

**Talking Points**  
**Congressional Meetings Re: Federal Surface Transportation Authorization**  
March 9-10, 2010

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While CSAC has identified seven overall priorities and principles to promote within a new federal surface transportation authorization, three of these priorities have taken precedence over the last year as draft legislation and ideas are being discussed in Congress. Our three top priorities are as follows:

**I. BRIDGES**

- There are over 590,000 bridges in the United States, with more than 50% owned and operated by local governments.
- 30% of bridges in the United States are at least 50 years old.
- According to a 2007 Congressional Report, \$78 billion is required to eliminate existing bridge deficiencies nationwide and this figure does not include future costs of preventive maintenance or repairs.
- Draft legislation approved by the Housing Transportation and Infrastructure Committee eliminates the Highway Bridge Program as a separate federal program. Fifteen percent of HBP funding must be set-aside for bridges not on the federal-aid system.
- Since its inception, the HBP has provided roughly \$77.6 billion for bridge repair and replacement activities, including a total of \$21.6 billion under SAFETEA-LU.
- According to the Federal Highway Administration, California received roughly \$2 billion in HBP funding over the life of SAFETEA-LU, including nearly \$500 million in fiscal year 2009.
- According to Caltrans, there are approximately 12,200 local bridges in California.
- The California Statewide Local Streets and Roads Needs Assessment found that, based solely upon projects identified by local agencies and approved by Caltrans for future federal funding, the local streets and roads bridge needs total \$2.6 billion. Of this amount, local agencies are required to finance 11.47 percent or approximately \$300 million.
- Under the draft legislation, former HBP projects would be eligible for funding under the Surface Transportation Program, but there would be no guarantee that funds would be spent on bridge projects.
- Because the HBP would no longer exist as a separate program under the House bill, the off-system set-aside requirement also would be eliminated.

- This funding – which has been in place since 1978 – is critical for California’s counties and as bridges provide critical links in the transportation system that serves a variety of mobility and commerce needs – including bridges that serve the agriculture, tourism, mining, and logging industries.
- Without a set-aside bridge funding program, how will bridge maintenance, repair, and capital projects compete (and MPOs prioritize) against severely underfunded transit needs or significant capacity enhancement projects on the State Highway system?
- We need some kind of minimum allocation to ensure that we don’t have another collapse such as was experienced in Minnesota a couple of years ago on I-35W.

## **II. STREAMLINE THE REGULATORY AND PROJECT DELIVERY PROCESS**

- California’s counties are committed to upholding our environmental stewardship responsibilities.
- However, the lack of cost controls and the time it takes to move a project through the federal process demands serious consideration for streamlining measures. For instance, our counties estimate that it takes on average 4-5 years to complete a NEPA environmental document. It costs approximately 36- to 50-cents on the construction dollar to move a project through project approval & environmental documents and plans, specifications, & estimates (whereas in 1990 it was around 24-cents on the construction dollar).
- The current regulatory environment lacks appropriate cost controls, takes too long to be cost effective, and is in large part due to having redundant requirements from multiple agencies at the state and federal levels. CSAC believes that reforms can be made that will reduce the regulatory red tape and time and costs to projects while effectively providing the same or greater level of environmental protection.
- CSAC supports permanent designation under the Surface Transportation Project Delivery Pilot Program.
- CSAC urges Congress to approve a CEQA-NEPA reciprocity pilot program, which would build upon California’s successful implementation of the Surface Transportation Project Delivery Pilot Program and would allow for even greater project streamlining and enhanced efficiency.
- There are many similarities between NEPA and CEQA processes, and between an Environmental Impact Statement (EIS) and an Environmental Impact Report (EIR). For instance:
  - the federal Notice of Intent (NOI) is analogous to the State Notice of Preparation (NOP);
  - the federal Notice of Availability performs the same function as the State Notice of Completion;
  - both processes offer the opportunity for other agencies and the public to comment on the environmental document; and
  - the required contents of an EIS are largely the same as those required of an EIR.

- There are some differences between the two processes (see below for some examples), but both NEPA and CEQA are flexible enough that a single environmental document can be prepared which will comply with both.
  - Under NEPA, the project and a range of alternatives to the project are examined at the same level of detail and the proposal is seen as one of several alternatives. CEQA does not require alternatives to be examined in as great a detail as the project, i.e. alternatives are means of avoiding the impacts associated with the project;
  - NEPA requires, as part of the discussion of each alternative, discussion of mitigation measures and growth inducing impacts. CEQA requires a separate discussion of these issues, focusing on the project.
  - NEPA does not require the agency to adopt the mitigation measures identified in an EIS whereas CEQA mandates adoption of mitigation measures unless a measure is found to be infeasible for specific reasons.
  
- In short, CEQA contains some of the strongest environmental protections in the nation, even above and beyond NEPA requirements. Allowing CEQA-NEPA reciprocity would save valuable time and money and would result in more projects in a more efficient timeline.
  
- The federal process also holds a project up from progressing through state processes. For instance, Caltrans will not dedicate any staff time to a project until it is funded in the RTIP. By allowing CEQA to satisfy NEPA, locals could spend local money on getting an EIR complete and the project shelf ready while waiting for federal funding.
  
- CSAC also supports streamlining of federal regulations/requirements to facilitate more expeditious project delivery.
  
- Federal process is so cumbersome and labor intensive that many counties and cities do not have the resources to access the federal dollars.
  
- Federal process adds significant cost and delays in project delivery of needed transportation projects that generate JOBS.
  
- Federal permitting agencies should be required to meet the prescribed schedule and deadlines that are specified in the environmental review process, reduce overhead, eliminate waste, and reduce documentation that is redundant with processes required under state law.
  
- NACE asserts that federal permitting agencies should have sixty days to determine if a permit will be required for a federal aid highway, bridge, safety, sidewalk, bicycle and pedestrian project that is designated as a categorical exclusion, is in the existing right-of-way and does not require any additional real estate acquisition. If it is determined by a federal agency that a permit is required, such federal agency shall have an additional sixty days to issue a permit.

- Within one year after the above changes were implemented, each State transportation agency shall create an Office of Local Assistance to assist local transportation agencies with the development of federal-aid projects and shall publish a local government assistance manual for federal-aid projects.
- Any federal aid highway, bridge, safety, sidewalk, bicycle and pedestrian project that is designated as a categorical exclusion, is in the existing right-of-way and does not require any additional real estate acquisition shall be exempt from any additional federal permitting requirements.

### **III. RURAL ROAD SAFETY**

- Rural Road Safety is highest transportation priority of the National Association of Counties as well as National Association of County Engineers.
- While overall highway fatalities continued to decline in 2008, more than half of highway deaths occur on rural roads even as states seek to remedy this trend.
- Nationwide data indicates that over 60% of fatal crashes occur on rural roadways, although these roads accounted for only 28 percent of travel.
- The fatality rate on rural roads, per 100 million miles traveled, is 2.5 times the fatality rate on urban roads.
- California ranks second in the nation in number of fatalities and has the 10th highest fatality rate, according to The Road Information Program (TRIP) Report.
- Rural roads that were built for farm-to-market movement and light traffic volumes are increasingly becoming alternative commute routes presenting dangerous conditions of higher volume traffic with rural agricultural equipment on narrow roads. There is simply not enough funding to upgrade this infrastructure to handle the increased capacity.
- While fatality rates on the State's freeway system have been improving, the rural road system continues to experience a fatality rate of two times that of the freeway system.
- CSAC supports designating all safety projects as categorical exclusions.