportation system.

Thank you for this opportunity to participate in your deliberations about the upcoming transportation package.

Douglas County Global Warming Coalition

Roseburg, Oregon 97470
March 7, 2011

Comments for the Record
The United States House of Representatives
Transportation and Infrastructure Committee
"Transportation Bill Listening Session – Vancouver, WA."

Please allow us to submit this statement for inclusion in the record of your listening session regarding the upcoming transportation authorization. Our volunteer coalition was formed to be a catalyst for promoting a healthy climate for our community and future generations, and to identify and share solutions through awareness, advocacy, and collaboration. With over 30% of greenhouse gases being created by our transportation system, we recognize this legislation stands to make a large impact on our impact on the climate, and at the same time, create healthier, more successful communities.

We have learned considerably about the true impacts of our transportation system. It has become a system that is unsustainable, both from a financial and environmental standpoint. We need more rail service, both freight and passenger. We must increase choices for communities to increase their livability. We need a transportation system that leads to thriving communities where services are located in close proximity to where people live and thereby reduces the need for single-vehicle travel. In communities both large and small, we desperately need good well-supported mass transit to reduce the dependence upon automobiles. We need good well-maintained, properly located sidewalks and bike paths that are safely removed from automobile traffic as well as good law enforcement and clear, easy-to-follow signage.

Bicycling must be promoted in the new act as it provides health, social and environmental benefits. The speed of a bicycle makes bicycling a very practical effective means for moving people and increasing personal freedom. We are pleased to see the percentage of bike commuters is starting to increase, but there must be more balance in our transportation system to further that increase. Americans make 65 percent of their trips which are under a mile in their cars, forty percent of car trips are less than two miles and about half of Americans already live within five miles of their workplaces. These short trips are also the most inefficient, as 'cold starts' burn more gasoline and emit more pollutants. These distances are easily bike-able for many Americans and will not only reduce climate impacts, but lead to a healthier, less oil-dependent nation. While the U.S. bicycle industry is producing more bicycles designed for such short trips, our roads and city designs do not truly accommodate bicycles.

Research shows that well-designed, functional, safe bike facilities lead to more bicycle riders. Potential riders need to know they will be safe, both from a personal safety standpoint, and from dangers created by unaware motorists and unsafe street design and upkeep.

While more fuel-efficient vehicles, hybrid and electric cars, fuel cells and lower-carbon fuels are moving in the right direction, our vehicle miles traveled keep increasing, and are projected to

keep increasing, effectively reducing the benefits of these new technologies. We must improve our transportation system to make the dramatic difference we need. The new bill must stop the unintended consequence of our current system which spawns sprawl and almost demands single vehicle use as destinations are too far to walk or bicycle and potential riders too spread out for transit.

Our large neighbor to the north, Portland, has actually reduced its motor vehicles trips and greenhouse gas emissions by using many of the smart growth strategies. It was ranked No. 1 on Popular Science magazine's list of America's 50 Greenest Cities, based on data from the U.S. Census Bureau and the National Geographic Society's Green Guide and also listed as sixth in Fortune magazine's list of Best Places to Live and Launch. Reduced emissions and economic development are not contrary notions. Further evidence of how to change behaviors is shown by the experience in Minneapolis/St. Paul where three of every 10 trips for work, school or pleasure do not include driving a car. But it has taken Minneapolis investing in facilities to result in its ranking of 2nd of 50 cities in the number of people who bike to work, 8th in those who walk to work and 11th for commuters taking mass transit.

A 2007 Growth and Transportation survey sponsored by the National Association Of Realtors® and Smart Growth America asked about concerns related to growth and development. 71 percent of those polled said they are worried about the increase in global warming. Only 14 percent said they are not at all concerned about the problem. By carefully structuring our transportation systems and promoting more climate-sensitive transportation funding and incentives, the bill your committee will draft can reduce dependence on depleting oil resources and propel us to a sustainable and strong American future.

We appreciate this opportunity to provide comments on this important subject.

**"Are there better options and alternatives then replacing the I-5 Bridges??"**

Before a decision can be made about the need and justification to replace the I-5 Interstate Bridges the across the Columbia River we must first understand and quantify the problem that the CRC Task Force were attempting to addressed.

We are told that we have a congestion problem on the I-5 Interstate Bridges. We are also told that the only solution is to replace the I-5 Interstate Bridges that cross the Columbia River. But many of the citizenry believe the I-5 Interstate Bridges are not the only problem in the I-5 corridor through Portland.

Many people question if the congestion on bridges is separate or connected to the whole of the I-5 corridor through Portland? Next question is; can we make congestion go away by only replacing the I-5 bridges without solving the problems of the I-5 corridor in and through Portland?

Can "Transportation Demand Management" (TDM) be used as an effective tool in pricing the use of the bridges and the I-5 corridor in Peak Periods to reduce demand that would reduce congestion? Some believe that putting TDM tolls on the I-5 corridor and bridge is a critical part of the solution.

This "User Fee" based approach can be used to reduce demand and fund alternatives like Light Rail Transit (LRT) by pricing up the cost of commuting, to where it is equal with the trip cost of using LRT as an alternative to Single Occupancy Vehicles (SOV). TDM tolls could be used to fund alternatives to SOV commutes like the building of a LRT Systems into Clark County and as a source of funding, to replace the I-5 Columbia River Bridges.

Tolling may well be one of the worse and most regressive alternatives of a "Socially Engineer" approach solving to a problem that may not exist. One thing for sure is that will end up hurting a great majority of working people who need to commute into Oregon. It will add to the cost of living and to the cost of doing business in Oregon and SW Washington. Maybe as high as 25,000 Washingtonians who work in Oregon and who commute to work in the I-5 corridor will find this added burden making the difference of if they can afford to continue live in Washington or not. Most of these working families would need to drive their cars/SOV because Light Rail or buses cannot provide an adequate and/or reasonable alternative to their car. These commuters need to get from their homes to work and from work back to their homes. When there are NO bus connections and/or services available to make LRT a reasonable and/or adequate alternative to the use of a car, the cost of a toll may well take food away from families.

Can we reduce congestion and improve safety on the I-5 bridges, and the answer is YES. Can we get more people and vehicles across the Interstate Bridges without replacing them and the answer is YES! We meter the on ramps to the I-5 corridor to reduce turbulence. With reduced turbulence we get more vehicles through the same number of lanes of capacity. Just the elimination of most every choke point possible, in the I-5 corridor between Vancouver and Portland will result in major improvements in the total through-put of vehicles per lane per hour. An example of an important major choke point that was recently eliminated in the I-5 corridor was at Hayden Meadows. Now I-5 corridor is a consistent 3-lane in each direction until the Freemont Bridge, where it turns into a 2-lane choke point.

The I-5 Interstate Bridges have been considered a choke point, why and is it correctable, the answer is YES! Currently the inside lane (left) on the bridges achieves the greatest number of vehicles per hour per day. It gets approximately 30% more vehicle through-put, then the middle lane. The middle lane achieves approximately 30% more through-put then the far right lane. This can be attributed directly to turbulence. The indecision of drivers and gawkers is reflected in how people drive and their decision making as they prepare to figure out what to do. With very high people slowing down to turn right South Bound (SB) to Hayden Meadows the average speed in the far right lane might be 15-Miles-per-Hour (MPH) in peak periods. In the middle lane the average MPH might be 30-MPH. In the far left

lane of traffic on the bridge it may well be 50-to 60-MPH in the same peak period. This is akin to the impact of "Gawkers" of these SB vehicles. If all lanes on the I-5 bridges could sustain similar vehicle through-put, we would not have any choke point on the bridges. The next variable on the bridges is the problem of accidents, where drivers are traveling very close together and we have a lot of starting and stopping. This is again a direct result of the very close proximity of the SB off-ramp to Hayden island with virtually NO exist lane to where vehicles can enter and slow down and make a fast right turn that takes you directly to a stop light with not enough storage capacity. This lack of storage capacity often results in vehicles getting backed up on to the I-5 travel lanes. This is very bad and very dangerous.

Can these problems get solved and the answer is YES! By building arterial bridges to Hayden Island from Marine Drive you can eliminate both the North Bound and SB on and off ramps to and from the I-5 corridor. This will eliminate virtually all of the SB vehicle turbulence that decreases the maximum number of vehicles that can pass through the constricted I-5 corridor of the 3-lanes on the I-5 Bridges. This will also eliminate the majority of all SB accidents on the I-5 Interstate Bridges. A similar, but to a lesser degree, we could achieve like type results NB.

If State of Washington were to correct their problems, where vehicles currently enter directly on to I-5 from a shared ramp with coming from West Bound (WB) SR-14 on to SB I-5 immediately before the bridge with little or no on ramp room to gain the speed to reduce the travel lane turbulence maybe up to 80% of the slowdown that is a direct result of this choke point could be eliminated. Improvement could also be achieved through improvement where NB vehicles immediately turn right off of the I-5 Bridge East Bound (EB) on the SR-14. These needed improvement can be done right now and we could virtually eliminate all congestion on the I-5 Interstate Bridges and accidents and that is a very big deal.

The next major long term effort has to be in reducing the number of people and vehicles who are now part of the congestion found in the I-5 corridor. Most large commercial trucks displace a great deal of space, when compared to a Bus or SOV. It is not just the length but it is also the spacing between vehicles before and after one of these large trucks. They also reduce visibility, with most every vehicle around them being forced to run at slower speeds in rush hours as a result of many stopping and starting events. So if the number of large commercial trucks could be reduced in Peak Period Rush Hours the safety of the average commuter could be improved as well as their speed.

To accomplish this we need to build/create a new alternate Bi-State multi-mode arterial corridor with a double deck multi-mode bridge crossing over the Columbia River. This can be accomplished by replacing the current old and inadequate swing BNSF Rail Road Bridge and taking greater advantage of this Right-of-way that will result in major reductions in I-5 corridor capacity demands.

Effective and affordable heavy rail freight movement is critical in sustaining a competitive economic model for our region. All studies reflect that a greater number of local job are dependent to our ability to competitively move freight then most any other abstract variable. Heavy Freight Rail reduces our need for more expensive dependency on large commercial trucks. The Port of Vancouver has modeled its future on the expanded use of Heavy Freight Rail. The new Obama Passenger Rail Initiative will place all of this into jeopardy. This will reduce the ability for concurrent use of the critical rail capacity across this swing BNSF Rail Bridge for Heavy Freight Rail by maybe 30%. It has been an existing major freight rail choke point in America for a long time and now it will be worse. Federal Funding exists that could fund the replacement of this BNSF RR Bridge under these circumstances. Common sense would then tell us that if we were to replace this BNSF RR Bridge why not make it a multi-mode double deck; bridge will put retention and creation in SW Washington m

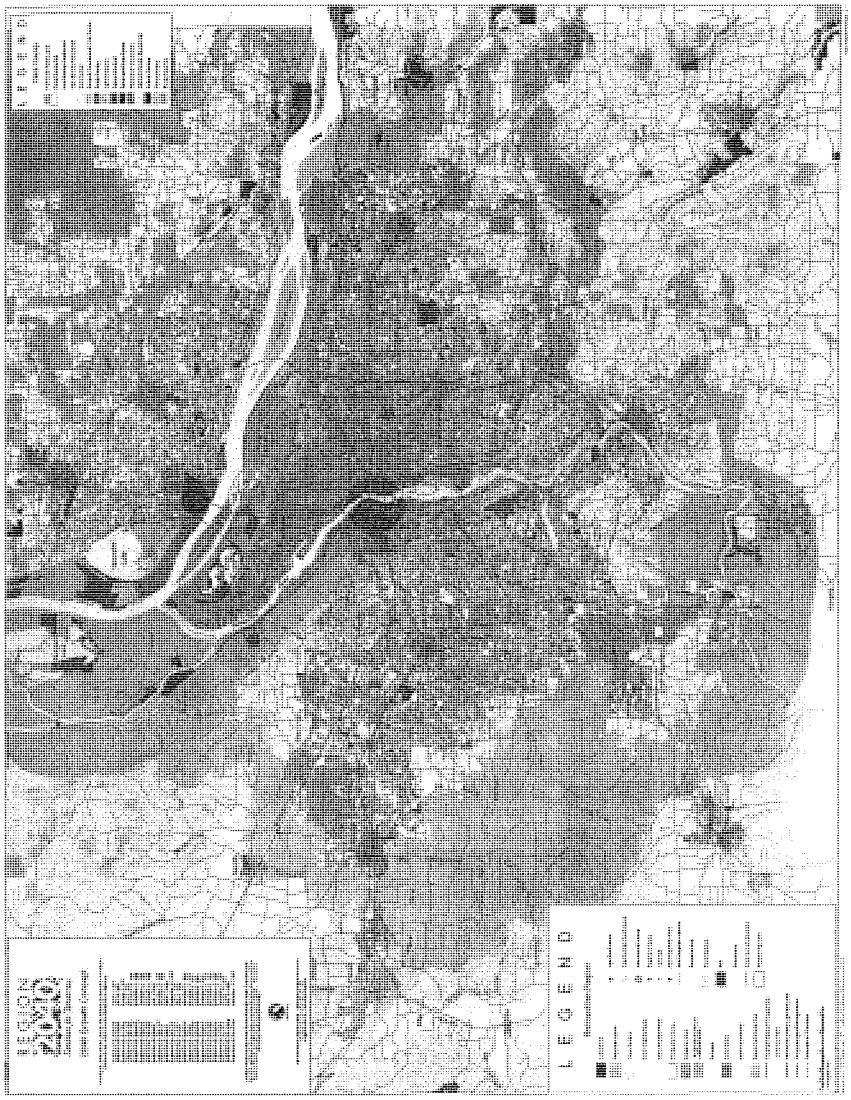
This new 3rd Bridge will get a high number of people and vehicles out of the I-5 corridor eliminating their need to be there. This needed alternative is envisioned by many as creating a needed connecting multi-mode corridor with freight specific capabilities along BNSF Tracks and N. Portland Street that allows all vehicles and truck traffic to go from Vancouver to the Westside of Willamette River in Portland. This

will redirect a lot of people, general-purpose vehicles and trucks away from the Interstate Bridges and the I-5 corridor. This is good! With this new alternative multi-mode arterial corridor some can enhanced through the use Transportation Demand Management (TDM) methods to encourage its use. This is important to reduce vehicles in the I-5 corridor and with those vehicles, the emissions that hurts our environment and the health many people of need that live next to the corridor.

On this new replacement Bi-State Multi-mode BNSF Rail Road Bridge, we double or triple heavy rail capacity and extend MAX Light Rail on it in a loop into Down Town Vancouver. High Capacity Light Rail Transit will also eliminate the need for many people to use I-5 corridor now and more in the future. This alternate Bi-State Multi-Mode arterial with MAX Light Rail will get more people and trucks out of the I-5 corridor then the CRC Interstate Bridge Replacement Project could ever achieve. This new alternate multi-mode arterial with enhanced bike paths in the corridor can be built with little or NO public financing in a Public/Private Partnership thus eliminating the need to having regressive tolls placed on the I-5 and I-205 Bridges and corridors with their negative impacts on working people.

When this new 3rd Bridge Bi-State Multi-Mode Arterial is coupled with the widening of the I-205 corridor out to 4-lanes (in some places 5-lanes) for its full circumference in a package we achieve the best composite comparison, to the CRC Project. As part of an I-205 Corridor widening project we get it designated as the primary north/south interstate freight corridor through the Portland/Vancouver area. The safety aspects of this package of alternatives in combination cannot be achieved in the I-5 corridor, NO matter how much money is ever spent on trying to improve it. The I-205 corridor can be widened for very little money in comparison to this estimated $4-Billion Dollar cost of replacing the I-5 Interstate Bridges with a CRC Project.

Paul Edgar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The Honorable John L. Mica, Chairman
House Transportation and Infrastructure Committee
U.S. House of Representatives
2187 Rayburn House Office Building
Washington, DC 20515

February 23, 2011

Dear Chairman Mica,

Thank you very much for investing your time, effort, and considerable travel requirements to conduct your committee hearing in Vancouver, Washington this past week. Many thanks as well to your other committee members.

Please allow me to address your specific question regarding the critical transportation legislation that your committee is tasked with writing; you asked, "How can we do more with less".

**Congress should not fund separate categories such as "New Starts" and "Projects of National or Regional Significance"**

Every project in a region should compete against every other project. Local officials should be required to make these tough decisions, rather than being offered special federal funding that enables a project on which they would never spend only local money. Such federal programs encourage overly-expansive, over-designed, over-planned and over-reaching projects such as the Columbia River Crossing (CRC).

The current CRC plan was designed with a strong focus towards maximizing such federal funding. We can no longer afford this kind of "design to get the money" approach to transportation and infrastructure. If local governments were provided reasonable and prudent undedicated federal funding, and tasked to prioritize needs in their regional transportation system, we would get different and much more economical designs. In the case of the CRC, the region should balance the amount of money proposed to be spent in this corridor against the other very significant needs in the region.

The prospect of qualifying for Projects of National and Regional Significance (PNRS) and New Starts funding has caused our decision-makers to set aside more economical solutions, such as upgrading the existing bridge, alternative bridge designs, managing traffic demand, installing

HOV lanes on the existing bridge, adding an arterial bridge to Hayden Island, closing Hayden Island ramps at peak hours, and fixing the railroad bridge. But if we admit that any of these things might contribute to a solution, we would be under-cutting our case for obtaining specific federal program funding. This is not an effective incentive, and in fact leads to the misallocation of precious resources.

**Mega-Projects should be broken up into their component parts, and each component evaluated for its cost/benefit contribution.**

Such projects could then be phased, with the biggest "bang for buck" components first. The design would be such that all parts accommodate phasing to match realistic funding availability and expected timing of cash flows. But with the prospects of huge federal funding, Mega-Projects tend to accrete scale and scope well beyond the identified need. For example, in the case of the CRC, "replacing the bridge" has grown into adding light rail, which should be considered separately on its own merits, rebuilding seven (7) interchanges on both sides of the river, and other spending that is not critical to the stated objective.

**Funding should, to the greatest extent possible, be done on a pay-as-you-go basis.**

In considering large public works projects there is certainly a place for reasonable and prudent debt. But we should incur very large liabilities only in extraordinary cases, and then only very conservatively. If we are unable to obtain reasonable cost-effective financing, that should tell us something. It says we should perhaps reconsider our excessive desires, and focus instead on the realistic needs. The attractiveness of massive federal funding can incent local governments to over-leverage mega-projects by unnecessarily expanding the project, and adding risky funding schemes to pay for the greater local funding required. This can create tremendous financial exposure for current and future taxpayers, as is the case with the current CRC plan. Federal programs should incent the best solution, not the biggest one.

I hope these points provide something useful as you consider the formidable task ahead for your committee.

Respectfully submitted,

Chris Girard
President & CEO

Copy: The Honorable Peter A. Defazio
The Honorable Bill Shuster
The Honorable Jaime Herrera Beutler

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February 18, 2011

The Honorable John Mica
Chairman of the House Transportation
& Infrastructure Committee
U.S. House of Representatives
2187 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Mica,

On behalf of the Cowlitz-Wahkiakum Council of Governments (CWCOG), we appreciate the opportunity to have our statement entered into the record for the proceedings of the House of Representatives Transportation and Infrastructure Committee Congressional Field Hearing in Vancouver, Washington on February 21, 2011. We are excited to be working with our newly-elected Congresswoman Jaime Herrera Beutler, 3rd Congressional District for the State of Washington.

Public and private sector partners in southwest Washington have been working earnestly to diversify our economic base. Once a center of natural resource extraction and manufacturing, we are evolving into a much more diversified base, including a more concerted focus, through our industries and ports, on global trade especially the import and export of bulk commodities. These developments are the direct result of the completion of the Columbia River Channel Deepening project. The now 43-foot deep channel can accommodate ships that carry wind turbines, cars, grain, paper products, logs and wood products, stimulating the private sector investment of over $300 million in three Cowlitz County ports, all on the Columbia River and I-5 corridor.

A proposed coal export terminal at the former Reynolds Aluminum plant and berth, the construction of a state of the art grain terminal at the Port of Longview, and the recent purchase by the Port of 300 acres to create another marine terminal facility have been spurred by the channel deepening project. These business opportunities not only produce much needed jobs, they put Cowlitz County and southwest Washington on the map for global trade to the Pacific Rim and as a gateway into the interior of the United States by rail and by highway and rail up and down the West Coast I-5 corridor.

All of these new facilities are bulk terminals served by unit trains. The federal High Speed Rail Program is making improvements on the Burlington Northern Santa Fe (BNSF) mainline to serve our ports while allocating capacity for rail passengers. Due to port growth and passenger rail use, approximately 40 percent of the rail funds received by the State of Washington will be spent in Cowlitz County. Projects will increase rail capacity, upgrade switching and improve safety along the BNSF mainline.

Continued modernization of the region's existing transportation infrastructure is a priority for Cowlitz County and Southwest Washington. While our transportation "bones" may still be in decent shape, we are aggressively pursuing a series of rail and highway improvements to meet the emerging national and international demands. We are poised to work together on local grade separations, adding short-line rail capacity to serve marine terminal activities and connect seamlessly with the mainline improvements. Our regionally derived projects involve minimal displacement of existing development and occur within existing rights of way. The land use patterns and transportation network developed in the 1920s up through the freeway era continue to serve us well.

As the Metropolitan Planning Organization (MPO) for the region, we are responsible for long-range planning activities, which includes securing resources to address the environmental and engineering for the above noted highway and rail improvements. We are working with private sector shippers and manufacturers, ports, cities, county, state and federal officials to get these projects ready for the new programs being derived at the state and federal levels, especially the next transportation authorization.

Continued federal investment in the region's transportation network is critical to the success of the nation's economy. Making strategic, well planned investments to maintain, preserve and build on the existing network are the keys to success for this region, state and country. Collaboration and cost sharing should be important components of the next authorization in support of down to earth planning, environmental analysis, and preliminary engineering activities. In turn, these activities lead to projects that are "shovel ready" and poised to support local and national economies, and sustainable jobs and livelihoods.

We thank you for your time and effort to put the national transportation infrastructure needs on the front burner for future investment. We look forward to continuing our partnership across all sectors. Together, we can modernize our existing network to grow the economy for another century. Best wishes for continued success with these field hearings.

Sincerely,

Stephen H. Harvey, Director

SHH:RBS:kw

Cc: Rep. Jaime Herrera Beutler, Third District
Shari Hildreth, Deputy District Director
CWCOG Members

March 10, 2011

The Honorable John Mica
Chairman, Committee on Transportation and Infrastructure
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, DC 20515-6256

Re: Testimony "Improving and Reforming Our Nation's Surface Transportation Programs

Dear Chairman Mica:

The Portland Cement Association (PCA) appreciates the opportunity to submit testimony to the Transportation and Infrastructure Committee regarding improving and reforming our nation's surface transportation programs. On behalf of our member companies, PCA applauds your leadership and commitment to enact a multi-year Surface Transportation Reauthorization Bill.

PCA represents 25 cement companies, operating 97 manufacturing plants in 36 states, with distribution centers in all 50 states. PCA members account for over 97 percent of domestic cement-making capacity. Highway, bridge and street construction projects account for approximately 34 percent of portland cement use.

At PCA, we are aware of the fiscal and political realities in Washington, D.C. and across the states. We share your view that in order to meet and overcome the substantial challenges facing our nation's infrastructure, we need to maximize the impact of every dollar allocated for construction and repair of roads, highways, and bridges throughout the country.

Accordingly, we have taken your invitation for stakeholder input, in advance of the next Surface Transportation Reauthorization Bill, as an opportunity to voice our support for a set of long-term cost saving techniques that, when taken together, comprise a "life-cycle budgeting" process for infrastructure. At its core, this approach allows transportation officials to consider the long-term costs of infrastructure projects and ensures that our highways and roads are planned, designed, and budgeted with the full costs of projects in mind.

As you work toward identifying and incorporating the best ideas into this all-important Transportation Bill, we believe that life-cycle budgeting is worthy of your consideration. The process includes: 1) conducting a full, 50-year life-cycle cost analysis (LCCA) on certain projects; 2) allowing designers to optimize the efficiency of pavements through use of the latest AASHTO's Mechanistic Empirical Pavement Design Guide (MEPDG); and 3) introducing competition in the bidding and design process through an Alternate Design and Alternate Bid (ADAB) approach. Life-cycle budgeting has already been credited with producing substantial cost savings at State Departments of Transportation in Indiana, Louisiana, Missouri, and West Virginia.

Life-cycle driven alternate design/alternate bidding techniques drove down paving costs by roughly 14 to 17 percent in Missouri (*MODOT, 2007 data*), resulted in projects that realized net savings of 29 percent in Louisiana (*LADOTD, 2007 data*), and saved the West Virginia Department of Highways nearly $10 million over just four projects (*WVDOH, 2008-2010 data*). In Indiana, a 2010 report showed the use of MEPDG to prevent the overdesign of pavements saved INDOT over $3 million in initial costs over just five projects. INDOT further estimated that MEPDG could save the state over $20 million per year if used across the board (*INDOT, 2008-2010 data*).

PCA appreciates the complex challenges before you and the Committee. Like you, we understand that the next Surface Transportation Bill must provide a path towards meeting the substantial transportation challenges we face, while doing so in a political environment that emphasizes spending reductions and fiscal responsibility. While our member companies would appreciate the maximum amount of federal funding possible, they, too, realize that this year's Reauthorization process is occurring in a unique political and fiscal climate.

We believe that life-cycle budgeting – utilization of LCCA, MEPDG, and ADAB – is a common sense, fiscally responsible approach that increases transparency, drives down costs of projects, and ultimately allows transportation officials throughout the country to get more projects out of each and every federal dollar allocated for transportation and infrastructure projects.

On behalf of our member companies and our entire industry, we thank you for your work on this vital bill that affects Americans from every walk of life, in every region of the country. We ask you to consider life-cycle budgeting as you seek out the most innovative, practical solutions for our country's infrastructure needs.

If you have any questions or would like more information about PCA or our member companies, please do not hesitate to contact me .

Respectfully,

David S. Hubbard
Vice President, Legislative Affairs

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February 18, 2010

Congressman John L. Mica, Chair
House Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chair Mica:
On behalf of the Portland metropolitan region, I am pleased to submit testimony to the House Transportation and Infrastructure Committee on upcoming transportation authorization legislation.

As President of the Metro Council, the regional government for the Portland metropolitan area, I recognize the importance of transportation investment to the economic prosperity and livability of the region and the nation. Metro -- together with its partners from the Oregon and Washington Departments of Transportation, local governments from both sides of the Columbia River, transit operators, the port district and Oregon's environmental agency through the Joint Policy Advisory Committee on Transportation (JPACT) -- serves as the region's designated metropolitan planning organization under the federal transportation act. Through this partnership, the region has been aggressive and innovative in implementing transportation policies, programs and projects of significant benefit to the region.

The success of the region has in large part been facilitated by the policy direction established through the federal transportation program. It is the federal program that has reinforced regional collaboration, provided resources to support multi-modal transportation investments and created the framework to effectively compete for discretionary federal transportation funds. These programs have been made possible, in large part, through the bi-partisan leadership of the House Transportation and Infrastructure Committee. We look forward to your continued leadership in developing an effective authorization bill at a point in time when transportation investment offers a vital strategy to support and hasten the current economic recovery.

I have attached testimony highlighting key policy recommendations for the committee to consider. Thank you for your consideration, and I hope you enjoy your visit to the greater Portland-Vancouver region.

Sincerely,

Tom Hughes
Council President

Cc: Metro Council
Joint Policy Advisory Committee on Transportation

Printed on recycled-content paper.

## Federal Transportation Authorization Priorities

**Portland Metropolitan Region**

**Submitted by Tom Hughes, Metro Council President**

**House Transportation and Infrastructure Committee**
**Vancouver Listening Session**
**February 21, 2011**

**Jobs and Economic Recovery:** Authorization of the federal transportation bill is essential to support economic recovery in the Portland region, the state of Oregon, and nationally. The local governments of the Portland metropolitan are committed to partnering with others at all levels of government and in the private sector to support economic recovery through the creation and efficient operation of a robust transportation system.

- Increased investment in transportation will provide critical support to the economic recovery needed to increase federal tax collections and reduce the federal budget deficit.
- The national interest in effectively and efficiently moving freight calls for an increased level of policy attention and development of a more targeted funding program.
- A discretionary program like "Projects of National Significance" is important to address those unique situations like the Columbia River Crossing where there is a clear national interest and the cost to address the need exceeds the capacity of a state's normal formula program.

**Partnership and Innovation:** The transportation challenge will require innovative policy and new funding commitments at all levels of government to support economic prosperity and community livability. Accordingly, the next transportation authorization bill should reinforce the partnership between the federal government and state departments of transportation, metropolitan planning organizations, local governments, transit districts, ports, environmental agencies, and other key participants in transportation investment.

- The nation's 100 largest metropolitan areas contain 65% of the country's population and generate 75% of the country's gross national product and 78% of the country's patents. Like the current Surface Transportation Program, flexible funding should be targeted to metropolitan areas for multi-modal transportation to support jobs and community development.
- Integrating transportation policy and funding programs with those of HUD, EPA and the Department of Energy is essential. The effect of the past silos has been not only increased inefficiency, but in some cases outright conflicts between competing federal interests.
- Increased attention to tolling, public-private partnerships and infrastructure bank/credit enhancement is welcome. However, these innovative funding strategies cannot a substitute for a broad-based funding source like the gas tax.

**Support Multimodal Investment:** The nation's metropolitan areas have complex and varied transportation needs. Accordingly, the federal transportation program should invest in multimodal

projects that facilitate freight mobility and support both intercity and intra-regional travel by a variety of modes including high speed rail, public transit, bicycling and walking.

- Don't downscale the federal program to a highway focus. The federal government has an overriding policy interest in supporting national economic prosperity. The need to support the economies of the nation's urban areas requires a multi-modal transportation focus, not a highway-only focus.

- New Starts is an essential federal investment that has supported transformative projects in communities across the country. This successful program should be expanded and administered to implement the multiple purposes intended by Congress, including economic development, community livability, environmental protection as well as direct benefits to transit users.

- Investment in high speed rail should focus not on construction of a national network, but rather on upgrading track speeds and train frequency in key effective corridors like the Pacific Northwest.

Jeffrey A. Jackson

Roseburg, Oregon 97470
March 7, 2011

Comments for the Record
The United States House of Representatives
Transportation and Infrastructure Committee
"Transportation Bill Listening Session – Vancouver, WA."

Please allow me to submit this statement for inclusion in the record of your listening session regarding the upcoming transportation reauthorization. As an avid bicyclist and walker, both for recreation and commuting, I would advocate for inclusion of language into the six-year surface transportation reauthorization bill which expands opportunities for both. The positive health, social, and environmental impacts achieved through popularizing bicycling and walking are well documented and need not be repeated here. Current levels of bicycling and walking nationwide should not be used as justification to minimize funding for infrastructure development for these modes of travel. Municipalities such as Portland, Oregon, and Minneapolis-St. Paul, Minnesota, have well illustrated the "if you build it, they will come" nature of such an investment. In the case of Portland, excellent alternative transportation infrastructure, developed in conjunction with smart growth policies, has helped to control global warming emissions even with a rapidly increasing population, the outcome being a very livable community.

A visionary approach to surface transportation today will pay huge dividends in the future. The immense cost associated with both expanding and maintaining the single vehicle centered transportation system is unsustainable both fiscally and environmentally. Furthermore, anything that can be done to reduce our dependence on fossil fuels is very much in our nation's self interest. The promotion of alternative modes of transportation, which decreases this dependence, should be vigorously pursued. That obviously not only includes bicycling and walking, but also passenger rail surface and other means of mass transit. As a parent and an educator, I have a vested interest in the future. I endorse anything that I feel will make that future brighter for those who are to follow in my footsteps. I have a personal, professional, and ethical responsibility to do no less. I request that the committee and the Congress keep this perspective in mind as they draft the reauthorization. The inertia of past policy need not be the primary foundation of future legislation. Pardon what is now clichéd, but "be the change."

Thank you for considering my comments.

Sincerely,
Jeffrey A. Jackson

Friends of the Historic
Columbia River Highway
PO Box 50, Bridal Veil, Oregon 97010
http://www.hcrh.org

February 21, 2011

The Honorable Rep. John Mica
Chair, House Transportation and Infrastructure Committee

Thank you for holding a hearing for the reauthorization of the Transportation bill in Vancouver, Washington today.

Constructed 1913-1922, the Historic Columbia River Highway (HCRH) was the first scenic highway constructed in the US. It is now a National Historic Landmark and a National Scenic Byway. Unfortunately, during the construction of Interstate 84 through the Columbia River Gorge, the HCRH was partially destroyed, leaving scenic loops at both ends. The Columbia River Gorge National Scenic Area Act (PL 99-663) directed Oregon Department of Transportation to develop a plan to "prepare a program and undertake efforts to preserve and restore the continuity and historic integrity of the remaining segments of the Old Columbia River Highway for public use as a Historic Road, including recreation trails to connect intact and usable segments." I was co-author of that program and have been working on restoration and reconnection efforts since 1986. Great strides have been made, with eleven miles of trail constructed and 1.6 miles funded for construction this summer. However, eleven miles of trail remain to be funded.

The goal is to have a continuous facility, so that a person could ride a bike from Troutdale to The Dalles, without needing to ride on the shoulder of Interstate 84. (Yes, it is legal to ride on the shoulder of an Interstate Highway in Oregon, but it will be safer and more pleasant to be on a separate facility.) I hope that the future Transportation bill will continue to have funding available for projects like this, through such programs as Transportation Enhancements. Competition for Transportation Enhancement funds has always been fierce, with many more worthy projects proposed than can be funded.

Attached is some additional information about the HCRH and comments from the mayors adjacent to the highway about the economic impact of the HCRH projects on their cities.

Sincerely,

Jeanette B. Kloos
President

Support for the Historic Columbia River Highway State Trail

"The Historic Columbia River Highway was a contributing factor when I decided to locate my business in Mosier. The business generated by the cyclists using the state trail has allowed me to open a shop in this small rural community with a population of 500." Ben Zimmerman, Owner, 10 Speed Coffee

"The Historic Columbia River Highway State Trail has helped businesses in Mosier. The restaurant, ice cream shop and new brew pub rely on bicycle traffic generated by the Historic Highway. The Historic Columbia River Highway is an important community asset as well – it well loved locally in Mosier." Andrea Roger, Mayor, City of Mosier

"The Historic Columbia River Highway State Trail is primary reason that Hood River can support three full service bike shops." Arthur Babitz, Mayor, City of Hood River

"Troutdale, recognizing its strategic location, recently installed the Troutdale Arch proclaiming Troutdale as the "Gateway to the Gorge"". Jim Kight, Mayor, City of Troutdale

" I remember riding my Schwinn "Sting Ray" from The Dalles over the Rowena Loops to Mosier where I was unfortunately forced to the shoulder of I-84 to reach Hood River. I look forward to the day, when cyclists and hikers would not be forced along I-84 on route to Cascade Locks. I know bicyclists are traveling slower than motor vehicles and are, therefore, more likely to stop at shops in Cascade Locks, including my art gallery." Brad Lorang, Mayor, City of Cascade Locks

Samuel Hill's vision for the Columbia River Highway included scenery as a 'marketable asset,' which could and should be developed through a system of good roads. Hill once said "we will cash in year after year, on our crop of scenic beauty, without depleting it in anyway." Sam Hill's 100-year old quote applies well today as our communities look for new jobs and economic security with a focus on green and sustainable industries such as tourism.

**OSPIRG**
**Standing Up To Powerful Interests**

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Testimony for the U.S. House of Representatives Transportation and Infrastructure Committee Listening Session: Vancouver, WA
RE: Oregon's Rails and Roads
February 21, 2011
FR: Jenn Lavelle, OSPIRG Field Associate.

Chairman Mica, I want to thank you on behalf of OSPIRG for holding these listening sessions. Representatives DeFazio and Huerrera Beutler, thank you also for your leadership and for participating in this event today.

OSPIRG is a statewide, nonprofit consumer group. We focus on transportation policy from the perspective of consumers and taxpayers, advocating for a 21st Century transportation system that helps end our addiction to foreign oil, repairs our crumbling roads and bridges, alleviates congestion, and gives consumers better choices in an era when rising fuel prices loom large.

There are many ways to meet these challenges, and we look forward to working with the Committee in the coming months. Today, however, I am here to encourage you and the committee to make important investments in both prioritizing improving Oregon's rail system and fixing our roads and bridges that are in disrepair.

**The Importance of Investing in Oregon's Freight and Passenger Rail System**

To keep our economy strong, Oregon's commuters and businesses will need better transit choices beyond cars and trucks in the coming decades. Our most populous region, the Willamette Valley, is expected to absorb 1 million new residents in the next 20-30 years[1], a 44% population increase for the region [2]. Our already-congested Interstate-5 corridor is unready to handle such an influx of people and their need for goods. It will prove difficult and expensive to accommodate these additional passengers and goods by increasing highway capacity. Meanwhile, the next wave of increases in gasoline prices will squeeze the already tight budgets of millions of consumers and businesses that currently rely on cars and trucks to commute and move goods and services.

There is no silver bullet that will solve our transportation issues, but making greater investments in both inter-city passenger and freight rail is an important piece of the solution. Regarding Oregon's Portland to Eugene passenger rail program, current on-time

[1] Oregon Office of Economic Analysis, Demographic Forecast
[2] Oregon Department of Transportation, 2010 Rail Study

performance is less than 70%, with only two roundtrips per day between Portland and Eugene. Our passenger rail currently shares track with 20-25 critically important Union Pacific freight trips per day. Finally, passenger rail service is currently funded only through revenues from the farebox and from vanity license plate fees. Despite these challenges, total annual ridership in our Cascades corridor increased by 10% from the previous year, finishing on a 16 year high since the service began operation.[3]

Fortunately, preliminary studies by our state's transportation officials conclude that even relatively modest, incremental improvements to the reliability, frequency, and speed of our existing rail corridor could achieve remarkable ridership levels that would divert car traffic off I-5, alleviating both congestion and wear and tear on the highway for commuters and businesses alike. These improvements would significantly reduce the long-term cost of maintaining and widening I-5 and create an affordable transit choice for commuters.[4] A true "bullet train" is most likely the best solution for larger regions such as the Northeast Corridor and even the Portland to Seattle corridor. But for Oregon proper, we can meet many of our challenges with more modest infrastructure upgrades.

Similar kinds of investments in our freight system could also help manufacturers and farmers transport goods around the state quickly and cheaply. Here too, the challenges are great; freight traffic is expected to grow by 80% over the next 20 years.[5]

Oregon is in the middle of a major process to pin down specific plans for passenger and freight rail. We have some big choices to make about the best passenger rail corridor alignment, service levels, and timeline. Our state's officials and business leaders are in the process of thinking through the best business plan for the corridor, including some mix of public funding mechanisms and private partnerships. We think this is an important time for our state, and we at OSPIRG hope that the federal government can continue to be a strong partner as we move forward.

**Taking a "Fix it First" Approach**

These tight budget times provide our country with a unique opportunity to adopt a "fix it first" approach to transportation projects.

The need to repair our existing roads and bridges is great. As of 2008 45% of federal highways and major roads were in poor, fair, or mediocre condition. The US Department of Transportation found that 12% of our nation's bridges are rated as "structurally deficient. Poor road conditions cost American motorists $67 billion per year in repairs and operating costs- an average of $335 per motorist.[6]

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[3] Washington Department of Transportation, Ridership on Amtrak Cascades hits all-time record in 2010
[4] Oregon Department of Transportation, 2010 Oregon Rail Study
[5] Oregon Department of Transportation, 2010 Oregon Rail Study
[6] OSPIRG Foundation, "Road Work Ahead: Holding Government Accountable for Fixing America's Crumbling Roads and Bridges."

Unfortunately, we have not made maintenance enough of a priority. The US DOT estimates that simply sustaining our current stock of roads and bridges in good repair would cost $100 billion each year- almost $30 billion more than what we spend now.[7]

It makes sense to us that before we pay for new roads and bridges, we adequately maintain our existing infrastructure. This approach is most effective for taxpayers and motorists. A Fix-it-First approach to road and bridge spending has other benefits as well. Prioritizing road and bridge maintenance and repair will also create more jobs. A study of federal transportation spending found that road repair work generates 16% more jobs per dollar than new road construction.[8]

In this time of deficits, unsafe infrastructure, and high unemployment, I hope that you and the committee will consider prioritizing our dangerously degraded existing roads and bridges before considering investment in building new ones.

Our transportation system will benefit from investments in our rail system and prioritizing fixing our crumbling roads and bridges. These investments will save taxpayers while creating jobs, stimulating economic growth, and accommodating our state's population growth.

Chairman Mica and distinguished guests, thank you for taking on these important issues.

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[7] OSPIRG Foundation, "Road Work Ahead: Holding Government Accountable for Fixing America's Crumbling Roads and Bridges."

[8] Garrett-Peltier, Heidi. 2010. Estimating Impacts of Pedestrian, Bicycle and Road Infrastructure. Political Economic Research Institute. http://www.bikeleague.org/resources/reports/pdfs/baltimore_Dec20.pdf

**Testimony of Timothy Lee**
**Lakeside Industries, Inc.**
**Before the House Transportation and Infrastructure Committee**
**Field Hearing on**
**Improving and Reforming our Nation's Surface Transportation Programs**
**Vancouver, Washington**
**February 21, 2011**

I would like to thank Chairman Mica, Congresswoman Herrera-Beutler and Committee members for the opportunity to present this testimony and to thank the Chairman for creating the Listening Tour. For the record my name is Timothy Lee, Chairman of Lakeside Industries.

Lakeside Industries is a 4th generation asphalt paving producer and contractor. It is owned and operated by 6 siblings. We primarily work in Western Washington and Northwestern Oregon. We are the largest Asphalt paving contractor in Washington State and the largest heavy highway contractor in Congresswoman Herrera's district.

I would like to highlight how critical the Federal Highway Bill is to this region and the States of Washington and Oregon. First, it is vital to have a six year Federal Highway Bill in place that is fully funded to the highest attainable level. Confidence that those funds will be available for distribution to the states on an annual basis and expended for transportation infrastructure is imperative. Without this trust in the Federal program, states are unable to plan their Highway Programs with any predictability. We must begin there. Without it, Washington, Oregon and the rest of our country cannot be successful in providing the necessary transportation network for our growing citizenry, who all rely on that system to compete locally, nationally and internationally.

Preservation of existing roads and bridges is one of Washington's and Oregon's highest priorities. Our current administration has stated that preservation of existing infrastructure is one of our nation's highest priorities. Our ability to address this critical need hangs in the balance as long as the Federal Highway Bill

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, INC

languishes in Congress. The State of Washington relies heavily on Federal funds for our preservation program. Our states struggle with declining gas tax revenues and are no different than every other state that is dependent upon gas taxes. As a result, shortfalls occur in our Transportation Budgets. Preservation of our existing assets becomes more and more difficult to fund when competing with new projects for dollars from the same dwindling pot. Preservation falls further and further behind as its need for additional investment increases. Without those Federal funds, preservation needs largely go unanswered.

When looking at the Federal Highway Trust Fund, its current projected revenue stream, and the scarcity of funds to distribute, one must examine what those precious dollars are spent on. Currently over 30% of the Highway Trust Fund is being diverted to projects and programs that do not expand, improve nor preserve the basics of our country's transportation infrastructure. The General Accounting Office (GAO) issued an 18 page report on June 30, 2009 entitled: "Highway Trust Fund Expenditures on Purposes other than Construction and Maintenance of Highways and Bridges during Fiscal Years 2004-2008". I would ask Congress to closely review these diversions from the Highway Trust Fund for non-transportation purposes. Taxpayers understand and can identify with a user fee that maintains preserves and expands the very system they all use. But in these times of belt tightening, taxpayers cannot understand, nor will they accept, funding programs that are not aligned with the original intent of the fee. Especially when there is a scarcity of funds and our infrastructure is crumbling. Returning some, if not all, diverted funds back to the Federal Highway Trust Fund for the nation's transportation infrastructure is your obligation, for that is what the gas tax was established to fund . This will provide a considerable increase in funding for our nation's infrastructure without raising taxes on fuel. When appropriated to the individual states according to the federal highway distribution formula, these funds will be spent on the needs of that state's highways, roads and bridges.

Enacting the Federal Highway Bill will allow our industry to continue advancing our proven record of technology and innovation. These innovations allow us to live more closely with our environment, provide efficiencies and savings to our

customers, and still provide a more durable and sustainable product. These innovations include the use of reclaimed asphalt pavements (RAP) and recycled asphalt shingles (RAS). We have also developed perpetual pavements, polymer modified binders, stone matrix asphalt, warm mix asphalt (WMA), thin overlays, and porous asphalt pavements. All of these new technologies provide numerous benefits including reduced costs, conservation of materials and energy, and reduced emissions. The Washington State Department of Transportation is a very proactive agency in recognizing the value added by these technologies. WSDOT works very closely with our industry and its organization WAPA, to improve our specifications and to allow and expand the use of these new technologies. Please visit our website www.asphaltwa.com and follow the links to gain in-depth information on asphalt pavements.

In closing, WE NEED JOBS. 22 % of the highway construction jobs in the Northwest have evaporated over the last two years. And among those individuals that are lucky enough to still have a job, their annual pay has eroded on average 13%. The asphalt paving industry in the state of Washington is down 40%, and our unemployment numbers are reflective of that down turn. Our industry has normally provided 5000 family wage jobs here in Washington; we now have roughly 2500-3000 employed. Lakeside Industries' employees' numbers follow those statistics. It breaks my heart because we take very seriously our obligation to feed those 800 families who have made us so successful in the past. Ironically, this has all transpired even with the benefit of the stimulus package.

It is an acknowledged fact that construction spending carries the day. Construction dollars have a 5:1 multiplier ratio to benefit the economy. What better investment is there than in the construction of highways, roads and bridges; an investment that lasts for decades? The next Federal Highway Bill has a critical role to play. It can provide the return of those lost jobs, create even more jobs, maintain, preserve and expand our nation's essential transportation system, promote and facilitate trade, and make this nation more competitive locally, nationally and internationally.

Again, thank you to Chairman Mica and Committee Members for the opportunity to present this testimony. I welcome any questions.

Thank You

Submittal to
U.S. House of Representatives
Transportation and Infrastructure Committee
Listen Session of Transportation Authorization
February 21, 2011
Vancouver, Washington

Welcome to the Pacific Northwest Chairman Mica and members of the Transportation and Infrastructure committee here today.

We appreciate members of the committee agreeing to hold field hearings and listening sessions around the nation to hear about the transportation accomplishments, challenges, and the importance all modes of transportation play in growing and sustaining our economy.

The North Spokane Corridor has long been recognized by Congress as a high priority corridor, connecting the Pacific Northwest to three international border crossings into Canada. With our continued economic connection with the Canadian provinces of British Columbia and Alberta Canada, the North Spokane Corridor provides International Gateway opportunities, especially with the Oil Sands development surrounding Ft McMurray outside of Edmonton. Whether it is providing materials and pre-manufactured components for development or the export of extracted resources as a result of development, the North Spokane Corridor, Washington State, and the Pacific Northwest will play a vital role in supporting national, international and global trade that in turn supports this nation's economic vitality.

The North Spokane Corridor enjoys strong support from the Inland Northwest as well as our neighbors to the north in British Columbia and Alberta Canada. Copies of support letters from communities such as Castlegar, B.C., Lower Columbia Community Development Team from Trail, B.C., and the City of Trail, B.C. are provided as an example of the importance of this project between the U.S. and Canada.

During these tough economic times, the ways of developing and implementing projects has necessarily changed. Creativity to develop lower cost alternative designs and delivery approaches has lowered the cost of construction. This has allowed large scale projects to move forward in a timelier manner. For the Spokane region, the North Spokane Corridor is a primary example of rethinking the traditional designs. With an original Construction cost estimate of approximately, 4.5 billion dollars to construct an 11.5 mile transportation corridor from Interstate 90 through north Spokane, Washington, the likelihood of fully funding the project looked marginal. Through value engineering studies that looked at newer design alternatives, that saved money without compromising the core functions of the facility, Washington State Department of Transportation was able to reduce the overall cost to construct by approximately 2.3 billion dollars. The packet included with these remarks show how innovative approaches can substantially reduce delivery cost and improve delivery time.

These innovative approaches are also being used by local jurisdictions and public transportation systems in Washington State. Spokane Transit Authority has taken a significant interest in re-defining the delivery of public transportation in the Spokane Metropolitan area by looking at the systems ability to perform, rather than just to serve the geographic area. Through the High Performance Transit Network Approach limited resources can be directed to provide the best performance to the region. Spokane Transit Authority is also using this approach in their Downtown Transit Alternatives Analysis, looking at how to provide the best coverage with a mode of street car technology that can operate within a sustainable operating environment.

So as the Transportation & Infrastructure Committee begins developing the next transportation authorization bill, we would like you to be encouraged that new and innovative approaches are being taken to ensure projects can meet a wide range of expectations associated with lower cost designs, timely delivery, betterment to the environment, supporting sustainable economic development initiatives, and making our communities great places to live. To accomplish these expectations, the next authorization bill needs to be truly strategic, flexible and innovative in the way solutions to transportation challenges can be addressed.

We support limiting the number and complexity of programs created in the next transportation authorization bill, to the extent new programs can provide the flexibility to address the challenges without directing the solutions through eligibility requirements. We believe necessity and innovation can provide a sound foundation for identifying solutions to our transportation challenges

Thank you for the opportunity to submit comments, and look forward to the work of this great committee in addressing the transportation challenges facing this great nation.

**TERRY PARKER**

February 21, 2011

Congresswoman Jaime Herrera Beutler
750 Anderson Street, Suite B
Vancouver, WA 98661

**Subject: TRANSPORTATION TESTIMONY - CRC funding & where is the representation for Portland/Vancouver area drivers who already pay federal gas taxes for highways?**

Dear Congresswoman,

**The proposed financing plan for the Columbia River Crossing lacks any kind of equity or fairness.** As I understand the proposal, the federal funding includes $850 million from section 5309 New Starts and $18 million from FHWA discretionary funds - all to pay for light rail. The only other federal funding for the project is a projected $400 million from FHWA Projects of National & Regional Significance. The latter covers little more than the proposed $300 million plus price tag for the bicycle infrastructure. The Oregon and Washington DOTS combined (934 million) and money from Interstate 5 tolls ($1,358.94 million) are expected to cover the rest of the project costs.

Motorists through the gas tax are the only ones that financially support federal funding for transportation projects. Under the current proposal, motorists are getting the shaft while transit passengers whom with fares pay only 25% of operating costs, and freeloading bicyclists that directly contribute no dollars, financially reap the rewards. **The current financing proposal is nothing less than a con job!** Motorists need to be getting something back (50% of the highway/interchange component costs) for the dollars they contribute for roads that go into the Federal Highway Trust Fund to pay for roads.

**WHERE ARE THE FEDERAL DOLLARS FOR THE HIGHWAY COMPONENTS OF THE CRC PROJECT?**

I agree with the no tolling advocates, especially those in Clark County, and that high I-5 tolls will have a negative impact on working class income, small businesses, long term jobs and the regional economy. However, I also see the reality that a small equitable toll may be needed to finance a new bridge. Therefore, **if tolling is to be part of the funding package, it needs be kept minimal by broadening the base and apply to the users of all transport modes.** Poaching dollars from and exploiting motorists to pay for and/or subsidize other modes of transport is a taking. If the transit and bicycle infrastructure components of the project are fully funded the Federal Government and the highway component is not due to the local federal match for alternative transport components being the highway component; then transit passengers and bicyclists need to be tolled to help finance the highway component. Each mode of transport needs to pay an equivalent amount of its own way if this project is to be a "model project" as billed by the state DOTS. Sustainability starts with financial self-sustainability.

Respectfully,

Terry Parker

SRTC

Spokane Regional Transportation Council
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**Submittal By**
**Spokane Regional Transportation Council**
**To**
**U.S. House of Representatives**
**Transportation and Infrastructure Committee**
**Listening Session on Transportation Authorization**
**February 21, 2011**
**Vancouver, Washington**

Welcome to the Pacific Northwest Chairman Mica and members of the Transportation and Infrastructure committee here today.

We appreciate members of the committee agreeing to hold field hearings and listening sessions around the nation to hear about the transportation accomplishments, challenges, and the importance all modes of transportation play in growing and sustaining our economy.

The North Spokane Corridor (NSC) has long been recognized by Congress as a high priority corridor, connecting the Inland Northwest to three international border crossings into Canada. With our continued economic connection to the Canadian provinces of British Columbia and Alberta, Canada, the North Spokane Corridor provides unique International Gateway opportunities, especially with the Oil Sands development surrounding Ft. McMurray outside of Edmonton. Whether it is providing materials and pre-manufactured components for development or the export of extracted resources as a result of development, the North Spokane Corridor, Washington State, and the Pacific Northwest will play a vital role in supporting national, international and global trade that in turn supports this nation's economic vitality.

The North Spokane Corridor is a 60-mile per hour, limited-access facility connecting Interstate 90 near downtown Spokane with US Highway 395 and US 2 on the north end of the metropolitan area. As discussed above, Spokane is the major transportation hub for the Inland Northwest area. With nearby destinations in Idaho, Canada, Montana, and Oregon, it is crucial that freight be able to move through the Spokane Metropolitan area efficiently and safely. Currently there are no dedicated highways providing north-south through movement for freight or motorists. As a result, trucks are forced to travel on busy City of Spokane arterials serving retail malls, schools, and parks. With the corridors current configuration and limited access, the NSC will be able to serve all modes of transportation more efficiently with features such as the recently opened "Children of the Sun" pedestrian/bike path and the reservation of right of way for future high capacity transit, which includes park and ride facilities.

Currently half of the 11 mile project is fully funded. This includes the most recent $35 million dollar Federal TIGER Grant to complete the 5.5 miles of southbound travel lanes. People will be able to fully utilize this 5.5 mile segment in late 2011 or early 2012. It is critical to keep Spokane moving and finish what we've started by completing the 11 mile corridor and making it fully operational.

The North Spokane Corridor enjoys strong support from the Inland Northwest as well as our neighbors to the north in British Columbia and Alberta, Canada. Copies of support letters from communities such as Castlegar, B.C., Lower Columbia Community Development Team from Trail, B.C., and the City of Trail, B.C. are provided as an example of the importance of this project between the U.S. and Canada.

The North Spokane Corridor is subjected to continued reconsideration in scope and cost to deliver in order to ensure the project is efficient and capable of meeting the changing needs and funding realities of today's economic climate. As expected, the total cost of this project has been influenced by market conditions and has changed several times through the application of a cost estimate validation process, (CEVP). Also, as more efficient designs have been developed, real savings have been incorporated into the overall project cost. In 2006, the CEVP estimate to complete this project was 2.1 billion dollars. Currently the project cost is estimated at a total of 1.9 billion dollars with approximately $600 million currently authorized. These CEVP and cost conscious redesign efforts will continue as engineering funding allows.

Innovative approaches are also being used by local jurisdictions and public transportation systems in Washington State. Spokane Transit Authority has taken a significant interest in re-defining the delivery of public transportation in the Spokane Metropolitan area by looking at the systems ability to perform, rather than just to serve the geographic area. Through the High Performance Transit Network Approach, limited resources can be directed to provide the best performance to the region. Spokane Transit Authority is also using this approach in their Downtown Transit Alternatives Analysis, looking at how to provide the best coverage with a mode of street car technology that can operate within a sustainable operating environment.

So as the Transportation & Infrastructure Committee begins developing the next transportation authorization bill, we would like you to be encouraged that new and innovative approaches are being taken to ensure projects can meet a wide range of expectations associated with lower cost designs, timely delivery, betterment to the environment, supporting sustainable economic development initiatives, and ensuring our communities are great places to live. To accomplish these expectations, the next authorization bill needs to be truly strategic, flexible and innovative in the way solutions to transportation challenges can be addressed.

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believe necessity and innovation can provide a sound foundation for identifying solutions to our transportation challenges

We thank you for the opportunity to submit comments, and look forward to the work of this great committee in addressing the transportation challenges facing this great nation.

On behalf of the Spokane Regional Transportation Council (SRTC) and the Spokane Region.

Mr. Gary Schimmels, Councilmember
City of Spokane Valley
SRTC Board Chairman

Mr. Todd Mielke, Commissioner
Spokane County
SRTC Board member

Ms. E. Susan Meyer, CEO
Spokane Transit Authority
Ex-Officio SRTC Board member

Mr. Wayne Brokaw, Executive Director
Inland Northwest AGC

Mr. Joe Tortorelli, Executive Director
Good Roads and Transportation Association

Mr. Glenn F. Miles, Manager
Spokane Regional Transportation Council

Loren T. Vine

February 20, 2011

VIA FACSIMILE

The Honorable John L. Mica
Chairman of the House Transportation & Infrastructure Committee
2187 Rayburn House Office Building
Washington, DC 20515

RE: Transportation and Infrastructure Listening Session, Vancouver, Washington, February 21, 2011 - Public Comment

Dear Sir:

Welcome to Washington State and the Pacific Northwest, and thank you for holding this important opportunity for the public to provide input on the surface transportation reauthorization bill.

I write today as an advocate of a true modally balanced transportation system in the United States and in our corner of the country, with the hope that through the long overdue reauthorization of the federal transportation bill you and your colleagues on the House Transportation & Infrastructure Committee will be guided to draft a bill which not only emphasizes the consolidation, performance, and innovative financing of our national transportation programs, but secures a balanced vision for the achievable transportation system of the future.

Within the past three years, there has been a resurgence of interest in the United States of moving people using what, for decades was thought of as an old-fashioned technology--passenger rail. In the Pacific Northwest, this renewed interest took root early through the work of advocacy groups like All Aboard Washington. Since 1994, the Washington State Department of Transportation ("WSDOT") has worked with Amtrak, the State of Oregon, the Province of British Columbia, freight railroad partners and Talgo, Inc. to develop what I and many others believe to be the best state sponsored rail program in the nation. In fiscal year 2010, the Amtrak *Cascades*, our state-funded passenger rail program, carried a record 836,499 passengers along the 466-mile Pacific Northwest Rail Corridor ("PNWRC") from

Vancouver, B.C. to Eugene, Oregon.[1] It is the busiest inter-city passenger route outside of the Northeast and California.[2] And operating revenue from ticket sales covered 54% of operating costs for the state sponsored trains in 2009,[3] an increase from 38.5% in 2000.[4] Today there are two round trips daily between Seattle and Vancouver, B.C. and four round trips daily between Seattle and Portland, with two of these continuing to Eugene. Washington State over the past 16-years has invested $331 million in capital improvements along the PNWRC for track and signal improvements, new train equipment, station construction and renovations, and train operations. In total over $1.0 billion has been invested in capital projects and operations since 1994.[5] All told, since the program's inception, the Amtrak *Cascades* have been a wonderful success at providing an alternative to congested highways and airports in our region. The secret of that success has been an approach that favors incremental improvement over pursing a new system cut from whole cloth. But to what end?

The answer is a story of shared sacrifice and mutual benefits that work to build a more balanced transportation system through the application of sound policy. Washington State is a heavily trade dependent state that relies on a sound freight rail network to get goods to and from our ports. We also have congested interstate highways that drain productivity and efficiency from our economy, while at the same time degrading our environment. Investing in rail serves to bolster our international competitiveness, our quality of life, and serves our freight partners as well as the public good. Our partnership with freight railroad carriers brings with it economic advantage for all players, and numerous collateral benefits for the public in addition to the high profile benefit of passenger rail.

These lessons should be incorporated in the national transportation reauthorization work you and your committee are undertaking. We should, more than ever, work toward the multi-modal goals set forth in the Intermodal Surface Transportation Efficiency Act ("ISTEA")

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[1] National Railroad Passenger Corporation ("Amtrak"), *Amtrak Sets New Ridership Record, Thanks Passengers for Taking the Train: Strong performance shows demand for passenger rail continues to grow*, (October 11, 2010), http //www amtrak com/servlet/ContentServer/Page/1237608337144/1237608345018?passedYear= 2010 (follow "Amtrak Sets New Ridership Record, Thanks Passengers For Taking the Train" hyperlink)

[2] Amtrak, *Annual Report FY 2009*, (2009), 11, http://www.amtrak com/servlet/ContentServer?c=Page&pagename=am/Layout&p=1237608345018&cid=1241245669222 (follow "Annual Report 2009" hyperlink)

[3] WSDOT, *The Gray Notebook, GNB 39, Quarter ending September 30, 2010*, 22, http://www wsdot.wa gov/Accountability/GrayNotebook/gnb_archives htm (follow "September 30" hyperlink below 2010)

[4] WSDOT, *Measures, Markers and Mileposts: The Gray Notebook for the quarter ending December 31, 2001*, 28, (2002), http.//www wsdot.wa.gov/Accountability/GrayNotebook/gnb_archives.htm (follow "December 31" hyperlink below 2001)

[5] WSDOT, *Amtrak* Cascades *and WSDOT*, 2, (March 2010), http://www wsdot.wa gov/Freight/publications/PassengerRailReports.htm, (follow "Amtrak *Cascades* and WSDOT - March 2010 (pdf 2.15 mb)" hyperlink)

which became law nearly 20 years ago, but which never reached the full aspiration of its policy declaration:

> It is the policy of the United States to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people and goods in an energy efficient manner.
>
> The National Intermodal Transportation System shall consist of all forms of transportation in a unified, interconnected manner, including the transportation systems of the future, to reduce energy consumption and air pollution while promoting economic development and supporting the Nation's preeminent position in international commerce.
>
> [...]
>
> The National Intermodal Transportation System shall include significant improvements in public transportation necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly persons, persons with disabilities, and economically disadvantaged persons in urban and rural areas of the country.
>
> The National Intermodal Transportation System shall provide improved access to ports and airports, the Nation's link to world commerce.
>
> [...]
>
> The National Intermodal Transportation System must be operated and maintained with insistent attention to the concepts of innovation, competition, energy efficiency, productivity, growth, and accountability. Practices that resulted in the lengthy and overly costly construction of the Interstate and Defense Highway System must be confronted and ceased.
>
> [...]
>
> The National Intermodal Transportation System must be the centerpiece of a national investment commitment to create the new wealth of the Nation for the 21st century.[6]

These words are as true today, if not more so, than they were 20 years ago. Indeed the challenges and consequences of our collective inaction grow with each passing year.

The PNWRC is an effective, successful example of what is needed more generally in our overall transportation system to create a more balanced and resilient asset for our Nation's economic and security future. To that end, the funding that is due to be spent through the American Recovery and Reinvestment Act on projects that would have otherwise waited for years to be fully funded using only state resources must be disbursed to put people to work and fulfill the long term vision as stated by ISTEA, and our own long range plans for the corridor.

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[6] Intermodal Surface Transportation Efficiency Act of 1991, Pub L. No 102-240, 105 Stat 1914 (1991)

In conclusion, I wish you and your fellow committee members the best in drafting forward looking legislation that pursues the goal of creating a more dynamic national transportation network while at the same time working together through the divisive issues for the common good of our fellow Americans.

Once again thank you for providing this opportunity to the people of our area.

Kindest regards,

Loren T. Vine
Member All Aboard Washington and the National Association of Rail Passengers

cc: The Honorable Shuster, United States Congress
The Honorable Jaime Herrera Beutler, United States Congress
The Honorable Jim McDermott, United States Congress
Mr. Lloyd Flem, Executive Director, All Aboard Washington

**Washington State Department of Transportation**
**Paula J. Hammond, P.E.**
Secretary of Transportation

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**Statement Provided to the House of Representatives Transportation and Infrastructure Committee, Transportation Listening Session in Vancouver, Washington**

Don Wagner, Washington Director for the Columbia River Crossing Project
February 21, 2011

Chairman Mica and Transportation and Infrastructure Committee Members, thank you for inviting me to speak with you today about the Columbia River Crossing project, a transportation project that is critical for national freight movement, regional growth and local connectivity.

I'm Don Wagner, Washington's director on the Columbia River Crossing project. Today, I would like to briefly describe the current conditions on Interstate 5, between Vancouver, WA and Portland, OR and then explain how the Columbia River Crossing project provides a comprehensive, multi-modal solution to address the many problems.

The Columbia River Crossing project represents a new way of planning transportation projects – it's not a typical highway project. It's a transit, a highway, a bridge, and a bicycle and pedestrian project, and we'll be able to leverage the multi-modal nature of the project to secure federal, state and local funds. The recent Federal Transit Administration New Starts annual report ranks Columbia River Crossing as a very competitive project for the nation.

The Columbia River Crossing project improves the five-mile stretch of Interstate 5 connecting Vancouver to Portland, including the aging bridges over the Columbia River. I-5 is a critical freight connection between Canada and Mexico and has been designated a Corridor of National Significance. More than $40 billion worth of freight moves across the Interstate Bridge each year.

The Interstate Bridge is one of two ways to cross the Columbia River in the Vancouver-Portland area and there is a significant chokepoint at the bridge. Currently there are about six hours of congestion a day and that will grow to 15 hours by 2030 if nothing is done. As congestion increases, so do the crashes. Cars and buses get stuck in congestion, and freight mobility is impaired.

As congestion and collision rates increase, there are limited options for people that want to get out of their cars. Portland's 52-mile light rail transit system does not currently connect to Vancouver and buses are the only transit option for Southwest Washington residents. The bicycle and pedestrian path across the Columbia River is hard to access, is located right next to traffic, and is only four feet wide. In addition, the 1917 and 1958 bridge structures could fail in a major earthquake.

The Columbia River Crossing project is unique. It provides a comprehensive, long-term transportation solution to all of these safety and mobility problems. The project has been developed with an extensive public, agency and stakeholder engagement program. More than 875 outreach events and over 175 advisory group meetings have allowed us to have over 26,000 face-to-face conversations.

After six years of environmental review, public and stakeholder engagement, and bi-state coordination, we have regional consensus about the key elements of the project:

- Building a replacement bridge
- Extending light rail to Vancouver
- Widening the bicycle and pedestrian path
- Using tolls to fund the project and manage traffic

The Columbia River Crossing project illuminates the close connection between strategic infrastructure improvements and economic growth and vitality. By building this project, we will be able to get goods to local stores more cost effectively and national freight to the ports of Portland and Vancouver and points north, south and east. Clark County has been hit hard by the recession and unemployment exceeded 10 percent for much of last year. Twenty thousand jobs will be created or sustained with the construction of the Columbia River Crossing project. This project will make the region, which is highly dependent on trade, more economically competitive.

This project of local, regional and national significance has been recognized as a priority at every level. I've already mentioned the local consensus on our project's key elements. The governors of both states are providing leadership to move the project forward and our local partners are actively engaged in project development. We are poised to deliver a project that will truly improve the daily lives of local residents and support regional growth with infrastructure that will work better for the natural environment and future generations.

# Personal Automated Transport

Past, Present, Future

Prepared and presented by
Ted Winiecki
Highway Transport Research
*Suburb to suburb quicker*

November 3, 2009

## I will tell you about:

- What is Personal Automated Transport?
- History of Personal Automated Transport - aircraft, elevators, spacecraft, personal rapid transit, taxis, Evacuated Tube Transport™
- Economics - most economical metro transport, high capacity vehicles vs high capacity systems with small vehicles

## Personal Automated Transport

- No need for a driver's license
- No driver
- Takes as few as one person directly to destination economically without stops to drop off or pick up other passengers.
- The vehicle (or system) knows the passengers and their preferences
- Demand-response - the vehicle waits for the passenger, not the passenger waiting for the vehicle

## Personal Animal Transport

Milk Wagon 1908

## Lawrence Sperry's Autopilot 1912

- Curtis C-2

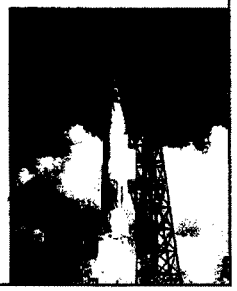
## Willis (Sears) Tower

**104 elevators!**

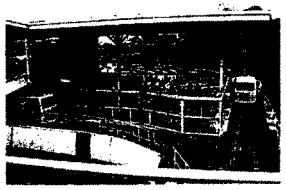
**Most passenger elevators have been automated since the 1950s**

## Mercury program proved high-speed PAT feasible

- **Speed 18,000 mph**
- **Mercury Atlas 6 with John Glenn launched February 20, 1962**

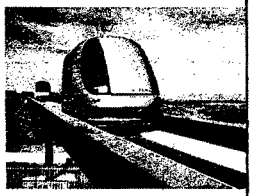


## Personal Rapid Transit



- Morgantown PRT is like a horizontal elevator
- Built by Boeing Vertol
- In operation since 1975 with no deaths or serious injuries

## 2getthere and ULTra PRT



## Higherway stop and landing

## Automated car demonstrations

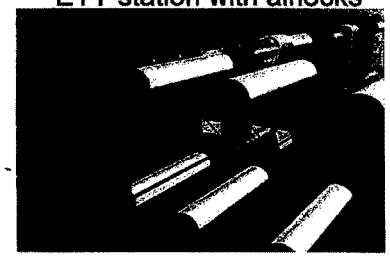
- San Diego, 1991
  - Buicks at 0.3 second separation

- Victorville, CA, November 2007
  - No drivers
  - Obeyed traffic regulations
  - DARPA Urban Challenge

## Evacuated Tube Transport ™

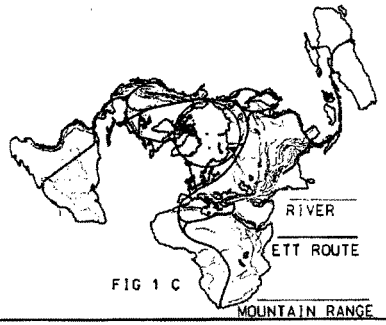
- Passenger compartments are narrow and seat 6-8
- They go into pressurized cylindrical capsules like spacecraft or high-altitude airliners

## ETT station with airlocks

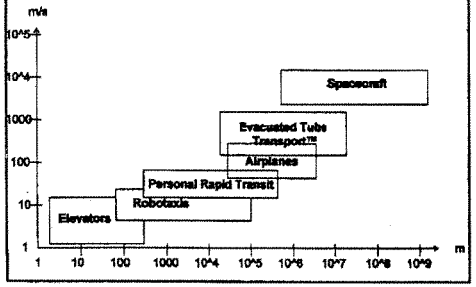


- Because the transport tubes have vacuum levels similar to TV picture tubes the passenger capsules have to go through airlocks to keep air out

## ETT worldwide




## PAT from home to the moon




## What is the most economical metro transport?

- Consider an average trip in a metro area and the following costs:
- people's time in transit (figured at the minimum wage or higher for workers and including waiting times)
- costs to the environment
- accident costs
- acquisition costs (research and development, manufacturing, planning, engineering, construction, interest, real estate, utility easements, rerouting utilities)
- operation and maintenance costs

## Small vehicles more economical than larger vehicles if you don't have to pay a driver

- If one considers all the costs, including passenger's time, a small to medium-sized motorcycle is the most economical mode for the average trip in metropolitan areas.

## High capacity vehicles limited by many stops, waits and mode transfers

Public transit has about 3% market share because it doesn't take people where and when they want to go and it takes too long

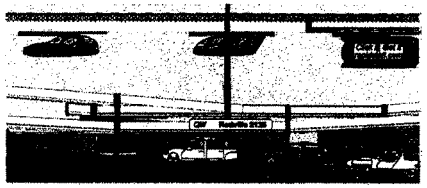
## High capacity with small vehicles

## Questions?

- See http://higherway.us
- Contact

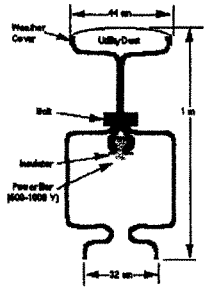
Tad Winiecki
Higherway Transport Research
16810 NE 40 Avenue
Vancouver, WA 98686-1808
winiecki@pacifier.com
360-574-8724

## Landings for dualmode with ground level passenger stops



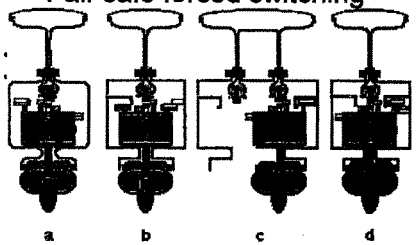
- Automatic alignment between carriers and dualmode vehicles

## Low cost track




- Utility duct on top provides vertical stiffness and access for cables
- Roll-formed shapes are precise and low cost
- Aluminum-stainless steel powerbar also used for emergency steering control

## Fail-safe forced switching




a free switch
b force switching
c locked
d forced no-switch

# Fresno, CA, Listening Session, February 22, 2011, Testimony for the Record

**United States House of Representatives**
**Transportation and Infrastructure Committee**

**Public Listening Session**
**February 22, 2011**
**University of California Center, Fresno, CA**

**Written Comments Submitted by**
**California League of Food Processors**
**Sacramento, CA**

The California League of Food Processors (CLFP) appreciates the opportunity to participate in the Fresno Public Listening Session and requests that the Committee give a high priority to the issue of increasing highway weight limits for commercial agricultural trucks. Increasing truck weight limits can reduce the number of vehicles and the level of traffic congestion on the highways, reduce the emissions of criteria pollutants and greenhouse gases, and reduce the cost of producing food products. It is very important to note that the weight limits can be increased without jeopardizing highway safety. This can truly be a win-win issue that is entirely consistent with the Committee's objective to improve transportation system performance and better utilize private sector resources.

An Overview of the California Fruit and Vegetable Processing Industry

CLFP members include fruit, vegetable, and cheese processors, as well as other value-added food companies. There are currently 225 fruit and vegetable processing companies in California, and these companies collectively account for about 20 percent of U.S. total annual fruit and vegetable manufacturing. Fruit and vegetable processing is an important component of the economy of the Fresno area and the entire state. The total output generated by this sector has grown from about $10 billion in 2008 to $13.1 billion in 2008. Fruit and vegetable processors directly employ over 34,000 workers, and generate numerous other jobs in related sectors such as packaging, energy, and equipment supply.

Farmers across the state rely on food processors as an important outlet for their products. Nearly 1 million 300,000 acres of tomatoes, peaches, pears, raisins, strawberries, onions, garlic, grapes, prunes, spinach, and numerous other crops are grown specifically for the processing market. Commodities such as raisins and processed tomatoes generate millions of dollars in export revenue that fuels further growth in California agriculture.

Trucking is a Critical Component in the Food Supply Chain

The agricultural sector is the largest user of commercial truck transportation in the U.S. Trucks are used to transport raw product from farms to food processing facilities, to deliver product packaging, supplies

and ingredients, and to transport finished processed products to customers across the country and to the ocean ports for export. CLFP estimates that California food processors collectively account for 1.5 million total annual truckloads of inputs, farm products, and finished goods.

This testimony will focus on the hauling of raw products from farms to processing plants. Most of the activity occurs during the 90-day harvest period each year. Over 12 million tons of fruits and vegetables are grown in over 20 counties and hauled to processing plants located across the state. CLFP estimates that about 470,000 total truck loads are generated per season, or about 5,200 loads per day.

Truck Weight Reform Makes Sense

The gross vehicle weight for commercials trucks is currently capped at 80,000 pounds. This limit applies even though many truck and trailer equipment combinations are designed to carry more weight. For example, the 5-axle truck and trailer combination that is commonly used by the fruit and vegetable processing industry can safely handle 92,000 – 94,000 pounds of cargo. Increasing the weight limit to this higher level would allow the carrier to "carry a full load" without modifying existing equipment.

Truck Weight Reform Could Reduce Traffic Congestion, Fuel Consumption, and Air Emissions

For many cargoes, weight reform would effectively mean that three trucks could haul the load of four, and the impact of this change would be substantial. CLFP estimates that for the food processing industry increasing the weight limit would yield the following results annually:

- 370,000 fewer loads travelling the highways, easing traffic congestion
- 115 million less miles travelled, reducing the wear-and-tear on the highways
- 23 million gallons of fuel saved
- 230,000 tons of CO2 emissions removed, helping the Air Resources Board meet its greenhouse gas emission reduction targets
- 2,800 tons of NOx emissions removed, helping to mitigate smog pollution. This potential benefit to air quality has prompted the San Joaquin Valley Air Pollution Control District to support increasing truck weight limits.

Why Should Congress Act Now?

Truck weight reform will help the food processing industry become significantly more cost-efficient and competitive, and will also provide substantial benefits to the environment, farmers, and communities across the state. CLFP urges the Committee to support greater utilization of existing trucking resources and help move California's agricultural economy forward.

Further Information

The California food processing industry would like to work with the Committee to provide the necessary data and analysis to address this important issue. For further information on this topic please contact Ed Yates, President of the California League of Food Processors, [916-640-8150, ed@clfp.com].

March 9, 2011

Representative John Mica
Chair, Committee on Transportation and Infrastructure
U.S. House of Representatives
Rayburn House Office Building, Room 2165
Washington, DC 20515

Senator Barbara Boxer
Chair, Committee on Environment and Public Works
U.S. Senate
Dirksen Senate Office Building, Room 410
Washington, DC 20510

Dear Chairmen Mica and Boxer:

Thank you for providing this opportunity to contribute to the record for the Joint Field Hearing on Improving and Reforming our Nation's Surface Transportation Programs to Support Job Creation and the Economy.

To meet the nation's need for mobility during tough economic times, governments must work harder than ever to make the most of every tax dollar spent. With fewer federal transportation dollars available, ***active transportation (walking and bicycling) investments stand out*** because they can be completed at low cost, are highly popular and significantly improve mobility.

**Bicycle and pedestrian investments are an extremely cost-effective way to manage most short trips of three miles or less that make up nearly half of the trips taken in America.** We cannot afford for capital spending to pull in different directions, so federal transportation expenditures that create multiple benefits should be prioritized. Active transportation furthers mobility goals (greater safety, less congestion, better use of transit services) at the same time that it creates jobs and vital economies and reduces pollution and oil dependence.

In particular, increased investment in trails, bicycling and walking means :

- **Balance:** A recent national poll found that nearly three quarters of Americans feel they "have no choice but to drive as much as" they do, and two-thirds "would like more transportation options." Federal investment in active transportation provides greater travel choices for the public. Safe and convenient bicycling and walking facilities also enable us to make the most of public transportation investments by effectively increasing service areas and reducing travel times to transit services.

- **Jobs:** Design, engineering and construction of walking and bicycling facilities such as trails creates more good jobs per dollar than do other transportation projects, while keeping the profits closer to home.

- **Local economic development:** Trail and bicycling networks are a boon to local economies, resulting in increased tourism, property values and business activity.

- **Positive returns for federal budget:** Active transportation investments save the federal government money by reducing the need to build more expensive transportation infrastructure, cutting federal health care costs, creating jobs and increasing productivity.

- **Reduced oil dependence:** Automobiles are responsible for 40% of U.S. oil use. Cutting miles driven—and reduced congestion with fewer cars on the road—is among the best ways to manage our oil-related economic, environmental and security vulnerabilities. Shifting short trips to bicycling and walking could save 4 to 10 billion gallons of fuel each year. High gas prices can result from concern about marginal scarcity of oil, so even modest reductions in demand can help relieve upward price pressure.

- **Reduced pollution:** Shifting short trips to non-polluting modes reduces air pollution by even greater margins by eliminating cold starts, the most polluting part of the drive.

- **Human health:** Active transportation integrates increased physical activity into daily routines, the best way to ensure that more Americans meet the Surgeon General's recommendations for physical activity. The resulting reduction in obesity and other diseases associated with inactivity could save billions of dollars in health care costs each year.

Relatively modest federal investments in active transportation can leverage other resources to help realize these benefits. Core federal programs that deliver these benefits include Transportation Enhancements (TE), Safe Routes to School, and the Recreational Trails Program. Continuation of these programs-- with TE as a mandatory set-aside within the Surface Transportation Program-- is critical to the success of and public support for a new transportation bill.

In addition, innovative policy advances could enable even more strategic deployment of scarce dollars. In particular, building on the lessons of the Non-Motorized Pilot Program in SAFETEA-LU (section 1807), the Active Communities Transportation Act (HR 4722 in the 111th Congress) would provide concentrated investments to complete active transportation networks to shift trips to bicycling and walking. By building on past projects and strategically filling gaps in our systems, we can provide substantial mobility benefits for modest investment while at the same time delivering remarkable economic, health and energy benefits.

Sincerely,

Laura Cohen

Western Regional Director

Rails-to-Trails Conservancy

FRESNO WORKS

t. 559.600.3000

2281 Tulare Street, Room 300
Fresno, CA 93721

February 23, 2011

The Honorable John Mica
United States House of Representatives
2187 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Mica:

Thank you for visiting Fresno County for a Transportation and Infrastructure Committee listening session. The time you took to understand local concerns as they relate to the reauthorization of SAFETEA-LU and high-speed rail was greatly appreciated.

We also would like to thank you for greeting Fresno Works outside prior to the start of your meeting. We have enclosed some pictures you took with staff that morning. Like you, we are proud supporters of high-speed rail and appreciated the opportunity to be recognized. Permitting our comment during the public comment portion of your listening session also made a lasting impression. Your kind consideration does not go unnoticed.

Fresno Works is an ad hoc committee of the Fresno County Board of Supervisors created to ensure the success of the California High-Speed Rail Authority initiative and the placement of its heavy maintenance facility in Fresno County. We are a coalition of officials from the County of Fresno, City of Fresno and the Council of Fresno County Governments, working together with the education, labor and business communities.

We hope you will agree with us that high-speed rail is a necessary project and mode of transportation that will forever diversify California's economic landscape. Fresno County is proud of the fact it provided the largest percentage vote of any county in the San Joaquin Valley in support of Proposition 1A, the Safe, Reliable High-Speed Passenger Train Bond Act.

Respectfully,

Susan B. Anderson
Fresno County Supervisor
Fresno Works Co-Chair

Henry Perea
Fresno County Supervisor
Fresno Works Co-Chair

FRESNO WORKS

t. 559.600.3000

2281 Tulare Street, Room 300
Fresno, CA 93721

February 28, 2011

Chairman John L. Mica
Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, D.C. 20515

Re: Written Testimony for 2.22.11 Listening Session in Fresno, California

Dear Mr. Chairman:

Thank you for bringing your distinguished committee to Fresno, California for a Listening Session on February 22, 2011. Enclosed you will find my written testimony for that Listening Session. Thank you for the opportunity to submit it. I am available to answer any questions should they arise.

Respectfully,

Henry Perea
Fresno County Supervisor
Fresno Works Co-Chair

**Written Testimony Before The**
**TRANSPORTATION AND INFRASTRUCTURE COMMITTEE**
**Regarding**
**Fresno, California Listening Session**
**February 22, 2011**
**Submitted by: Fresno County Supervisor Henry R. Perea, Co-Chair Fresno Works**

Thank you for the opportunity to submit this written testimony as it pertains to the Transportation and Infrastructure Committee's Listening Session held in Fresno, California on February 22, 2011. On behalf of the entire Fresno Works committee, it was a great honor to have you here in Fresno County.

Co-Chaired by Fresno County Supervisor Susan B. Anderson and myself, Fresno Works is an unprecedented coalition of officials from the County of Fresno, City of Fresno and the Council of Fresno County Governments, working together with the education, business and labor communities to ensure the success of the California High-Speed Rail initiative and the placement of its heavy maintenance facility in Fresno County. Fresno Works is a strong advocate of the California High-Speed Rail Authority and the ultimate realization of high-speed rail in California and the United States.

Fresno County boasts overwhelming support for high-speed rail. In fact, Fresno County is proud of the fact it provided the largest percentage vote of any county in the San Joaquin Valley in support of Proposition 1A, the Safe, Reliable High-Speed Passenger Train Bond Act on the November 2008 ballot.

I am grateful for the leadership provided by the Chairman of the Transportation and Infrastructure Committee, Congressman John Mica. The vision and foresight he wove into his high-speed passenger rail service proposal that was signed into law will create a brighter future for all Americans. The funding that already has been directed to California and will continue to be directed to California for high-speed rail because of this law will play a key role in relieving congestion on our roads and on our runways.

The language in the aforementioned law identified key corridors where high-speed rail makes the most sense, with California being one of those corridors. California, in fact, is an ideal location for high-speed rail and will prove to be a great asset for all Americans. The system that the California High-Speed Rail Authority will begin construction on in 2012 is a true high-speed train system as it will reach top speeds of 220 miles per hour. The California system will link major metropolitan areas up and down the state. By providing true high-speed rail service to connect the San Francisco Bay Area, Sacramento, Los Angeles and San Diego, with stops in between, Californians and tourists alike will enjoy a new mode of transportation between destinations where they would not want to drive nor fly.

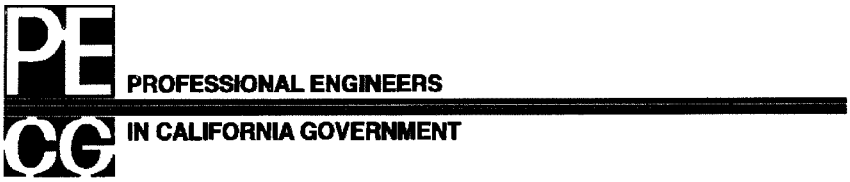
By all measures of the definition and the law, high-speed rail will be a success in California. In the year 2035, 41 million riders will travel via California's high-speed train, according to Cambridge Systematics, a national leader in transportation economics and modeling and an organization called on by your Committee in the past for expert testimony.

To bring that ridership and to make high-speed rail a reality, however, a great amount of private investment must come to the table. High-speed rail will never succeed if the burden of financing the system is 100% the responsibility of government. I'm pleased to hear comments from your Committee regarding the necessity of public private partnership for high-speed rail. As you probably recall, the Authority recently made the decision to break ground on the first segment of its system just north of Fresno County. Since that historic decision was made, Fresno Works has received numerous calls from potential international investors and has hosted investor tours of the local area. The promise of private investment in California's high-speed rail system coupled with the fact that it meets the letter of the federal law will make it an undeniable success.

The success of the system will provide obvious benefits to Californians and its visitors: less congestion on our roads and runways, cleaner air, and a more convenient mode of transportation. Beyond those benefits, it will employ 600,000 people during the construction phase and 450,000 people to maintain and operate the system, according to the California High-Speed Rail Authority. This number does not include the inevitable multiplier effect the system will have on California's local economies.

As an official elected to represent residents in the San Joaquin Valley, I cannot stress enough how important these jobs are to area residents. Dubbed the Appalachia of the West, unemployment numbers in the San Joaquin Valley are extraordinarily high. According to the U.S. Bureau of Labor Statistics, unemployment rates for the following counties are as follows: Fresno County – 17.2%, Merced County – 20.1%, Kern County – 16.2%. High-speed rail will forever change these local economies.

In closing, I would like to thank you for your support of true high-speed rail and for your continued support for additional federal funding of California's true high-speed train project. By working together, all levels of government and private investors will make the high-speed train in California a reality. Thank you for being a major part of California's and the nation's high-speed rail revolution.




February 22, 2011

Honorable John Mica
Chair, House Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, D.C. 20515

Honorable Jeff Denham
Member, Transportation and Infrastructure Committee
1605 Longworth House Office Building
Washington D.C. 20515

**RE: Professional Engineers in California Government**
**February 22, 2011 – Fresno Listening Session**
**House Transportation and Infrastructure Committee**

Dear Reps. Mica and Denham:

The following written testimony is submitted on behalf of the Professional Engineers in California Government (PECG). PECG represents 13,000 state-employed engineers and related professionals. Included among their responsibilities are designing and inspecting California's state highways and bridges.

PECG is a founding member of the National Association of State Highway and Transportation Unions (NASHTU), which is a coalition of 38 unions and affiliates from 20 states and the District of Columbia representing hundreds of thousands of state and locally employed public transportation workers from throughout the United States. PECG and NASHTU are dedicated to ensuring that federal transportation dollars are spent on safe, cost-effective projects that serve the public interest.

Some of the speakers at today's listening session supported the concepts of public private partnerships and design-build procurement. In California, design-build and public private partnerships in surface transportation projects have consistently proven to waste transportation funds, eliminate competitive bidding, delay projects and allow private contractors to inspect and approve their own work without meaningful public oversight.

HEADQUARTERS: 445 Capitol Mall, Suite 501, Sacramento, CA 95814 • (916) 446-0400
LOS ANGELES: 130 N. Brand Boulevard, Suite 301, Glendale, CA 91203 • (818) 500-9941
SAN FRANCISCO: 1 Sutter Street, Suite 800, San Francisco, CA 94104 • (415) 861-5720
TELEFAX: Headquarters (916) 446-0489; Los Angeles (818) 247-2348; San Francisco (415) 861-5360

**Design-build** lumps design, construction, and sometimes inspection of a highway project into a single contract that is awarded not through competitive bidding, but through a process that allows subjective factors to be considered significantly more important than cost. In California, the design-build **State Route (SR) 22 project** added two lanes in each direction on a Southern California freeway. The project was to have been completed in late 2006, but work-related road closures were a weekly occurrence in 2007 and continued until the end of 2008. When SR 22 became a design-build project, the cost increased from $271 million to $606 million.

Design-build also typically allows the private contractor to inspect and sign off on their own work while the public agency performs an "oversight" function, frequently with another contractor. On-site inspection should not be performed by a private inspector whose primary obligation is to the success and profitability of his company or business partners – not public safety and project quality.

Despite major **public-private partnership (P3) disasters** across the nation, foreign, multi-national companies and Wall Street investment houses continue to use P3s to suck huge profits out of the transportation system while inflicting outrageous tolls on motorists through P3 contracts that typically forbid improvements to parallel public roads, increasing traffic congestion.

To date, California has authorized three major P3 projects. All three have been disastrous for taxpayers.

**SR 91 Express Lanes** – In 2002, the Orange County Transportation Authority had to buy out this public-private partnership tollway because of a non-compete clause that prohibited improvements on the non-toll lanes. Taxpayers were forced to "assume the turnpike's debt of $135 million and pay the company $72.5 million in cash," in large part because design-build increased the cost from $57 million to $130 million.

**SR 125 (San Diego Toll Road) –** In 2003, this public-private partnership toll road was supposed to cost $360 million and be completed in 2006. Instead, costs ballooned to $843 million and the toll road did not open until November 2007. Legislation in 2006 extended the tolls for an additional ten years to pay for cost overruns, requiring the public to pay the private owners "hundreds of millions of dollars in additional tolls," according to California's Department of Finance. Despite the bailout, SR 125 is now in bankruptcy and in default on hundreds of millions in federal TIFIA loans.

**Presidio Parkway** – The Presidio Parkway, which replaces the 1.6 mile connection of SR 101 from the Golden Gate Bridge to the City of San Francisco, is the latest P3 disaster. Using the conventional design-bid-build process, the project was fully funded and on schedule. The first four (of eight) construction contracts were awarded at 40 percent under the Engineer's Estimate. In June 2009, the regional agency inexplicably stopped the project, converting the remainder of the work into a single no-bid P3 contract. The result is that nearly $1 billion in State Highway Account (gas tax) funds will be siphoned off over the next 30 years. The Legislative Analyst advised against this scheme to give foreign investors 20 percent profits at taxpayers' expense and the Legislative Counsel concluded it is illegal, but it is proceeding nonetheless.

PECG and NASHTU would like to recommend two provisions in the surface transportation reauthorization that are designed to ensure that transportation projects are built safely and cost effectively. The first provision is encompassed in **H.R. 328 (Filner), which would require public employees to perform the construction inspection on federally funded state and local transportation projects** to ensure that the work performed complies with the plans and specifications, construction and seismic standards are met, projects meet safety requirements, and the materials used will stand the test of time.

When the construction inspection function is outsourced to a private company, there is no longer a representative of the public inspecting the work as it is being performed. David M. Walker, the former Comptroller General of the United States from 1998 to 2008, described the issue in a 2007 *New York Times* article: **"There's something civil servants have that the private sector doesn't, and that is the duty of loyalty to the greater good – the duty of loyalty to the collective best interest of all rather than the interest of a few. Companies have duties of loyalty to their shareholders, not to the country."**

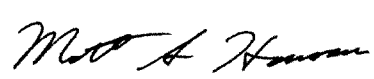
Private contractors inspecting the work of other private contractors has resulted in many high profile disasters throughout the country, including Boston's Big Dig (where a concrete slab from a tunnel ceiling fell and killed a woman), the Los Angeles Red Line Subway (Hollywood Boulevard collapsed), the 8-805 interchange in San Diego (10,000 defective welds on a seismic retrofit project), and many other projects. Outsourcing inspection threatens public safety, increases project cost and can delay project completion.

The second provision we would recommend for inclusion in the surface transportation reauthorization is a requirement that **state and local transportation departments perform a cost comparison analysis prior to outsourcing work.** In California, state budget numbers reveal that a Caltrans engineer costs the taxpayer $113,000 (including salary, benefits and overhead) per year, while a private engineer performing the same function costs the state $226,000 per year plus the cost of advertising and awarding the contract. Instituting this common sense provision in the reauthorization and **prohibiting outsourcing if it is more costly than having services performed by civil servants** will ensure that federal transportation dollars are spent cost effectively.

These two legislative proposals essentially mirror the Office of Management and Budget's efforts to reign in federal government contracting. **The OMB guidance** mandates that federal agencies use federal employees – not private contractors – on inherently governmental and critical functions and to perform a cost comparison prior to outsourcing. To prevent the waste of federal dollars, **similar contracting guidelines should also apply to state and local government contracts paid for in full or in part with federal funds.**

Thank you for the opportunity to provide written testimony for the February 22 Fresno Listening Session. If you have any questions or want additional information, please contact Nadine Westcott at 916/446-0400.

Thank you,



Matt Hanson
PECG President

CC: Members, House Transportation and Infrastructure Committee

# Jonesboro, AR, Listening Session, February 24, 2011, Testimony for the Record

**NORTHEAST ARKANSAS BICYCLE COALITION**

PO Box 892
Jonesboro, AR 72403

T (501) 351-2562
sallybway@suddenlink.net

http://neabicyclecoalition.org

February 24, 2011

Dear Rep. Mica and Honorable Members of the House Transportation and Infrastructure Committee,

The Northeast Arkansas Bicycle Coalition would like to request the continued support for equitable transportation planning and funding for bicycle-friendly infrastructure. We value these projects not just for recreation but much more for the transportation options and economic impact they provide to our communities.

Bicycling and walking are essential to our community. The federal transportation investments that support these activities boost our economy, help individuals and government agencies save money, and directly address key societal challenges such as obesity and road congestion. Arkansas is struggling with obesity and related health problems as 30% of our adults and 20% of our children are obese. Providing infrastructure that encourages healthy lifestyle choices will be essential to combating this epidemic.

We recognize that every tax dollar has to do the most good. Particularly in these tough economic times, we can only afford to invest in solutions that solve multiple problems. Bicycling and walking programs do that: Currently biking and walking make up 12 percent of trips and cost just 1.5 percent of our federal transportation dollars. A recent study conducted by UMASS also revealed that bicycle and pedestrian projects create more jobs than do road projects. That's the kind of activity we need to help our economy recover!

We would like to ask for your support for continuing dedicated funding for vital bicycling and walking programs such as Transportation Enhancements and Safe Routes to School. In addressing ways to "consolidate and improve the performance of programs, cut government red tape and streamline the project delivery process, increase private sector investment in our infrastructure, identify creative financing alternatives, and other ideas for writing the legislation," we would ask that MPOs have increased flexibility in the use of surface transportation funds so that allocations may be made to projects most needed locally. MPOs are our on-the-ground experts on local transportation issues and needs of our communities.

We are concerned there will be efforts to strip federal funding for biking and walking in Congress, either by eliminating the funding for programs such as Transportation Enhancements or Safe Routes to School, or by making funding these programs optional for states. Again, we urge you support these important transportation programs through continued dedicated funding.

Respectfully yours,

Sally Broadaway, President

Northeast Arkansas Bicycle Coalition

Northeast Arkansas
NEABC
Bicycle Coalition

Northeast Arkansas Bicycle Coalition
PO Box 892, Jonesboro, AR 72403
http://neabicyclecoalition.org

**NEABC is dedicated to:**

- Promoting the use of bicycles as a means of transportation and recreation
- Making Northeast Arkansas a safer place for cyclists of all types through encouraging the development and utilization of facilities (bike paths, routes, lanes and trails) for bicycling
- And providing education and information to motorists and cyclists about safety and the rights of bicyclists.

**Progress - What We're Doing for You:**

- Share the Road - With the help of private sponsors, Share the Road signs have been installed throughout Jonesboro and Northeast Arkansas creating more awareness for bikes on the road.
- Bike to Work Day - NEABC sponsored the first ever Bike to Work Day in Jonesboro. This fun, annual event is to raise awareness for and promote the use of bicycles as a form of transportation.
- Jonesboro Greenway Project - The Greenway is a project of the City of Jonesboro's Parks and Recreation Dept. When completed, it will be a paved multi-use path around Jonesboro that will connect businesses, schools, and parks providing a safe environment for bike and pedestrian travel.
- Representation in Local Planning - through the Jonesboro Transportation Management Board and Metropolitan Planning Organization
- Bicycle Parking - We partnered with students from the NEA Career and Technical to provide bicycle parking throughout downtown Jonesboro.

**Goals:**

- Secure more bike parking
- Better educated drivers and cyclists
- Promote bicycling as of transportation
- Increase bicycle-friendly infrastructure in NEA

Why Ride?
It's fun! It's great for your health!
Did you know?
The average person loses 13lbs. their 1st year of commuting.

**JOIN US!**
We invite anyone who is interested in bicycles to join us - from avid cyclists, to casual riders, to parents of kids who love their bikes!
**Individual Membership**: $30
**Family Membership**: $50
Members receive a 10% discount in the Bike Shop at Gearhead Outfitters in Jonesboro.
**Corporate Sponsor**: $150 and up (includes sign and link on our website)
**Share the Road Sign**: $50/Sign

Payments can be mailed to the above address, or submitted online through our website.

Name:_____

Address:_____

City/State/Zip:_____

Email:_____

Membership/Sign Sponsorship: $_____

Referral by:_____
Receive Email Updates? Y or N
(occasional emails about meetings, events, urgent info)

Fayetteville Natural Heritage Association, Inc.

The Fayetteville Natural Heritage Association, Inc. is dedicated to conserving natural areas of Fayetteville and its environs for the benefit of present and future generations.

22 February, 2011

Committee on Transportation and Infrastructure
Congressman John L. Mica, Chairman
2165 Rayburn House Office Building
Washington, D.C. 20515 202-225-9446

Dear Congressman Mica,

This letter and the attached Resolution are in support of continuing funding of alternate transportation and recreational trails at the current percentage of overall programs.

The Fayetteville Natural Heritage Association is an all volunteer organization working to help conserve our Ozark natural heritage for future generations. We have had been instrumental in preserving over 130 acres of green space and have conducted two nationally recognized land use planning studies.

We believe alternate transportation and recreational trails provide numerous social and economic benefits and contribute to conserving our natural heritage. In the urban areas of northwest Arkansas, existing and proposed trail corridors provide many of the green links necessary for healthy natural ecological systems.

Many communities in northwest Arkansas are investing in alternate transportation and recreational trails and federal support has accelerated progress and the resulting benefits. We believe these benefits are large and support continuing funding at the current percentage.

Sincerely,

Robert Caulk

Robert Caulk
Chairman
Fayetteville Natural Heritage Association

P.O. Box 3633 Fayetteville Arkansas 72702-3633
www.fayettevillenatural.org

The Fayetteville Natural Heritage Association, Inc. is dedicated to conserving natural areas of Fayetteville and its environs for the benefit of present and future generations.

**RESOLUTION**

**A resolution of the Board of Directors of the Fayetteville Natural Heritage Association of Fayetteville, Arkansas, on this 21 day of February, 2011, the Two Hundred Thirty Fifth Year of Independence, to wit:**

**Whereas: Congress is deliberating reauthorization of the Transportation Bill for 2011 and 2012 affecting the funding of Transportation Enhancements, Recreational Trails Program and Safe Routes to Schools, and**

**Whereas: All of said budget items are of great benefit to the health and general welfare of all citizens, but particularly citizens of Arkansas who are obese or suffering from heart disease, the nation's #1 killer, in which conditions Arkansas ranks 8th and 10th respectively, and**

**Whereas: Transportation Enhancements have been just 1.5% of the Transportation allocation, and to the extent they may be reduced or eliminated the money would not be unspent, but would actually only revert to construction of roads and bridges, and**

**Whereas: Studies from major U.S. cities found that pedestrian/non-motorized infrastructure projects of concern produce 11 to 14 jobs per $1,000,000 invested compared to roads projects which prodnce just 7 jobs per million while doing comparatively little to promote or protect the health citizens, and**

**Whereas: Tiger II funding has now been slashed to ZERO by the U. S. House of Representatives; it can be restored by the U.S. Senate and the House of Representatives in the reconciliation process, and**

**Whereas: Tiger II, if restored to the budget, will catalyze construction of a highly beneficial and critical alternative transportation/greenway corridor connecting the central 25 mile corridor of the Fayetteville SMSA, and**

**Whereas: The Recreation Trails Program produces increased property values or livability, socially and physically healthful exercise opportunity for all ages and means, safe alternative transportation and immeasurable enjoyment in the outdoors, all well demonstrated in northwest Arkansas, and**

**Whereas: The Recreation Trails Program projects funds are often matched by citizen volunteer labor to create community, regional, and national scenic, recreation, and heritage preservation trails and assets that produce economic stimulus through tourism, all accomplished with an investment that is a miniscule fraction of the value realized, and**

**Whereas: The benefits of Tiger II, Recreation Trails Program, and Safe Routes to Schools are too great in number to be fully presented here,**

P.O. Box 3655 Fayetteville Arkansas 72702-3655
www.fayettevillenatural.org

The Fayetteville Natural Heritage Association, Inc. is dedicated to conserving natural areas of Fayetteville and its environs for the benefit of present and future generations.

**Be it therefore resolved:**

**The Fayetteville Natural Heritage Association, in consideration of the multitude of public benefits of trails, such benefits being greatly retarded in realization in the absence of Federal assistance, and such assistance being not an expense but instead a high return investment, hereby urges and asks Congress to continue to fund the Transportation Enhancement, Recreation Trails Program and related items now and for the future at the current percentage of the Federal Highway Transportation Budget.**

**It is further resolved:**

**The Fayetteville Natural Heritage Association urges Congress to recognize the special health benefits associated with non-motorized trail use, particularly in Arkansas where obesity is 8th in the nation and heart disease is 10th in the nation, and non-motorized trail development is minimal, by emphasizing continued funding of non-motorized trails.**

**It is further resolved:**

**The Fayetteville Natural Heritage Association wishes to continue to do its part by sharing in the reduction of the Federal budget deficit, but to not more than its proportionate fair share, and by continuing its nationally recognized volunteer services to the State of Arkansas and the Northwest Arkansas area.**

***DETERMINATION of RESOLUTION***

***Considered and duly passed by the Board of Directors on*** 21 ***day of*** February, ***2011.***

**Robert Caulk, Chairman**
**Fayetteville Natural Heritage Association**

P.O. Box 3633 Fayetteville Arkansas 72702-3633
www.fayettevillenatural.org

# News Release

THE CONSERVATION FUND
1655 N. FORT MYER DRIVE, SUITE 1300
ARLINGTON, VIRGINIA 22209
WWW.CONSERVATIONFUND.ORG

**Contact:**
Ann Barrett, The Conservation Fund, (703) 908-5809, abarrett@conservationfund.org
Amy Wilson, Beaver Water District, (479) 756-3651, awilson@bwdh2o.org

**NORTHWEST ARKANSAS LAND USE PLANNING PROGRAM RECEIVES NATIONAL GREEN INFRASTRUCTURE IMPLEMENTATION AWARD**

**Arlington, Va. (February 16, 2011) – An innovative project designed to address local environmental and economic challenges in Washington and Benton Counties, Ark., will receive national recognition next week during the National Green Infrastructure Conference in Shepherdstown, W.Va. The *Green Infrastructure Planning: Linking Arkansas Communities* project will be honored with an inaugural National Green Infrastructure Implementation Award for demonstrating on-the-ground results in increasing stakeholder engagement and partnership. This program is the result of a partnership between the Fayetteville Natural Heritage Association (FNHA), the Arkansas Forestry Commission's (AFC) Urban and Community Forestry Program and Beaver Water District.**

The goal of this cutting-edge strategy was to initiate a Green Infrastructure Plan to help Northwest Arkansas communities address the rapid land use changes occurring with strategic conservation planning. The pilot project began with a conservation assessment grant project funded by the AFC and the U.S. Forest Service that identified key ecological sites for conservation in the cities of Farmington, Greenland, Fayetteville and Johnson, as well as a stretch of land between the city boundaries and the Wedington Wildlife Management Area of the Ozark National Forest. A Green Infrastructure Network Map was developed to summarize the findings and to serve as a starting point for community discussions on resource value and conservation priorities. With the help of the Northwest Arkansas (NWA) Regional Planning Commission, cities and towns have begun to adopt resource priorities suggested in the Network Map in their land use planning.

"The *Linking Arkansas Communities* project is an exemplary model of communities focusing on their conservation priorities in conjunction with their economic goals," said Kris Hoellen, Director of The Conservation Fund's Conservation Leadership Network. "We applaud their ability to embrace the priorities and needs of a broad spectrum of local communities in the planning process."

"For the last 20 years, population growth in Northwest Arkansas has created the need for innovative tools to address urban forest and water quality opportunities," said Bob Caulk, Chairman of the FNHA. "Bob Morgan from Beaver Water District along with Patti Erwin and

Jim Jolley with the Arkansas Forestry Commission attended the Strategic Conservation Training Program offered by The Conservation Fund and saw that green infrastructure planning could be a powerful strategy for growth and development and help to achieve our respective missions."

"Receiving the National Green Infrastructure Implementation Award recognizes the commitment the Fayetteville Natural Heritage Association has for the conservation of our natural resources and the strong citizen support within our communities," said Patti Erwin, Urban Forestry Coordinator for the AFC. "The success of this Green Infrastructure Plan demonstrates the collaborative process that was implemented among key partners and local officials and the invaluable public input provided through volunteerism and professional recommendations."

"The work of the Arkansas Forestry Commission's Urban and Community Forestry Program, with their partners Fayetteville Natural Heritage Association and Beaver Water District, to create the Green Infrastructure Map is an outstanding example of regional cooperation," said John McLarty, Assistant Director of the NWA Regional Planning Commission. "The Green Infrastructure maps and data sets are already being utilized in planning decisions in the area. The NWA Regional Planning Commission would like to extend this valuable data set to the full two county area of Northwest Arkansas. Our region will continue to grow for decades to come, and it is an important goal to preserve our natural resources."

Barbara Boland, board member of the FNHA, will participate in a discussion forum on engaging partners with representatives from Chicago and Los Angeles during the National Green Infrastructure Conference at the National Conservation Training Center in Shepherdstown, W.Va. The three-day conference, organized by The Conservation Fund, will bring together expert policymakers and practitioners from across the country for the first time to explore the extensive growth of green infrastructure and chart its course for the next ten years.

# # #

**About Fayetteville Natural Heritage Association**
Fayetteville Natural Heritage Association is an all-volunteer 501(c)(3) organization formed in 2003 to help conserve our Ozark natural heritage for future generations. We have been instrumental in preserving over 130 acres of greenspace and influencing land use planning.

**About the Arkansas Forestry Commission**
The AFC Urban & Community Forestry goal is to conserve working forest landscapes and enhance the benefits associated with trees by increasing community participation in forest conservation programs and projects.

**About Beaver Water District**
Beaver Water District supplies water to Fayetteville, Springdale, Rogers, and Bentonville. These cities then resell the water to 15 communities and water authorities. The District's mission is to serve customers in the Benton and Washington County area by providing high quality drinking water that meets or exceeds all federal and state regulatory requirements in such quantities as meets their demands and is economically priced consistent with our quality standards.

**About The Conservation Fund**
At The Conservation Fund, we combine a passion for conservation with an entrepreneurial spirit to protect your favorite places before they become just a memory. A hallmark of our work is our deep, unwavering understanding that for conservation solutions to last, they need to make economic sense. Top-ranked, we have protected nearly 7 million acres across America.

**About Fayetteville Natural Heritage Association**

Fayetteville Natural Heritage Association is an all-volunteer 501(c)(3) organization formed in 2003 to help conserve our Ozark natural heritage for future generations. We have been instrumental in preserving over 130 acres of greenspace and influencing land use planning. See www.fayettevillenatural.org for information on projects.

## THE HEALTH BENEFITS OF PARKS, TRAILS AND GREENWAYS (PTGs)

### Our Health Problem

+66% of Americans over age 20 are overweight and 18% of children are seriously overweight.
+We have increased rates of heart disease, high blood pressure, diabetes, stroke and mental stress.
+Increased pollution in our urban areas leads to increased health risks.

### PTGs Promote Physical Activity Which Leads to Better Health

+The U.S. surgeon general reports that increased physical activity –exercise– improves health and lowers health risks.
+Only 25% of Americans engage in recommended levels of exercise.
+Studies show that people living WITHIN ½ MILE of a PTG use them more, exercise more and are healthier.
+The CDC estimates that a 20 minute walk daily could eliminate the obesity epidemic.

### Benefits for Children

+separate zones for walking and biking provide safe areas for children to exercise
+studies show improved functioning in children with attention deficit disorder when they spend time in PTGs.
+PTGs provide opportunities to learn about the natural world and its benefits to their lives.
+PTGs help children interact with family and others in a healthy way.

### Psychological Health Benefits

+Researchers have found that people who use PTGs are better able to cope with life's problems.
+Walks in parks and in "the big world of nature" reduce stress.

### Social Health Benefits of PTGs

+They make urban areas more livable
+They increase interaction with others in the community and CREATE A SENSE OF COMMUNITY.
+They provide opportunities for shared projects such as clean-ups and building neighborhood gardens and structures which increase community pride and feeling of ownership.
+They provide opportunities for creative expression – art, storytelling, theater and concerts.
+PTGs HELP REDUCE POLLUTION OF OUR AIR AND WATER
+PTGs help make us aware that HEALTHY ENVIRONMENTS ARE NECESSARY FOR A HEALTHY PLANET

PARKS, TRAILS AND GREENWAYS PROVIDE A LOT OF GOOD HEALTHY THINGS FOR US

**united transportation union**

The Honorable Rick Crawford

U.S. House of Representatives

1408 Longworth House Office Building

Washington, D.C. 20515-0401

Dear Congressman Crawford,

I am writing in behalf of the 2,500 active and retired Arkansas members of the United Transportation Union, a national organization that represents railroad Conductors, Engineers, Brakemen and Switchmen. The Organization is concerned about funding for Amtrak and the negative impact it could have on the Railroad Retirement if drastic cuts are made as proposed. Many of these members reside in your district.

We understand the hard economic situation of the country and that many people that are out of work. We also understand Amtrak employs @20,000 of our members and that, unless adequately funded, those jobs are at risk. When there is so much rhetoric about creating jobs in the country, one would have to wonder why 20,000 would be put at risk. These members help maintain and keep solvent our Railroad Retirement System that our members labor between thirty and forty years to achieve. The retirement is funded by our members and the railroads unlike much of the public sector. It is therefore crucial for our members to work to pay into the system.

I have enclosed, for your review, information concerning Amtrak. The ridership is up for the past fifteen months and with the price of fuel rising, this trend will continue to increase. Also included are statistics and achievements of Amtrak as well as the Federal Investment in Transportation from 1949 to 2008. The numbers are staggering in favor of the highways and air and quite low for rail.

I respectfully request that you review this information and support funding for Amtrak. Contact the undersigned if additional information is needed.

Sincerely,

Steven R. Evans

Steven R. Evans, Director

UTU Arkansas Legislative Board

# News Release

FOR IMMEDIATE RELEASE
February 10, 2011

ATK-11-019
Contact: Media Relations
202 906.3860

## MORE PASSENGERS CHOOSING AMTRAK

### Record January marks 15 straight months of ridership growth

WASHINGTON – The numbers are now in and January is the 15th straight month of ridership growth for Amtrak and also the best January on record with 2,126,429 passengers. This strong performance is part of a long-term trend that has seen America's Railroad[sm] set annual ridership records in seven of the last eight fiscal years, including more than 28.7 million passengers in FY 2010.

"The steady rise in ridership demonstrates a growing demand and the ongoing need for a national intercity passenger rail system," said Amtrak President and CEO Joe Boardman. "With oil approaching $100 a barrel, we expect to continue to post strong ridership numbers as more and more people choose Amtrak to meet their transportation needs."

Specifically, there was a 4.6 percent increase in riders in January 2011 vs. January 2010, or nearly 94,000 more passengers. The 15 straight months of ridership growth spans from November 2009 to January 2011 which averages a 6 percent growth rate over this period.

Factors that are contributing to the success of Amtrak include a moderately improved economic environment allowing some recovery of business travel along the Northeast Corridor, sustained high gasoline prices, the increased appeal and popularity of rail travel, effective marketing campaigns, and the introduction of Wi-Fi on the high-speed *Acela Express* trains.

The highlights below compare the first four months of current FY 2011 (October 2010-January 2011) to the same period during FY 2010 and show increased Amtrak ridership across the country from coast to coast.

**East Highlights**

The high-speed *Acela Express* service continued its popularity with a ridership increase of 9.2 percent. *Piedmont Service* (Charlotte – Raleigh) experienced a significant gain of 110.8 percent following the introduction of an additional round-trip frequency last summer. In

-more-

NATIONAL RAILROAD PASSENGER CORPORATION
525 West Van Buren Street, Suite 222, Chicago, IL 60607 tel 312 880.5390 fax 202 799.6397 mediarelationschicago@amtrak.com

addition, Virginia routes had sizable gains with Washington –Lynchburg at 26.7 percent and Washington – Newport News at 12.8 percent.

**Central Highlights**

The Chicago hub experienced steep ridership gains as led by the *Blue Water* (Chicago – Port Huron) at 27.7 percent. In addition, the Chicago – Pontiac *Wolverine Service* was up 21 percent, the Chicago – Carbondale *Illini/Saluki* route up 15. 1 percent, the Chicago – Indianapolis *Hoosier State* up 13.3 percent, and the Chicago - St. Louis *Lincoln Service* was up 11.7 percent. Also, the *Missouri River Runner* (Kansas City – St. Louis) experienced a 17.2 percent gain.

**West Highlights**

In California, routes experienced gains including the *Capitol Corridor Service* (San Jose – Auburn) with 7.3 percent and the *Pacific Surfliner Service* (San Luis Obispo – San Diego) with 5 percent growth.

**National Highlights**

Among the long-distance Amtrak trains, the *Cardinal* (New York – Chicago) had the largest increase of 15.9 percent. Other long-distance trains with strong gains were the *Sunset Limited* (Orlando – Los Angeles) at 13.8 percent, the *City of New Orleans* ( Chicago – New Orleans) at 13.1 percent, the *Palmetto* (New York – Savannah) at 12.8 percent, and the *Lake Shore Limited* (New York – Chicago) at 12.7 percent.

**About Amtrak®:**

Amtrak is America's Railroad℠, the nation's intercity passenger rail provider and its only high-speed rail operator. A record 28.7 million passengers traveled on Amtrak in FY 2010 on more than 300 daily trains – at speeds up to 150 mph (241 kph) – that connect 46 states, the District of Columbia and three Canadian Provinces. Amtrak operates trains in partnership with 15 states and four commuter rail agencies. Amtrak also is a strong financial performer achieving an 85 percent cost-recovery ratio in FY 2010. Enjoy the journey℠ at Amtrak.com or call 800-USA-RAIL for schedules, fares and more information. Join us on Facebook at facebook.com/Amtrak and follow us on Twitter at twitter.com/Amtrak.

# Ridership Charts Attached #

## Amtrak Ridership

| | January FY11 Ridership | | | October-January FY11 Ridership | | |
|---|---|---|---|---|---|---|
| ***NEC Spine*** | FY11 | FY10 | % change FY10 | FY11 | FY10 | % change FY10 |
| *Acela Express* | 245,207 | 228,285 | +7.4 | 1,129,873 | 1,034,775 | +9.2 |
| *Northeast Regional* | 506,043 | 512,663 | -1.3 | 2,413,349 | 2,393,988 | +0.8 |
| Special Trains | 1,738 | 1,430 | +21.5 | 3,298 | 5,130 | -35.7 |
| **Subtotal** | **752,988** | **742,378** | **+1.4** | **3,546,520** | **3,433,893** | **+3.3** |
| ***State Supported and Other Short Distance Corridors*** | | | | | | |
| *Ethan Allen* | 3,577 | 3,758 | -4.8 | 15,441 | 16,120 | -4.2 |
| *Vermonter* | 6,672 | 6,563 | +1.7 | 31,112 | 28,555 | +9.0 |
| Albany-Niagara Falls-Toronto | 29,286 | 25,772 | +13.6 | 132,697 | 116,454 | +13.9 |
| *Downeaster Service* | 34,822 | 31,630 | +10.1 | 158,053 | 145,282 | +8.8 |
| *Shuttles* (New Haven-Springfield) | 25,901 | 25,370 | +2.1 | 126,154 | 120,981 | +4.3 |
| *Keystone Service* | 98,065 | 94,420 | +3.9 | 443,075 | 423,822 | +4.5 |
| *Empire Service* (New York City-Albany) | 70,830 | 70,211 | +0.9 | 337,818 | 323,815 | +4.3 |
| *Lincoln Service* (Chicago-St. Louis) | 44,584 | 38,691 | +15.2 | 193,666 | 173,322 | +11.7 |
| *Hiawatha Service* | 57,804 | 53,621 | +7.8 | 264,069 | 250,097 | +5.6 |
| *Wolverine Service* | 35,912 | 31,182 | +15.2 | 166,595 | 137,683 | +21.0 |
| *Illini/Saluki* (Chicago-Carbondale) | 21,616 | 18,743 | +15.3 | 100,312 | 87,141 | +15.1 |
| *Illinois Zephyr/Carl Sandburg* (Chicago-Quincy) | 15,055 | 13,741 | +9.6 | 74,108 | 67,220 | +10.2 |
| *Heartland Flyer* | 4,301 | 4,417 | -2.6 | 23,706 | 22,034 | +7.6 |
| *Pacific Surfliner Service* | 208,134 | 194,340 | +7.1 | 845,856 | 805,441 | +5.0 |
| *Amtrak Cascades Service* | 53,826 | 55,989 | -3.9 | 256,503 | 256,977 | -0.2 |
| *Capitol Corridor Service* | 130,863 | 117,860 | +11.0 | 544,069 | 506,907 | +7.3 |
| *San Joaquin Service* | 72,395 | 71,077 | +1.9 | 322,537 | 312,930 | +3.1 |
| *Adirondack* | 8,294 | 7,200 | +15.2 | 36,145 | 33,283 | +8.6 |
| *Blue Water* | 12,233 | 10,096 | +21.2 | 58,505 | 45,829 | +27.7 |
| Washington-Lynchburg | 9,525 | 7,768 | +22.6 | 47,458 | 37,468 | +26.7 |
| Washington-Newport News | 34,460 | 29,812 | +15.6 | 168,612 | 149,445 | +12.8 |
| *Hoosier State* | 2,332 | 2,254 | +3.5 | 12,005 | 10,594 | +13.3 |
| *Missouri River Runner* (Kansas City-St. Louis) | 11,330 | 9,996 | +13.3 | 59,166 | 50,486 | +17.2 |
| *Pennsylvanian* | 15,022 | 15,527 | -3.3 | 71,034 | 71,041 | -0.0 |
| *Pere Marquette* | 7,497 | 7,177 | +4.5 | 33,413 | 31,215 | +7.0 |
| *Carolinian* | 21,167 | 21,646 | -2.2 | 104,104 | 99,225 | +4.9 |
| *Piedmont Service* | 10,073 | 4,963 | +103.0 | 50,076 | 23,750 | +110.8 |
| Buses | - | - | - | - | - | - |
| Special Trains | 3,487 | 3,000 | +16.2 | 22,609 | 22,534 | +0.3 |
| **Subtotal** | **1,049,063** | **976,824** | **+7.4** | **4,698,898** | **4,369,651** | **+7.5** |
| ***Long Distance*** | | | | | | |
| *Silver Star* | 32,908 | 31,115 | +5.8 | 139,940 | 132,091 | +5.9 |
| *Cardinal* | 7,680 | 7,131 | +7.7 | 37,458 | 32,325 | +15.9 |
| *Silver Meteor* | 27,622 | 26,795 | +3.1 | 122,200 | 116,901 | +4.5 |
| *Empire Builder* | 36,777 | 34,258 | +7.4 | 165,813 | 165,803 | +0.0 |
| *Capitol Ltd.* | 14,795 | 15,292 | -3.3 | 71,298 | 69,335 | +2.8 |
| *California Zephyr* | 28,125 | 25,429 | +10.6 | 120,591 | 111,469 | +8.2 |
| *Southwest Chief* | 22,385 | 21,388 | +4.7 | 108,295 | 101,596 | +6.6 |
| *City of New Orleans* | 17,654 | 15,971 | +10.5 | 77,277 | 68,345 | +13.1 |
| *Texas Eagle* | 21,005 | 19,477 | +7.8 | 90,007 | 86,263 | +4.3 |
| *Sunset Limited* | 6,697 | 6,313 | +6.1 | 30,775 | 27,052 | +13.8 |
| *Coast Starlight* | 27,510 | 31,971 | -14.0 | 135,239 | 142,837 | -5.3 |
| *Lake Shore Limited* | 27,149 | 25,850 | +5.0 | 124,177 | 110,156 | +12.7 |
| *Palmetto* | 13,166 | 12,800 | +2.9 | 64,841 | 57,501 | +12.8 |
| *Crescent* | 19,722 | 19,308 | +2.1 | 96,574 | 89,447 | +8.0 |
| *Auto Train* | 21,183 | 20,286 | +4.4 | 83,035 | 80,143 | +3.6 |
| **Subtotal** | **324,378** | **313,384** | **+3.5** | **1,467,520** | **1,391,264** | **+5.5** |
| **Amtrak Total** | **2,126,429** | **2,032,586** | **+4.6** | **9,712,938** | **9,194,808** | **+5.6** |

NOTE: Ridership to some locations south and west of Chicago is on both state-supported and national system Amtrak trains, as reported above. Combined ridership of all Amtrak trains on these corridors is as follows for Oct. 10 - Jan. 11: Chicago-St. Louis, 211,746 (up 8% from Oct. 09 - Jan. 10); Chicago-Carbondale, 116,867 (up 18% from Oct. 09 - Jan. 10) and Chicago-Quincy 85,030 (up 9% from Oct. 09 - Jan. 10).

| Amtrak Monthly Ridership<br>15 Straight Months of Ridership Growth | | |
|---|---|---|
| Month | Ridership | % chg. vs same month prior year |
| Nov-09 | 2,389,841 | +2.8% |
| Dec-09 | 2,394,671 | +4.8% |
| Jan-10 | 2,032,586 | +2.7% |
| Feb-10 | 1,951,411 | +5.5% |
| Mar-10 | 2,473,551 | +13.5% |
| Apr-10 | 2,445,765 | +7.9% |
| May-10 | 2,490,655 | +7.1% |
| Jun-10 | 2,566,481 | +9.3% |
| Jul-10 | 2,766,812 | +9.8% |
| Aug-10 | 2,541,159 | +2.3% |
| Sep-10 | 2,286,215 | +5.7% |
| Oct-10 | 2,541,170 | +6.9% |
| Nov-10 | 2,541,090 | +6.3% |
| Dec-10 | 2,504,249 | +4.6% |
| Jan-11 | 2,126,429 | +4.6% |

| Annual Amtrak Ridership<br>FY 00 to FY 10 | |
|---|---|
| FY00 | 20,992,485 |
| FY01 | 21,812,224 |
| FY02 | 21,669,207 |
| FY03 | 22,333,180 |
| FY04 | 23,362,729 |
| FY05 | 24,031,170 |
| FY06 | 24,306,965 |
| FY07 | 25,847,531 |
| FY08 | 28,716,407 |
| FY09 | 27,167,014 |
| FY10 | 28,716,857 |

# Amtrak®:

## Amtrak System Statistics

- Amtrak operates America's national intercity passenger rail system:
  - 305 weekday trains
  - 21,100 route-miles
  - Serves 46 states and 3 Canadian provinces
  - Employs over 20,000 people
  - Carried nearly 29 million riders in FY 2010 (all- time record)
  - More than 900,000 daily commuters in 11 states depend on Amtrak
- More than 50% of Amtrak's daily trains meet or exceed 90 mph
- Most Amtrak trains run in collaboration with other railroads:
  - 70% of train-miles run on other railroads
  - Amtrak owns:
    - 363 miles of the 457 mile Northeast Corridor (NEC)
    - 97-mile Michigan Line
    - 65% of the Amtrak-owned track on the NEC can support operations at speeds of 110 mph or higher
- Fifteen states provide financial operating support
- Amtrak operates 4 commuter rail systems, and provides services for 7 others
- Amtrak is the only company in America to maintain track for speeds in excess of 100 mph and its engineering force is responsible for more than 350 miles of track rated for speeds of 100 mph or greater

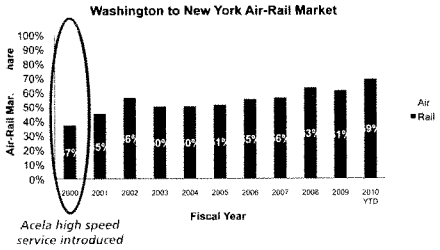
## Amtrak Achievements

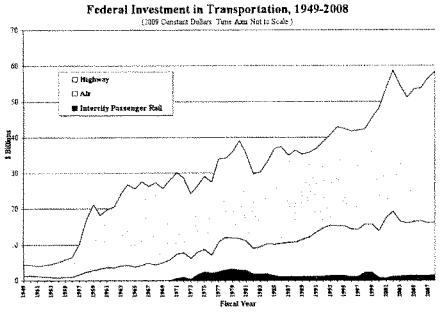
- Amtrak recovers 76% of operating costs out of ticket revenue, more than any other passenger rail carrier in the country†
  - When revenues other sources such as real estate contracts and services for other railroads are included, Amtrak covered 84% of operating costs in FY10.
  - Air travelers paid about 57% of the FAA operating budget in 2010 and only 33% of the total FAA budget
  - Fuel taxes and user fees cover less than 60% of total highway system costs
  - Unlike other modes, railroads provide their own traffic control, police and security, training and signals
- Amtrak finished FY 2010 with ridership and revenue records
  - Since 2000, ridership has grown by 36%
- Since 2005, we have cut diesel fuel use nearly 9%
- Since 2002, Amtrak has cut its debt in half
- Amtrak's investment of American Recovery and Reinvestment Act (ARRA) funds has been a major success:
  - Employed 2,844 full time equivalent jobs (including work generated by suppliers and contractors)
  - Returned 15 locomotives and 81 railcars to service
  - Major improvements to electric traction and bridges on the NEC, and Americans with Disabilites Act (ADA) compliance work at 100 stations

†Preliminary 2010 figures, subject to change based on the outcome of the annual audit

AMTRAK

Amtrak Government Affairs Phone: (202)-906-3918




Source: U.S. DOT

| Overview of Selected DOT Organizations and Trust Funds | | | |
|---|---|---|---|
| All data FY 2010 | Federal Aviation Administration (FAA) | Federal Highway Administration (FHWA) | Federal Railroad Administration (FRA) |
| Budget | $15.99 billion | $42.79 billion | $4.35 billion (includes $1.6 billion for Amtrak) |
| Staff | 48,159 | 2,923 | 895 |
| Trust Fund Outlays | $12.8 billion | $21.8 billion | None |
| Total U.S. DOT budget for FY 2010: $74.5 billion | | | |

**In FY 2010, Amtrak received nearly $1.6 billion in operating and capital support from the Federal Government.**

- **$563M for operating support**
- **$1 billion for capital investment**

**To put those numbers into perspective, here are some other comparable sums:**

**$450M** - Cost of a single Space Shuttle launch

**$761M** - Federal FY 2010 appropriations for the Smithsonian Institution

**$2.35B** - Amtrak's total FY 2009 revenue (generated by ticket sales and other sources - excludes Federal support)

**$2.6B** - Total cost to the New York-New Jersey metropolitan economy of airport delays in 2008

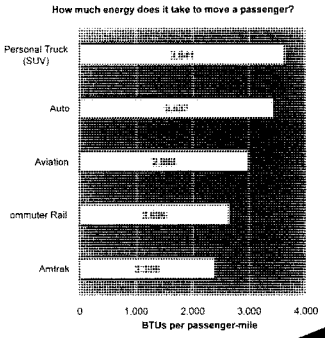
**$2.9B** - Federal budget for the National Park Service in FY 2009

**$3.1B** - Federal capital appropriation for the U.S. Postal Service

**$32.9B** - Economic impact of domestic flight delays in America in 2007

**$34.5B** - Payments from the General Fund to "bail out" the U.S. Highway Trust Fund since September 2008. These payments "top off" the fund, as gas tax revenue is not keeping pace with expenditures

**$79B** - Total budget request for US Department of Transportation (DOT) for FY 2011.




Source: US DOE

## Amtrak's Stewardship of the Northeast Corridor (NEC)

| The Northeast Corridor - Yesterday and Today | | |
|---|---|---|
| | Pre-Amtrak (1976) | Today |
| Amtrak passenger-miles | 1.08 billion | 1.7 billion |
| North End top speed | 90 mph | 150 mph |
| South End top speed | 110 mph | 135 mph |
| Total daily passenger trains | 1,199 | 1,396 |
| Amtrak share of train mileage | 69.3% | 57.9% |
| Commuter share of train mileage | 30.7% | 42.1% |
| Best DC-NYC trip time | 2:59 | 2:42 |
| Best Boston-NYC trip time | 4:24 | 3:25 |
| Signal system | •1/5 of route equipped with bidirectional signaling •Manned tower at every interlocking •104 of 124 interlockings hand-operated | •Most signals bidirectional •Centralized electrification and traffic control •High-density train control on Newark-Penn Station line |
| Grade crossings | Total of 49, distributed over both ends | 11 on North End, 6 of them "smart" crossings |
| Electrified segments | DC-New Haven | Whole route |

### Why Amtrak is the steward of the NEC

- Decision to allow Amtrak to buy the NEC in 1976 must be understood in proper context
- In 1960s and 70s, became very apparent that privately-operated rail carriers could not sustain vital public services, resulting in:
  - Public takeover of all commuter rail services in the NEC and elsewhere by states and regional transportation authorities
  - These were state and regional solutions designed to address local public needs
  - Like Amtrak, they were public solutions to a public need
  - The NEC was a bigger challenge, because it spanned not one or two states, but nine, plus DC
- NEC on the verge of shutdown after decades of deferred investment
- Amtrak chosen because the Government wanted a publicly-supervised entity to serve as steward for a vital public asset
  - We have renewed the infrastructure – and made it safe to do things none of the builders would have ever imagined
  - We have improved intercity service
  - We have also improved capacity our commuter partners need to operate their services successfully
- A well-run NEC is vital to the region's economic health
  - Carries more people on major segments than all of the airlines put together
  - With commuter traffic, daily NEC ridership exceeds 900,000
  - An infinitely more complex and interconnected operation today than it was in 1976
    - No other operator or company is prepared to mobilize to take over the operation
    - Nor are they funded to cover the long-term capital and operating costs
- Amtrak understands the region, we work closely with the stakeholders, and we know the railroad

### NEC Ownership

- The Railroad Revitalization and Regulatory Reform (4R) Act authorized Amtrak acquisition of the NEC from bankrupt Penn Central RR
- Same act authorized a loan to Amtrak to acquire the property
- Amtrak acquired the NEC, obtained loan from USDOT to pay for the property
- USDOT holds mortgage note payable in 2975
- Amtrak now owns 363 miles of the 457 mile route, excluding:
  - New Rochelle-New Haven (55 mi) owned by CT and NY and controlled by MNCRR
  - Boston-Mass Line (37 mi) owned by MBTA

### Challenges

- **On-Time Performance** – ended FY 10 at 74.8%, and FY 11 only marginally better (79.8%), largely due to equipment and infrastructure state of good repair (SOGR) issues
- **SOGR Needs-** Over $5.7B in deferred capital investment on the NEC
- **Equipment Age** – The average age of Amtrak's rolling stock is at an all-time high, and recapitalization is urgently needed

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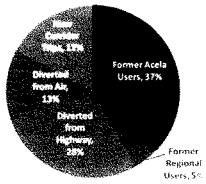
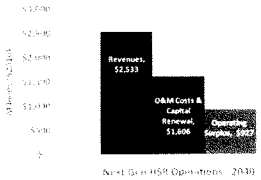
**NEC Next-Gen High-Speed Rail**

Source of Ridership (2040)




Estimated Performance (2040)




**Specific Benefits of investment in NextGen Plan**

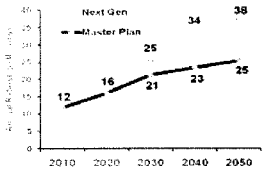
- **Safety**: Many lives will be saved and injuries avoided if traffic is diverted from highways – 15 billion people have used HSR in Japan without a single fatality!
- **Energy**: Amtrak already uses fewer BTUs/passenger mile than air or auto; NextGen contributes to energy independence
- **Land use**: the 2 track NextGen HSR line will be able to move as a multi-lane highway requiring 3 times the land
- **Congestion:** will provide brand-new capacity to move travelers – and total cost will be less than 3 years of highway spending in the Northeast
- **Stimulative**: Benefits of investment (employment, economic activity, fuel use reduction, congestion relief, etc) will be more than twice the cost of construction

**Visionary**: NextGen plan will operate at only 25% of designed capacity in 2040 – will have room for a century of growth

## Planning For The Future

- NEC Master Plan
  - $52B plan to provide capacity NEC will need to support region's growth through 2030
  - Will increase maximum speed on South End to 160mph, achieving substantial trip time reduction
  - These investments are important for us – and vital for the commuters
- NEC NextGen Plan
  - $117B plan to develop HSR on the NEC by 2040
  - 120,000 new permanent jobs
  - 220mph maximum speed – attainable when first dedicated segment opened
  - Trip times from NYC to DC or Boston down to 1.5 hr
  - 4 or more express trains per hour
  - Will generate a positive cash flow to finance a portion of capital investment
  - Private sector investment to be leveraged through various public-private partnership opportunities

**Ridership Growth Projections NextGen and Master Plan**



Why Should Congress Fund Amtrak?

* Said the *Washington Post*, "[T]he government has put nearly 70 times more money into highways and aviation than into the train system."[1]

* The Associated Press reported, "The high cost of fuel, along with traffic and airport congestion, is drawing travelers back to trains, for commuting and for travel between cities as much as 500 miles apart."[2]

* A Pew Research poll found that the number of Americans who enjoy driving fell by 10 percentage points over a recent 15 year period – and highway traffic congestion, rather than higher fuel prices – was the reason.[3]

* The American Association of State Highway Transportation Officials (AASHTO) predicts that by 2020, some 90 percent of urban Interstate Highways will be at or exceeding capacity.[4]

* Philadelphia officials have estimated that 50 additional flights daily would be needed to handle Amtrak passengers arriving and departing from that city; while federal transportation officials said that without Amtrak service into Manhattan, 20 additional highway lanes, 10 new tunnels under the Hudson River and hundreds of acres of new more parking would be required; that the riches of Croesus couldn't pay the cost.[5]

* Civil engineers estimate that two railroad tracks have the capacity to carry as many people each hour as 16 lanes of highway; and 300 miles of railroad use less land than a single commercial airport.[6]

* The *Chicago Tribune* observed that demand for seats on the Chicago-Springfield train increased dramatically despite slow going, "ancient" passenger coaches. "Now imagine what would happen if [lawmakers] they put a little more [public] money into new trains ... [and] enough to cut the travel time," said the newspaper.[7]

* Although Amtrak collects substantial revenue from the fare box, it competes against heavily subsidized highways and commercial aviation, leaving Amtrak insufficient dollars to purchase urgently needed new rolling stock and locomotives, improve facilities and increase service availability. When it was alleged by competing bus operators that they receive no subsidies, Amtrak' president at the time, W. Graham Claytor, responded, "I've never seen a Greyhound snowplow out on the highway during winter."[8]

* Overlooked when Amtrak seeks public funding is that Amtrak's existence reduces pressure on the public purse for even more expensive new and expanded airports and highway lanes – subsidized public works projects rarely attacked with the hostility reserved for Amtrak.

* With a population projected to grow by 51 million between 2009 and 2025 to 358 million,[9] all existing transportation facilities must be expanded. And with some one-in-five American citizens at least 65 years old,[10] it makes for good public policy to expand the relatively easy-access, stress-free intercity rail passenger network to permit more -- and more frequent -- service.

* Railroads require less land than new highways and airports, they are less expensive to construct, they are more fuel efficient than highway or air transport, they are environmentally preferable to all competing forms of motorized transportation, and they are notably safer than highway travel.[11] Former Amtrak President George D. Warrington observed:[12]

> We can move 450 people for every million dollars spent on track versus 45 people for every million dollars spent on highway lanes. We can add a third track for 125-mph train travel along the Northeast Corridor [between Washington, D.C., and Boston] for $8 million a mile with electrification and signaling. Yet another lane on I-95 would cost more than six times as much, or $50 million. The public policy choice should be obvious.

* Former Norfolk Southern freight railroad CEO David Goode observed:[13]

> You could double the lanes on I-95 right now and it wouldn't relieve congestion, but a vastly improved rail system, both freight and passenger, could relieve congestion on the highways, and high-speed rail can accommodate the 300 to 500 mile airline trips which are now crowding the skies.

* Former CSX freight railroad CEO John Snow said, "Public financing [as provide aviation and highways] has not been similarly committed to a world-class rail passenger system for the nation."[14]

* Wrote William F. Buckley, founder of the conservative *National Review*:[15]

> The motorist can hardly drive around the block without driving over asphalt primarily financed by town and county, but also with contributions coming in tangentially from the federal government. When you debouch from I-95, you travel from road service 100 percent paid for by the federal government, down the ramp to cutoffs toward the construction of which the feds made a lesser contribution, but a contribution nonetheless, onto roads paid for by the state, and by lower echelons of government, county and city. It takes hardly pioneering into highly exclusive warrens before the user runs into the driveway he actually paid for himself.

* In 1956, the Interstate Commerce Commission (ICC) began a two-year study of passenger railroading. The so-called Hosmer Report, named after its principal author, Howard Hosmer, identified an almost $750 million ($5.5 billion in 2009 dollars) annual loss to railroads from operation of passenger trains.[16] Participating in the study was Alan Boyd, then representing the State of Florida, who was the nation's first transportation secretary (1967-1969) and later president of Amtrak (1978-1982). (Three years earlier, the director of the ICC's Bureau of Valuation estimated the passenger train deficit to be $508 million.)[17]

* The Department of Transportation's inspector general said in congressional testimony in

2005:[18]

> Long-distance trains carry only a small number of end-to-end riders. Of the 3.9 millioin long-distance riders in fiscal year 2004, only 527,000 rode the entire length of the route ... three million riders traveled along portions of the route.
>
> While eliminating long-distance service [a perennial money loser for Amtrak] may seem appealing from a federal budgetary standpoint, especially with the large deficits, it ignores the mobility needs of rural areas of the country and the benefits passenger rail provides.

ENDNOTES

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1. "Keep the Trains Running," *The Washington Post*, Sept. 24, 2001.

2. "Fuel Costs and Busy Airports Renew a Focus on Passenger Trains," *The New York Times*, Nov. 3, 2008.

3. "Americans' love affair with cars starts to skid," Associated Press wire story, Aug. 1, 2006.

4. Anthony Kane, "A vision for the future Interstate system,"American Association of State Highway and Transportation Officials, Jan. 22, 2007. *See*, also, American Association of State Highway and Transportation Officials "Transportation: Invest in our Future," February 2007.

5. Frank N. Wilner, "Why Amtrak Deserves Support," the *Journal of Commerce*, Dec. 7, 1994.

6. *Id.*

7. Greg Hinz, "A trek to the future – Amtrak's time has come," *Chicago Tribune*, July 30, 2008.

8. Lawrence H Kaufman, *Leaders Count: The Story of BNSF Railway* (Austin: Texas Monthly Publishing, 2005), p. 106.

9. *See*,
http://encarta.msn.com/fact_631504888/united_states_facts_and_figures.html

10. "An Older and More Diverse Nation," U.S. Census Bureau press release, Aug. 14, 2008.

11. *See*, for example, U.S. Department of Energy, "Transportation Energy Data Book," accessible at http://cta.ornl.gov/data/index.shtml

12. Frank N/ Wilner, "Amtrak's Rocky Road," *Railway Age*, April 2001.

13. "Molly McKay, *Destination Freedom* newsletter, Oct. 25, 2004.

14. Letter to shareholders from CSX Chairman, President and CEO John W. Snow, March 14, 1996.

15. William F. Buckley, "Yes to the railroads," townhall.com, June 17, 2002.

16. Interstate Commerce Commission, "Railroad Passenger Train Deficit, Report Proposed by Howard Hosmer, hearing examiner," Docket No. 31954 (1954). *See*, also, George W. Hilton, "The Hosmer Report: A Decennial Evaluation," 36 *ICC Practitioners Journal*, pp. 1470-1486; and, Interstate Commerce Commission, *Passenger Train Deficit*, 306 I.C.C. 417 (1959).

17., *ICC Practitioners Journal*, February 1953.

18. Prepared statement of DOT Inspector General Kenneth M. Mead before Senate Surface Transportation Subcommittee, April 21, 2005.

Hello, I am Robert Griffin, Independence County Judge in Batesville, Arkansas. Thank you, Congressmen, for this opportunity for the people of the first congressional district to be heard from. I would first like to explain the position of county judge to those from out of the state. I am a constitutional officer of the county. While the county court has some judicial responsibilities, my position is more administrative and specifically I am over the road system for the county. In Independence County, there are 1060 miles of county roads while the state has only 232. The Arkansas state road system has 16,442 miles of road. The county road system in Arkansas has 68,810 miles. We as county judges have four times the miles of roads to service compared to the state highway department. When it comes to transportation, the county judges of Arkansas have more responsibility than any other single entity in the state.

In the context of this hearing, in an era of cost cutting, I would ask that the committee be careful not to consolidate the functions of government without recognizing the dangers of consolidation. There are funds found within various agencies that relate to transportation in many ways. Some are straightforward, money is spent on the interstate system of highways, still more money is spent on maintaining railways. Some other department funds improvements to airports while yet another funds needs for river traffic. Each serves a specific need for a particular segment of transportation. If there should be consolidation of overlapping services, the institutional memory will continue to serve their segment while neglecting the needs newly adopted.

The talk of high-speed rail may address the needs of the congested areas of the eastern seaboard but in context to the cost of neglect for our people in rural America, it would be a horrible waste of money when we could use that money in our areas to improve the roads that most Americans damage their vehicles on each day which is the rural system of roads. The cost to the ordinary citizens of America for vehicle repairs comes directly from disposable income and sometimes the money is simply not there. This increases the damage as repairs go undone and I know of particular cases in which this has happened.

Partnerships for transportation needs are difficult. Our county has drilling activity in the Fayetteville shale for natural gas and the resulting damage to roads is massive. Our county is just now starting to work in concert with the drilling companies to repair the roads as needed. They need access and we need the economic impact that drilling brings. We can find that cooperative ground to work together but we also have timber harvested and the same damage results but it is difficult to know who to approach and when because it is cyclic activity. I have asked for creative funding from these industries as well but as yet have no answer. Just this week, we are starting a project cooperatively with a local industry to eliminate solid waste issues within our county. It is difficult to find the right fit where all parties win.

I believe the worst decision that could be made in cutting government would be to start in the one area that costs citizens directly in their efforts to go to and from work and the net result would be to directly cost our people more in this economic atmosphere.

Chairman Mica, you have served the people of Florida's seventh congressional district well for many years. You have worked your way through the University of Florida for a degree. Your background of public service and business lends you to be in a position to understand the plight of our many working class people. I wish to leave you with this thought, since the majority of residents live in rural areas of most of our rural counties, what do you think is more important to them on an everyday basis, safe dependable roads to work every day or an easier way to get from one state to another?

Testimony of Mike Cameron
Jonesboro Regional Chamber of Commerce
Before the House Committee of Transportation and Infrastructure
Public Listening Session on
Legislation to Reauthorize the Nation's Highway, Transit,
and Highway Safety Programs
Arkansas State University
February 24, 2011

My name is Mike Cameron, President of Cameron Construction Company Inc. of Jonesboro, Arkansas. I have been in this business for over 25 years after having been a Resident Engineer for the Arkansas Highway & Transportation Department and Director of Public Works/City Engineer for the City of Jonesboro. I have been active in the Jonesboro Regional Chamber of Commerce in the area of transportation for almost 40 years. As I represent the Chamber here tonight, I hope to give you a relatively unique view of issues facing your committee.

We appreciate the opportunity to express our view and want to thank you Chairman Mica, Congressman Crawford, and the other members of the House Transportation and Infrastructure Committee for holding this important meeting here in the First Congressional District. We are home to Arkansas State University, Riceland, the largest rice mill in the world, and a number of food processors including Nestle SA, the world's largest food company. We are also the proud home of the 875$^{TH}$ Engineering Battalion. The 875$^{th}$ and attached units have experienced several deployments in defense of our country and we are very proud of them. A combined home for guard and reserve units is presently under construction here in Jonesboro, with access to the proposed I–555. Jonesboro is also the largest city in Arkansas not served by the Interstate Highway System and the largest city in Arkansas not connected to our state capital by a four-lane highway.

PROTECTING THE HIGHWAY TRUST FUND

After World War II President Eisenhower proposed the National Defense Highway System that we now know as the Interstate Highway System. Subsequently, in 1956, the Highway Trust Fund (HTF) was created to finance its construction. It began with an initial 3.0 cent user fee on motor fuels. Over the years, that user fee has been increased to 18.4 cents per gallon and additional excise taxes have been added. However, obligation process has evolved to the point that for the period of 2004 – 2008, $78 billion of the total authorization of $243.1 billion has been obligated for purposes other that construction of highways and bridges. Put another way, A THIRD OF HIGHWAY USER FEES ARE NOT USED TO CONSTRUCT HIGHWAYS.

A much more subtle drain on the user fees are the mandates by other Federal Agencies. I have examined projects with which I am directly involved and can report to you that 8 – 10% of the contract price bid for highway construction projects does not go to building roads and bridges. A most recent example is submitted as a reference. If a bird builds a nest on a structure under construction or to be removed during the construction process, work is to be suspended between March 1st and September 30th. The contractor must either keep the birds out with netting or delay his work during that period. The cost to the contractor who has to "pass it on" is more easily measured that the cost to the public of having a facility that it cannot use.

STRETCHING THE HIGHWAY DOLLARS

As a country of entrepreneurs and industry, the private sector should be called upon to help solve problems. The National Asphalt Pavement Association (NAPA) is one example of private enterprise stepping up to a crisis. By promoting Reclaimed Asphalt Pavement (RAP), Recycled Asphalt Shingles (RAS), as well

as other new technologies, significant benefits can be achieved. Among those benefits are lower construction cost, conservation of natural resources, and conservation of energy. I encourage you to consider these technologies and to encourage State Departments of Transportation and local entities to also participate.

INNOVATIVE FINANCING

Innovative financing methods have been used in Arkansas and in Jonesboro. The Arkansas Highway Commission has issued bonds to maintain our Interstate Highway System. The City of Jonesboro has issued bonds to improve State Highways. Hopefully your committee will solicit testimony on the details of these efforts because they seem to indicate a commitment of cooperation to achieve a single goal common to your efforts.

CONGRESSIONAL ROLE IN ESTABLISHING NATIONAL PRIORITIES

The catchall phrase of "earmarks" seems to be a serious concern across the country. I believe that earmarks taken from general funds, and in some cases attached to irrelevant legislation, have become an embarrassment to all of us. However, the use of the term has somehow come to include the process of authorizing, appropriating, and obligating the USER FEES (as opposed to tax revenues) that are meant for the construction of highways and bridges as originally conceived when the Highway Trust Fund (HTF) was created in 1956. I applaud Congress for making the process more transparent, which enables the public to understand better the process by which lawmakers set national infrastructure priorities. The current 'earmark' ban, I fear, has gone too far because it appears to prevents Congress from establishing national priorities. Jerking the car out of one ditch into the other is not the solution. Instead, I encourage lawmakers to have conversation about the proper role Congress should play in overseeing, authorizing, and funding national priorities.

In our state, the Arkansas Highway Commission is responsible for selecting highway projects to fund with the state user fees, which was established through Amendment 42 to our state Constitution. The amendment, as strictly read, does not mention responsibility for national defense, economic development, or interstate commerce.

Congress, represented here tonight by our Congressman and your Committee, is responsible for transportation as it relates to national defense, economic development, and interstate commerce. Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is an example of how Congress establishes national priorities through the National High Priority Corridor program.

Thank you for authorizing U.S. 412, I-555, and the Northeast Arkansas Connector as National High Priority Corridors. Without your support we likely would not have been able to be on the threshold of being able to say that we are located on an Interstate and are connected to our State Capital, Little Rock, by a four-lane highway, upgradeable to an Interstate facility.

Again, welcome to Jonesboro and the First Congressional District of Arkansas.

With your permission, I am submitting the following as reference and in support of testimony.

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**United States Government Accountability Office**
**Washington, DC 20548**

June 30, 2009

The Honorable John McCain
Acting Ranking Member
Subcommittee on Federal Financial Management,
Government Information, Federal Services, and International Security
Committee on Homeland Security and Governmental Affairs
United States Senate

The Honorable Tom Coburn
United States Senate

Subject: *Highway Trust Fund Expenditures on Purposes Other than Construction and Maintenance of Highways and Bridges during Fiscal Years 2004-2008.*

The Highway Trust Fund (HTF) was created in 1956 to finance the construction of the Interstate Highway System. This system, built in partnership with state and local governments for over 50 years, has become central to transportation in the United States. Over these 50 years, the federal role in surface transportation has expanded to include broader goals and more programs. Although most surface transportation funds remain dedicated to highway infrastructure, federal surface transportation programs now serve additional transportation, environmental, and societal purposes such as construction of pedestrian walkways and safety enforcement facilities along border regions.

The 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) authorized $244.1 billion over 5 years for highways, highway safety, and public transportation, with the HTF serving as the funding source for most of the act's programs.[1] In addition to authorizing funds for construction and maintenance of highways and bridges, the act specifies other purposes for which funding must or may be used, including, but not limited to, safety; metropolitan planning; transit; and transportation enhancement activities, such as trails for transportation purposes, pedestrian walkways, bicycle lanes and parking, and related projects. Some of these activities have elements related to, or that contribute to, construction and maintenance of highways and bridges. Within the Department of Transportation (DOT), the Federal Highway Administration

[1]SAFETEA-LU is the current authorization act for surface transportation programs and will expire at the end of fiscal year 2009. The authorization act establishes or continues federal programs or agencies and establishes an upper limit on the amount of funds for the programs. SAFETEA-LU also provides annual contract authority over the authorization period for most highway programs funded through the HTF. Contract authority is a form of budget authority that permits obligations to be incurred in advance of appropriations. Contract authority is unfunded, and a subsequent appropriation is needed to liquidate, or pay, the obligations.

(FHWA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), and the Federal Motor Carrier Safety Administration (FMCSA) are responsible for administering the grant programs funded by the HTF. In response to your concerns regarding resource challenges facing the nation's current surface transportation programs and policies, this report provides information on the amount of HTF monies the DOT agencies obligated for purposes other than construction and maintenance of highways and bridges during fiscal years 2004 through 2008.[2] For a full description of how we determined projects that used HTF monies for purposes other than construction and maintenance of highways and bridges, see enclosure I of this report.

To address our reporting objective, we obtained data from DOT on programs and projects that used HTF monies for purposes other than construction and maintenance of highways and bridges during fiscal years 2004 through 2008.[3] In the case of FHWA, we analyzed obligation data to report on the total cumulative obligated dollars and total number of projects for relevant project types during the 5-year period. We also reviewed publicly available authorization information for FHWA programs in the same time period. With regard to FTA, NHTSA, and FMCSA, we analyzed data on authorization and obligations for all programs to report the total cumulative authorizations and obligations during the 5-year period. We interviewed agency officials and obtained additional information from DOT about steps taken to ensure the reliability of its data, and we determined that the data were sufficiently reliable for the purposes of this report. We conducted our work from October 2008 to June 2009 in accordance with all relevant sections of GAO's Quality Assurance Framework. The framework requires that we plan and perform the engagement to obtain sufficient and appropriate evidence to meet our stated objectives and to discuss any limitations in our work. We believe that the information and data obtained, and the analysis conducted, provide a reasonable basis for the findings. A more detailed description of our scope and methodology is contained in enclosure I of this report.

## Results in Brief

During fiscal years 2004 through 2008, four agencies within the Department of Transportation obligated about $78 billion in HTF monies for purposes other than construction and maintenance of highways and bridges and had total authorizations of $243.1 billion during that time for all purposes.[4] In particular,

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[2]An obligation is a definite commitment that creates a legal liability of the government for payment. Once an obligation is made, the federal government must reimburse the states when they submit a voucher for completed work, which, because of the length of time it takes to complete projects, could be months or years after the obligation is made. See GAO, *Highway Trust Fund: Improved Solvency Mechanisms and Communication Needed to Help Avoid Shortfalls in the Highway Account*, GAO-09-316 (Washington, D.C.: Feb. 6, 2009).

[3]This period represents the fiscal year (2004) between transportation authorization bills and the four fiscal years (2005 through 2008) under SAFETEA-LU authorization for which complete data are available.

[4]Obligation amounts for FHWA, FTA, NHTSA, and FMCSA include funding carried over from previous years.

- FHWA had total authorizations of about $195.3 billion and obligated nearly $28 billion for purposes other than construction and maintenance of highways and bridges in accordance with its mission.
- FTA had total authorizations of about $42.2 billion and obligated over $44 billion for purposes other than construction and maintenance of highways and bridges in accordance with its mission.[5]
- NHTSA had total authorizations of about $3.2 billion and obligated $3.1 billion in HTF monies for purposes other than construction and maintenance of highways and bridges in accordance with its mission.
- FMCSA had total authorizations of about $2.4 billion and obligated approximately the same amount for purposes other than construction and maintenance of highways and bridges in accordance with its mission.

We provided a draft of this report to DOT for its review and comment. DOT noted that activities such as safety, planning, and environmental activities contribute to or are preliminary work for highway construction and some programs that are not highway related, such as adding bicycle lanes on roads or bridges, may involve some highway or bridge construction. DOT also provided technical comments on a draft of this report, which we incorporated as appropriate.

## Background

Congress established the HTF in 1956 to hold highway user taxes to fund various surface transportation programs. In 1983, the HTF was divided into the Highway Account and the Mass Transit Account. Receipts for the HTF are derived from two main sources: federal excise taxes on motor fuels (gasoline, diesel, and special fuels taxes) and truck-related taxes (truck and trailer sales, truck tire, and heavy-vehicle use taxes). Receipts from the motor fuels tax constitute the single largest source of HTF revenue. The HTF also receives revenue attributable to gasoline used by nonhighway recreational users, such as snowmobiles, all-terrain vehicles, off-highway motorcycles, off-highway light trucks, and other nonhighway motorized recreational vehicles. The Highway Account receives the majority of the tax receipts allocated to the fund.[6]

The HTF primarily supports four surface transportation agencies within the Department of Transportation. The Highway Account funds FHWA, FMCSA, and NHTSA and the programs they administer.[7] The Mass Transit Account funds FTA. As table 1 demonstrates, the Highway Account funds FHWA, NHTSA, and FMCSA, while according to FTA officials, FTA receives

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[5]Obligation figures for FTA in this report are greater than total authorizations because they reflect combined HTF monies from the General Fund of the U.S. Treasury, and include funding carried over from previous years and funding transferred from FHWA for transit purposes.

[6]The 18.4 cents per gallon gasoline tax is split as follows: 15.44 cents per gallon to the Highway Account, 2.86 cents per gallon to the Mass Transit Account, 0.1 cent per gallon to the Leaking Underground Storage Tank Trust Fund. The Leaking Underground Storage Tank Trust Fund is administered by the Environmental Protection Agency.

[7]The Highway Account provided $27 million for each of fiscal years 2005 through 2009 to the Research and Innovative Technology Administration's Bureau of Transportation Statistics.

approximately 80 percent of its funding from the Mass Transit Account and the remainder from the General Fund of the U.S. Treasury. These agencies provide much of this funding directly to states, metropolitan planning agencies, and transit agencies through formula grants, and these recipients select projects to be funded, subject to federal eligibility requirements.

**Table 1: Sources of Authorized Funds for Key Department of Transportation Agencies, Fiscal Years 2004-2008**

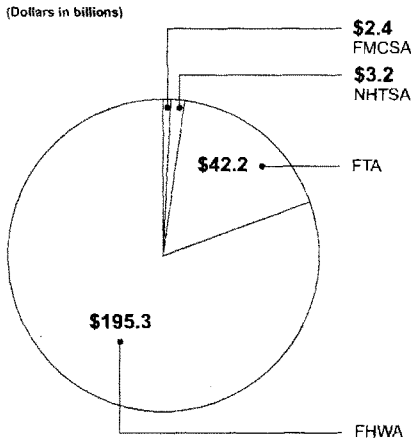
| | Funding source | | |
|---|---|---|---|
| **Agency** | **HTF: Highway Account** | **HTF: Mass Transit Account** | **General Fund** |
| Federal Highway Administration[a] | 100% | - | - |
| Federal Transit Administration | - | 80% in 2004 and 2006-2008<br>85% for 2005 | 20% in 2004 and 2006-2008<br>15% in 2005 |
| National Highway Traffic Safety Administration | 100% in 2004-2007<br>83% in 2008 | - | 17% in 2008 |
| Federal Motor Carrier Safety Administration | 100% | - | - |

Source: GAO analysis of applicable laws and information from the Department of Transportation.

[a]In some instances, FHWA receives appropriated funds from the General Fund of the U.S. Treasury. For example, FHWA can receive emergency relief funds from the General Fund for the purpose of repairing roads and bridges damaged in natural disasters.

Figure 1 shows total authorizations during fiscal years 2004 through 2008 for the four agencies. Total authorizations are for all programs, including, in the case of FHWA, those that support construction and maintenance of highways and bridges.

**Figure 1: Total Authorizations, Fiscal Years 2004-2008**




Source: GAO analysis of FHWA, FTA, FMCSA, and NHTSA data.

Note: Authorizations include monies from the Highway Trust Fund as well as from the General Fund of the United States Treasury. The 2004 authorizations for all agencies were established through a series of extensions to the previous authorization.

Because of a weakening economy and higher motor fuel prices, both of which affected key sources of HTF revenue, the HTF account balance dropped more precipitously than anticipated and was nearly depleted in August 2008. In September 2008, after a multiyear decline in the Highway Account balance, Congress passed legislation that provided $8 billion from the General Fund to replenish the account.[8] See the Related GAO Products page at the end of this report for a listing of our other reports related to the HTF.

## Department of Transportation Agencies Obligated Approximately $78 Billion in HTF Monies for Purposes Other than Construction and Maintenance of Highways and Bridges during Fiscal Years 2004-2008

During fiscal years 2004 through 2008, four agencies within the Department of Transportation obligated about $78 billion in HTF monies for purposes other than construction and maintenance of highways and bridges and had total authorizations of $243.1 billion during that time for all purposes. FHWA uses HTF monies for transportation enhancements, planning, safety, research, transit capital projects, and other programs that are part of its mission. FTA, NHTSA, and FMCSA funds are directed toward supporting transit, large commercial truck and bus safety, motor vehicle safety, planning, and other purposes.

[8]GAO, *Highway Trust Fund: Improved Solvency Mechanisms and Communication Needed to Help Avoid Shortfalls in the Highway Account*, GAO-09-316 (Washington, D.C.: Feb. 6, 2009).

*Federal Highway Administration*: FHWA obligated nearly $28 billion from the HTF for purposes other than construction and maintenance of highways and bridges during fiscal years 2004 through 2008. Of the nearly $28 billion, 13 percent ($3.8 billion) went toward transportation enhancement projects and the remaining 87 percent ($24.2 billion) went toward safety-, facility-, planning-, and other-related projects.

Certain FHWA programs allow states, cities, and counties to use HTF monies for transportation enhancements—projects that, according to the Department of Transportation, help expand transportation choices and enhance the transportation experience. Such enhancements include pedestrian and bicycle facilities, landscaping and scenic beautification, and historic preservation related to surface transportation, among other purposes. In FHWA's Surface Transportation Program, 10 percent of each state's annual apportionment must be set aside for transportation enhancement activities and made available for distribution toward enhancements.[9] Several other FHWA programs, such as the Congestion Mitigation and Air Quality Improvement Program and the National Scenic Byways Program, also allow the use of funds for enhancement-type projects—for example, projects focused on pedestrians and bicyclists.

As shown in table 2, FHWA obligated approximately $3.7 billion in HTF monies for transportation enhancement projects during fiscal years 2004 through 2008.[10] Of all projects specified as transportation enhancements in FHWA's database, those involving facilities for pedestrians and bicycles had the greatest amount of obligated federal funding during this period. FHWA obligated over $2 billion in federal funds for pedestrian and bicycle facility projects, which can include trails for transportation purposes, sidewalk construction and improvements, on-road bicycle lanes, and pedestrian lighting, among other activities. Landscaping and other scenic beautification projects had obligations of $850 million during the same 5-year period.

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[9]For the purposes of the HTF, an apportionment is the distribution of federal funds to the states as prescribed by a statutory formula provided in law. Federal Highway Administration, *Financing Federal Aid-Highways*, FHWA-PL-07-017 (Washington, D.C.: March 2007).

[10]State, local, private, and other federal agency funding contributed another $2 billion from fiscal years 2004 through 2008 for transportation enhancement activities.

**Table 2: FHWA's Obligation of HTF Monies for Transportation Enhancement Projects by Type, Fiscal Years 2004-2008**

| Transportation enhancement project | HTF monies (Dollars in millions) | Number of projects |
|---|---|---|
| Facilities for pedestrians and bicycles | $2,005 | 5,547 |
| Landscaping and other scenic beautification | 850 | 2,772 |
| Rehabilitation and operation of historic transportation buildings/structures/facilities | 224 | 366 |
| Scenic or historic highway programs | 215 | 859 |
| Historic preservation | 115 | 366 |
| Safety and education for pedestrians/bicyclists | 84 | 398 |
| Mitigation of water pollution due to highway runoff[a] | 84 | 213 |
| Acquisition of scenic easements and scenic or historic sites | 57 | 154 |
| Preservation of abandoned railway corridors | 38 | 53 |
| Archaeological planning and research | 30 | 49 |
| Establishment of transportation museums | 28 | 55 |
| Control and removal of outdoor advertising | 19 | 25 |
| **Total** | **$3,749** | **10,857[b]** |

Source: GAO analysis of FHWA data.

[a]Number of projects and dollars also include projects related to the reduction of vehicle-caused wildlife mortality and maintaining habitat connectivity.

[b]Total project count may be overstated because a single project may be listed under more than one project type.

In addition to transportation enhancement activities, FHWA, along with states, metropolitan planning organizations, and transit agencies, used HTF monies to support other projects such as safety, planning, research, traffic management engineering, ferryboats, and training. As shown in table 3, FHWA obligated approximately $24.2 billion in HTF monies for these activities during fiscal years 2004 through 2008.[11] Safety activities accounted for approximately one-third of these funds. FHWA considers safety a crosscutting topic that encompasses speed and work zone management, construction, and other projects.[12] In addition, approximately $3.1 billion in HTF monies was obligated for planning activities by states and metropolitan planning organizations during the 5-year period.[13]

[11]State, local, private, and other federal agency funding contributed another $15.6 billion from fiscal years 2004 through 2008 for projects other than construction and maintenance of highways and bridges.

[12]Because safety is a crosscutting issue and part of many types of projects, including construction and maintenance projects, all funds directed toward safety may not be reflected.

[13]SAFETEA-LU specifies a deduction of 1.25 percent of the funds authorized for five different FHWA programs for metropolitan planning organizations.

**Table 3: FHWA's Obligation of HTF Monies for Projects Other than Construction and Maintenance of Highways and Bridges by Type, Fiscal Years 2004-2008**

| Nature of work[a] | HTF monies (Dollars in millions) | Number of projects |
|---|---|---|
| Safety[b] | $8,111 | 17,586 |
| Other[c] | 4,388 | 6,697 |
| Planning | 3,089 | 2,920 |
| Traffic management engineering–HOV[d] | 1,814 | 1,576 |
| Utilities[e] | 1,586 | 6,579 |
| Research | 1,321 | 1,401 |
| Debt service[f] | 1,241 | 462 |
| Rail/highway crossing[g] | 1,100 | 5,585 |
| Environmental only[h] | 449 | 497 |
| Administration[i] | 355 | 982 |
| Transit | 318 | 504 |
| Training[j] | 164 | 2,050 |
| Ferryboats and facilities[k] | 121 | 63 |
| Vehicle weight enforcement program | 107 | 73 |
| Youth conservation service[l] | 13 | 50 |
| **Total** | **$24,177** | **47,025[m]** |

Source: GAO analysis of FHWA data.

[a]Some safety, planning, and research work can contribute or be a precursor to construction and maintenance of highways and bridges.

[b]This denotes projects wherein all or a significant portion of the project enhances safety in some way, for example, by constructing facilities dedicated to the enforcement of vehicle weight regulations.

[c]Miscellaneous work such as National Recreational Trails construction. States report costs in the "Other" category only if the major purpose of the project cannot be matched with any of the other specific improvement categories. This also includes approximately $256 million for about 5,000 individual Recreational Trails Program projects, which are often obligated as groups of several individual projects within a single federal aid project

[d]Traffic operation improvements that are designed to reduce traffic congestion and to facilitate the flow of traffic, both people and vehicles, on existing systems. This includes automated toll collection equipment, road and bridge surveillance and control systems, and use of high occupancy vehicle (HOV) lanes.

[e]Acquisition of replacement right-of-way, preliminary engineering, or movement of utility services, in conjunction with a highway project

[f]Interest payments and retirement of principal under an eligible bond issue and any other cost incidental to the sale of an eligible bond issue. This includes capitalized interest, issuance costs, insurance or other credit enhancement fees, and other bond-related costs.

[g]Improvements and additions to protective devices such as signs, markings, flashing lights, and track circuitry.

[h]Improvements that do not provide any increase in the level of service, in the condition of the facility or in safety features. This includes noise barriers, beautification, and other environmentally related features not built as a part of any other improvement type.

[i]Administration for Recreational Trails Program projects, commercial vehicles, and other similar projects.

[j]Funding for training, supportive services, and on-the-job training. This is not training for FHWA employees.

[k]Construction of ferryboats and ferry terminal facilities.

[l]Use of youth conservation service is encouraged for Recreational Trails projects.

[m]Total project count may be overstated because a single project may be listed under more than one project type.

*Federal Transit Administration*: FTA obligated over $44 billion for various transit activities during fiscal years 2004 through 2008, as shown in table 4.[14]

**Table 4: Federal Transit Administration Obligations, Fiscal Years 2004-2008**

| FTA program area[a] | Total obligations (Dollars in millions) |
|---|---|
| Formula and bus grants[b] | $27,270 |
| Capital investment grants / Discretionary Grants | 15,978 |
| Research and University Research Centers[c] | 421 |
| Job Access and Reverse Commute[d] | 322 |
| University Transportation Centers[e] | 22[f] |
| Interstate Transfer-Transit | 2 |
| Washington Metro | 1 |
| **Total** | **$44,016** |

Source: GAO analysis of FTA data.

[a]Obligations are presented as provided by FTA. However, according to FTA officials, the program structure changed during the 5-year period. Beginning in 2006, a shift occurred in Treasury accounts for certain programs, and obligations are presented in line with the Treasury account structure changes. For example, until fiscal year 2006, the Job Access and Reverse Commute Program received its own allocation, but it now falls under Formula and Bus Grants.

[b]Formula and Bus Grants was titled Formula Grants until fiscal year 2006. Obligations in the Formula Grants account are reflected in Formula and Bus Grants.

[c]Research and University Research Centers was formerly titled Transit Planning and Research.

[d]This program provides funding for local programs that offer job access and reverse commute services for low-income individuals who may live in the city core and work in suburban locations.

[e]Beginning in fiscal year 2006, University Transportation Centers was renamed and funded from Research and University Research Centers.

[f]Includes obligations for the University Transportation Centers program for funding fiscal years 2004 and 2005.

FTA provides funds for financial and technical assistance to local and state public agencies to purchase, build, maintain, and operate transportation systems. FTA supports planning and operations for public transit systems, including bus, subway, and light rail. It primarily distributes money for these purposes through its Formula and Bus Grants and Capital Investment Grants programs. For example, one program under Formula and Bus Grants, the Bus and Bus Facility program, provides funding for the acquisition and replacement of buses for fleet or service expansion, among other purposes. The capital investment grants provide discretionary capital assistance for the construction of new fixed-guideway (for example, commuter rail or designated bus lanes) and extensions of existing systems through the New Starts and Small Starts programs. Other funds support research and planning activities and are distributed by both formula and discretionary grants. According to statute, FTA grant programs focus on providing assistance in developing improved public transportation equipment, facilities, techniques, and methods as well as encouraging the planning and establishment of areawide public transportation systems needed for economical and desirable urban development. Federal transit program funds are generally administered

[14]According to FTA officials, the $44 billion includes monies from the Highway Trust Fund's Mass Transit Account as well as from the General Fund of the Treasury. Specifically, in fiscal years 2004 and 2005 FTA's programs were split funded where trust funds and general funds were merged. Beginning in fiscal year 2006, FTA's programs were funded either solely from general funds or trust funds.

through a federal-local partnership, although rural programs are administered at the state level.

*National Highway Traffic Safety Administration:* NHTSA obligated about $3.1 billion from the HTF during fiscal years 2004 through 2008 to support the improvement of highway safety, as shown in table 5.

**Table 5: National Highway Traffic Safety Administration Obligations, Fiscal Years 2004-2008**

| NHTSA program | Total obligations (Dollars in millions) |
|---|---|
| Highway Traffic Safety Grants | |
| State and Community Highway Safety Grant Programs (formula grants) | $952 |
| Alcohol-Impaired Driving Countermeasures Incentive Grants | 449 |
| Safety Belt Performance Grants | 313 |
| Occupant Protection Incentive Grants | 110 |
| State Traffic Safety Information System Improvements Grants | 103 |
| High Visibility Enforcement Program | 87 |
| Grant Administration | 83 |
| Motorcyclist Safety Grants | 18 |
| Child Safety and Child Booster Seat Incentive Grants | 15 |
| Behavioral Research | 488 |
| Vehicle Safety Research[a] | 422 |
| National Driver Register | 19 |
| **Total** | **$3,059** |

Source: GAO analysis of NHTSA data.

Note: Excludes an additional $125.5 million that was obligated from the General Fund of the U.S. Treasury in fiscal year 2008.

[a]Vehicle Safety Research funds research into fuel economy and vehicle safety compliance, among other programs.

The largest portion of NHTSA's federal highway safety funding during fiscal years 2004 through 2008 was distributed by formula to states through the State and Community Highway Safety Grant Program (also referred to as formula grants for Highway Safety Programs). This funding supports programs that work to reduce accidents from speeding, encourage the proper use of seat belts and child seats, reduce accidents from driving while intoxicated, prevent and reduce accidents between motor vehicles and motorcycles, and improve law enforcement services in motor vehicle accident prevention and traffic supervision, among other things.

Other NHTSA funding supports training programs and technical assistance for states. Federal highway safety grants are jointly administered through a federal-state partnership and costs are shared by the states. States that do not comply with certain federal safety provisions can be penalized by either having FHWA program funds transferred away or having them withheld. NHTSA also has a regulatory role in which it is to establish and enforce safety standards for passenger vehicles in areas such as tire safety and crashworthiness, as well as issue fuel economy standards. NHTSA also conducts testing, inspection, analysis, and investigations to identify noncompliance with vehicle safety standards.

*Federal Motor Carrier Safety Administration*: FMCSA obligated approximately $2.4 billion from the HTF during fiscal years 2004 through 2008 to support the improvement of commercial motor vehicle safety, as shown in table 6.

**Table 6: Federal Motor Carrier Safety Administration Obligations, Fiscal Years 2004-2008**

| FMCSA program | Total obligations (Dollars in millions) |
|---|---|
| Safety Program Grants[a] | |
| Motor Carrier Safety Assistance Program Grant (MCSAP) | $947 |
| Border Enforcement Grants | 162 |
| Commercial Drivers License (CDL) Program Improvement Grant | 114 |
| Commercial Vehicle Information Systems and Networks Deployment (CVISN) | 61 |
| Performance and Registration Information System Management Grant Program (PRISM) | 23 |
| Commercial Driver's License Information System (CDLIS) | 20 |
| Commercial Vehicle Analysis Reporting System/Safety Data Improvement Program (CVARS/SaDIP) | 16 |
| Information Systems and Strategic Safety Initiatives (ISSSI) | 15 |
| Motor Carrier Safety Operations and Programs | |
| Operating Expenses | $754 |
| Information Management | 161 |
| Regulatory Development | 56 |
| Research and Technology | 36 |
| Outreach and Education | 12 |
| Commercial Motor Vehicle Operators Grants | 4 |
| **Total** | **$2,381** |

Source: GAO analysis of FMCSA data.

[a]FMCSA received a $3 million positive Revenue Aligned Budget Authority (RABA) adjustment for its Safety Program Grants in fiscal year 2007. RABA is designed to align Highway Account program levels with actual revenues and help ensure that the account is used to fund highway programs instead of accumulating large balances. See GAO, *Highway Trust Fund: Improved Solvency Mechanisms and Communication Needed to Help Avoid Shortfalls in the Highway Account*, GAO-09-316 (Washington, D.C.: Feb. 6, 2009).

FMCSA is charged with establishing and enforcing standards for motor carrier vehicles and operations, hazardous materials, and movement of household goods, among other things. Similar to NHTSA, FMCSA provides funding to states through formula grant programs. The largest of the federal motor carrier safety grant programs, the Motor Carrier Safety Assistance Program (MCSAP), provides funding to states to reduce crashes involving commercial motor vehicles and incidents involving hazardous materials. FMCSA also conducts compliance reviews of motor carriers' operations at their places of business as well as roadside inspections of drivers and vehicles, and can assess a variety of penalties including fines and orders for noncompliant motor carriers to cease interstate operations. Federal motor carrier safety grants are jointly administered through a federal-state partnership.

## Agency Comments and Our Evaluation

We provided the Department of Transportation with a draft of this report for its review and comment. In response, DOT emphasized that some activities we reported on, such as safety, planning, and environmental activities, contribute to or are preliminary work for highway construction. Furthermore, some programs that are not highway related, such as adding bicycle lanes on roads or bridges; constructing pedestrian crosswalks, overpasses, and underpasses; and historic bridge rehabilitation, may involve some highway or bridge construction or rehabilitation. DOT noted that several FHWA programs, as designated by Congress, have purposes other than construction and maintenance of highways and bridges and it believes FHWA is appropriately managing funds to achieve the purposes of those programs. DOT also provided technical comments, which we incorporated as appropriate.

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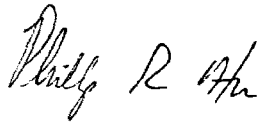
As we agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution of it until July 30, 2009, 30 days from the original issuance. We will then send copies to others who are interested and make copies available to others who request them. The report will also be available at no charge on the GAO Web site at http://www.gao.gov.

If you or your staff have questions about this report, please contact me at (202) 512-2834 or herrp@gao.gov. Contact points for our Office of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in enclosure II.



Phillip Herr
Director, Physical Infrastructure

**Enclosures - 2**

**Enclosure I: Scope and Methodology**

The objective of this report is to provide information on the amount of Highway Trust Fund (HTF) monies that the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), and the Federal Motor Carrier Safety Administration (FMCSA) obligated for purposes other than construction and maintenance of highways and bridges during fiscal years 2004 through 2008.

In this report, we use the term "purposes other than construction and maintenance of highways and bridges" to describe projects that do not consist of construction or maintenance work on interstate or local roads or bridges. FTA transit projects may also involve construction and maintenance, but not for highways and bridges. While many of the FHWA projects included in this category may be precursors to construction and maintenance projects, FHWA officials told us they are reasonably confident that the data they provided us describe only the non-construction-and-maintenance components of the overall projects.

To address our reporting objective, with assistance from officials in FHWA's Office of Financial Management, we identified a list of 27 "improvement type" codes in the agency's Fiscal Management Information System (FMIS) that are not related to construction and maintenance of roads and bridges.[15] We requested and obtained the following data from FHWA's FMIS for the period fiscal year 2004 to fiscal year 2008: (1) cumulative obligated dollars by improvement type code, (2) a cumulative breakdown of program spending for each improvement type, (3) a cumulative number of total projects within each improvement type, and (4) the total funding spent on projects under the identified improvement types. We analyzed the data to determine the total obligated funds and total number of projects for transportation enhancements (12 improvement type codes) and other projects not related to construction and maintenance of highways and bridges (the 15 remaining improvement type codes) over the 5-year period.[16] We also compared the obligated dollars with the total amount spent to determine the amount of state, local, private, and other federal agency funds dedicated to these projects. We interviewed officials from several FHWA departments about the agency's use of Highway Trust Fund monies for purposes other than construction and maintenance of highways and bridges. In addition, we reviewed and reported on publicly available information on authorizations for FHWA programs for the 5-year period.

We requested, obtained, and analyzed FTA data on obligations for all programs in fiscal years 2004 through 2008. FTA produced these data from its Transportation Electronic Award and Management (TEAM) system. We also reviewed publicly available information on FTA

[15]According to FHWA, "improvement type" is a required field in FMIS that indicates the nature of work involved. For instance, each of the 12 eligible transportation enhancement activities has its own improvement type code, as do safety, transit, planning, and all other eligible activities under FHWA programs. Recipients may record multiple improvement types for a single project. However, FHWA officials were reasonably confident that the obligated dollars the agency provided correspond specifically to the designated improvement type.

[16]FHWA officials noted that the total project count may be overstated, since a single project may be connected to more than one improvement type code.

authorizations for fiscal years 2004 through 2008.[17] We requested, obtained, and analyzed NHTSA and FMCSA data on authorizations and obligations for all programs during the 5-year period. Both agencies produced this data through Delphi, which is DOT's accounting system. We interviewed officials from FTA, NHTSA, and FMCSA about the agencies' uses of Highway Trust Fund monies for purposes other than construction and maintenance of highways and bridges. These officials stated, and available documents corroborated, that none of the programs under these agencies are related to construction and maintenance of highways and bridges. We used the FTA, NHTSA, and FMCSA data to report the total cumulative authorizations and obligations at the agency and program levels for fiscal years 2004 through 2008.

We also interviewed officials from FHWA, FTA, NHTSA, and FMCSA and obtained written information from all four agencies about steps taken to ensure the reliability of their data. We determined that the data were sufficiently reliable for the purposes of this report.

We conducted our work from October 2008 to June 2009 in accordance with all relevant sections of our Quality Assurance Framework. The framework requires that we plan and perform the engagement to obtain sufficient and appropriate evidence to meet our stated objectives and to discuss any limitations in our work. We believe that the information and data obtained, and the analysis conducted, provide a reasonable basis for the findings in this report.

[17]FTA officials told us that they only track funding sources (general funds versus Mass Transit Account funds) at the authorization level. Because we were not able to identify the precise amount of Mass Transit Account monies included in obligation figures from FTA, we present total obligations (general funds combined with Mass Transit Account funds) in our report.

## Enclosure II: GAO Contact and Staff Acknowledgments

### GAO Contact

Phillip R. Herr, (202) 512-2834 or herrp@gao.gov.

### Staff Acknowledgments

In addition to the contact above, Sally Moino, Assistant Director; Virginia Chanley; Eric Hudson; Lisa Reynolds; and Crystal Wesco made key contributions to this report.

**Related GAO Products**

*Highway Trust Fund: Options for Improving Sustainability and Mechanisms to Manage Solvency.* GAO-09-845T. Washington, D.C.: June 25, 2009.

*Transportation Programs: Challenges Facing the Department of Transportation and Congress.* GAO-09-435T. Washington, D.C.: March 10, 2009.

*Highway Trust Fund: Improved Solvency Mechanisms and Communication Needed to Help Avoid Shortfalls in the Highway Account.* GAO-09-316. Washington, D.C.: February 6, 2009.

*Surface Transportation: Principles Can Guide Efforts to Restructure and Fund Federal Programs.* GAO-08-744T. Washington, D.C.: July 10, 2008.

*Physical Infrastructure: Challenges and Investment Options for the Nation's Infrastructure.* GAO-08-763T. Washington, D.C.: May 8, 2008.

*Surface Transportation: Restructured Federal Approach Needed for More Focused, Performance-Based, and Sustainable Programs.* GAO-08-400. Washington, D.C.: March 6, 2008.

*Surface Transportation: Preliminary Observations on Efforts to Restructure Current Program.* GAO-08-478T. Washington, D.C.: February 6, 2008.

*Highway Trust Fund: Overview of Highway Trust Fund Estimates.* GAO-06-572T. Washington, D.C.: April 4, 2006.

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# ROBERTSON, INC.
## BRIDGE AND GRADING DIVISION

February 15, 2011

Mike Cameron
Cameron Construction
P.O. Box 1492
Jonesboro, AR 72403

RE: Project 100642
Netting for Migratory Birds

Dear Mr. Cameron,

Following is the information you requested regarding netting to prevent migratory birds from nesting on the bridges. As you know, between March 1 and September 30th any activities that would disrupt bird nesting cannot be performed on existing, temporary or new bridges and box culverts. Netting is required to prevent nesting on structures. On this project there are five bridges. Two bridges are approximately 30' x 150'. Two bridges are approximately 30' x 70' and the last bridge is approximately 30' x 19'. The cost of the netting material, clips and freight will be approximately $4,850.00. We estimate the labor and equipment to install the netting to be approximately $10,000.00. As you can see it will cost $14,850.00 if we need to net these.

If you have any questions, please let me know.

Respectfully,

John Hill
Vice President

JH/jw

P.O. Box 880 • Poplar Bluff, Missouri 63902 • 573-686-2464

# ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT

## SPECIAL PROVISION

## JOB NUMBER 100644

## NESTING SITES OF MIGRATORY BIRDS

**DESCRIPTION:** All new and/or temporary and/or existing bridge and/or culvert structures on this project may be the nesting sites of migratory birds. These birds include, but are not limited to, swallows and phoebes. The birds and their habitat are protected under the Migratory Bird Treaty Act. Nest building and brood rearing sometimes occur on or in bridges and culverts. Demolition of bridge and culvert structures or construction activities that might disrupt nesting activities shall not occur when nesting migratory birds are present. If construction is planned on bridges or culverts that are in place when nesting migratory birds are present, activities shall be limited to construction that will not disrupt nesting activities.

**CONSTRUCTION METHODS.** Restrictions to the Contractor's activities shall include, but are not limited to, the following:

1) Demolition of temporary or existing bridge or culvert structures or bridges or structures built during the project will not be permitted when nesting migratory birds are present.
2) Construction activities on new bridges (i.e. sand blasting, painting, etc.) that would disrupt nesting activities shall not occur when nesting migratory birds are present. The Contractor shall submit to the Engineer details for all work to be done on the structure between March 1 and September 30. A determination will be made by the Engineer within 10 business days concerning the possible impacts of the work and will then accept or reject the Contractor's proposal.
3) Efforts by the Contractor to remove the birds or their nests are prohibited between March 1 and September 30.
4) The Contractor may attempt to prevent birds from nesting by erecting netting before nest building begins. Net openings shall be ½ inch or smaller after installation. No other method of deterrence will be permitted without written approval of the Engineer. Birds that nest despite prevention efforts shall not be removed or disturbed. All efforts by the Contractor to deter birds from nesting shall be at the Contractor's expense. Netting shall be installed securely and in such a manner that it will not pose a safety hazard.
5) If no birds are nesting on or in the bridge or culvert structures between March 1 and September 30, a request may be made to the Engineer to allow demolition or construction to proceed. The Engineer will make the final determination concerning the presence or absence of nesting migratory birds within ten business days and will accept or reject the Contractor's proposal concerning the demolition or construction.

**CONTRACTOR NEGLIGENCE.** The Contractor will be assessed the amount of any and all fines and penalties assessed against and costs incurred by the Department which are the result of the Contractor's failure to comply with this Special Provision. The Department will not be responsible for any delays or costs due to the Contractor's failure to comply with this special provision. The Contractor will not be granted additional compensation or contract time due to noncompliance.

**METHOD OF MEASUREMENT AND BASIS OF PAYMENT.** All costs incurred in complying with this Special Provision will not be measured or paid for separately, but will be considered included in the contract unit prices bid for other items of the contract.

**Testimony of Larry Lemon**
**Haskell Lemon Construction Company**
**Before the House Transportation and Infrastructure Committee**
**Field Hearing on**
**Improving and Reforming our Nation's Surface Transportation Programs**
**Oklahoma City, Oklahoma**
**February 24, 2011**

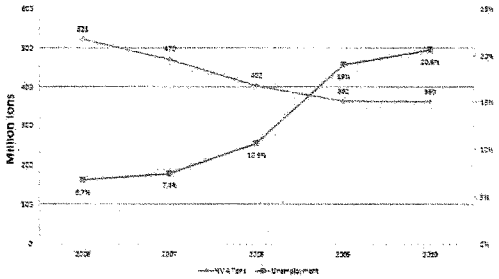
My name is Larry Lemon, Chairman of Haskell Lemon Construction Company, a family-owned and operated business that has specialized in the construction of roads and highways in the State of Oklahoma for over 50 years. I want to thank Chairman John Mica, Congressman James Lankford, and the other members of the House Transportation and Infrastructure Committee for holding this important hearing on improving and reforming our Nation's surface transportation programs.

Oklahoma has always enjoyed strong representation in the House and Senate Committees charged with the establishment and oversight of our Federal surface transportation programs. Senator James Inhofe was a member of the House Transportation and Infrastructure Committee before serving our state as Senator and is now the Ranking Member of the Senate Environment and Public Works Committee. We value his leadership as well as the leadership Congressman Lankford and the members of the House Transportation and Infrastructure Committee bring to this critical issue.

Today, I come before you not only as a practitioner in the construction of highways and roads, but as the most-recent past Chairman of the National Asphalt Pavement Association (NAPA) and as a member of the Associated General Contractors of America. As Chairman of NAPA this past year I travelled around the country meeting with contractors and suppliers in the highway construction industry and learned a great deal regarding the issues they face as well as the technologies being implemented that will revolutionize highway construction. Many of my comments in this testimony are reflections of those discussions and I am very happy to share these with you today.

The main concern for our industry is the unpredictability of funding which is making it extremely difficult for state transportation departments and companies to prepare for the construction season. With the current federal program operating under a series of short-term extensions, and state and local government funding reductions in the maintenance and construction of highways and bridges, this has been a very difficult period for the employees of the companies in our industry. From 2006-2010, production of construction materials declined on average 38 percent and construction unemployment increased 200 percent.

HMA Tons Produced Annually
Annual Unemployment Rate – Construction Industry



Timely enactment of a multi-year surface transportation reauthorization bill with dedicated and predictable levels of funding towards the maintenance and construction of our highway system is the key to restoring confidence in the industry and providing the foundation for our country's future economy and job creation potential. We also agree that the Federal government must get its fiscal house in order. This is essential not only to our current economy, it is also critically important to future generations of Americans.

Asking Congress to invest more in our nation's highways, roads and bridges as it reduces spending in other federal programs is a very difficult situation and I know you have received many reports and testimony saying we should do just that.[1,2,3] We fully and wholeheartedly agree with those recommendations. But I am before you today not to talk about how much we should invest in our highways and bridges, rather how we are spending Highway Trust Fund dollars. I also want to challenge the members of this Committee to assist us in fully implementing several exciting breakthroughs in pavement technologies that which fully employed will revolutionize the construction and maintenance of our nation's pavements.

**Highway Trust Fund Optimization**

As I mentioned previously, we support the priority Congress and the American people have identified in reducing the national debt and balancing the federal budget. This also means aligning spending out of the Highway Trust Fund with revenues going into the fund. Mr. Chairman, you have announced that you will draft a reauthorization bill based on current revenues into the Highway Trust Fund and, as part of the legislative process, the committee will consider proposals to consolidate the program. We are very pleased that Congress will be looking at how the funding from the Highway Trust Fund is directed in an effort to eliminate unnecessary, duplicative, and non-transportation programs from funding under the Highway Trust Fund.

When the Highway Trust Fund was established in 1956 it was used principally to finance the construction and maintenance of the Interstate Highway System. I think we can all agree that the Highway Trust Fund performed as was intended by creating a national highway network that was the envy of the world and powered America's economic growth over many years.

However, over the years the federal role in surface transportation has expanded, and as a consequence there are many new programs that the Highway Trust Fund has funded. As the growth in revenues increased, Congress added more goals and programs for which the Highway Trust Fund may be used including many instances where these activities are not related to, nor do they contribute to the construction and maintenance of highways, roads, and bridges.

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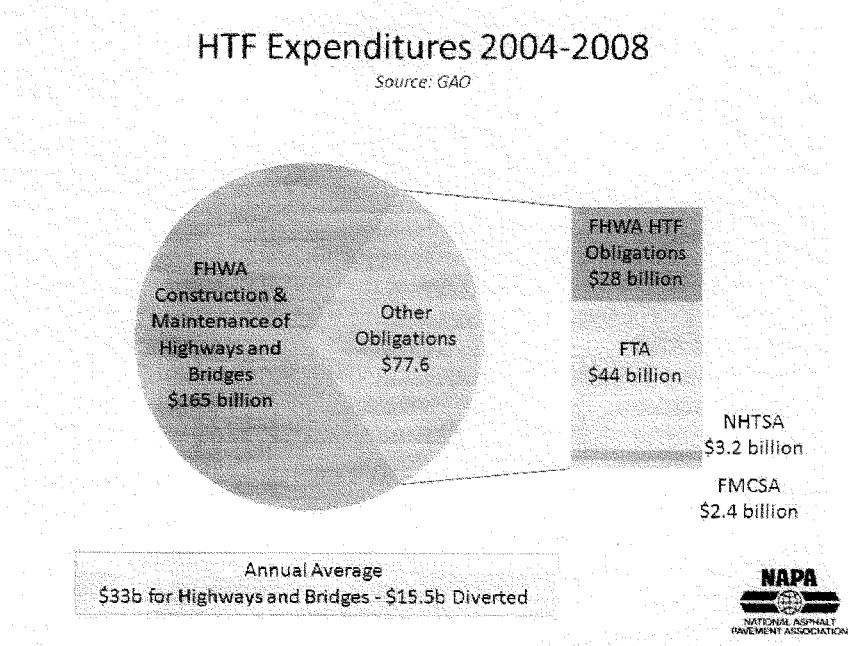
1. The Moment of Truth, The National Commission on Fiscal Responsibility and Reform.

2. Transportation for Tomorrow, The National Surface Transportation and Revenue Study Commission.

3. Paying Our Way: A New Framework for Transportation Finance, The National Surface Transportation Infrastructure Financing Commission.

We are clearly in a situation where the Highway Trust Fund, funded by the users of the system is spread thinly, it cannot even perform its core function of constructing and maintaining highways and bridges. By any metric, whether it's the American Society of Civil Engineers Report Card on America's Infrastructure, The Road Information Programs (TRIP) report on America's roughest roads or the Texas Transportation Institutes report on mobility and congestion, we are rapidly falling behind in even maintaining the current highway system. Something has to give because the current trajectory of Highway Trust Fund revenues and spending is not working.

The General Accountability Office issued an 18-page report on June 30, 2009 entitled: Highway Trust Fund Expenditures on Purposes Other than Construction and Maintenance of Highways and Bridges during Fiscal Years 2004-2008. The report provides a condensed version of how Highway Trust Fund monies have been obligated for purposes, other than construction and maintenance of highways and bridges. During 2004 through 2008, a total of $78 billion – or about $15.5 billion annually - was obligated for other purposes. In other words, about 32 percent of Highway Trust Fund dollars were diverted for activities such as landscaping, restoration of buildings, and transportation museums. In




addition, large portions of funding are directed to agencies other than the Federal Highway Administration.

While many of these programs and agencies have merit, it is important for the Committee to look at where the funding is going and ask whether there is another way to fund these programs outside of the Highway Trust Fund. For too long the Highway Trust Fund has been all things to all people. The Highway Trust Fund should not be treated like an ATM machine dispensing cash to satisfy an immediate need. According to the Congressional Budget Office, the balance in the Highway Trust Fund will approach zero sometime next year. Congress needs to re-establish the purpose of the Highway Trust Fund and fund only those programs and activities related to that function. The GAO report is an excellent menu of potential programs and activities Congress should evaluate and consider not funding or fund outside the Highway Trust Fund.

**All Vehicles Pay into the "Highway Trust Fund"**

When President Eisenhower proposed our great Interstate Highway System, he recommended a pay-as-you-go user fee of 3 cents per gallon on gasoline and diesel to fund all of the construction and maintenance. Today the user fee is 18.3 cents per gallon on gasoline, and our purchasing power of the Highway Trust Fund has substantially diminished. It is interesting to note that at the time this new user fee was proposed, the cost of a stamp was 3 cents, now the cost of a stamp is 44 cents. What a difference our Highway Trust Fund would be in, if it could have been given the same increases as our Postal System.

The vehicle user fee concept has been a very effective system to pay for our highway needs, and the concept that each vehicle that uses our highways pays an equal user fee needs to be continued. We suggest that this reauthorization bill include a comparable user fee for electric vehicles, natural gas vehicles, hydrogen vehicles, and all alternative fuel vehicles. If we do not begin to extend the user fee to all forms of power, we may find significant resistance to include them in the future. I also think it is important that the Highway Trust Fund receive the same user fee for ethanol, as it does for gasoline. The concept and need for a subsidy for ethanol and biodiesel is long since over. We are hurting ourselves two ways with an ethanol subsidy, first by reducing the funds to build our highways, and second by driving up the cost of food.

If we re-establish the funds going into the Highway Trust Fund to include all vehicles, and use them strictly for highways and bridges as intended, we will be able to bridge the tough economic times we are in, and generate more construction projects and jobs going into our national highway program. Ultimately, we must address the funding needed to construct and maintain our great highway system with increased user fees.

**Doing More With Less**

Even though the construction industry has been challenged by the current economic situation, there is a technological revolution underway in the way we design, test, and build our asphalt pavements. While we have made significant progress, the pace of implementation has been too slow and the next reauthorization bill can be a real catalyst in implementing these new technologies.

The asphalt pavement industry has a proven record of technology and innovation. These include the use of reclaimed asphalt pavement (RAP) and recycled asphalt shingles (RAS). We have developed perpetual pavements, polymer modified binders, stone matrix asphalt, warm mix asphalt (WMA), thin overlays, and porous asphalt pavements. These new technologies provide numerous benefits including reduced costs, conservation of materials and energy and emission savings.

Let me give you two examples to demonstrate the important benefits these technologies mean for our country. Asphalt pavement consists of asphalt binder (about 5 percent in volume) and aggregate. There are about 18 billion tons of asphalt pavements on our highways and roads today. While asphalt pavements are the most recycled material in the world today with about 100 million tons recycled back into the pavements, we could do better.

A recent NAPA survey of the industry indicates that in 2008 the percentage of RAP incorporated into new pavements was 12.5 percent. In 2010, the percentage of RAP into new pavements increased to 19 percent.

Warm mix asphalt is another exciting technology that has created a tremendous opportunity to be sustainable and economical for the owner. Warm mix asphalt technologies reduce the temperature of the asphalt pavement which results in reduced fuel use and emissions, and improved working conditions for workers. Additional benefits include longer hauling distances, cold-weather paving, and use of higher RAP mixes.

NAPA estimates that in 2009, 13 million tons of warm mix asphalt was produced. In 2010, 46 million tons of warm mix asphalt was produced. So far, these pavements have performed well and state transportation departments are pleased with the results.

As good as these results are, we must do better. NAPA has set an industry goal of 25 percent RAP in asphalt pavements and the majority of the industry's asphalt tonnages be warm mix asphalt within three years. If we are to achieve these goals we need your help. For example, there are 10 states that still do not allow for RAP in surface mixes. We need performance testing of these technologies to get innovative products such has RAP and warm mix asphalt into the hands of the state DOT's and other customers faster. We also need the owners of these projects to share the risk of these new technologies with the contractors. The use of lab results and test track data will help us understand these risks and lead to the further development of these new technologies that are implemented quicker.

This month, the National Center for Asphalt Technology (NCAT) located in Auburn, Alabama entered into a partnership agreement with the Asphalt Research Consortium (ARC) led by the Western Research Institute. ARC brings together the premier asphalt research institutions under one umbrella and has been authorized by Congress in both TEA-21 and SAFETEA-LU. ARC has focused its research on, among other things, alternative binders for asphalt pavements. This is critically important for the industry, and the test track and research capabilities at NCAT will help implement these new technologies to industry and into the pavements faster.

In the next reauthorization bill, Congress should help support the rapid implementation of these new technologies including higher RAP mixes, the further development of warm mix asphalt, and the implementation of alternative binders by reauthorizing ARC and providing funding for this program.

Mr. Chairman, we all recognize the current condition of our infrastructure and the forecast for poor economic climate that currently exists. We absolutely must include all vehicles and maximize the effectiveness of the Highway Trust Fund as budgets remain tight. In addition, the increased use of RAP and warm mix asphalt in combination with other technologies will have a profoundly positive impact. We should all be committed to supporting the rapid implementation of these new materials and processes that meet your goal of "Doing More with Less."

**ORDINANCE NO. 3221**

**AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE PERCENT SALES AND USE TAX WITHIN THE CITY OF JONESBORO, ARKANSAS; ONE HALF (2) OF ALL PROCEEDS DERIVED FROM THE SALES AND USE TAX WILL BE FOR FINANCING CAPITAL IMPROVEMENTS OF A PUBLIC NATURE AND THE REMAINING ONE HALF (2) WILL BE FOR GENERAL OPERATING PURPOSES; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.**

**WHEREAS,** the City Council of the City of Jonesboro, Arkansas (the ACity@) has determined that there is a continuing great need for capital improvements and for immediate improvement of municipal services and for a source of revenue to finance such services; and

**WHEREAS,** Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated (the AAuthorizing Legislation@) provides for the levy of a one percent (1%) citywide sales and use tax for the benefit of the City of Jonesboro.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:**

Section 1. Under the authority of the Authorizing Legislation, there is hereby levied a one percent (1%) tax on the gross receipts from the sale at retail within the City of all items which are subject to the Arkansas Gross Receipts Act of 1941, as amended (A.C.A. 26-52-101, et seq.), and the imposition of an excise (or use) tax on the storage, use, distribution or other consumption within the City of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. 26-53-101, et seq.), at a rate of one percent (1%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the ASales and Use Tax@). The Sales and Use Tax shall be levied and collected only on the first $2,500 for each single transaction.

Section 2. That one half (2) of all proceeds derived from the Sales and Use Tax will be for financing capital improvements of a public nature. The remaining one half (2) of all proceeds derived from the Sales and Use Tax will be for general operating purposes.

Section 3. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That this Ordinance shall not take effect until an election is held on the question of levying the Sales and Use Tax at which a majority of the electors voting on the question shall have approved the levy of the Sales and Use Tax.

**PASSED AND ADOPTED** this 15th day of May, 2000.

_____
**Hubert Brodell, Mayor**

**ATTEST:**

_____
**Donna K. Jackson, CMC, City Clerk**

# Citizens for Continued Progress for the City of Jonesboro

**People • Pride • Progress**

| Annual Revenues To Be Removed | 1999 |
|---|---|
| 2.1 Mill City Property Tax | $ 994,580 |
| Residential Sanitation Fees | 2,633,958 |
| Mosquito Control Fees | 559,575 |
| **Total Annual Revenues To Be Removed** | **$ 4,188,113** |

**MATA One-Cent Sales Tax Collections *** **$ 9,993,703**

* 50% - 60% of this 1¢ Tax is paid by citizens outside of Jonesboro.
50% of this 1¢ Tax is paid by citizens of Jonesboro.

* 50% of this Tax is specifically designated for Streets and Drainage.
The other 50% will cover the removal of the below fees and other General Revenue needs.

| ILLUSTRATION: | $50,000 HOUSE | $75,000 HOUSE | $100,000 HOUSE |
|---|---|---|---|
| City Property Tax | $ 20.50 | $ 30.75 | $ 41.00 |
| Residential Sanitation Fee | 144.00 | 144.00 | 144.00 |
| Mosquito Fee | 24.00 | 24.00 | 24.00 |
| TAXES & SERVICE FEES TO BE REMOVED | $ 188.50 | $ 198.75 | $ 209.00 |

## Amend. 39.

## Voter Registration Laws.

Section:
1. Authority to enact registration law.

**1. Authority to enact registration law.**

The General Assembly shall have power to enact laws providing for a registration of voters prior to any general, special, or primary election, and to require that the right to vote at any such election shall depend upon such previous registration.

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## Amend. 40.

## School District Tax (Const., Art. 14, § 3, As Amended By Const. Amend. 11, Amended).

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## Amend. 41.

## Election of County Clerks.

**Election of county clerk.**
The provisions for the election of a County Clerk upon a population basis are hereby abolished and there may be elected a County Clerk in like manner as a Circuit Clerk, and in such cases, the County Clerk may be ex officio Clerk of the Probate Court of such county until otherwise provided by the General Assembly.

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## Amend. 42.

## State Highway Commission.

Section:
1. Commission created - Members - Powers.
2. Qualifications and appointment of members - Terms of office of first commission.
3. Terms of office of members.
4. Removal of members - Hearing - Review and appeal.
5. Vacancies - Filling.
6. Director of Highways.

**1. Commission created - Members - Powers.**

There is hereby created a State Highway Commission which shall be vested with all the powers and duties now or hereafter imposed by law for the administration of the State Highway Department, together with all powers necessary or proper to enable the Commission or any of its officers or employees to carry out fully and effectively the regulations and laws relating to the State Highway Department.

**2. Qualifications and appointment of members - Terms of office of first commission.**

Within ten days after the convening of the General Assembly of the State of Arkansas in the year 1953, the Governor, by and with the advice and consent of the Senate, shall appoint five persons who are qualified electors of the State to constitute the State Highway Commission for terms of two, four, six, eight and ten years respectively. The terms of the persons so appointed shall be determined by lot. The Commissioners to be appointed from the State at large; provided, however, that no two Commissioners shall be appointed from any single Congressional District.

In the event of rejection by the Senate of a person whose name has been so submitted, the Governor shall within five days after receipt of written notice from the Secretary of the Senate of such rejection submit the name of another appointee to fill such vacancy. In the event the Governor should within five days thereafter fail to appoint or fail to submit to the Senate for confirmation the name of any person to be appointed, the Senate shall proceed to make the appointment of its own choice.

**3. Terms of office of members.**

Upon the expiration of the foregoing terms of said Commissioners, a successor shall be appointed by the Governor in the manner provided for in Section 2 for a term of ten years, which term shall thereafter be for each member of the Commission.

**4. Removal of members - Hearing - Review and appeal.**

A Commissioner may be removed by the Governor only for the same causes as apply to other constitutional officers after a hearing which may be reviewed by the Chancery Court for the First District with right of appeal therefrom to the Supreme Court, such review and appeal to be without presumption in favor of any finding by the Governor or the trial court, and provided further, in addition to the right of confirmation hereinabove reserved to the Senate, the Senate may upon the written request of at least Five (5) of its members that a member or members of the Commission should be removed therefrom, proceed, when in session, to hear any and all evidence pertinent to the reasons for removal. The member or members whose removal is so requested shall be entitled to be heard in the matter and to be represented before the Senate by legal Counsel. These proceedings conducted by the Senate shall be public and a transcript of the testimony so heard shall be prepared and preserved in the journal of the Senate. The taking of evidence either orally or by deposition shall not be bound by the formal rules of evidence. Upon the conclusion of the hearing, the Senate, sitting as a body in executive session, may remove said member or members of the Commission by a majority vote conducted by secret ballot.

**5. Vacancies - Filling.**

Vacancies on the Commission due to resignations, death or removal shall be filled by appointment of the Governor for the unexpired term within thirty days from the date of such vacancy. Upon failure of the Governor to fill the vacancy within thirty days, the remaining Commissioners shall make the appointment for the unexpired term.

**6. Director of Highways.**

The Commission shall appoint a Director of Highways who shall have such duties as may be prescribed by the Commission or by statute.

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## Amend. 43.

## Salaries and Expenses of Judicial Officers.

**Salaries and expenses of judges.**
The General Assembly shall by law determine the amount and method of payment of salaries and expenses of the judges of the Supreme Court, Circuit Courts, Chancery Courts, and Municipal Courts of Arkansas; provided such salaries and expenses may be increased but not diminished during the term for which such judges are elected; provided further that the salaries of Circuit and Chancery Judges shall be uniform throughout the state.

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## Amend. 44.

## [Repealed.]

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## Amend. 45.

## Apportionment (Const., Art. 8, As Amended By Const. Amend. 23, Amended).

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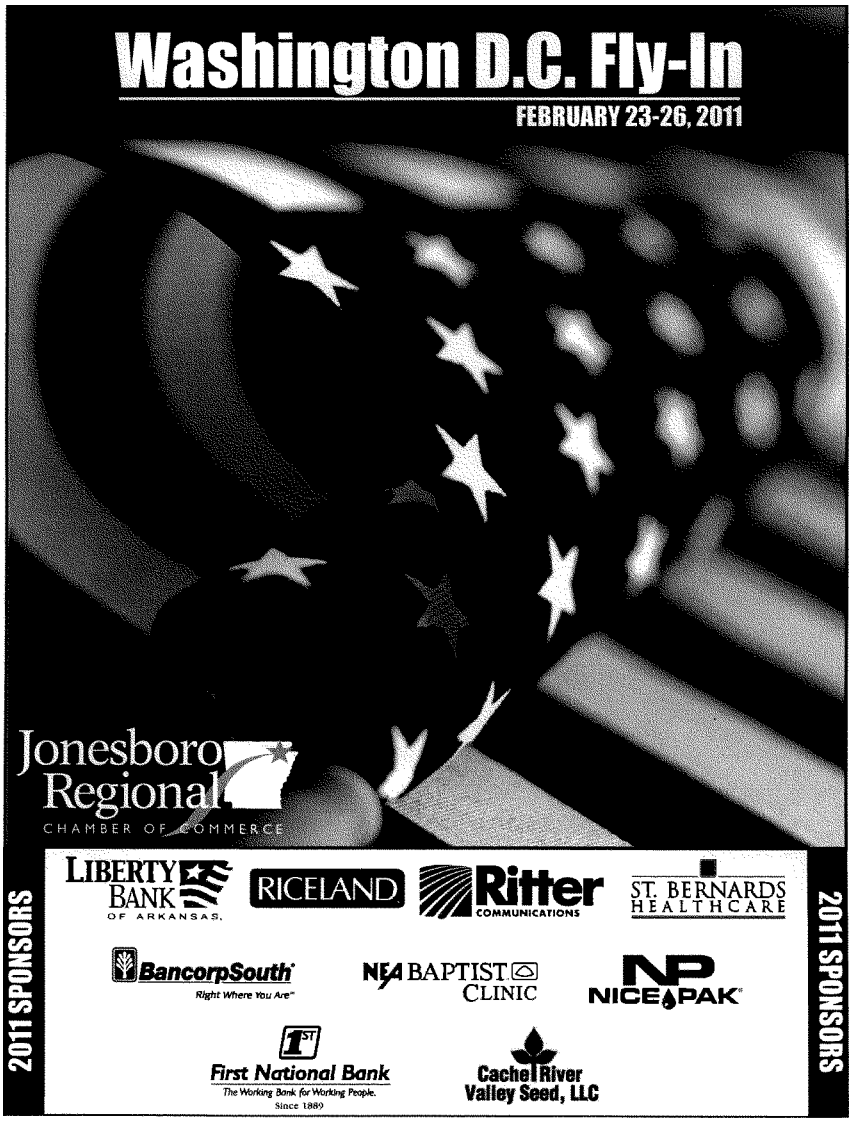
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FEBRUARY 23-26, 2011
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Jonesboro Regional Chamber of Commerce

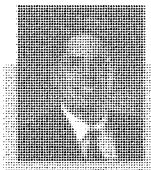
## Jonesboro Regional Chamber of Commerce
### Officers

**Beverly Nix**
Chairman of the Board

**Ed Way**
Chair-Elect

**Michael Givens**
Treasurer

**Paul Waits**
Immediate Past Chair



**Mark Young**
President & CEO
Phone: 870-932-8051
Fax: 870-932-8782
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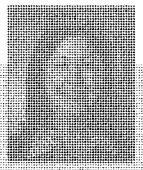

**Carol White, CCE**
Executive VP & COO
Phone: 870-933-5134
Fax: 870-933-5158
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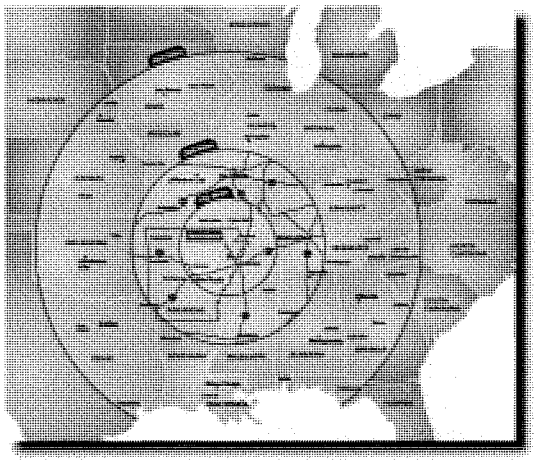
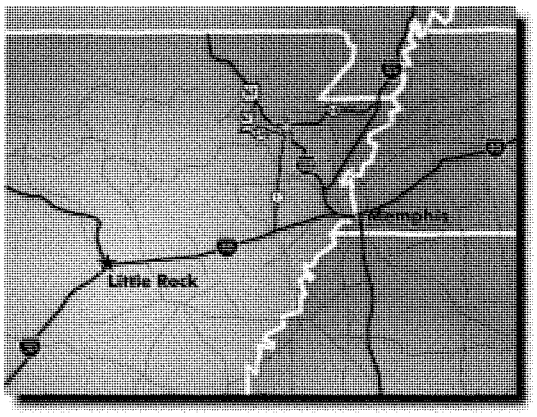
Jonesboro Regional
CHAMBER OF COMMERCE

## Geographic Location

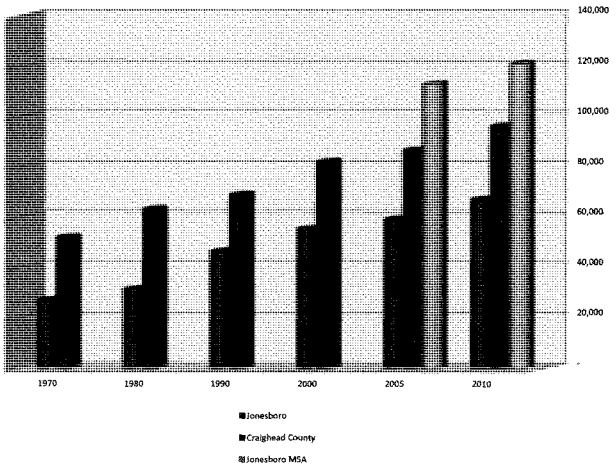


Geographically, Jonesboro is the 2nd largest community in the state of Arkansas

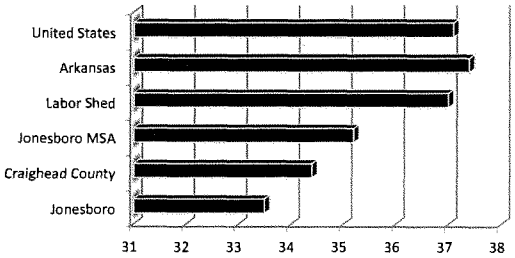


Jonesboro Regional
CHAMBER OF COMMERCE

## Population Trends




## Median Age

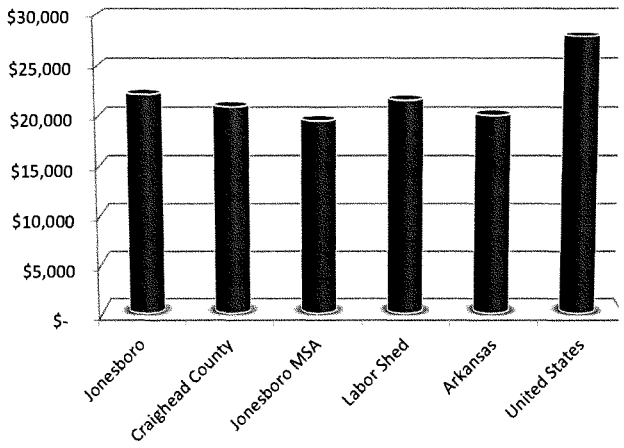



Source: DemographicsNow, Spring 2010 estimates.

Jonesboro is the 5th largest city in the state of Arkansas

Jonesboro Regional Chamber of Commerce

## Per Capita Income




Source: DemographicsNow, Spring 2010 estimates.

**Forbes Magazine** named Jonesboro as one of the "Best Small Places for Business & Careers"

Forbes Best Places

Jonesboro Regional Chamber of Commerce

## Jonesboro is home to Arkansas State University

ASU
ARKANSAS STATE UNIVERSITY™

Record Enrollment of 13,239

Arkansas State University was selected as one of 60 elite institutions of higher education in the southern region to be recognized by U.S. News and World Report in the 2011 edition of 'America's Best Colleges.' Many factors figure into this ranking, including location; feel of campus life; range of academic offerings, activities and sports; cost and availability of financial aid and graduation rate and performance.

U.S.News BEST Colleges 2011 Regional Colleges South

Arkansas State University BioSciences Institute

Delta Center for Economic Development

Jonesboro Regional Chamber of Commerce

## Did You Know?

RICELAND

Jonesboro is home to the World's Largest Rice Mill

Arkansas State University is home to the **Red Wolves**, a NCAA Division I Program

Red Wolves Arkansas State

Frito Lay food for the fun of it!

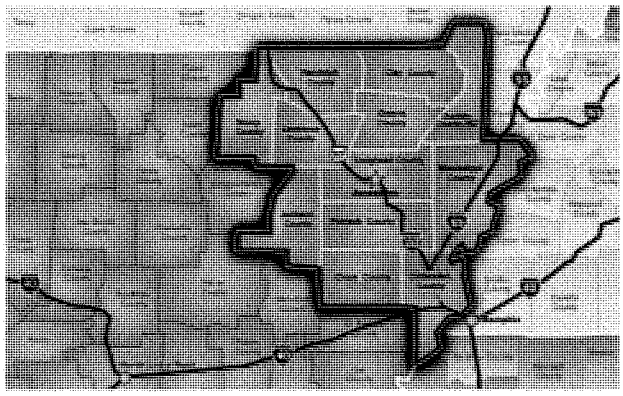
Nestlé Makes the Very Best

Some of the largest food companies in the world are located in Jonesboro. Nestlé and Frito-Lay are among those

There are 454,938 acres farmed in Craighead County

Jonesboro Regional Chamber of Commerce

## Jonesboro Regional Labor Shed

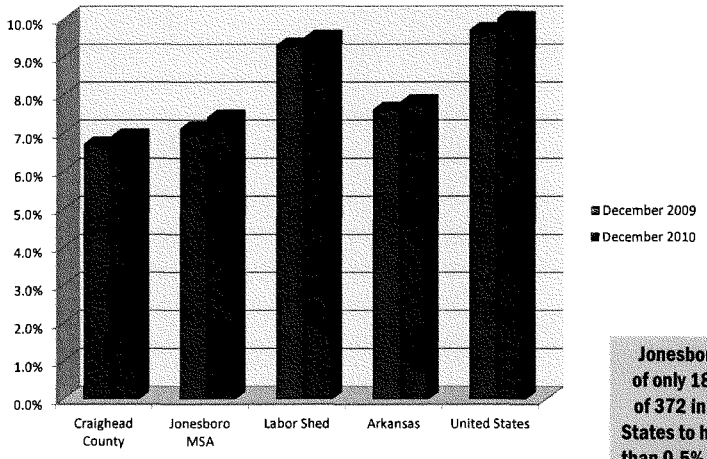


| County | Civilian Labor Force | Employed | Unemployed | Unemployment Rate |
|---|---|---|---|---|
| Clay | 6,725 | 5,875 | 850 | 12.8% |
| Craighead | 47,100 | 43,825 | 3,275 | 6.9% |
| Crittenden | 21,875 | 19,350 | 2,525 | 11.6% |
| Cross | 8,500 | 7,800 | 700 | 8.2% |
| Greene | 18,725 | 16,925 | 1,800 | 9.6% |
| Jackson | 7,575 | 6,750 | 825 | 10.8% |
| Lawrence | 7,225 | 6,525 | 700 | 9.6% |
| Mississippi | 21,800 | 19,400 | 2,400 | 11.0% |
| Poinsett | 11,025 | 10,000 | 1,025 | 9.3% |
| Randolph | 7,775 | 7,050 | 725 | 9.3% |
| Sharp | 6,125 | 5,525 | 600 | 9.8% |
| Dunklin, MO | 13,554 | 11,991 | 1,563 | 11.5% |
| **TOTAL** | **178,004** | **161,016** | **16,988** | **9.5%** |

Source: "Arkansas Labor Market," Department of Workforce Services, December 2010 "Local Area Unemployment Statistics," Missouri Economic Research & Information Center, December 2010; Data provided February 2, 2011.

Jonesboro Regional
CHAMBER OF COMMERCE

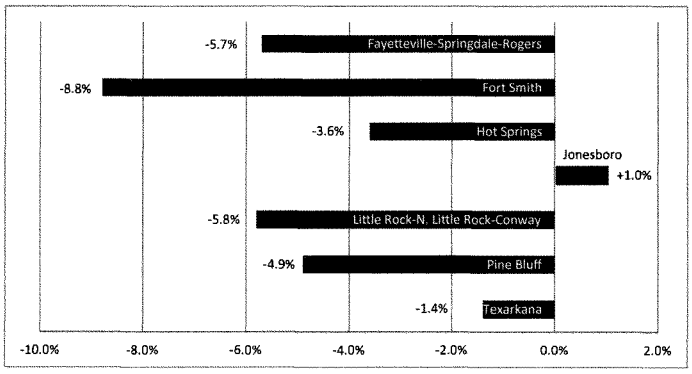
## Unemployment




**Jonesboro was one of only 18 MSA's out of 372 in the United States to have lost less than 0.5% employment from 2005 - 2010**

## Metro Area Employment

**Cumulative Employment Changes for Arkansas Metro Areas, Dec. 2007 through Sept. 2010 (Seasonally Adjusted)**




Source: Bureau of Labor Statistics

Jonesboro Regional Chamber of Commerce

## Jonesboro is Home to:

Alberto Culver

Frito Lay — food for the fun of it!

Nestlé — Makes the Very Best

Post

QuadGraphics

NICE PAK

HYTROL

NORDEX — We've got the power.

StarTek — Business Process Outsourcing

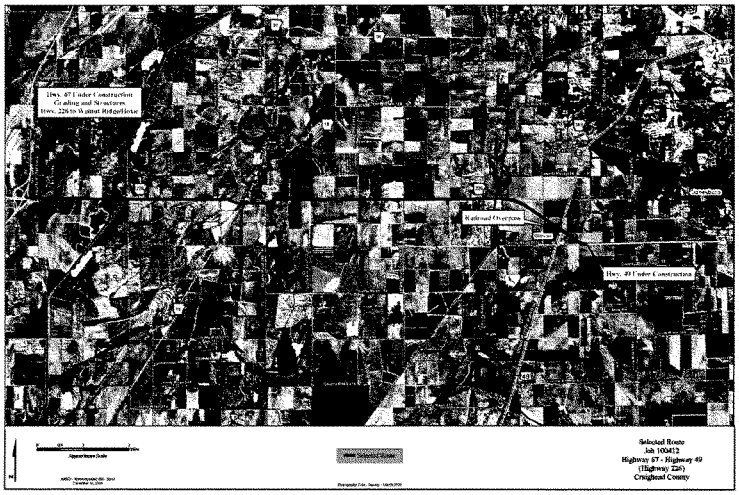
RICELAND

BUTTERBALL — BUTTERBALL, LLC

ASU — ARKANSAS STATE UNIVERSITY

Jonesboro Regional CHAMBER OF COMMERCE

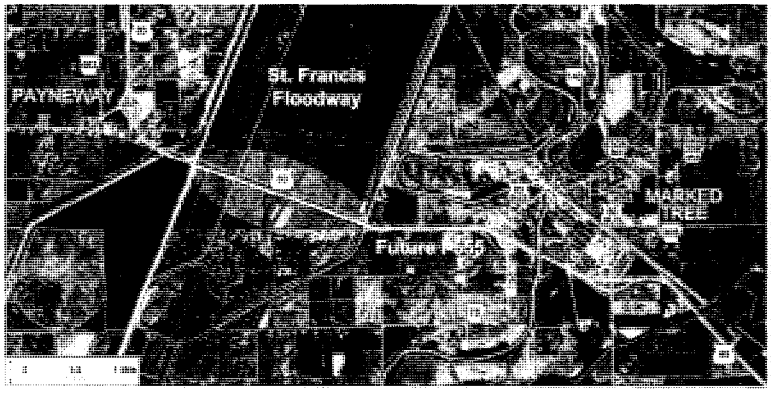
## Highway 226 Corridor




- Completed Hwy 67 to Hwy 226 on October 16, 2009 at a total cost of $93 million
- Currently Phase I at a cost of $14.9 million is under construction from Hwy 67 to just west of Cash
- Phase 2 from Hwy 49 at Gibson Switch going west to the east side of Cash is projected to cost $49.7 million which includes an overpass at Gibson Switch
- Phase 3 is a bypass around Cash that is not currently scheduled. We are advocating an overpass at Hwy 18 as part of the bypass construction

Jonesboro Regional
CHAMBER OF COMMERCE

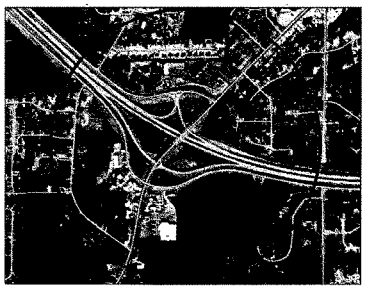
## Future I-555 Frontage Road



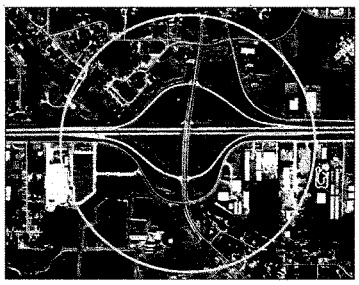

- Current construction on bridges at Marked Tree bringing them to interstate standards
- Remaining construction is only 2.2 miles of frontage road from Payneway to Marked Tree
- Total funding to date: $202.5 Million
- Approximately $20 Million needed for completion of the Interstate

Jonesboro Regional
CHAMBER OF COMMERCE

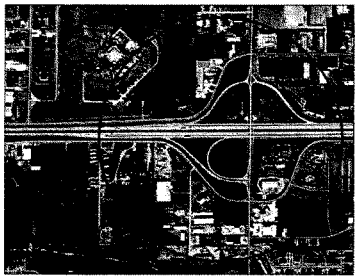
## Future I-555 Interchanges



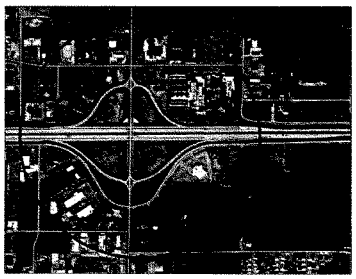
Southwest Drive



Highway 1B - (Harrisburg Road)



Caraway Road

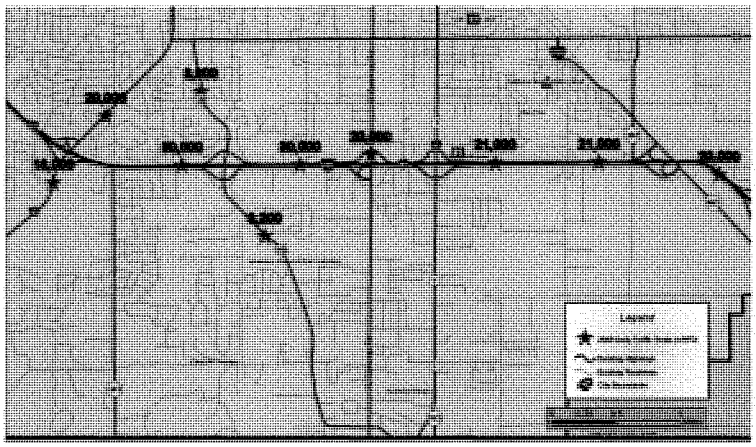


Highway 1 - (Stadium Blvd.)

Jonesboro Regional Chamber of Commerce

## Future I-555 Interchanges

### 2008 Average Daily Traffic Counts

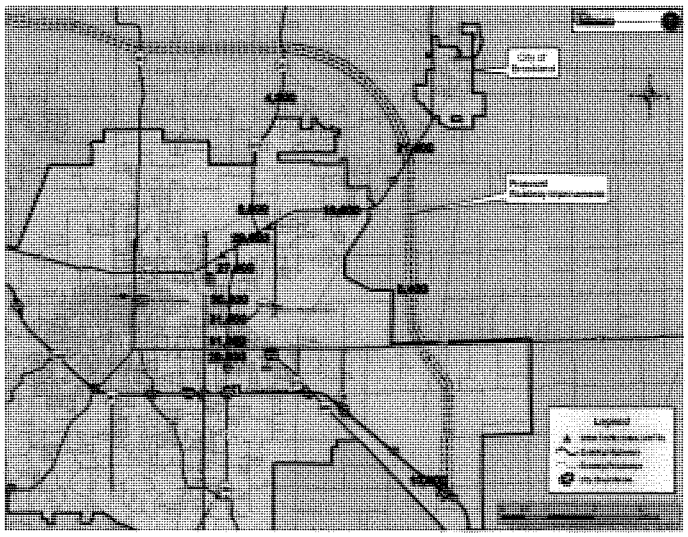


### Cost of Improvements

| | |
|---|---|
| Southwest Drive | $1.5 Million |
| Stadium Blvd & Caraway Road | $5.0 Million |
| Harrisburg Road | $2.5 Million |
| TOTAL | $9.0 Million |
| Received To Date | - $1.9 Million |
| TOTAL REQUESTED | $7.1 Million |

Jonesboro Regional
CHAMBER OF COMMERCE

## Eastern By-Pass

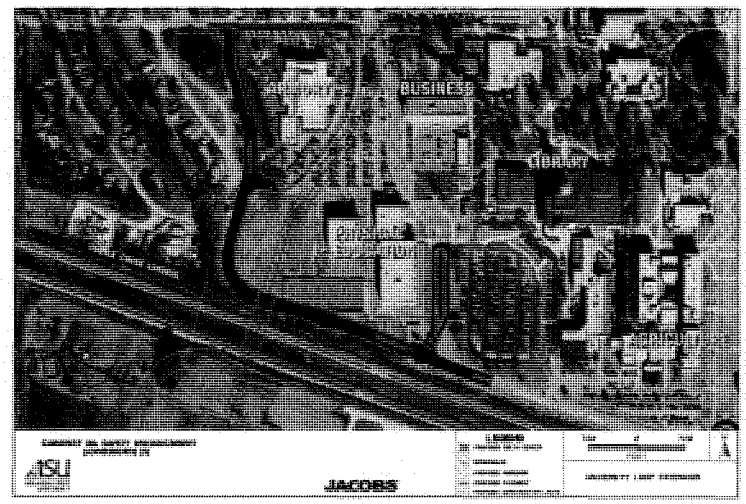


Phase I cost includes an environmental study, engineering and design

| | |
|---|---|
| **Total Environmental, Engineering & Design Cost** | **$7.1 Million** |
| **Total Requested for Environmental Study** | **$1.5 Million** |

Jonesboro Regional
CHAMBER OF COMMERCE

## University Loop




- 2,300 linear feet of roadway with raised grass median with addition of sidewalk and left-hand turn lanes
- Widening of Aggie Road between University Loop West & Marion Berry Parkway Overpass
- Two parking lot access drives and improvement to existing culvert

## Cost

| | |
|---|---|
| **Construction** | **$2,258,500** |
| **Environmental** | **155,200** |
| **Design** | **203,600** |
| **Inspection** | **322,600** |
| **TOTAL PROJECT** | **$2,939,900** |

RECEIVED MAR - 2 2011

February 24, 2011

The Honorable John L. Mica, Chairman
and Members of the Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

I am writing on behalf of the Transportation Committee of the Jonesboro Regional Chamber of Commerce to share with you our community's priorities regarding the transportation reauthorization bill.

As a long-time member of this community, I am witness to the fact that, while many in our community have lived and travelled elsewhere, we choose to make Jonesboro our home because of its people and its community spirit. We value Jonesboro's economic prosperity, educational opportunities, social and health services, and cultural and entertainment choices.

Having said that, we recognize the importance of investing in infrastructure that maintains our strengths as a community and ensures that our competitiveness extends to future generations. In today's world, corporations have many choices in where they locate. There is stiff competition to attract the best, the brightest, and the most innovative. Having good highways, street, and rail systems by which people and goods access our community are important in this equation. Also important are walking, biking, and public transit enhancements to offer transportation and recreation options that will encourage people to make Jonesboro their home.

Choices such as these improve traffic congestion, reduce carbon emissions into the atmosphere, and protect our water resources. Transportation choices will also enhance our health, allow the disabled to be more mobile, and enable our citizens to remain active, independent, and engaged in our community as they age.

Just last week, the Metropolitan Planning Organization (MPO) in Jonesboro approved its 2035 Transportation Plan, a comprehensive planning document reflecting the vision of its citizens and leadership and the cooperative spirit between the public and private sectors that has prevailed throughout this process. With the process fresh in our minds, we have three recommendations for the reauthorization bill which we hope you will consider:

- The formula allocation for STP Urban funds should apply to all MPOs regardless of their size. In this way, small MPOs such as ours will be able to invest in their collector and arterial streets more effectively;
- MPOs should be allocated more planning funds for feasibility studies and preliminary engineering/ environmental studies to get projects ready for TIPSs;
- There should be more flexibility in the use of surface transportation funds so that MPOs may allocate funds for those elements that are most needed in their region.

We are delighted to host you in our city and we appreciate the opportunity to provide you with our insights.

Ben Owens
Chairman, Transportation Committee
Jonesboro Regional Chamber of Commerce

**ARKANSAS MIDLAND RAILROAD CO., INC.**
**PRESCOTT AND NORTHWESTERN RAILROAD CO.**
**WARREN & SALINE RIVER RAILROAD CO.**
**RAILROAD DISTRIBUTION SERVICES, INC.**
*Pinsly Railroad Companies*

314 Reynolds Road, Building 41, Malvern, AR 72104
Telephone 501-844-4444 • FAX 501-844-4710 • E-mail: claggan@arkmidrr.com

February 28, 2011

The Honorable Rick Crawford
United States House of Representatives
Washington, DC 20510

Re: Follow-up input for the new Transportation Bill

Dear Mr. Crawford,

I appreciated your invitation to join the February 24 Listening Session in Jonesboro. My company and our industry are vitally interested in being a part of the new T-Bill as it develops and submit these thoughts in response to Congressman Mica's solicitation for comments.

My attendance last Thursday was on behalf of three entities: (1) Arkansas Midland Railroad and the two other Arkansas short lines that I manage daily, (2) our parent company Pinsly Railroad, and (3) Local Railroads of Arkansas; a state association of which I am Vice President that represents the interests of 22 small railroads in the state of Arkansas.

At the Listening Session I heard a lot of talk about needing more roads and additional funding; one of my suggestions below addresses that very issue. I believe it was Mr. Dowdy, a refrigerated trucker who spoke on the panel that suggested we need to find ways to do more with less. We have an answer to that great suggestion: railroads, our industry takes two employees, puts them in a set of locomotives, adds 280 trailers on flatcars behind the locomotives, and runs them from coast to coast on a private roadbed that is privately maintained. Having said that, I recognize that the true strength of the U.S. distribution system is a balance between the different modes; not every industry has a rail siding at their facility.

Before I get to the heart of the issue, let me give you a bit of my background. My entire professional career has been in railroading; it began in 1966 on a large eastern U.S. railroad where most of my time was spent in operations, intermodal, industrial engineering, sales and marketing. For the past 16 years, I have been involved in short line railroad issues in Arkansas. During the 1960's and 1970's I witnessed firsthand the decline of our industry in the northeastern quarter of the U.S. mainly due to three reasons: decline in post-WWII traffic base and revenue, the diversion of rail business to truckers that benefited from the newly constructed interstate highway system, and pricing restrictions imposed by the Interstate Commerce Commission.

As carrier after carrier went into bankruptcy, some merged with others to stay alive. The turning point in our modern day industry I believe came in 1980 with the passage of the Stagger's Act giving rail carriers some pricing flexibility under a partially de-regulated environment. That environment is still in place today and is the foundation upon which the health of the rail industry was rebuilt. Measured in ton-miles handled, 43% of the intercity freight in the U.S. in 2007 moved via rail versus 31% via truck (the balance moved via pipeline, water and air).

Railroads in Arkansas

As states all across the U.S. struggled in the 1970's and 1980's with what I have just described, many states found themselves having to purchase and operate hundreds of miles of abandoned rail lines in order to preserve a rail connection for industries to the national and international rail system. Arkansas did not. For the most part, private railroads continued operations to most of the industries served (some former Rock Island Railroad trackage in Arkansas was abandoned).

Today, Arkansas is served by 25 railroads (3 large railroads and 22 small or short line railroads). The freight handled by all these carriers in 2008 kept over 9 million additional trucks off Arkansas highways reducing road and bridge maintenance substantially.

Short lines alone serve 223 different industries in Arkansas operating over 941 miles of trackage, much of which is very light density; they handle almost 300,000 carloads annually. Lines such as Arkansas Midland's Warren and Helena Branches preserve a vital rail connection for these Delta communities, allowing them to complete for large economic development opportunities.

My thoughts on Input for the Transportation Bill

- **Include short line provisions in the Bill**. I was pleased to hear Congressman Mica stress that the Bill would be multi-modal; that should include short line railroad provisions. Approximately 1/3 of the total 140,000 rail miles in the U.S. are operated by small carriers yet little provision if any has been included for short lines in previous T-Bills. Short lines in Arkansas keep small towns like Helena, Warren, Danville, Prescott, Cypress Bend/Arkansas City, Crossett and others connected to the national rail system.
- **Hold the line on new road construction**. We heard several speakers at Jonesboro say there isn't enough funding to maintain the current infrastructure. Yet we also heard several say they needed additional new roads. Replacement/repair of existing highway bridges in this country, evidenced by a couple high-profile incidents, is already underfunded. For this 6-year T-Bill term, let's bite the unpopular bullet and shift our focus from more roads to addressing the problems we have with existing roads and bridges.
- **Preserve the Investment Tax Credit**. Short lines have been able to receive an investment tax credit equal to 50% of what they spend on maintaining and upgrading their railroads capped at $3,500 per mile times the number of miles of railroad they operate. This stimulates private spending into small railroad infrastructure. Since its first inception in 2004, this credit has helped small rail carriers upgrade their lines to handle the heavier cars now required by shippers and the large carriers.
  Unfortunately, the credit has been a fight to attain each year and we have generally gained passage in Congress only near or after the end of the year precluding any planning as to how it can best be used throughout the year. I would strongly encourage consideration of making this a permanent provision in the 6 year bill so that maximum benefit can be realized. This also is a stimulus for U.S. jobs and material purchases.
- **Preserve the current partially regulated environment**. Most of those that are advocating re-regulation of the railroad industry have not gone through the years of decline in this industry that I have witnessed and described above. Many see it an opportunity to get lower freight rates. Fact is that based upon the market-based provisions enacted by the Staggers Act in 1980, freight rates have dropped by 55% through 2009 (on an average inflation-adjusted basis).
- **Streamline the Railroad Rehabilitation and Improvement Financing ("RRIF") Program**. This is a great program originally designed for small railroads but the process is much too cumbersome and most small carriers that need this help cannot afford the cost of the Credit Risk Premium Insurance required by the federal government.
- **Eliminate un-funded regulation**. When I read HR 2095, the Railroad Safety Improvement Act of 2008 ("RSIA") I couldn't help but ask "and who pays for all this"? One item in the bill, the nation-wide implementation of Positive Train Control by 2015, has a price tag alone in

the billions for the private sector. Since we are all for-profit companies, ultimately, the cost must be passed on to the industries we serve.
We are all about safety in our Company and in our Industry and records for both groups show much improvement already over the years. I would ask that any new mandated requirements come with a corresponding funding provision for implementation.

I would be happy to further discuss any of the above if you desire.

Very truly yours,

Charles Laggan
Vice President and General Manager

Cc: The Honorable John Mica
John Levine

**From:** Jane Marzewski
**Sent:** Thursday, March 03, 2011 10:20 PM
**To:** Michalek, Greg
**Subject:** T&I Remarks for Record

Thank you for requesting comments from citizens in Northeast Arkansas regarding the transportation system.

One thing that I have noticed repeatedly is that "government" seems to act like it is all-knowing in regard to what the citizens want and need. With each grant of money come strings, mandates, rules and regulations. Our local Metropolitan Planning Organization tells us that there are "no mandates" just regulations. So when they take money for certain projects, they must also implement other projects whether we need them or not.

To some of us in the Jonesboro AR area, the issue has been that of requiring bus service (which seems to cost us taxplayers about $30 for each person who rides around town) and sidewalks and bikeways. Many of us see a direct correlation with the local plan and those implemented by other cities who are using the "complete streets" plan suggested by Agenda 21 advocates.

The over-reaching goal of Agenda 21 seems to be taking away personal freedoms for the greater good of "the masses." THIS is an idea freedom-loving citizens reject.

I prefer that highway dollars be used to fund highways. Ever-increasing mandates, rules, and regulations tend to strangle implementation of projects and they are often lacking in common sense applications.

The entangling red tape tends to strangle our ingenuity as well; the citizens of this great country are able indeed to do more, much more, with less. Congress needs to make fewer laws and attach fewer strings to those laws so we can direct our money to projects of our choosing locally.

Thank you for listening.

Sincerely,
Jane Marzewski
Jonesboro AR

**Good evening.**

**As mayor of Jonesboro, let me welcome each and every one of you to our city, and to this beautiful facility here on the campus of Arkansas State University. The building we are meeting in tonight, the Cooper Alumni Center, is a living testament to the spirit of cooperation and partnerships that have been indicative of how we have built our community.**

**I am a firm believer that partnerships are critical components of any successful relationships. As we realize we are all in this together, and we are all willing to do our part; success will follow.**

**And so that's why it is especially gratifying to welcome you here, Mr. Chairman. Congressman Crawford is doing a tremendous job of representing the interests of the First District of Arkansas, and I'm confident, Mr. Chairman, that you are going to enjoy working with him as much as all of us do.**

**This concept of partnerships that I speak of doesn't just exist within the private sector. I am a firm believer that we, as governmental entities on the local, state and national level, are partners. You are not my banker, and you are not my benefactor. We are partners representing the same constituency at**

**different levels; and it is incumbent on us all to work together in an effort to provide the type of services and infrastructure needed to allow the citizens we serve to live, work and raise their family with a quality of life that isn't matched anywhere else in the world.**

**That is what makes these meetings so important, Mr. Chairman…and quite frankly, so refreshing.**

**Of all the responsibilities we have as a government at any level, providing a functional and adequate transportation infrastructure is among the highest of priorities. But doing so in a responsible, prudent and efficient manner can be a**

**challenge. I believe, as you do, that we must be fiscally responsible in how we leverage the funds available to us to provide that infrastructure and those services. Whether in the form of fuel and road taxes paid on the federal level, or in the form of sales tax paid at the state and local level; like you, I recognize that all those monies are coming from the same source.**

**Meetings such as this one are paramount to your ability to help understand the priorities of the American people who live in communities like ours all across this incredible nation. I applaud your efforts and the commitment of the resources that it took to put this and other meetings like it together**

**all over the country. I think you will find that we all share a common vision of transparency, efficiency, and productivity.**

**I urge you to carefully weigh the comments and suggestions that come out of these meetings, and to push forward with your agenda of cutting red tape, streamlining processes, encouraging private investment, and helping us identify creative alternatives to financing that may no longer be available.**

**The work you have before you in dealing with the reauthorization of the National Transportation Bill is a daunting task. You will hear from a variety of individuals who represent a large cross section of the public**

**and private sectors. Each person with whom you hear throughout your tour will all stress the importance of transportation funding in local communities efforts to attract industry and promote economic development. These are key elements in our journey back from the economic recession that has riveted our country; and as fortunate as we are here in Jonesboro, even we did not completely escape its impact.**

**So to you Mr. Chairman, again I say "THANK YOU" for taking the time to bring this hearing to Jonesboro. It is an honor to be your only stop in the State of Arkansas.**

**To Congressman Crawford, whom I consider a dear friend, thank you for your service and for all you have done to make this possible.**

**To the other honorable members of the House of Representatives and the staff for your committee, again I say thank you.**

**I'd also like to recognize Mr. Dan Flowers, the Director of the Arkansas Highway and Transportation Department, along with members of his staff and our appointed Highway Commissioners from throughout the entire State of Arkansas. Thank you for taking time to travel to Jonesboro to participate in this incredible event.**

**We have too many other elected officials and honored guests here, including members of the legislature, to recognize individually. But please know that I am no less grateful for the job you do and the service that you provide to all of us in the execution of your duties.**

**Thank all of you for being here; and my prayer is that God will continue to bless these proceedings, our city, our state, and these United States of America.**

Harold Perrin
Mayor
City of Jonesboro
Feb 24, 2011

# CITY OF JONESBORO

February 28, 2011

The Honorable Congressman John Mica
2187 Rayburn House Office Building
Washington, DC 20515

RE: Jonesboro Field Listening Session

Dear Congressman Mica:

On behalf of the city of Jonesboro, AR I wanted to say thank you very much for choosing Jonesboro, AR to be one of your fourteen cities you visited. I hope you received a great deal of information you can use during our listening session. I certainly appreciated the opportunity to sit down and visit with you prior to the session. We will be forwarding you the information on the Metropolitan Traffie Area Authority Bond Issue you requested.

Many thanks and wishing you the very best in all your endeavors.

Sincerely,

Harold Perrin
Mayor

HP/clg

Cc: Congressman Rick Crawford
Jonah Shumate, Chief-of-Staff

*Executive Office • City Hall • 515 W. Washington • P.O. Box 1845 • Jonesboro, Arkansas 72403-1845 • (870) 932-1052 • FAX: (870) 933-4619*

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 080030 | 1992 | Mt. Ola Scenic Overlook (S) | Scenic or historic highway programs including tourist and welcome centers | Mt. Ola | Yell | $352,000.00 | $88,000.00 | $440,000.00 | |
| 005899 | 1992 | Hwy. 167 Reconstruction (Cave City) (S) (Sidewalks) | Landscaping and scenic beautification | Cave City | Sharp | $86,787.00 | $21,697.00 | $108,484.00 | |
| 001695 | 1992 | AHTD Bikeway & Pedestrian Program (FY 1992) | Landscaping and scenic beautification | Statewide | Statewide | $12,282.00 | $3,070.92 | $15,352.92 | |
| 001694 | 1992 | Statewide Illegal Sign Removal | Landscaping and scenic beautification | Statewide | Statewide | $81,017.00 | $20,253.69 | $101,270.69 | |
| 001693 | 1992 | Lexa - Cypress Bend R.R. Corridor Study | Landscaping and scenic beautification | | Desha | $154,321.00 | $38,579.00 | $192,900.00 | |
| R20008 | 1992 | Hwy. 65 Bypass (Wetland Enhancement) | Landscaping and scenic beautification | Pine Bluff | Jefferson | $18,400.00 | $4,600.00 | $23,000.00 | |
| 040163 | 1993 | District 4 Landscaping Enhancement | Landscaping and scenic beautification | | Multiple | $6,397.00 | $1,599.25 | $7,996.25 | |
| 100324 | 1993 | District 10 Landscaping Enhancement | Landscaping and scenic beautification | | Multiple | $3,727.00 | $931.89 | $4,658.89 | |
| 060634 | 1993 | District 6 Landscaping Enhancement (Bulb Planting) | Landscaping and scenic beautification | | Multiple | $32,914.00 | $8,227.94 | $41,141.94 | |
| 110240 | 1993 | District 1 Landscaping Enhancement | Landscaping and scenic beautification | | Multiple | $12,611.00 | $3,152.68 | $15,763.68 | |
| 070081 | 1993 | Junction City Tourist Info Ctr Landscaping (S) | Landscaping and scenic beautification | Junction City | Union | $3,946.00 | $987.07 | $4,933.07 | |
| 001696 | 1993 | AHTD Bikeway & Pedestrian Program (FY 1993) | Landscaping and scenic beautification | Statewide | Statewide | $36,606.00 | $9,151.99 | $45,757.99 | |
| 080063 | 1993 | Morrilton Rest Area Landscaping (S) | Landscaping and scenic beautification | Morrilton | Conway | $2,949.00 | $736.77 | $3,685.77 | |
| 100353 | 1993 | Corning Tourist Info Ctr Landscaping (S) | Landscaping and scenic beautification | Corning | Clay | $7,427.00 | $1,856.39 | $9,283.39 | |
| 009889 | 1993 | Hwy. 71 Bypass - Hwy. 94 (Rogers - Searles Prairie) | Pedestrian and bicycle facilitiesPedestrian and bicycle facilities | Rogers | Benton | $671,426.00 | $167,856.50 | $839,282.50 | |
| 070056 | 1993 | Moro Bay Ferry Exhibit (Barge Clean & Paint) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Moro Bay | Bradley | $21,057.00 | $0.00 | $21,057.00 | |
| 070055 | 1993 | Moro Bay Ferry Exhibit (Barge Relocation) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Moro Bay | Bradley | $34,155.00 | $8,539.00 | $42,694.00 | |
| 070050 | 1993 | Moro Bay Ferry Exhibit (Parking & Pedestal) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Moro Bay | Bradley | $54,198.00 | $22,290.00 | $76,488.00 | |
| 009982 | 1993 | Harrison Tourist Info Ctr Landscaping (S) | Landscaping and scenic beautification | Harrison | Boone | $1,599.00 | $400.18 | $1,999.18 | |
| 100332 | 1993 | Hwy 150-Blytheville Tourist Info Center (Wildflower Seeds) | Landscaping and scenic beautification | Blytheville | Mississippi | $5,903.00 | $1,475.84 | $7,378.84 | |
| 080173 | 1993 | I-40 Landscaping (Conway) (S) | Landscaping and scenic beautification | Conway | Faulkner | $35,974.00 | $8,994.00 | $44,968.00 | |
| 060612 | 1993 | Lake Hamilton Schools Pedestrian Overpass (Hwy. 70) | Pedestrian and bicycle facilities | Hempwallace | Garland | $483,302.00 | $194,601.00 | $677,903.00 | |
| 005986 | 1993 | Hwy. 167 Rest Area Landscaping (S) | Landscaping and scenic beautification | | Independence | $925.00 | $231.57 | $1,156.57 | |
| 060671 | 1994 | Sherwood Pedestrian Overpass (ATEP-94) (S) | Pedestrian and bicycle facilities | Sherwood | Pulaski | $231,258.00 | $86,375.09 | $317,633.09 | |

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 100352 | 1994 | Marked Tree Hwy. 63 Landscaping (S) | Landscaping and scenic beautification | Marked Tree | Poinsett | $4,202.00 | $1,050.00 | $5,252.00 | |
| 060717 | 1994 | North Little Rock Arkansas River Walkway (ATEP-94) (S) | Pedestrian and bicycle facilities | North Little Rock | Pulaski | $440,000.00 | $221,600.00 | $661,600.00 | |
| 060685 | 1994 | I-630 Landscape Enhancement (Crepe Myrtles) | Landscaping and scenic beautification | Little Rock | Pulaski | $4,073.00 | $1,018.00 | $5,091.00 | |
| 060705 | 1994 | McCain Blvd. Ped. Enhmnts. (NLR) (Fencing) (S) | Pedestrian and bicycle facilities | North Little Rock | Pulaski | $50,982.00 | $19,866.00 | $70,848.00 | |
| 060725 | 1994 | Little Rock Baseline Road Sidewalks (ATEP-94) (S) | Pedestrian and bicycle facilities | Little Rock | Pulaski | $177,048.00 | $44,262.54 | $221,310.54 | |
| 060718 | 1994 | Little Rock Rebsamen Pkwy. Ped. & Bicycle Trail (ATEP-94) (S) | Pedestrian and bicycle facilities | Little Rock | Pulaski | $320,000.00 | $120,722.00 | $440,722.00 | |
| 060701 | 1994 | Jimerson Creek Pedestrian/Bicycle Bridge (ATEP-94) (S) | Pedestrian and bicycle facilities | Little Rock | Pulaski | $424,853.00 | $106,212.61 | $531,065.61 | |
| 060677 | 1994 | Maumelle Millwood Circle Sidewalk (ATEP-94) (S) | Pedestrian and bicycle facilities | Maumelle | Pulaski | $12,144.00 | $6,554.72 | $18,698.72 | |
| 060706 | 1994 | McCain Blvd. Ped. Enh. (NLR) (Walk & Ped. Sigs.) (S) | Pedestrian and bicycle facilities | North Little Rock | Pulaski | $232,646.00 | $68,572.00 | $301,218.00 | |
| 110258 | 1994 | Helena Levee Walking Trail (ATEP-94) (S) | Pedestrian and bicycle facilities | Helena | Phillips | $80,000.00 | $20,000.00 | $100,000.00 | |
| 070082 | 1994 | Junction City Landscape Enhancement (S) | Landscaping and scenic beautification | Junction City | Union | $1,895.00 | $473.00 | $2,368.00 | |
| 040191 | 1994 | Prairie Grove Land Acquisition (ATEP-94) (S) | Acquisition of scenic or historic easements and sites | Prairie Grove | Washington | $66,000.00 | $40,194.77 | $106,194.77 | |
| 040197 | 1994 | Fayetteville Entrance Corridor Landscaping (ATEP-94) (S) | Landscaping and scenic beautification | Fayetteville | Washington | $4,217.00 | $1,053.84 | $5,270.84 | |
| 070090 | 1994 | Oil & Brine Museum Refining Exhibit (ATEP-94) (S) | Historic preservation | Smackover | Union | $64,768.00 | $26,032.00 | $90,800.00 | |
| 070091 | 1994 | Oil and Brine Museum Trail (ATEP-94) (S) | Pedestrian and bicycle facilities | Smackover | Union | $19,473.00 | $20,293.00 | $39,766.00 | |
| 100338 | 1994 | Greene County Courthouse Renovation (ATEP-94) (S) | Historic preservation | Paragould | Greene | $154,000.00 | $42,183.75 | $196,183.75 | |
| 080055 | 1994 | Danville Main Street Enhancements (ATEP-94) (S) | Pedestrian and bicycle facilities | Danville | Yell | $128,662.00 | $32,165.44 | $160,827.44 | |
| 005985 | 1994 | Searcy Trail System (ATEP-94) (S) | Pedestrian and bicycle facilities | Searcy | White | $416,826.00 | $142,647.53 | $559,473.53 | |
| 100339 | 1994 | Pocahontas Town Square Landscaping (ATEP-94) (S) | Pedestrian and bicycle facilities | Pocahontas | Randolph | $212,630.00 | $53,157.00 | $265,787.00 | |
| 001738 | 1994 | 1994 Local Transportation Enhancement Program | Pedestrian and bicycle facilities | Statewide | Statewide | $11,450.00 | $2,861.94 | $14,311.94 | |
| 001743 | 1994 | Urban Youth Corp's Program | Pedestrian and bicycle facilities | Statewide | Statewide | $34,701.00 | $8,675.86 | $43,376.86 | |
| 001733 | 1994 | Dept. of Ark. Heritage GIS (ATEP) (S) | Pedestrian and bicycle facilities0 | Statewide | Statewide | $80,000.00 | $20,000.00 | $100,000.00 | |
| 001707 | 1994 | Snow Lake-Cypress Bend Rail Purchase | Conversion of abandoned railway corridors to trails | | Desha | $600,000.00 | $150,000.00 | $750,000.00 | |
| 110169 | 1994 | Ten Mile Bayou Str. & Apprs. (Ped/Bike Trail) | Pedestrian and bicycle facilities | | Crittenden | $97,634.00 | $24,408.50 | $122,042.50 | |
| 110256 | 1994 | West Memphis Sports Complex Trail (ATEP-94) (S) | Pedestrian and bicycle facilities | West Memphis | Crittenden | $172,479.00 | $43,120.42 | $215,599.42 | |
| 110255 | 1994 | West Memphis Broadway Revitalization (ATEP-94) (S) | Pedestrian and bicycle facilities | West Memphis | Crittenden | $203,792.00 | $50,948.00 | $254,740.00 | |
| 110267 | 1994 | Parkin Archeological State Park Trail (ATEP-94) (S) | Pedestrian and bicycle facilities | | Cross | $83,600.00 | $69,193.00 | $152,793.00 | |
| 009976 | 1994 | Bentonville Moberly Lane Bikeway (ATEP-94) (S) | Pedestrian and bicycle facilities | Bentonville | Benton | $64,152.00 | $16,489.14 | $80,641.14 | |
| 009977 | 1994 | Cotter River Road Walkway (ATEP-94) (S) | Pedestrian and bicycle facilities | Cotter | Baxter | $8,800.00 | $11,441.18 | $20,241.18 | |

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 070087 | 1994 | Arkadelphia Feaster Trail Extension (ATEP-94) (S) | Pedestrian and bicycle facilities | Arkadelphia | Clark | $17,645.00 | $4,410.64 | $22,055.64 | |
| 020204 | 1994 | Star City Bradley Avenue Sidewalks (ATEP-94) (S) | Pedestrian and bicycle facilities | Star City | Lincoln | $64,681.00 | $16,170.05 | $80,851.05 | |
| 100363 | 1994 | Powhatan Rock Wall Restoration (ATEP-94) (S) | Landscaping and scenic beautification | Powhatan | Lawrence | $125,840.00 | $44,883.75 | $170,723.75 | |
| 100336 | 1994 | Walnut Ridge Depot Restoration (ATEP) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Walnut Ridge | Lawrence | $272,553.00 | $68,138.74 | $340,691.74 | |
| 020186 | 1994 | Pine Bluff Hwy. 65 Landscaping (ATEP-94) (S) | Landscaping and scenic beautification | Pine Bluff | Jefferson | $100,151.00 | $25,038.02 | $125,189.02 | |
| 009935 | 1994 | Hwy. 62 Scenic Overlook (Cotter) (S) | Scenic or historic highway programs including tourist and welcome centers | Cotter | Marion | $76,867.00 | $73,993.00 | $150,860.00 | |
| 100346 | 1994 | Osceola Hwy. 119 Bikeway (ATEP-94) (S) | Pedestrian and bicycle facilities | Osceola | Mississippi | $161,447.00 | $40,362.13 | $201,809.13 | |
| 009983 | 1994 | Yellville Crooked Creek Pedestrian Bridge (ATEP-94) (S) | Pedestrian and bicycle facilities | Yellville | Marion | $442,506.00 | $110,626.84 | $553,132.84 | |
| 060667 | 1994 | Railroad Prairie Trail (Phase I) (ATEP) (S) | Conversion of abandoned railway corridors to trails | | Lonoke | $3,744.00 | $936.00 | $4,680.00 | |
| 060736 | 1994 | M.L. King, Jr. Freeway Landscaping (Hot Springs) (S) | Landscaping and scenic beautification | Hot Springs | Garland | $51,920.00 | $12,980.00 | $64,900.00 | |
| 060674 | 1994 | Hot Springs Creek Greenway (ATEP-94) (S) | Pedestrian and bicycle facilities | Hot Springs | Garland | $438,646.00 | $109,661.83 | $548,307.83 | |
| 060675 | 1994 | Hot Springs Sawmill Visitors' Center (ATEP-94) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Hot Springs | Garland | $440,000.00 | $178,822.69 | $618,822.69 | |
| 008998 | 1994 | Union Pacific R.R. Overpass (Conway) (F) (Sidewalks) | Pedestrian and bicycle facilities | Conway | Faulkner | $122,681.00 | $30,669.79 | $153,350.79 | |
| 080071 | 1994 | Conway Tucker Creek Bike Trail (ATEP-94) (S) | Pedestrian and bicycle facilities | Conway | Faulkner | $254,239.00 | $194,037.40 | $448,276.40 | |
| 080056 | 1994 | Greenbrier Hwy. 65 Sidewalks (ATEP-94) (S) | Pedestrian and bicycle facilities | Greenbrier | Faulkner | $59,213.00 | $14,803.19 | $74,016.19 | |
| 030132 | 1994 | Nashville Toland Heights Enhancement (ATEP-94) (S) | Pedestrian and bicycle facilities | Nashville | Howard | $34,373.00 | $8,593.41 | $42,966.41 | |
| 030134 | 1994 | Old Washington Sanders Farm Restoration (ATEP-94) (S) | Historic preservation | Washington | Hempstead | $61,260.00 | $15,315.00 | $76,575.00 | |
| 030133 | 1994 | Old Washington Courthouse Restoration (ATEP-94) (S) | Historic preservation | Washington | Hempstead | $286,000.00 | $218,545.56 | $504,545.56 | |
| 030126 | 1994 | Hope Railroad Depot Renovation (ATEP) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Hope | Hempstead | $411,982.00 | $102,995.50 | $514,977.50 | |
| 060721 | 1995 | DeValls Bluff Hwy. 70 Landscaping (ATEP-95) (S) | Landscaping and scenic beautification | DeValls Bluff | Prairie | $72,479.00 | $18,119.55 | $90,598.55 | |
| 060752 | 1995 | White River Br. Exhibit (DeValls Bluff/Biscoe) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | | Prairie | $275,089.00 | $68,772.23 | $343,861.23 | |
| 040034 | 1995 | Hwy. 71 - Reeves Ave. (Mena) (S) (Sidewalks) | Pedestrian and bicycle facilities | Mena | Polk | $80,743.00 | $20,186.00 | $100,929.00 | |
| 040210 | 1995 | Mena Downtown Enhancements (ATEP-95) (S) | Pedestrian and bicycle facilities | Mena | Polk | $574,600.00 | $151,114.00 | $725,714.00 | |
| 060678 | 1995 | State Capitol Complex Sidewalks (S) | Pedestrian and bicycle facilities | Little Rock | Pulaski | $76,441.00 | $19,111.00 | $95,552.00 | |
| 030140 | 1995 | Pike County Courthouse/Square Beautification (ATEP-95) (S) | Landscaping and scenic beautification | Murfreesboro | Pike | $180,059.00 | $51,620.00 | $231,679.00 | |
| 060743 | 1995 | I-630 Decorative Planting (S) | Landscaping and scenic beautification | Little Rock | Pulaski | $7,456.00 | $1,863.76 | $9,319.76 | |

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 060723 | 1995 | Arkansas Territorial Restoration Enhancements (ATEP-95) (S) | Landscaping and scenic beautification | Little Rock | Pulaski | $348,480.00 | $243,387.43 | $591,867.43 | |
| 060726 | 1995 | Pulaski County Interstate Reforestation (Seedlings) (S) | Landscaping and scenic beautification | | Pulaski | $18,445.00 | $4,611.00 | $23,056.00 | |
| 060727 | 1995 | Pulaski County Interstate Reforestation (Ornamental Trees)(S) | Landscaping and scenic beautification | | Pulaski | $22,846.00 | $5,711.00 | $28,557.00 | |
| 060724 | 1995 | Old State House Preservation (ATEP-95) (S) | Historic preservation | Little Rock | Pulaski | $154,919.00 | $38,729.66 | $193,648.66 | |
| 060731 | 1995 | North Little Rock Depot Restoration (ATEP-95) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | North Little Rock | Pulaski | $189,742.00 | $80,349.25 | $270,091.25 | |
| 030110 | 1995 | District 3 Landscaping Enhancement | Landscaping and scenic beautification | | Multiple | $11,992.00 | $2,998.08 | $14,990.08 | |
| 110272 | 1995 | Monroe County Courthouse Restoration (ATEP-95) (S) | Historic preservation | Clarendon | Monroe | $132,336.00 | $33,084.00 | $165,420.00 | |
| 110271 | 1995 | Helena Levee Trail Phase II (ATEP-95) (S) | Pedestrian and bicycle facilities | Helena | Phillips | $59,212.00 | $20,322.57 | $79,534.57 | |
| 070093 | 1995 | Camden Railroad Depot Restoration (ATEP-95) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Camden | Ouachita | $176,000.00 | $168,726.00 | $344,726.00 | |
| 040213 | 1995 | Springdale Sidewalk Enhancements (ATEP-95) (S) | Pedestrian and bicycle facilities | Springdale | Washington | $252,563.00 | $63,140.55 | $315,703.55 | |
| 070092 | 1995 | El Dorado East Hillsboro St. Enhancements (ATEP-95) (S) | Pedestrian and bicycle facilities | El Dorado | Union | $286,835.00 | $71,708.58 | $358,543.58 | |
| 040313 | 1995 | Fayetteville Raven and Gulley Park Trails (ATEP-95) (S) | Pedestrian and bicycle facilities | Fayetteville | Washington | $142,224.00 | $45,717.50 | $187,941.50 | |
| 080076 | 1995 | Ola Downtown Enhancements (ATEP-95) (S) | Pedestrian and bicycle facilities | Ola | Yell | $110,419.00 | $27,604.80 | $138,023.80 | |
| 040318 | 1995 | Fayetteville Joyce Blvd. & Eastern Mud Creek Trails (ATEP-95) (S) | Pedestrian and bicycle facilities | Fayetteville | Washington | $302,561.00 | $204,321.55 | $506,882.55 | |
| 040319 | 1995 | Fayetteville Western Mud Creek Trail (ATEP-95) (S) | Pedestrian and bicycle facilities | Fayetteville | Washington | $404,129.00 | $101,032.46 | $505,161.46 | |
| 040209 | 1995 | Prairie Grove Battlefield Land Acquisition Phase II (ATEP-95) (S) | Historic preservation | Prairie Grove | Washington | $440,000.00 | $194,558.33 | $634,558.33 | |
| 040267 | 1995 | Fort Smith Levee Trail (ATEP-95) (S) | Pedestrian and bicycle facilities | Fort Smith | Sebastian | $78,266.00 | $19,566.80 | $97,832.80 | |
| 040214 | 1995 | Van Buren Frisco Depot & King Opera House Renov. (ATEP-95) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Van Buren | Sebastian | $147,682.00 | $36,920.00 | $184,602.00 | |
| 100364 | 1995 | Pocahontas Hwy. 67/90 Enhancements (ATEP-95) (S) | Acquisition of scenic or historic easements and sites | Pocahontas | Randolph | $214,342.00 | $53,586.00 | $267,928.00 | |
| 100365 | 1995 | Pocahontas Black River Scenic Overlook (ATEP-95) (S) | Landscaping and scenic beautification | Pocahontas | Randolph | $544,725.00 | $449,426.53 | $994,151.53 | |
| 001711 | 1995 | AHTD Bikeway & Pedestrian Program (FY 1995) | Pedestrian and bicycle facilities | Statewide | Statewide | $48,800.00 | $12,200.00 | $61,000.00 | |
| 001758 | 1995 | 1995 Local ATEP (AHTD Administration) | Pedestrian and bicycle facilities | Statewide | Statewide | $953,299.00 | $238,325.00 | $1,191,624.00 | |
| 008895 | 1995 | Hwy 64 - Hwy 247 Reconstruction (S) (Morrilton Sidewalks) | Pedestrian and bicycle facilities | Morrilton | Conway | $59,715.00 | $21,470.53 | $81,185.53 | |
| 070162 | 1995 | Arkadelphia Depot Restoration (ATEP-95) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Arkadelphia | Clark | $153,154.00 | $122,563.00 | $275,717.00 | |
| 110270 | 1995 | West Memphis Broadway Revitalization Phase II (ATEP-95) (S) | Pedestrian and bicycle facilities | West Memphis | Crittenden | $233,610.00 | $58,402.00 | $292,012.00 | |
| 110278 | 1995 | I-40/I-55 Wildflowers (West Memphis) (S) | Landscaping and scenic beautification | West Memphis | Crittenden | $20,000.00 | $5,000.00 | $25,000.00 | |
| 110277 | 1995 | I-40/I-55 Landscaping (West Memphis) (S) | Landscaping and scenic beautification | West Memphis | Crittenden | $180,000.00 | $45,000.00 | $225,000.00 | |

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 040217 | 1995 | I-40 & I-540 Landscaping (Ft. Smith/Van Buren) (S) | Landscaping and scenic beautification | | Crawford & Sebastian | $160,000.00 | $40,000.00 | $200,000.00 | |
| 090008 | 1995 | Bentonville Ped./Bikeway Facility (ATEP-95) (S) | Pedestrian and bicycle facilities | Bentonville | Benton | $279,628.00 | $69,332.96 | $348,960.96 | |
| 009992 | 1995 | Rogers Frisco Transportation Enhancement (ATEP-95) (S) | Conversion of abandoned railway corridors to trails | Rogers | Benton | $265,882.00 | $77,539.00 | $343,421.00 | |
| 090006 | 1995 | Mountain Home Hwy. 62/412 Sidewalks (ATEP-95) (S) | Pedestrian and bicycle facilities | Mountain Home | Baxter | $176,000.00 | $45,969.08 | $221,969.08 | |
| 009994 | 1995 | Siloam Springs Hwy. 204 Sidewalks (ATEP-95) (S) | Pedestrian and bicycle facilities | Siloam Springs | Benton | $27,720.00 | $32,057.00 | $59,777.00 | |
| 020196 | 1995 | Hwy. 65 Rest Area Landscaping (S) | Landscaping and scenic beautification | | Chicot | $2,874.00 | $718.25 | $3,592.25 | |
| 020208 | 1995 | Lake Village Lakefront Enhancements (ATEP-95) (S) | Pedestrian and bicycle facilities | Lake Village | Chicot | $145,712.00 | $36,428.21 | $182,140.21 | |
| 100362 | 1995 | Jonesboro Stadium Blvd. Enhancements (S) | Landscaping and scenic beautification | Jonesboro | Craighead | $23,914.00 | $5,977.00 | $29,891.00 | |
| 005994 | 1995 | Newport Depot Restoration (ATEP-95) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Newport | Jackson | $327,800.00 | $81,950.76 | $409,750.76 | |
| 009995 | 1995 | Yellville Sidewalk Enhancement (ATEP-95) (S) | Pedestrian and bicycle facilities | Yellville | Marion | $52,909.00 | $13,227.03 | $66,136.03 | |
| 060728 | 1995 | Lonoke Downtown Enhancements (ATEP-95) (S) | Pedestrian and bicycle facilities | Lonoke | Lonoke | $55,761.00 | $13,940.58 | $69,701.58 | |
| 090011 | 1995 | Marion Co. Courthouse Restoration (ATEP-95) (S) | Historic preservation | Yellville | Marion | $233,200.00 | $252,602.07 | $485,802.07 | |
| 005993 | 1995 | Mammoth Spring Frisco Depot Renovation (ATEP-95) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Mammoth Spring | Fulton | $83,689.00 | $20,922.00 | $104,611.00 | |
| 040208 | 1995 | Ozark Depot Restoration (ATEP-95) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Ozark | Franklin | $78,000.00 | $19,500.00 | $97,500.00 | |
| 060730 | 1995 | Malvern Hwy. 9 Pedestrian Facility (ATEP-95) (S) | Pedestrian and bicycle facilities | Malvern | Hot Spring | $50,187.00 | $12,547.10 | $62,734.10 | |
| 100366 | 1995 | Greene County Courthouse Restoration Phase II (ATEP-95) (S) | Historic preservation | Paragould | Greene | $154,000.00 | $82,608.11 | $236,608.11 | |
| 030138 | 1995 | Old Washington Abraham Block House (ATEP-95) (S) | Historic preservation | Washington | Hempstead | $133,307.00 | $33,327.00 | $166,634.00 | |
| 080065 | 1996 | Rotary Ann Scenic Wayside (Ozark National Forest) (S) | Scenic or historic highway programs including tourist and welcome centers | | Pope | $314,901.00 | $177,099.00 | $492,000.00 | |
| 060816 | 1996 | I-630 Slope Landscaping (S) | Landscaping and scenic beautification | Little Rock | Pulaski | $1,656,736.00 | $414,183.83 | $2,070,919.83 | |
| 080088 | 1996 | Clinton Pedestrian Trail (S) | Pedestrian and bicycle facilities | Clinton | Van Buren | $20,271.00 | $5,066.79 | $25,337.79 | |
| 005992 | 1996 | Main St. - East (Surf.) (Searcy) (S) (Bike Lanes) | Pedestrian and bicycle facilities | Searcy | White | $46,346.00 | $11,586.50 | $57,932.50 | |
| 040193 | 1996 | Springdale Landscape Enhancement (S) | Landscaping and scenic beautification | Springdale | Washington | $98,800.00 | $24,700.00 | $123,500.00 | |
| 001711 | 1996 | AHTD Bikeway & Pedestrian Program (FY 1996) | Pedestrian and bicycle facilities | Statewide | Statewide | $50,446.00 | $12,611.90 | $63,057.90 | |
| 001790 | 1996 | Archeological Artifacts Curation | Landscaping and scenic beautification | Statewide | Statewide | $3,999.00 | $999.14 | $4,998.14 | |
| 001822 | 1996 | Transportation Enhancement Design Review (S) | Pedestrian and bicycle facilities | Statewide | Statewide | $57,166.00 | $14,291.30 | $71,457.30 | |

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 001788 | 1996 | Arkansas Historic Bridge Inventory (Enhancement Publication) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Statewide | Statewide | $1,777.00 | $443.89 | $2,220.89 | |
| 020217 | 1996 | McGehee Area Highway Landscaping (S) | Landscaping and scenic beautification | McGehee | Desha | $2,767.00 | $691.55 | $3,458.55 | |
| 020236 | 1996 | Lower Delta Wetland Mitigation Area (S) | Pedestrian and bicycle facilitiesPedestrian and bicycle facilities | | Ashley | $168,000.00 | $42,000.00 | $210,000.00 | |
| 100369 | 1996 | Interstate-55 Landscaping (Blytheville)(S) | Landscaping and scenic beautification | Blytheville | Mississippi | $317,682.00 | $79,421.00 | $397,103.00 | |
| 030145 | 1996 | Interstate 30 Landscaping (Texarkana) (S) | Landscaping and scenic beautification | Texarkana | Miller | $347,219.00 | $95,305.00 | $442,524.00 | |
| 060805 | 1996 | Hot Springs Bypass Wildflower Enhancements (S) | Landscaping and scenic beautification | Hot Springs | Garland | $33,844.00 | $8,461.23 | $42,305.23 | |
| 060734 | 1997 | North Little Rock Pike Ave./Riverfront Drive Bike Trail (S) | Pedestrian and bicycle facilities | North Little Rock | Pulaski | $70,400.00 | $29,350.00 | $99,750.00 | |
| 001767 | 1997 | Ouachita National Forest Enhancements (S) | Scenic or historic highway programs including tourist and welcome centers | | Perry | $300,864.00 | $75,216.19 | $376,080.19 | |
| 060744 | 1997 | Hwy. 5 Scenic Overlook (S) | Scenic or historic highway programs including tourist and welcome centers | | Saline | $72,594.00 | $18,148.00 | $90,742.00 | |
| 001801 | 1997 | Wildflower Brochure | Landscaping and scenic beautification | Statewide | Statewide | $8,000.00 | $2,000.00 | $10,000.00 | |
| 001711 | 1997 | AHTD Bikeway & Pedestrian Program (FY 1997) | Pedestrian and bicycle facilities | Statewide | Statewide | $61,905.00 | $15,476.72 | $77,381.72 | |
| 070101 | 1997 | Henderson State University Pedestrian Overpass (S) | Pedestrian and bicycle facilities | Arkadelphia | Clark | $536,278.00 | $134,069.00 | $670,347.00 | |
| R90014 | 1997 | Hwy 71 - Dixieland Rd (Rogers) (S) (Sidewalks) | Pedestrian and bicycle facilities | Rogers | Benton | $77,735.00 | $19,433.00 | $97,168.00 | |
| 090012 | 1997 | Harrison Downtown Square Enhancements (S) | Pedestrian and bicycle facilities | Harrison | Boone | $402,878.00 | $100,719.39 | $503,597.39 | |
| 050000 | 1997 | Batesville Hwy. 167 Enhancements (S) | Landscaping and scenic beautification | Batesville | Independence | $114,400.00 | $34,882.00 | $149,282.00 | |
| 080083 | 1997 | I-40 - Hwy. 123 (Clarksville) (S) (Sidewalks) | Pedestrian and bicycle facilities | Clarksville | Johnson | $170,648.00 | $42,662.30 | $213,310.30 | |
| 020263 | 1997 | Pine Bluff Bypass Mitigation Booklet (S) | Pedestrian and bicycle facilitiesPedestrian and bicycle facilities | Pine Bluff | Jefferson | $11,601.00 | $2,900.35 | $14,501.35 | |
| 060827 | 1997 | I-30 Landscaping (Social Hill Rest Area) (S) | Landscaping and scenic beautification | Social Hill | Hot Spring | $306,400.00 | $76,600.00 | $383,000.00 | |
| 060896 | 1998 | Des Arc Sidewalk Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Des Arc | Prairie | $95,426.00 | $23,856.00 | $119,282.00 | |
| 060891 | 1998 | Hazen Depot Renovation (ATEP-98) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Hazen | Prairie | $69,777.00 | $17,444.00 | $87,221.00 | |
| 060828 | 1998 | I-40 Landscaping (White River Rest Area) (S) | Landscaping and scenic beautification | | Prairie | $136,000.00 | $34,000.00 | $170,000.00 | |
| 110311 | 1998 | Hwy. 49B Retaining Wall Reconst. (Helena) (S) | Landscaping and scenic beautification | Helena | Phillips | $76,310.00 | $2,361.00 | $78,671.00 | |
| 060446 | 1998 | Otter Creek Road - I-430 (F) (Bike Lanes) | Pedestrian and bicycle facilities | Little Rock | Pulaski | $238,153.00 | $59,537.90 | $297,690.90 | |
| 060637 | 1998 | I-40-Fairfax Drive (Widening) (S) (Sidewalks) | Pedestrian and bicycle facilities | North Little Rock | Pulaski | $41,620.00 | $13,900.97 | $55,520.97 | |
| 060901 | 1998 | Pulaski Co. College Station Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Little Rock | Pulaski | $414,110.08 | $0.00 | $414,110.08 | |

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 060902 | 1998 | Pulaski County Civic Center Sidewalks & Landscaping (ATEP-98) (S) | Pedestrian and bicycle facilities | North Little Rock | Pulaski | $296,000.00 | $268,131.00 | $564,131.00 | |
| 080138 | 1998 | Ouachita National Forest Enhancements - Ph. 2 (S) | Pedestrian and bicycle facilities | | Perry | $242,898.00 | $60,724.63 | $303,622.63 | |
| 080153 | 1998 | Perryville Hwy. 60 Sidewalks (ATEP-98) (S) | Pedestrian and bicycle facilities | Perryville | Perry | $236,392.00 | $59,097.69 | $295,489.69 | |
| 070169 | 1998 | Chidester Barham Creek Nature Trail (ATEP-98) (S) | Pedestrian and bicycle facilities | Chidester | Ouachita | $61,642.00 | $15,411.00 | $77,053.00 | |
| 030200 | 1998 | Prescott Sidewalks and Landscaping (ATEP-98) (S) | Pedestrian and bicycle facilities | Prescott | Nevada | $60,720.00 | $15,180.50 | $75,900.50 | |
| 110332 | 1998 | Helena Cherry Street Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Helena | Phillips | $100,000.00 | $51,895.95 | $151,895.95 | |
| 080147 | 1998 | Fairfield Bay Dave Creek Parkway Sidewalks (ATEP-98) (S) | Pedestrian and bicycle facilities | Fairfield Bay | Van Buren | $77,374.00 | $19,344.09 | $96,718.09 | |
| 080287 | 1998 | Shirley Downtown Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Shirley | Van Buren | $8,408.00 | $2,102.00 | $10,510.00 | |
| 070165 | 1998 | Norphlet Pedestrian Trail (ATEP-98) (S) | Pedestrian and bicycle facilities | Norphlet | Union | $210,428.00 | $52,606.50 | $263,034.50 | |
| 080163 | 1998 | Danville Sidewalk Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Danville | Yell | $100,000.00 | $32,663.75 | $132,663.75 | |
| 050058 | 1998 | Beebe Sidewalk Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Beebe | White | $170,537.00 | $42,634.75 | $213,171.75 | |
| 040289 | 1998 | Springdale Emma Avenue Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Springdale | Washington | $97,300.00 | $24,324.42 | $121,624.42 | |
| 060892 | 1998 | Benton Sidewalk Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Benton | Saline | $43,651.00 | $10,913.00 | $54,564.00 | |
| 060883 | 1998 | School Complex Sidewalks (Benton) (S) | Pedestrian and bicycle facilities | Benton | Saline | $72,349.00 | $18,087.00 | $90,436.00 | |
| 100459 | 1998 | Pocahontas Hwy. 67 Landscaping (ATEP-98) (S) | Landscaping and scenic beautification | Pocahontas | Randolph | $150,000.00 | $37,500.00 | $187,500.00 | |
| 001819 | 1998 | Transportation Enhancement Coordinator's Meeting | Pedestrian and bicycle facilities | Statewide | Statewide | $1,754.00 | $0.45 | $1,754.45 | |
| 001711 | 1998 | AHTD Bikeway & Pedestrian Program (FY 1998) | Pedestrian and bicycle facilities | Statewide | Statewide | $11,258.00 | $2,814.30 | $14,072.30 | |
| 001821 | 1998 | Transporation Enhancement Youth Corps (S) | Pedestrian and bicycle facilities | Statewide | Statewide | $62,300.00 | $0.20 | $62,300.20 | |
| 001820 | 1998 | Rest Areas & Tourist Info. Ctrs. Ped. Safety Sys.-Ph. 1 (Lighting) (S) | Scenic or historic highway programs including tourist and welcome centers | Statewide | Statewide | $71,976.26 | $0.00 | $71,976.26 | |
| 001824 | 1998 | Rest Areas & Info. Ctrs. Ped. Safety Sys.-Ph. 2 (Vid. Surv.) (S) | Scenic or historic highway programs including tourist and welcome centers | Statewide | Statewide | $89,846.00 | $22,461.60 | $112,307.60 | |
| 001842 | 1998 | GIS Database Management System (ATEP) | Pedestrian and bicycle facilities0 | Statewide | Statewide | $1,115,200.00 | $278,800.00 | $1,394,000.00 | |
| 110338 | 1998 | Forrest City Sidewalks (ATEP-98) (S) | Pedestrian and bicycle facilities | Forrest City | St. Francis | $147,012.00 | $36,753.12 | $183,765.12 | |
| 100460 | 1998 | ASU Bicycle and Pedestrian Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Jonesboro | Craighead | $145,332.00 | $36,332.50 | $181,664.50 | |
| 100462 | 1998 | Osceola Hale Avenue Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Osceola | Mississippi | $150,000.00 | $55,719.49 | $205,719.49 | |
| 100455 | 1998 | Paragould Carroll Road Sidewalks (ATEP-98) (S) | Pedestrian and bicycle facilities | Paragould | Greene | $86,656.00 | $21,664.44 | $108,320.44 | |
| 080154 | 1998 | Morrilton Downtown Sidewalks (ATEP-98) (S) | Pedestrian and bicycle facilities | Morrilton | Conway | $180,000.00 | $160,668.00 | $340,668.00 | |
| 070167 | 1998 | Magnolia Sidewalk Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Magnolia | Columbia | $78,164.00 | $19,540.66 | $97,704.66 | |
| 020275 | 1998 | Arkansas City Sidewalks (ATEP-98) (S) | Pedestrian and bicycle facilities | Arkansas City | Desha | $44,000.00 | $15,005.20 | $59,005.20 | |

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 070164 | 1998 | Fordyce Downtown Sidewalk Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Fordyce | Dallas | $84,292.26 | $21,073.07 | $105,365.33 | |
| 110339 | 1998 | West Memphis Broadway Revitalization (Phase III) (ATEP-98) (S) | Pedestrian and bicycle facilities | West Memphis | Crittenden | $550,000.00 | $147,705.00 | $697,705.00 | |
| 090068 | 1998 | Bentonville Downtown Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Bentonville | Benton | $200,000.00 | $490,666.70 | $690,666.70 | |
| 090066 | 1998 | Decatur Branch Pedestrian Br. & Apprs. (ATEP-98) (S) | Pedestrian and bicycle facilities | Decatur | Benton | $52,000.00 | $28,700.49 | $80,700.49 | |
| 090060 | 1998 | Baxter County Scenic Overlook (Wolf House) (ATEP-98) (S) | Historic preservation | Norfork | Baxter | $92,800.00 | $25,414.40 | $118,214.40 | |
| 090061 | 1998 | Mountain Home Downtown Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Mountain Home | Baxter | $250,000.00 | $96,127.97 | $346,127.97 | |
| 090067 | 1998 | Eureka Springs Planer Hill Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Eureka Springs | Carroll | $327,000.00 | $94,848.99 | $421,848.99 | |
| 070168 | 1998 | Warren Downtown Sidewalks and Landscaping (ATEP-98) (S) | Pedestrian and bicycle facilities | Warren | Bradley | $392,000.00 | $110,010.70 | $502,010.70 | |
| 090062 | 1998 | Harrison Main Street Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Harrison | Boone | $82,902.00 | $20,725.50 | $103,627.50 | |
| 020279 | 1998 | UAPB Pedestrian and Landscaping Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Pine Bluff | Jefferson | $400,000.00 | $215,730.50 | $615,730.50 | |
| 100458 | 1998 | Walnut Ridge Main Street Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Walnut Ridge | Lawrence | $98,957.00 | $24,739.45 | $123,696.45 | |
| 040286 | 1998 | Booneville Downtown Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Booneville | Logan | $358,571.00 | $89,643.16 | $448,214.16 | |
| 050061 | 1998 | Melbourne Harris Street Landscaping (ATEP-98) (S) | Landscaping and scenic beautification | Melbourne | Izard | $25,000.00 | $7,889.26 | $32,889.26 | |
| 050065 | 1998 | Batesville Downtown Sidewalks (ATEP-98) (S) | Pedestrian and bicycle facilities | Batesville | Independence | $116,532.00 | $29,133.00 | $145,665.00 | |
| 030201 | 1998 | Texarkana Downtown Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Texarkana | Miller | $300,000.00 | $85,519.00 | $385,519.00 | |
| 060893 | 1998 | England Downtown Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | England | Lonoke | $24,317.00 | $6,079.00 | $30,396.00 | |
| 060894 | 1998 | Keo Sidewalk Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Keo | Lonoke | $5,760.00 | $6,915.00 | $12,675.00 | |
| 050059 | 1998 | Mammoth Spring Sidewalks and Landscaping (ATEP-98) (S) | Pedestrian and bicycle facilities | Mammoth Spring | Fulton | $84,084.00 | $21,021.00 | $105,105.00 | |
| 080148 | 1998 | Twin Groves Community Enhancements (ATEP-98) (S) | Scenic or historic highway programs including tourist and welcome centers | Twin Groves | Faulkner | $26,352.00 | $6,588.00 | $32,940.00 | |
| 030210 | 1998 | Nashville Main St. Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Nashville | Howard | $200,000.00 | $53,080.16 | $253,080.16 | |
| 040287 | 1998 | Ozark Depot Restoration Ph. 2 (ATEP-98) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Ozark | Franklin | $80,000.00 | $57,472.00 | $137,472.00 | |
| 100456 | 1998 | Paragould Caboose Restoration (ATEP-98) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Paragould | Greene | $37,440.00 | $9,360.00 | $46,800.00 | |
| 100485 | 1998 | Marmaduke Downtown Enhancements (ATEP-98) (S) | Pedestrian and bicycle facilities | Marmaduke | Greene | $95,958.00 | $35,871.72 | $131,829.72 | |
| 100480 | 1999 | District 10 Sidewalk Enhancements (Phase II) (S) | Pedestrian and bicycle facilities | | Multiple | $596,906.00 | $149,226.00 | $746,132.00 | |
| 001711 | 1999 | AHTD Bikeway & Pedestrian Program (FY 1999) | Pedestrian and bicycle facilities | Statewide | Statewide | $55,200.00 | $13,800.00 | $69,000.00 | |

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 100479 | 1999 | District 10 Sidewalk Enhancements (Phase I) (S) | Pedestrian and bicycle facilities | | Mississippi | $475,139.00 | $118,784.00 | $593,923.00 | |
| 004999 | 1999 | Hwy. 16-Hwy. 45 (S) (Sidewalks) | Pedestrian and bicycle facilities | Fayetteville | Washington | $224,349.00 | $56,087.00 | $280,436.00 | |
| 060936 | 1999 | I-30 Frontage Road Slide Repair (Benton) (S) | Pedestrian and bicycle facilitiesPedestrian and bicycle facilities | Benton | Saline | $406,057.00 | $101,514.11 | $507,571.11 | |
| R60085 | 1999 | Hwy. 183 Widening (Sel. Secs.) (Bryant) (S) (Sidewalks) | Pedestrian and bicycle facilities | Bryant | Saline | $47,395.00 | $11,848.85 | $59,243.85 | |
| 001864 | 1999 | Sidewalk Enhancement (P.E.) (S) | Pedestrian and bicycle facilities | Statewide | Statewide | $68,800.00 | $17,200.00 | $86,000.00 | |
| 001841 | 1999 | Transportation Enhancement Design Review (FFY 99-00) | Pedestrian and bicycle facilities | Statewide | Statewide | $225,082.00 | $56,270.56 | $281,352.56 | |
| 001863 | 1999 | Historic Bridge Inventory (Enhancement Publication) (Phase II) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Statewide | Statewide | $0.00 | $0.00 | $0.00 | |
| 100481 | 1999 | District 10 Sidewalk Enhancements (Phase III) (S) | Pedestrian and bicycle facilities | | Craighead | $402,724.00 | $100,681.52 | $503,405.52 | |
| 040256 | 1999 | Boston Mountain Scenic Loop Enhancement (F) | Landscaping and scenic beautification | | Crawford & Washington | $800,000.00 | $200,000.00 | $1,000,000.00 | |
| 090056 | 1999 | Sidewalk Enhancements (Berryville) (S) | Pedestrian and bicycle facilities | Berryville | Carroll | $81,973.00 | $20,493.31 | $102,466.31 | |
| 080208 | 2000 | Russellville Depot Restoration (ATEP-2000) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Russellville | Pope | $235,000.00 | $58,750.00 | $293,750.00 | |
| 080193 | 2000 | Pottsville Hwy. 247 Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Pottsville | Pope | $60,059.00 | $15,015.02 | $75,074.02 | |
| 110382 | 2000 | Helena Cherry Street Enhancements (Ph. II) (ATEP-2000) (S) | Pedestrian and bicycle facilities | Helena | Phillips | $155,494.00 | $38,873.63 | $194,367.63 | |
| 080191 | 2000 | Atkins Fourth St. Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Atkins | Pope | $31,799.00 | $7,949.40 | $39,748.40 | |
| 060982 | 2000 | Little Rock Hwy. 10/Tyler Street Signal (ATEP-2000) (S) | Pedestrian and bicycle facilities | Little Rock | Pulaski | $62,609.00 | $15,652.74 | $78,261.74 | |
| 060981 | 2000 | Little Rock Scott Hamilton Road Sidewalk (ATEP-2000) (S) | Pedestrian and bicycle facilities | Little Rock | Pulaski | $92,255.00 | $23,063.38 | $115,318.38 | |
| 060997 | 2000 | North Little Rock Scenic River Trail (ATEP-2000) (S) | Pedestrian and bicycle facilities | North Little Rock | Pulaski | $316,932.00 | $79,233.50 | $396,165.50 | |
| 040327 | 2000 | District 4 Sidewalk Enhancements (Phase II) (S) | Pedestrian and bicycle facilities | | Multiple | $985,153.00 | $246,287.86 | $1,231,440.86 | |
| 060974 | 2000 | Jacksonville Municipal/Redmond Rd. Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Jacksonville | Pulaski | $56,266.00 | $16,049.50 | $72,312.50 | |
| 061006 | 2000 | Pulaski Co. Pedestrian/Bicycle Bridge (Murray Lock & Dam) (S) | Pedestrian and bicycle facilities | Little Rock | Pulaski | $300,000.00 | $11,131,772.00 | $11,431,772.00 | |
| 040326 | 2000 | District 4 Sidewalk Enhancements (Phase I) (S) | Pedestrian and bicycle facilities | | Multiple | $231,338.60 | $168,391.83 | $399,730.43 | |
| 070189 | 2000 | District 7 Sidewalk Enhancements (Phase I) (S) | Pedestrian and bicycle facilities | | Multiple | $166,573.00 | $41,643.00 | $208,216.00 | |
| 070190 | 2000 | District 7 Sidewalk Enhancements (Phase II) (S) | Pedestrian and bicycle facilities | | Multiple | $336,341.00 | $84,084.89 | $420,425.89 | |
| 070191 | 2000 | District 7 Sidewalk Enhancements (Phase III) (S) | Pedestrian and bicycle facilities | | Multiple | $362,305.00 | $90,577.00 | $452,882.00 | |
| 080186 | 2000 | District 8 Sidewalk Enhancements (Phase II) (S) | Pedestrian and bicycle facilities | | Multiple | $141,388.00 | $35,346.67 | $176,734.67 | |
| 080185 | 2000 | District 8 Sidewalk Enhancements (Phase I) (S) | Pedestrian and bicycle facilities | | Multiple | $177,130.00 | $44,282.76 | $221,412.76 | |
| 090090 | 2000 | District 9 Sidewalk Enhancements (Phase II) (S) | Pedestrian and bicycle facilities | | Multiple | $280,339.00 | $70,084.76 | $350,423.76 | |

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 090091 | 2000 | District 9 Sidewalk Enhancements (Phase III) (S) | Pedestrian and bicycle facilities | | Multiple | $297,736.00 | $74,434.00 | $372,170.00 | |
| 090089 | 2000 | District 9 Sidewalk Enhancements (Phase I) (S) | Pedestrian and bicycle facilities | | Multiple | $456,853.00 | $114,213.00 | $571,066.00 | |
| 060967 | 2000 | District 6 Sidewalk Enhancements (Phase II) (S) | Pedestrian and bicycle facilities | | Multiple | $408,243.00 | $102,061.31 | $510,304.31 | |
| 060968 | 2000 | District 6 Sidewalk Enhancements (Phase III) (S) | Pedestrian and bicycle facilities | | Multiple | $193,396.00 | $48,348.64 | $241,744.64 | |
| 110378 | 2000 | Brinkley Railroad Depot Restoration (ATEP-2000) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Brinkley | Monroe | $83,593.00 | $49,440.06 | $133,033.06 | |
| 110379 | 2000 | Clarendon Tourist/Welcome Center (ATEP-2000) (S) | Scenic or historic highway programs including tourist and welcome centers | Clarendon | Monroe | $100,000.00 | $64,910.00 | $164,910.00 | |
| 100524 | 2000 | Manila Hwy. 18B Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Manila | Mississippi | $34,632.00 | $8,657.85 | $43,289.85 | |
| 100513 | 2000 | Osceola Hale Avenue Enhancements (Ph. II) (ATEP-2000) (S) | Pedestrian and bicycle facilities | Osceola | Mississippi | $289,024.00 | $72,255.70 | $361,279.70 | |
| 080196 | 2000 | Perry Co. Camp Ouachita Tourist Info. Center (ATEP-2000) (S) | Acquisition of scenic or historic easements and sites | | Perry | $400,000.00 | $161,359.82 | $561,359.82 | |
| 080192 | 2000 | Perryville E. Main/Ash St. Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Perryville | Perry | $92,075.00 | $23,018.40 | $115,093.40 | |
| 070199 | 2000 | Camden Ouachita River Walkway & Overlooks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Camden | Ouachita | $175,000.00 | $208,277.00 | $383,277.00 | |
| 060966 | 2000 | District 6 Sidewalk Enhancements (Phase I) (S) | Pedestrian and bicycle facilities | | Multiple | $654,135.00 | $163,534.36 | $817,669.36 | |
| 110376 | 2000 | District 1 Sidewalk Enhancements (Phase III) (S) | Pedestrian and bicycle facilities | | Multiple | $560,227.00 | $153,817.00 | $714,044.00 | |
| 110374 | 2000 | District 1 Sidewalk Enhancements (Phase I) (S) | Pedestrian and bicycle facilities | | Multiple | $572,185.00 | $143,047.00 | $715,232.00 | |
| 110375 | 2000 | District 1 Sidewalk Enhancements (Phase II) (S) | Pedestrian and bicycle facilities | | Multiple | $584,387.00 | $146,097.06 | $730,484.06 | |
| 020302 | 2000 | District 2 Sidewalk Enhancements (Phase I) (S) | Pedestrian and bicycle facilities | | Multiple | $425,906.00 | $106,477.06 | $532,383.06 | |
| 020303 | 2000 | District 2 Sidewalk Enhancements (Phase II) (S) | Pedestrian and bicycle facilities | | Multiple | $722,888.00 | $180,722.00 | $903,610.00 | |
| 020304 | 2000 | District 2 Sidewalk Enhancements (Phase III) (S) | Pedestrian and bicycle facilities | | Multiple | $745,557.00 | $186,389.87 | $931,946.87 | |
| 030230 | 2000 | District 3 Sidewalk Enhancements (Phase II) (S) | Pedestrian and bicycle facilities | | Multiple | $96,919.00 | $24,230.00 | $121,149.00 | |
| 030231 | 2000 | District 3 Sidewalk Enhancements (Phase III) (S) | Pedestrian and bicycle facilities | | Multiple | $198,754.00 | $49,688.17 | $248,442.17 | |
| 030229 | 2000 | District 3 Sidewalk Enhancements (Phase I) (S) | Pedestrian and bicycle facilities | | Multiple | $256,167.00 | $64,042.00 | $320,209.00 | |
| 040328 | 2000 | District 4 Sidewalk Enhancements (Phase III) (S) | Pedestrian and bicycle facilities | | Multiple | $422,702.00 | $105,676.00 | $528,378.00 | |
| 050088 | 2000 | District 5 Sidewalk Enhancements (Phase I) (S) | Pedestrian and bicycle facilities | | Multiple | $168,361.00 | $42,089.90 | $210,450.90 | |
| 050089 | 2000 | District 5 Sidewalk Enhancements (Phase II) (S) | Pedestrian and bicycle facilities | | Multiple | $323,419.00 | $80,854.53 | $404,273.53 | |
| 030252 | 2000 | Prescott MoPac Railroad Depot Restoration (ATEP-2000) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Prescott | Nevada | $164,646.00 | $41,162.00 | $205,808.00 | |

| JobNo. | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 080194 | 2000 | Shirley Hwy. 9 Ped. Overpass Enhancements (ATEP-2000) (S) | Pedestrian and bicycle facilities | Shirley | Van Buren | $72,454.00 | $18,114.00 | $90,568.00 | |
| 050091 | 2000 | Mountain View Downtown Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Mountain View | Stone | $342,872.00 | $97,375.50 | $440,247.50 | |
| 080195 | 2000 | Danville Main Street Enhancements (Ph. II) (ATEP-2000) (S) | Pedestrian and bicycle facilities | Danville | Yell | $116,663.00 | $29,165.47 | $145,828.47 | |
| 080189 | 2000 | Dardanelle 5th Street Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Dardanelle | Yell | $107,170.00 | $26,792.50 | $133,962.50 | |
| 040342 | 2000 | Prairie Grove Hwy. 62 Enhancements (ATEP-2000) (S) | Pedestrian and bicycle facilities | Prairie Grove | Washington | $102,354.00 | $25,588.48 | $127,942.48 | |
| 040335 | 2000 | Springdale Emma Avenue Enhancements (Ph. III) (ATEP-2000) (S) | Pedestrian and bicycle facilities | Springdale | Washington | $150,000.00 | $111,170.00 | $261,170.00 | |
| 001711 | 2000 | AHTD Bikeway & Pedestrian Program (FY 2000) | Pedestrian and bicycle facilities | Statewide | Statewide | $55,600.00 | $13,900.00 | $69,500.00 | |
| 040337 | 2000 | Fort Smith Bicycle Lanes (ATEP-2000) (S) | Pedestrian and bicycle facilities | Fort Smith | Sebastian | $52,286.00 | $13,071.85 | $65,357.85 | |
| 040334 | 2000 | Greenwood Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Greenwood | Sebastian | $162,885.00 | $40,721.79 | $203,606.79 | |
| 040331 | 2000 | Mansfield Downtown Enhancements (ATEP-2000) (S) | Pedestrian and bicycle facilities | Mansfield | Sebastian | $177,191.00 | $44,618.00 | $221,809.00 | |
| 040341 | 2000 | Sebastian Co. Ben Geren Park Bicycle Trail (ATEP-2000) (S) | Pedestrian and bicycle facilities | | Sebastian | $99,169.00 | $24,792.56 | $123,961.56 | |
| 110381 | 2000 | Forrest City Hwy. 1 Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Forrest City | St. Francis | $84,800.00 | $24,058.00 | $108,858.00 | |
| 060991 | 2000 | Benton School Area Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Benton | Saline | $199,239.00 | $49,810.00 | $249,049.00 | |
| 100517 | 2000 | Pocahontas Hwy. 67 Enhancements (ATEP-2000) (S) | Pedestrian and bicycle facilities | Pocahontas | Randolph | $187,968.00 | $46,992.00 | $234,960.00 | |
| 040336 | 2000 | Waldron Hwy. 71 Enhancements (ATEP-2000) (S) | Pedestrian and bicycle facilities | Waldron | Scott | $225,000.00 | $60,279.00 | $285,279.00 | |
| 100510 | 2000 | Jonesboro Main St. Enhancements (ATEP-2000) (S) | Pedestrian and bicycle facilities | Jonesboro | Craighead | $783,984.00 | $230,427.32 | $1,014,411.32 | |
| 070195 | 2000 | Magnolia Sidewalk Enhancements (Ph. II) (ATEP-2000) (S) | Pedestrian and bicycle facilities | Magnolia | Columbia | $164,194.00 | $41,048.97 | $205,242.97 | |
| 100514 | 2000 | Piggott T.I.C. and Hwy. 62 Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Piggott | Clay | $232,687.00 | $58,171.50 | $290,858.50 | |
| 070202 | 2000 | Amity Hwys. 8 & 182 Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Amity | Clark | $128,003.00 | $32,001.00 | $160,004.00 | |
| 020317 | 2000 | Monticello Hwy. 425 Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Monticello | Drew | $224,372.00 | $56,093.32 | $280,465.32 | |
| 020313 | 2000 | Dumas Main Street Enhancements (ATEP-2000) (S) | Pedestrian and bicycle facilities | Dumas | Desha | $380,000.00 | $125,776.32 | $505,776.32 | |
| 020320 | 2000 | McGehee Depot Restoration (ATEP-2000) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | McGehee | Desha | $500,000.00 | $182,481.61 | $682,481.61 | |
| 040349 | 2000 | Van Buren River Walkway (ATEP-2000) (S) | Pedestrian and bicycle facilities | Van Buren | Crawford | $150,000.00 | $121,445.00 | $271,445.00 | |
| 070193 | 2000 | Arkadelphia Downtown Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Arkadelphia | Clark | $281,080.00 | $475,815.50 | $756,895.50 | |
| 090095 | 2000 | Siloam Springs Multi-Use Trail (ATEP-2000) (S) | Pedestrian and bicycle facilities | Siloam Springs | Benton | $250,000.00 | $69,856.69 | $319,856.69 | |
| 090097 | 2000 | Decatur Hwy. 102 Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Decatur | Benton | $129,006.00 | $32,251.98 | $161,257.98 | |
| 090045 | 2000 | White River Bridge Repair (Cotter) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Cotter | Baxter | $4,859,486.00 | $1,214,871.91 | $6,074,357.91 | |

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 020309 | 2000 | Crossett Sidewalks and Landscaping (ATEP-2000) (S) | Pedestrian and bicycle facilities | Crossett | Ashley | $77,568.00 | $47,617.50 | $125,185.50 | |
| 020310 | 2000 | Hamburg Downtown Square Streetscaping (ATEP-2000) (S) | Pedestrian and bicycle facilities | Hamburg | Ashley | $265,010.00 | $84,526.12 | $349,536.12 | |
| 020312 | 2000 | Lake Village Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Lake Village | Chicot | $100,000.00 | $154,858.29 | $254,858.29 | |
| 090094 | 2000 | Berryville School Area Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Berryville | Carroll | $84,768.00 | $21,191.65 | $105,959.65 | |
| 020314 | 2000 | Star City Bradley/Drew Ave. Enhancements (ATEP-2000) (S) | Pedestrian and bicycle facilities | Star City | Lincoln | $81,749.00 | $20,437.10 | $102,186.10 | |
| 100516 | 2000 | Walnut Ridge Main St. Enhancements (Ph. II) (ATEP-2000) (S) | Pedestrian and bicycle facilities | Walnut Ridge | Lawrence | $140,657.00 | $35,164.52 | $175,821.52 | |
| 050099 | 2000 | Newport Hwy. 224 (Remmel Ave.) Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Newport | Jackson | $41,458.00 | $10,365.07 | $51,823.07 | |
| 050093 | 2000 | Batesville Riverwalk Ped. and Bicycle Trails (ATEP-2000) (S) | Pedestrian and bicycle facilities | Batesville | Independence | $280,230.00 | $70,058.00 | $350,288.00 | |
| 030258 | 2000 | Texarkana Historic Beech St. Enhancements (ATEP-2000) (S) | Pedestrian and bicycle facilities | Texarkana | Miller | $141,060.00 | $35,265.36 | $176,325.36 | |
| 080210 | 2000 | Morrilton Childress Street Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Morrilton | Conway | $63,360.00 | $25,815.00 | $89,175.00 | |
| 060972 | 2000 | Lonoke Downtown Enhancements (Ph. II) (ATEP-2000) (S) | Pedestrian and bicycle facilities | Lonoke | Lonoke | $200,376.00 | $69,409.79 | $269,785.79 | |
| 040338 | 2000 | Booneville Downtown Enhancements (Ph. II) (ATEP-2000) (S) | Pedestrian and bicycle facilities | Booneville | Logan | $103,765.00 | $40,011.00 | $143,776.00 | |
| 061170 | 2000 | Hot Springs Hwy. 7 Crosswalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Hot Springs | Garland | $26,080.00 | $7,648.00 | $33,728.00 | |
| 060971 | 2000 | Hot Springs Hwy. 7/Bath St. Crosswalk (ATEP-2000) (S) | Pedestrian and bicycle facilities | Hot Springs | Garland | $33,920.00 | $8,480.00 | $42,400.00 | |
| 040340 | 2000 | Ozark Courthouse Square Enhancements (ATEP-2000) (S) | Pedestrian and bicycle facilities | Ozark | Franklin | $80,000.00 | $55,183.00 | $135,183.00 | |
| 040333 | 2000 | Altus Hwy. 179 Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Altus | Franklin | $55,200.00 | $19,031.00 | $74,231.00 | |
| 040350 | 2000 | Branch Hwy. 22 Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Branch | Franklin | $28,478.00 | $7,119.42 | $35,597.42 | |
| 001648 | 2000 | Cass - Oark (P.E.) | Pedestrian and bicycle facilitiesPedestrian and bicycle facilities | | Franklin | $38,835.00 | $9,708.56 | $48,543.56 | |
| 080202 | 2000 | Conway Tucker Creek Trail (Phase II) (ATEP-2000) (S) | Pedestrian and bicycle facilities | Conway | Faulkner | $189,938.00 | $47,484.04 | $237,422.04 | |
| 030232 | 2000 | Dierks Sidewalk Enhancements (ATEP-2000) (S) | Pedestrian and bicycle facilities | Dierks | Howard | $37,760.00 | $13,420.00 | $51,180.00 | |
| 030233 | 2000 | Nashville Main St. Enhancements (Ph. II) (ATEP-2000) (S) | Pedestrian and bicycle facilities | Nashville | Howard | $150,000.00 | $66,937.02 | $216,937.02 | |
| 060990 | 2000 | Hot Spring Co. Ouachita River Trail (Ph. I) (ATEP-2000) (S) | Pedestrian and bicycle facilities | Malvern | Hot Spring | $45,245.00 | $49,178.05 | $94,423.05 | |
| 100506 | 2000 | Paragould Mueller/Court/Lake St. Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Paragould | Greene | $168,000.00 | $54,683.75 | $222,683.75 | |
| 030240 | 2000 | Hope Cairo-Fulton Depot Restoration (ATEP-2000) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Hope | Hempstead | $347,920.00 | $86,980.00 | $434,900.00 | |
| 030235 | 2000 | Howard Co. Courthouse Landscaping & Sidewalks (ATEP-2000) (S) | Pedestrian and bicycle facilities | Nashville | Howard | $39,360.00 | $27,194.00 | $66,554.00 | |
| 060973 | 2000 | Malvern Hwy. 270 Sidewalk Enhancements (ATEP-2000) (S) | Pedestrian and bicycle facilities | Malvern | Hot Spring | $193,106.00 | $48,276.55 | $241,382.55 | |
| 001890 | 2001 | Transportation Enhancement Program Administration (FFY 01-02) | Pedestrian and bicycle facilities | Statewide | Statewide | $170,200.00 | $42,550.00 | $212,750.00 | |

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 001711 | 2001 | AHTD Bikeway & Pedestrian Program (FY 2001) | Pedestrian and bicycle facilities | Statewide | Statewide | $54,000.00 | $13,500.00 | $67,500.00 | |
| 001924 | 2001 | Water Quality Enhancement Project (S) | Pedestrian and bicycle facilitiesPedestrian and bicycle facilities | Statewide | Statewide | $13,270.00 | $3,317.37 | $16,587.37 | |
| 080251 | 2002 | Atkins School and Downtown Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Atkins | Pope | $72,066.00 | $18,017.00 | $90,083.00 | |
| 061064 | 2002 | Des Arc Sidewalks (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Des Arc | Prairie | $93,407.00 | $23,351.40 | $116,758.40 | |
| 080250 | 2002 | Pottsville Hwy. 247 & Ash St. Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Pottsville | Pope | $69,871.00 | $17,468.00 | $87,339.00 | |
| 080330 | 2002 | Russellville Depot Restoration (Ph. III) (ATEP-02) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Russellville | Pope | $51,586.00 | $16,284.00 | $67,870.00 | |
| 080238 | 2002 | Russellville Downtown Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Russellville | Pope | $75,396.00 | $18,848.90 | $94,244.90 | |
| 080239 | 2002 | Russellville Depot Restoration (Ph. II) (ATEP-02) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Russellville | Pope | $268,414.00 | $67,103.00 | $335,517.00 | |
| 030284 | 2002 | Glenwood Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Glenwood | Pike | $549,732.00 | $286,847.26 | $836,579.26 | |
| 061092 | 2002 | Pulaski Co. Junction Bridge Conversion (ATEP-02) (S) | Conversion of abandoned railway corridors to trails | North Little Rock & Little Rock | Pulaski | $1,000,000.00 | $5,042,719.28 | $6,042,719.28 | |
| 110415 | 2002 | Brinkley Railroad Depot Restoration (Ph. II) (ATEP-02) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Brinkley | Monroe | $512,004.00 | $158,964.32 | $670,968.32 | |
| 110418 | 2002 | Clarendon Tourist/Welcome Center (Ph. II) (ATEP-02) (S) | Scenic or historic highway programs including tourist and welcome centers | Clarendon | Monroe | $129,283.00 | $32,321.34 | $161,604.34 | |
| 061077 | 2002 | Jacksonville Redmond Road Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Jacksonville | Pulaski | $182,163.00 | $154,389.00 | $336,552.00 | |
| 100559 | 2002 | Blytheville Historic Bus Station Restoration (ATEP-02) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Blytheville | Mississippi | $248,123.00 | $231,066.18 | $479,189.18 | |
| 030280 | 2002 | Prescott Downtown Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Prescott | Nevada | $405,780.00 | $133,043.00 | $538,823.00 | |
| 080257 | 2002 | Clinton Downtown Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Clinton | Van Buren | $129,097.00 | $47,073.00 | $176,170.00 | |
| 070220 | 2002 | Arkansas Welcome Center (El Dorado) (S) | Scenic or historic highway programs including tourist and welcome centers | El Dorado | Union | $2,435,689.00 | $608,922.00 | $3,044,611.00 | |
| 050135 | 2002 | Mountain View Main Street Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Mountain View | Stone | $117,504.00 | $29,376.00 | $146,880.00 | |
| 001950 | 2002 | Historic Bridge Inventory (Enhancement Publication) (Phase III) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Statewide | Statewide | $360,000.00 | $90,000.00 | $450,000.00 | |
| 001916 | 2002 | Arkansas Archeological Survey Internet Accessible Site (S) | Pedestrian and bicycle facilities0 | Statewide | Statewide | $88,218.00 | $159,152.85 | $247,370.85 | |
| 080247 | 2002 | Danville Hwy. 10 (8th Street) Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | Danville | Yell | $185,856.00 | $46,463.50 | $232,319.50 | |
| 050131 | 2002 | Beebe Sidewalk Enhancements (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Beebe | White | $172,310.00 | $43,078.00 | $215,388.00 | |
| 050130 | 2002 | White Co. Little Red River Bridge Rehab. (ATEP-02) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | | White | $56,132.00 | $14,033.53 | $70,165.53 | |

| JobNo | Year | ProjectName | Cat | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 050157 | 2002 | White Co. Little Red River Bridge Rehab. (Ph. II) (ATEP-02) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | | White | $230,245.00 | $57,561.00 | $287,806.00 | |
| 040406 | 2002 | Greenland Scott Ave. & Circle Dr. Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Greenland | Washington | $24,310.00 | $8,190.00 | $32,500.00 | |
| 040390 | 2002 | Springdale Emma Avenue Enhancements (Ph. IV) (ATEP-02) (S) | Pedestrian and bicycle facilities | Springdale | Washington | $195,000.00 | $142,864.64 | $337,864.64 | |
| 050172 | 2002 | Beebe Sidewalk Enhancements (Ph. III) (ATEP-02) (S) | Pedestrian and bicycle facilities | Beebe | White | $23,036.00 | $5,759.00 | $28,795.00 | |
| 061073 | 2002 | Saline Co. Courthouse Enhancements (ATEP-02) (S) | Landscaping and scenic beautification | Benton | Saline | $92,725.00 | $23,181.00 | $115,906.00 | |
| 030275 | 2002 | De Queen Historic Downtown Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | De Queen | Sevier | $459,408.54 | $114,851.46 | $574,260.00 | |
| 040388 | 2002 | Greenwood Sidewalks (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Greenwood | Sebastian | $115,000.00 | $38,500.00 | $153,500.00 | |
| 040392 | 2002 | Mansfield Downtown Enhancements (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Mansfield | Sebastian | $89,416.00 | $22,353.70 | $111,769.70 | |
| 040387 | 2002 | Waldron Downtown Enhancements (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Waldron | Scott | $187,514.00 | $46,878.00 | $234,392.00 | |
| 061063 | 2002 | Benton Downtown Sidewalks (ATEP-02) (S) | Rehabilitation and operation of historic transportation buildings, structures or facilities | Benton | Saline | $300,000.00 | $626,608.00 | $926,608.00 | |
| 050127 | 2002 | Hardy Spring River Pedestrain Trail (ATEP-02) (S) | Pedestrian and bicycle facilities | Hardy | Sharp | $149,906.00 | $40,681.00 | $190,587.00 | |
| 110428 | 2002 | Forrest City Downtown Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Forrest City | St. Francis | $156,940.00 | $39,235.00 | $196,175.00 | |
| 110419 | 2002 | Wheatley Sidewalk Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | Wheatley | St. Francis | $55,148.00 | $18,407.00 | $73,555.00 | |
| 070229 | 2002 | Magnolia Sidewalk Enhancements (Ph. III) (ATEP-02) (S) | Pedestrian and bicycle facilities | Magnolia | Columbia | $126,982.00 | $59,965.81 | $186,947.81 | |
| 100558 | 2002 | Brookland Bernis St. & School St. Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Brookland | Craighead | $71,746.00 | $17,936.00 | $89,682.00 | |
| 100627 | 2002 | Jonesboro Downtown Enhancements Ph. II (ATEP-02) (S) | Pedestrian and bicycle facilities | Jonesboro | Craighead | $88,680.00 | $50,910.00 | $139,590.00 | |
| 100557 | 2002 | Jonesboro Downtown Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | Jonesboro | Craighead | $514,918.00 | $128,729.53 | $643,647.53 | |
| 080249 | 2002 | Morrilton Downtown Sidewalks (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Morrilton | Conway | $403,397.00 | $160,343.11 | $563,740.11 | |
| 040396 | 2002 | Van Buren Old Frisco Depot Plaza Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | Van Buren | Crawford | $80,000.00 | $42,960.00 | $122,960.00 | |
| 040377 | 2002 | Arkansas Welcome Center (Van Buren) (S) | Scenic or historic highway programs including tourist and welcome centers | Van Buren | Crawford | $2,266,170.00 | $566,542.00 | $2,832,712.00 | |
| 070236 | 2002 | Rison Downtown Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | Rison | Cleveland | $93,340.00 | $23,334.75 | $116,674.75 | |
| 050129 | 2002 | Heber Springs Downtown Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Heber Springs | Cleburne | $101,260.00 | $38,464.00 | $139,724.00 | |
| 100544 | 2002 | Arkansas Welcome Center (Corning) (S) | Scenic or historic highway programs including tourist and welcome centers | Corning | Clay | $1,544,128.00 | $386,031.49 | $1,930,159.49 | |
| 070233 | 2002 | Amity City Circle Enhancements (ATEP-02) (S) | Landscaping and scenic beautification | Amity | Clark | $120,440.00 | $96,929.02 | $217,369.02 | |
| 070228 | 2002 | Arkadelphia Downtown Sidewalks (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Arkadelphia | Clark | $320,000.00 | $128,445.00 | $448,445.00 | |

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 020374 | 2002 | Monticello City Square Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | Monticello | Drew | $150,086.00 | $37,522.08 | $187,608.08 | |
| 110414 | 2002 | Mid-South CC Airport Road Decorative Fencing (ATEP-02) (S) | Landscaping and scenic beautification | West Memphis | Crittenden | $327,459.00 | $159,646.45 | $487,105.45 | |
| 020375 | 2002 | Arkansas City Ped. Lighting & Landscaping (ATEP-02) (S) | Pedestrian and bicycle facilities | Arkansas City | Desha | $30,676.00 | $7,669.60 | $38,345.60 | |
| 020369 | 2002 | Dumas Main Street Enhancements (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Dumas | Desha | $200,000.00 | $58,759.30 | $258,759.30 | |
| 110417 | 2002 | Wynne Downtown Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Wynne | Cross | $100,379.00 | $25,094.13 | $125,473.13 | |
| 110477 | 2002 | West Memphis Broadway Revitalization (Phase V) (ATEP-02) (S) | Pedestrian and bicycle facilities | West Memphis | Crittenden | $135,271.00 | $33,817.28 | $169,088.28 | |
| 110421 | 2002 | West Memphis Broadway Revitalization (Phase IV) (ATEP-02) (S) | Pedestrian and bicycle facilities | West Memphis | Crittenden | $468,156.00 | $117,038.50 | $585,194.50 | |
| 090146 | 2002 | Siloam Springs Multi-Use Trail (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Siloam Springs | Benton | $320,840.00 | $87,269.15 | $408,109.15 | |
| 090177 | 2002 | Bentonville McKissic Creek Pedestrian Trail (ATEP-02) (S) | Pedestrian and bicycle facilities | Bentonville | Benton | $391,458.00 | $97,865.00 | $489,323.00 | |
| 090136 | 2002 | Lowell McClure Avenue Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Lowell | Benton | $74,003.00 | $18,500.31 | $92,503.31 | |
| 090140 | 2002 | Cave Springs Pedestrian Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | Cave Springs | Benton | $31,321.00 | $7,829.95 | $39,150.95 | |
| 020373 | 2002 | Hamburg Downtown Square Streetscaping (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Hamburg | Ashley | $100,000.00 | $26,256.22 | $126,256.22 | |
| 020370 | 2002 | DeWitt Courthouse Square Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | DeWitt | Arkansas | $91,284.00 | $22,820.50 | $114,104.50 | |
| 020377 | 2002 | Stuttgart Main Street Streetscaping (ATEP-02) (S) | Pedestrian and bicycle facilities | Stuttgart | Arkansas | $231,463.00 | $57,865.87 | $289,328.87 | |
| 020368 | 2002 | Dermott Hwy. 35, Main St. & Hardy St. Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Dermott | Chicot | $113,295.00 | $28,324.00 | $141,619.00 | |
| 020416 | 2002 | Eudora Main Street Streetscaping Ph. II (ATEP-02) (S) | Pedestrian and bicycle facilities | Eudora | Chicot | $152,870.00 | $38,218.00 | $191,088.00 | |
| 020376 | 2002 | Eudora Main Street Streetscaping (ATEP-02) (S) | Pedestrian and bicycle facilities | Eudora | Chicot | $230,665.00 | $57,666.50 | $288,331.50 | |
| 020372 | 2002 | Lake Village Sidewalks (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Lake Village | Chicot | $127,928.00 | $31,982.00 | $159,910.00 | |
| 090144 | 2002 | Berryville Sidewalks (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Berryville | Carroll | $170,000.00 | $92,747.70 | $262,747.70 | |
| 090135 | 2002 | Eureka Springs Planer Hill Enhancements (Ph. II) (ATEP-02) (S) | Landscaping and scenic beautification | Eureka Springs | Carroll | $100,676.00 | $25,169.00 | $125,845.00 | |
| 090132 | 2002 | Gentry Main Street Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | Gentry | Benton | $155,000.00 | $57,978.00 | $212,978.00 | |
| 070232 | 2002 | Warren Downtown Enhancements (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Warren | Bradley | $223,287.00 | $55,821.70 | $279,108.70 | |
| 090141 | 2002 | Alpena Denver St. Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Alpena | Boone | $42,435.00 | $10,608.75 | $53,043.75 | |
| 090142 | 2002 | Harrison Downtown Enhancements (Ph. III) (ATEP-02) (S) | Pedestrian and bicycle facilities | Harrison | Boone | $101,462.00 | $25,365.50 | $126,827.50 | |
| 090143 | 2002 | Green Forest Hwy. 62 (Main St.) Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Green Forest | Carroll | $155,211.00 | $38,803.33 | $194,014.33 | |
| 100563 | 2002 | Walnut Ridge Downtown Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | Walnut Ridge | Lawrence | $104,615.00 | $26,153.69 | $130,768.69 | |
| 080248 | 2002 | Lamar Cumberland St. Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Lamar | Johnson | $75,098.00 | $18,775.00 | $93,873.00 | |
| 020378 | 2002 | Pine Bluff Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Pine Bluff | Jefferson | $288,952.00 | $72,238.00 | $361,190.00 | |
| 030281 | 2002 | Ashdown Hwy. 71 Sidewalk Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | Ashdown | Little River | $160,135.00 | $40,033.30 | $200,168.30 | |

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 020366 | 2002 | White Hall Hwy. 365 Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | White Hall | Jefferson | $282,529.00 | $70,632.00 | $353,161.00 | |
| 050126 | 2002 | Newport Hwy. 224 (Remmel Ave.) Sidewalks (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Newport | Jackson | $95,364.00 | $23,840.97 | $119,204.97 | |
| 050140 | 2002 | Independence Co.-Batesville Riverwalk Ext. (ATEP-02) (S) | Pedestrian and bicycle facilities | Batesville | Independence | $190,896.00 | $47,724.00 | $238,620.00 | |
| 050134 | 2002 | Independence Co. Transportation Museum (ATEP-02) (S) | Pedestrian and bicycle facilitiesPedestrian and bicycle safety and educational activities | Batesville | Independence | $73,780.00 | $333,768.00 | $407,548.00 | |
| 020371 | 2002 | UAPB Ped. and Landscaping Enhancements (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Pine Bluff | Jefferson | $170,000.00 | $110,449.00 | $280,449.00 | |
| 030276 | 2002 | Texarkana T.I.C. (Ramps & Drives) (S) | Scenic or historic highway programs including tourist and welcome centers | Texarkana | Miller | $2,428,239.00 | $607,059.33 | $3,035,298.33 | |
| 030266 | 2002 | Texarkana Tourist Information Center (S) | Scenic or historic highway programs including tourist and welcome centers | Texarkana | Miller | $3,129,769.00 | $782,442.49 | $3,912,211.49 | |
| 090134 | 2002 | Flippin Hwy. 62 (Main St.) Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | Flippin | Marion | $108,457.00 | $27,114.00 | $135,571.00 | |
| 090145 | 2002 | Yellville Hwy. 14 Sidewalk Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | Yellville | Marion | $85,954.00 | $21,489.06 | $107,443.06 | |
| 020367 | 2002 | Star City Downtown Enhancements (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Star City | Lincoln | $67,161.00 | $16,790.60 | $83,951.60 | |
| 061065 | 2002 | Cabot Hwy. 89 Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Cabot | Lonoke | $250,000.00 | $97,758.00 | $347,758.00 | |
| 040391 | 2002 | Booneville Downtown Enhancements (Ph. III) (ATEP-02) (S) | Pedestrian and bicycle facilities | Booneville | Logan | $115,000.00 | $29,670.00 | $144,670.00 | |
| 040394 | 2002 | Ozark 2nd St. & River St. Enhancements (ATEP-02) (S) | Pedestrian and bicycle facilities | Ozark | Franklin | $110,000.00 | $44,283.50 | $154,283.50 | |
| 050128 | 2002 | Mammoth Spring Hwy. 9 Enhancements (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Mammoth Spring | Fulton | $32,000.00 | $10,998.38 | $42,998.38 | |
| 040395 | 2002 | Altus Downtown Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Altus | Franklin | $90,000.00 | $52,407.00 | $142,407.00 | |
| 040386 | 2002 | Charleston Hwy. 22 Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Charleston | Franklin | $155,000.00 | $57,452.40 | $212,452.40 | |
| 090133 | 2002 | Huntsville Hwy. 23 (Harris St.) Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Huntsville | Madison | $115,000.00 | $174,475.00 | $289,475.00 | |
| 040389 | 2002 | Branch Williams Street Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Branch | Franklin | $35,904.00 | $13,152.50 | $49,056.50 | |
| 030282 | 2002 | Dierks Sidewalk Enhancements (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Dierks | Howard | $55,130.00 | $13,783.00 | $68,913.00 | |
| 030283 | 2002 | Howard Co. Courthouse Landscaping & Lighting (ATEP-02) (S) | Pedestrian and bicycle facilities | Nashville | Howard | $28,239.00 | $7,060.04 | $35,299.04 | |
| 061078 | 2002 | Hot Springs Creek Greenway (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Hot Springs | Garland | $100,000.00 | $58,000.00 | $158,000.00 | |
| 030277 | 2002 | Nashville Main St. Enhancements (Ph. III) (ATEP-02) (S) | Pedestrian and bicycle facilities | Nashville | Howard | $521,174.00 | $185,665.28 | $706,839.28 | |
| 061058 | 2002 | Friendship Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Friendship | Hot Spring | $16,769.00 | $6,364.45 | $23,133.45 | |
| 061076 | 2002 | Hot Spring Co. Ouachita River Trail (Ph. II) (ATEP-2000) (S) | Pedestrian and bicycle facilities | Malvern | Hot Spring | $229,075.00 | $57,580.25 | $286,655.25 | |
| 061066 | 2002 | Malvern Hwy. 270 Sidewalk Enhancements (Ph. II) (ATEP-02) (S) | Pedestrian and bicycle facilities | Malvern | Hot Spring | $348,618.00 | $87,154.32 | $435,772.32 | |
| 100554 | 2002 | Paragould Sidewalks (ATEP-02) (S) | Pedestrian and bicycle facilities | Paragould | Greene | $356,646.00 | $89,161.88 | $445,807.88 | |
| 061124 | 2003 | Pine & Cedar Wheelchair Ramps (LR) (S) | Pedestrian and bicycle facilities | Little Rock | Pulaski | $17,296.00 | $23,104.10 | $40,400.10 | |
| 001982 | 2004 | Operation Wildflower Program (S) | Landscaping and scenic beautification | Statewide | Statewide | $63,656.00 | $15,913.61 | $79,569.61 | |

| JobNo | Year | ProjectName | Category | Sponsor | County | FederalFunds | LocalMatch | Total | ARRA |
|---|---|---|---|---|---|---|---|---|---|
| 012001 | 2005 | Wildflower Brochure (2005) (S) | Landscaping and scenic beautification | Statewide | Statewide | $10,500.00 | $29,061.30 | $13,406.13 | |
| 100631 | 2006 | Arkansas Welcome Center (Blytheville) (S) | Scenic or historic highway programs including tourist and welcome centers | Blytheville | Mississippi | $2,896,614.00 | $724,154.00 | $3,620,768.00 | |
| 001711 | 2006 | AHTD Bikeway & Pedestrian Program (FFY 2006) | Pedestrian and bicycle facilities | Statewide | Statewide | $54,000.00 | $13,500.00 | $67,500.00 | |
| 012058 | 2006 | Arkansas Archeological Survey Database (S) | Pedestrian and bicycle facilities0 | Statewide | Statewide | $340,365.00 | $85,091.00 | $425,456.00 | |
| 110488 | 2006 | Arkansas Welcome Center (West Memphis) (S) | Scenic or historic highway programs including tourist and welcome centers | West Memphis | Crittenden | $765,600.00 | $191,400.00 | $957,000.00 | $5,443,000.00 |
| 020438 | 2006 | Arkansas Welcome Center (Lake Village) (S) | Scenic or historic highway programs including tourist and welcome centers | Lake Village | Chicot | $2,284,327.00 | $571,082.00 | $2,855,409.00 | |
| 012000 | 2008 | Great River Road Scenic Byway Signing (S) | Acquisition of scenic or historic easements and sites | | Multiple | $2,360.00 | $1,590.00 | $3,950.00 | |
| 001906 | 2008 | SHPO Supportive Services | Pedestrian and bicycle facilitiesPedestrian and bicycle facilities | Statewide | Statewide | $338,901.00 | $84,725.49 | $423,626.49 | |
| 110517 | 2009 | I-40 Ramp Relocations (West Memphis) (S) | Scenic or historic highway programs including tourist and welcome centers | West Memphis | Crittenden | $717,333.00 | $179,333.00 | $896,666.00 | $5,103,334.00 |

Committee on Transportation and Infrastructure
Congressman John L. Mica Chairman
2165 Rayburn House Office Building
Washington DC, 20515

March 10, 2011

Subject: Transportation Bill Field Hearing, Jonesboro, Arkansas February 24, 2011
TESTIMONY FOR RECORD

Dear Congressman Mica:

I was among the six people from Fayetteville, Arkansas that traveled 292 miles in endless rain to attend the House Transportation Committee in Jonesboro, Arkansas on February 24, 2011 to testify for continuation of Transportation Enhancement Funding and Recreation Trails Program funding at the current 1.5% of the Transportation budget.

Unfortunately, I was not given an opportunity to speak to either the issues the panel presented or the TE and RTP issues we are so greatly concerned about in northwest Arkansas. However, the panel and our concerns are intertwined even though triple 18 wheelers and pedestrian trails seem quite alien to each other.

You prodded the panelists several times to tell the Committee about public-private partnerships and how this concept might be incorporated into law, but to little avail. What follows is to the point.

Transportation Enhancements, and especially the Recreation Trails Program, constitute a highly functional model for working public private partnership in the transportation field.

A case in point is Scull Creek Trail in Fayetteville. This heavily used 4 mile trail links our 1.3 mile Frisco Trail and 2.3 mile Mud Creek Trail to create a continuous 7.6 mile paved north-south spine for connecting lateral trails and bikeways. 5.3 miles of this spine are planned to be part of the Razorback Greenway Trail (funded October 2010 by a $15.6 million Tiger II grant the House has just cut to ZERO, and $15.0 million private funding still available) connecting cities and communities along the 36 mile Business US 71 corridor from Greenland to Bentonville, all in the Fayetteville SMSA.

Here is a summary of partnership statistics for the completed 4.2 mile Scull Creek Trail project:

Scull Creek Trail crosses 27 parcels, 18 owners donated land, 9 required purchase

29.9 acres were donated, 16 acres were purchased

$ ZERO cost for donated land, $184,880 for land purchases

No federal funds were used for Scull Creek Trail.

Scull Creek Trail project cost was $ 3,171,157.00.

The citizens of Fayetteville passed a bond issue in 2006 for $2,100,000 exclusively for funding trails. Funds from this bond were used in part for the Scull Creek Trail project as well as connecting and other trails, and the continue to be drawn upon for other trail projects. Bonds issued specifically for trail funding are effectively private participation, while funding trails from general tax revenue is clearly public, not private.

TE and RTP grants have provided a total of $301,381 since 1997 for construction of the trail system in Fayetteville, except no public grant funds were applied to Scull Creek Trail.

Comparing the Scull Creek Trail example to highways for example, what is generally underutilized is **direct project funding participation by direct beneficiaries.**

Projects that are wanted by companies, and for which they are the originator or greatest beneficiaries, should be financed in substantial part directly by them— as when companies want highways to support triple trailers carrying 100,000 pounds for greater profit, they should assist by paying for the upgrade like citizens and cities donate right of way, materials and personal volunteer labor to a trail project. All citizens may benefit from an upgrade to some extent, but common small truck and car traffic, having no perceived need met by such an upgrade, become obviously exposed to far greater physical danger and traffic capacity issues. The trucking companies benefit hugely with little or no expenditure or penalty. As with trails, the trucking companies should step up and put up money directly into the project.

Laws that require such private participation can be developed by referring to laws and regulations in current use for trail grants and other matching grant programs.

Our funding of trails and transportation enhancements are highly beneficial to our health and economic well being, and an excellent example of public-private partnership. I believe we in the private sector are pleased and proud to do our part, and we hope Congress will continue to fund trail grants which are often the key to enabling such projects.

Thank you for the opportunity to present my recommendations.

Duane W. Woltjen

Duane W. Woltjen

Fayetteville, Arkansas

Copy to:

Senator Mark Pryor
257 Dirksen Senate Office Building
Washington DC, 20510

Senator John Boozman
1 Russell Courtyard
Washington DC, 20510

Congressman Steve Womack
1508 Longworth HOB
Washington DC, 20215

# Cortland, NY, Listening Session, March 24, 2011, Testimony for the Record

## COMBINE COLLECTIONS

Combine all fuel and mileage tax and toll collections, to collect only at the pump. Combine what was collected and distributed everywhere last year, and use that data. Use only 1 tax on the fuel, and nowhere else. Abolish most all of the collection agencies and processes listed here.

Some redundant taxation, redundant collection agencies:

Road tax -- All fuel taxes paid at the pump, before we start.
Road tax -- Tolls collected through myriad bureaucracies as we go.
Road tax -- Toll overcharges.
Road tax -- Mileage taxes for particular states collected weekly.
Road tax -- Quarterly fuel tax taken on the same miles, using complicated data collection and processing.
Road tax -- Annual base plate registration $1650.
Road tax -- Trailer registration.
Road tax -- Tire sales taxes and tire fees for eighteen wheels.
Road tax -- Annual Federal Form 2290 $550. paid directly to the Internal Revenue Service.
Road tax -- A giant Federal excise tax on any new truck or trailer. This prohibits many sales.
Road tax -- Taxes on motor carriers.
Road tax -- Taxes on insurance.
Road tax -- Commercial Driver's License + days taken to qualify

| | |
|---|---|
| CDL Renewal | $164.50 each |
| CDL Hazmat finger fee | $140.75 each |
| CDL Driver physical | $ 72.00 each |
| CDL endorsements | $ 20.00 each |

Port access cards and gadgets -- take extra days to qualify + fees.
Cell phone taxes and government fees for national coverage.
Taxes on everything, so many taxes. And fees. And different places to pay them.

There is no reason not to combine the first dozen taxes on this list, do the math, and just pay at the pump, only. How much money would that save? How many collection processes and expenses could be totally eliminated? We wouldn't have to report miles at all. How beautiful is that? Most of the people collecting taxes could be doing something nicer.

Even if you collect the same amount as last year, it would be so much easier on everyone, that we'd save money.

Everyone in transportation is forced to be some kind of tax collector. Why? There is so much money in this you could eliminate the income taxes and sales taxes, and just add the amount in here to collect at the pump, because these costs are added to everything you buy anyway. A transportation tax is a value added tax. One collection system ought to do it.

Only production, not jobs, creates wealth. All these taxes are on the back of the people who actually move the cargo. Innovative taxation or cumbersome collections is paid for only by moving the freight. Our weekly settlement has taxes all over it. If you collect only at the pump, our paperwork will be so much simpler for us to read and process.

The various means of collection are just made up complications for no good purpose, but some kind of lies and corruption. You take fuel tax, then you take toll money, then you take mileage tax again. It all comes from the same drivers.

Taxes are taken in so many ways that the collection itself is oppressive, and a roadblock to the economy. We never know if we've paid all the taxes and met all the mandates or not. We try. Does anyone know? This is the biggest reason it take courage to start a business in this country.

Reduce the size of the transportation budget by elimination of redundant tax collections, data collections, and mandates that don't move any freight.

If you do this, and abolish HOS, you will find more money ~~than you can spend~~, and you can reduce our cost at the same time.

Bill & Cindy Klemm
Small business Owner operators
OOIDA members

# BEAUTIFICATION PROJECTS

Beautification is not a proper function of government. It should not be funded with dollars taken by force from anyone.

Cut government funding for these lovely items, and allow people to beautify at their own private expense:

1. Granite tire cutting curbs; not good for trucks, cars, golf carts, or wheelchairs.

2. Curb islands; they are in the way and don't help anyone.

3. Fake antique lampposts; they are useless, get in the way of snow removal and walking, and require maintenance forever.

4. Trees planted very close to the highway encased in iron grates; same problems as the fake antique lampposts.

5. Flowers and bushes; very nice but not when people are forced to pay for them, through taxation.

6. Sound barrier walls. Someday vehicles will be quiet and all these walls will be wasted.

Bill & Cindy Klemm

**Associated General Contractors**
**of New York State, LLC**
10 Airline Drive, Suite 203
Albany, New York 12205-1025
518-456-1134 P 518-456-1198 F
www.agcnys.org

March 24, 2011

Congressmen Mica and Hanna,

The Associated General Contractors of New York State, LLC (AGC NYS) is the largest statewide construction trade association representing over 600 contractors and related firms. We have over 80 years of experience working with public agencies and private developers to deliver quality projects that are the lifeblood of our economy. Our members perform public and private transportation, education, environmental and building infrastructure work, including the majority of transportation construction in New York State. We are pleased to support initiatives that streamline and simplify the project delivery process.

AGC and related associations, such as ARTBA, agree on many of the major areas of reform. NEPA considerations and the ever-growing administrative burdens and seemingly duplicative layers of review and oversight add many months to the project development schedule and result in added cost to projects without delivering more "bricks and mortar" toward the upkeep of our aging infrastructure.

New York State has a great need for investment in our infrastructure – some of the oldest in the nation, in order to maintain a state of good repair plus provide for economically important new construction to move ahead. **Long term funding stability** is imperative for this functionality.

With regard to environmental analyses, two streamlining opportunities exist: (1) Assign public agencies and their engineers as **self-certifying agents**. Many projects are routine rehabilitations and reconstructions and do not warrant multiple layers of conformance review. (2) Issue **blanket permits** to agencies to cover the several typical varieties of projects. Each of these options could save months of front-end time in the project development.

**Project scoping and development carried out in coalition with the primary stakeholder** agencies and permitting agencies working as teams throughout the project development process is a proven expediter. Concurrent reviews and quick response times result in time savings and improved conflict detection and resolution.

These are only a few of the ideas brought forward as we work with our State Department of Transportation to produce a world-class transportation program here in New York State. Thank you for the opportunity to bring them to you as well.

Karen Morrison

Karen Morrison, PE
Vice President, Transportation & Technical Services

**"Nothing More, Nothing Less For All People with Disabilities"**

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Mary E. Ewing

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March 24, 2011

To: Chairman Mica, Congressman Hana & the Committee on Transportation and Infrastructure

From: Frances A. Pizzola, Access to Independence of Cortland County, Inc.

Re.: Testimony on legislation to reauthorize the Nation's highway, transit and highway safety programs.

Thank you for this opportunity to be here on behalf of Access to Independence of Cortland County and to represent the concerns of citizens with disabilities in regards to Transportation issues in our Country.

I have worked as disability rights advocate for over 25 years and have witnessed significant changes to improve transportation for individuals with disabilities. However there are still many limitations in the current transportation system that people with disabilities face which cause them to be at a much higher risk of being unemployed, losing access to medical care, losing access to shopping and limiting access to socialization with friends and family. Essentially, their right to pursue a life of independence and full participation is compromised.

**Here are the issues faced in Cortland County and the surrounding region:**

Cortland Transit buses are in operation only from 6am to 6pm Monday through Friday. There are no evening service or week-end services, nor do the buses run on Holidays. I often receive calls from family members wanting to bring relatives who are living in nursing homes, home for the holiday's but are unable to because the buses are not running, nor are there accessible taxi's available. There is a lack of accessible and affordable service to neighboring Counties such as Onondaga and Broome Counties. This causes serious obstacles in arranging accessible transportation for medical appointments at medical centers such as the VA Hospital and University Hospital in Syracuse, and the Guthrie Clinic/Robert Packer Hospital in Sayre, PA.

Better accessibility is warranted in the design and construction of the built environment. Bus stops are not clearly designated through-out the communities. Flagging systems are not accessible to individuals who are blind or have vision impairments, nor is a flagging system accessible or safe for individuals in wheelchairs, as they would have to travel into the road to be seen by the bus. Therefore the lack of designated bus stops causes confusion, fear for personal safety and dependence on more costly Para-transit vs. the fixed route option.

Para-transit options are limited and difficult to arrange. In Cortland County Para-transit must be arranged three days in advance, then a confirmation call must be made with-in 24 hours of the scheduled appointment to ensure pick-up. In Broome County, the automated system for calling in to schedule Para-transit is very difficult for people to negotiate, especially those who are hard of hearing and people with intellectual disabilities or traumatic brain injuries. In addition Para-transit is very limited and sometimes requires up to two weeks to schedule a ride.

There are no accessible taxi services in Cortland, Broome, Onondaga and Tompkins County; therefore, when a Para-transit bus is not available or emergencies arise people with disabilities are left behind to miss work, doctor appointments, or daily activities of life.

In Cortland County cross county or cross country accessible Motorcoach (Greyhound) bus transportation is not readily available with-out making arrangements 48 hours in advance. In some communities it is not available at all. A person without a need for accessibility can simply purchase their ticket and hop on the bus.

In addition, recent loss in operating dollars in Broome County has caused routes being cut, and buses being too full to accommodate all riders. In one case a person in a wheel-chair was denied a ride. Due to reduction in routes, scheduling and planning has become more burdensome. A popular route to a shopping center in Broome County, that used to take twenty minutes, now takes 2 ½ hours one way. Riders who used the route to get to their jobs are either arriving 2 hours early or an hour late for work.

In regards to the infrastructure of our roads & crosswalks; greater effort is need to insure proper design of crosswalks and crossing signal accessibility to be in compliance with the ADA. I have personally encountered a situation at a newly constructed crosswalk where curb-cuts were not properly designed, causing me to have to travel outside the crosswalk area and deviate into the road to access the other side.

Twenty-one years ago the ADA was enacted to end discrimination and provide greater opportunity for individuals with disabilities. As more people with disabilities are integrated into their communities, graduating from college, working and becoming productive members of society, an accessible transportation system is critical to their right to pursue life. Therefore I strongly recommend that you ensure that the provisions of Title II of the ADA are applied to all transportation systems that are developed with local, state or federal funds.

To: US House of Representatives Transportation and Infrastructure Committee
From: Teri Reinemann, Finger Lakes Independence Center, 215 Fifth Street, Ithaca, NY 14850
Date: March 24, 2011

Re: Listening Session, Cortland, NY

Thank you Chairman Congressman John Mica and Congressman Richard Hanna for creating this opportunity to hear a variety of perspectives with regard to streamlining the project delivery process, consolidating duplicative Federal programs, and incorporating innovative finance mechanisms. Thank you both for the opportunity submit written comments to the Transportation and Infrastructure Committee on behalf of people with disabilities in Tompkins County, New York.

I am a systems advocate for the Finger Lakes Independence Center, which provides services, support and advocacy for people with disabilities. In Tompkins County we have a wealth of transportation options, including bus and paratransit service, as well as car share, ride share, taxi service, and EMS non-emergency transportation, to name a few. However, there are times and occasions when all of these options are not enough.

Currently, there are no accessible taxis in the county. Last Thanksgiving I received a call from a woman who wanted to invite her mother to Thanksgiving dinner. Her mother uses a wheelchair and lives in a nursing home. The daughter called me two weeks before Thanksgiving when she realized that bus and paratransit service would not be running on Thanksgiving Day. Sadly, I had to tell her that there are no accessible taxis in the county that could transport her mother on Thanksgiving Day. Her only option was to request EMS non-emergency transportation, which is prohibitively expensive.

Recently, I received a phone call from a woman whose brother uses a wheelchair. He wanted to visit a dear and dying friend in a hospital in Binghamton in Broome County. While Binghamton is only an hour drive by car, it is actually two counties away. Cross county transportation is almost unheard of in upstate New York. I spent half a day on the phone trying to coordinate the trip by bus. The first bus to go from Tompkins County to Tioga County arrived at the transfer stop 10 minutes after the bus left for Broome County. The next bus arrived at the transfer stop 2 hours ahead of the Broome County bus departure. The return trip was no better. Given the frail condition of her brother, the woman decided that travel by bus was not an option. Without the possibility of an accessible taxi, their only option was to request EMS non-emergency transportation. When she called the local EMS service she was told the trip would cost approximately $500.00.

Tompkins County residents are surrounded by some of the best medical facilities in the state. Upstate Medical in Syracuse, Strong Memorial in Rochester, Lourdes Hospital in Binghamton, and Guthrie Clinic/Robert Packer in Sayre, PA are all within a 1 to 2 hour drive by car. Yet, to travel via public transportation is a logistical nightmare, if not totally impossible. As individuals and families struggle to access medical care at these facilities, so does the Medicaid Transportation Office of the Tompkins County Department of Social Services. Accessible taxis would help to reduce the use of EMS non-emergency transportation and the cost of transportation for people who use wheelchairs.

Upstate New York counties tend to be very rural with urban centers scattered here and there. While public transportation in Tompkins County is quite good, cross county transportation is poor at best. For people who drive cars, county lines mean very little. For people who reply on public transportation, county lines are a major barrier to accessing medical care, jobs, and all that Upstate New York has to offer.

March 24, 2011

Written Comment to:

House Committee on Transportation and Infrastructure
Listening Session
Cortland, NY
March 24, 2011

Comment submitted by:

Larry Roberts

Comment

Chairman Mica and Congressman Hanna:

I have lived in Tompkins County (NY) for almost my entire life and except for a brief time in Buffalo, NY to attend college, have lived my entire life in this region of the state. I started using Gadabout paratransit vans to get around while I was in junior high and high school, mostly to get to and from physical therapy appointments.

Tompkins County is fortunate to have a good public transportation system and I rely on it for most of my in-county transportation, to go to work, to medical and other appointments and to shop and for leisure. Without good public transportation, including paratransit, I would be severely restricted in my ability to live independently and to work in my community.

I have been employed for more than 15 years full time and pay taxes like most other New Yorkers. I have not needed government assistance since 1995; access to reliable public transportation is essential to my ability to be an active, tax paying, and otherwise contributing member of my community.

As your committee makes hard choices about transportation funding remember how important good public transportation is to me and many like me.

Thank you.

AMERICAN COUNCIL OF ENGINEERING COMPANIES

Testimony
Chairman Mica
Congressman Hanna
Transportation and Infrastructure Committee
March 24, 2011

Good Afternoon. My name is Linda Shumaker, President, of Shumaker Consulting Engineering & Land Surveying, P.C. and I am representing the American Council of Engineering Companies (ACECNY) today. ACECNY consists of more than 300 engineering companies who provide design, inspection, and other professional services throughout the world and account for more than $100 billion in construction and related activities each year. We thank you for the opportunity to address the Transportation and Infrastructure Committee, Chairman Mica, and Congressman Hanna.

My firm was founded in 1956 by Vernon O. Shumaker and I purchased it in 1992, growing the civil, environmental, transportation, and geomatic services, and staff from 11 to 80 employees. We have offices in Binghamton, Utica, Syracuse, and Albany, New York as well as an office in Montrose, Pennsylvania.

I will now touch on the Committee's three principles from ACEC's perspective.

**Principle I. Streamline the Project Delivery Process**

ACEC firms have had the luxury of working on a number of NYSDOT and local federally funded projects, and we have found:

**A. What Works**

1. An effective scoping process is essential and enables us to meet schedule and project delivery submittals in a timely fashion.

2. Protecting the specific interests of residents of New York State.

**B. What Doesn't Work**

1. The application of the same linear scheduling process to routine and complex projects. "One size does not fit all."

   Examples include: Signal projects and routine maintenance and rehabilitation projects taking years instead of months.

2. No authority at state level to make decisions to provide final approvals at different milestones, still have to wait for FHWA final approval.

3. Right-of-Way acquisition process is time consuming and lengthier than needs to be.

4. Starting and stopping projects due to funding issues obviously increases costs.

**C. Recommendation**

1. The State needs to have the authority to provide final approvals at different milestones.

2. Integrate planning and environmental processes and improve efficiency and timeliness of project delivery for sustainability.

3. Reduce NYSDOT review time by having Professional Engineers certify that designs meet the general FHWA requirements.

**Principle II - Consolidation of Duplication of Federal Programs**

**A. What works**

Clear, concise channels for program administration and funding.

**B. What Doesn't Work**

1. Extends schedule and increases cost.

2. Documents are cumbersome to address multiple funding sources and administrative related issues.

**C. Recommendation**

Consolidate programs.

**Principle III - Incorporating Innovative Financing Mechanisms**

**A. What works**

Nothing – There is no Program! This is resulting in firms in the industry experiencing staff adjustments.

**B. What Doesn't Work**

Not Funding the Program!

**C. Recommendation**

1. The motor fuel tax must be increased and indexed for inflation to provide a predictable, stable, and substantial investment in highway and bridge improvements

2. Infrastructure banks, bonding authorities, loan programs, public-private partnerships, and design–build are alternatives.

3. Fast track the transition to mileage-based user fees and congestion pricing.

4. Integrate more life-cycle costing factors into decisions for selection of materials and components.

5. Allowing for and encouraging Lump Sum contracts where appropriate. This would streamline the process and potentially reduce a lot of government duplication.

**IV.** **Finally**, ACEC encourages the procurement of private sector engineering and design services by strengthening the commitment to qualifications-based selection.

A report by Polytechnic Institute determined that using private sector engineers can save the State more than 15% of their design costs. Contracting with private sector firms provides efficiency, expediency, and innovation to their clients.

## V. In Conclusion

Increased transportation spending will provide a near-term boost to the economy through job growth and, at the same time, provide long-term benefits to our economy.

The next authorization bill should eliminate, wherever possible, duplication of processes required by separate levels of government (such as federal and state) and by separate project development phases (such as planning and NEPA).

Working together, in concert with state and local transportation agencies, private sector design and engineering firms deliver high-quality projects, innovative solutions, on-time delivery, and **value to the taxpayer.**

**Oral Testimony, Presented by Frank Suits, Jr.**
**Listening Session**
**House Committee on Transportation & Infrastructure**
**March 25, 2011, 3:00 pm – 5:00 pm**
**Cortlandville Town Hall**

In today's economic climate with declining government revenues we are being forced to look at new ways to fund our vital transportation infrastructure. In order for commerce to continue to move we need a sturdy system and a long-term plan on how to keep it from falling into ruin.

Last month Governor Cuomo released its FY 2011-2012 Executive budget and his proposed funding framework is reflective of our state's fiscal reality. His plan is as aggressive as resources will allow, and we are grateful that he fully understands the need for transportation infrastructure maintenance programs. We were fortunate to see the Consolidated Highway Improvement Program (CHIPs) spared from deep budget cuts. However, the rest of our industry was significantly impacted by the need to get our overall government spending under control. Added to this difficulty we have been witnessing declining assistance from the Federal government and it is starting to impact our state's ability to keep commerce moving.

As a result of this harsh reality, many believe now is the time to explore all viable funding options and it just might be the time where we completely change the philosophy that guides our transportation infrastructure policy.

When you consider the fact that New Yorkers already pay the second highest gas taxes in the nation and New York motorists pay more than $2 billion in tolls which ranks number one in the country, it is clear to see that raising local tax or toll rates is not the answer. There has to be another way.

For many years the members of the New York Construction Materials and Liquid Asphalt Distributors Association have been promoting a maintenance first approach of attending to our infrastructure needs. Put simply, this method is a planned system of treating pavements to maximize their useful life. Known to many in the industry as pavement preservation, it is a procedure that takes the maintenance process one step further by carefully choosing and timing maintenance applications to extend the life of the pavement.

This approach not only makes sense for the long-term health our roads and bridges, but it also offers tremendous benefits to the taxpayer and ensures motorist safety.

***Saves Taxpayer money:***
Studies conducted by the Federal Highway Administration have proven that every dollar spent on preventative maintenance treatments saves up to $10 in

future rehabilitation costs. That is a startling statistic that in and of itself is worth serious consideration of completely overhauling our approach to funding the needs of our transportation infrastructure as we move further into the 21st Century.

In addition to the huge cost savings, it allows budget officials at all levels of government to forecast future infrastructure costs. Because the process is spread over long periods of time, highway officials can put in place a plan that will be a much more accurate guide to understanding what resources will be needed and what fiscal year they will need to be completed.

**Places less stress on the Motoring public:**
Pavement preservation processes are proven to reduce user delays and user costs. Instead of shutting down vital sections of congested highways for long periods of time in the travel season, these processes allow for much less lane closure time. Also, when road conditions are maintained the roads incur less damage and that translates into significantly less wear and tear on the vehicles that travel on them, thus providing an indirect financial savings to motorists.

*Submitted By:*
*Frank Suits, Jr.*
*President & CEO*
*Suit-Kote Corporation*
*1911 Lorings Crossing*
*Cortland, NY 13045*
*(607) 753-1100*

March 24, 2011

Memo

To: Members of the House Committee on Transportation and Infrastructure
From: TAG, Transportation Advocacy Group (Broome County, NY)

Thank you, members of this committee, for scheduling a listening session in upstate NY. Congressman Hanna's district includes five Independent Living Centers (located in Binghamton, Cortland, Ithaca, Oneonta, and Utica). Transportation issues have a huge impact on persons with disabilities who live in the 24th. District. This memo will address concerns that affect people who live in Binghamton, Broome County. TAG (Transportation Advocacy Group) is comprised of people with disabilities, community members, and transit drivers).

We would like to share some thoughts we published last fall in the AccessAbility Newsletter produced by Southern Tier Independence Center (Binghamton):

"We are a car society. Most people jump in the car, fire it up and head off to work, shopping, movies, appointments, visits with friends and family, etc. However, a significant number of people don't drive and don't have cars.

For decades people with disabilities were stuck at home out of sight and out of mind, because there were no curb cuts or accessible buses. They relied on the kindness of friends and family to get around their community. The Americans with Disabilities Act (ADA) and the hard work of many advocates changed that scenario over the last twenty years. As a result, more people with disabilities are out in the community than ever before.

Over time the local Broome County transit system improved greatly. Accessible buses were purchased. Many people learned how to use them, and that flexibility meant the BC Lift paratransit could focus on the transportation needs of people who had more significant disabilities. With this improvement, more people took advantage of the transit system, taking jobs in various parts of the community, signing up for college classes, etc. Never before have people with disabilities had such freedom of mobility and with it, the opportunity for independence and community participation.

We worked so hard to develop a good system in Broome County, but now the tension on the faces of the riders echoes their personal worries—"will I get to work on time?" Facing

financial problems, the Broome County Department of Public Transportation implemented some changes and reductions in services. The Shoppers' Special was eliminated (this route went regularly to the Vestal Parkway stores and was used by both retail employees and shoppers). Some buses (that covered other areas of the city) were changed from half-hour to hourly runs (#3 Park Ave., #7 Clinton, #40 Chenango). Changes to the #25 Oakdale Mall, the Endwell Shuttle, and the #47 have had a profound impact upon riders, many of whom have disabilities. In the past a bus trip from downtown Binghamton to the Town Square Mall took about twenty minutes. After recent changes, including elimination of the Shoppers' Special, that same trip now takes 2 hours and 15 minutes, if a rider makes connections with 2 or more transfers.

There is a sentiment we have heard voiced, mostly among people who drive their own cars, that the changes are matters of inconvenience and they won't impact people significantly. The results of the changes, however, are rippling outward and have economic ramifications for the whole community.

Last August 6, several people from a community task force (Transportation Advocacy Group) gathered survey information from the riders. 328 bus riders (workers, students, parents, elders and persons with disabilities) responded. After reviewing and compiling the survey results, the Transportation Advocacy Group attended county legislative meetings, wrote and called our local legislators, etc. Without operation dollars, the service cuts will not be restored. (We wanted this House committee to know the results we found):

- 73% of people who answered the surveys reported using the bus system 5 or more times a week.
- Another 13% use the system 3-4 times a week.
- 54% of people surveyed ride between 7-11 AM and 47% between 2-4 PM. (The majority of riders using the bus daily, use it to get to work).
- 54% of the people surveyed were using one of the changed routes every day.
- 27% reported daily use of the Shoppers' Special that was eliminated.
- 26% need at least 30 more minutes, 36% need an additional hour for travel time and 30% now take more than an hour to get to their destination one way.
- In addition to needing more time, 80% have to change buses with 48% having to make 2 transfers and 30% having to make three transfers. 56% are sometimes unable to make their transfer connections and 26% said they often miss the connecting buses.
- People have changed where they shop (45%); had difficulty getting to work, school, daycare, recreation (50%); are missing appointments (47%); **have had to cut work hours (15% or 48 people); or have lost their jobs (6% or 19 people).**

We would suggest the transit changes are having a negative economic effect on the whole community. Over 85 riders either wrote or told us of additional impacts. Here's a sample:

One Target worker said that 5-6 people at her work spot have been hurt by the changes. One woman has to leave very early, gets to work an hour before shift and waits to clock in. If she doesn't do this she will be a half-hour late. "Getting to work used to be quick and easy—now it isn't."

One man used to grab dinner at a place near his work before his shift but now the extra time needed to get to work and negotiating route changes make that impossible. He was sympathetic, though, to the budget constraints of the county and said, "probably everyone is paying for this in one way or another." The business where he used to get dinner has lost a customer so they are paying, too.

One Conklin resident is afraid that the next route to be cut will be his and he will have no way to get to his job. He expressed real fear.

Another person wrote, "About to lose my job."

"The Shoppers' Special was my way to work, now I am always 2 hours early for work or an hour late. We need this bus back."

"Since the new schedule, I either get to work 45 minutes early or 15 minutes late; because of this I am going to have to leave my job and find new employment after 2 years at this job."

Some people can't buy meat and dairy products as easily due to the long ride home from their grocery store.

On the day we did the survey, one man who uses a power wheelchair couldn't get on his bus because the driver parked in the wrong place and was not able to lower the lift at an angle his chair could use. He waited nearly an hour and a half for the next bus and said he was worried he would miss an appointment. He misses the Shopper's Special because it went to so many places and he can't get to those places now. "They raised the fare and improved the buses and now lots more people use them. But with more riders, why can't they make it financially? I'd pay another quarter because this is the only way for me to get around the community." He worries that this winter it will be hazardous for those who wait outside and hope a bus will stop so they can get on, especially wheelchair users. Another wheelchair user said, ". riding the bus has become much more complex. I have to change buses three times now." Some worry that buses will fill with college students and there will be no room for them.

Some people are confused by the new schedules and routes. One elderly person said she doesn't know if in-bounds or out-bounds on different routes would now get her to her shopping sites. The smaller bus being used for the Endwell Shuttle has steps that are difficult for some older people to use. "The mental effort is very fatiguing. The route

schedules are all off. We can't rely on the buses being where they used to be at the times we used to catch them." "What bus is best to take to where I have to go?"

Several people are having trouble getting to medical appointments.

Additional travel hours mean more money is needed for daycare for some working parents.

Some mentioned needing to depend on families and others now. One person has to use taxis more. "I look for other ways to travel." One said, "I miss the Shoppers' Special, I lost my independence."

People were divided about equally on the question of a rate increase. While 37% said they would be willing to pay a quarter more, 29% said they would not want an increase.

As we hear the BC Transit riders discuss their very long commutes, it is noteworthy that the average work commuting time nationally is about a half-hour."

Since TAG compiled data, wrote the above piece for a newsletter, and advocated with local legislators, the lost routes have not been restored. There is very real fear that more route service will be cut this coming year. That could additionally hurt persons with disabilities who rely on public transit to access their jobs, doctors, stores, etc.

We ask this committee to consider with care legislation and budget issues that limit the amount of support small cities receive to help with operational costs. We understand that during the previous Congress, Rep. Carnahan of Missouri, introduced HR 2746, which would allow FTA funds to be used for operating costs. He plans to reintroduce the bill, with some changes, in the next few weeks. Your support for this bill would be greatly appreciated. Thank you for visiting our state and for giving us an opportunity to address you.

# Rochester, NY, Listening Session, March 24, 2011, Testimony for the Record

**Written Statement of**

**Mark Aesch**

**Chief Executive Officer**

**Rochester Genesee Regional Transportation Authority**

**before the**

**House Committee on Transportation and Infrastructure**

**Subcommittee on Highways and Transit**

**Policy Proposals from Members of Congress to Reform the Nation's Surface Transportation Programs**

**April 4, 2011**

**Rochester Genesee Regional Transportation Authority**

**1372 East Main St.**

**Rochester, NY 14609**

**(585) 654-0200**

Mister Chairman, Members of the Committee, my name is Mark Aesch and I am the Chief Executive Officer of the Rochester Genesee Regional Transportation Authority (RGRTA), the transit provider for Monroe, Genesee, Livingston, Orleans, Wayne, Wyoming and Seneca counties in Western New York. I recently had the opportunity to participate in a listening session with members of the House Transportation and Infrastructure Committee in Rochester where I discussed our Authority's success in achieving significant efficiencies through the implementation of a performance-based management system. As a result of my testimony, Congressman Tom Reed, who represents our service area, asked me to submit a statement for the record explaining our program and offering a proposal for distributing federal funds to transit systems based on performance results so that transit systems are actually encouraged to reduce their reliance on limited tax dollars as we have by 33% over the past 6 years.

**Background**

I have served as CEO of RGRTA since 2004. When I first became CEO the organization was facing a projected $27.7 million deficit. We had some serious decisions to make. To fill the funding gap, we could have raised fares 40%, reduced service by 65%, doubled fares on paratransit riders, and cut the workforce by 25%. Instead we embraced a private sector mindset whereby we developed a Transit Organization Performance Scorecard (TOPS) with indices for customer service, long term financial success and employee success. Each of these indices is comprised of a number of measurements. Our customer satisfaction index, for example, includes measures such as average time a customer is kept on hold, ride satisfaction, on time performance, percentage of broken down buses, bus cleanliness, the time it takes to respond to customer inquiries, secret shopper performance reviews, bus driver performance and a customer survey. Our indices for each of our key strategies are in turn weighted relative to one another and the final combination of the weighted scores yields our overall TOPS results on a quarterly basis. Our measurements have forced us to make some market-driven decisions, rather than service projection-related decisions, including the elimination of under-performing bus routes, and the addition of others. We make changes based on market demand, rather than a mindset that encourages us to protect under-performance.

We also adopted a system of performance incentives that allow us to financially reward employees for hitting performance goals. These performance incentives apply to both union and non-union employees and have been readily accepted.

Since that watershed year in 2004 RGRTA has achieved remarkable and quantifiable results. Specifically we have:

- reduced fares for customers;
- increased ridership at a rate of three times the national average;
- hired more employees;
- increased productivity by an astounding 95%;
- reduced our reliance on taxpayers by 33% ;
- eliminated our debt and generated multi-million dollar surpluses five years in a row; and
- kept budgeted spending growth over the past three years to 1.7%.

Our indisputable results during a time when other transit agencies are struggling led to the New York state Senate and Assembly developing performance-based legislation for distributing state transit funds, which currently is pending. Once approved, this legislation will pave the way for:

- fair and equitable distribution of public dollars;
- improved transparency and accountability; and
- reduced reliance on taxpayer dollars.

Gone are the days of the mindset that protected mediocrity by bailing out transit systems simply because they needed more funding. Today equitable distribution with a level playing field among New York State's transit agencies carries the day.

We are cognizant of the challenges that will continue to impede distribution of public funding at the federal level. The issue before us is not about more money. Rather, it is about smart use of money and incentivizing managers to perform smarter, more efficiently and with a market-driven mindset.

**Performance-Driven Model for Distributing Transit Funds**

As a result of our experience in Rochester, we are proposing that the Committee change the formula by which federal transit funds are distributed to require that the Federal Transit Administration distribute a certain percentage of funds based on how well a

transit agency performs, as opposed to 100% of limited federal dollars being distributed simply on a formula. During these difficult economic times it is critical that federal funds are invested to encourage high performance with measurable return to the taxpayer. A performance-based management system requires transit systems to operate more like private sector enterprises and will encourage transit agencies to focus on measures, and making the decisions necessary that will drive efficient, affordable, quality service and reduce reliance on taxpayer subsidies.

This funding proposal would encompass three core levels of distribution for transit formula funds as described below.

Level One – Base Aid (80%)

Distribution would be in accordance with the existing formulas for urbanized and non-urbanized areas.

Level Two – Competitive Performance (15%)

Funding would be awarded based on a transit agency's percentage share for performance in clearly defined, measurable and weighted categories. The agency's percentage share for each category shall be computed based on the rank order assigned to the agency for each category. A rank of 1 is the best and a rank of 4 is the worst. Categories of measurements and their respective weightings include Ridership to Revenue Miles (25%), Total Operating Expense to Ridership (25%), Total Operating Expense to Vehicle Hours (25%), Customer Satisfaction (15%), and Fare Affordability (10%). The following percentages shall be awarded for each rank: Rank 1 (31%), Rank 2 (27%), Rank 3 (23%), and Rank 4 (19%).

Under this method, transit organizations would compete for funding against similar transit organizations based on geographic location and size of service region population. Under this scenario, RGRTA, for example, would not compete for funds against the New York Metropolitan Transportation Authority (MTA).

Level Three – Discretionary Aid (5%)

This is the "no transit agency left behind" funding awarded to those agencies that are unable to compete with their colleagues and are habitual under-performers. Discretionary aid would be provided contingent upon the agency's ability to provide a report outlining how the organization proposes to correct its situation. If a particular transit system happened to perform the lowest in every competitive area, federal funding would still be provided. This way, the community does not suffer, but the management team is held accountable and would have to publicly explain why they continue to be supported by this under-performance discretionary aid program.

**Certification Process and National Benchmarking System**

In order for the proposed performance based system to be transparent, accountable and productive, an independent system of reporting and auditing should be required. A certification process would be created that ensures that all transit systems are following certain standardized procedures in establishing performance objectives and corresponding measurements. This mandates a competitive playing field.

Such a certification process would be based upon:

- vision development;
- transparent goal setting;
- performance measurement system;
- vision-based expenditure process;
- action plan for measurement results;
- quality of information systems;
- demonstration of transparency; and
- return and reporting to taxpayers.

Congress should authorize and fund a not-for-profit Institute for Transit Excellence that would be responsible for oversight of certification, audits and reporting. The Federal Transit Administration's National Transit Database (NTD) is essentially a library of old, inconsistent data that does not serve to drive decision-making. Today, no federal dollars are distributed based on excellent results or terrible results of NTD data. It simply is a junk drawer of data. The Institute would be responsible for reporting how transit systems are performing based on a level playing field and objective measurement systems. The Institute would tabulate performance and rank systems. FTA would use

these real results to distribute funding under the new formula program. The Institute would transition the transit industry from reporting numbers that go into a junk drawer at the NTD – to using data to measure performance and tie that performance to funding. The Institute would ensure transparency, consistency and audit reported results.

In addition to this new funding model, the second key area of change we recommend involves the creation of a national benchmark system. Under this benchmark system, agencies would be grouped together based on geographic location and agency size.

This benchmark system would force all of us in the transit industry to know exactly how we compare – again in measurable performance areas – to others in our benchmark group. Just like in the NFL, where every team knows which team is the best at the end of the Super Bowl, so too would a benchmark system in the Transportation industry work. All of us would have to stand up in front of our Congressman, our board of directors, our employees and most importantly our customers to explain why we are ranked in our benchmark group the way we are – why we are successful or why we have failed. Our ranking in this benchmarking system would drive our ranking in the competitive performance measurement funding. The Institute for Transit Excellence would take reported results to the FTA, which would in turn award funding to transit systems.

**Conclusion**

RGRTA has been self-motivated to reduce our reliance on taxpayer dollars. We have been self-motivated to cut fares for our customers, and we've been self-motivated to think and operate like a private business. Given the tenuous nature of the financial climate, it is time now for the federal government to distribute funding smarter and connect performance to pay. Reform legislation as proposed would provide a clear-cut path to funding that would encourage higher performance and inspire transit executives to work toward better productivity, increased customer satisfaction, higher financial performance and reduced reliance on taxpayer dollars. We look forward to working with the Committee as it develops critical surface transportation legislation.

# NYSTEA
## New York State Transportation Equity Alliance

STEERING COMMITTEE
Empire State Future
Tri-State Transportation Campaign
UPROSE
WE ACT for Environmental Justice

MEMBERS
Abyssinian Development Corporation
Action Toward Independence
Adirondack Council
Arbor Hill Environmental Justice
Asthma Free School Zone
Bedford Audubon Society
Brooklyn Greenway Initiative
Citizens Regional Transit Corporation
Clean New York
Community Voices Heard
Environmental Advocates of New York
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Fifth Ave Committee
FXFOWLE Architects LLP
Hudson River Sloop Clearwater
League of Woman Voters New York State
Long Island Progressive Coalition
Mothers on the Move
Neighborhood Network
NeighborWorks Rochester, Healthy Blocks Initiative
New York City Environmental Justice Alliance
New York Lawyers for Public Interest
New York League of Conservation Voters
New York Public Interest Research Group, The
Straphangers Campaign
New York State Apollo Alliance
Niagara Heritage Partnership
North Shore Waterfront Conservancy of Staten Island
Nos Quedamos CDC
The Partnership for Onondaga Creek
Project for Public Spaces
Rail*Trail*Ecology*Cycling
Recycle a Bicycle
Scenic Hudson
Sierra Club New York City Group
Sustainable Flatbush
Sustainable Hudson Valley
Sustainable Long Island
Sustainable South Bronx
Syracuse First
The Morningside Heights/West Harlem Sanitation Coalition
The Point CDC
The Pratt Center
The Westchester-Putnam Bike Walk Alliance
Transportation Alternatives
Urban Agenda
Urban Design Lab, Earth Institute at Columbia University
Vision Long Island
West Harlem Group Assistance
Youth Ministries for Peace and Justice

March 8, 2011

Honorable Chairman John L. Mica
House Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, D.C. 20515

RE: Federal priorities for the next transportation authorization

Dear Chairman Mica,

We thank you for your planned visit to Rochester, New York as part of your listening tour across the country and write to share our recommendations on how to make the next federal transportation bill better.

As Rochester residents and members of New York's transportation community, we would like to share with you our vision for a 21st Century transportation system that will make our communities great:

1. We want a green transportation system that reduces our country's dependence on foreign oil while helping to improve the environment for our children, grandchildren and generations of Americans to come.
2. We want to get around our communities (in urban and rural areas alike) – to work, to school, to doctors, to visit friends – without having to get into our cars if we can't or don't want to. The price of gasoline is only going to go up. During this slow economic recovery, our families need more affordable and reliable transportation options. The next transportation bill must prioritize transit and active transportation programs like bicycling and walking.
3. We need streets that are safe for everyone – motorists, bicyclists, pedestrians, seniors and people with disabilities alike.
4. We want transportation investments that create the most jobs. Transit projects create more jobs per dollar invested than any other type of transportation investment. Not only does transit create jobs directly for workers such as bus drivers, it also creates manufacturing jobs. New York, for example, has 39 manufacturers that make advanced rail vehicles, efficient buses, clean trucks and their component parts.[1]
5. We want our crumbling roads and bridges fixed. New York has 6,470 crumbling bridges (163 of which are rated worse than the Crown Point Bridge which was blown up in December 2009).[2]

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[1] http://apolloalliance.org/programs/tmap-report/state-specific-tmap-fact-sheets/

[2] http://nybridgesarefallingdown.com/

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Vision Long Island
West Harlem Group Assistance
Youth Ministries for Peace and Justice

6. We want federal transportation spending to based on clear goals, objectives and performance measures be put in place to ensure that money is spent responsibly and with clear accountability to the taxpayers.

When you visit Rochester, you'll see that it is not so different from many other parts of the country. Many of us are stuck and stranded, without accessible, affordable and reliable transportation options. The most vulnerable members of our community – seniors, unemployed or underemployed, people with disabilities, and low income – are especially dependent on alternative transportation choices beyond the automobile. We have high unemployment and an economy that is recovering too slowly, which makes it all the more crucial that we invest in the foundations of our economy like our transportation network.

We understand the Rochester field hearing was postponed due to unforeseen House floor votes and we look forward to participating at the rescheduled hearing.

Sincerely,

Diane Coleman
Director of Advocacy
Center for Disability Rights, Inc.

Cecil D. Corbin-Mark
Deputy Director
WE ACT For Environmental Justice

Richard DeSarra
President
Rochester Cycling Alliance

Mike Governale
Director
Reconnect Rochester

Brian Kehoe, AICP
Program Manager
New York Bicycling Coalition

Peter B. Fleischer
Executive Director
Empire State Future

Evan Michael Lowenstein
CEO
Green Village Consulting

Carol May
President
TrailWorks Inc.

Kate Slevin
Executive Director
Tri-State Transportation Campaign

Elizabeth Yeampierre
Executive Director
UPROSE

Nathaniel S. Bank
Law Student
University at Buffalo

Monroe County Department of Transportation
Terrence J. Rice, P.E., Director
Active Member: NYSCHSA, APWA, ITE

**Unfunded Mandates: Traffic Sign Retroreflectivity, etc. – Cost to Monroe County: $3.4M**

- The Federal government has mandated all municipalities to have their signs meet certain retroreflectivity and size requirements by various dates yet few, if any, dollars are available from the federal programs to pay for this unfunded mandate. *Monroe County would like Federal funding to meet these mandates or remove the deadline dates so we can meet the requirements as signs are replaced normally instead of taking funds from needed road improvements.*

**Federal Aid Process – Streamlining and Accelerating Project Delivery**

The federal /state bureaucracy significantly impacts project delivery adding excessive time to project schedules and dollars to project budgets due to inconsistent reviews and lack of follow through:

- **Right-of Way Process Change:** The last few years, the NYSDOT interpretation of the acquisition of right of way process has taken on a life of its own - this is now the critical path regarding project schedule. This has resulted in non value added activities and takes funds away from needed construction efforts.
  - Advertising projects for pubic bid cannot occur until right of way certification is hand. *Allow advertisement of projects prior to final right of way certification but require final certification prior to the contract award.*
  - Previously we would get grading releases to grade properties next to construction within the right of way which is no longer allowed by NYSDOT. We now must get temporary easements. **(Lincoln Road increased $400K)**
  - Permanent easements are also required to address situations where sidewalks were previously constructed, partially or entirely, outside of the existing right of way.
  - The survey and mapping, appraisal, title search etc. of these easements can cost between $6K and $10K per property, yet the actual payment we make to the property owner is around $150 to $200 per easement. This has increased the acquisition of right of way costs 4 to 5 times the previous costs as well as extended project schedules an additional 6 to 9 months. Reduction of such right of way requirements will reduce project costs as well as expedite construction schedules.) *A solution to the above can be to allow grading releases and/or the preparation and use of simpler, less costly easement maps.*
- New York State Historic Preservation Office (SHPO): *requiring Phase IA Cultural Resource investigations (records search and field inspections) along previously disturbed corridors,* Non value added, takes funds away from needed construction efforts. *Phase IB investigations (facts/existing conditions and recommendations when artifacts are present) now consist of new process requiring multiple submittals which add additional time and cost to projects.* Non value added, takes funds away from needed construction efforts.
- New York Department of Environmental Conservation (DEC)/Army Corps of Engineers permits: lengthy review time frames and inconsistent reviews from project to project, **(John St Ext)**
- Federal Highway Authority (FHWA): at times, reviews and staff changes causing lengthy waiting periods for federal approvals before a project can proceed to the next phase, **(John St Ext./Paul Rd/Fisher Road Corridor)**
- New York State Department of Transportation (NYSDOT): project oversight, delayed execution of State Local Agreements & Supplemental Agreements and work permits:
  - The Locally Administered Federal Aid Projects (LAFAP) process we have to follow is very laborious – may be a matter of interpretation of feds process by NYSDOT. The program manual is extensive - yet in other states we are told not nearly as involved. Non value added, takes funds away from needed construction efforts.
  - The current practice in New York has caused significant delays that have prolonged project schedules and in turn, delayed implementation of formula funded projects as well as High Priority funded projects, which could otherwise be completed by now or at least under construction.
  - *These unnecessary delays also threaten unobligated funds programmed for these important projects.*
- Need to streamline this process to improve project delivery in terms of cost and schedule. Some examples include:
  - For Preventative Maintenance projects, allow an alternative more simplified analysis process. Current process over evaluates project needs thus increasing project costs and adding project delay to basic maintenance efforts. Non value added, takes funds away from needed construction efforts.

**Suggestions on Improving the Delivery of Transportation Projects**
**Hearing before the House Transportation & Infrastructure Committee**
**March 24, 2011, Rochester, NY**

**William C. Wright, Ontario County Commissioner of Public Works**
**Vice President, NYS County Highway Superintendent Association and NY Chapter APWA**
**2962 County Road 48, Canandaigua, NY 585-396-4000 bill.wright@co.ontario.ny.us**

1. Pass a long-term Surface Transportation bill that identifies reliable funding covering the full cost of local regional and national multimodel Surface Transportation System. Enhance revenue by considering indexing the motor fuel tax and charge fees based on mileage traveled. Make sure that local governments (who own over 50% of the roads in NYS) still have access to federal funds.

2. Change FHWA culture from the stern/punishing parent to one of Partner. Many question the "gotcha" mentality of FHWA as they audit every detail (procedural, financial and technical specification compliance) that can lead to fines and pulling project funds. NYSDOT is responding to FHWA audits by adding an additional half-to-fulltime construction inspector and office help to each federal job that will increase costs by 5-20%.

3. FHWA should focus on transportation goal setting; mobility, facility deficiency ratings, congestion, shipping corridors, etc. Then ask the State/Local government how they will meet the goals and what performance measures will be used to evaluate progress. Demand accountability but don't micro-manage. Delegate the responsibility of administering federal funds to meet established goals. FHWA should monitor progress towards the goals the State has identified. FHWA should focus on National System and Priorities (such as goods movement corridors); instead of proper pipe trench compaction (as Ontario County had to prove requiring 4 cuts in new pavement and $18,000 of added federal cost!)

4. Remove FHWA review authority for plan, specification and estimate for projects under $5,000,000. Allow these highway/bridge replacements or rehabilitation projects to comply only with state and local regulations (and correspondingly, one environmental review process). There is no difference in the quality of the end product using local methods as opposed to the daunting documentation requirements of FHWA and the States risk-adverse interpretation (see attached picture on the paperwork difference for design development).

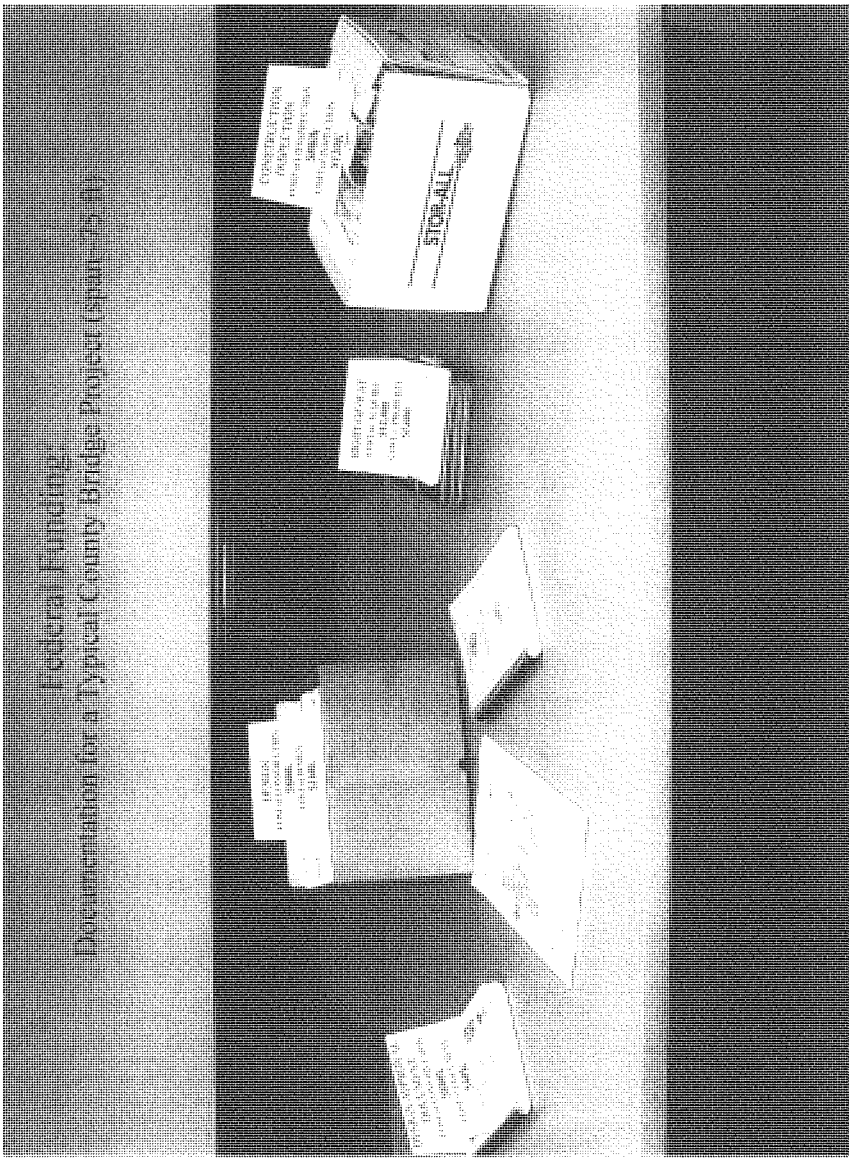
5. If you can't do what's suggested in #4 above, revise the Environmental regulation (NEPA) away from "one-size-fits-all" to a targeted approach for the majority of bridge projects…replacement in-kind of small span structure (<100'). This can be done by expanding Categorical Excluded (CE) projects (part of NEPA process) to exempt bridge 3R projects from CE screening and documentation expenses. Consider allowing State environmental process to be used to avoid duplication with federal NEPA and remove the need for federal review.

6. Replace the multitude of funding sources (and accompanying "strings") into a block grant approach. Let the state and local regions allocate funds to prioritize needs as they have outlined to FHWA (see #3 above). This will help alleviate the delays and complications inherent in the TIP amendment process (necessary to reallocate fund sources among projects as conditions warrant).

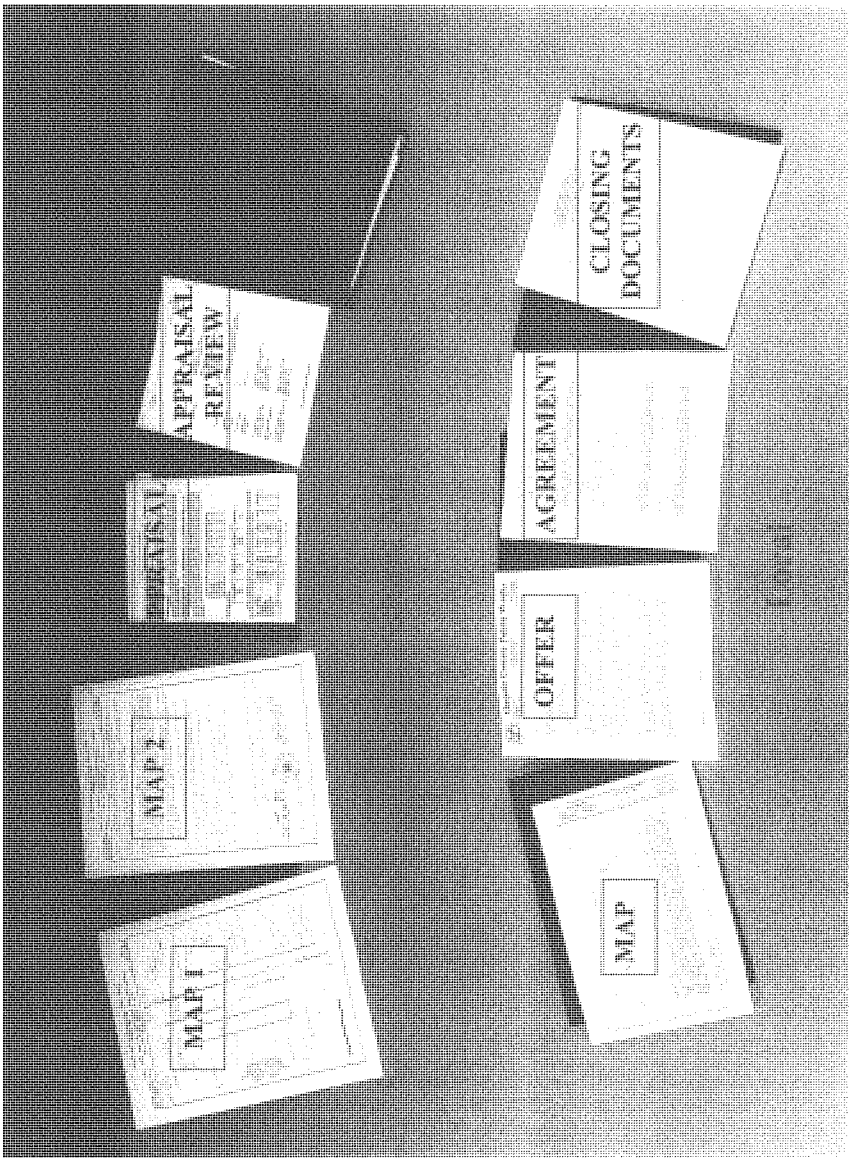
7. Change the Design Development process to 1) allow ROW acquisition to run concurrent with preliminary design 2) Simplify the right of way acquisition process. Current practice is too excessive, overly procedural and costly for the majority of road and bridge takings…small slivers of property whose value is 1/20 the cost of putting all the documentation together, 3) allow Advanced Detail Plans, specifications estimate, advertisement and bidding of projects prior to final ROW certification but hold contract award until final certification is obtained. This requires changes to and/or clarification in 49 CFR 24, 23 CFR 710 and 23 CFR 635. See attached picture of ROW process.

8. Eliminate any regulation that dictates to local government the technical requirements for ROW documentation, design, specification and bid documents. Engineers are licensed professionals who will produce the documentation necessary for a quality job consistent with the level of the project. Does the FHWA really need to get involved in what constitutes an appropriate design for every project? FHWA should focus on system reliability, preservation and congestion management; particularly on the National System (i.e. see #3 above)?

9. Once all the suggestions of the listening tour is compiled, create a working committee of local practitioners, engineers, FHWA and State reps, and legal (legislation writing talent) staff to 1) prioritize the suggestions, 2) review the work with the transportation committee, 3) write the legislation, and 4) implement the necessary legislative initiatives.




Logical Boundary
Documentation for a Typical County Bridge Project (Span 1 of 3)


MAP 1
MAP 2
PROPOSAL
APPRAISAL REVIEW
MAP
OFFER
AGREEMENT
CLOSING DOCUMENTS

# Philadelphia, PA, Listening Session, March 25, 2011, Testimony for the Record

## The Safe & Efficient Transportation Act:

*Truck Weight Reform for Safer, More Sustainable Truck Shipping*

Our transportation network is the backbone of the U.S. economy. This country has waited a long time for new Highway Reauthorization bill, and we need a body of legislation that works for America. The Highway Reauthorization package must protect motorists, preserve our infrastructure and the environment, and foster business productivity and global competitiveness.

The Safe & Efficient Transportation Act (SETA) meets all of these goals. SETA will facilitate carefully crafted truck weight reform that will modernize American truck shipping and help carry our economy into a new era of growth.

### The Need for U.S. Truck Weight Reform: Inefficient & Antiquated Federal Weight Limit.

The goal of SETA is to make American truck transportation safer, more sustainable and more productive. The U.S. federal weight limit has been set at 80,000 pounds since 1982. Many truck shipments from Campbell and other companies now hit this weight limit with significant space left in the trailer – forcing shippers to use more trucks and fuel than necessary. We must act now to correct this inefficiency because it will worsen as our economy – and population – grows.

Truck weight reform works – as many of our trading partners already know. Since the United Kingdom raised its weight limit to 97,000 pounds for six-axle trucks in 2001, it has experienced exactly what we want to replicate in the U.S. More freight has been shipped, while vehicle miles traveled have leveled off and fatal truck-related accident rates have declined by 35 percent.[1]

### How SETA Works: Maximizing Truck Space to Minimize Loads, Fuel & Miles.

Campbell supports SETA because overwhelming evidence shows that this legislation would make truck shipments safer, greener and more efficient. SETA is a carefully crafted proposal that gives states the option to selectively raise weight limits on interstates within their borders.

- States would be free to set interstate weight limits of up to 97,000 pounds—but only for vehicles equipped with six axles instead of the typical five.
- The required sixth axle would maintain braking capacity and the current distribution of weight per tire without changing the size of the truck. The 97,000-pound, six-axle vehicles outlined in SETA are just as safe as trucks currently traveling on the Interstate System. The U.S. DOT[2] and Transportation Research Board[3] both determined that these vehicles do not lose stopping or handling capability.
- While the additional axle maintains vehicle safety performance and minimizes pavement wear, a user fee for six-axle units would fund vital bridge repair.

### SETA's Impact for Campbell's Shipments: Fewer Trucks to Meet Demand.

SETA would have a direct impact on the number of trucks Campbell uses throughout the Northeastern United States. Pepperidge Farm, Campbell's largest subsidiary, has two manufacturing plants in southeast Pennsylvania. Our largest bakery and snack foods manufacturing facility in Denver, PA, located between Lancaster and Reading on the Pennsylvania Turnpike, employs 900 people, while our frozen foods plant in Downingtown, employs 400 people.

Both Pepperidge Farm facilities ship baked goods throughout the mid-Atlantic region and Canada. Additionally, we import ingredients into the ports of Philadelphia and Camden, and ship them to our manufacturing facilities throughout North America.

By safely increasing the amount of freight each vehicle may carry, SETA would allow Campbell and other companies to dramatically reduce the truckloads, vehicle miles and fuel necessary to ship each ton of freight.

**Campbell supports SETA because it would allow us to use fewer trucks to ship the same amount of goods – resulting in less fuel usage, fewer truck miles on highways and a lower carbon footprint.**

- **Safer Roads / Reduced Infrastructural Impact: Cut number of trucks necessary to ship Campbell products.**
  Campbell could consolidate freight on fewer trucks – utilizing 41,000 fewer truckloads each year. Fewer trucks mean safer, more efficient shipping – especially as our economy recovers and freight demand increases.

- **Safer Roads: Eliminate vehicle miles traveled to deliver Campbell products.**
  The biggest single factor in the number of truck accidents is vehicle miles traveled. By moving freight on fewer trucks, Campbell would eliminate 23 million vehicle miles traveled each year – making highways safer.

- **Greener Shipping: Reduce fuel use and emissions associated with our products.**
  Campbell could save 3.8 million gallons of fuel and 38,956 tons of carbon emissions each year. SETA would make our shipments more sustainable and reduce our company's carbon footprint.

- **Increased Competition: Harmonize standards with major trading partners to ease shipping burden.**
  Campbell imports ingredients into the ports of Philadelphia and Camden and ships those goods to our manufacturing facilities throughout North America. Because Canada and most European nations already have higher truck weight regulations, we must break-down and repackage many loads that come into U.S. ports. SETA would ease our transportation burden and make operations smoother, more efficient and cost-effective.

## SETA & Rail: Creating a More Efficient, Intermodal System

SETA is not expected to divert business from railroads. The goal of SETA is to boost the entire U.S. transportation network and correct supply chain inefficiencies by making truck shipment more efficient. Under SETA, trucks will be able to better service railyards, shipyards and consumers across the country.

Rail is – and will remain – the first choice for many shippers. A 2009 study by the Wisconsin DOT predicted that the proposal would yield no significant displacement of freight from rail to trucking.[4] The findings were later confirmed by another major study by the Soy Transportation Coalition.[5]

Making truck shipment safer, cleaner and more efficient is beneficial to the motoring public, the environment and the *entire* shipping industry – both rail and truck.

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[1] UK Department for Transport: Transport Statistics Bulletin, 2007
[2] USDOT, *Size & Weight Study*, 2000
[3] Transportation Research Board, *Special Report 267*, 2002
[4] Cambridge Systematics, Inc., *Wisconsin Truck Size & Weight Study*, 2009
[5] The Soy Transportation Coalition, *Heavier Semis: A Good Idea?*, 2009

McKenna Long & Aldridge LLP
Attorneys at Law

## GLOBAL INFRASTRUCTURE AND PUBLIC-PRIVATE PARTNERSHIPS

The McKenna Long & Aldridge (MLA) Global Infrastructure and Public-Private Partnerships (P3) team has skillfully negotiated arrangements in a variety of projects and is experienced in working with U.S. state and local governments, as well as international and domestic private sector clients that seek a strategic foothold in the U.S. P3 market. The team includes former high-level members of government, such as former Vermont Governor Howard Dean, as well as former members of the U.S. Congress, senior Congressional staff members, state assembly members, and senior public agency officials (such as the former Chairman of the Georgia Port Authority). Recent P3 team alumni include Indianapolis Mayor Stephen Goldsmith, who was tapped to become Deputy Mayor of New York City in 2009. Our team also includes a founder of the National Council for Public-Private Partnerships and chairs of the public contract finance and the privatization committees of the American Bar Association. This blend of experience coupled with our project finance team offers our clients a unique perspective that is critical in forming P3 relationships and resolving issues involving government.

MLA has a deep knowledge and understanding of government at the federal, state and local levels, and uses a wide range of legal, political, government, finance and business planning strategies to offer our clients the benefits of our firm's daily contact with political leaders, government managers, financial institutions, and corporate leaders, who are spearheading federal and state efforts to implement P3s and enhanced-use leasing programs. Our team addresses issues relating to:

- Social infrastructure — prisons, jails, courthouses, parking meters, public buildings
- Surface transportation — roads, bridges, tunnels; high-occupancy toll (HOT) lanes, rail systems
- Water, wastewater and sewer
- Seaports, harbors and terminals
- Primary, secondary and higher education
- Smart grid
- Information technology and supply chain management
- Military bases and communities
- Sports and entertainment complexes
- Airports and airfields
- Health and hospice care

We provide counsel, due diligence review, and strategic government affairs and business solutions to investors and developers considering participation in the growing P3 sector. Our team employs a full and multidisciplinary range of business planning and finance and government relations tools to successfully create P3 opportunities and profitable partnerships for our diverse client-base consisting of developers, lenders, technology companies, environmental/engineering firms, consultants, construction companies and traditional government contractors.

### SERVICES

- Assessment of P3 opportunities
- Brownfield and greenfield projects
- Clarifying the priorities and goals of federal, state and local governments
- Environmental compliance assessment
- Legislative analysis and reform strategy
- Procurement advocacy, financing and teaming arrangements
- Project delivery methodologies
- Real estate and joint development
- Strategic planning and government outreach

## REPRESENTATIVE EXPERIENCE

**Military Housing.** MLA represents Balfour Beatty Communities (formerly GMH Military Housing) and has assisted with the acquisition, development, management and construction of military family housing, and unaccompanied personnel housing at 44 Army, Navy and Air Force installations.

**Port Infrastructure.** We provided government affairs and strategic support for capital fund led client team in Request for Offer bid of major east coast port facility. Project guidance includes assessing the future returns to both the port and operator as well as economic impact to the regional community.

**Surface Transportation and Roads.** MLA is the local legal counsel to the Northwest Atlanta Development Group in their bid for the West by Northwest project in Georgia. We are also representing a transportation infrastructure joint venture in Georgia that is conducting a feasibility study on the P3 extension of a heavily traveled public asset.

**Enhanced-Use Leasing.** Examples of EUL projects MLA has been involved with include:

- Served as underwriter's counsel in a project requiring over $61 million of Illinois Finance Authority Taxable Revenue Bonds;
- Represented the largest nursing home company in the U.S. in the first EUL project the Department of Veteran's Affairs (VA) entered into with a for-profit company;
- Represented underwriters in EUL transactions with the VA in construction of office buildings, parking decks, and power generation and co-generation facilities on various VA campuses;
- Represented a limited partnership and its primary partner for private financing, construction and operation of a co-generation facility on the U.S. Army base at Fort Drum, New York; and
- Helped structure the lease of a privately-owned biorepository at Fort Detrick, Maryland.

**Prisons.** MLA served as the primary consultant to the District of Columbia in the leasing of a 1,000-bed correctional treatment facility.

**Water Systems.** We serve as special assistant attorney general for the State of Georgia in its water allocation negotiations and litigation with the states of Alabama and Florida. Additionally, we represent a major water utility provider in the leasing of public water facilities at Fort Bliss, Texas and Fort Bragg, North Carolina.

**Ballpark Development.** MLA was engaged as one of the principal negotiators for the City of San Diego in the development of a new baseball park for the San Diego Padres. MLA attorneys currently represent National City, California, in its efforts with the City and County of San Diego and the San Diego Unified Port District regarding a public-private partnership for either a new football stadium, or sports arena.

**Parking Assets.** We served as lead advisor in the leasing of parking meters and enforcement in the District of Columbia, running the competition and deciding upon electronic meters.

**Juvenile Detention Facilities.** We implemented a public-private partnership to secure third party capital used to improve the information technology structure of the facility on a lease purchase basis.

BIKE SHARE *Philadelphia*

Chairman John Mica
US Representative from Florida
House of Representative Transportation and Infrastructure Committee
Listening Session Valley Forge Pennsylvania

March 25, 2011

Chairman Mica,

With the transportation needs of our country many fold and over air, sea and land, rural, suburban and urban, with distances both long and short, we are hoping that as you are listening to determine these needs from all over this land, you consider a new aspect of public transportation known as Public Use Bicycles or bike sharing.

Bike sharing has blossomed in the United States in the last three years. One of the most successful systems has become ubiquitous along the streets of Washington, DC. Hundreds of thousands of residents and visitors to Washington have used this system over the last few months. In the past year, Minneapolis, Denver and Miami Beach have begun large scale systems. All of which have been successful. This year, Boston, Baltimore, Boulder, Chattanooga, Chicago, Des Moines, Ft. Lauderdale, Honolulu, Manhattan Beach, Madison, Nashville, New York City, and San Francisco are planning on beginning systems as a complement to their existing public transit networks.

These systems are viewed as an inexpensive method to provide public transit that gives individual mobility to solve the "first or last mile dilemma of fixed route transit. It provides true "A to B" transportation where a bicycle is picked up at one location can be dropped off at another. These systems are applicable to cities or towns, as well as, corporate, educational and industrial campuses. A large scale bike sharing system of 1,000 bikes in 100 stations which could service over 10,000 people daily has a capital cost of around the same as four or five new hybrid city buses. It has been shown that the operations cost are covered by the usage fees. These systems create jobs for themselves and extend the reach of those seeking employment to find jobs.

The large scale Miami Beach system is totally privately funded and will be contributing to the local government a percentage of the usage fees. The proposed system planned for New York City will not use tax payer funds to initiate the program. To help keep these systems operating and for new systems to open, there needs to be an acknowledgement through all transportation agencies, Federal and State, that bike sharing, in specific, and bicycling, in general, are viable methods or reducing overall transportation cost and keep our country moving. We ask that you please keep this in mind as you are listening in these sessions.

Respectfully,

Russell Meddin
Bike Share Philadelphia

2118 Race Street • Philadelphia, PA 19103-1010 USA • tel. 215 460 0046 • fax. 215 567 6769 • bikesharephilly.org

Penn
University of Pennsylvania

Carnegie Mellon University

**Pennsylvania Transportation Center for Digital Technology Innovation & Deployment**
*A Partnership of Carnegie Mellon University and the University of Pennsylvania*

When planning for major transportation and infrastructure systems it helps to take a long-term perspective. According to the U.S. Census Bureau, the population of the United States will grow from its current level of roughly 310 million people to more than 430 million by 2050. Assuming the U.S. economy grows at a modest rate of 2.5% per year, U.S. Gross Domestic product will reach $40 trillion in 2050, up from roughly $15 trillion today. Even if these projections are a trifle on the high side—and there is no reason to believe that they are—the U.S. is in store for a lot of growth. And if history is any guide, because a wealthier economy travels more and requires greater per capita goods movement, the demand for transportation services will grow considerably faster than the population as whole.

The nation's transportation systems—whether road, public transport, rail, ship, air, or even pedestrian-based—are ill-prepared for this level of growth. The great spurt in new transportation system investments ended in the 1970s, and we currently have great difficulties just maintaining the current system. Government budgets at all levels—federal, state, and local—are pressed, and there is no relief in sight.

Rather than just travel more, America will have to *travel smarter*. Rather than investing in large-scale system expansions, or, in some cases, whole new systems, American ingenuity and technology will be called upon to make more efficient use of existing systems; and where new investments are needed, to make sure they are high-productivity investments. This is easy to say but hard to do. While the overall demand for different transportation services can be predicted with a reasonable degree of certainty, because of the inherent flexibility and adaptability of travel demand, the daily (or even yearly) demand for particular facilities or links or services cannot be predicted with any accuracy. Building a smarter transportation system will thus require building one that is more adaptive and responsive in real time. This is where advanced digital technologies come in, and where Carnegie Mellon University and the University of Pennsylvania can help.

**Carnegie Mellon University** (CMU) and the **University of Pennsylvania** (Penn) seek to establish a joint Tier 1 University Transportation Center for Digital Technology Innovation and Deployment (TCDTID) as part of the U.S. Department of Transportation's University Transportation Center (UTC) Program. The proposed Transportation Center would bring together CMU and Penn's unparalleled international capabilities in the application of sensor technology, digital controls, database and algorithm development, and public-policy-oriented information technology to the pressing transportation investment and systems management challenges now facing the U.S.

Among the challenges the proposed Center would take up:

1. The application of sensor technologies linked to database updating and data-mining to assess the real-time use and performance of key transportation infrastructure systems, including interstate and arterial roadways, bridges and overpasses, rail facilities, fixed-route public transit systems, and transit vehicles. By determining facility usage patterns in light of key design and performance specifications, it should be possible to better manage their use and to anticipate modest maintenance and upgrading needs in order to avoid more costly repairs, facility replacement, or in the worst of situations, facility failure.
2. The deployment of system-wide "Next Vehicle" information, control, and communications systems: (1) to inform public transportation users of anticipated (real-time) vehicle arrival times and schedules via station/stop signs and personal smartphones; (2) to predict, sense, and anticipate the emergence of worsening traffic congestion bottlenecks, and direct drivers to alternative routes in a manner that alleviates system-wide congestion and doesn't just move it from one facility to another; (3) to improve logistic operations in freight transport (truck and train) by monitoring real-time vehicle and shipment locations, comparing them to scheduled locations; and suggesting changes in vehicle and routing choices to reduce cumulative delays; and (4) to enable more widespread use of vehicle to vehicle and vehicle to infrastructure communication for collision avoidance to vastly improve safety in our transportation systems.
3. The creation of databases which continually update and analyze vehicle (and pedestrian) accident information to identify accident-prone locations and facility links based on real-time system use and circumstances (e.g., weather, time-of-day); as well as system design and capacity issues; and the development of system management algorithms to reduce individual and system-wide accident probabilities.
4. The development of advanced decision-making criteria and tools which can be used to quickly and accurately identify how individual facility investments (e.g., road expansions, transit extensions, bus route realignments) are likely to affect short and long-term system performance. This will enable metropolitan and community transportation planners to prioritize individual projects in the context of multi-modal system performance.

Penn and CMU really are an unbeatable combination. At the University of Pennsylvania, faculty researchers in the School of Engineering and Applied Science's GRASP (General Robotics, Automation, Sensing and Perception) Lab and PRECISE Center for Embedded Computing and Integrated Systems have pioneered the use of sensor technologies, digital control systems, and hybrid (human and robotic) control systems to address a wide variety of engineering and facilities problems. Additional faculty in Penn's School of Design and Wharton School bring years of experience in analyzing and evaluating alternative transportation policies and investments. Faculty and professional researchers at Carnegie Mellon University's Robotics Institute, Vehicle Information Technology Collaborative Research Lab, and Traffic 21 Initiative, are recognized as national leaders and innovators in the use of digital technologies and control systems to improve human-machine interactions; make vehicle travel safer, more reliable, and efficient; and develop cost-effective regional and community-based traffic management systems.

For more information on the proposed Pennsylvania Transportation Center for Digital Technology Innovation and Deployment, please contact Whitney Morton (emorton@pobox.upenn.edu) or Professor George Pappas (pappasg@seas.upenn.edu) at the University of Pennsylvania; and Debbie Tekavec (dtekavec@andrew.cmu.edu) or Professor Richard Stafford (rstaff@andrew.cmu.edu) at Carnegie Mellon University.

# Scranton, PA, Listening Session, March 25, 2011, Testimony for the Record

**U.S. HOUSE OF REPRESENTATIVES**
**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

***Improving and Reforming our Nation's Surface Transportation Programs: Scranton, Pennsylvania Field Hearing***

**Talking Points by Dr. Martin T. Pietrucha, P.E., F.ASCE, F.ITE**

**Director, The Thomas D. Larson Pennsylvania Transportation Institute**
**and Professor of Civil Engineering**
**The Pennsylvania State University**

**Friday, March 25, 2011**
**9:00 AM**
**City Council Chamber, Scranton City Hall**
**Scranton, PA**

- In the Transportation Research Board publication, "The Federal Investment in Highway Research," the authors state:

  *Despite the progress made in overall funding under SAFETEA-LU, highway research programs are significantly underfunded compared with the level of investment in industry. Public and private highway research is funded at only about one-quarter the level of industrial research and development in the United States (highway RD&T represents only 0.9 percent of revenues provided to highway agencies, whereas industrial investment in RD&T is equivalent to 3.3 percent of revenues earned from sales).*

- Investment in surface transportation research needs to continue at current levels and consideration should be given to increasing this level of investment.

- Investment needs to be made in training of the transportation professionals and transportation leaders of the future.

- America's colleges and universities stand ready to provide effective programs of advanced research, education, and training.

- Beyond the provision transportation research and education activities, there needs to be a structure in place that provides a framework for the administration and management of such a large enterprise.

- The University Transportation Centers Program, which is administered by the Research and Innovative Technology Administration of the U.S. Department of Transportation, provides that framework.

- Congress created this program to provide adequate funding for sustaining transportation research and providing for the education of our future transportation workforce.

- I urge you to make meaningful provisions to increase the support for university-based transportation research and development.

- Further, I also urge you to support the continuation of the University Transportation Centers Program as this will provide the necessary organization and structure to maximize the potential of university-based transportation research and education.

NORTHEAST PENNSYLVANIA CENTER FOR INDEPENDENT LIVING

FORGING PATHWAYS TO INDEPENDENCE
NE PA CIL

1142 Sanderson Avenue
Suite 1
Scranton, PA 18509-2623

**TESTIMONY FOR LISTENING SESSION**
**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**
**KEITH WILLIAMS**
**COMMUNITY ORGANIZER**
**NORTHEAST PENNSYLVANIA CENTER FOR INDEPENDENT LIVING**
**MARCH 25, 2011**

Good morning. My name is Keith Williams, and I am Community Organizer for the Northeast Pennsylvania Center for Independent Living in Scranton, Pennsylvania. My organization advocates for, and provide services to people with disabilities in sixteen counties. I am also a member of the Transportation Alliance of Pennsylvania, which promotes equal access in all transit options for people with disabilities.

I want to express my appreciation to the Committee on Transportation and Infrastructure for the opportunity to testify today. I speak not only as an advocate, but as a person with a lifelong physical disability who has used paratransit services for twenty four years to maintain full time employment.

Transportation is the key component for everyday activities, and is particularly crucial for people with disabilities. We've made progress regarding home and community based services, which allow us to live in the setting of our choice but our potential to fully participate in society can be curtailed by limited accessible, affordable transportation.

Support for mass transit funding is needed. The Americans with Disabilities Act (ADA) of 1990 requires that busses now be accessible. Appropriations must include capital funding to purchase new fleets, and operational expense funds to maintain them. This could be accomplished with a new version of the Transportation Equity Act for the 21st Century, which helped providers meet the needs of people with disabilities in the 1990s.

In many areas, Pennsylvanians with disabilities are unable to cross county lines while using paratransit services. Advocates successfully brought about the Rural Shared-Ride program, which uses PENNDOT funding to provide transportation to areas outside fixed routes. However, consumers still have

www.nepacil.org Phone (570) 344-7211 Fax (570) 344-7218

limited options regarding their destinations. I recommend that consideration be given to funding providers to cross county lines for all of their passengers. These programs can incorporate private providers as well.

Finally, Americans want Congress to focus on job creation. People with disabilities agree. We are increasingly becoming better educated, trained in a variety of skills, and are job ready. Ironically, we represent the largest segment of the unemployed population. Once again, the lack of transportation is a major factor. Our trend toward service and information technology industries frequently require employees to work nights and weekends. These are precisely the times when public transportation is limited or non-existent. We need monies to augment existing services which will expand hours and availability of services.

In closing, I repeat my thanks for being able to provide this testimony. You must realize that people with disabilities are not a special interest group. Rather, we're a vital segment of society. We vote, and want to contribute to the strengthening of America.

○