

# Coalition for America's Gateways and Trade Corridors

ACS Transportation Solutions

AECOM

Alameda Corridor-East Construction Authority

American Standard Companies

Cascadia Center

CenterPoint Properties Trust

Chicago Metropolitan Agency for Planning

City of Chicago

City of Industry, A Municipality

Delaware Valley Regional Planning Commission

Economic Development Coalition of Southwest Indiana

FAST Corridor Partnership (Seattle-Tacoma-Everett)

Florida East Coast Railway

Florida Ports Council

Gateway Cities Council of Governments

HELP, Inc.

HERZOG

Intermodal Association of North America

Jacobs Engineering

Kern Council of Governments

Kootenai Metropolitan Planning Organization

Los Angeles County Metropolitan Transportation Authority

Los Angeles Economic Development Corporation

Majestic Realty Co.

Maricopa Association of Governments

Maryland Department of Transportation

Maryland Port Administration

Memphis Chamber of Commerce

Metropolis Strategies

Mississippi State Department of Transportation

## CAGTC summary of freight provisions in

## Moving Ahead for Progress in the 21<sup>st</sup> Century

*Passed by House 06/29/12*

*Passed by Senate 06/29/12*

*Signed by President TBD*

### In General

- Duration: 27 months, expiring on October 1, 2014
- Funding: \$105 billion over two years
- Consolidation: Reduces the number of highway programs by two-thirds
- Project Streamlining: Allows for categorical exclusions under NEPA, including the repair of infrastructure damaged during emergencies and projects receiving limited Federal assistance

### Freight Provisions (in brief)

- Policy
  - National freight policy (Division A, Title I, Subtitle A, Sec. 1115)
  - State freight advisory committees (Division A, Title I, Subtitle A, Sec. 1117)
  - State freight plans (Division A, Title I, Subtitle A, Section 1118)
- Funding
  - Prioritization of projects to improve freight movement (Division A, Title I, Subtitle A, Sec. 1116)
  - Projects of National and Regional Significance (Division A, Title I, Subtitle A, Section 1120)

### Expanded Descriptions of Freight Provisions

#### *National freight policy*

(Division A, Title I, Subtitle A, Sec. 1115)

*Background: This language was taken from the Senate Environment & Public Works Committee's MAP-21, which was introduced in the fall of 2011. Per the EPW Committee's jurisdiction, this is a road-focused freight policy.*

Establishment of policy: It is the policy of the United States to improve the condition and performance of the national freight network to ensure that the national freight network provides the foundation for the United States to compete in the global economy and achieve the following goals:

1. Invest in infrastructure improvements and to implement operational improvements that strengthen the contribution of the national freight network to the economic competitiveness, reduce congestion; and increase productivity, particularly for domestic industries and businesses that create high-value jobs;

National Corn Growers Association

National Railroad Construction and Maintenance Association

Ohio Kentucky Indiana Regional Councils of Government

Orange County Transportation Authority

Oregon Department of Transportation

Parsons

Parsons Brinckerhoff

Port Authority of New York/New Jersey

Port of Long Beach

Port of Los Angeles

Port of Miami

Port of Oakland

Port of Pittsburgh

Port of Portland, OR

Port of San Diego

Port of Seattle

Port of Tacoma

Port of Vancouver USA

Puget Sound Regional Council

RAILCET

Riverside (Calif.)

County Transportation Commission

San Bernardino Associated Governments

SANDAG - San Diego Association of Governments

Seattle Department of Transportation

Southern California Association of Governments

Tennessee Department of Transportation

Virginia Port Authority

Washington State Department of Transportation

West Coast Corridor Coalition

Will County Center for Economic Development

2. Improve the safety, security, and resilience of freight transportation;
3. Improve the state of good repair of the national freight network;
4. Use advanced technology to improve the safety and efficiency of the national freight network;
5. Incorporate concepts of performance, innovation, competition, and accountability into the operation and maintenance of the national freight network;
6. Improve the economic efficiency of the national freight network; and
7. Reduce the environmental impacts

Establishment of a “National Freight Network”: Within one year of passage, the Secretary of Transportation shall establish a National Freight Network to assist States in strategically directing resources toward improved system performance for efficient movement of freight on highways, including national highway system, freight intermodal connectors and aerotropolis transportation systems.

The National Freight Network shall consist of the following:

- A Primary Freight Network based on an inventory of national freight volume (inventory to be conducted by FHWA, in consultation with system stakeholders). The Primary Freight Network will be no more than 27,000 centerline miles of existing roadways that are most critical to freight movement. The Secretary can add up to 3,000 additional centerline miles critical to *future* movement of freight on the primary network. The Secretary must redefine the Primary Freight Network every ten years.
- Portions of the Interstate System not designated as part of the Primary Freight Network.
- Critical rural freight corridors.

Establishment of a “National Freight Strategic Plan”:

Within three years of passage, the Secretary of Transportation, in consultation with State DOTs and other stakeholders, must develop a National Freight Strategic Plan. The plan must be updated every five years thereafter. The plan must be posted on DOT’s website and include:

- An assessment of the condition and performance of the national freight network,
- Identification of significant bottlenecks on 20-year forecasts of freight volumes for a 20 year period,
- Identification of major freight corridors, an assessment of regulatory/statutory/financial barriers that impede freight system performance,
- Best practices for improving performance of freight network,
- Best practices to mitigate impacts of freight movement on communities,
- A process for addressing multistate projects and encouraging multi-jurisdictional collaboration, and
- Strategies to improve intermodal connectivity.

Freight Transportation Conditions and Performance Reports: Within two years of passage, and every two years following, the Secretary of Transportation shall prepare a report that contains a description of the conditions and performance of the national freight network.

Definition of Aerotropolis Transportation System: This section defines an ‘aerotropolis transportation system’ as a planned and coordinated multimodal freight and passenger transportation network that, as determined by the Secretary, provides efficient, cost-effective, sustainable, and intermodal connectivity to a defined region of economic significance centered around a major airport.

## ***State Freight Advisory Committees***

(Division A, Title I, Subtitle A, Sec. 1117)

*Background: This language was taken from the House Transportation & Infrastructure Committee's Energy and Infrastructure Jobs Act (H.R.7), which passed the House Transportation & Infrastructure Committee in February 2012 but never received a full House vote.*

Each state shall be *encouraged* by the US Secretary of Transportation to establish a freight advisory committee made up of public and private freight stakeholders. The role of the Freight Advisory Committees is to advise the State on freight priorities and projects, facilitate information sharing, and assist in the development of the State Freight Plan.

## ***State Freight Plans***

(Division A, Title I, Subtitle A, Section 1118)

*Background: This language was taken from the House Transportation & Infrastructure Committee's Energy and Infrastructure Jobs Act (H.R.7), which passed the House Transportation & Infrastructure Committee in February 2012 but never received a full House vote.*

The Secretary shall *encourage* each state to develop a plan containing immediate and long-range planning activities and investments for freight. The plan shall include system trends, a description of policies that guide planning, an inventory of facilities with freight mobility issues, and how the plan will improve the ability of the state to meet national freight goals.

The State Freight Plan may be developed separate from or incorporated into the statewide strategic long-range transportation plan required by section 135 of title 23, United States Code.

## ***Prioritization of projects to improve freight movement***

(Division A, Title I, Subtitle A, Sec. 1116)

*Background: This language did not appear in the Senate's MAP-21 proposal, the House Transportation & Infrastructure Committee's Energy and Infrastructure Jobs Act (H.R.7), nor the House-passed H.R. 4348.*

The Secretary may increase the Federal share payable for any project to 95 percent for projects on the Interstate System and 90 percent for any other project if the Secretary certifies that the project meets the requirements of this section.

**Eligibility:** To be eligible for the increased Federal funding share under this section, a project shall—

1. demonstrate the improvement made by the project to the efficient movement of freight, including making progress towards meeting performance targets for freight movement established under section 150(d) of title 23, United States Code; and
2. be identified in a State freight plan developed pursuant to section 1118.

Eligible projects include (but are not limited to):

1. construction, reconstruction, rehabilitation, and operational improvements directly relating to improving freight movement;
2. intelligent transportation systems and other technology to improve the flow of freight;
3. efforts to reduce the environmental impacts of freight movement on the primary freight network;
4. railway-highway grade separation;

5. geometric improvements to interchanges and ramps.
6. truck-only lanes;
7. climbing and runaway truck lanes;
8. truck parking facilities eligible for funding under section 1401;
9. real-time traffic, truck parking, roadway condition, and multimodal transportation information systems;
10. improvements to freight intermodal connectors; and
11. improvements to truck bottlenecks.

### ***Projects of National and Regional Significance***

(Division A, Title I, Subtitle A, Section 1120)

*Background: The proposal to maintain a Projects of National and Regional Significance Program was in the Senate Environment & Public Works Committee's MAP-21, which was introduced in the fall of 2011. The language in the conference bill, however, is not the same language, nor is the program authorized to received the same amount of money as it was in the original MAP-21 proposal. The language in the conference bill makes changes to the language that appeared in SAFETEA-LU's PNRs program.*

Funding: Authorized to receive \$500 million through FY2013 appropriations; \$0 authorized for FY2014 appropriations.

#### Eligible Applicants:

(Note: Only State DOT's were listed as eligible applicants under SAFETEA-LU)

- A State department of transportation or a group of State departments of transportation;
- A tribal government or consortium of tribal governments;
- A transit agency; or
- A multi-State or multi-jurisdictional group of the aforementioned qualifying applicants.

#### Project Eligibility:

To be eligible for assistance under this section, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of:

(1) \$500,000,000; or

(2) 50 percent of the amount of Federal highway assistance funds apportioned for the most recently completed fiscal year to the State in which the project is located. (Note: SAFETEA-LU required 75 percent of the amount of Federal highway assistance funds apportioned)

Eligible Project costs:

(Note: retained from SAFETEA-LU)

- development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and
- construction, reconstruction, rehabilitation, and acquisition of real property (including land related to the **project** and improvements to land), environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

Eligible Project: (Note: retained from SAFETEA-LU) The term 'eligible project project' means any surface transportation project eligible for Federal assistance under title 23, United States Code, including freight railroad projects and activities eligible under such title.

Selection Criteria: (Note: retained from SAFETEA-LU) The Secretary may approve a grant only if the Secretary determines that the project:

- is based on the results of preliminary engineering;
- is justified based on the ability of the project –
  - to generate national economic benefits, including creating jobs, expanding business opportunities, and impacting the gross domestic product;
  - to reduce congestion, including impacts in the State, region, and Nation;
  - to improve transportation safety, including reducing transportation accidents, injuries, and fatalities;
  - to otherwise enhance the national transportation system; and
  - to garner support for non-Federal financial commitments and provide evidence of stable and dependable financing sources to construct, maintain, and operate the infrastructure facility; and
- is supported by an acceptable degree of non-Federal financial commitments, including evidence of stable and dependable financing sources to construct, maintain, and operate the infrastructure facility.

Selection Considerations: In selecting a project under this section, the Secretary shall consider the extent to which the project -

- Leverages Federal investment by encouraging non-Federal contributions to the project, including contributions from public-private partnerships;
- Improves roadways vital to national energy security (Note: this consideration replaced SAFETEA-LU's listing of projects using ITS systems to enhance efficiency); and
- Helps maintain or protect the environment.

Letters of Intent and Full Funding Grant Agreements:

**Congressional Approval** (Note: This Congressional Approval clause was not included in SAFETEA-LU): Not later than 30 days of the Secretary selecting a project, the Secretary shall submit a report that describes the reasoning for project selection to the House T&I Committee & Senate EPW Committee. These committees must have 60 days to review the Secretary of Transportation's proposed project selections, before the Secretary can issue a letter of intent, enter into a full funding grant agreement or make any other obligation or commitment to fund a project under this section. If a joint resolution of disapproval is enacted disapproving funding for the project before the last day of the 60-day period, the Secretary of Transportation may not issue a letter of intent.

Reporting: (Note: Reporting mandate was not included in SAFETEA-LU): Not later than two years after enactment, the Secretary of Transportation shall submit a report to the House T&I Committee & Senate EPW Committee regarding projects of national and regional significance to identify projects that:

- will significantly improve the performance of the Federal-aid highway system, nationally or regionally;
- are able to—
  - generate national economic benefits that reasonably exceed the costs of the projects, including increased access to jobs, labor, and other critical economic inputs;

- reduce long-term congestion, including impacts in the State, region, and the United States, and increase speed, reliability, and accessibility of the movement of people or freight; and
- improve transportation safety, including reducing transportation accidents, and serious injuries and fatalities; and can be supported by an acceptable degree of non- Federal financial commitments.

The report issued under this subsection shall include a comprehensive list of each project of national and regional significance that has been compiled through a survey of State departments of transportation, each project that has been classified as a project of national or regional significance, and financing recommendations.