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.)
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
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)
- Reinstates 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

Support for gas tax increase for specific use

- Road and Highway Maintenance: 38% strongly support, 33% somewhat support
- Improving Roadway Safety: 33% strongly support, 33% somewhat support
- Addressing Air Pollution: 27% strongly support, 30% somewhat support
- Addressing Global Warming: 28% strongly support, 29% somewhat support

https://transweb.sjsu.edu/research/1828-Survey-Transportation-Tax-Year-Nine
MINETA TRANSPORTATION INSTITUTE

GAS TAX SURVEY

Support for increasing gas tax 10c for specific uses

- Maintenance
- Safety
- Air Pollution
- Global warming

Year:
- 2010
- 2011
- 2012
- 2013
- 2014
- 2015
- 2016
- 2017
- 2018
BREAKDOWN BY AGE

Support for 10c gas tax increase for purpose by age

- Maintenance
- Safety
- Air pollution
- Global warming

18-24 25-54 55+
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

- White
- African-American
- Asian American
- Other

- Hispanic/Latino
- Not Hispanic
BREAKDOWN BY POLITICAL PARTY

Support for 10c gas tax increase by political party affiliation

- **Maintenance**: Democrat 75, Republican 60, No Preference 65, Other 50
- **Safety**: Democrat 70, Republican 60, No Preference 60, Other 50
- **Air pollution**: Democrat 80, Republican 50, No Preference 70, Other 60
- **Global Warming**: Democrat 75, Republican 65, No Preference 70, Other 60
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

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
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
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
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
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
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
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
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
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
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.

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.