



FEDERAL POLICY UPDATE: AV START ACT, A NEW PROPOSAL AND THE REAUTHORIZATION PROCESS

CARON WHITAKER

POLICY SPECIALIST

CARON@CLWCONSULTING.NET

AGENDA

Upcoming Legislation

- Appropriations bills
- Shuster releases discussion draft of bill with bike tire tax
- Automated Vehicles- AV START Act
- PHIT Act

AASHTO's new Council on Active Transportation

Preliminary discussions on Reauthorization

TRANSPORTATION APPROPRIATIONS (BUDGET PROCESS)

Senate voting on Transportation-HUD appropriations for Fiscal Year 2019 (part of minibus)

- **Includes funding for:**
 - BUILD Grants- Requires use of 2016 Criteria (and only that criteria)
 - Robustly funds Transit Capital Improvement Grants
 - Amtrak and Rail competitive grants
- **Increases funding for Surface Transportation Block Grant Program (STBGP)**
 - BUT limits new funding to only road and bridge construction
 - NO eligibility of new funding for bike/ped (or transit, ITS, maintenance, etc.)

WHITE HOUSE RESPONSE



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 24, 2018
(Senate)

STATEMENT OF ADMINISTRATION POLICY
Substitute Amendment to H.R. 6147 — Interior, Environment, Financial Services, and
General Government Appropriations Act, 2019
(Sen. Shelby, R-AL)

Complains about funding to competitive programs like:

Transit grants- funding goes to places that should be paying for it themselves

BUILD- Criteria limitations

Overall, doesn't shift funding responsibility to
State and locals

HOUSE THUD APPROPRIATIONS

Passed through Committee, not on floor yet

- Expected to be combined with other budget bills into a minibus
- Similar to Senate bill in funding for competitive grants, and funding for Amtrak/ multimodal
- **BUILD-**
 - Divides funding into 3 equal pots:
 - Urban, Rural and Ports
- **Also increases funding to STBGP- with same restrictions**

SHUSTER'S INFRASTRUCTURE DRAFT



Called discussion draft because not bi-partisan

- Shuster believes infrastructure should be bi-partisan
- This draft takes multiple ideas from Democrats
- (Gas tax increase to VMT very similar to Rep. Blumenauer bill)

Shuster is retiring at end of year.

- Did not support gas tax increase before this

Its like a trial balloon

- Within Congress
- With Public

SHUSTER INFRASTRUCTURE DRAFT

Raises revenue for Highway Trust Fund

- Increases gas tax by 15c over 3 years**
- Increases diesel tax by 20c over 3 years**
- Removes gas tax subsidies to local transit and intercity buses. (keeps subsidies for school buses)
- Re instates diesel tax for passenger rail
- Adds 10% tax on electric car batteries
- Adds 10% tax on bike tires (Targeting adult bikes- 26" or larger)

Creates National pilot program on a Vehicle Miles Traveled Fee

** These taxes reduced to zero in 2028

ADDRESSING THE HIGHWAY TRUST FUND

Creates a 15 member Commission

- 5 members by the DOT Secretary, 5 House members (3 majority, 2 minority), 5 Senate members (3 majority, 2 minority)

Charge-By January 15, 2021

- Propose study and bill language for long term solvency for the Highway Trust Fund
- *CANNOT include gas tax, as whole or part of the solution*

Includes expedited process for Commission bill to be heard by Congress

- Require up or down vote, no Amendments

POLICY CHANGES

- **Extends FAST Act for one year – until September 30th, 2021**
- **Extends HTF authorizations until 2028**
- **Authorizes Build program, and INFAR (freight) program**
 - Includes Congressionally designated projects (ie-earmarks)
 - Includes innovation grants to promote public private partnerships
 - Does not include criteria language from House or Senate appropriations
- **Repeals \$7.6 Billion in FAST Act Rescissions**

INCREASES FUNDING

- **Authorizes increased funding for:**
 - Bus and Bus Facility grants
 - Nationally significant Federal lands, Tribal lands
 - Federal- state projects of good repair
 - Rail programs / Amtrak
 - Transportation of Hazardous Material

Increases Surface Transportation Block Grant Program (1-2 Billion/year)**

- Those increases limit eligibility to roads projects
- Explicitly does not include eligibility to transit, bike/ped and TAP projects

A BIKE TIRE TAX?

Shuster's argument

- Can no longer accept spending for modes/ users that do not pay into the Highway Trust Fund (symbolic)
- Hard to justify raising gas tax and not asking transit, rail and bicycling to pay in

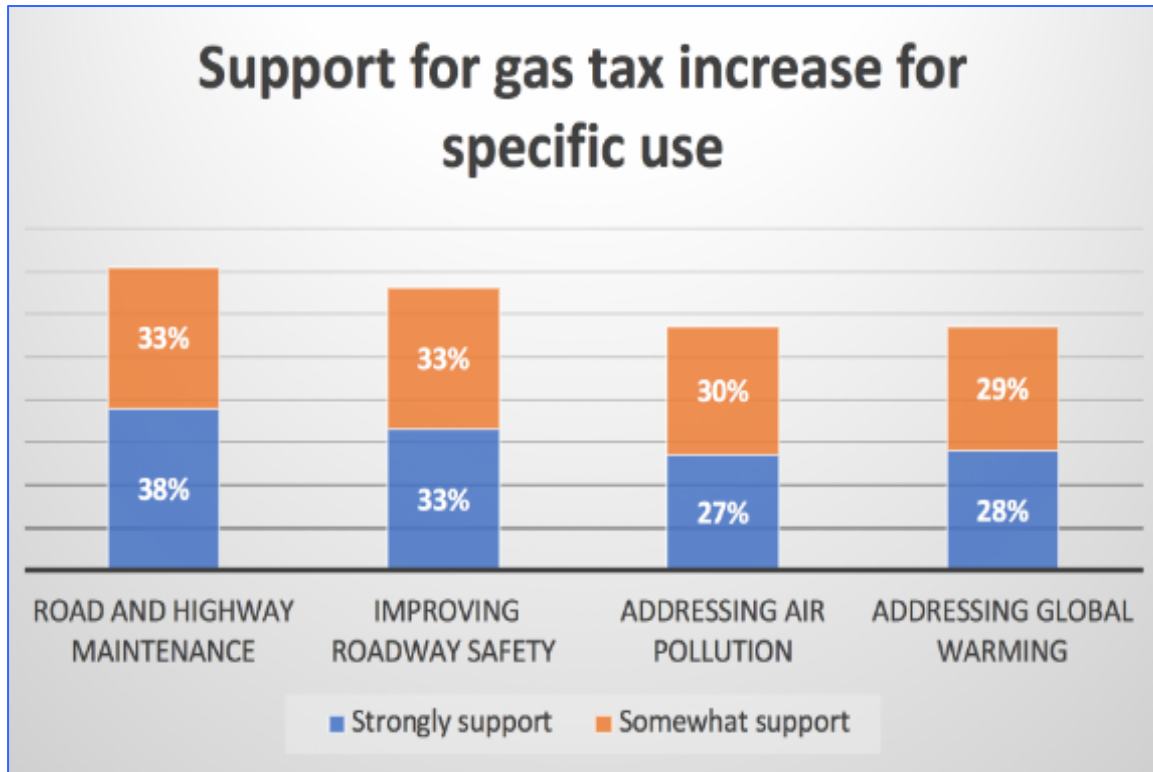
Key point

- Is NOT tied to spending on biking and walking infrastructure
- Tax will bring in 178 million over 10 years

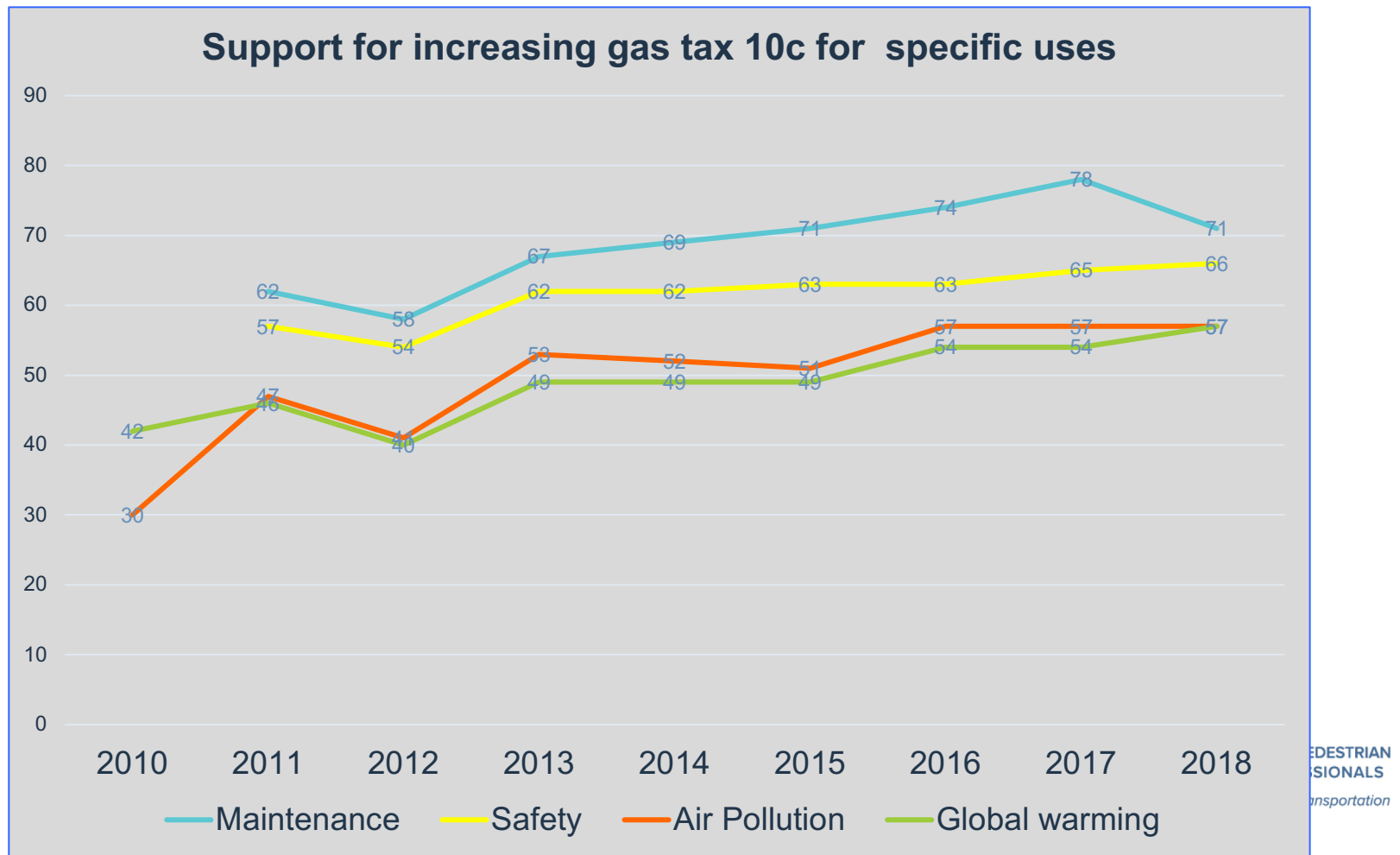
GAS TAX POLLING- MINETA TRANSPORTATION INSTITUTE

Done by the Mineta Transportation Institute at San Jose State University

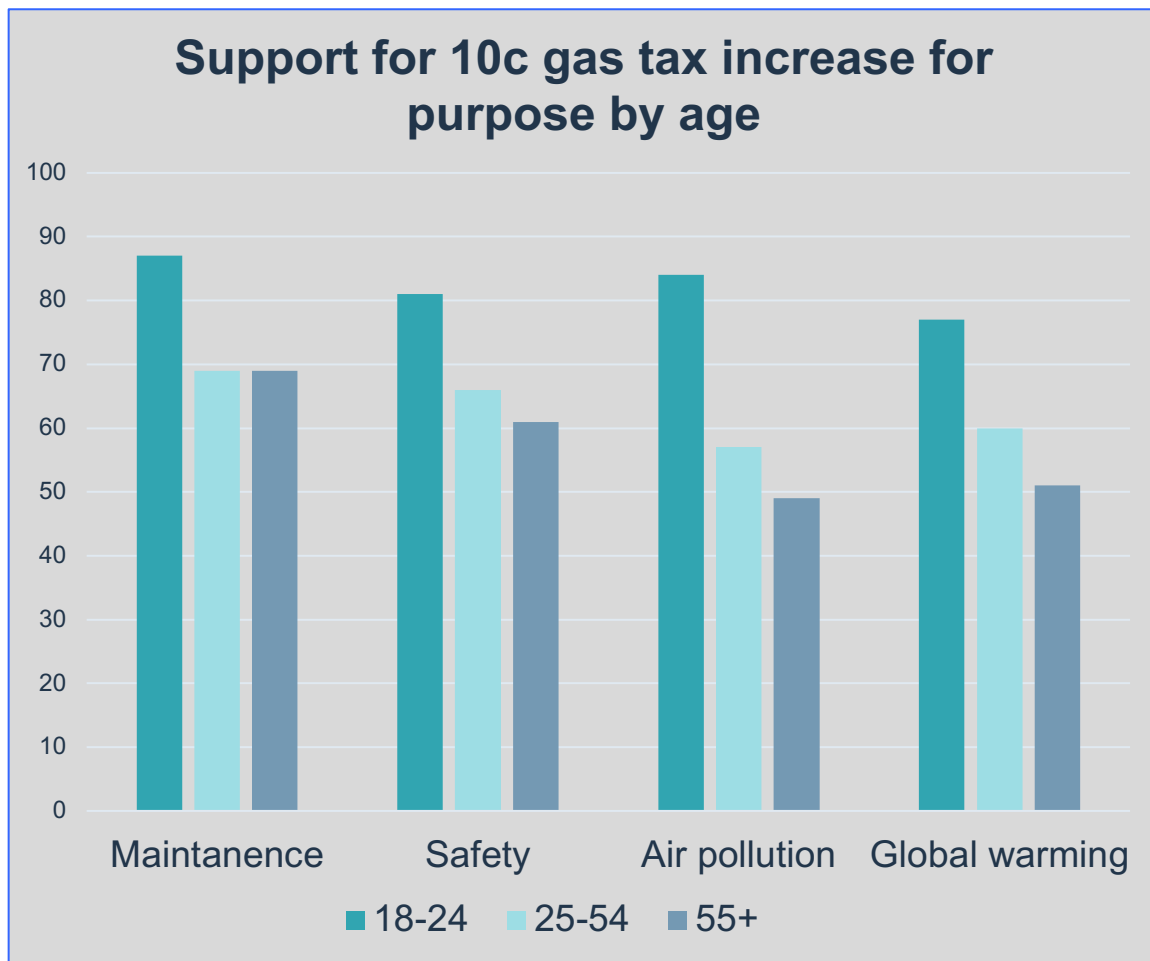
Polled on support for a 10c/gallon increase for a gas tax



MINETA TRANSPORTATION INSTITUTE GAS TAX SURVEY

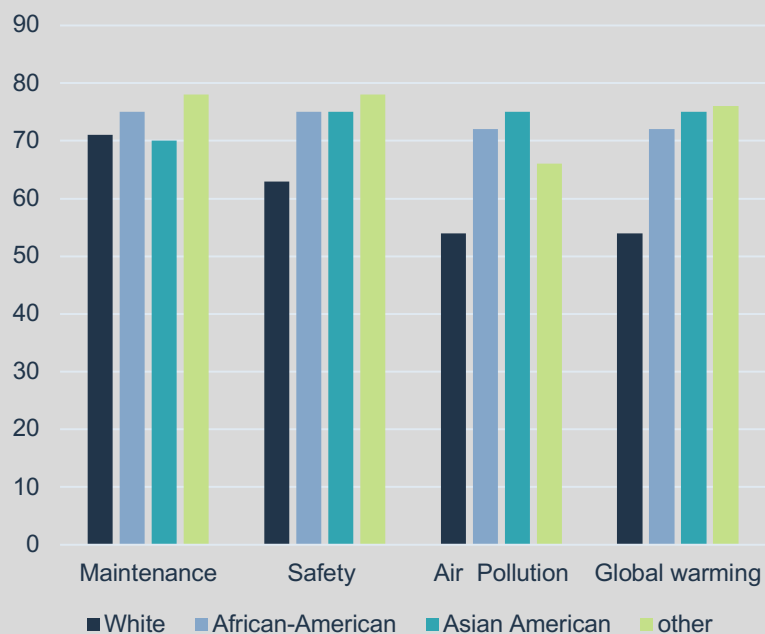


BREAKDOWN BY AGE

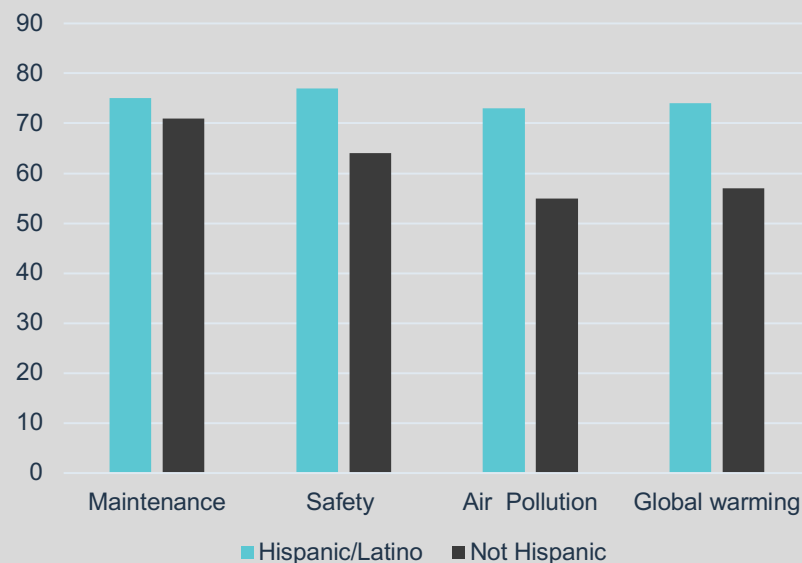


BREAK DOWN BY RACE AND ETHNICITY

Support for 10c gas tax by purpose and age



Support for 10c gas tax increase for specific use by ethnicity



BREAKDOWN BY POLITICAL PARTY

Support for 10c gas tax increase by political party affiliation



BUT.. SUPPORT FALLS WHEN REAL TAX TOTALS USED.

Let me give you some information about how much the CURRENT federal gas tax costs an AVERAGE driver. Someone who drives 10,000 miles a year, in a vehicle that gets 20 miles to the gallon, will pay about 100 dollars a year. If Congress raised the gas tax by 10 cents a gallon, that same driver would now pay about 150 dollars a year. Now that you have this information, would you strongly support, somewhat support, somewhat oppose, or strongly oppose a 10-cent gas tax increase?

- **Support fell from 72% to 47%**

Only groups that still showed > 50% support

- Those in the 18-24 age group
- African-Americans, Asian- Americans, and those who identified their race as “other”
- Democrats

AUTOMATED VEHICLES



AV START ACT

Sens Thune (R-SD) and Peters (D-MI)

- Interim framework for deployment of self-driving technology
- Raises exemptions to 15,000 in year 1, 40,000 in year 2, 80,000 in year 3
- Cars will be available for sale by consumers
- Pre-empts state and local safety laws. (goal- have one set of rules)
- Does not require manufacturers from making safety data publicly available (goal- keeping data proprietary)
- Safety reporting – manufacturers must report to NHTSA how they tested safety (section 9)
 - But data cannot solely be reason for denying an exemption.

APBP AV POLICY POSITION



POLICY STATEMENT: AUTOMATED VEHICLES

Overview of APBP Policy Statements

The Association of Pedestrian and Bicycle Professionals (APBP) supports the community of professionals working to create more walkable, bikeable places through facilitating the exchange of professional and technical knowledge and by promoting fundamental positions that are broadly acknowledged and acted upon by APBP members.

APBP Policy Principles:

1. APBP represents the professional expertise and practical experience of its members in transportation policy discussions to advance active and healthy communities.
2. APBP endorses active transportation as an integral part of transportation systems through all stages of planning, design, funding, and implementation.
3. APBP supports connected, convenient, and safe streets and pathways in every community and planning with the input of every member of a community.
4. APBP advances street designs that make walking and bicycling a viable option for everyone in every place.

Position:

APBP believes automated vehicles represent an emerging technology that carries with it great potential for both positive and negative outcomes, but must be designed and operated to ensure functional safety for all people using streets and highways. AVs must readily detect and protect people walking and bicycling – regardless of age, ability, location, time of day, and other factors – from serious injury or death. The Association of Pedestrian and Bicycle Professionals (APBP) supports:

- Public agencies establishing minimum performance standards for detection and reaction capabilities of Automated Vehicle (AV) technologies
- Enhancing testing and regulation, including implementation of policies that emphasize actions to improve safety for people walking and biking
- Reducing, or eliminating, the number of AVs allowed exemptions from safety standards
- Requiring safety regulations for all AVs, regardless of the level of automation
- Establishing a public database of limitations, capabilities, and safety evaluation reports to increase consumer awareness of AV performance

APBP Supports:

- Establishing minimum performance standards for detection and reaction (Vision Test)
- Enhancing testing and regulation
- Reducing exemptions from safety standards
- Requiring regulations for all AVs
- Establishing public database of limitations, capabilities, and safety evaluations.

AV START BILL

Sponsors hope to attach bill to Federal Aviation Authorization

- FAA expires at the end of September. Vote could happen any time now
- Multiple Democratic Senators have a 'hold' of AV START
 - BUT could be hard to hold on FAA

IF Bill doesn't pass this calendar year, process starts over

- Potential for broader input from stakeholders

PUSH AGAINST AV START

Lead by consumer safety organizations arguing to slow process

- Need to improve safety provisions and pre-emption issues
- First AV legislation should not be an amendment but have its own debate
 - As amendment means no off-committee Senators can debate or amend
- Should wait for National Transportation Safety Board

DEBATES ON AV START- CONNECT 9 &11

Section 9: Safety requirements

- Manufacturers must test and report back on ability to see and detect bicyclists, pedestrians and motorcycles
- Cannot be denied because of testing information

Section 10: Creates Technical safety committee (TSC)

- 15 members- (mostly) industry, some DOT, some third party but must have technical knowledge

Section 11: Rulemaking

- After 1 year, TSC decides which safety issues should go through rulemaking.

PHIT ACT

Would allow people to use (pre-tax) Health Savings accounts for healthy lifestyle activities:

- Gym memberships
- Participation or instruction in a physical activity program
 - *Bike education classes*
 - *Bike share membership*
 - Sports teams fees (for kids)
- Safety equipment for those activities
 - Earlier version included sports equipment –up to \$250

Status-

- Included in larger bill on HSAs
- Passed House committee
- Vote on House floor today

AASHTO- COUNCIL ON ACTIVE TRANSPORTATION



AASHTO ORGANIZATIONAL CHART

Board of Directors

Approved, Board of Directors
11-15-16

Executive Committee

Strategic Management
Committee

*Special
Committees:*

AASHTOWare

Research and
Innovation

Transportation Policy Forum

Freight

Councils:

Aviation

Water

Highways and
Streets

Rail

Public
Transportation

Active
Transportation

*Program Delivery and
Operations Committees:*

Planning

Environment and
Sustainability

Design

Bridges and
Structures

Traffic
Engineering

Right of Way
and Utilities

Materials and
Pavements

Construction

Maintenance

Transportation
System
Operations

*Enterprise/Cross-
Discipline Committees:*

Safety

Communications

Transportation
System Security
and Resilience

Performance-
Based
Management

Data
Management and
Analytics

Funding and
Finance

*Administration
Committees:*

Agency
Administration

Human
Resources

Internal and
External Audit

Knowledge
Management

Civil Rights

WHAT THE COUNCIL DOES

- **The Council on Active Transportation shall:**
 - Address issues related to bicyclist, pedestrian, and other active transportation modes, including access to the multimodal network
 - Provide input on policy and cross-cutting/multimodal issues
 - Including AASHTO's reauthorization platform
 - Provide assignments to appropriate committees, and review and approve applicable technical documents
 - Highway Safety Manual, etc.
 - Promote and encourage technology and knowledge transfer by member states
 - Make recommendations regarding needed research
 - Councils have access to a \$19 m research fund

LEADERSHIP



Chair: Leslie Richards, PA DOT Secretary
Toks Omishakin, TN DOT Deputy Commissioner

- Every state has 2 voting members, and one non-voting member

All Councils have steering committees

- 11 members

AASHTO COUNCIL ON ACTIVE TRANSPORTATION STRATEGIC PLAN

Goal 1: Safety: Support the reduction in pedestrian and bicyclists serious injuries.

- Strategy 1a: Communicate pedestrian and bicyclist safety in appropriate AASHTO publications and initiatives

Goal 2: Communication: broadly communicate the value of active transportation to the transportation system, the environment and communities.

- Strategy 2a: Develop a definition of “active transportation” that will be used by AASHTO
- Strategy 2b: Communicate the value of active transportation

COUNCIL ON ACTIVE TRANSPORTATION

Goal 3: Data: define voluntary systematic and consistent approaches to collecting, managing, analyzing and monitoring pedestrian and bicyclist safety, mobility, cost, facilities and system utilization data.

- Strategy 3a: Identify data needs and gaps
- Strategy 3b: Work with states and appropriate Federal agencies to develop a State transportation department voluntary approach for collecting, validating, analyzing and updating pedestrian and bicyclists data
- Strategy 3c: Support the development of tools and resources to assist State, regional and Federal agencies to collect, validate, manage, analyze and monitor active transportation related safety, mobility, facilities, cost (quantitative and qualitative) and system utilization data

COUNCIL ON ACTIVE TRANSPORTATION

Goal 4: Partnering, Publications, Research and Member Resources...

- Strategy 4a: Collaborate and coordinate with appropriate AASHTO committees on act
- Strategy 4b: Ensure priority research needs are met
- Strategy 4c: Seek opportunities to support active transportation training, forums for knowledge transfer, and general capacity building for planners, engineers and other transportation practitioners.
- Strategy 4d: Communicate/ coordinate with external stakeholders

COUNCIL ON ACTIVE TRANSPORTATION

Goal 5: Policy: Provide policy leadership on active transportation

- Strategy 5a: Lead AASHTO policy activities related to active transportation

Goal 6: Technology: monitor and share information related to new technologies that may impact active transportation

- Strategy 6a: Technology: monitor and evaluate the impacts of new technologies/business models on active transportation

HOW CAN WE WORK TOGETHER?



Briefings, webinars

Sharing information- expertise on guides, etc.

Joint policy positions

REAUTHORIZATION PRIORITIES

The League, Safe Routes to School and People For Bikes have started joint talks on reauthorization priorities for the FAST Act

- We are talking with state and local advocacy groups on Friday to go over ideas and get their input
- Would be helpful to get input and advice from APBP members on advocacy priorities

Format-

The next webinar or perhaps a separate webinar

HOW DO WE MAKE FEDERAL LAW WORK BETTER FOR BIKING AND WALKING

TAP - How can we get more \$\$ out the door faster?

- Should there be more flexibility for state DOTs who:
 - Sub-allocate more of the funding of TAP (less competitive process)
 - Use some of the funding for state selected projects
- How can we encourage better applications

HSIP

- How can we break into HSIP funding?

Planning

- Are there changes to the planning process we can advocate for to move to a more complete streets approach
- What data would be helpful?



Thank you

Caron Whitaker
Policy Specialist
caron@clwconsulting.net

TRANSPORTATION ALTERNATIVES PROGRAM

Biking & walking programs — Transportation Enhancements, Safe Routes to School, and Recreational Trails — are consolidated with other uses into a new program called Transportation Alternatives with a 33% reduction in funding from fiscal year 2011

The Recreational Trails program is funded at 2009 levels unless the Governor chooses to opt out

50%

50%

The state DOT distributes half of Transportation Alternatives to based on population

(a) **MPOs with population >200,000** distribute funds through their own competitive grant program for local projects

(b) **Areas with population <200,000** compete for Transportation Alternatives funds in a state-run grant program

The state DOT can redirect any or all of this half of Transportation Alternatives funds from local control to any other highway program

- or -

The state DOT holds a competitive grant program to distribute remaining Transportation Alternatives funds

Local governments, school districts, tribal governments, and public lands agencies would be eligible to compete for this funding; DOTs are not eligible