

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING A
REGIONAL POSITION ON FEDERAL
TRANSPORTATION POLICY

) RESOLUTION NO. 13- 4489
)
) Introduced by Councilor Collette, Chair of the
) Joint Policy Advisory Committee on
) Transportation

WHEREAS, Moving Ahead for Progress in the 21st Century (MAP-21) was adopted by Congress in 2012 for the period encompassing federal fiscal years 2013 and 2014;

WHEREAS, MAP-21 is scheduled to expire at the end of federal fiscal year 2014 (September 30, 2014);

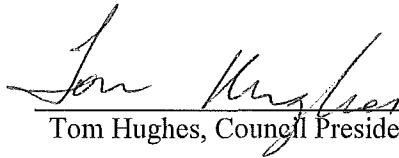
WHEREAS, MAP-21 has a significant policy effect on transportation planning and decision-making and funding in the Portland metropolitan region; and

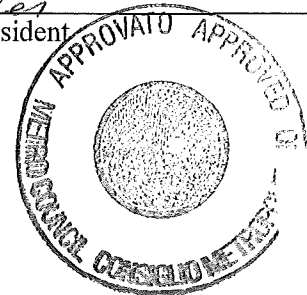
WHEREAS, the Joint Policy Advisory Committee on Transportation approved the resolution at its December 12, 2013 meeting; now therefore

BE IT RESOLVED that the Metro Council:

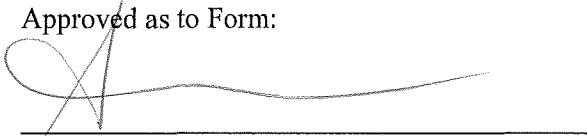
1. Supports a significant increase in transportation user fees to support reauthorization of MAP-21 both to eliminate the need for a subsidy of the Highway Trust Fund from the General Fund and to increase the level of federal investment in transportation.
2. Supports a priority federal interest in funding for metropolitan mobility in recognition of the economic significance of metropolitan regions.
3. Endorses the policy position reflected in Exhibit A.

ADOPTED by the Metro Council this 19 day of December 2013.


Tom Hughes, Council President



Approved as to Form:


Alison R. Kean, Metro Attorney

Federal Transportation Policy Positions

1. **Continue to advocate** for a substantial increase in funding with particular emphasis on funding categories that support metropolitan mobility (STP and CMAQ), active transportation (STP, CMAQ and Transportation Alternatives), transit in general and New Starts in particular, Projects of National and Regional Significance and TIFIA, a dedicated funding source for multi-modal freight projects, restoration of a dedicated bridge program and sufficient resources to meet MPO mandates.
2. **Advocate** for recognition in national transportation policy of the fact that Active Transportation options (including transit which involves walking to and from transit stops) improve health and reduce the long-term need for health care services which are a major driver of budget deficits which the federal government is attempting to rein in.
3. **Continue to advocate** for appropriations to implement the Projects of National and Regional Significance (PNRS) and expand the TIFIA programs and seek funding under these programs for the Columbia River Crossing project and other nationally significant projects.
4. **Advocate** for the recommendation of the House Transportation and Infrastructure Committee to establish a dedicated, sustainable funding source for freight projects of national and regional significance for a competitive grant program. **Investigate** creation of a national Office of Freight.
5. **Continue to advocate** for provisions in the federal authorization bill that support a “Fix-it-First” asset management policy.
6. **Continue to advocate for a stand-alone bridge repair and replacement program.** Support flexibility in allowing local governments to invest in the highest-priority bridge projects on or off the federal-aid system (rather than a 15% minimum set-aside for bridges off the federal aid system).
7. Continue to pursue state mandates for addressing climate change and **advocate for federal adoption** of our demonstrated best practices.
8. Continue to monitor federal legislation to **ensure eligibility for electric vehicle charging stations is maintained for electric charging equipment and extended to CNG equipment.**
9. **Advocate in support of HR 3638** – to establish the “Road User Fee Pilot Program” through the Secretary of the Treasury to fund grants to conduct pilot studies of transportation fees based upon vehicle miles traveled; seek an implementation grant upon adoption.
10. **Advocate for reauthorization** of the Passenger Rail Investment and Improvement Act (PRIIA). Allow federal highway funding flexibility to support passenger rail projects and service.
11. **Advocate in support of appropriations** to operate AMTRAK service rather than shift the financial burden to states.
12. **Continue to advocate for substantially increased transit funding** through increases in the Highway Trust Fund, particularly for the Major Capital Improvement Program (New Starts, Small Starts, Core Capacity).

13. **Continue to advocate for increased funding for Active Transportation** through increased funding in the Transportation Alternatives Program and through expansion of the Safety Program to all modes of travel.
14. **Continue to advocate** for University Transportation Research grants on a competitive basis.
15. **Advocate for inclusion** of disaster preparedness retrofits in funding eligibility for State of Good Repair and advocate for additional funding due to expected increase in frequency of weather-related events.
16. **Advocate for continued funding** through the Department of Homeland Security's "Urban Areas Security Initiative" to improve collaboration on planning, training and operations in high density urban areas based upon degree of risk regardless of size.
17. **Advocate for HR 3494**, the "Bicycle and Pedestrian Safety Act," calling for establishment of separate safety performance measures for motorized and non-motorized modes of transportation.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 13- 4489, FOR THE PURPOSE OF ENDORISING A REGIONAL POSITION ON FEDERAL TRANSPORTATION POLICY

Date: December 2, 2013

Prepared by: Andy Cotugno (xt. 1763)

BACKGROUND

The region annually produces a position paper that outlines the views of the Metro Council and the Joint Policy Advisory Committee on Transportation (JPACT), a regional body that consists of local elected and appointed officials, on issues concerning transportation funding that are likely to be considered by Congress during the coming year. In 2012, after significant delay, Congress enacted a short-term (two year) bill that extended status quo funding levels and no earmarks. In addition, MAP-21 adopted a number of progressive changes including revising the program structure to consolidate multiple programs into a few broad categories with decision-making delegated to state DOTs and MPOs and new emphasis on performance measures and accountability rather than multiple categories of projects tied to specific funding amounts in specific programs.

USDOT is in the process of a significant amount of rulemaking to implement MAP-21 while the short two-year extension expires September 30, 2014. In addition, there continues to be significant attention in Congress to cutting the budget deficit. Reauthorization of the transportation program is intertwined with the budget deficit issues since MAP-21 relied on a subsidy from the general fund for over 30% of its two-year funding level. Further, as fuel economy continues to improve the need for a general fund subsidy into the future is a growing amount. The main source of highway trust fund revenue (federal taxes on motor fuels) keeps falling as drivers log fewer miles and increasingly opt for more fuel-efficient cars and trucks. Ultimately, Congress must raise new or increased fees and taxes just to avoid decreased revenue due to fuel efficiency and reduced vehicle travel. The federal gas and diesel taxes have not been increased since 1993.

As part of this debate, it will be important for the region to articulate the following basic messages:

1. Transportation supports economic prosperity, community livability and environmental quality in the Portland region.
2. Investment in infrastructure = economic prosperity.
3. In the short term, increased transportation user fees contributes towards reduction of the budget deficit by eliminating the need for the general fund to subsidize the Highway Trust Fund.
4. In the long term, increased investment in transportation infrastructure contributes to greater economic prosperity, increased tax collections and long term budget deficit reduction.
5. In the short term, increases in traditional transportation user fees is needed (such as the gas/diesel tax or a barrel tax) and in the long term a more robust source of revenue for transportation is needed (such as a VMT Fee).

The local and regional governments of the Portland metropolitan area and the State of Oregon have worked together for many years to build a prosperous, sustainable and livable region. To accomplish this, they have raised needed transportation revenues and continue to consider further actions. The federal government, as a partner in transportation investment, needs to do the same.

Resolution No. 13-4489 establishes a regional policy position to pursue through the reauthorization of MAP-21. By far, the priority issue is to address the overall funding level. However, as opportunity presents itself, the region should pursue specific policy objectives endorsed in the resolution. Attachment A to this staff report is a full explanation of the policy positions reflected in the Exhibit to the Resolution.

ANALYSIS/INFORMATION

1. **Known Opposition:** Increasing federal transportation funding is controversial and intertwined with the larger federal budget debate.
2. **Legal Antecedents:** Planning and policy conclusions developed through corridor and area plans must be adopted into the Regional Transportation Plan as a prerequisite for implementation. Federal funding to implement specific projects must be included in the Metropolitan Transportation Improvement Program.
3. **Anticipated Effects:** This action establishes a common regional message to the Oregon Congressional Delegation.
4. **Budget Impacts:** Travel expenses to Washington DC are the primary expense. Federal funds cannot be used for lobbying the federal government.

RECOMMENDED ACTION

Recommend adoption of Resolution No. 13-4489

Analysis of the region's position on the reauthorization of federal transportation legislation

Metro and JPACT adopted Resolution No. 09-4016 as a comprehensive statement on reauthorization of federal transportation legislation in anticipation of Congressional action on a new 6-year bill. However, Congress chose to adopt a 2-year bill for the period encompassing federal fiscal years 2013 and 2014 (expiring September 30, 2014). "Moving Ahead for Progress in the 21st Century" (MAP-21) did some significant reorganization of the federal funding programs, established new policy and requirements and continued the program at roughly a status quo funding level. Under MAP-21, many of the region's past positions are moot, others merit continued attention and support and new ones are implicated by the changes.

However, the most significant issue is the funding level for MAP-21. By maintaining a status quo funding level, the Congress de facto established a requirement for a general fund subsidy that will increase on an annual basis since dedicated trust fund revenues are insufficient to support the funding level established through MAP-21. Further, there is a strong case for an increased funding level to actually more closely meet the need for transportation investment. As MAP-21 is renewed and extended, there should be significant focus on increasing trust fund revenues to eliminate the need for a general fund subsidy and to increase the overall program level. Increasing trust fund revenues is essential for preserving spending for transportation since continued reliance on a general fund subsidy leads to continued reductions as the competition for general fund dollars intensifies. Further, reducing the level of transportation spending by one-third to the level supported by the trust fund revenues is not an option. This drastic a cut is considered too great an economic impact and at least maintaining current level was settled through MAP-21.

This is the most important element of any federal legislative priority because of the negative consequence of disinvestment on the condition of transportation facilities and the economic impact on freight and metropolitan economies.

Presented below is an analysis of issues previously adopted as regional priority issues by Resolution No. 09-4016 and whether further action under a renewed and extended MAP-21 may be warranted. The purpose is to seek guidance from JPACT on development of a regional position for the upcoming federal action.

Position established by Resolution No. 09-4016	Analysis and recommendation
Funding: Advocate for a substantial increase in funding level	MAP-21 adopted a continuation of status quo funding level with approximately one-third of the funding dependent upon transfers from the General Fund. Recommendation: Continue to advocate for a substantial increase in funding with particular emphasis on funding categories that support

	metropolitan mobility (STP and CMAQ), active transportation (STP, CMAQ and Transportation Alternatives), transit in general and New Starts in particular, Projects of National and Regional Significance and TIFIA, a dedicated funding source for multi-modal freight projects, restoration of a dedicated bridge program and sufficient resources to meet MPO mandates.
Metropolitan Mobility: Pursue funding that supports metropolitan mobility as a significant federal interest in support of the national economic importance of large metro areas	<p>MAP-21 did not establish an important new metropolitan mobility focus. Rather, the key federally significant feature of MAP-21 is that the largest funding category in the highway program is for “National Highway System” (NHS) as the backbone of the national transportation program. This expands upon the Interstate system as the centerpiece of the national interest. Elements of the bill are supportive of metropolitan mobility since the NHS is for facilities to and through metro regions and there is a continuation of important complimentary funding programs that support metropolitan mobility objectives, including the Surface Transportation Program (STP), the Congestion Mitigation/Air Quality Program (CMAQ) and the New Starts program for transit.</p> <p>Recommendation: Adjust advocacy in support of the principle of metropolitan mobility as a national interest and support increased funding for categories that are directed at metropolitan mobility, especially STP, CMAQ, TAP, New Starts and transit.</p>
National Health Care Policy	<p>The Congress and the country are immersed in implementation of the Affordable Care Act which addresses health care services to the public. At the same time, public health officials and transportation agencies are developing a growing understanding of the link between Active Transportation as a means to support safe and healthy communities thereby avoiding health care costs.</p> <p>Recommendation: Advocate for recognition in national transportation policy of the fact that Active Transportation options (including transit which involves walking to and from transit stops) improve health and reduce the long-term need for health care services which are a major driver of budget deficits which the federal government is attempting to rein in.</p>
Mega-Projects: Pursue the creation of a federal discretionary program to fund nationally significant highway projects as a parallel to the Federal Transit program for New Starts	MAP-21 included authorization of \$500 million per year for “Projects of National and Regional Significance” (PNRS) but has not chosen to appropriate funds to implement the program. In addition, MAP-21 increased the funding level for TIFIA credit assistance seven-fold to \$750 million to \$1 billion. As a credit enhancement tool, this amount will leverage financing for about \$17 billion in loans and other forms of credit enhancement.

	<p>Recommendation: Continue to advocate for appropriations to implement the PNRS and expand the TIFIA programs and seek funding under these programs for the Columbia River Crossing project and other nationally significant projects.</p>
<p>Freight: Establish a program to address the movement of freight</p>	<p>MAP-21 did not establish a specific freight funding program but did take some important policy steps in support of freight, including the requirements for a freight advisory committee at the federal and state levels and adoption of state freight plans.</p> <p>Recommendation: Advocate through the requirement for a federal freight strategic plan for a dedicated multi-modal funding program to address freight. Support the recommendation of the House Transportation and Infrastructure Committee to establish a dedicated, sustainable funding source for freight projects of national and regional significance for a competitive grant program. Investigate creation of a national Office of Freight. Work with ODOT to meet the new freight policy requirements.</p>
<p>State of Good Repair: Provide funding to maintain and rehab the transportation system with program requirements tied to the condition of the system</p>	<p>MAP-21 took a significant step toward emphasizing State of Good Repair as a central element of the National Highway Performance Program and creation of a rationalized transit State of Good Repair Program. Decision-making and funding penalties are tied to meeting performance standards on the condition of the system.</p> <p>However, MAP-21 took a major step backward by eliminating the Highway Bridge Repair and Replacement Program while leaving these projects eligible to compete for funding through the NHPP and STP programs. While ODOT has maintained the level of funding dedicated to state and local bridges, elimination of the federal program reduces the federal emphasis.</p> <p>Further, MAP-21 maintained the requirement to spend a certain amount on bridges <u>off</u> the federal-aid system which are the lowest priority bridges for which Oregon has limited needs. In addition, S. 1504 proposes to increase this minimum spending requirement on the lowest priority category of bridges.</p> <p>Recommendation: Continue to advocate for provisions in the federal authorization bill that support a “Fix-it-First” asset management policy.</p> <p>Recommendation: Work with ODOT, TriMet and local governments to establish and implement road and bridge condition measures that link to plans and funding decisions.</p> <p>Recommendation: Continue to advocate for a stand-alone bridge repair and replacement program. Support increased flexibility in allowing local governments to invest in the highest-priority bridge projects on or off the federal-aid system.</p>

<p>Climate Change: Advocate for clear integration with federal climate change policy with requirements for reductions in greenhouse gases tied to the performance of the overall system, not individual projects.</p>	<p>Congress has not adopted climate change policy although they have spent significant amounts on disaster relief for events such as Super Storm Sandy.</p> <p>Recommendation: Continue to pursue state mandates for addressing climate change and advocate for federal adoption of our demonstrated best practices.</p>
<p>Alternative fuels Fleet: Support efforts to accelerate implementation of electric and compressed natural gas vehicles while shifting from a gas tax to a VMT Fee.</p>	<p>STP and CMAQ funds can be used for installation of electric vehicle charging stations. Oregon has experience in this application. CNG equipment eligibility would need to be provided.</p> <p>Recommendation: Continue to monitor to ensure eligibility is maintained for electric charging equipment and extended to CNG equipment. [Also see VMT fee recommendations below]</p>
<p>VMT Fee: Advocate for the federal government to take steps toward implementing a VMT Fee system, including R&D, system design and requirements for installation of devices in new vehicles.</p>	<p>Congress has not taken any further steps toward a VMT Fee although Congressman Blumenauer has introduced a legislative proposal HR 3638 – the Road User Fee Pilot Program - directing the Department of the Treasury (since it is a tax collection issue) to award competitive grants throughout the US for road user fee pilot projects based upon vehicle miles traveled. Meanwhile, Oregon has carried out two pilot projects (the first to test the technology and public reaction and the second to test multiple collection mechanisms). ODOT is currently implementing the nation’s first VMT fee (limited to 5000 participants on a voluntary basis) and building the tax collection system.</p> <p>Recommendation: Advocate in support of Congressman Blumenauer’s proposed HR 3638 – the “Road User Fee Pilot Program;” seek an implementation grant upon adoption.</p>
<p>Intercity Passenger Rail: As one of 10 designated High Speed Rail Corridors (from Eugene to Vancouver, BC), advocate for increased funding for capital costs of high speed rail expansion and operating cost of AMTRAK.</p>	<p>Congress appropriated funds for several years and awarded grants for high speed rail projects including \$800 million for track improvements in the State of Washington, funding to Oregon for an added locomotive and train set and for development of an environmental assessment of the corridor from Eugene to the Columbia River. AMTRAK funding continues to be unstable and has suffered funding cuts.</p> <p>Recommendation: Advocate for reauthorization of the Passenger Rail Investment and Improvement Act (PRIIA). Allow federal highway funding flexibility to support passenger rail projects and service.</p> <p>Recommendation: Advocate in support of appropriations to operate AMTRAK service rather than shift the financial burden to states.</p>

<p>Transit and Greenhouse Gases: Based upon the National Commission on Transportation Funding, the region endorsed increasing federal transit funding by more than doubling current levels and shifting the program to be fully funded through the Highway Trust Fund. It specifically supported this significant increase targeted at New Starts, service for aging and disabled citizens, State of Good Repair and in support of metropolitan economies and to assist with meeting energy and climate change requirements. The region also supported consolidating a number of small, miscellaneous programs.</p>	<p>MAP-21 increased the overall level of transit funding to Oregon by about 20%, revised and consolidated the program structure of the funding and converted a discretionary program (for Good Repair) into a more favorable formula program. New Starts remains a significant discretionary program and there are significant new requirements to address safety of the transit system (with projects to be funded through the already established funding categories).</p> <p>Recommendation: Continue to advocate for substantially increased transit funding through increases in the Highway Trust Fund.</p> <p>Recommendation: Work with TriMet to participate in the FTA rulemaking process to implement new requirements.</p>
<p>New Starts/Small Starts/ Core Capacity: continued the New Starts program with some advantageous changes in details such as a more rational cost-effectiveness measure, but also added more competition for the same funds with the addition of the Core Capacity program.</p>	<p>New Starts continues to be an important program for this region. 5 of the 6 light rail projects, WES, and the latest Streetcar project all were funded by New Starts or its predecessor program. BRT projects would also be eligible for this program.</p> <p>Recommendation: Continue to advocate for significantly higher funding levels for the Major Capital Improvement Program (New Starts, Small Starts, Core Capacity).</p>
<p>Walking and Cycling: Advocate in support of the Rails-to-Trails proposal to double funding for Active Transportation through a program that would fund a \$50 million program in 40 major metropolitan areas.</p>	<p>MAP-21 <u>did not</u> implement the Rails-to-Trails proposal. In fact, it consolidated the previous Transportation Enhancement, Safe Routes to Schools and Recreational Trails programs in a new Transportation Alternatives program at a funding level reduced for Oregon by 38%.</p> <p>Recommendation: Continue to advocate for increased funding for Active Transportation through increased funding in the Transportation Alternatives Program and through expansion of the Safety Program to all modes of travel.</p>
<p>University Transportation Research Centers: Advocate in support of continued research grants for University</p>	<p>The Oregon Transportation Research and Education Consortium (OTREC) was successful at securing an earmarked research grant from SAFETEA-LU providing it with the capacity to carry out research projects requiring a 50% match. Subsequently, it has transitioned to the</p>

Transportation Centers.	<p>National Institute for Transportation and Communities and secured two additional grants on a competitive basis. This has resulted in completion of significant research projects in cooperation with ODOT and agencies throughout the Metro region. The research center is housed and managed out of Portland State University but is a cooperative effort with University of Oregon, Oregon State university, Oregon Institute of Technology, University of Utah and University of South Florida.</p> <p>Recommendation: Continue to advocate for University Transportation Research grants on a competitive basis.</p>
New Issues from MAP-21:	
Strategic Highway Safety Plans:	<p>MAP-21 consolidated and expanded several safety funding programs with new requirements for a Highway Safety Improvement Program that is tied to performance measures and is more project specific than the current safety plan. In addition, the newly expanded program is intended to address safety issues throughout the road and street system, not just on the state highway system. It is ODOT's intent to expand their safety program to cover local government concerns and all modes of travel.</p> <p>Recommendation: Monitor USDOT rulemaking and work with ODOT to implement the new requirements.</p>
Disaster Preparedness:	<p>There is a growing awareness of the need to retrofit the existing transportation system to be more resistant to disasters, including earthquake, tsunami, terrorism and the impacts on more frequent flood and fire due to climate change.</p> <p>Recommendation: Advocate for inclusion of disaster preparedness retrofits in funding eligibility for State of Good Repair and advocate need for additional funding due to expected increase in frequency of weather-related events.</p> <p>Recommendation: Advocate for continued funding through the Department of Homeland Security's "Urban Areas Security Initiative" to improve regional collaboration on planning, training and operations for responding to disasters in high density urban areas based upon degree of risk regardless of size.</p>

<p>Performance Measures:</p>	<p>MAP-21 created a significant and complex system of required performance measures tied to federal funding categories and federal requirements linking the measures to long range plans and program funding decisions. National goals are established in the following areas:</p> <ul style="list-style-type: none"> • Safety • Infrastructure condition • Congestion • Reliability • Freight movement • Environmental Sustainability • Reduced project delivery delays <p>In certain of these areas, MAP-21 defined specific measures. In other areas, it required USDOT, state DOTs and MPOs to establish measures and targets to be achieved. Further, it built certain minimum spending requirements into the federal programs with penalties for not meeting targets. Finally, it required disclosure as part of the long range planning process and transportation improvement programming process on the status of achieving these measures and the expected impact on these measures from the plan and project funding decisions.</p> <p>Recommendation: Advocate in support of HR 3494 - the “Bicycle and Pedestrian Safety Act” - introduced by Congressman Blumenauer, to require establishment of highway safety performance measures for both motorized and non-motorized transportation.</p> <p>Recommendation: Advocate through the USDOT rulemaking process for establishment of performance measures that are multi-modal in nature and are linked to broader land use and economic outcomes being pursued in the region. The Regional Transportation Plan includes such a comprehensive performance measures framework.</p> <p>Recommendation: Advocate through the USDOT rulemaking process for safety performance measures by mode of travel to better highlight bike/walk injuries and fatalities.</p> <p>Recommendation: Advocate for adequate resources to meet these new federal mandates.</p>
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