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GROWTH AMERICA • SURFACE TRANSPORTATION POLICY PROJECT

November 11, 2003

The Honorable John W. Warner
United States Senate
225 Russell Office Building
Washington, DC 20510

Dear Senator Warner:

On behalf of a broad coalition of interests, we are writing to share some concerns about legislation now pending before the Senate Environment and Public Works Committee that renews key portions of the Transportation Equity Act for the 21st Century (TEA-21). Renewal of the nation's surface transportation law is a top priority for our organizations and we want to convey our continuing and strong support for the transportation reform principles first set forth in the 1991 ISTEA law. We urge the Committee to take the time, even if it means delaying markup, to produce a worthy sequel to TEA-21.

Among the issues raised in the bill, we have a number of concerns about proposals affecting clean air objectives in the many areas of the nation with unhealthy air quality. Similarly, project delivery provisions need to be further adjusted so that they accomplish the desired outputs that the public expects as opposed to what transportation agencies would prefer.

We are also troubled by the absence of any further commitment to local decision-makers or the public in this legislation. We view the unnecessary strengthening of state decision-making authority as unresponsive to local needs particularly in the nation's most complex metropolitan markets, which face the greatest congestion and air quality problems. We see this new legislation as an opportunity to strengthen the federal commitment to meaningful public participation, performance-based decision-making processes that focus on community and citizen-oriented outcomes, and more balanced surface transportation investment.

Finally, we are unable to evaluate fully the policies for funding this larger surface transportation investment set forth in the package. If general fund resources are to be the source of revenue growth for this renewal cycle, the debate on the proposals now before this Committee should better address the many issues that such a shift in program financing requires.

Specifically, we are writing to urge that you support the following necessary improvements during action on the leadership proposal:

Section 4(f)

We want to express our strong opposition to any amendments that would weaken Section 4(f) substantive standards. Section 4(f) protections have stood the test of time and have led to countless parks, recreation areas, historic sites, and wildlife refuges being saved from needless destruction and harm. The Committee's approach that leaves the current protections in place is appropriate and commendable.

Planning Funds for Metropolitan Areas (PL Funds)

Our coalition has strongly advocated for increased investments in planning and capacity building for the nation's metropolitan planning organizations (MPOs). We urge you to support the amendment during Committee action to increase the share of PL funds above the current 1% percent set-aside for MPOs. In our efforts to advocate for project delivery improvements, we urged the Committee leadership to incorporate features that would support more effective outreach and project development during the early stages of planning for new investments. The Committee bill in many areas responds to recommendations that we provided. As such, it is especially important that these metropolitan agencies have the capacity to make progress in a number of these areas that we believe are crucial to the Committee's focus on improving project delivery.

Safe Routes to Schools

We applaud the Committee for including a Safe Routes to School initiative as part of the larger Safety Improvement program. This is a very high priority for our organizations and we would urge you to continue to explore adjustments that would allow these resources to be deployed more broadly. It is our view that with the large increase in funding for the overall Safety Improvement program, there is sufficient capacity to increase funding above the \$50 million annually that is provided for Safe Routes to School. We also urge you to support a simple technical amendment to allow these funds to be used on any public road, not just the Federal Aid System, consistent with what the draft proposes for eligible projects for the larger Safety Improvement program.

Congestion Mitigation and Air Quality Program

On funding for the Congestion Mitigation and Air Quality Improvement Program (CMAQ), we appreciate the leadership's commitment to increasing the funding level commensurate with the overall funding increase in the bill. Unhealthy air quality remains an enormous challenge to many areas of the nation where millions of Americans live with the harmful effects of air pollution due in part to mobile sources. More specifically, new ozone standards and extending program eligibility to PM Fine areas places additional demands on available resources. At year two or three of the renewal period, there will be an influx of new areas into the program that will have the effect of substantially reducing CMAQ funding commitments to existing non-attainment/maintenance areas. The leadership bill makes no provision for this eventuality. We urge you to support an amendment in Committee to address the funding shortfall that is expected, ensuring that ongoing local efforts to achieve attainments with existing and new national ambient air quality standards will not be disrupted.

Surface Transportation Program

More broadly, we are concerned that total funding commitments to the Surface Transportation Program (STP) do not keep pace with the overall growth in funding for the other core programs. STP has proven to be the centerpiece of innovation and flexibility that has defined the ISTEA and TEA-21 eras. We are also concerned that the relative proportionality between state STP funds and local area funds has been altered by the Committee draft. We urge you to support efforts in Committee to maintain funding parity for the STP program with the other core program categories and to retain the current law shares of STP funding distributed between states (37.5 percent) and local areas (62.5 percent).

Surface Transportation Investment

Our coalition has consistently urged transportation policy-makers to consider and embrace a broader array of investment choices as the nation seeks to extract more performance from existing investments and to consider carefully new investment choices for the future. We are troubled that there are many proposals now before the Committee that continue to emphasize a narrow definition of what constitutes surface transportation investment. The public has repeatedly expressed their desire for more choices, more balance in their modal options and a clearer sense that state and local decision-makers are fully weighing alternatives before moving forward with new investments. We urge your support for amendments during the Committee's action to ensure that surface transportation investment includes transit, bicycle and pedestrian facilities along with highway facility improvements. We also urge you to support amendments that ensure that our project review processes examine the full range of alternatives before committing new capital funds under this legislation.

Transportation and Community and System Preservation Program

The Committee leadership proposal eliminates the separate Transportation and Community and System Preservation Program (TCSP) as was established under TEA-21, generally proposing to formulize the program to the states. At this time, we do not believe that the TCSP program should be distributed to the states by formula, given the relatively modest funding commitments to these activities. At this funding level, the program resources should continue to flow to the most worthwhile projects determined at the national level. During Committee action, we urge your support for an amendment that would mostly continue the program as current law provides, with funding adjustments commensurate with the overall growth of the total transportation program and further focus the program eligibilities on the most meritorious projects.

Water Quality Improvements

We also want to convey our support for an amendment that would reserve a very small portion of STP funding for stormwater-related improvements. We believe this is an important use of STP funds and will help support state and local efforts to improve the water quality impacts associated with runoff from transportation facilities. We urge your support for this amendment during Committee action on the bill.

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As our organizations continue to work and identify needed program changes, we will provide you with additional suggestions on adjustments that will make this legislation more responsive to the public and their communities.

Sincerely,

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