

# REAUTHORIZATION OF THE INTER- MODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991 (ISTEA)

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(104-77)

## HEARINGS BEFORE THE SUBCOMMITTEE ON SURFACE TRANSPORTATION OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE HOUSE OF REPRESENTATIVES ONE HUNDRED FOURTH CONGRESS SECOND SESSION

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September 19, 1996 (Highway Safety: Section 402, 403, and 410 Programs and  
other Traffic Safety Issues)  
September 26, 1996 (Improving Program Delivery of Federal Surface Transpor-  
tation Programs and the Congestion Mitigation and Air Quality Program)

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## CONTENTS

Proceedings of:	
September 19, 1996 .....	1
September 26, 1996 .....	127

### TESTIMONY

**September 19, 1996**

	Page
Baker, Elizabeth, Chief, Traffic Safety Division, Maryland State Highway Administration, and Highway Safety Coordinator for the State of Maryland, on behalf of the National Association of Governors' Highway Safety Representatives .....	12
Curtin, Wayne T., Vice President, Government Relations, Motorcycle Riders Foundation .....	21
Hoffman, Kathleen F., Executive Director, Roadway Safety Foundation .....	33
Keaton, James, Manager, 3-M Company, on behalf of the Institute of Transportation Engineers .....	33
Martinez, Ricardo, Administrator, National Highway Traffic Safety Administration (NHTSA), accompanied by Dennis Judycki, Associate Administrator for Safety and System Applications, Federal Highway Administration, Adele Derby, Associate Administrator for State and Community Services, NHTSA, and James Nichols, Director of the Office of Occupant Protection, NHTSA .....	4
Maseengill, Lieutenant Colonel Jerry, Virginia State Police, on behalf of the International Association of Chiefs of Police .....	21
Nickol, Giffen B., Communications Coordinator, National Motorists Association .....	21
Prescott, Katherine P., National President, Mothers Against Drunk Driving ...	12
Rathburn, Roger, National President, American Traffic Safety Services Association, and President, Rathco Safety Supply, Inc .....	21
Spanbock, Janese, Occupational Therapist, on behalf of the Brain Injury Association, Inc .....	12
Stone, Judith Lee, President, Advocates for Highway and Auto Safety .....	12

### PREPARED STATEMENT SUBMITTED BY A MEMBER OF CONGRESS

Poshard, Hon. Glenn, of Illinois .....	3
--	---

### PREPARED STATEMENT SUBMITTED BY WITNESSES

Baker, Elizabeth .....	38
Curtin, Wayne T .....	45
Hoffman, Kathleen F .....	50
Keaton, James .....	55
Martinez, Ricardo .....	62
Maseengill, Jerry .....	81
Nickol, Giffen B .....	89
Prescott, Katherine P .....	95
Rathburn, Roger .....	100
Spanbock, Janese .....	106
Stone, Judith Lee .....	115

**SUBMISSIONS FOR THE RECORD**

Page

Martinez, Ricardo, Administrator, National Highway Traffic Safety Administration:	75
Stete Legislative Fact Shast, Motorcycle Helmet Use Laws, September 1995 .....	75
Traffic Tech, "Do Motorcycle Helmets Interfers with the Vision and Hearing of Riders?," Technology Transfer Series, June 1996, Number 127 .....	79
Stone, Judith Lee, President, Advocates for Highway and Auto Safety, newsletter, "New Harris Poll Shows Overwhelming Support for Tougher Stete Traffic Safety Laws and Federal, Highway Safety Regulation," Kids, Cars and Crashes, a Campaign for Stronger Laws to Protect Youth on Our Nation'e Highway .....	123

**September 26, 1996**

Abramson, Hon. Jerry, Mayor of Louisville, Kentucky, on behalf of the U.S. Conference of Mayors .....	178
Bohlinger, Linda, Deputy Chief Executive Officer, Los Angeles County Metropolitan Transit Authority .....	160
Bonine, Larry B., Director, Arizona Department of Transportation .....	193
Carlile, Frank, Assistant Secretary for Transportation Policy, Florida Department of Transportation .....	160
Faulkenberg, Dennis E., Deputy Commissioner and Chief Financial Officer, Indiana Department of Transportation .....	160
Fay, William D., President and CEO, American Highway Users Alliance .....	193
Hamel, Sonia, Director of Air Policy and Planning, Massachusetts Executive Office of Environmental Affairs .....	193
Heminger, Steve, Manager of Legislation and Public Affairs, Metropolitan Transportation Commission of San Francisco Bay Area .....	193
Howell, Doug, Transportation Associate, Environmental and Energy Study Institute, on behalf of the Surface Transportation Policy Project .....	193
Hynes-Cherin, Brigid, Executive Director, San Francisco Transportation Authority, on behalf of the American Public Transit Association .....	160
Lanford, Sten F., Jr., President, Lanford Brothers Company, Inc., Roanoke, VA, and at-large Vice Chairman of the American Road and Transportation Builders Association .....	182
Lieber, John N., Deputy Assistant Secretary for Transportation Policy, U.S. Department of Transportation, accompanied by Anthony R. Kane, Executive Director, Federal Highway Administration, U.S. Department of Transportation .....	130
Lund, Hon. Vivian, Mayor of Warrenville, IL, on behalf of the National Association of Regional Councils and the Association of Metropolitan Planning Organizations .....	178
McKinley, Terry, Chief of Intergovernmental Affairs, Dade County, Florida, on behalf of Miguel Diaz de la Portilla, Chairman, Board of County Commissioners, Dade County, Florida .....	160
Nichols, Mary D., Assistant Administrator for Air and Radiation, U.S. Environmental Protection Agency .....	130
Pant, Shiva, Director of Transportation, Fairfax County, Virginia, on behalf of the Institute of Transportation Engineers .....	193
Peters, Leo F., Senior Vice President for the American Consulting Engineers Council .....	182
Scherer, Philip J., Executive Director, Transportation Development Association of Wisconsin .....	182
Smith, Dick, Office of Planning and Programming, Illinois Department of Transportation .....	193
Wert, Pete, Haskell Lemon Construction, Oklahoma City, Oklahoma, on behalf of the Associated General Contractors of America .....	182
Ybarra, Shirley J., Deputy Secretary of Transportation, Commonwealth of Virginia .....	160

**PREPARED STATEMENT SUBMITTED BY A MEMBER OF CONGRESS**

Poshard, Hon. Glenn, of Illinois .....	207
--	-----

PREPARED STATEMENTS SUBMITTED BY WITNESSES

	Page
Abramson, Jerry .....	209
Bohlinger, Linda .....	225
Bonine, Larry S .....	232
Carlile, Frank .....	239
De La Portilla, Miguel Diaz (submitted by Terry McKinley) .....	250
Faulkenberg, Dennis E .....	264
Hamel, Sonia .....	269
Heminger, Stave .....	272
Howell, Doug .....	277
Hynes-Cherin, Brigid .....	283
Lanford, Ston F., Jr .....	326
Lieber, John N .....	336
Lund, Vivian .....	428
Nichols, Mary D .....	433
Pant, Shiva .....	445
Peters, Leo F .....	448
Scherer, Philip J .....	471
Smith, Dick .....	475
Wert, Pete .....	479
Ybarra, Shirley J .....	487

SUBMISSIONS FOR THE RECORD

Abramson, Jerry, Mayor, Louisville, KY, and Past President, U.S. Conference of Mayors. Resolutions Adopted at 64th Annual Conference of Mayors, June 21-25, 1996:	
Renewal of Intermodal Surface Transportation Efficiency Act .....	218
Congestion Mitigation and Air Quality Program .....	220
National Surface Transportation Goal for Intelligent Transportation Systems .....	221
Transportation Trust Funds .....	223
Income Tax Deduction for Public Transit Expenses .....	224
Carlile, Frank, Assistant Secretary for Transportation Policy, Florida Department of Transportation:	
Surface Transportation Program, Sub-State Distribution, chart .....	248
Funding Equity Categories, chart .....	249
Hynes-Cherin, Brigid, Executive Director, San Francisco Transportation Authority, on behalf of the American Public Transit Association, statement of National Purpose, Legislative Committee Recommendations on Reauthorization of the Intermodal Surface Transportation Efficiency Act .....	290
Lanford, Stan F., Jr., President, Lanford Brothers Co., Inc., Roanoke, VA, and At-Large Vice Chairman, American Road & Transportation Builders Association, article, "So You Want a Highway? Here's the Eight Year Hitch" .....	334
Lieber, John N., Deputy Assistant Secretary for Transportation Policy, U.S. Department of Transportation:	
News Releases from Energy Conversion Device/Ovonics, and from the Department of Energy .....	144
Responses to questions from Rep. Horn .....	148
Letter to Rep. Dellums, from Gordon J. Linton, Administrator, Federal Transit Administration, U.S. Department of Transportation, concerning the Bay Area Rapid Transit (BART) proposal for the Suspended Light Rail Transit (SLRT) project, December 13, 1996 .....	159
Memorandum, Congestion Mitigation and Air Quality Improvement (CMAQ) Program, Summary of third year (1994) activities funded under the CMAQ Program, December 17, 1995 .....	354
Memorandum, Congestion Mitigation and Air Quality Improvement (CMAQ) Program, Summary of second year (1993) activities funded under the CMAQ Program, February 27, 1995 .....	393

	Page
Peters, Leo F., Senior Vice President 1986-1997, American Consulting Engineers Council, article, "Contracting Out Engineering Services is Cost Effective, U.S. Government Data Shows Contracting Out Saves Money," Professional Services Management Journal, March 1992 .....	456
Scherer, Philip J., Executive Director, Transportation Development Association of Wisconsin, chart, A Long and Winding Road, The Wisconsin DOT Highway Improvement Process .....	474
Wert, Pete, Haskell Lemon Construction Co, Oklahoma City, OK, on behalf of the Associated General Contractors of America: Letter to Sen. Cohen of Maine from Robert J. Desjardins, Vice Chairman, Cianbro, June 13, 1995 .....	485
Guest Editorial, We Actually Build Bridges Too..., Constructor, November 1995, p. 68 .....	486

#### ADDITIONS TO THE RECORD

American Highway Users Alliance, William D. Fay, President and CEO, statement .....	492
Associated Builders and Contractors, statement .....	500
North Front Range Transportation Project, statement submitted by William Kaufmen, Colorado State Representative, Ann Azari, Mayor, Fort Collins, CO, Kathy Gilliland, City Council Member, Loveland, CO, and James Disney, Commissioner, Larimer County, Colorado, and Chairman, North Front Range Transportation and Air Quality Planning Council .....	504
Southern California Association of Governments, Ronald Bates, Ph.D., Chair, Transportation and Communications Committee, statement .....	514

**ISTEA REAUTHORIZATION, HIGHWAY SAFETY:  
THE SECTION 402, 403 AND 410 PROGRAMS  
AND OTHER TRAFFIC SAFETY ISSUES**

**THURSDAY, SEPTEMBER 19, 1996**

**U.S. HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON SURFACE TRANSPORTATION,  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
*Washington, D.***

The subcommittee met, pursuant to recess, at 10:02 a.m. in room 2167, Rayburn House Office Building, Hon. Thomas E. Petri (chairman of the subcommittee) presiding.

Mr. PETRI. The subcommittee will come to order.

Today we continue our hearings on the reauthorization of ISTEA by focusing on the section 402, 403, and 410 highway safety programs, which have been authorized at about \$1.3 billion over the 6 years of ISTEA.

We also will consider other traffic safety issues raised by the witnesses.

The section 402 and 410 programs provide safety-related grants to the States, whereas, the section 403 program provides funds to the National Highway Traffic Safety Administration for safety-related research and development.

All three programs were in place prior to ISTEA, although ISTEA did make some revisions to the programs.

While the traffic fatality rate per 100 million vehicle miles traveled is down significantly from the early 1980s, we all recognize that States must strive to continue to reduce traffic-related accidents and fatalities.

During the course of reauthorizing ISTEA, we will consider whether highway safety programs can be made less prescriptive so that States will have the flexibility to design and implement programs that best achieve the goal of reducing the number of highway accidents and fatalities.

I understand that NHTSA has established a pilot program which allows States to set traffic safety performance goals rather than submit highway safety plans to NHTSA as a condition of receiving 402 and 410 funds.

I understand this year that 40 States, the District of Columbia, and three territories will be participating in the pilot program.

In an effort to reduce burdens and mandates and give States more flexibility in designing their highway safety programs, the National Highway System Designation Act, which was signed into

law last December, eliminated mandates on the States to enforce the national speed limit and enact motorcycle helmet laws.

The majority who supported these repeals believe the States are in the best position to determine the laws appropriate for that State based on the State's roadways, driver behavior, accident rates, and other factors.

Our committee will continue to consider whether highway safety programs can be made more flexible while, at the same time, continuing to ensure that safety on the roads is not compromised and, in fact, is improved.

In doing so, our emphasis should be on incentives rather than sanctions, as experience has shown sanctions are often not productive.

I'd like to welcome our many witnesses to the hearing today, including Dr. Ricardo Martinez, the Administrator of the National Highway Traffic Safety Administration. I look forward to hearing from all of our witnesses and learning their views on how the safety programs are working and how they can be improved in the reauthorization of ISTEA.

Do either of you gentlemen have an opening statement you'd like to make?

Mr. MASCARA. No.

Mr. SAWYER. No, Mr. Chairman.

Thank you. Well, any statements will be made a part of the record.

[The prepared statement of Mr. Poshard follows:]





SUBCOMMITTEE ON SURFACE TRANSPORTATION

HEARING ON HIGHWAY SAFETY: THE SECTION  
402, 403, 410 PROGRAMS

Opening Statement of Congressman Glenn Poshard

September 19, 1996

Mr. Chairman, thank you for convening the Subcommittee to inquire further into issues concerning the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA). Traffic safety and the different mechanisms for achieving it are essential components of ISTEA, and should be afforded careful scrutiny. I appreciate the continued leadership efforts of the Chairman and the Ranking Minority Member, Mr. Rahall. Because of the thorough effort put forth by this Subcommittee, the foundation is in place for the hard work to be done next year.

Improved highway safety must be a foremost priority in this process. That is why I am especially interested in hearing how these incentive programs have impacted both highway safety and the highway programs of particular states. Are they effective, and do such programs place unnecessary burdens on state flexibility in handling their transportation funds? I am also concerned with the possible infringement of personal liberties in regard to these programs, an example being mandatory helmet laws. As we progress on safety matters, we must be careful in evaluating the success of these initiatives, making sure we are not hampering state efforts toward our mutual transportation goals. I look forward to an enlightening assessment of these developments.

Mr. Chairman, I would like to thank our panelists for giving us the benefit of their time and expertise. Together, we will provide as safe an environment as possible for our motorists through the reauthorization of ISTEA.

Mr. PETRI. I'd like to welcome the first panel, sir. Mr. Martinez, we look forward to your testimony. I note that you're accompanied by Dennis Judycki and Adele Derby, who is the Associate Administrator for State and Community Services of NHTSA, and James Nichols, the director of the Office of Occupant Protection.

If you'd like to proceed, please do so.

**TESTIMONY OF RICARDO MARTINEZ, ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (NHTSA), ACCOMPANIED BY DENNIS JUDYCKI, ASSOCIATE ADMINISTRATOR FOR SAFETY AND SYSTEM APPLICATIONS, FEDERAL HIGHWAY ADMINISTRATION, ADELE DERBY, ASSOCIATE ADMINISTRATOR FOR STATE AND COMMUNITY SERVICES, NHTSA, AND JAMES NICHOLS, DIRECTOR OF THE OFFICE OF OCCUPANT PROTECTION, NHTSA**

Mr. MARTINEZ. Thank you, Mr. Chairman. For your edification, it took me 18 months to be able to say Judycki also, so you're doing well.

Thanks for the opportunity to speak today. I welcome the opportunity to testify.

We have made good progress in improving safety on the Nation's highway, as you noted. Safety belt use has grown from 11 percent in 1982 to 68 percent in 1995. Alcohol involvement in fatal crashes has dropped from 57 percent to 41 percent in the same period. The highway fatality rate has declined steadily since 1966, reaching an all-time low of 1.7 fatalities per 100 million miles traveled.

Highway safety has also been enhanced through the increased infrastructure investments that resulted from the passage of ISTEA.

Despite this progress, much work remains. As a matter of fact, we say that we think much of the easy gains have been made. After years of steady decline, total highway deaths have been increasing. Safety belt use in recent years has only grown by 1 percent. In 1995, the number of alcohol-related fatalities increased for the first time in 9 years.

Currently, more than 41,000 people die every year on the Nation's highways and more than three million are injured. Although our fatality rate remains at an all-time low, highway crashes are costing the Nation over \$150 billion a year, which comes out to \$580 per American.

Federal leadership in highway safety is a responsibility we take very seriously. Last November, when the President signed the NHS Act, Secretary Pena announced his action plan to reduce highway injuries and related cost. We continue to make progress on implementing that plan.

The keystone of our highway safety effort is our section 402 State and community highway safety grant programs jointly administered with FHWA to our friends in the States.

Under section 402, NHTSA and FHWA give technical assistance to States and local communities to develop and implement their highway safety programs and highway safety grants to States. The 402 program is extremely cost-effective. From 1975 to 1994 we estimate that 90,000 lives were saved by safety belts, motorcycle helmets, child safety seats, and the minimum drinking age laws.

These savings represent \$70 billion in economic benefits, more than seven times the cost of NHTSA's entire highway safety program from 1966 through 1994.

The 402 program is evolving through a new performance-based management process that you mentioned.

In the pilot program we began in 1995, the States now set their own performance goals and objectives for bottom-line improvements of safety. This process is a prime example of an effective Federal and State partnership.

NHTSA's highway safety, research, and development program, the 403, is a foundation upon which State, community, and private sector highway activities are based. Through this research program, our findings on effective counter-measures and best practices have been transferred to States and communities for use in their own programs.

ISTEA also funded a major initiative—the crash outcome data evaluation system, or CODES project, to provide States the safety data they need to track the progress and effectiveness of their highway safety efforts.

No review of highway safety would be complete without mentioning the leading factor in fatal and serious injury crashes—that is drunk driving. Significant progress in drunk driving prevention has occurred as a result of public support for laws such as the national minimum drinking age, credited with saving more than 10,000 lives in the past 10 years.

Section 410, impaired driving incentive grant program, provides financial incentives to States to encourage improvements in laws and programs dealing with impaired driving. Since the passage of ISTEA, 37 States plus the District of Columbia have qualified for one or more years of incentive grants.

The goals of the section 410 program are greatly assisted by the enactment of zero tolerance legislation. A zero tolerance law makes it illegal for a person under 21 to drive a motor vehicle with any measurable blood alcohol content.

In June, 1995, President Clinton called on Congress to make zero tolerance the law of the land. Congress responded by including the provision in the NHS act. These laws are very effective in reducing alcohol-related crashes involving teenage drivers by as much as 10 to 20 percent.

ISTEA recognized the importance of Federal/State partnership in highway safety. Reauthorization of ISTEA must continue to look at ways to advance this essential partnership. States and localities with Federal technical support are in the best position to determine their own problems. The next ISTEA should provide the States with flexibility to address their problems in the most effective and appropriate way.

Highway safety policies must be driven by good science and appropriate tools. We need to do our best to help assure that States and communities have these tools and the resources to do the job.

To learn more about what aspects of ISTEA are working and what can be improved, we have traveled around the country to listen to our citizens.

At our forum on safety we heard strong support for Federal involvement in safety and for each of our highway safety programs.

Our partners suggested that future areas of national, State, and local priority should include enhancements on highway safety data, occupant protection, and programs that address emerging problems.

ISTEA provided a strong foundation for a successful Federal role in highway safety. Essential highway safety elements, inter-government partnership, a strong commitment to safety and enhanced planning, and a strong commitment to research and development should be extended.

Mr. Chairman, this concludes my statement, and I say hello to Mr. Rahall.

My colleagues and I would be happy to answer any questions.

Thank you.

Mr. PETRI. Thank you.

Nick, do you have any—

Mr. RAHALL. Thank you, Mr. Chairman. I appreciate very much Mr. Martinez' testimony and commend him for the excellent work that he is doing as Administrator.

I look forward to the rest of today's witnesses as well.

I apologize for being slightly tardy, and I would, with the chairman's permission, like to make my opening statement at this point.

Mr. PETRI. Sure.

Mr. RAHALL. Mr. Chairman, as you know, these hearings are at my request. I thought it very important, as we wind down the ISTEA reauthorization hearing process, that we have such a hearing on highway safety programs.

We've had a number of reauthorization hearings during the course of this year, and I felt that this was vital to our agenda.

Of course, none of us know what the November elections will mean in terms of which party will be in the majority in this body in the next Congress, but we do know, as we begin to draft reauthorization of ISTEA, we will do it in a bipartisan fashion, regardless of what November brings, and it's my hope that we can work together to address the pressing need to bolster our Federal highway safety programs.

It is unfortunate but true that several aspects of our Federal highway safety program came under attack during this Congress—and I don't say that in a partisan manner either, I might add, because it was from both sides of the aisle. We witnessed the repeal of the national minimum speed limit. We saw various special interests line up to obtain statutory exemptions from truck safety regulations, such as those dealing with hours of service. Then there was the notorious Frito-Lay provision, known in some circles as the "chip and dip amendment"—a provision that originally would have exempted 40 percent of all trucks on the Nation's roadways from Federal safety regulation.

Over the course of this Congress we heard a great deal about so-called "States' rights," we heard a lot about unfunded mandates, and we were lectured about regulatory burdens. Those of us who resisted the weakening of the Federal highway safety program—who would not be party to the repeal of the national speed limit, for instance—were accused of "big brother-ism."

Well, I can say that I'm not anybody's big brother except Ed and Tanya—and that's my younger brother and sister. But I will say

this: I believe that we, as legislators, have a fundamental responsibility to our constituents to provide them with reasonable safeguards when traveling our highways; that it is not enough simply to send billions of highway construction dollars to the States without attempting to emphasize the safety aspects of those programs.

So I conclude, Mr. Chairman, saying that, again, during the next Congress it's my intention to work to reassert the emphasis this committee once gave to safety issues, and to do this in a bipartisan fashion.

Thank you, Mr. Chairman.

Mr. PETRI. Thank you.

Have you any questions?

Mr. RAHALL. Yes. Let me ask Mr. Martinez some questions. I thought the others were going to testify, as well.

We are all aware that the section 402 program is the backbone of our Federal highway safety program, but I was wondering, Dr. Martinez, if there was in place, or attempts to put into place, some type of performance review of this program—in other words, a means to determine just what type of safety results we're getting in exchange for these grants?

Mr. MARTINEZ. Yes, sir. I appreciate the question.

We actually began to meet with the States in partnership about 2 years ago, really to focus with the States, as being our customers, to look at how we could work better.

You know, as I mentioned earlier, the easy gains have been made, and we need to look at ways to increase flexibility and to make sure that the products that we have and the programs that we do meet the needs of the target populations which we're going after.

Working with the States, we changed from our 402 process in which we had them submit a plan and we had to approve it and basically do administrative oversight to one of performance partnerships, in which case the States look at what their problems are, using their data, and talk about objectives, and that together we can focus on attacking the problem through best practices that come through 403 and 402 around the country, and then look at the results of that.

The results of that are not only for our benefit, but for the benefits of the citizens within the State in which that money is being spent.

So we've moved into performance-based partnerships with them. We started with pilots in 16 States, I believe. The States have found it to reduce their paperwork and time spent in administrative activities.

I was to focus on working with the communities, and now 40 States, I believe, are doing performance-based partnerships.

I'd like to ask Ms. Adele Derby if she has any other comments to add to that.

Ms. DERBY. Yes. I believe you asked how we were going to review this and see if it's working. We got together with the States early on before we really put the process in place, and we got together with them at every step of this process, so this has really been joint development.

We put together a short-term evaluation plan and a long-term one. Dr. Martinez explained the short-term one, I think.

The only thing I'd add is we found, interestingly enough, setting performance measures a process the States were already going through in their State budgetary meetings, so that was just right in keeping with what we'd asked.

We have a long-term evaluation process, and the first set of States will submit their annual reports to us by the end of December. At that time, we'll look across the 16 States that were in the pilot program and determine what progress they've made towards meeting their performance goals, the effectiveness of the programs that they've selected to meet those goals, how they've utilized their resources, and to determine how they've included others in the process and how they've covered the priority programs.

So we have an evaluation plan in place and will be reporting when those 16 annual reports are in.

Mr. RAHALL. Mr. Chairman, if I'm out of time, I'll wait and ask my second round.

Mr. PETRI. Mr. Tiahrt, have you any questions?

Mr. TIAHRT. No.

Mr. PETRI. Ms. Danner?

Ms. DANNER. No.

Mr. PETRI. Mr. Sawyer?

Mr. SAWYER. Thank you, Mr. Chairman.

I am grateful to Dr. Martinez for his participation in this hearing and am even more grateful for his continuing concern about overall safety issues.

This may not be the hearing at which to ask this question, but if I might ask it anyway, simply because we have the presence of the Administrator: a number of months ago you joined with a number of vehicle manufacturers and other industry representatives from both this country and the European Community in a tentative effort to begin work toward trying to harmonize safety standards in terms of vehicular design between both Europe and the United States.

Could you comment briefly on the program that you've seen in that effort and what direction we might most profitably go in order to enhance that goal?

Mr. MARTINEZ. That's a good question. That's really an issue of importance in many ways, not only in looking for the benefits, but be cautious about any disbenefits.

For example, we do not want to see that, in a movement toward harmonizing standards, that we would decrease safety in any way.

The issue has given us some opportunity, though. For example, one of the problems we have often is trying to look at best practices around the world in comparing safety standards. There are discussions about fatality rates and that sort of thing. The data is not necessarily comparable. So we've actually looked on the agenda as having comparable data. We've gotten the global acceptance of that.

With regards to the international organization, let me just make a point there that the driving aspect of that has been industry on their own has focused on—this is a need for them.

What NHTSA did was hear that, but then say that this is a democratic, open process and opened up the dialogue to include the safety groups, the medical groups, the insurance groups and bring it into that.

At this point our focus really has been on looking at how do you actually compare standards, but I do make the caveats that safety is not to go down.

I will tell you, on the positive aspect, I see that the need for harmonization has actually had the industry work more closely now so that we can attack issues such as child safety seats, which is a good example of how no one speaks to each other and we have a problem of compatibility.

So, for what it's worth, I think we are finding—we are moving cautiously in this direction but looking for opportunity as we do that.

Mr. SAWYER. Thank you very much.

The chairman knows I've been interested in large data systems for a long time, and the comparability of measurements, in terms of measuring actual safety outcomes, is enormously important. I look forward to the opportunity to work with you on those kinds of goals.

Mr. MARTINEZ. Thank you, Mr. Sawyer. I want to thank you for your presentation at our public hearing and helping set a real positive tone for that meeting.

Mr. SAWYER. Thank you, sir.

Mr. PETRI. I had a question or two. Maybe this is a good time to ask.

I wonder if you could expand a bit on your testimony to the effect that the next ISTEA should provide States with flexibility to address highway safety programs as effectively and appropriately as possible.

How would you recommend we provide more flexibility?

Mr. MARTINEZ. I think that our move toward performance partnerships and engaging the next level down, not just the communities, is really the cornerstone to that.

When we started looking at how we created programs and products, we oftentimes found that we didn't have the flexibility we needed for they communities—not just the States, but the communities to apply them in their community.

One of the problems we're having, we have increased diversity, and so we have to make sure that the programs are flexible so they can be made culturally sensitive. What works in the rural may not work in the urban. What works in a Hispanic or black community may not work in another community. So we are trying to make sure that we have those programs.

But we want to engage in not only the—we want to give community ownership of the problem, so therefore our move toward performance partnership has been important. To do that you have to have good data and you have to have data at the local level.

So in our discussions we have found that an emphasis on data collection and data linkage and making data available, including monies to help these systems be built—build the infrastructure for this so it's self-sustaining and people own the problem.

Secondly, making sure that we have ways to make sure that the local communities are involved and have input to the process.

It doesn't do any good to move it from the Federal to the State and then not have the communities involved, because you have the same problem of one size fits all.

And then, third, making sure that there is an evaluation or accountability process so that people can see the results of these programs.

I think we're all going to have to face up to the fact that there is an increased demand for accountability with the results of money spent.

Lastly, there has been some suggestions about additional incentive programs to focus on emerging problems, as well as seat belt programs—strengthening those—alcohol programs, that sort of thing.

Ms. DERBY. A very good example of increased flexibility is the 410 program. When that started out it was very, very rigid, and for the first couple of years only two States could qualify. But in the ISTEA of 1991 Congress significantly opened that up.

Over time now, in this past year States now have the flexibility to become eligible to satisfy five out of seven criteria. That gives them a round of flexibility.

A performance measure was added for those States who found that they were constitutionally prohibited from having checkpoints. They now can meet a performance measure using data.

So that program has been terribly successful and has been very flexible for the States. That's a good example of an incentive program that works.

Mr. PETRI. Thank you. One other thing. I wonder if you could tell us, now that you've been on the job for a while, if you see any emerging safety issues that we ought to be considering when we move forward with ISTEA.

Mr. MARTINEZ. That's a good question. We've tried to keep ahead of and identify some emerging issues. We certainly have problems that will come with the change in the population, both in—we have a new wave of younger drivers coming into the marketplace or into the driving system, I should say. We're looking very hard how they come in, such as graduated licensing programs, what causes high risk, things we can do to affect them, and what's the best way to affect them early on.

We also have an aging population which is going to become a larger issue rather than a smaller issue over time.

We have increased cars on the road for the number of miles out there. In other words, in the last 10 years we've increased the roadways by 1 percent, mileage by 35 percent, and now there's an increasing concern about aggressive driving, as it were.

The issues of fatigue are certainly ones and drowsy driver ones that we're looking at.

And then also—the easy gains have been made, Mr. Petri. We have seen seat belt use, as an example, move dramatically, but now we're getting into the very high-risk group that's harder to reach. We're not going to reach them with a simple one solution. We'll have to go into the various categories.



We're going to have to really focus on what works at the local level and for those high-risk individuals.

A good example might be for drunk driving. We have found, through one research project, that social messages do not make as big a difference for those high-risk drivers as much as their significant other. So then we had to create tools for that significant other to know what to do to intervene in a risky situation.

Those are some of the issues.

We are also working more with the Indian, the culturally-diverse issues that we can attack.

Jim or Adele, did you have anything else to add to that?

Mr. NICHOLS. I think, having just come from the National Association of Governors' Highway Safety Representatives' meeting, we heard about problem ID over and over again, and the things that kept coming up are the three big ones: alcohol, occupant protection, and speed.

But I think that there were interesting variations on that, such as, in Ohio it was it mentioned that there was a particular problem with railroad grade crossings. We know that fatalities with regard to light trucks and vans are increasing. And then, of course, we have the emergence of young and elderly drivers.

Just off the top of my head, those are the things that come to mind.

Mr. PETRI. Thank you.

Would you like to—

Mr. RAHALL. Yes. Two more questions, Mr. Chairman.

While I realize that DOT is still in the process of formulating three authorization proposals, from your perspective, Dr. Martinez, what would be the single most important initiative we could consider to further advance highway safety?

Mr. MARTINEZ. I would, unfortunately, have to give you two single initiatives. How's that?

Mr. RAHALL. Fine.

Mr. MARTINEZ. Because one is resources and one is tools.

From the resource side, what we've heard over and over again from our ISTEA hearings and from our focus groups is that there is a disproportionate amount of monies sent to this problem as the exposure goes up.

In other words, we've had exposure go up by 35 percent over the last 10 years, and yet the funding has been, in reality, going down.

Eventually we pay the price for that because the easy gains have gone and we have to work harder and harder. It takes more money to get that distribution channel out. We're very concerned about that.

There have been some very interesting proposals made in our meetings, either a set-aside or the amount of money commensurate with the exposure on the roads. The second aspect as the most important things we can do I think really is to put the tools in place to move us into performance-based standards, performance-based systems and engage not only the States in Federal partnership but engage the communities and making sure the tools are available to do that.

That would be the highway data and the programs.

But I also add that people do want—repeatedly talk about responsibility and accountability for those funds being spent.

Mr. RAHALL. Thank you. One last question. At the risk of appearing to come from out of left field, has NHTSA done any studies on whether the use of cell phones while driving contributes to accidents?

Mr. MARTINEZ. We actually have started one. It's hard to get good data because it's not usually collected by the police departments.

The State of Oklahoma, I understand, does collect that, and so we've started a study in Oklahoma to take a look at their relationship to crash involvement.

Mr. RAHALL. Great. Thank you.

Mr. MARTINEZ. We cover left field, too.

Mr. PETRI. All right. Are there any other questions of this panel? [No response.]

Mr. PETRI. If not, we thank you very much.

Mr. MARTINEZ. Thank you.

Mr. PETRI. The second panel is made up of: Ms. Elizabeth Baker, chief, Traffic Safety Division, Maryland State Highway Administration, and highway safety coordinator for the State of Maryland, who is testifying on behalf of the National Association of Governors Highway Safety Representatives; Mr. Judith Lee Stone, who is the president of Advocates for Highway and Auto Safety; Ms. Janese Spanbock, who is an occupational therapist who's testifying on behalf of the Brain Injury Association; and Katherine P. Prescott, the national president of Mothers Against Drunk Driving.

We welcome you all. As soon as you're settled, I think—would it make sense to start with Ms. Baker and proceed right down the list?

**TESTIMONY OF ELIZABETH BAKER, CHIEF, TRAFFIC SAFETY DIVISION, MARYLAND STATE HIGHWAY ADMINISTRATION, AND HIGHWAY SAFETY COORDINATOR FOR THE STATE OF MARYLAND, ON BEHALF OF THE NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES; JUDITH LEE STONE, PRESIDENT, ADVOCATES FOR HIGHWAY AND AUTO SAFETY; JANESE SPANBOCK, OCCUPATIONAL THERAPIST, ON BEHALF OF THE BRAIN INJURY ASSOCIATION, INC.; AND KATHERINE P. PRESCOTT, NATIONAL PRESIDENT, MOTHERS AGAINST DRUNK DRIVING**

Ms. BAKER. Good morning, Mr. Chairman. My name is Elizabeth Baker and I'm chief of the Traffic Safety Division, as you mentioned, from the Maryland State Highway Administration. I serve as highway safety coordinator for the State of Maryland, and also as secretary for the National Association of Governors' Highway Safety Representatives, or, as we affectionately call it, NAGHSR.

NAGHSR is the association of the State highway safety offices, and this is a national organization of those individuals designated by their governors and charged with developing and implementing highway safety programs in their respective States, including the administration of the Federal highway safety grant program.

It truly is an association of dedicated highway safety professionals.

Let me first address the overall funding issues that have been discussed this morning.

I'd like to reiterate what Dr. Martinez said. The Federal/State partnership has been a uniquely successful one. The Federal Government has provided seed money to the States to develop innovative approaches to solving various traffic safety problems. The States, in turn, have used this seed money to develop programs. Those that have proven successful are then sustained with State resources.

Since 1966, when the partnership began, the national fatality rate was 5.7. In 1995 it was 1.7. Had we not succeeded in reducing this rate, last year, alone, 100,000 more people would have died on our highways.

One significant key to this success I believe has been the Federal highway safety grant program.

Our greatest challenge now though is lack of adequate funding for behavior highway safety programs. Federal funding for driver and vehicle safety programs is virtually level-funded since 1980 and has not kept pace with inflation, the increase in licensed drivers, the increase in travel, or registered vehicles. Likewise, the buying power has decreased. Imagine trying to make ends meet today on your 1980 salary.

Our request is based on the success of the behavioral highway safety programs. NHTSA has been able to document that there is a 9-to-1 direct benefit-cost ratio and a 33-to-1 indirect benefit-cost ratio. However, without adequate funding the rate of our success cannot be sustained.

We have reached the easy targets and obtained the easy fixes. To influence the hard-to-reach populations and repeat offenders, States will need significantly more resources.

Again, as Dr. Martinez mentioned, in Maryland the new challenges that we face and we see on a national level are those issues of fatigue, the aggressive driver, older drivers, and the young adult drinking driver. Those are the ones that have emerged as the significant new issues.

And, by the way, no new funding has come about to address those issues.

The need for new funding is clear and the time is now. If safety truly is a top priority, then the funding must match the status.

NAGHSR believes there is an appropriate avenue in which to fund the next generation of highway safety programs. We believe that safety should be an earmarked amount off the top of the highway trust fund. We also recommend that safety programs should be authorized as a single authorization with a large base program, an impaired driving incentive program, and other targeted incentives, as well.

And let me just finish up by saying a few things about the 402 program, the 410, 403, and the other incentive programs that have worked so well.

NAGHSR believes that the 402 program works exceptionally well. There are few other Federally-funded programs that can demonstrate the success of the 402 program, and little needs changing when it is reauthorized.

We strongly support the continuation of the performance-based approach that the 402 program has taken and urge the continuation of the national priorities and matching requirements.

NAGHSR further advocates that the minimum percentage of funds that are sub-allocated to local governments shouldn't be changed. The current requirement allows States to meet or exceed 40 percent local requirement, and most States do exceed that requirement.

Again, as an aside, in Maryland I know we pass on about 60 percent of the funds to the local governments, so it has a significant local impact.

We also believe that the 402 program should be based on multi-year contracting authority so that States could carry over funding without penalty. This would benefit States making big-ticket expenditures such as traffic records improvements, as well as States that receive a small 402 allocation.

So we believe that the 402 program, the 410 incentive program, the FHWA portion of the 402 program, and the 403 program have been very successful.

So, in short, the Federal highway safety grant program is a good one. It's low-cost yet extremely cost-effective—a success that few Federal programs can demonstrate. But it's also tremendously under-funded.

NAGHSR strongly urges continuation of and increased funding for the successful Federal/State partnership program.

Thank you, Mr. Chairman. I'd be glad to answer any questions.

Mr. PETRI. Thank you.

Ms. Stone?

Ms. STONE. Good morning. I am Judy Stone. Thanks for the opportunity to be here today to testify.

I'll summarize my remarks and ask that my full statement be included in the record.

The Congressional enactment of ISTEA established an important and long overdue safety agenda for DOT. Unfortunately, since its enactment in 1991 many of the safety provisions have been weakened or repealed.

For the third straight year in a row, highway deaths and injuries are up, medical costs are also up, and yet funding for safety programs is at an all-time low.

Along with addressing problems such as impaired drivers and unrestrained vehicle occupants, our Nation is now facing new concerns, such as higher speed limits, weaker motorcycle helmet laws, increased aggressive driving, and a growing population of young, inexperienced, high-risk drivers.

The American people are concerned. This message comes through loud and clear in the results of a poll conducted by Lou Harris that Advocates released earlier this month. The results of the poll indicate that the public believes that strong action by Federal and State governments is necessary and desirable and that something further must be done to stop the senseless, avoidable deaths and injuries of millions of Americans each year.

For example, 80 percent of those polled believe that a Federal presence is important in passing laws which mandate safety belt

use; 91 percent believe Federal involvement in assuring safe highways is also important.

To combat this epidemic, we must educate the public about how they can protect themselves and then encourage them to habitually practice safety measures.

The programs which provide the arena for a network of safety partners to work together must be expanded. States and communities, auto manufacturers, insurance industry, health and medical practitioners, safety activists, law enforcement, private sector—a whole range of parties concerned about the problem must really have the resources to work together. Federal grants frequently act as a catalyst to accomplish this end.

Now, you've heard a lot about the 402 and 403 and 410 programs from previous witnesses, so I'm not going to describe them and go into a lot of detail, but I do want to highlight one of the best parts of the 402 program that I believe is very important to talk about, and that is the small amount of Federal dollars that leverage private sector funds and State monies. This is a winning combination that involves many important parties at the community level.

Mr. Chairman, in your home State of Wisconsin, a successful 402 laser speed detection pilot program has been saving lives. The goal of the program was to reduce the number of speed-related crashes in Milwaukee by targeting densely-traveled, multi-lane highways.

Studies reveal that the laser was able to detect 96 percent of the speeding vehicles in the test sector, while radar was only able to detect 34 percent of the vehicles.

In 1992, the year of this program, Milwaukee realized a 25 percent reduction in speed-related crashes as compared to the prior year.

The 402 grant for \$14,000 was matched with private funds of approximately \$13,000. It's a good example. We have lots of other examples in our prepared testimony, and I do know that there is a successful 402 story in every District of every member of this committee.

Preventing traffic crashes from occurring through public information, education, and enforcement not only saves lives but it also saves billions of dollars. For each serious injury that's prevented, taxpayers save \$35,000 in health care costs, alone.

Section 402 is one of the smallest Federal transportation programs, representing less than 1 percent of the entire Federal aid highway program, yet it is one of the most cost-effective.

NHTSA estimates that the direct economic benefits of highway safety programs exceed their cost by nine-to-one, which you've already heard. Few Federal programs can boast such cost-benefit ratios.

Nonetheless, the program is substantially under-funded, even compared to 15 years ago.

Section 410 has been the sole incentive program to institute activities needed to combat the Nation's serious problem with impaired drivers. Increases in the number of States passing important laws can really be attributed, I think in large measure, to a desire to qualify for these incentive funds.

The result of recent changes in eligibility requirements has been that more States are applying for the grants, however, and that is

the good news. A total of 29 States have now achieved eligibility, and NHTSA anticipates that as many as 36 States may qualify during fiscal year 1996.

Bad news is that there's not enough money to fund the States. NHTSA was able to fund the States in only 75 percent of the formula calculation.

Time's up. Let me just switch to the conclusion, if I can.

Every year our Government provides from \$14 to \$16 billion in Federal assistance to the States for reconstruction, construction, and maintenance of roads and bridges. Also every year there are 41,000 deaths and over 5 million injuries sustained on the highways at a cost of over \$150 billion a year. That's just really too much money.

So we are, for these reasons and for other reasons, recommending that a specific percentage of Federal highway funding be set aside each year to be carried out under sections 402, 403, and 410.

Funds available from such a set-aside will more accurately reflect the magnitude of the problem and will greatly expand the already effective network of programs in the States that address these problems. We think it makes good financial sense to link the highway safety spending to the highway construction expenditures and we're recommending that that be at least 3 percent of the program. So we think that we have to do this if we're really serious about solving the problem.

We'd be glad to talk about these in more detail with your staff. Thanks.

Mr. PETRI. Thank you very much.

There is a vote on the journal that started a few minutes ago, so I think we'll recess until 11:00 and then we'll be back to hear the rest of the panel and for questions.

The subcommittee is recessed until 11:00.

[Recess.]

Mr. PETRI. The appointed hour having arrived, we will recommence the hearing with Ms. Spanbock.

Ms. SPANBOCK. Mr. Chairman, thank you for the opportunity to speak before your very small subcommittee.

My name is Janese Spanbock, and I'm an occupational therapist in a brain injury unit at Southside Hospital in Bay Shore, New York. I am also personally committed to the prevention of brain injury. My sister-in-law, Jane, is a survivor of brain injury, and my late husband, Paul, died of a brain injury. Both were involved in pedestrian automobile accidents. The Spanbock family has been involved with the Brain Injury Association for many years.

I urge you to address two areas of traffic safety where thousands of lives can be saved and thousands of injuries may be prevented.

First, I urge you to encourage every State to enact a bicycle, skateboard, and in-line skating helmet law for children. ISTEA already includes restrictions on highway funds that are tied to State safety belt laws and zero tolerance laws. You could do the same thing for children's bicycle helmet laws.

This year, alone, 15,000 young bicyclists will sustain severe injuries that result in life-long disabilities. If only these children were wearing helmets, the numbers would be far different and far better.

Bicycle helmets reduce the chance of sustaining a brain injury by 88 percent, and these helmets are not expensive. Five years ago, bicycle helmets cost \$50, today you can buy a helmet that meets every safety standard for less than \$10. For every dollar we spend on bicycle helmets, we save \$28 in reduced health care costs, lost wages, Federal entitlement support, and so on.

Fifteen States and hundreds of local jurisdictions have already passed bicycle helmet laws. During debate this year in Dallas, Texas, over whether to pass a bicycle helmet law, Annie Strauss, a 12-year-old student at Arthur Kramer Elementary, wrote this poem: "You say bicycle helmet laws are Government intrusion. This accusation is incorrect and causing much confusion. When they're born all little tots must be inoculated and get their shots. And 5-year-olds, as a rule must enroll and go to school. In wearing a helmet you will give a chance for more children to live. You don't want more kids in a hospital bed. They should wear a helmet and protect their head. So cut the jabber, cut the jaw, make wearing bicycle helmets the law."

In July, Dallas' city council passed an ordinance requiring all bicyclists to wear helmets.

I must also address the problem of pedestrian accidents. In 1994, 5,600 pedestrians were killed, while another 65,000 were injured on our streets and highways. ISTEA provides funds for improving bicycle and pedestrian safety. This money has been used to improve street lighting, construct sidewalks, erect crossing lights, and to implement traffic-calming measures, all of which help to prevent pedestrian accidents.

I urge you to continue funding these improvements. I also urge you to support a new program called the "Partnership for a Walkable America," which will promote pedestrian safety, increase pedestrian access, and improve the Nation's health by encouraging more people to walk, jog, or bicycle.

Now, I want you to imagine you are the parent of a 10-year-old child. One day the police come to your door. They tell you that your child has been struck by a car and has been seriously injured.

After hours of surgery and spending days in a coma, your child begins to awaken. Through it all, you have waited and prayed, and now you finally feel hope, but your child is not the same.

After several months, a team of therapists reports your child has plateaued in his progress and it is time to go home. You are confused and scared because your child still needs a lot of care. Your child continues to require full-time supervision because he can't walk, he can't use his arms, and he can't dress, bathe, or even eat without assistance, and your sweet, happy child becomes easily frustrated, lashing out at anyone who tries to provide assistance.

The primary wage-earner begins to work more hours and feels burdened by the financial responsibilities. The other spouse is exhausted from giving 18 hours of care because the nursing aid only works 6-hour shifts. Your marriage is in trouble.

Your other children spend less time at home and they feel isolated and unsupported. Your entire family feels guilty and tries not to think too often about the what-ifs.

Support in medical services are becoming minimal because your insurance is running out. Your friends are more distant now, citing other obligations when you ask for their help.

Your child's outbursts persist and so you stay at home, not wanting to face people who do not understand.

And every day you live with the nagging fear, "Who will take care of my child if something happens to me?"

I have seen this scenario over and over again, and it is almost always the same—all for a tragedy that could have been prevented. As individuals protecting your own family and as the Subcommittee on Surface Transportation, you have the ability to prevent these tragedies. I urge you to pass a nationwide bicycle, skateboard, and in-line skating helmet law for children, and I urge you to fund programs that will improve pedestrian safety for every American. Thank you for your time.

Mr. PETRI. Thank you.

Ms. Prescott?

Ms. PRESCOTT. Thank you. Good morning, Mr. Chairman.

Thank you for the opportunity to present MADD's views on the reauthorization of ISTEA.

As I appear here today representing the millions of Americans who belong to and support MADD, I am reminded of the imperative expressed to physicians: first do no harm. This medical allusion is an appropriate one because we are increasingly aware of the public health and health care dimensions of highway safety.

These dimensions were pointed out this week in the prediction that motor vehicle crashes will surpass infectious diseases as a cause of death in the next century.

They are also underscored in the latest issue of the "American Journal of Public Health" through a new study showing the effectiveness of a lower BAC limit in reducing alcohol-related crashes, deaths, and injuries.

As a Nation, we've come a long way in the fight against drunk driving, but we have a way yet to go. The way we must not go is backward.

In 1984, with this committee in the lead, the Congress passed the Uniform Minimum Drinking Age Act making 21 the minimum drinking age across the Nation. There are thousands of young Americans who are alive today thanks to the wisdom of the Congress in passing that law.

Mr. Chairman, I'd like to add that this committee has a long and distinguished record of fighting drunk driving. In 1984 it was Representative Jim Howard who led the fight for the 21 bill.

Over the years, MADD has always worked cooperatively with this committee and its staff. That productive relationship has served our cause and the Nation very well.

The 21 law has not put an end to irresponsibility and the sale, purchase, and consumption of alcoholic beverages. There are still too many establishments promoting and selling alcohol to minors. There is still too big a market for fake IDs.

But, that having been said, the difference between the lives lost prior to 1984 and those saved since the passage of 21 is about 1,000 lives per year.



We believe that the question of the national minimum drinking age is settled. Attempts to reopen the issue only add to the challenges we face to combat underage drinking and driving by our Nation's youth.

In 1995, President Clinton proposed and Congress passed the zero tolerance provisions in the national highway system bill making .02 BAC the definition of intoxication for drivers under the age of 21. That means no drinking and driving.

MADD will equally oppose any effort to repeal or weaken zero tolerance.

Mr. Chairman, over the course of the last few months we have been working with our colleagues in the highway safety field to fashion an approach to ISTEA reauthorization. While I'm not prepared here today to say our last word on that subject, I can give you the basic outline of at least MADD's approach.

One point we all agree on is this: safety, transportation safety, highway safety is always described as the highest priority of government at every level, but when the resources are allocated, safety takes a back seat to other transportation functions. We seem to always get a rhetorical box seat, but when investments are made we sit in the bleachers.

We hope to rectify this situation next year by proposing to you a safety set-aside from the highway trust fund.

Given the life-saving importance of safe driving, we do not believe that a small percentage of the highway trust fund is too much to pay to ensure the safe use of our Nation's highways.

Mr. Chairman, a case which well illustrates my point is the section 410 anti-drunk driving incentive grant program. It has been clear for several years that this program is vastly under-funded. We said to States in 1991 that if they passed new tough laws against drunk driving that they would be eligible for an incentive grant. When the States responded, as prescribed by law, they found that the dollar of incentive they thought they were eligible for was only \$0.75.

MADD supports some improvements to section 410 program, but we would say that there is nothing fundamentally wrong with the program that full funding, doubling the authorization for section 410 from \$25 million to \$50 million, would not solve.

Going beyond just doing no harm, we must also do more to prevent harm. A new study released today in the "American Journal of Public Health" reinforces the value of lowering the BAC to .08 in reducing alcohol involvement in fatal traffic crashes.

Compared to surrounding States with a higher limit, States that adopted .08 experienced a reduction of 16 to 18 percent in the proportion of fatal crashes that involved alcohol. If all States adopted .08, this could result in a saving of 500 lives each year.

Congress has supported incentives to the States that adopt .08 through section 410, but the determination of the foes of .08 opposing efforts to encourage its passage may necessitate a call for more strenuous measures in the future.

That concludes my statement, Mr. Chairman. Thank you again for the opportunity to appear here today. We look forward to working with you as you fashion the next major surface transportation authorization.

Mr. PETRI. Thank you, Ms. Prescott. Thank you all for your testimony.

I have a couple of questions I might address to either—if anyone wants to add, that's fine.

Maybe, Ms. Prescott, since you just finished I'd ask you the first question, which was: you mentioned the 410 program and said that you supported improvements in it, and you mentioned one of the improvements which was, I think, a set-aside or more funding for the program.

Ms. PRESCOTT. Yes.

Mr. PETRI. Do you have any other suggestions, either now or to submit for the record, on improving that program?

Ms. PRESCOTT. Well, we could take .02 out as a basic criteria because, under the new highway system, zero tolerance is going to be required anyway or States will lose their funding.

Mr. PETRI. Thank you. And the National Association of Governors' Highway Safety Representatives support NHTSA's performance-based pilot project. I wonder if they have any other recommendations that would make the highway safety programs more flexible?

Ms. BAKER. We feel that we've gained a great amount of flexibility with the new performance-based process and we're happy with it. We're still basically in the pilot stage, so I think, just like NHTSA, we'd like to spend a few more years under this process and really see how it works before we start mentioning refinements.

But we're very happy with our partnership with NHTSA and the additional autonomy and authority that the new process allows the States. It just gives us a little more flexibility to really look at our problems as we see them and work with NHTSA to solve the problems.

Mr. PETRI. I think there's—at least I haven't heard any dispute from any quarter about the importance and need to keep our eye on the ball of promoting safety. There is disagreement about how you get from here to there, but if we can work on good statistics and measurements, then flexibility seems to offer some opportunity. If it doesn't work, we can mandate something, but if there's an approach that we haven't thought of and may even seem kind of counter-intuitive here in Washington works somewhere in the country, why not let them do it if it does, in fact, save lives and promotes safety?

So I agree with your plea to try to figure out how we can—we don't want it to be an excuse for relaxing efforts to achieve safety, but we do want to maximize safety by giving people a lot of opportunities to use their—

Ms. BAKER. That's a very good point, Mr. Chairman, and, if I may talk about an example in Maryland, through the flexibility of this program, this past year I was able to put a good amount of money into improving our traffic records system in Maryland, which is our base form of good data.

Just within the last year or so, we've been able to cut down the time in which accident data is available from 9 months to 3 months, so that's a good example of how this flexibility has allowed

me to improve our program and provide that good data that the State and the local need for problem identification.

Mr. PETRI. All right. Thank you.

Yes, ma'am?

Ms. STONE. Mr. Chairman, I just wanted to ask if I could respond to your question about the 410 program—

Mr. PETRI. Sure.

Ms. STONE. —and whether or not there might be some other ideas.

In a couple of States—and maybe Beth can help me here. I know California is one of them—there is a very aggressive vehicle impoundment law and a vehicle impoundment program, which is working quite well for repeat offender drunk drivers.

And I think it would be a good idea to look at adding that to the 410 program as one of the criteria or one of the supplemental criteria, because it currently is not.

Also, in our poll we asked a question of the American people about an idea that we had, which would be to publicize people who had been convicted of drunk driving in newspapers, in local newspapers. That's pretty aggressive, but there was overwhelming support from the American people for going after people who had been convicted and making sure folks knew about that.

So I think those are two ideas to add to the 410 program.

Mr. PETRI. All right. Thank you very much. We'll be working with you all as we got into the reauthorization process next year.

The next panel is: Mr. Roger Rathburn, the national president of the American Traffic Safety Services Association and the president of Rathco Safety Supply, Inc.; Lieutenant Colonel Jerry Massengill, Virginia State Police, on behalf of the International Association of Chiefs of Police; Giffen B. Nickol, communications coordinator of the National Motorists Association; and Wayne Curtin, vice president, government relations, Motorcycle Riders Foundation.

We seem to be segregating these panels on a boy/girl basis—not intentional, but somehow it has happened that way.

Gentlemen, welcome. We may as well go right down with Mr. Rathburn first.

**TESTIMONY OF ROGER RATHBURN, NATIONAL PRESIDENT, AMERICAN TRAFFIC SAFETY SERVICES ASSOCIATION, AND PRESIDENT, RATHCO SAFETY SUPPLY, INC.; LIEUTENANT COLONEL JERRY MASSENGILL, VIRGINIA STATE POLICE, ON BEHALF OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE; GIFFEN B. NICKOL, COMMUNICATIONS COORDINATOR, NATIONAL MOTORISTS ASSOCIATION; AND WAYNE T. CURTIN, VICE PRESIDENT, GOVERNMENT RELATIONS, MOTORCYCLE RIDERS FOUNDATION**

Mr. RATHBURN. Mr. Chairman and members of the subcommittee, I'm Roger Rathburn, national president, American Traffic Safety Services Association, ATSSA, and president of Rathco Safety Supply, Incorporated, in Portage, Michigan.

Mr. Chairman, I would be glad to summarize my testimony and submit the written version in its entirety for inclusion in your records.

Mr. Chairman, I am pleased to have the opportunity to respond to your invitation asking for our views related to section 402, 403, and 410 safety programs, as well as other traffic safety initiatives which may be part of the upcoming ISTEA reauthorization.

ATSSA's a national trade association in its 26th year representing 1,200 companies and individuals in the traffic control industry. It is the men and women who work for our member companies and public agencies who are often in the most danger when highway safety measures related to the work zone fail. Therefore, we are in a unique position to offer suggestions on ways to strengthen sections of ISTEA addressing highway safety.

ATSSA recognizes that the 104th Congress has worked to return control over many Federal programs to the State and local level. However, when it comes to highway safety, especially national highway safety, we recommend that Congress consider that the next ISTEA reauthorization maintain a strong Federal role in highway safety; strengthen work zone safety by providing a 100 percent Federal match for work zone safety appurtenances; maintain a separate funding category for safety, as currently found in the surface transportation program; develop a uniform accident coding form, which includes greater detail regarding work zone accidents; allow the metropolitan planning organizations to include transportation safety enhancements within their purview under the transportation enhancement program; and remove the highway trust fund for the general unified budget.

Mr. Chairman, one of the greatest highway safety measures currently in use today is the uniformity of highway safety measures throughout our national interstate system. A driver in Virginia can drive across the country with confidence that, no matter what the State, he or she will find uniform traffic safety signage and markings to guide their way.

ATSSA believes that any attempt to eliminate this uniformity in standards would lead to increased motorist confusion and diminished safety for the motoring public.

Mr. Chairman, highway safety funding simply must be increased. The Department of Transportation's 1995 safety budget was approximately \$2.3 billion. Approximately \$650 million went for aviation-related safety, \$717 million for marine safety, and about \$840 million for highway safety.

While at first glance this may seem like a satisfactory distribution of safety dollars, a quick review of traffic fatality statistics demonstrates that either highway safety spending is woefully insufficient or marine and aviation safety expenditures are excessive.

If, for example, you divide transportation safety dollars in relationship to the number of fatalities in each mode, highway safety-related activities would command 2.2 of the 2.3 billion currently spent on safety.

With more than 40,000 Americans dying each year on our highways, the reauthorization of the Intermodal Surface transportation Efficiency Act provides an excellent opportunity for this committee and Congress to reexamine transportation safety spending priorities.

ATSSA continues to support section 402. While the program could certainly use greater resources, it has been responsible for

funneling safety dollars down from the State to the local level. This utilization of local government bodies allows for quick reaction to pressing local highway safety needs.

Section 403 of the highway safety research and development program enhances highway safety through its education, training, and research grants.

Much of what we have learned about enhancing highway safety can be attributed to this program and its predecessors; however, we would like to see more emphasis placed on safety, training, and incident documentation in highway work zones due to the heightened risk to both the motorists and workers in that environment.

ATSSA supports section 410 emphasis requiring States to adopt strong penalties in dealing with alcohol-impaired drivers. The best designs and preventative measures available are useless when the driver is no longer able to process the information due to excessive alcohol use.

Mr. Chairman, let me conclude with a few final suggestions regarding high benefit-to-cost ratio programs which, if implemented, would have a dramatic impact on highway safety.

The first would be for Congress to establish a 100 match for temporary control measures to protect the work zone.

The second would be to assure that pavement marking and signage are maintained at an acceptable level of visibility and that all paved roads be marked with a center line and line edges, based on daily traffic.

Pavement markings, for example, are reported to have a benefit-cost ratio of 60-to-1.

Once again, Mr. Chairman, thank you for the opportunity to address this committee this morning. Thank you.

Mr. PETRI. Thank you.

Colonel Massengill?

Colonel MASSENGILL. Yes, sir, Mr. Chairman.

On behalf of the International Association of Chiefs of Police, I would like to express our appreciation for being invited to express what I hope will be a law enforcement view, as well as my personal view as a private citizen, on the importance of ISTEA and its impact on our Nation.

At the conclusion of my remarks, I will give you five areas where I feel ISTEA can make a difference, from a law enforcement standpoint.

Perhaps more than any other institution in our society today, law enforcement is concerned with the quality of life in America. We're the only governmental agency that works the streets and is accessible to the public 24 hours a day, 7 days a week.

We see first-hand the violence and lack of respect for life, itself, the children, the elderly persons; suffering from abuse; the domestic violence; the acts of terrorism; and the deterioration of our neighborhoods that threaten to create a new crime wave as the children of our baby boom generation reach the crime-prone years; the plight of the homeless, those deprived of their careers by downsizing and right-sizing in industry and government that lead to the incidents in our work place as far as violence; the frustration of the ordinary people to try to cope with the dramatic waves of change that are sweeping over our Nation like an unrelenting storm; and

the sinister layer of drugs and alcohol that exacerbate and overlay all of these problems.

All contribute to the fact that police officers in our Nation indeed have become the thin blue line in trying to maintain order and enforce laws.

As I recite this rather depressing litany of problems, I wonder if it has occurred to too many of you that there is one place to which we all have access where the ordinary citizen, without any choice in this matter, rubs elbows daily with the criminals, the unstable, and the pathologic personalities, the terrorists, the drug lord, the good, the bad, and the ugly. That place is our public transportation system, our streets and our highways.

It's a small wonder then that they are often termed "mean streets." Every day criminals use motor vehicles to travel to the scenes of their crimes, to transport stolen goods, to seek out locations for future crimes, to flee from those that they have already committed.

You seldom hear of gang members committing walk-by shootings, but drive-by shootings occur in our cities and in our various jurisdictions every night and day of the week.

Our interstate highways have become major pipelines for transporting cocaine, heroin, and other drugs and contraband between cities and suburbs.

And let us not forget that Timothy McVeigh, the accused Oklahoma City bomber; mass murderer Ted Bundy; the Atlanta child killer, and many other criminals, they were apprehended as a result of stops that were made for traffic violations.

In addition, hazardous materials of all types and descriptions travel by trucks past our doorsteps each day. Entire families are wiped out in crashes with overloaded commercial vehicles driven by fatigued drivers. And motor vehicle crashes are the greatest single cause of accidental death for our young people. Twice as many of our young people are killed by accidents as by homicides. Traffic crashes cost far more in terms of medical bills, lost productivity, and property damage than crime.

And yet surface transportation is so vital to our Nation that if we completely, successfully—in the world market our people and products must be able to move freely, economically, and rapidly. Traffic-clogged streets, highways in need of major repair or reconstruction, and the aggressive driver who makes commuting stressful and in some cases fatal cannot be tolerated in America if it is to maintain our competitive edge.

These problems I've just outlined for you, sir, are too big to be solved at the local or even the State level. They transcend State and in some cases even national boundaries.

In this age of shifting more responsibility to the State and local governments, the highway transportation system is one area where the national defense, the economy, and the very quality of life require that the Federal Government not abdicate its leadership responsibility.

In fact, it is amazing that the Congress has not made the obvious connection between NHTSA's safety community and the community policing initiatives of the Department of Justice and mandated the two agencies work together on these two closely-associated issues.

There are three basic components required to maintain the safe, economical transportation system. They are, of course: engineering, enforcement, and education—the road, the vehicle, and the driver.

Mr. Chairman, I can see my time is running out here, so I'll hurry through this. I think this has been submitted for the record.

I would say this to you: our safest society today, in all that we hear about violent crime, in my estimation is that society that's aggressively but fairly policed from a traffic standpoint. I think ISTEA does some things to put forth some initiatives, which I'll name very quickly here and in my presentation that allows us to do just that.

The complexity of our legal system is such today that it takes police officers off the street and keeps them in court, tied up on paperwork. The problems go on and on when we look at what we're faced with in law enforcement today. The results of both our busy cities, our sparsely-populated local areas—departments cannot afford to let calls go unanswered; thus, we must continue to address this stuff, and to do it we've got to have the help of such organizations as NHTSA.

NHTSA is one of the most user-friendly Federal agencies that we've ever dealt with from law enforcement. The partnerships that were spoken of by Dr. Martinez truly exist. They allow us, at the State level, to identify our problems.

We hear a lot about block grants in these recent days, and I think block grants are all fine and well, but I would say to you, in the safety arena, especially ISTEA, that a large part of what comes to the States already are in the form of block grants. They allow us to identify our problems. They allow us to funnel the money to where it should go. That's what we like.

We would not like to see the safety money put into one pot with all the highway money that would cause us to have to compete with other areas within the transportation system. We still would like to see those grants dealing with highway safety programs receive the management and leadership of NHTSA.

Thank you, sir.

Mr. PETRI. Thank you.

Mr. Nickol?

Mr. NICKOL. Good morning, Mr. Chairman and members of the subcommittee. My name is Giffen B. Nickol, and I am here today representing the National Motorists Association.

I'd like to point out that I am a part-time district staff employee of Representative Robert L. Ehrlich, Jr., but I am here today on my own time representing only the NMA.

For too many years in this country, highway safety issues have been discussed and addressed in a naive and unrealistic manner, and the cause of highway safety has been promoted using tired slogans, discredited myths, heavy-handed enforcement, and outrageous claims.

Agencies of this Government, as well as private organizations ostensibly promoting highway safety, have deliberately misled the public and Congress in order to promote strategies and programs designed not to save lives but to preserve funding for a program or enhance an organization's financial interests.

It is time for some plain talk about highway safety and a rational, realistic approach to this subject, for that is the only context in which informed decisions about policy implementation and program funding can be made.

Such an approach must start with an understanding of the driving environment in the United States. We have more than 175 million licensed drivers in this country. That's a huge number encompassing a wide range of abilities and skills.

We drive on all sorts of roads under all kinds of weather conditions and in all manners of vehicles. Motoring is so much a part of our lives that most of us are exposed in some way to the risk of being injured or killed in a traffic accident every day, and yet, for all that exposure by all those citizens, we lose about 40,000 people each year in traffic accidents.

In my other professional career I'm a lieutenant in the Baltimore City Fire Department and I am an emergency medical technician. I've seen traffic accidents first-hand and I am not insensitive to the pain and suffering of those involved in them. Yet, at the same time, we must understand that operating a complex piece of machinery in a diverse and unpredictable highway environment carries with it an element of risk. While we can reduce that risk, we cannot eliminate it. Nothing in life is risk-free, and safety is a relative term.

Americans demonstrate by their daily actions their confidence in the safety of motoring. I know of no one who, under normal circumstances, refuses to drive or ride in a car because it is perceived to be dangerous.

Clearly, to the extent that motoring exposes us to a risk, we consider that risk to be acceptable.

Unfortunately, those who make their living by seeing the glass as half empty consider any risk to be too great and any expenditure to eradicate that risk to be worthwhile.

Their slogan, heard so often in discussions on this subject, is, "If it saves one life, it's worth it." That simplistic philosophy has led us to adopt regulatory and law enforcement programs which are expensive, burdensome, intrusive, and often unsuccessful at their stated goals.

Numerous examples come to mind. The national maximum speed limit, high-mounted third brake lights, sobriety checkpoints, and air bags are just a few.

The effect of all these policies and programs is to create and perpetuate bureaucracies and to foster the notion that we can have a risk-free society if we just let Government have enough of our money and enough of our freedom.

This is not to say that Government should have no role in traffic safety issues, but if we are truly interested in improving traffic safety, as opposed to spending money building bureaucracies and feeling good, there are a number of practical and innovative approaches we can take.

We can provide better emergency medical training for public safety personnel, especially in rural areas. We can promote the construction of more and better rest stops to reduce driver fatigue. We can ask NHTSA to study thoroughly the practice of split speed lim-



its so that States can set speed limits in conformance with the best research available.

And, speaking of NHTSA, its role should consist of doing legitimate research and developing constructive implementation strategies. Ultimately, State transportation officials are best qualified to determine highway safety priorities in their States, and they ought to be allowed to do so without the coercive threat to withhold highway construction and maintenance money.

In the same vein, we must respect the good judgment and the liberty of our citizens. To that end, consumers should be given the right to select and pay for the personal protection equipment they want on their cars.

I've joked for years that 95 percent of all American drivers believe that 95 percent of all American drivers are idiots who don't know how to drive, but none of us ever puts himself in that majority.

The truth is that we are, for the most part, a Nation of good drivers, and our extraordinarily low death rate attests to that.

Our national transportation policy should be crafted with that fact in mind and with a realistic attitude about human behavior, a respect for personal liberty, and an awareness of the limits of Government power.

Thank you.

Mr. PETRI. Mr. Curtin?

Mr. CURTIN. Thank you, Chairman Petri, Mr. Rahall, and other members of the committee for inviting me to testify today on behalf of America's motorcyclists.

My name is Wayne Curtin, and I'm the vice president of government relations for the Motorcycle Riders Foundation, and we represent a coalition of State organizations and individual members of about 275,000.

I'd first like to thank you all for actions that you took in ISTEA in 1991. There were two key provisions there that we feel really benefitted motorcycling. One was to maintain motorcycle safety as a national priority in the National Highway Traffic Safety Administration's 402 programs, and we've seen benefits from that. We'd like to see that maintained as a priority in reauthorization of ISTEA, but we would like to see the emphasis of that program shifted to rider education programs and motorist awareness.

The other thing that happened in ISTEA that has been very helpful for us and created a safer environment was the provision that you put in that provided access for motorcyclists to HOV lanes. When we're able to commute in a smooth-flowing, less-traffic area, versus having to be in congested stop-and-go traffic, it's a safer riding environment. We've seen a lot of benefits from that and would like to thank you for that.

As you look at reauthorization of ISTEA and the safety programs, we'd ask you to take a look at having NHTSA shift some of its priorities. We feel that they have become shifted to one side and a little obsessive on the occupant protection issues. We would like to see the focus shifted back to accident prevention.

Occupant protection has its place and it is a viable part of a safety program, but preventing accidents, in our mind, is the real solution to reducing injuries and fatalities, and also, from a societal

cost side, occupant protection does nothing about property damage, whereas preventing accidents keep cars from being damaged and keeps other property from being damaged, and therefore helps address insurance rates.

Also, if you don't have the accidents you're not trying to mitigate an injury; you just plain don't have an injury.

We hope that there will be some shift made in that focus within NHTSA.

The other thing that we would like you to take a real hard look at with NHTSA's activities is, in our particular case, advocacy and lobbying activities on the helmet law issue.

In 1995 you all did something else with the national highway systems bill that we were very appreciative of, and that was you voted to return the decision-making about the helmet law issue to the State level and repeal the Federal penalties. We thought that the message was pretty clear: that this should be an issue that the Federal Government should back out of and let the States make the decisions.

What we have seen since then is an increased activity on NHTSA's part to support lobbying and advocacy of passing helmet laws or not repealing helmet laws in the States. Frankly, we feel that's an inappropriate use of Federal taxpayer dollars.

I have some documents here that I'd like to submit for the record that are some fact sheets that NHTSA has been putting out over the last couple of years that show that they're clearly trying to advocate this agenda of States passing helmet laws and not repealing them, and we think that there ought to be some shift made in their availability to use those funds and would request in an ISTEA authorization you all put in a provision that prohibits them from using funds authorized under that act to advocate and lobby for helmet laws at the State level.

We just don't feel lobbying activities are an appropriate use of our Federal user paid tax dollars. People pay into the highway trust fund to have highways built and maintained, not to send bureaucrats around the country lobbying for laws.

To support that or to take a real hard look at that, something we'd like to ask you to consider doing within the next few months is asking GAO to do an audit of NHTSA's activities on this helmet law issue over the last 30 years and to see how much money they have spent on study after study after study and on sending people out to help organize and promote advocacy of helmet laws and to actually send regional administrators out to take on this type of activity.

We think if you take a look at that you'll find it's an inordinate amount of money, and we hope that you will then not allow them to do that in the future.

We'd also like to have you take a look at something similar to what was done with the unfunded mandate bill, and that would be to have a provision, a point of order put in ISTEA reauthorization that would have a point of order similar to the unfunded mandates bill dealing with future sanctions and penalties on States if they don't comply with certain safety laws. We feel that's in spirit with the issue of State rights that we've talked about in the past.

I'd like to close with—I have another item about incentive grants in my testimony that I'd like you all to take a look at, but I'd like to close with dealing with the intelligent transportation system.

We have a real concern that, as the intelligent transportation system's being developed, the people who are looking at this, doing the research and early development are not fully taking motorcycles into consideration.

We're not looking for on-board computer systems for motorcycles. We believe that the real thrill and enjoyment of motorcycles is operating it. But what we are concerned about is that the detection systems for accident avoidance are not taking motorcycles into consideration, and we're worried that that small little 125 Yamaha out there with an 80-pound, 16-year-old child on it won't be picked up by the detection systems, and we have concerns that that will not be incorporated into the design.

Some of the people we've talked with who are in the design stage of this, when we ask them questions about how they're incorporating motorcycles, it's a blank stare back. And so what we'd ask is that you would, in the ISTEA reauthorization, just put some language in that very clearly directs any research in this area to incorporate motorcycles in the design.

With that, I'd like to thank you for this opportunity to testify on behalf of America's motorcyclists as you consider reauthorization of ISTEA and map our future into the 21st century.

Thank you.

Mr. PETRI. Gentlemen, thank you all for your testimony.

I should say that Mr. Roger Rathburn asked to be excused after he testified because he had a plane to meet, and if there are any questions, I'm sure he would be willing to respond in writing.

Do you have any questions of the panel?

Mr. RAHALL. No.

Mr. PETRI. I have a couple.

First of all, thank you for the intelligent—that's interesting that they aren't taking into account motorcycles, and we'll try to pursue that and find out if it's an oversight or why that is and if there is something that can be done about it, because it clearly is going to lead to problems down the road if it doesn't get looked at.

Mr. CURTIN. Thank you. We greatly appreciate that.

Mr. PETRI. I guess the question I had of all of you is: you heard testimony from a number of the previous panelists—and I think maybe, Colonel, you mentioned it, too—about the need to try to have a set-aside for highway safety efforts. What, though, fits into that set-aside?

Painting lines and markings on the road promotes safety, putting up signs promotes safety. There are a lot of things that we do that are probably—if you do a cost-benefit analysis or something, filling potholes promotes safety, guard rails promote safety. There are a lot of things that we do that promote safety that aren't necessarily social action oriented.

Would it—I mean, do you want us to have a definition of basically a social action oriented set-aside or safety set-aside? Do you have any comments on all that? Are we going down a slippery slope? How should we design this sort of so that it really is a fair set-aside, if we want to go that way?

Mr. CURTIN. As a motorist, Mr. Chairman—and I'm an avid motorist and motorcyclist, myself—I drive and ride about 30,000 miles a year. I have a class A commercial driver's license. I have driven all manner of vehicles and I consider myself an enthusiastic motorist.

I've noticed in and around the Baltimore area some of our interstate highways have reflectors set into the highway to define the lanes. These reflectors make night driving, particularly in bad weather, much, much safer. They don't get a lot of attention. We don't see press conferences announcing the implementation of this reflector strategy. We don't have Federal overtime money paid to get these things installed. And they're not real flashy, but I think they work.

We know that fatigue is a significant factor in nighttime crashes. More and better rest stops—again, that's not a real flashy, high-profile program, but it's something that could save lives.

I think that we need to concentrate on areas like that and, as I note in my testimony, I think we have to be realistic in our consideration of this issue.

A traffic engineer who is a friend of mine, we were discussing this subject not too long ago and I asked him—with a death rate of 1.4 per 100 million vehicle miles, that's extremely low. And when you take the raw number, the 40,000 deaths, if you knock out pedestrians, motorcyclists, truck drivers, farm accidents, construction accidents, and get down to the everyday scenario most of us face, what is your chance of dying when you get into your car to drive to work? The answer is, you're actually extraordinarily safe in your automobile.

I asked my friend, "What do you think we can do?" He said, "From this point on any gains we make are going to be tiny and incremental and we have to ask ourselves whether they are going to be cost-effective."

Colonel MASSENGILL. Mr. Chairman, I'd just like to make a brief comment.

Insofar as the set-asides of safety funding for safety programs, I think the panelist is right. As I said a while ago, there are three, I think, ingredients to this problem that we have on our highways: the engineering, which he just addressed; the education; and the enforcement or the behavioral part of it that we often get involved in.

What I think we're trying to say to you, sir, is that if we intermingle, if we put all of these funds in one block to address all highway needs within a given State, we like that flexibility, but we want to ensure that safety programs don't have to compete with some of the engineering needs and some of the other things that I think we don't compete with now that we would if we block it in that broad of a sense.

Now, I would simply maybe conclude by saying this: I know that there is a lot of disagreement out there as to how this country should be policed, and I know that we've got a lot of problems. In fact, we've heard previous testimony here today as to how serious our problems are on our highways.

We just finished an enforcement wave, as we call it, in Virginia that went for a four-week period, Mr. Chairman. It was done with 402 and 410 funding.

We arrested over 1,200 drunk drivers in a four-week period. We took over 1,600 criminals off the road.

Now, in addition to that we wrote over 60,000 traffic summons to what we consider to be aggressive drivers.

I think all of that lends toward and contributes heavily toward a lower death rate that this gentleman is talking about.

I took a real quick look, just for your information, at the death rate that Virginia experienced in 1995, which we were proud of. It was much below the national average. With our volume of traffic that we had in 1995, if we'd had the same death rate that we had in 1996—in 1995 we killed 899 people in Virginia—if we'd had the same 1996 death rate, we would have killed over 4,000 people.

So a lot of these programs we're talking about are very necessary, and I think they go along way toward promoting safety on our highways.

Thank you, sir.

Mr. CURTIN. We would really like to see an emphasis put on the educational aspect.

I think if you look at what motorcyclists have done with rider education, it provides a real model. It's a program we funded ourselves by putting additional fees on motorcycle licenses and registrations and therefore made it affordable to the average person trying to start motorcycling so they didn't have to go out and pay \$500 to get a rider education course. In some States you can get it free. In other States it's \$25 to \$100.

We started the first rider education program—State-funded rider education program in 1979 in Rhode Island, and today we have 45 States that have those programs.

In 1980, our motorcycle fatalities and accidents both hit all-time highs of a little over 177,000 accidents and a little over 5,000 fatalities. Today the accidents and the fatalities are both less than half of that, and we feel that the education of teaching people how to ride motorcycles responsibly and safely has had a big impact there, and I think there are some things that can be done in the motoring community along the same lines, especially with providing more-affordable drivers' education for young riders or young drivers, because there are some places now that it costs \$500 or \$600 to send a child through drivers' education, and there are a lot of families that, frankly, can't afford that.

I think it's part of our responsibility to help find ways to fund that to make it affordable to send people to drivers' education.

On the other side, other things we were talking about, the performance-based, we really think that, especially if you're going to move towards the areas of some type of incentive grants to encourage States to do more things in safety, that looking at performance-based it's based on just a couple of real simple things: are you reducing your accidents? Are you reducing your fatalities? Is your fatality rate per million miles driven dropping?

If you're doing those things, then we ought to be rewarding the States for doing that, not rewarding them for passing specific laws.

Let's just give the States the goals: reduce accidents, fatalities, and your fatality rates and we'll reward you, we'll help you do that. I think that's the things we need to focus on in sat-asides for safety activities.

Mr. PETRI. Thank you very much.

This maybe sort of contradicts your last point. I wonder if you'd have any comment on some Europeans, when they look at our way we behave on our highways, I notice say, "Well, they have laws that you can't pass on the right, you're supposed to pass on the left." It used to be that way when I was a kid, I think. Do some States still have such laws? Does it make a difference?

There are a lot of different strategies, I suppose. On these multi-lane highways, if they're exiting from the left as well as the right, it becomes hard to really do that very well.

Mr. CURTIN. Some States do have those laws, Mr. Chairman. I know in Maryland we have tried on several occasions to get a "drive right, pass left" bill through the Maryland General Assembly, and it has been opposed. It has been opposed on the grounds that it might promote reckless driving.

I happen to have a friend who is a German national, comes here to visit a very so often, and he is just shocked to see Americans passing on the right.

This is an example of something that I think we could be doing that would definitely increase safety.

We have, for so many years, placed an undue emphasis, in my opinion, on speed enforcement, on promoting this notion that slow speeds are always safer and that, at any given speed, if you drive at any given speed limit, if you obey that limit strictly, even if you're the only one on the road obeying it, that you are safe and everybody else isn't.

I think, again, we need to be realistic. The safest highway environment is one—in this country, driving as we do on the right-hand side of the road, the safest highway environment is promoted by encouraging people to drive on the right and pass on the left.

We ought to try to educate the public and make that awareness independent of the speed at which one drives. We need to separate that issue.

But it has never been a priority, and frankly I don't know why. I think it could greatly enhance highway safety.

Colonel MASSENGILL. Mr. Chairman, just very briefly, I think the issue raised as far as passing on the right has been looked at by several States, and I think the problem we're having now with what has been termed "aggressive driver," quite often that stems from an individual being in the left lane and refusing to move to the right.

I think there is some validity to looking at those problems, but I would say to you, too, that the one law that no one can violate is the law of physics, and speed, when it gets to a certain level, does kill.

I think it is important, as has been pointed out by a couple of the panel members, that we try to keep all our speed—all our drivers driving at about the same speed. The differential in speeds are quite often what cause the problem.

Mr. PETRI. Thank you all. We appreciate your being here today.

The next panel is made up of: Ms Kathy Hoffman, the executive director of the Roadway Safety Foundation; and Mr. James Keaton, manager, 3-M Company, on behalf of the Institute of Transportation Engineers.

I suspect he appreciated the plug for night and foggy special reflecting things on the highways.

We want to welcome Kathy back to familiar surroundings.

Ms. HOFFMAN. It's good to be back.

Mr. PETRI. If you'd like to lead off, you're welcome to do so.

**TESTIMONY OF KATHLEEN F. HOFFMAN, EXECUTIVE DIRECTOR, ROADWAY SAFETY FOUNDATION; AND JAMES KEATON, MANAGER, 3-M COMPANY, ON BEHALF OF THE INSTITUTE OF TRANSPORTATION ENGINEERS**

Ms. HOFFMAN. Thank you. Good morning, Mr. Chairman and staff of the subcommittee. I'm pleased to be here.

I'm the executive director of a private, nonprofit organization chartered by the American Highway Users Alliance with the mission of reducing the frequency and severity of motor vehicle crashes by improving the safety on America's roadways.

We appreciate this opportunity to testify on the reauthorization of ISTEA's safety programs.

I'm going to focus on three areas. The first will include a brief description of the mission of the foundation, the second will describe how the foundation can work effectively with NHTSA's 402 program, and the third will provide a description of the safety reauthorization positions that are consistent with RSF's mission.

The best way to illustrate the mission of the Roadway Safety Foundation is to keep in mind two statistics. The first is that 30 percent of today's fatal crashes involve vehicles running off the road. These crashes are often fatal because they frequently result in roll-overs and because vehicles hit roadside obstacles such as utility poles and trees.

RSF was created to address these kinds of roadway and roadside hazards.

The second statistic to keep in mind is that 43 percent of the national highway system is made up of two-lane roads, primarily in rural areas. These roads often have no medians to prevent head-on crashes. Their lanes are narrow, with inadequate or non-existent shoulders and clear zones. They have sharp curves with no warning signs and poor visibility.

These are precisely the kinds of dangerous conditions that were identified in our recently-completed report on roadside safety as the most hazardous in the Nation.

It's no wonder that these roads have twice the death rate of the interstate.

In addition to these issues, the Foundation has worked actively with other safety groups to design a national clearinghouse for work zone safety, which was authorized by this committee.

In addition, RSF was created to develop partnerships between the public and private sectors and within the safety community. To accomplish this, we're committed to a comprehensive approach to safety that includes the driver, the vehicle, and the roadway.

Many of our initiatives at the Foundation are also eligible for NHTSA's 402 program. We've played an active role in developing the Transportation Research Board's strategic plan for roadside safety. A major component is building a network of partners to increase awareness of roadside safety needs. These kinds of outreach and coalition-building activities are eligible for 402 funds if they are identified by the States as safety priorities through the planning process.

We also can work with NHTSA in the safe communities programs to help them identify important contacts in the business community and other resources that can help them promote and carry out initiatives.

In terms of the reauthorization, in RSF's view safety programs should be a national priority with separate and dedicated funding for both NHTSA- and FHWA-administered programs. The recent steady increase in motor vehicle fatalities over the last 3 years is a wake-up call to all of us, and it indicates the need for increased safety funding, as well as dedicated funding.

To strengthen the effectiveness of Federal safety programs, safety management systems, in our estimation, should be re-instituted as a national requirement. They have led to the development of effective and inclusive processes for identifying the highest priority safety problems within States and communities.

We also appreciate the openness of this process because it has allowed communities to work on roadway safety issues which are not necessarily high-priority or eligible under traditional programs.

Another proposal that has merit is the creation of a comprehensive safety planning process, which is another way to enhance the effectiveness of safety programs by coordinating and integrating the planning and priorities of safety programs administered by NHTSA and FHWA.

We also think that the biennial report that's done every 2 years to assess the capital needs on our Nation's highways should include safety measures, as well as those based on mobility and travel time.

In RSF's view, it's time to broaden the scope of this important document to include safety measures. It's a basic bench mark document that's used as a basis for all of the public policy debates and assessments about how much money is needed for the system. Safety should be part of that.

And, finally, in the area of research and data, one of the major gaps that came out in our recent study is that we just don't have very good uniform and complete data on safety issues, particularly identifying hazardous locations and the causes of many crashes.

One of the things that could be done to help this would be to provide law enforcement officers with better tools and support and technical assistance if we're going to get better data. Laptop kinds of technologies right now with GPS would help them to locate the site of crashes, which would help us to focus our efforts in improving those areas.

And then, finally, every research project that's done—and there should be some done to document the actual safety impacts on countermeasures and programs. We have a lot of research, but often it's not that clear exactly what the impacts are.



This is all valuable, but it's not really effective if it's not communicated to people who need that, so we need to always include a plan to disseminate the results to people who really need the information and to make sure that it's done within a set time frame.

I thank you for this opportunity and I look forward to answering any questions and working with the subcommittee in the future.

Mr. PETRI. Thank you.

Mr. Keaton?

Mr. KEATON. Thank you, Mr. Chairman. My name is Jim Keaton, and I'm a manager with 3-M and a member of the Institute of Transportation Engineers' Safety Council Executive Committee, and I appreciate the opportunity to submit my remarks on behalf of the Institute of Transportation Engineers today.

ITE is an international organization with over 14,000 members in over 70 countries. The institute's 11,500 U.S. membership consists of transportation engineers, planners, and other transportation professionals employed in virtually every State department of transportation, nearly 600 municipal governments, more than 175 counties, and over 100 MPOs.

As the Nation's largest professional transportation organization, ITE's position on Federal transportation initiatives is a broad-based consensus.

I believe you have a copy of the institute's written testimony, but I'd like to take a few brief moments to highlight some of its key points.

The institute recognizes that transportation engineers, planners, and professionals play a major role in planning, designing, implementing, operating, and maintaining our Nation's transportation system.

ITE is concerned that the program reductions and cuts in personnel now being considered at all levels of government may adversely affect our ability to train and match the skills that will be required to deliver a sound and safe transportation program.

In order to ensure a continuing pool of qualified professionals, we urge the committee's support in continuing ISTEA programs and funding levels for the technology transfer centers, the university transportation centers, and the Eisenhower Fellowship programs.

With the Congress and your committee's leadership, significant strides have been made in improving highway safety, and yet all of us know that deaths and injuries on our highways are still unacceptably high.

ITE recognizes that addressing the remaining safety issues will be increasingly difficult, and therefore it believes that it would be unwise to discard some of the existing programs that have proved so effective in saving lives. Such is the case for programs like the section 130 rail highway grade crossing programs and the section 152 hazard elimination programs.

U.S. DOT estimates that programs like these have prevented more than 87,000 deaths and prevented more than 1.7 million injuries.

To that extent, ITE urges your support in continuing separate funding for highway safety improvements to ensure that the most pressing safety needs requiring the greatest attention will be addressed.

ITE also recognizes the overall impact that transportation has on our daily lives in affecting one out of every ten jobs in the U.S. Americans spend nearly 20 percent of their household budgets on transportation, second only to housing.

Although some would argue that it's time to scale back the Federal role and Federal Government programs, ITE believes there is a need for a strong Federal leadership role in transportation safety. Safety is a national problem, multi-modal in scope, that crisscrosses all of our Nation's jurisdictions.

ITE believes that transportation safety is far too important and far too complex to be left to individual States to deal with.

We believe that the appropriate role for Federal Government should be to establish objectives, foster research, offer guidance, provide leadership in setting priorities.

This recent 1995 status on the Nation's surface transportation system's condition and performance report concluded, as most of you know, that in 1993 all levels of U.S. Government under-invested by some \$20 billion in maintaining and improving our roads and bridges. The result is needless accidents and congestion that have a societal cost of over \$150 billion.

The monies that are spent on roads and bridges are made possible primarily through motor fuel tax collections and vehicle registration fees. To protect and enhance transportation funding, ITE would urge that we redirect the \$0.043 currently being used for deficit reduction back to the highway trust fund, take the trust fund off budget, reducing the tax exemption on alternate fuels and continuing Federal and State efforts to combat motor fuel tax and vehicle registration fee evasion.

In summarizing, the institute strongly believes that, for the most part, ISTEA is working and we should build on its successes and retain the core elements that would reaffirm the Federal Government's leadership role in transportation safety; continue to target funding through the successful programs like the sections 130, 152, 403; focus Federal dollars on national emphasis safety priorities; protect and enhance transportation funding from motor fuel tax and vehicle registration fee evasion; strengthen State partnerships to further reduce the frequency and severity of highway crashes.

ITE believes the Federal Government has the right and the responsibility to protect its citizens by establishing objectives, fostering research, offering guidance, and providing this leadership to invest our safety dollars wisely.

Mr. Chairman, I appreciate the opportunity to submit this testimony, and I'd be happy to try to answer any questions you may have.

Mr. PETRI. Thank you both.

Mr. RAHALL?

Mr. RAHALL. Thank you, Mr. Chairman.

Just one question to you, Mr. Keaton, and that is whether you've had any thought on how we could provide greater use of reflectorized material in pavement markings?

Mr. KEATON. I have many thoughts on that.

Mr. RAHALL. Are there any existing incentives, for example, for the States to use these products?

Mr. KEATON. Well, there have been so many good programs that have been effective, but I don't think the committee has time today to hear my—but I'd be happy to follow up.

There are so many effective programs. The truck conspicuity is one that comes to mind. Of course, the national emphasis safety priorities that I mentioned: the work zone safety—there are so many areas where we're constructing roads in off-peak hours, and when we're doing that, we're doing it at night where retro-reflective materials work best.

Rail highway grade crossing is another priority where you can improve the performance of the crossbucks and the traffic control devices in advance of the rail crossing.

Mr. RAHALL. So these are all eligible under 402?

Mr. KEATON. Not under the 402. I would prefer to have them—we, the ITE, would prefer to have them under the existing 130 and 152.

Mr. RAHALL. Okay. Thank you.

Mr. PETRI. I don't know if you know this off the top—no one has mentioned how we compare highway safety with other countries. We must be doing better, or else we would be saying how bad we were doing. Having driven in Mexico and Spain and places like that, at least here when the light eye red people stop, and stuff like that, which does not seem to be a universal custom.

So we have a long way to go, but we're number one, basically, in highway safety measured by miles traveled, accidents per mile? Is that right?

Mr. KEATON. We have a lower fatality rate than our European and Asian counterparts.

Ms. HOFFMAN. There is an interesting trip going on in Australia right now—which, of course, I'd love to be part of—but it's a safety audit to see how they're organizing their safety efforts, which is supposed to be fairly innovative and interesting.

I'm not sure what their death rates are, but apparently their way of looking at accidents and crashes is very effective.

Mr. PETRI. All right. Well, thank you both very much.

Mr. KEATON. Thank you.

Ms. HOFFMAN. Thank you.

Mr. PETRI. With that, the hearing is adjourned.

[Whereupon, at 12:10 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

## PREPARED STATEMENTS SUBMITTED BY WITNESSES



NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES

**Statement on behalf of the  
National Association of Governors' Highway Safety Representatives  
for the  
Surface Transportation Subcommittee  
House Transportation and Infrastructure Committee**

Sept. 19, 1996

**I. Introduction**

I am Elizabeth Baker, the Chief of the Traffic Safety Division of the Maryland State Highway Administration and Highway Safety Coordinator for the State of Maryland. This morning, I am representing the National Association of Governors' Highway Safety Representatives (NAGHSR), which is the national association of state highway safety offices. Its members are appointed by their Governors to develop and implement state highway safety programs and to administer the federal highway safety grant programs for their respective states. The Association is primarily concerned with driver behavior issues (such as impaired driving, occupant protection, aggressive driving, pedestrian, bicycle, and motorcycle safety) as well as traffic records, roadway safety, emergency medical services, and safety management systems.

**II. Adequate Funding for Highway Safety Programs**

The federal highway safety programs have been among the most successful and effective of any federal transportation programs. They have contributed significantly to the reduction in the motor vehicle fatality rate from 5.5 fatalities per 100 million miles of travel in 1966 to 1.7 in 1995. They have helped cause safety belt usage to increase from 11% in 1966 to 67% in 1995. The federal programs have also been a major factor in the reduction of drunk driving fatalities by 30% from 53.7% of total fatalities in 1984 to 40.8% in 1994. The National Highway Traffic Safety Administration (NHTSA) estimates that the federal programs, along with state and interest group efforts, have helped save more than 40,000 lives and millions of dollars in health care and related costs in 1992 alone.

For the past decade, however, federal funding for driver and vehicle highway safety programs has not kept pace with inflation, the growth in licensed drivers and registered vehicles, or the increase in travel in this country. In FY 96, NHTSA's funding was comparable to the FY 80 funding, but the purchasing power was half of what it was in FY 80. Between FY 81-96, NHTSA's total funding was as high as the FY 80 level only once. While funding for the federal-aid highway, motor carrier safety assistance, and Intelligent Transportation programs have been steadily increased, funding for federal highway safety programs has not. In NAGHSR's view, NHTSA's traffic safety program is substantially under-funded compared to 15 years ago.

Total federal funding for behavioral highway safety programs has been too small relative to the size of the problem and has not increased at a sufficient rate. For the past ten years, the Section 402 highway safety grant program -- the backbone of the states' highway safety efforts -- has been funded at a level ranging between \$115 million and \$128 million -- well below the authorized amount. The Section 410 impaired driving incentive grant program has been very successful but severely under funded. The Section 153 incentive grant program for safety belts and motorcycle helmets has also been a successful but short-lived

program whose authority expired after three years. The bicycle safety grant program was authorized but never funded. Every time 403 funding is increased for one type of activity, it is decreased for another.

At the same time, demands for highway safety grant funds have increased exponentially. States are now encouraged to address nine national 402 priorities, up from six recommended in 1988. Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) required states to collect new data elements but did not provide any additional funding for that purpose. NHTSA is vigorously encouraging states to implement, without additional 402 funding, a combined safety belt and impaired driving program in order to reach the Secretary's goal of 75% safety belt usage and to reduce impaired driving by 1997. The Secretary has also recently set ambitious new alcohol goals which would require alcohol fatalities to be reduced 35% from current levels by the year 2005 but without any additional federal funding.

Concurrently, new highway safety issues have emerged for which there are no additional highway safety grant funds. Fatigue, aggressive drivers, older drivers, young adult drinking drivers (those above the 21 year old drinking age limit), and female drivers are all "cutting edge" highway safety issues that the states would like to address with their federal grant program funding. Without additional funding, states must put aside existing programs (such as underage drinking programs) in order to fund activities that address some of these emerging issues.

Further, there is insufficient funding to implement the "next generation" of highway safety programs. In March of this year, NHTSA launched a new program entitled "Safe Communities." The intent of this initiative is to build on the experiences states have in developing community traffic safety programs (CTSPs), to develop programs that are based on community-level data, and to reach out to new partners, particularly public health organizations and private businesses.

In NAGHSR's view, the Safe Communities program is a way of bringing comprehensive, data-driven performance-based planning down to the local level and involving new partners at the same time. It is one of the most promising approaches to highway safety that has been developed in many years and sets an exciting course for highway safety for the future. However, increased federal funds must be provided so that states can maintain existing Safe Communities programs and initiate new ones throughout the country.

Without adequate funding, the rate of progress that has been made in highway safety over the last two decades cannot be maintained in the future. Highway safety programs that are already in place have been very effective in deterring the general public from unsafe driving. In effect, the easy safety "fixes" have already been made. The remaining population targets -- the hard-to-reach populations, the repeat offenders, impaired drivers between the ages of 21-34 and others -- will be much more difficult to influence. It will take considerable more effort and more resources to positively change the behavior of these groups.

If the states had more safety funding, they could better address some of the Congress' concerns, particularly in the area of impaired driving and occupant protection. States could implement many more Safe Communities programs if additional funds were available. States could also use the added funds to improve their traffic records systems and link those systems to other state data bases. States would then be in a better position to monitor and evaluate their performance and to assess the cost-effectiveness of their highway safety programs. States would be able to give Congress a clearer picture of the progress that has been made in highway safety and the problems that still remain.

A modest federal investment in federal highway safety programs can also yield substantial savings in health care, insurance and other public costs. Conversely, the cost of inaction may be great. According to NHTSA's report, *Saving Lives and Dollars*, if the fatality and injury rate remained at the level it was in 1992, population increases alone would account for 3,300 more fatalities (and corresponding injuries) a year in the year 2,000. Projected fatality and injury-related economic costs would increase by \$7.4 billion.

If the fatality and injury rate increased from the 1992 level, total injuries, fatalities and costs would increase. The number of fatalities would increase to 5,280 and the economic costs would increase by \$13 billion (including a \$350 million increase in publicly funded health care and an additional \$1 billion in taxes to cover lost tax revenue and increased public assistance) in 2000.

The need for additional funding is clear. The time to increase highway safety funding is now. If highway safety is as important as Congress and the Administration have indicated, then it is time to match rhetoric with funding.

One way to satisfy all of these diverse funding needs is to provide federal highway safety grant programs in a more innovative manner. NAGHSR recommends that Highway Trust Fund funding for driver behavior safety programs should be reconfigured into a single authorization with several tiers: a large base program, an impaired driving incentive program, an occupant protection incentive program and perhaps other safety-related incentives. Funding for the base program should be substantially increased over current 402 levels and could remain constant over the authorization period. Funding for the impaired driving incentive tier should also be significantly increased over the levels provided under the current 410 program.

Funding for the base and incentive tiers could be an earmarked amount off the top of the Highway Trust Fund, in the same manner as the State Planning and Research (SPR) funding. This approach would increase funding for safety and provide enough revenues for targeted incentives, traffic records and other purposes.

### III. NHTSA 402 Program

In NAGHSR's view, the Section 402 State and Community Highway Safety grant program is one that works exceptionally well and needs little changing when it is reauthorized next year.

The 402 program provides seed money to states to help them develop and implement state and community highway safety programs. The program has been a major contributor to increased safety belt use, reduced impaired driving, improved traffic records systems and emergency medical services as well as reductions in pedestrian, motorcycle, and bicycle fatalities and injuries. The program has also helped support the passage of state laws, improved enforcement of existing laws, and has been a major contributor to changed public attitudes about safety through state safety educational programs. The 402 program enabled states to collect data to develop state and local programs which, in turn, have led to substantial reductions in health care costs.

Even though 402 program funding is less than 1% of the entire federal-aid highway program, it has been a highly successful and effective one. According to NHTSA's recent report, *The Highway Safety Assessment: An Interim Report*, the highway safety program is "a textbook example of how a small amount of Federal funding can catalyze significant changes in the nation's approach to safety." The report evaluated highway safety programs in four states that were implemented from 1980-1993. The study found that 402 funding was the catalyst for new programs in 90% of the projects evaluated; that 75% of the safety projects eventually obtained partial or complete funding from non-federal sources; and that 78% of the projects were expanded to other areas of the state. The study found that 45% of the projects would never have been started or would have been discontinued in the absence of 402 funds.

Program management for the 402 program has been changed over the last year, making it an even better one. NHTSA, with considerable input from NAGHSR members, has redesigned the program so that the administration is performance-based. Under a pilot program that was initiated this current fiscal year, states set their own highway safety performance goals which are reviewed by the NHTSA regional office. Each state develops a planning document which specifies how it will reach its goals and submits the document to the NHTSA regional office for information purposes only. The states implement their planned

programs and then evaluate them to see if they have been successful. If the state has not met its goals in a particular program area, the regional office staff will work with the state to suggest approaches that might be more successful. The regional offices work collaboratively with the states and also offer training and technical assistance on request to assist states develop and implement their programs.

The revised 402 program management allows the states to develop and implement their own highway safety programs in partnership with the federal government rather than with heavy-handed federal oversight. This new approach gives the states the flexibility to meet their own performance goals without dictating how those goals should be met. The sixteen states that are participating in the FY 96 pilot program overwhelmingly support this more flexible approach. Forty states, three territories, and the District of Columbia have already indicated that they intend to participate in the pilot for FY 97. It is anticipated that all the states and territories will be participating in the redesigned 402 program by FY 98.

NHTSA estimates that the 402 program has resulted in potential costs savings of \$8.6 billion as a result of lives saved. The Agency also estimates that total benefits of traffic safety programs (driver behavior and certain roadway safety programs) exceed their costs by 31 to 1. The economic benefits (excluding factors for pain and suffering or loss of life) of traffic safety programs exceed their costs by 9 to 1. These ratios are ones shared by few, if any, other federal programs.

NAGHSR supports the continuation of national priorities for the 402 program. The priorities are guidelines to the states and not mandates. They help define the program and make it more understandable to Congress and the public. The priorities also help states focus their efforts on a small and more manageable number of highway safety issues.

NAGHSR strongly supports the performance-based approach in the 402 program and urge its continuation. As noted previously, this approach gives states the flexibility to design and implement programs that fit state needs, problems, and resources. States strongly oppose a highway safety program that reflects only federal priorities or that is based on a "one size fits all" philosophy.

Additionally, NAGHSR supports the continuation of the current allocation formula and matching requirements. We also believe the minimum percentage of funds that benefit locals shouldn't be raised or lowered. The current program gives the states the flexibility to decide the appropriate level for locals (at or above the 40% level) based on individual state needs. States could be encouraged to move additional 402 funds to the local level by changing the statutory language to read "at least 40%..."

NAGHSR also recommends that the 402 program should be based on multi-year contracting authority so that states could carry over funds without penalty. Such a change would give the states more flexibility in programming their funds and would encourage them to undertake more long-term planning. It would allow the states to more effectively program for "big ticket" expenditures such as traffic records improvements without interfering with their ability to program funds annually. Multi-year contracting authority would also address the problems of small states whose 1% of 1% minimum allocation does not provide sufficient 402 funding to allow them to address many highway safety issues.

#### IV. FHWA 402 Program

The Federal Highway Administration (FHWA) 402 program functions as a planning program for roadway safety. The program provides a critical link between highway construction and driver behavior by ensuring that traffic on new and upgraded roadways is controlled and that safety information is provided to drivers through proper signage. The program also provides funding for work zone safety, accident investigations, traffic records, Safety Management Systems (SMS), and a variety of other activities. It had been level-funded at \$10 million for more than a decade until FY 94 when it was increased very slightly.

In the previous decade, FHWA 402 allocations to states have been so minimal that they can't implement programs which will have a significant impact. FHWA 402-funded projects are often small, fragmented and not part of a comprehensive state safety plan. Despite its limitations, demands on the FHWA portion of the 402 program are growing.

Although Safety Management Systems are no longer required of states, FHWA estimates that as many as 45 will continue to develop SMS plans. The FHWA 402 program is likely to be the main source of funding for state SMS planning and implementation efforts, despite the fact that the program is a comparatively small one. In order to ensure that states develop and implement quality SMS plans, more resources are needed.

Additionally, as the country's population ages and the size of the elderly population increases, there will be tremendous pressure to upgrade traffic control devices and enlarge traffic signs in order to improve safety for the aging population. More FHWA 402 funds will be needed to inventory and evaluate traffic signs and traffic control devices.

Further, as the Interstate program shifts away from construction and towards repair and renovation, more work zones will be established and more work zone-related crashes are likely to occur. Added FHWA 402 funds will be needed for work zone safety programs as a result. Additional resources are also needed to help states implement outreach programs such as the successful Red Light Running campaign initiated by FHWA's Office of Highway Safety last year.

Two changes are needed to make this small but important program more effective. One is to increase the authorization so that states receive a more significant and useable share of funds. Second is to better integrate the FHWA and NHTSA portions into a single, more comprehensive 402 program.

In the FY 97 appropriations submission, DOT has requested that the FHWA and NHTSA 402 accounts be combined into a single one so that states receive a single obligation limitation which NHTSA would administer. NAGHSR believes that, by combining the FHWA and NHTSA 402 accounts, program administration will be simplified and streamlined. States will no longer have to wait for two separate annual obligations from two separate agencies. Since NHTSA already manages 402 fiscal affairs, it makes considerable sense to further consolidate the fiscal responsibilities and make the 402 budget a single line item in NHTSA's account. NAGHSR strongly supports this approach and believes that the authorizations for these two programs should also be combined.

#### V. Section 410 Impaired Driving Incentive Grant Program

The Section 410 incentive grant program provides states with funds to address the problems of impaired driving. Although the number of alcohol-related fatalities have declined over the last decade, alcohol-related fatalities still accounted for 41.4% of all motor vehicle-related fatalities in 1995 (a 4% increase over the 1994 level). While considerable progress has been made in reducing the number of underage drivers and deterring impaired driving by the general public, there still remains a group of hard-core, hard-to-reach impaired drivers, including repeat offenders and those between the ages of 21-34. Clearly, more actions need to be taken against impaired driving.

States use the funds for impaired driving prevention programs and to fund such activities as sobriety checkpoints, saturation patrols, DUI training for law enforcement officials, and DUI education programs. Unlike 402 funds, 410 monies are restricted to specific uses, are not allocated to all states, are of limited duration, and are primarily for community-based impaired driving programs.

The funding for this program has been inadequate over the last several years. Since the authorization and appropriations levels are inadequate, allocations to the states have had to be reduced from the full amount to which an eligible state is entitled. Consequently, some of the positive benefits of the 410



program have been diminished. In other words, the program has been more successful than originally envisioned which has caused a shortfall in annual program funds. Funding for this program must be substantially increased in the next reauthorization.

NAGHSR recommends that the next version of a federal impaired driving incentive grant program should combine the best features of the current 410 program with the best features of the High Risk Driver Act which was introduced but failed to pass in the last Congress. The incentive program should be a mixture of performance-based eligibility criteria (such as the current criteria relating to sobriety checkpoints) and legislative eligibility criteria (such as the .08 BAC and administrative license revocation criteria.)

Assuming that increased funding is authorized for the program, states should have to satisfy a relatively low threshold of eligibility in order to qualify. (Hence, many states would qualify in the first year of the program.) In each subsequent year, they should have to satisfy additional criteria in order to receive additional funding. At the same time, states should have the flexibility to choose from among a large number of eligibility criteria, just as they are allowed to do under the current 410 program. For example, the states could be required to satisfy three of seven criteria in the first year, four of seven in the second year and so on. In this manner, the incentive program would reward states that strive to make improvements to their impaired driving programs over time while giving the states the flexibility to choose from among the impaired driving activities and strategies that best fit their needs.

Mothers Against Drunk Driving (MADD) has recommended that the zero tolerance criteria should be eliminated from the next version of the incentive grant program since states are already required to enact such legislation or face penalties. While such a recommendation makes sense from a policy perspective, the practical effect is to force several states that are currently receiving grants out of the program. In effect, some states are receiving incentive grants because the state's zero tolerance legislation satisfies the fifth eligibility criteria necessary for that state to receive a basic 410 grant. If the zero tolerance is removed, as MADD has suggested, then the state will no longer be eligible for a grant even if the state is in the second or subsequent year of the program. NAGHSR recommends that the next version of ISTEA should grandfather in those states that are currently eligible based on the state's adoption of a zero tolerance law.

MADD has also recommended that graduated licensing should be an eligibility criteria in the supplemental grant program. NAGHSR concurs, but we suggest that the language for this criteria be very carefully devised. NAGHSR supports graduated licensing and believes that the more supervised on-the-road experience novice drivers receive, the better drivers they will be. Graduated licensing, however, tends to raise a number of other related, but often very controversial, issues highway safety issues, such as the appropriate age for all young licensees, mandatory driver education, etc. States have had limited success in enacting such legislation because the secondary, controversial issues often derail the legislative discussions. The graduated licensing eligibility criteria should be drafted to embody only the most basic elements of graduated licensing and should not prescribe state positions on the secondary issues.

#### VI. 403 Program

The federal Section 403 program provides funding for highway safety technical assistance, research, program development and demonstration efforts. The 403 program allows new ideas and programs to be developed and provides technical support for state highway safety programs. In our view, the program's only weakness is that it is insufficiently funded.

403 funds have also been used to develop training curriculum and materials on specific technical areas of highway safety. Courses developed for the law enforcement community (e.g., standard field sobriety testing and drug recognition testing) have helped educate law enforcement about the importance of highway safety while standardizing the delivery of traffic enforcement efforts.

403 funds have also enabled NHTSA to play an active role in demonstrating and evaluating new enforcement technology such as photo radar, laser speed guns, ignition interlocks, and breath testing equipment. Emergency medical services and trauma systems have also benefitted from the agency's technology development efforts.

403 funds have also been successfully used to facilitate technology and information sharing among states and communities involved in highway safety. For example, NHTSA develops and disseminates to more than 4,000 highway safety officials a document entitled *Traffic Tech*. It describes, in non-technical terms, the latest research and programs in highway safety. The Agency has used its 403 funding to identify best practices, disseminate model programs and legislation, provide guidelines on different aspects of state highway safety programs, and fund case studies. In fact, NAGHSR was recipient of a 403 grant in 1994 to produce a report on ten promising approaches to underage drinking. We have since received a follow-up 403 grant to demonstrate a comprehensive planning approach to underage drinking in five major metropolitan areas.

One of the most significant purposes of the 403 program is to research and evaluate the effectiveness of current highway safety programs and activities. NHTSA and FHWA both have extensive research programs which benefit state program development. NHTSA has undertaken research on a wide range of issues including an analysis of youth risk-taking behavior and the acceptability of safety belts in rural communities. The agency's evaluation efforts have been helpful in determining the effectiveness of various legislative and programmatic approaches to highway safety, particularly in the area of impaired driving and occupant protection. States have relied heavily upon the Agency's evaluations of particular highway safety legislative and programmatic activities when they construct their own annual highway safety programs.

In the future, NAGHSR anticipates that more 403 funding will be required to research the emerging issues noted earlier in the statement. Additional 403 funds will be needed to identify potential countermeasures, develop guidelines for state implementation, demonstrate the countermeasures under controlled circumstances, and evaluate their effectiveness. The findings from the 403 research, development and demonstration efforts should be provided to the states for incorporation into their 402-supported planning and implementation efforts. However, these activities should not be funded at the expense of ongoing 403 activities such as Campaign Safe and Sober. A funding trade-off of this sort would only result in a backwards slide in the effort to reduce motor vehicle fatalities and injuries.

Additional 403 funding will also be needed to address the issue of speed. Since Congress repealed the National Maximum Speed Limit, states have had little national guidance on the issue of speed. In our view, considerable work needs to be done as a result of the Congressional action. DOT needs to reeducate the public about the safety risks posed by excessive speed and to develop a national campaign on the issue that is similar to those developed for impaired driving and safety belt use. The Department needs to emphasize to states the importance of developing speed management programs which address speed problems on all roads in a comprehensive manner. DOT needs to work with the enforcement community to encourage greater compliance with all posted speed limits. DOT needs to continue research into a number of speed issues, e.g., the role of speed variance in crashes. The Department needs to continue to investigate Intelligent Transportation System (ITS) technology to determine where and how it can be applied to speed enforcement without infringing upon individual privacy. In effect, DOT and the safety community need to go back to "square one" on speed, all of which will take considerable resources if we are to address this growing problem.

In summary, the federal highway safety programs have been successful, effective, and extremely useful to states and communities. The biggest shortcoming is that the programs are greatly underfunded. We fervently urge Congress to address this shortcoming and adequately fund these small but important programs in the upcoming reauthorization. NAGHSR appreciates the opportunity to express our views and concerns, and we look forward to working with the Committee as it deliberates ISTEA reauthorization.



**Statement of**

**Wayne T. Curtin**

**Vice President of Government Relations**

**Motorcycle Riders Foundation**

**before the**

**Surface Transportation Subcommittee**

**of the**

**Committee on Transportation and Infrastructure**

**U.S. House of Representatives**

**on September 19, 1996**

**regarding**

**Highway Safety Programs**

Chairman Petri, Mr. Rahall, and members of the Surface Transportation Subcommittee, thank you for inviting me to testify today on behalf of America's motorcyclists. My name is Wayne Curtin, and I am the vice president of government relations for the Motorcycle Riders Foundation (MRF). The MRF is a coalition of state motorcyclists' rights organizations and individual members representing over 275,000 motorcyclists.

#### **Motorcycle Safety As A NHTSA 402 Program Priority**

I appreciate this opportunity to provide your subcommittee with some thoughts the MRF has on highway safety programs administered by the National Highway Traffic Safety Administration. The members of MRF are appreciative that in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, motorcycle safety was retained as a national priority in the 402 safety program. We hope that in the ISTEA re-authorization motorcycle safety will again be designated as a national priority, with an emphasis placed on rider education and motorist awareness programs.

#### **HOV Lanes, A Safer Riding Environment**

Another provision of ISTEA that created a safer riding environment was the one that provided motorcycles access to HOV lanes. That action by Congress has resulted in all HOV lanes nationally being opened to motorcycles. When commuting, motorcyclists are safer in a riding environment that has less vehicles and is flowing smoothly than in congested stop and go traffic. HOV lane access provides motorcyclists with that safer commuting environment. For that, motorcyclists thank Congress.

#### **Setting Accident Prevention As NHTSA's Priority**

In looking at ISTEA re-authorization, I ask you to consider different priorities than NHTSA now has. It seems that in safety programs NHTSA has focused on occupant protection to the detriment of accident prevention. The MRF recommends a shift in NHTSA priorities to develop educational and other programs that will reduce accidents.

By focusing on occupant protection issues, instead of accident prevention, NHTSA is in effect adding to societal costs. By preventing accidents not only would both fatalities and injuries be reduced, but property damage to vehicles would also be reduced. Whereas, occupant protection programs do nothing to prevent or reduce property damage and still result in injuries and fatalities. Preventing accidents eliminates all three. The members of MRF believe that education to prevent accidents is a much better approach to reducing

injuries and fatalities than mandating occupant protection equipment. NHTSA's obsession with occupant protection, at the expense of accident prevention, indicates NHTSA believes accidents are acceptable. It is MRF members' belief that accidents are preventable. We ask Congress to direct NHTSA to make accident prevention their number one priority and shift the majority of the resources dedicated to occupant protection to accident prevention.

#### **Ending The Use Of Highway Trust Funds For Advocacy/Lobbying**

Last year, this Congress voted to repeal the federal penalties on states without helmet laws, for which the MRF membership is extremely grateful. Many thought that the message from that action was clear: the issue of helmet laws was to be left up to the states. However, what we have seen since then is that NHTSA is increasing its activities to lobby for helmet laws in the states. The MRF feels this is an inappropriate use of tax dollars.

In the last thirty years, between studies and supporting lobbying efforts, NHTSA has spent millions of dollars on the helmet laws issue. And, what is the end result? Other than for a short period of time in the late 1960's and early 1970's, roughly half of the states have had helmet laws for all riders and half have not. Today, 25 states have mandatory all rider helmet laws and 25 do not. Is it really a good investment, especially in light of trying to balance the budget and reducing "big government," for NHTSA to continue to spend millions of dollars to lobby for an issue that the state legislatures have already made up their minds on? If the states did not pass helmet laws due to the Section 153 penalties, why should the federal government continue to throw money at the issue?

To prevent the future unwise use of Highway Trust Funds, the MRF requests you to consider including a provision in the ISTEA re-authorization that would prohibit the Department of Transportation, including NHTSA, from expending any funds authorized under ISTEA re-authorization on research and advocacy on the helmet laws issue. These funds are tax payer dollars and it is inappropriate for NHTSA to continue to spend these funds on lobbying activities. Has the federal government, in the last 30 years, not already spent enough money studying the issue of helmet laws? What else is there to know about the issue? In our opinion, these funds are being wasted because the state legislatures have been flooded with NHTSA funded studies and are already pretty clear about their positions on the helmet law issue.

### **GAO Audit**

To help you evaluate MRF's request to prohibit NHTSA from expending additional funds on the helmet law issue, the MRF suggests you order a GAO audit of how much the Department of Transportation has spent on the helmet law issue over the last thirty years. And, we would like to see this audit include a cost benefit analysis on how this money was used versus how it could have been used for accident prevention. We believe Congress will be aghast at the amount, especially in light of how those much needed resources could have been used in other educational and accident prevention activities.

### **Prevention of Future Penalties and Sanctions**

In regards to future penalties or other sanctions on federal highway funds, the MRF requests you consider a provision in ISTEA re-authorization similar to the Unfunded Mandates Reform Act. That Act contains a "point-of-order" for any provision imposing an unfunded mandate. We believe that a similar "point-of-order" provision in ISTEA re-authorization to limit the withholding or transfer of highway funds in an attempt to coerce states into passing certain, supposedly safety, laws would be in the best interest of the American tax payer and the states. Highway funds are collected through user fees, which should be used to build and maintain highways, and trails whose motorized users also pay user fees, not to blackmail states into passing laws of questionable value.

### **Incentive Grant Programs**

The MRF understands there is some discussion about including some type of safety program incentive grants in ISTEA re-authorization. The MRF has concerns about where the funding for incentive grants would come from, in light of the great needs for infrastructure maintenance and repair. But, if the funds are available, MRF would be supportive of incentive grants that were performance based on reducing accidents and fatalities. Those two items should be the only criteria. The MRF opposes incentive grants that would be issued based on states passing specific laws. That should not be the federal government's role. That role should be to set goals: reduce accidents and fatalities. How the states do that should be left to them and if they are successful in doing so they should be rewarded. Using federal funds as incentives for states to enact specific laws is nothing more than using federal funds for lobbying state legislatures. The MRF believes federal funds should not be used, in any form, for lobbying purposes, whether that be funding lobbying directly or providing a tool (i.e. grants) for organizations to lobby for specific laws. To reward states for developing their own

programs that reduce accidents and fatalities is not lobbying, and the MRF supports that concept of incentive grants.

#### **Intelligent Transportation System**

Last, the MRF has concerns about the Intelligent Transportation System (ITS). We have doubts that motorcycles are being fully considered in early development and design of ITS. For motorcyclists this is a vital safety issue. It is not that we want to see onboard computers designed for motorcycles; the enjoyment of riding a motorcycle is operating it and being in control. Our concern is that the detection systems being designed for other vehicles will not detect small motorcycles in the flow of traffic. If this concern is not addressed soon, the early operations of ITS equipped vehicles may not detect small motorcycles and result in motorcycles being hit by those vehicles. To ensure this does not happen, the MRF requests that ISTEA re-authorization include a provision that would insure all research on the Intelligent Transportation System consider the interaction of motorcycles in traffic and that all development and implementation of ITS include motorcycles as an integral part of that development and implementation.

On behalf of the MRF and America's motorcyclists I thank you for this opportunity to present our concerns and views as you consider safety issues in the development of the ISTEA re-authorization and map the future of America's transportation system into the 21st Century.



**U.S. HOUSE OF REPRESENTATIVES  
TRANSPORTATION AND INFRASTRUCTURE  
SUBCOMMITTEE  
on  
SURFACE TRANSPORTATION**

**September 19, 1996  
Washington, D.C.**

**Statement of the  
Roadway Safety Foundation**

**Kathleen F. Hoffman  
Executive Director**



Good morning, Mr. Chairman and members of the Surface Transportation Subcommittee. I am Kathy Hoffman, Executive Director of the Roadway Safety Foundation (RSF), a private non-profit organization chartered by the American Highway Users Alliance, with the mission of reducing the frequency and severity of motor vehicle crashes by improving the safety of America's roadways. The Foundation includes leaders of key public- and private-sector organizations, representing such industries as the insurance, petroleum, highway construction, auto and safety equipment manufacturing, salt, and trucking and transportation leaders at all levels of government. We appreciate the opportunity to testify before the subcommittee this morning on reauthorization of ISTEA's safety programs.

My testimony will focus on three areas. The first will include a brief description of the mission of the Roadway Safety Foundation (RSF). The second will describe how the Foundation can work effectively with NHTSA's 402 program. The third will provide a description of the safety reauthorization positions consistent with RSF's mission.

#### RSF'S MISSION

The best way to illustrate RSF's mission is to keep two telling statistics in mind. The first is that 30% of today's fatal crashes involve vehicles running off the road. These crashes are fatal because of rollovers often related to steep side slopes and because vehicles often hit roadside obstacles such as utility poles and trees once they leave the roadway. RSF was created to address these kinds of roadway and roadside hazards.

The second statistic to keep in mind is that 43% of the National Highway System (NHS) includes two lane roads, primarily in rural areas. These roads often have no medians to prevent head-on crashes. Their lanes, shoulders and clear zones are inadequate or non-existent though they can provide motorists with the critical space to recover if they lose control of their vehicles. They may have very tight curves with few warning signs and poor visibility to alert motorists before it's too late to adjust. These are precisely the kinds of dangerous conditions that RSF's recently completed roadway safety study identified as the most significant roadway hazards throughout the country. Crash statistics in the Federal Highway Administration's 1994 Highway Statistics book confirm the dangers on these roads. While the Interstate system has the lowest death rate per 100 million vehicle miles at .74, the NHS routes not on the Interstate have a death rate of 1.48, twice that of the Interstate. Other federal aid highways not on the NHS are even worse with a death rate of 1.81.

In addition to these issues, the Foundation has worked actively with other concerned safety groups to design the national clearinghouse for work zone safety, authorized by this Committee to provide state and local governments with the latest information to improve work zone safety in their communities.

### **WORKING WITH THE NHTSA 402 PROGRAM**

RSF was chartered to create partnerships between the public and private sectors and within the safety community to enhance the overall safety of America's highways. To accomplish this, we are committed to a comprehensive approach to safety that includes the driver, the vehicle and the roadway. Though many of RSF's initiatives are directly related to programs administered by FHWA's Office of Highway Safety, there are other areas where our efforts are also related to NHTSA's 402 program.

The Foundation has played an active role in developing the Transportation Research Board's Strategic Plan for Roadside Safety. A major component is building a network of partners to increase awareness of roadside safety needs. Such outreach and coalition building activities are eligible for 402 funds if they are identified by states as safety priorities through the planning process. With its network of private sector contacts, RSF can work with NHTSA's Safe Communities program to identify key contacts and technical assistance resources to carry out program initiatives. These are only two examples of the many outreach and networking opportunities that RSF will explore to increase awareness of roadway safety and strengthen the effectiveness of safety programs whether they are administered by NHTSA or FHWA.

### **REAUTHORIZATION OF ISTEA SAFETY PROGRAMS**

As a 501(c)3 non-profit organization, RSF does not lobby but it can share the latest information roadway safety issues and the policy positions that are consistent with its mission.

#### **The Federal Role in Safety Should Be Strengthened**

Safety programs should be a national priority with separate and dedicated funding for both the NHTSA and FHWA administered programs. RSF supports the safety positions included in the American Highway Users Alliance reauthorization proposal. Recognizing that safety is vital to future mobility and economic growth, the Highway Users call for increased and dedicated funding for safety as well as five other national priority areas. Given the steady increase in motor vehicle fatalities over the last three years, increased safety funding is even more important today when we must work to reverse this disturbing trend.

To strengthen the effectiveness of federal safety programs, safety management systems (SMS) should be reinstated as a national requirement. SMS have led to the development of effective and inclusive processes for identifying the highest priority safety problems within states and communities. Diverse segments of the highway safety community from state departments of transportation, to health care providers, law enforcement agencies and private sector safety leaders have worked together to focus their resources on consensus-based lists of safety priorities. The openness of the process also provides the opportunity for addressing roadway safety needs which may not have been eligible under traditional highway safety programs.

RSF strongly supports an SMS process that is administered flexibly to permit states and localities to adopt the approach that works best for them so long as they reach their safety objectives. It should apply only to federal aid roads and reward programs with the highest safety performance levels. To assist states in SMS implementation, funding should be provided for incentives and technical assistance.

If Congress chooses not to reauthorize the SMS, states should be provided sufficient resources to continue and enhance their on-going efforts to accomplish its goals. Again, financial incentives and technical assistance will be essential if this valuable process is to continue.

The creation of a comprehensive safety planning process is another way to enhance the effectiveness of safety programs. Its goal would be to coordinate and integrate the planning and priorities of safety programs administered by NHTSA and FHWA's Offices of Highway Safety and Motor Carriers. This could result in better pooling of technical assistance resources and collaborative efforts to focus on highest priority problems.

#### **Safety and The Biennial Status of the Nation's Surface Transportation Report**

To develop a nationwide assessment of the safety-related capital needs on the nation's highways, the biennial Status of the Nation's Surface Transportation System Conditions and Performance Report should include measures of safety in evaluating current conditions and developing scenarios for future improvements.

This very important benchmark report is used to assess the condition of the nation's surface transportation infrastructure. Yet, its assessments are primarily based on travel time and mobility considerations and very little on safety measures. In RSF's view it is time to broaden the scope of this important document to include safety measures and work with states and local governments to develop the data necessary.

#### **Greater Emphasis on Better Data and Applied Safety Research**

One of the major gaps in current safety planning is the lack of uniform and complete data to identify hazardous locations and the causes of many crashes. Police officers at the scene of many crashes are unable to describe accurately their precise location or roadway factors such as utility poles or blind curves that may have contributed to fatalities or serious injuries. Funding is needed to provide technical assistance and new laptop technologies for overburdened law enforcement officers if we are ever to get more accurate and useful crash data.

To ensure that safety funds are invested cost effectively, we need well documented assessments of the actual safety impacts of countermeasures and programs. In addition, it is not enough to do assessments and research without communicating them effectively to those who

could benefit from them. In RSF's view, every research project should be accompanied by a plan to disseminate its results to target populations and a commitment to do so within a set period of time. Without this commitment to communicating research findings and techniques, the job is only half done and public safety is not well served.

Thank you for this opportunity to present the view of the Roadway Safety Foundation. I would be pleased to answer any questions you may have.

**Testimony By James Keaton  
Manager  
3-M Company  
On Behalf of  
The Institute of Transportation Engineers  
Before the  
House Transportation and Infrastructure Committee  
Subcommittee on Surface Transportation  
Washington, DC  
September 19, 1996**

Mr. Chairman, members of the Committee, my name is James Keaton. I am a Manager for the 3-M Company and a member of the Institute of Transportation Engineer's Safety Council Executive Committee. I appreciate the opportunity to submit my remarks on behalf of the Institute of Transportation Engineers or ITE.

The Institute of Transportation Engineers is an international organization of over 14,000 members in over 70 countries. The Institute's membership consists of transportation engineers, transportation planners and other transportation professionals. The Institute's 11,500 U.S. members are employed in the public sector by the U.S. Department of Transportation, virtually every state Department of Transportation, nearly 600 municipal government, more than 175 counties, and some 100 metropolitan planning organizations. In the private sector, ITE members are employed by hundreds of consulting firms, universities, and equipment manufacturers and suppliers throughout the country.

On a daily basis, ITE's members are responsible for keeping the nation's surface transportation systems operating in the safe, efficient, and reliable fashion that our citizens, businesses and industries have come to expect.

As one of the largest professional transportation organizations in the country, ITE's positions on federal transportation initiatives represent a broad consensus. Those positions are based on the belief that the Federal government has an important role in ensuring that the nation's transportation system serves our citizens' mobility needs, improves their safety, enhances our national economy, and improves our industries' ability to compete in the global marketplace. Federal investments in transportation infrastructure must be efficient and targeted toward achieving those goals.

The subject of today's hearing is **Safety**. As part of last year's National Highway System designation legislation, Congress repealed a number of safety initiatives that were enacted as part of Intermodal Surface Transportation Efficiency Act of 1991. The Institute believes that the reauthorization of ISTEA should not become a vehicle to further erode the federal government's role in protecting the traveling public. It is the policy of the Institute of Transportation Engineers that transportation safety improvements should have high priority among government goals, objectives and allocation of available funds. As the professionals who plan, design, build, operate and maintain transportation systems throughout the country, we have a strong personal attachment and interest in safety.

#### **Public Safety Needs Federal Leadership**

The Institute believes that the federal government can and should do everything in its power to ensure that federal transportation initiatives and investments are based on sound

and safe transportation engineering principles.

As this Committee turns its attention toward development of ISTEA-2 it is imperative that it do so with strong federal leadership in mind.

"Safety" is at the very core of ISTEA. It is a central feature of many of its provisions (i.e. Surface Transportation Program, Safety Management Systems, Intelligent Transportation Systems, Construction Work Zone Safety, Interstate, and National Highway Systems, and Section 402 provisions). All of these include safety and make it a priority. Safety is also listed among the highest priorities in the 1995 U.S. DOT, FHWA, and NHTSA strategic plans.

In 1995, approximately 41,700 people lost their lives in motor vehicle traffic crashes -- about 115 people every day. An additional, 3.2 million injuries occur each year as a result of motor vehicle accidents. NHTSA reports that fatalities and injuries sustained in motor vehicle crashes continue to be the leading cause of death among young people between the ages of 5 to 27, and result in more permanent disabling injuries than any other type of accident or illness.

According to the National Safety Council, vehicle fatalities and injuries remain the leading health care concern in the U.S. today. The Insurance Institute for Highway Safety estimates that the cost of this carnage exceeds \$137.5 billion annually.

Given the cost of motor vehicle injuries to society and their consequences on human lives, widespread and innovative efforts must emerge to reduce injury. The Federal government has recognized that injuries related to motor vehicle accidents is a major public health problem. The challenge of increasing traffic safety is an issue too complex and costly for states to accomplish on their own. The Federal government is the only entity that can effectively develop and manage a partnership between the health care industry, business, and states that will reduce traffic accidents and their accompanying cost to every American taxpayer.

### **Speed**

I liken the responsibility of ITE members to those of the air traffic controllers. Though a traffic engineer's life is not filled with the daily pressures of moving aircraft in the sky, nonetheless ITE members feel just as responsible for the safety of the motoring public as does the air traffic controller for the flying public. Unfortunately, unlike the air traffic controller's world, surface transportation safety decisions are often influenced by politics instead of being left to sound engineering principles.

Speed limits are an excellent example of the clash between politics and sound engineering. In 1987 and again last year, Congress voted first to revise its speed limit laws and then to repeal those laws altogether. ITE was disturbed that they were passed without requiring the use of sound transportation engineering criteria to insure that speed limits were raised in locations and in manners that would not adversely affect the safety of the traveling public. As a result, political pressures at the state level may have forced the almost immediate increase of speed limits on highways that may have not been designed or where capacity no longer allowed for the safe operation of vehicles at speeds greater than 55 mph or 65 mph.

The policy of the Institute of Transportation Engineers had been to support exceptions to

the national maximum speed limit when traffic engineering and safety studies clearly indicated that the benefits, including safety, would be higher than identifiable adverse impacts.

The federal government can not legislate human behavior. However, the federal government can encourage and foster public awareness of safe driving habits through measures such as defensive driving information, other approved training and safety education programs, and through media communication efforts. The Institute opposes communications directed to the general public which appear to encourage or give undue emphasis to speed or errant vehicle operation over safe driving habits.

#### **ISTEA-2 Should Include Highway Safety Goals**

During the eighties and early nineties, this country experienced a relatively steady decline in the annual number of traffic fatalities. Unfortunately, in recent years, that trend has reversed. The annual cost of highway crashes has been estimated at \$137.5 billion, only slightly less than the total authorized funding level for the six years of ISTEA.

The social, emotional and economic loss to the country as a result of motor vehicle accidents should not be allowed to grow. The Institute believes that the success of ISTEA-2's safety programs can be enhanced by creating a results-driven safety process. Programs should be judged on what they accomplish and contribute toward safety of the national intermodal transportation system.

Goals and investment decisions should be focused on those expenditures that will yield the highest return. According to FHWA reports, entitled "The 1995 Annual Report on Highway Safety Improvement Programs" and "Effective Highway Accident Counter Measures," low cost safety improvements continually return among the highest safety payoffs and are among the most cost effective accident counter measures that state and local governments can make. Both of these reports point to the high benefit to cost ratios associated with the installation of low cost safety improvements like illumination, relocation of utility poles, traffic control devices and pavement markings, hazard elimination and removal of obstacles.

#### **Transportation Professionals and Safety**

The number of transportation professionals and their skills will need to be intelligently matched to the needs at each level of government and in the private sector if we hope to maintain and deploy a transportation system which is as safe as possible. It is transportation engineers, transportation planners and other transportation professionals who are responsible for planning, designing, implementing, operating and maintaining the nation's transportation systems. Indiscriminate across-the-board cuts in personnel now being considered at all levels of government will adversely affect our ability to deliver a sound transportation system.

In order to ensure a continuing pool of qualified professionals to manage the nation's transportation system Congress should continue ISTEA programs and funding levels available for education and training. These programs include Technology Transfer Centers, University Transportation Centers and Eisenhower Fellowship Programs.

### **Highway Safety Does Not Stop at State Borders**

Part of the estimated cost of traffic accidents is born by taxpayer supported medical assistance like Medicare and Medicaid, and through income support programs like Social Security. Taxpayers pay more than one-quarter of the first-year medical costs of hospitalized crash victims and pay more than one-half of the medical costs for those injured seriously enough to be admitted to a rehabilitation hospital. The cost of traffic accidents to employers has conservatively been estimated at \$54 billion annually. States should not be allowed to make politically expedient decisions on safety under the assumption that their actions do not affect the rest of the country.

### **Maintain Separate Funding Category for Safety (i.e., Rail highway grade crossing and Hazard elimination programs)**

The current structure of categorical safety programs is a proven winner, having resulted in investments in safety projects and programs that would otherwise not have happened. It's easy for voters to recognize and appreciate the importance of a new or improved road or bridge. It is much more difficult for voters to appreciate time and life savings associated with traffic safety initiatives. As a result, the political incentive to invest in more "tangible" transportation improvements are great. Separate federal funding of transportation safety programs reduces or eliminates many of these political incentives to under-invest in transportation safety. Separate funds will maximize available resources to achieve the greatest safety gains. They will ensure that the key programs requiring the greatest attention will be included in the state and local transportation improvement plans. Investing in safety also benefits the overall performance of the transportation system by reducing congestion. It is estimated that for every minute a lane of traffic is blocked as a result of an accident, it takes four minutes for the backup to dissipate.

### **Target Federal Initiatives Toward National Emphasis Safety Priorities**

One of the primary goals of the Institute of Transportation Engineers is to reduce the frequency and severity of accidents and injuries that occur on our nation's roadway system. Unfortunately, solutions to safety are varied and diverse. To accommodate everyone's concerns, resources are sometimes spread too thin. In order to maximize the greatest increase in safety with the limited resources that will be available, the federal government should ensure that its safety initiatives are focused. The federal government's safety programs and policy initiatives must pinpoint those areas where the greatest transportation safety improvements can be made. In following this strategy, the federal government should work in partnership with the states to help them to react creatively to solve safety problems in a fashion most appropriate for their region.

### **Create Incentives for Safety Management Systems**

Safety Management Systems (SMS) were intended to assist state and local officials in identifying safety problems and assets in order to ensure that roadway safety improvements and priorities are included in the states' and MPO's transportation improvement plans and programs. SMS was designed to be performance oriented, incentive based and flexible. The cooperative identification of state and local problems and the development of programs to address needed improvements were considered one of the best ways to ensure that safety considerations were incorporated into the planning, design, construction, operation and maintenance of the roadway system. As part of



passage of the National Highway System legislation, Congress eliminated penalties to states that did not implement ISTEA mandated management systems, including safety.

The Institute supports Congress' effort to move ISTEA away from a process driven system and toward a results driven process. However, coordination of safety efforts at the state level has the potential of achieving significant safety gains in relation to the amount of funding that would be necessary to carry out statewide coordination efforts. To facilitate state coordination, the federal government should encourage states to establish and maintain Safety Management Systems. States should be allowed to use ISTEA-2 as a source of funds for the continued development and operation of these systems.

To help foster the spread of innovative safety initiatives, states should periodically report to the federal government on programs being carried out by their Safety Management Systems. The federal government should then make this information available to other states. The federal government should conduct strategic overviews on the success of Safety Management Systems based on performance measures that are established with the cooperation of the states. These evaluations should not be used to penalize states that are not meeting performance measures. They should be used as a federal tool to determine how it can best help states improve the region's safety performance.

#### **Provide Appropriate and Adequate Funding to Meeting Highway Safety Needs**

Funding levels in ISTEA for safety initiatives should be increased as part of the reauthorization process in order to address the alarming rise in annual traffic fatalities since 1992. The current 10 percent set-aside of the Surface Transportation Program for safety construction projects should be maintained, and funding for section 402 highway safety programs should be increased.

In addition to ITE's request for increase safety funding, the U.S. DOT estimates that almost \$52 billion is needed just to maintain conditions on the federal aid highway system—approximately \$13 billion more than is currently being invested in the system by all levels of government. To accommodate safety and transportation needs, Congress should make every effort to protect and enhance the Highway Trust Fund from further erosion and diversion.

Revenue from the 4.3 cents per gallon federal fuels excise tax, currently diverted to deficit reduction should be re-directed to the highway trust fund, providing more than \$6 billion per year for surface transportation investment. Taking trust funds off budget will also increase transportation funding available to Congress and the states.

Since 1979, gasohol—the motor fuel blend of gasoline and ethanol alcohol—has been exempt from all or part of the excise taxes on motor fuel sales. Prior to 1979 it had been taxed at the same per gallon rate as gasoline. This subsidy “costs” the highway trust fund over \$700 million in revenue each year, and should be eliminated.

Policy makers should continue the federal and state efforts to combat motor fuel tax evasion. Tax evasion enforcement efforts have shown that substantial revenues to the trust fund for capitol investment can be raised and should be supported in the surface transportation reauthorization legislation.

### **Encourage the Adoption and Deployment of New Innovative Technologies**

In the past 10 years, there has been a 30 percent increase in traffic volumes. Americans lose 2 billion hours each year due to roadway congestion. Commerce and industry loses over \$40 billion annually due to this gridlock. Roadway capacity is not keeping pace with demand.

The Institute encourages Congress to support the adoption and deployment of new and innovative technologies, especially those designed to improve roadway safety, system capacity, congestion and system efficiency.

### **Vehicle Occupant Restraint Systems**

The Institute supports improvements in and the use of systems for vehicle occupant restraint, both passive and active, which reduce the risk of death or serious injury. Therefore, ITE would oppose any attempts to weaken current law relating to passage and enforcement of mandatory seat belt use laws by appropriate government jurisdictions. Particular attention to child restraint systems including legislation, education programs, and public support is strongly encouraged.

### **Summary**

The Institute urges the Administration and Congress to consider the following recommendations in developing a future federal transportation program that insures a strong and continuing role in transportation safety:

- **Do not weaken existing transportation safety programs and policies.**
- **Develop ISTEA reauthorization legislation that:**
  - makes transportation engineering principles and practices the basis for speed limit decisions;
  - reaffirms the federal government's leading role in transportation safety;
  - continue programs and funding levels available for transportation education and training;
  - focuses federal attention on major transportation safety initiatives;
  - strengthens the federal/state partnership in the fight to increase highway safety;
  - continues to direct a minimum level of federal assistance towards distinct highway safety initiatives;
  - protects and enhances highway trust fund revenues so that adequate funding is available for safety initiatives; and
  - facilitates the development of state Safety Management Systems to coordinate statewide transportation safety efforts.

Motor vehicle accidents are costing the federal government and its taxpayers millions of dollars a year. The federal government has a right and a responsibility to protect its citizens by fostering the safe design, construction and use of transportation systems in which it invests.

I appreciate the opportunity to submit this testimony on behalf of the Institute of

Transportation Engineers. I would be happy to answer any questions the Committee might have on my testimony.

STATEMENT OF THE HONORABLE RICARDO MARTINEZ, M.O.  
ADMINISTRATOR  
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
BEFORE THE  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
SUBCOMMITTEE ON SURFACE TRANSPORTATION

SEPTEMBER 19, 1996

REAUTHORIZATION OF ISTEA

Mr. Chairman and Members of the Subcommittee, I welcome this opportunity to testify. With me are Adele Derby, NHTSA's Associate Administrator for State and Community Programs, James Nichols, NHTSA's Director of the Office of Occupant Protection, and Dennis C. Judycki, FHWA's Associate Administrator for Safety and System Applications.

This Committee demonstrated exceptional vision and leadership in developing the Intermodal Surface Transportation Efficiency Act (ISTEA). This legislation has supported major Federal and State highway safety programs. As we move toward reauthorization of ISTEA, we want to build on ISTEA's achievements and craft forward-reaching legislation that meets the nation's highway safety demands of the 21st century.

THE NATIONAL CHALLENGE OF HIGHWAY SAFETY

Today, you asked that we discuss the highway safety programs authorized by ISTEA. Highway safety must continue to be a major concern as we approach this important reauthorization. As Secretary Peffé has stressed, if we want to maintain our quality of life and remain competitive in the global marketplace, safety is one of the national challenges in transportation that we must aggressively meet. Given increases in miles traveled, we have made good progress in improving safety on the nation's highways. Safety belt use has grown from 11 percent in 1982 to 68 percent in 1995; alcohol involvement in fatal crashes has dropped from 57 percent to 41 percent over the same period. The fatality rate per hundred million miles driven has declined steadily since 1966.

Despite this progress, much work remains ahead of us. Motor vehicle crashes are still the leading cause of premature death of America's youth. After years of steady decline, total highway deaths have increased. The easy gains in highway safety have been made: people who are the most likely to use safety belts and child safety seats are using them; people who were the most responsive to the message not to drink and drive have altered their behavior. Safety belt use has grown by only one percent per year in recent years. Improper use of child safety seats continues to be a problem. In 1995, the number of alcohol-related fatalities increased for the first time in 9 years. And currently more than 40,000 people die every year on the nation's streets and highways and nearly three and a half million are injured in police-reported crashes. Highway fatalities were 94 percent of all transportation deaths in 1994.

And the future will bring us new and difficult challenges. While we are experiencing an all-time high in the demand for safer vehicles and a public that is less tolerant of risky driving behavior and impaired driving, the number of teenagers-- an age group with high crash and fatality rates -- is increasing in numbers. There also is growing evidence that alcohol and other substance abuse is on the rise. New highway safety messages and programs will have to be created to target these populations and other groups that are harder to reach due to language or other barriers. New developments also will create challenges -- such as higher speed limits and attempts to weaken motorcycle helmet laws. And, finally, we are seeing available resources for State and local traffic law enforcement increasingly redirected due to other demands.

Motor vehicle fatalities are always tragic, yet they are only part of the picture. Crashes also result in costly injuries, productivity losses, lost travel time and increased congestion, placing a huge burden on the nation's economy -- over \$150 billion annually. Through public programs such as Medicare, Medicaid, and taxpayer-funded services like police and emergency response, much of this burden falls directly on the American taxpayer. Motor vehicle crashes cost taxpayers \$13.8 billion in public revenues in 1994, the equivalent of \$144 in added taxes for each household in the United States.

Highway safety improvements have been documented to be extremely cost-effective investments for the nation, reducing health care and business costs as well as reducing the tax burden. In fact, NHTSA's entire budget could be justified on the basis of the tax savings and reductions in Medicare and Medicaid costs alone that are produced by implementation of highway safety behavioral programs.

With continued, steady increases in travel, reversing these trends will be a challenge requiring Federal leadership. Clearly, we must continue to develop and implement aggressive and effective highway safety countermeasures, increase community involvement, and coordinate efforts and leadership at all levels of government if we are to continue our progress in highway safety.

#### THE FEDERAL ROLE IN HIGHWAY SAFETY

Federal leadership in providing assistance and in developing ways to improve the safety risks of the traveling public on our highways is a responsibility we take very seriously. Any reduction in the Federal commitment could jeopardize the progress we have made.

The Department has some key safety activities underway, but more must be done. Last November, following enactment of the NHS Act, Secretary Peña announced his *Action Plan to Reduce Highway Injuries and Related Costs*. Let me highlight a few items from the plan. After repeal of the National Maximum Speed Limit, the Secretary contacted the Governor and legislative leaders in each State, urging them to move cautiously when considering speed limit increases and to review available cost-benefit data.

As part of the *Action Plan*, in July of this year, NHTSA awarded almost \$700,000 to States to improve their ability to track motor vehicle crashes, causes, and costs. This knowledge is vital to policy makers so they have the necessary information to make sensible decisions about safety policies. In addition, the Secretary and agency officials met with representatives of more than 70 national organizations to discuss new approaches to the challenge of improving highway safety. Follow-up discussions are being held around the nation with local and State leaders. These meetings are not only generating exciting ideas but also

establishing new networks at the State and local level committed to improving safety.

NHTSA's principal mission is to reduce traffic crashes and the deaths and injuries that result from them. We do this by carrying out several legislative mandates. Under our highway safety statutes, NHTSA is responsible for administering three of the core highway safety programs that ensure the continuation of this Federal commitment, along with several related programs. I would like to highlight each of these current programs very briefly before discussing our thoughts concerning their reauthorization.

*State & Community Highway Safety Grant Program (Section 402)*

The keystone of NHTSA's efforts in highway safety, currently jointly administered with FHWA, is the State and community highway safety grant program, known by its U.S. Code provision as the "Section 402" program. Under this program, NHTSA and FHWA give (1) technical assistance to States and local communities to develop and implement their highway safety programs and (2) formula grants to States, set by statute, for their conduct of programs in priority areas that are most effective in reducing traffic crashes and resulting deaths, injuries, and property damage. The priority areas, identified by NHTSA and FHWA through public rulemaking, currently include: occupant protection; alcohol and other drug countermeasures; police traffic services; emergency medical services; traffic records; motorcycle safety; speed control; pedestrian and bicycle safety; and roadway safety.

The grant funds support State planning to identify and quantify a State's highway safety problems, provide start-up or "seed" money for new programs, and give new direction to existing safety programs. At least 40 percent of these funds are required by statute to be used for local and community projects.

The Section 402 program is highly successful, with both NHTSA and FHWA field staffs involved in the program. NHTSA and FHWA believe that it is more necessary than ever for the safety and highway staffs of State and local government and interested advocacy groups to work together to improve highway safety.

Our Section 402 program is a textbook example of how a small

amount of Federal funding can save a great many lives. From 1975 to 1994, use of safety belts, motorcycle helmets, child safety seats, and the minimum drinking age laws have contributed to saving an estimated 90,000 lives. In addition to the pain and suffering these programs prevented, the resulting economic benefits produced by their reduction in fatalities are about \$70 billion. This is more than seven times the cost of NHTSA's entire highway safety program, including grant programs and the State matching funds from 1966 through 1994. And fatalities are only a fraction of the total cost associated with highway crashes.

The Section 402 program and our administration of the program has evolved since its original enactment in 1966. In 1995 we worked with the States to design a new streamlined, performance-based management process. Underlying the new process is the recognition that States and communities are in the best position to identify and target their key highway safety problems. This major new management initiative reflects a shift in Federal assistance from approving programs to improving performance. It is an outcome-based approach.

States now prepare a benchmark report that sets their own highway safety goals and performance measures. They also develop a plan describing the programs they will undertake. However, the plan does not require Federal approval. This change has improved agency relationships with the States and allowed NHTSA's regional staff to devote more time to providing technical assistance, sharing best practices, technology, data, evaluations, and developing new partners for highway safety. A measure of success of this new approach is that the original pilot of 16 States has expanded to 40 States, plus the District of Columbia and three territories. The 402 pilot program is a prime example of a partnership in which each partner performs their most value-added role.

#### ***Highway safety research and development (Section 403)***

The Highway Safety Research and Development Program (Section 403) is the foundation upon which State, community, and private sector highway safety activities are based. Under this program, NHTSA develops, demonstrates and evaluates programs to improve traffic safety. Programs include those to reduce impaired



driving, increase the use of safety belts and child safety seats, manage speed and reduce aggressive driving, promote and improve traffic records and data systems, and demonstrate innovative approaches such as safe communities.

The behavioral research and programs conducted under Section 403 are the backbone of a Federal, State, and community partnership to prevent death and injury on our highways, and they help lead the national effort to continue our successes in the face of many new challenges. NHTSA transfers the research findings and information on effective countermeasures and best practices to States and communities for use in their own programs, both Federally-funded (through Section 402 and other grants) and locally-funded. The information is also transferred to many national organizations for implementation through their local affiliates. Technical assistance and demonstrations of promising techniques are also key components of the Section 403 program.

#### **Alcohol-impaired driving countermeasures**

No review of highway safety would be complete without mentioning the leading factor in fatal and serious injury crashes--drunk driving. Alcohol is the drug abused most frequently by our children, and is responsible for 35 percent of the highway deaths among our youth, ages 15-20. Forty-one percent of all fatal motor vehicle crashes continue to be alcohol-related, and 32 percent of these fatal crashes involve a drunk driver or pedestrian with a high blood alcohol concentration (BAC greater than 0.10 percent). That means alcohol impairment plays a role in over 17,000 traffic deaths every year.

Still, significant progress has occurred in recent years, largely as a result of two events: (1) the development of laws such as the National Minimum Drinking Age Law and enforcement techniques to increase the likelihood of arrest and effective disciplinary action; and (2) the growth of public sentiment against drunk driving, led by citizen activist groups such as Mothers Against Drunk Driving (MADD). These efforts have produced significant reductions in drunk driving fatalities and injuries.

The National Minimum Drinking Age Law -- credited with saving more than 10,000 lives in the past ten years -- shows how important the Federal role is in the area of highway safety. Only a concerted, national effort could have addressed the tragic problem of "blood borders" as young drivers crossed State lines to drink in States with lower drinking ages and then, upon returning, added to the toll of alcohol-related motor vehicle injuries and fatalities. The National Minimum Drinking Age Law is a major landmark in the nation's war on impaired driving.

NHTSA's implementation of its drunk driving prevention incentive grant program, under Section 410 of title 23 has provided important financial incentives to States for the development of improved laws and programs dealing with impaired driving. In addition to reauthorizing the Section 410 incentive program, ISTEA amended it in a way that increased the ability of the States to meet the program's requirements. Many States actively pursued new or improved laws to reduce drinking and driving, such as administrative license revocation (ALR), .02 BAC laws for under age 21 drivers, and .08 BAC laws. Prior to the ISTEA amendments, only two States had qualified for Section 410 funding. Since the passage of ISTEA, a total of 37 States plus the District of Columbia will have qualified for Section 410 grant funds for one or more years.

NHTSA also is encouraging the States to pass "zero tolerance" laws. These laws establish that any measurable amount of alcohol in the blood, breath, or urine of a driver under age 21 would be an "illegal per se" offense. Most of these laws also provide for immediate drivers license suspension periods for drivers under 21 who exceed the applicable blood-alcohol concentration (BAC) limit of .02, the lowest detectable level. These measures, initiated by President Clinton, were an important part of the National Highway System (NHS) Designation Act. So far in 1996, 10 States have passed "zero tolerance" laws to combat drunk driving, for a total of 37 States plus the District of Columbia.

Recently, in 1995, we came together with a wide range of partners -- representatives from States, private organizations, other Federal agencies -- to set a new goal for the reduction of the involvement of alcohol in crashes. The group called itself "Partners in Progress" and set a goal of reducing the number of

alcohol related fatalities to 11,000 by the year 2005. The group also discussed and recommended strategies in a number of different areas to achieve this ambitious goal. This is another example of a true partnership approach, one that we are carrying forward into our approach to the next ISTEA.

Mr. Chairman, we must continue to do all we can to expand the commitment to drunk driving countermeasures by the States and the Federal government. Despite all the good progress we are seeing, alcohol-related motor vehicle crashes have started to increase. In 1995, 17,274 fatalities occurred in these crashes, compared to 16,589 in 1994. This increase represents a visible part of a larger societal problem. As the agency charged with improving highway safety, we are doing everything we can to break the linkage between drinking and driving. With everyone working together, we are confident that significant reductions in alcohol-related crashes can be achieved.

**Drug evaluation and classification (DEC) and National Driver Register (NDR)**

NHTSA is also continuing to work with the States in a way that assures continuity of highway safety programs with minimal Federal help. For example, ISTEA authorized funding for an expanded drug evaluation and classification (DEC) expert training program and for the National Driver Register (NDR). The DEC program, which enhances deterrence by training police to recognize drivers impaired by drugs other than alcohol, has been successfully transferred to the States.

The NDR is a central repository of information on individuals whose license to operate a motor vehicle has been suspended, canceled, or denied by any State. Under the NDR's new Problem Driver Pointer System (PDPS), States retain substantive driver licensing information and the NDR electronically "points" an inquiring State to the State of record to obtain any requested licensing information. This new system has been successful, with over 30 million inquiries per year, 80 percent interactive, and all States converting to the new system by year's end.

In October of 1995, Representative Oberstar introduced an Administration bill to allow for an organization representing the States to assume the NDR's timeshare and help desk functions.

Under the bill, other NDR functions would continue to be administered by NHTSA.

#### MOVING AHEAD - OUR VISION FOR THE FUTURE

Much of our past success has been due to NHTSA's ability to serve its Federal, State and community partners through development and collaboration on effective programs at State and local levels based on the agency's research. However, after a decade of progress, additional safety gains will be more difficult. Those who still fail to buckle up or who still drink and drive, are increasingly more difficult to reach effectively. To meet these challenges, NHTSA and FHWA are coordinating many of our highway safety activities, working cooperatively on mutual areas of concern in both headquarters and the field to better serve our customers. While NHTSA's responsibilities are mainly focused on the driver and the vehicle, FHWA's are on the roadway.

NHTSA also has refined its efforts and expanded its partnerships to include groups such as law enforcement, fire and rescue personnel, schools, traffic safety advocates, employers, and property and casualty insurers. More recently we have expanded our national partnerships with public health professionals, health care providers, day care providers, and culturally diverse groups. Our new safe communities initiative brings local health, medical and business partners together with the public sector to address community-level traffic injury problems. We also have expanded our messages and programs to target those groups most at risk for injury such as youth and rural population, and have improved our customer service to communities, States, and national organizations.

Over the years, we have seen great progress in getting our fatality rate down. And it is at an historically low level. But not only has that level been stagnant the last few years, the total number of fatalities has increased in each of the last three years.

We know the future will bring not only more drivers on our roads, and more miles driven, but more younger drivers -- a demographic group with higher crash and fatality risks.

Recent experience indicates that we are moving away from top-down mandates toward placing decision-making at the State and local levels. States and localities, with Federal technical support, are in the best position to determine their own problems and the best means to attack them. The next ISTEA should provide the States with the flexibility to address highway safety problems in the most effective and appropriate ways.

But in the decision-making process, public policy must be driven by good science and the appropriate tools to do the job. That means, among other things, good data. That also means sharing "best practices." One important Federal role is to help assure that States and communities have those tools. Another is to assure that the resources are available to do the job. The reauthorization of ISTEA can help provide these tools.

Our Strategic Plan emphasizes outreach and listening to and involving customers and partners in the planning programs and activities of the agency. And our participation as a pilot agency in the Government Performance and Results Act (GPRA) has focused our attention on our customer service activities, with emphasis on our most value-added activities. This is in keeping with our current actions and our approach to the next ISTEA legislation. The Section 402 pilot is an example of a true partnership to get the job done for improvements in the safety bottomline. Partners in Progress is another example of the use of a partnership in both setting alcohol goals and bringing to bear maximum resources to achieve them.

DOT has been working to provide leadership and to bring stakeholders to the table. Secretary Peña has hosted a number of meetings bringing together current and potential leaders in the highway safety field. As part of this process, we have been traveling around the country listening to our customers -- the users and providers.

To date, the Department has held twelve Regional Forums; one more will take place this month. At our forum on safety, we heard strong support for Federal involvement in safety. Through outreach to our State and organization partners we have heard repeated support for each of our highway safety programs.

Our partners have expressed the need to continue to address alcohol and impaired driving in the next ISTEA through strong support for the Section 410 program. In addition, they have suggested that other areas of national, State, and local priority could be addressed through incentives or similar programs. Areas proposed have included developing the capability to develop good highway safety data, occupant protection, and creating a means to address emerging problems such as aggressive driving. Our deliberations on the structure of the next ISTEA should take these suggestions into account.

We see the next era of highway safety to be a partnership, where each party provides true value added to the goal of reducing the tragedies that occur each day on our streets and highways.

#### THE REAUTHORIZATION OF ISTEA

Overall, ISTEA provided a solid foundation for a successful Federal role in highway safety. We believe that the best way to address our future challenges in safety is to build on ISTEA's foundation. There should be no question of turning back. The reauthorization of highway safety programs must retain the key elements that ISTEA initiated, giving the States the flexibility needed to address their most pressing highway safety problems. Moreover, we will pursue a closer working relationship with other Federal safety offices as we develop our reauthorization proposal. We hope to include actions where there are mutual safety interests, such as driver behavior and public outreach efforts.

#### *Intergovernmental partnership*

ISTEA recognized the importance of the Federal-State partnership in highway safety in its reauthorization of the Section 402 State and community highway safety grant program. Reauthorization of ISTEA must continue to look at ways to advance this vital partnership. It can do this by ensuring that NHTSA continues to be a meaningful resource for the States and by assuring that the States have the highway safety technical support and information they will need.

The ISTEA-funded Crash Outcome Data Evaluation System (CODES) project is an excellent example of this partnership. Through this project, ISTEA provided funds to study motorcycle helmet and safety belt effectiveness through use of linked police crash and medical treatment data. Originally, seven States successfully linked highway safety and medical data with NHTSA technical assistance. Subsequently several more States have performed this linkage and applied the data to a better understanding of several important behavioral and highway design safety issues. Continued support for data linkage efforts and other data improvement initiatives are critical to the State/federal partnership to improve highway safety.

A good example of the recent use and value of the CODES project occurred last fall in the State of Maine. At that time, Maine used its that data to justify passage of the State's safety belt use law.

***Enhance commitments to safety and planning***

The highway safety structure for the next ISTEA should support States and communities to address their highway safety problems in the most efficient and effective ways. Currently, Federal support for highway safety is channeled in three ways: infrastructure investments, motor carrier safety and inspection programs, and the NHTSA grant programs noted earlier in my testimony. We are working within the Department toward a structure that would support flexibility in the use of these funds and that would promote coordination of planning processes within the States, so that States and communities can make the safety investments with the biggest payoff. The separate planning processes that now take place should be coordinated, so that States and communities can begin to develop a more comprehensive, unified approach to highway safety.

ISTEA enhanced the commitment to safety and planning by amending the Section 410 impaired driving incentive program in ways that increased the ability of the States to meet its requirements. Reauthorization of ISTEA must continue to support such flexible programs, such as the Section 410 incentive program, and increase the ability of State and local officials to choose drunk driving prevention programs that make sense for their communities.

**Encourage research and development**

ISTEA reauthorized NHTSA's Section 403 highway safety research and development program to ensure future advances and continuing improvements in those highway safety areas that support the Department's Section 402 State and community programs. We must continue our commitment to the kinds of research and development that improve highway safety, closing the gap between state-of-the-art and current practice.

**CONCLUSION**

ISTEA provided a strong foundation for a successful Federal role in highway safety. Its central highway safety elements -- intergovernmental partnership, a strong commitment to safety and enhanced planning, and a strong commitment to research and development -- should be extended. Federal-State performance partnerships and improved data will provide the best means for further gains in safety.

As part of our process for learning what aspects of ISTEA are working and what can be improved, we traveled around the country to listen to the views of our citizens. At our forum on safety, we heard strong support for Federal involvement in safety.

We recognize that highway safety needs are great, and we will continue to do our best to improve our record in highway safety. We also will continue to ask how we can increase the benefits provided by available resources. The crucial and ongoing need for safe travel on the nation's highways extends beyond any one State's borders. Strong Federal leadership in partnership with State and local governments is essential in this key area.

Mr. Chairman, this concludes my statement. My colleagues and I would be happy to answer any questions.



# FACT SHEET

SEPT  
1995

## STATE LEGISLATIVE

National Highway Traffic Safety Administration  
U.S. Department of Transportation

### Motorcycle Helmet Use Laws

The United States Department of Transportation's National Highway Traffic Safety Administration (NHTSA) strongly believes that effective, comprehensive programs encompassing motorcycle helmet usage, rider education, motorcycle operator licensing, and responsible use of alcohol have a strong positive effect on motorcycle safety. Motorcycle helmets offer motorcyclists involved in traffic crashes the best protection from head injury. The passage of helmet use laws governing all motorcycle riders is the most effective method of getting all motorcyclist to wear helmets. NHTSA encourages states to require all motorcycle riders to wear helmets.

#### Key Facts

- In 1994, 2,304 motorcyclists died and approximately 58,000 were injured in highway crashes in the U.S.
- Per mile travelled, a motorcyclist is approximately 20 times more likely to die in a crash than is an automobile operator.
- Head injury is the leading cause of death in motorcycle crashes.
- An unhelmeted motorcyclist is 40 percent more likely to incur a fatal head injury and 15 percent more likely to incur a non-fatal head injury than a helmeted motorcyclist when involved in a crash.
- NHTSA estimates that motorcycle helmets reduce the likelihood of a fatality by 29 percent in a crash.
- A study conducted at the University of Southern California, which investigated 900 motorcycle crashes and analyzed 3,600 traffic crash reports covering motorcycle crashes, concluded that helmet use was the single most important factor governing survival in motorcycle crashes.

- From 1984 through 1994, it is estimated that helmets saved the lives of more than 6,995 motorcyclists. If all motorcycle operators and passengers had worn helmets during those years, it is estimated that approximately 6,010 additional lives would have been saved.
- Numerous studies have proven that helmets do not impair the users' vision or hearing. All helmets provide a field of view greater than 210 degrees and often provide an advantage in hearing warning signals by reducing wind and engine noise.
- All motorcycle helmets sold in the U.S. are required to meet Federal Motor Vehicle Safety Standard 218, the performance standard which establishes the minimum level of protection helmets must afford each user.
- Helmet use laws governing all motorcycle occupants significantly increase helmet use and are easily enforced because of the occupant's high visibility. In NHTSA's latest survey (November 1991), helmet use was reported to be essentially 100 percent at sites with helmet use laws governing all motorcycle riders as compared to 34 to 54 percent at sites with no helmet use laws or laws limited to minors.
- Data on crashes in states where only minors are required to wear helmets show that fewer than 40 percent of the fatally injured minors are wearing helmets even though the law requires them to do so. Helmet laws that govern only minors are extremely difficult to enforce.

#### Contents

- Key Facts
- Legislative Status
- Cost Savings
- Who Supports Motorcycle Helmet Use Laws?
- Information Sources

### Key Facts (continued)

- When helmet laws were repealed and helmet use dropped, fatalities increased an estimated 20 percent.
- In 1976, the Highway Safety Act was amended to remove sanctions against states without motorcycle helmet laws. Between 1976 and 1980, State laws requiring helmet use were weakened or repealed in 27 states. Comparing 1980 to 1975, the year before repeals began, motorcycle fatalities increased 61 percent while motorcycle registrations increased only 15 percent.
- Caution must be employed when comparing States to each other with crash statistics. States differ in their propensities for motorcycle fatalities. The most accurate method of evaluating the impact of traffic safety measures is to compare the state's crash experience against itself.
- Reported helmet use rates for fatally injured motorcyclists in 1994 were 55 percent and 51 percent for passengers, compared with 59 percent and 43 percent, respectively, in 1993.

### Legislative Status

- Currently 25 states, the District of Columbia, and Puerto Rico require helmet usage by all motorcycle operators and passengers. In another 22 states, only persons under a specific age, usually 18, are required to wear helmets. Three states have no law requiring helmet use.
- Data from Louisiana, the first state to repeal and then readopt a full helmet law, show a 30 percent reduction in fatalities (40 fewer deaths) during 1982, the first year after helmet law reenactment. This reduction occurred even though motorcycle registrations increased 6 percent during the year. The helmet use rate increased from roughly 50 percent to 96 percent.
- Since 1989, 6 states (Oregon, Nebraska, Texas, Washington, California, and Maryland) have enacted helmet use laws that govern all motorcycle occupants. In Oregon, there was a 33 percent reduction in motorcycle fatalities the year after its helmet law was re-enacted; Nebraska experienced a 32 percent reduction in the first

year of its law; Texas experienced a 23 percent reduction; Washington experienced a 15 percent reduction; California experienced a 37 percent reduction; and Maryland experienced a 20 percent reduction.

### Cost Savings

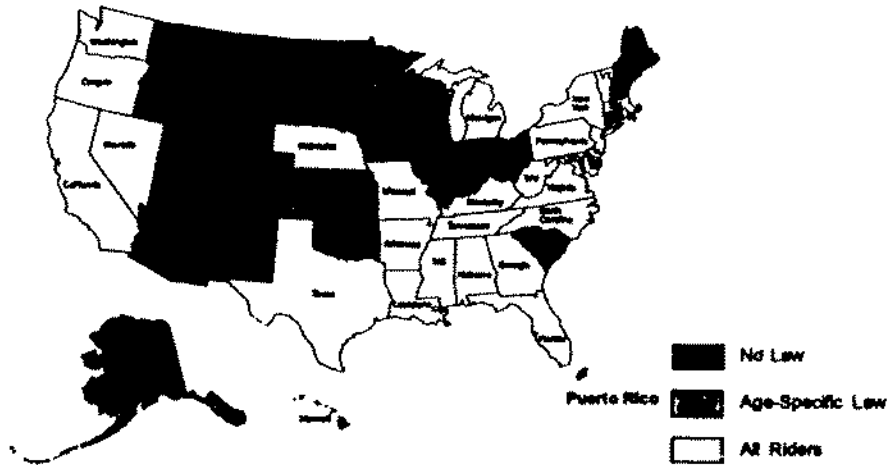
- Failure to use motorcycle helmets places a large financial burden on society and individual states. A number of studies have been conducted that compare hospital costs for helmeted and non-helmeted motorcyclists involved in traffic crashes. They have found unhelmeted riders involved in crashes are less likely to have insurance and more likely to have higher hospital costs than helmeted riders involved in similar crashes.
- In Louisiana, the average cost per motorcycle crash decreased by 48 percent from 1981 to 1982, the first year of its helmet use law. Dramatic differences were found in hospital stay lengths between helmeted and non-helmeted riders.
- Studies show that the cost of helmeted vs. non-helmeted motorcyclist who were treated at various hospitals across the country range from \$2,438 to \$13,368 for helmeted motorcyclists and \$3,368 to \$30,365 for unhelmeted riders.
- NHTSA estimates that \$5.9 billion was saved between 1984 through 1992 because of the use of the helmets. An additional \$5.9 billion would have been saved if all motorcyclists had worn helmets.

**Who Supports Motorcycle Helmet Use Laws?**

- Advocates for Highway and Auto Safety
- American Academy of Family Physicians
- American Academy of Orthopedic Surgeons
- American Academy of Pediatrics
- American Association of Critical Care Nurses
- American Association of Neurological Surgeons
- American Association of Occupational Health Nurses
- American Coalition for Traffic Safety, Inc.
- American College of Emergency Physicians
- American College of Preventive Medicine
- American College of Surgeons
- American Hospital Association
- American Insurance Association
- American Medical Association
- American Nurses Association
- American Public Health Association
- American Trauma Society
- Association for the Advancement of Automotive Medicine

- Congress of Neurological Surgeons
- Consumer Federation of America
- Emergency Nurses Association
- Epilepsy Foundation of America
- GEICO
- General Federation of Women's Clubs
- Motorcycle Industry Council
- Motorcycle Vehicle Manufacturers Association
- National Association of Public Hospitals
- National Association of Emergency Medical Technicians
- National Association of State EMS Directors
- National Council on the Handicapped
- National Head Injury Foundation
- National Safety Council
- National Safe Kids Campaign, Inc.
- Snell Memorial Foundation
- Students Against Driving Drunk

**Helmet Use Laws  
September 1995**



### Information Sources

The Effect of Helmet Law Repeal on Motorcycle Fatalities, A Four Year Update. NHTSA Research Notes, Sept. 1989. This report estimates fatalities increased about 20 percent in states that repealed helmet use laws.

The Effectiveness of Motorcycle Helmets in Preventing Fatalities. U.S. Dept. of Transportation, Report No. DOT HS 807 416, March 1989. This publication presents the data and analysis used to estimate that motorcycle helmets are 29 percent effective in preventing fatalities.

Impact of Re-Enactment of the Motorcycle Helmet Law in Louisiana. U.S. Dept. of Transportation Report No. DOT HS 806 760, December 1984. This report presents the study and comparison of injury severity, fatalities, and financial impact of helmeted versus non-helmeted motorcycle operators and passengers in Louisiana. The repeal and subsequent re-enactment of Louisiana's helmet use law offers unique and valuable data to conduct this systematic study.

Report to Congress on the Benefits of Safety Belts and Motorcycle Helmets. NHTSA, April 1985. The study employed methods whereby statewide data from police crash reports, emergency medical services, hospital emergency departments, hospital discharge files, claims, and other sources were linked so that those people injured in motor vehicle crashes could be followed through the health care system. Information for both the the injured and uninjured was then used to determine the benefits

of protective devices in motor vehicle crashes. The available financial information included inpatient charges (acute care, rehabilitation, long-term care) and estimates of actual costs using a charge-to-cost ratio.

Motorcycle Accident Cause Factors and Identification of Countermeasures, Volume I: Technical Report. University of Southern California, Los Angeles, U.S. Dept. of Transportation, Report No. DOT HS 805 862, January 1981. This report presents the data and findings from the on scene, in-depth investigations of 900 motorcycle crashes and the analysis of 3,600 traffic accident reports of motorcycle crashes in the same study area.

Highway Safety: Motorcycle Helmet Laws Save Lives and Reduce Costs to Society. U.S. General Accounting Office, Report to Congress, July 1991. This report evaluates studies on motorcycle helmet laws. The report summarizes each study's findings on (1) the effectiveness of helmets in preventing deaths and serious injuries, (2) the effect of helmet laws on helmet use and fatality rates, and (3) the cost that society incurs when motorcyclists who do not wear helmets are involved in crashes. All studies comparing helmeted riders to non-helmeted riders found that all helmeted riders had a lower fatality rate.

*These reports and additional information are available through your State Office of Highway Safety, the NHTSA Regional Office serving your state, or from NHTSA Headquarters, Traffic Safety Programs, NTS-23, 400 Seventh Street., S.W., Washington, D.C. 20590.*



# TRAFFIC TECH

**NHTSA** Technology Transfer Series

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## DO MOTORCYCLE HELMETS INTERFERE WITH THE VISION AND HEARING OF RIDERS?

Motorcycle crash statistics show that helmets are about 29 percent effective in preventing crash fatalities. That is, on average, riders wearing a helmet have a 29 percent better chance of surviving a crash than riders without a helmet.

Opponents of mandatory state motorcycle helmet laws, however, have suggested that although effective in reducing injuries, helmets may increase a rider's risk of crashing by interfering with the ability to see and hear surrounding traffic.

The National Highway Traffic Safety Administration (NHTSA) sponsored a study to assess the effect of wearing a helmet upon the ability of motorcycle riders (1) to visually detect the presence of vehicles in adjacent lanes before changing lanes, and (2) to detect traffic sounds when operating at normal highway speeds. National Public Services Research Institute conducted the study for NHTSA.

Fifty motorcyclists of various ages and riding experience participated in the study. The riders drove their own motorcycles along a prescribed test route. The route was 5 and a half miles on a four lane divided highway. In the vision test, the riders were asked to change lanes periodically, whenever they heard a signal from a following vehicle. When they heard the signal, riders were instructed to turn their heads to check traffic in the adjacent lane, and then make the lane change in their normal manner. Each rider drove the test route three times; once each while wearing a full coverage helmet, a partial coverage helmet, and no helmet. The degree of head rotation riders made during the lane change was measured.

To assess the effect of the different helmets upon hearing, the volume of the sound signal used to

prompt the lane change was systematically varied. The minimum sound level (auditory threshold) was recorded for each rider. Half of the riders were in the vision test and half in the hearing test condition.

### Vision Results

The vision test showed that most riders recover the lateral field of view that is lost by wearing a helmet by turning their heads a little further. Before changing lanes, 19 of the 23 riders compensated for the loss by turning their heads more when they were wearing a helmet than when they were not wearing one. These riders did not require significantly more time to turn their heads to check for traffic. Only four riders did not compensate.

Helmet use did not hamper the ability of riders to see traffic or increase the time needed to visually check for nearby traffic. Overall, any negative interference of helmets on rider vision appears to be minor, especially in comparison to the protection offered by helmets should a crash occur.

### Hearing Results

The hearing test showed that there were no significant differences in the riders' ability to hear the auditory signals regardless of whether they were wearing a helmet or not. There was a difference, however, in the hearing threshold between travel speeds of 30 and 50 mph. At the greater speed, all riders needed a louder auditory signal because of increased wind noise. For any given speed, helmets neither diminished nor enhanced hearing.

These results indicate that wearing helmets does not restrict the ability to hear auditory signals or the



likelihood of seeing a vehicle in an adjacent lane prior changing lanes. The information in this study will benefit motorcycle safety advocates across the nation seeking information about the impact of helmet usage on motorcyclists' vision and hearing.

**HOW TO ORDER**

For a copy of *The Effects of Motorcycle Helmets on Seeing and Hearing* (16 pages) write to the Safety Countermeasures Division, NHTSA, NTS-23, 400 Seventh Street, S.W., Washington, DC 20590, or send a fax to (202) 366-7149.

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FOR MORE AND SUBJECT  
CONTACT INFORMATION

Testimony of

Jerry Massengill  
Lieutenant Colonel  
Virginia State Police

on behalf of the  
International Association of Chiefs of Police

Before the Hearing of the  
Subcommittee on Surface Transportation  
Committee on Transportation and Infrastructure  
U.S. House of Representatives

Regarding ISTEA Reauthorization and  
Highway Safety Programs

September 19, 1996



On behalf of the International Association of Chiefs of Police and our president, Chief David Walchak of Concord, New Hampshire, I would like to express our appreciation for being invited to express what I hope will be a law enforcement view, as well as my personal view as a private citizen, of the importance of the Intermodal Surface Transportation Act (ISTEA), and its impact on our nation. At the conclusion of my remarks, I will give you five areas where I feel ISTEA can make a difference from a law enforcement standpoint.

Perhaps more than any other institution in society today, law enforcement is concerned with the quality of life in America. We are the only governmental agency working the street and accessible to the public 24 hours a day, 7 days a week. We see, at first hand, the violence and lack of respect for life itself, the children and elderly persons suffering abuse, the domestic violence, acts of terrorism, and the deterioration of neighborhoods that threatens to create a new crime wave, as the children of the baby-boom generation reach the crime-prone years. The plight of the homeless and those deprived of their careers by "dowo-sizing" and "right-sizing" in industry and government that lead to incidents of workplace violence, the frustration of ordinary people trying to cope with the dramatic waves of change that are sweeping over the nation like an unrelenting storm, and the sinister layer of drug and alcohol abuse that exacerbate and overlay all of these problems, all contribute to the fact that the police officers of this country have, indeed become the "thin blue line" in trying to maintain order and enforce the laws.

As I recited this rather depressing litany of problems, I wonder if it occurred to many of you that there is one place to which we all have access—where the ordinary citizen, without any choice in the



matter, rubs elbows with the criminal, the unstable and pathologic personality, the terrorist, and the drug lord - the good, the bad and the ugly. That place is our public transportation system—our streets and highways.

It is small wonder, then, that they are often termed, "mean streets." Every day, criminals use motor vehicles to travel to the scenes of their crimes, to transport stolen goods, to seek out locations for future crimes, and to flee from those that they have already committed. You seldom hear of gang members commirting "walk-by" shootings, but "drive-by's" occur in our cities every night of the week. Our interstate highways have become the major pipeline for transporting cocaine, heroin and other drugs and contraband between source cities and the suburbs. And let us not forget that Timothy McVeigh, the accused Oklahoma City bomber, mass murderer Ted Bundy, the Atlanta child killer, and many other criminals were apprehended as a result of being stopped for traffic violations.

In addition, hazardous materials on all types and descriptions travel by truck past our doorsteps each day, entire families are wiped out in crashes with overloaded commercial vehicles driven by fatigued drivers, and motor vehicle crashes are the greatest single cause of accident death for our young people, killing twice as many as homicide. Traffic crashes cost far more in terms of medical bills, lost productivity, and property damage than crime.

And yet, surface transportation is so vital to our nation, that if we are to compete successfully in the world market, our people and products must be able to move freely, economically and rapidly. Traffic-clogged streets, highways in need of major repair or reconstruction and aggressive drivers

who make commuting stressful, and in some cases fatal, cannot be tolerated if America is to maintain its competitive edge.

The problems I have just outlined for you are too big to be solved at the local or even the state level alone. They transcend state, and in some cases, even national boundaries. In this age of shifting more responsibility to state and local governments, the highway transportation system is one area where the national defense, the economy, and the very quality of life require that the federal government not abdicate its leadership responsibility. In fact, it is amazing that the Congress has not made the obvious connection between NHTSA's "Safe Communities" efforts and the Community Policing initiatives of the Department of Justice, and mandated the two agencies to work more closely together on these issues.

There are three basic components required to maintain a safe, economical, transportation system that will allow commerce to flow freely on our streets and highways and to keep them from turning into battlegrounds. Those elements are engineering, education and enforcement. Or, to put it another way, the road, the vehicle and the driver. Many people will address the issue of bricks and mortar, but I believe I am one of the few who will address the behavioral side of the equation. Although cement, steel and asphalt are essential to building and maintaining a transportation system, law enforcement, which is essential to assure safety, cannot be relegated to receiving the "crumbs from the table."

Although the U.S. Department of Transportation has undertaken a number of initiatives to partner with law enforcement, such as the Federal Highway Administration's Office of Motor Carriers, with their research and MCSAP regulatory efforts and their grants to state and local agencies for improved commercial vehicle safety, our most intensive interaction is with the National Highway Traffic Safety Administration. The experience of all of us in law enforcement has been that NHTSA is the least bureaucratic and most user-friendly federal agency that we deal with. Their Section 402 and 410 funding is used to leverage local funds to target law enforcement efforts to hit, with bulls eye accuracy, the factors that contribute to death, injury, and property damage, such as impaired driving, speeding, defective vehicles and failure to properly use seat belts and child restraints. I believe that the leadership provided by NHTSA is essential to assure that, along with greater flexibility, come sensible safety goals and programs, accountability, and performance evaluation.

I promised at the beginning of my remarks that I would conclude by naming five areas where ISTEA can have the most impact on law enforcement. The first is by maintaining the efforts of NHTSA and their funding for police traffic services.

Traditionally, law enforcement has received about 30% of Section 402 funding, and the figures show conclusively that this money has been well spent. The 10-year decline in highway deaths and the fatality rate, is graphic proof that funding for safety programs is effective. If monies for highways are spent in a block grant fashion, it is my belief that safety programs in general, and law enforcement programs in particular, will be lost in the competing priorities for these limited resources.

The second important area is that of federally supported research, another province of NHTSA. The highway death toll is dramatic evidence of their efforts in this area. The safety features in today's cars did not come from the magnanimous nature of the auto manufacturers, and the spotlight of public opinion did not focus on impaired drivers by simple good fortune. The Drug Evaluation and Classification Program that trains police officers to recognize drug impaired drivers was also a result of NHTSA research. In my opinion, NHTSA's current research program is under funded to deal with today's issues, and this research needs to deal with operational as well as behavioral aspects. I will give you three examples:

The complexity of the legal system is such today that a police officer is taken off the road for up to 3 hours to process a single drunk driver. The result is that both in busy cities and sparsely populated local areas, departments cannot afford to let calls for service go unanswered, thus impaired drivers, who are responsible for 20,000 deaths a year, go undetected.

The time and paperwork involved in investigating a traffic collision is so great that some police departments will no longer investigate crashes that do not involve serious injury. As a result, insurance fraud has driven up costs to the consumer, and truly dangerous drivers, those who cause crashes, go undetected.

Only the federal government can conduct broad based research into how technology can be brought to bear on these and other safety problems. Devices such as lasers, laptop computers, and improved

breath testing equipment can all help to reduce the time needed to process traffic incidents, thus returning officers to patrol duties more quickly.

The third area where ISTEA can be of assistance to law enforcement is through the Intelligent Transportation System (ITS). Law enforcement needs to be involved in designing and implementing ITS systems to warn motorists of hazards, respond to crashes and other incidents, and provide aid to motorists in need of assistance.

The fourth area is a need to support better records systems at the state level to aid in problem identification. Better problem identification will lead to wiser resource allocation and in these days of "doing more with less," that's important. One example is the role of excessive speed in traffic crashes. Most of us in law enforcement supported the repeal of the national maximum speed limit, but what has happened as a result of higher speed limits is a more cavalier attitude toward speed enforcement. The one law nobody can violate without serious consequence is the law of physics. As speeds on the highway increase, it is reasonable that injuries and deaths will also increase. Yet our current accident reporting systems are so imprecise and backlogged that we are unable to pinpoint the causes of crashes and identify problems in time to evaluate the true rate at which speed or other contributing factors such as fatigue and inattention contribute to crashes.

The fifth area is the impact of the ever increasing size and weight of commercial vehicles combined with the continued downsizing of passenger cars in order to comply with CAFE requirements. The trucking industry has continually urged the U.S. D.O.T. to allow larger trucks on the highways,

while little new research has been performed to more accurately relate vehicle weight to damage to pavement and bridges. The stopping distance requirements for commercial vehicles have been on the books for years, yet few if any heavy vehicles on the road today could meet them, if in fact they were tested. The hazards inherent in performing such a braking test on a loaded triple trailer combination tell you why these rules are almost never enforced. Future ISTEA efforts should not include further loosening of the reins on truck sizes and weights, and the Congress should continue to freeze CAFE requirements until technology advances to the point where further gains in fuel economy do not result in poorer levels of passenger protection.

**STATEMENT ON  
ISTEA REAUTHORIZATION  
HIGHWAY SAFETY PROGRAMS**

**Submitted by:**

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Good morning, Mr. Chairman and members of the Sub-Committee. My name is Giffen B. Nickol, and I am here today representing the National Motorists Association. In the interest of full disclosure, I'd like to point out that I am a part-time district staff employee of Representative Robert L. Ehrlich, Jr., of Maryland's 2nd District, but I am here today on my own time, representing only myself and the National Motorists Association.

For too many years in this country, highway safety issues have been discussed and addressed in a naive and unrealistic manner, and the cause of highway safety has been promoted using tired slogans, discredited myths, heavy-handed enforcement, and outrageous claims. Agencies of this government, headed by professionals who surely know better, have on many occasions over the years disseminated information which is factually untrue, but which happens to suit a particular political agenda, or preserve the funding for a particular bureaucracy or program. And some private, non-government organizations, acting ostensibly in the name of highway safety, have deliberately misled the public and this Congress, while promoting strategies and programs designed not to save lives, but to protect or enhance the organization's financial interests. (For example, during the public debate over the termination of the National Maximum Speed Limit, the National Highway Traffic Safety Administration (NHTSA) claimed that 5400 additional motorists would die annually if states were allowed once again to set their own speed limits. In a related document, NHTSA claimed that the German autobahn highway system, which has no speed limit on most of its length, has a fatality rate six times greater than our own Interstate highway system. Neither of these claims is true.)

I submit to you that it is time for some plain talk about highway



safety, and a rational, realistic approach to this subject, for that is the only context in which informed decisions about policy implementation and program funding can be made. Such an approach must start with an understanding of the driving environment in the United States.

We have, according to the Federal Highway Administration, more than 175 million licensed drivers in this country today. Think about that number, and then consider that those drivers run the gamut from teenagers who think they're invincible, to octogenarians who think they can still see. Encompassing a wide range of abilities and skills, we drive on all sorts of roads, under all kinds of weather conditions, in all manner of vehicles. Motoring is so much a part of our lives that virtually everyone in this country is exposed, in some way, to the risk of being injured or killed in a traffic accident every day. And yet, for all that exposure by all those citizens, we lose about 40,000 people each year in traffic accidents.

I do not mean to suggest that we ought not to be concerned about that number. In my professional career, I am a lieutenant in the Baltimore City Fire Department, and I am an emergency medical technician. On many occasions over the last twenty-two years, I've seen traffic accidents firsthand, and I am not insensitive to the pain and suffering of those involved in them. At the same, we must understand that operating a complex piece of machinery in a diverse and unpredictable highway environment carries with it an element of risk, and while we can reduce that risk, we cannot eliminate it. Nothing in life is risk-free, and "safety" is a relative term.

Americans demonstrate, by their daily actions, their confidence in the safety of motoring. I know of no one who, under normal

circumstances, refuses to drive or ride in a car because it is perceived to be dangerous. Clearly, we are aware that there is a risk associated with driving, and we consider that risk acceptable.

Unfortunately, those who make their living by seeing the glass as half-empty consider any risk to be too great, and any expenditure to eradicate that risk to be worthwhile. Their slogan, heard so often in discussions on this subject, is "If it saves one life it's worth it." That simplistic philosophy has led us to adopt regulatory and law enforcement programs which are expensive, burdensome, intrusive, and often unsuccessful at their stated goals.

While the imposition and maintenance of the National Maximum Speed Limit was the most notorious example of this mindset at work, others come readily to mind as well. Since the mid-1980s, more than 90 million vehicles have been equipped, by law, with a high-mounted third brake light. When this idea was being considered, NHTSA claimed there would be a 50% reduction in rear-end collisions, but a recent analysis of the long-term effect is that it may be more in the 5% range. If we assume -- and I'm being conservative here -- that those brake lights add only \$5 to the price of a new car, then American consumers have spent \$450 million to achieve a statistically insignificant benefit.

In the late 1970s, we declared war on drunk drivers, and the common sense measure adopted in those days -- both legal and social -- had a measurable impact. Now, however, we seem to be engaged in a pointless, doomed-to-failure effort to eliminate from our roads every driver who has consumed any alcohol. To that end, we have created a category of accident called "alcohol-related," and misused it to imply drunk driving when such may not be the case. Millions of Americans consume small quantities of alcohol and drive safely every day. Nonetheless, we are

gradually classifying social drinkers as drunk drivers by lowering lawful blood-alcohol levels, even though most true drunk driving accidents are caused by people who are clearly impaired, and there is no evidence to suggest that lower legal levels are warranted.

The public has been sold on the notion that sobriety checkpoints are a good idea, and proponents of this strategy answer the troubling civil liberties questions raised by these checkpoints with the bromide that -- you guessed it -- "if it saves one life it's worth it." The irony of that answer is that sobriety checkpoints may actually be counterproductive. In my own state, it is not uncommon to read that a dozen Maryland state troopers -- earning overtime paid for with federal grant money -- manned a checkpoint, stopped 1000 cars in a four hour period, and arrested 4 alleged drunk drivers. Clearly, those troopers could be more effectively patrolling the highways for that period of time. Instead, they are used in a campaign that seems designed to do little more than make anti-alcohol activists feel good, while using federal tax money to boost the income of underpaid police officers.

If we are truly interested in improving traffic safety -- as opposed to building bureaucracies, spending money, and feeling good -- there are a number of practical and innovative approaches we could take.

We could start by taking the money we are spending on high-visibility enforcement campaigns, and using it to provide comprehensive emergency medical training for public safety personnel, especially in rural areas. We can also use that money to ensure a police presence at construction zones and during periods of bad weather, when motorists are in greater need of assistance.

It has been known for years that fatigue is a significant factor in rural highway accidents. Construction of more and better rest stops

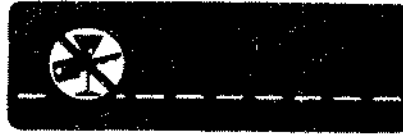
could prevent a significant number of these accidents.

Although traffic engineers have long held that significant speed differentials promote collisions, many states impose different speed limits for cars and trucks. This subject should be examined by NHTSA, and the states advised accordingly, so that they can set speed limits in conformance with the best research available on the subject.

To the extent that NHTSA has a role to play in promoting highway safety, that role should consist of doing legitimate research and developing constructive implementation strategies. Ultimately, state transportation officials are best qualified to determine highway safety priorities in their states, and they ought to be allowed to do so without the coercive threat to withhold highway construction and maintenance money.

Consumers should be given the option to select the personal protection equipment they want on their cars. Not all of us want, or are willing to pay for, airbags, and the current concern over airbag effectiveness supports the contention that we ought to have a voice in the matter.

In conclusion, national transportation policies must be crafted not only with good intentions, but with a realistic attitude about human behavior and our driving environment, and due regard for our rights as citizens of these United States. Thank you.



**Mothers Against Drunk Driving**

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NATIONAL OFFICE

**TESTIMONY**

**KATHERINE P. PRESCOTT  
NATIONAL PRESIDENT, MOTHERS AGAINST DRUNK DRIVING**

**BEFORE THE SUBCOMMITTEE ON SURFACE TRANSPORTATION  
HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

**REGARDING**

**THE REAUTHORIZATION OF ISTEA**

**SEPTEMBER 19, 1996**

Good morning, Mr. Chairman and members of the Subcommittee. Thank you for the opportunity to present MADD's views on the reauthorization of ISTEA.

**Do No Harm**

As I appear here today, representing the millions of Americans who belong to and support MADD, I am reminded of the imperative expressed to physicians: First, do no harm. This medical adage is an appropriate one, because we are increasingly aware of the public health and health care dimensions of highway safety. These dimensions were pointed out this week in the prediction by the World Health Organization that motor vehicle crashes will surpass infectious diseases as a cause of death in the next century. They are also underscored in the latest issue of the American Journal of Public Health, released today, through a new study showing the effectiveness of a lower BAC limit in reducing alcohol-related crashes, deaths and injuries. I will say more about this report a little later.

**BEST AVAILABLE COPY**

to go. The way we must not go is backwards. In 1984, with this committee in the lead, the Congress passed the Uniform Minimum Drinking Age Act making 21 the minimum drinking age across the nation. There are thousands of young Americans alive today thanks to the wisdom of the Congress in passing that law.

The 21 law has not put an end to irresponsibility in the sale, purchase and consumption of alcoholic beverages. There are still too many establishments promoting and selling alcohol to minors. There is still too big a market for fake IDs. But that having been said, the difference between the lives lost prior to 1984 and those saved since the passage of 21 is about 1000 lives per year.

We believe that the question of the national minimum drinking age is settled. Attempts to re-open the issue only add to the challenges we face to combat underage drinking and driving by our nation's youth.

This past year, the minimum drinking statute faced its stiffest test since the Supreme Court ruled the law constitutional. The Supreme Court of Louisiana first ruled the state 21 law unconstitutional and then reconsidered. I'm pleased to say that the Louisiana reconsideration was encouraged by Democrats and Republicans alike and demanded by the people of Louisiana. The upholding of the minimum drinking age in Louisiana was a prime example of the opinion of and best interests of Main Street taking priority over the desires of Bourbon Street.

MADD will vigorously oppose any effort in Washington or the states to repeal or weaken the 21 year old minimum drinking age and the federal mandate that is its foundation. We should be engaged in improving, building upon and better enforcing the minimum drinking age.

In 1995 President Clinton proposed and Congress passed the Zero Tolerance provisions in the National Highway System Designation Bill making .02 BAC the definition of intoxication for drivers under the age of 21. That means no drinking and driving.

MADD will equally oppose any effort to repeal or weaken Zero Tolerance.

First, do no harm to the life-saving laws presently on the books and then let us go forward to improve and expand effective countermeasures to drunk driving and underage drinking.

#### **Highway Safety Funding**

Mr. Chairman, over the course of the last few months, we have been working with our colleagues in the highway safety field to fashion an approach to ISTEA reauthorization. While I am not prepared here today to say our last word on that subject, I can give you the basic outline of at least MADD's approach.

Federal and state agencies, advocacy groups and grassroots victims organizations like MADD have all played vital roles in improving highway safety. And, all share alarm at the recent increase in deaths on our highways. We sometimes differ on what should be done and how, but we have more in common than what might divide us.

One point we all agree on is this: safety, transportation safety, highway safety, is always described as the highest priority of government at every level, but when the resources are allocated, safety takes a back seat to other transportation functions. We seem to always get a rhetorical box seat, but when the investments are made, we sit in the bleachers. We hope to rectify this situation next year by proposing to you a safety setaside from the Highway Trust Fund. Given the life-saving importance of safe driving, we do not believe that a small percentage of the Highway Trust Fund is too much to pay to insure the safe use of our nation's highways.

#### **Section 410**

Mr. Chairman, a case which well illustrates my point is the Section 410 anti-drunk driving incentive grant program. It has been clear for several years that this program is vastly underfunded. We said to states in 1991 that if they passed new, tough laws against drunk driving, they would be eligible for an incentive grant. When the states responded as prescribed

by law, they found that the dollar of incentive they thought they were eligible for was really only 50 cents.

MADD supports some improvements to the Section 410 program, but we would say that there is nothing fundamentally wrong with the program that full-funding, doubling the authorization for Section 410, from \$25 million to \$50 million, would not solve.

#### .02 BAC

When Congress adopted the zero tolerance provisions on the National Highway System bill in 1995, a provision was also added to the basic requirements of the Section 410 program. Presently under Section 410, a state will qualify for an incentive grant if it adopts .02 BAC as the definition of intoxication for drivers under age 21. MADD questions whether states need an incentive to pass what they are now required to pass at pain of losing highway construction funds. Keeping .02 BAC as a basic grant requirement in the Section 410 program might help states retain their eligibility for incentive grants, but it serves to weaken the incentive for states to adopt .08 BAC as the definition of intoxication for all drivers, one of MADD's top priorities.

#### Section 402

Mr. Chairman, MADD has been engaged in extensive discussions with NHTSA and our colleagues in the safety field regarding NHTSA's new approach to the Section 402 program, the basic and largest federal/state highway safety program. NHTSA has endeavored to make the measurement of success achieved by the 402 program more accurate and meaningful. The program has been made more user-friendly for states.

It is important to remember, however, that the goal of Section 402 is not to deliver funding efficiently to states, the goal is to save lives. NHTSA's new process has the potential to produce beneficial results, but the input of grassroots organizations like MADD, the PTAs and others is crucial in the development of goals and measurements of success. We have worked with NHTSA to insure that the voice of the victims and grassroots advocates is heard in the planning and execution of a revised 402 program.



**Graduated Licensing**

Mr. Chairman, MADD believes that graduated licensing of young drivers holds real promise as a life-saving measure. Under existing graduated licensing programs, young drivers do not achieve full license status until they have proven that they can retain a "clean" driving record for a period of years. Graduated licensing can serve to induce young people to adopt good driving habits - wearing a seatbelt - while they avoid bad ones - speeding and the use of alcohol. Because our experience with graduated licensing is limited to date, we would propose adding it as a supplemental criteria to the Section 410 program to encourage states to try it.

**Preventing Harm**

Going beyond just doing no harm, we must also do more to prevent harm. A new study released today in the American Journal of Public Health reinforces the value of lowering the BAC limit to .08 in reducing alcohol involvement in fatal traffic crashes. Compared to surrounding states with a higher limit, states that adopted .08 experienced a reduction of 16 to 18 percent in the proportion of crashes that involved a fatally injured driver at .08 or higher. If all states adopted .08, this could result in a savings of 500 to 600 lives each year. Congress has supported incentives to the states that adopt .08 through the Section 410 program, but the determination of the foes of .08 in thwarting efforts to encourage its passage may necessitate our calling for more strenuous measures in the future.

That concludes my statement, Mr. Chairman. Thank you for the opportunity to appear here today and MADD looks forward to working with you as you fashion the next major surface transportation authorization.



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Statement of the

American Traffic Safety Services Association

to the

Subcommittee on Surface Transportation

Hearing on

**ISTEA REAUTHORIZATION:  
THE HIGHWAY SAFETY PROGRAMS--  
THE SECTION 402, 403, AND 410 PROGRAMS  
AND OTHER TRAFFIC SAFETY INITIATIVES**

Presented by: Roger Rathburn  
President, American Traffic Safety Services Association

104th Congress  
September 19, 1996

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*Traffic Expo '97 • Orlando, Florida • February 2-4, 1997*

Mr. Chairman, Mr. Rahall, and members of the subcommittee, I am Roger Rathburn, national president of the American Traffic Safety Services Association (ATSSA) and president of Rathco Safety Supply, Incorporated, in Portage, Michigan. I am pleased to respond to your invitation asking for our views related to section 402, 403, and 410 safety programs as well as other traffic safety initiatives which may be part of the upcoming ISTEA reauthorization.

ATSSA is a national trade association in its 26th year representing nearly 1,200 companies and individuals in the traffic control industry. Most of the traffic safety equipment and services used on our highways are provided by ATSSA members. Our membership also includes public officials at all levels of government who are concerned with traffic control and the safety of the motoring public. It is the men and women who work for our member companies and public agencies who are often in the most danger when highway safety measures related to the work zone fail. Therefore, we are in a unique position to offer suggestions on ways to strengthen sections of ISTEA addressing highway safety.

ATSSA recognizes that the 104th Congress has worked to return control over many federal programs to the state and local level. However, when it comes to highway safety, especially national highway safety, we recommend that Congress ensure that next year's ISTEA reauthorization:

- Maintain a strong-federal role in highway safety.
- Strengthen work zone safety by providing a 100% federal match for work zone safety appurtenances.
- Maintain a separate funding category for safety as currently found in the Surface Transportation Program.
- Develop a uniform accident coding form which includes greater detail regarding work zone accidents.
- Allow the Metropolitan Planning Organizations to include transportation safety enhancements within their purview under the Transportation Enhancement Program.
- And remove the Highway Trust Fund from the general unified budget.

Mr. Chairman, one of the greatest highway safety measures currently in use today is the uniformity of highway safety measures throughout our national interstate system. A driver in Virginia can drive across the country with confidence that, no matter the state, he or she will find uniform traffic safety signage and markings to guide the way. ATSSA believes that any attempt to eliminate this uniformity in standards would lead to increased motorist confusion and diminished safety for the motoring public. The best way to ensure uniformity is for the federal government to maintain a strong role in traffic control and safety standards.

Mr. chairman, the Department of Transportation's 1995 safety budget was approximately \$2.3 billion. Approximately \$650 million went for aviation-related safety activities, \$717 million for marine safety, and about \$840 million for

highway safety related activities. While at first glance this may seem a satisfactory distribution of safety dollars, a quick review of traffic fatality statistics demonstrates that either highway safety spending is woefully insufficient, or marine and aviation safety expenditures are excessive.

If, for example, you divide transportation safety dollars in relation to the number of fatalities in each mode, highway safety related activities would command \$2.2 of the \$2.3 billion currently spent on safety. With more than 40,000 Americans dying each year on our nation's highways, the reauthorization of the Intermodal Surface Transportation Efficiency Act provides an excellent opportunity for this committee and the Congress to re-examine transportation safety spending priorities.

I would like to briefly address Sections 402, 403 and 410 and subsequently focus most of my attention on the area of work zone safety.

ATSSA continues to support Section 402. While the program could certainly use greater resources, it has been responsible for funneling safety dollars down from the state to the local level. This utilization of local government bodies allows for quicker reactions to pressing local safety needs.

Section 403, the Highway Safety Research and Development Program, enhances highway safety through its education, training and research grants. Much of what we have learned about enhancing highway safety can be attributed to this program and its predecessors. However, we would like to see more emphasis placed on safety training in highway work zones due to the heightened risk to both the motorist and the workers in that environment.

Currently the Manual On Uniform Traffic Control Devices requires that a trained person be assigned responsibility for safety at the work site. Unfortunately, there is no definition of the word "trained". The Federal Highway Administration should be instructed to develop a minimum level of training for the person responsible for highway safety so that the highest level of compliance to standards is maintained in protecting both the motorist and those within the work zone.

One specific concern that we would like to see addressed within Section 403 is the development of a standardized accident form that provides greater explanation in regard to accidents within a work zone. Current reporting only tells us that an accident occurred and if there was a fatality. We do not know if it was the worker or motorist that was injured or whether a preliminary determination of cause had been established. Without such information, determining proper counter measures is difficult at best. It is time to clarify what is now a cloudy situation.

ATSSA supports Section 410's emphasis requiring states to adopt strong penalties in dealing with alcohol-impaired drivers. The best designs and preventive measures available are useless when the driver is no longer able to process that information due to excessive alcohol use.

Mr. Chairman, let me conclude with a few final suggestions regarding high benefit to cost ratio programs which if implemented would have a dramatic impact on highway safety. The first would be for Congress to establish a 100% match for temporary traffic control measures which protect the work zone. The second, would be to ensure that pavement marking and signs are maintained at an acceptable level of visibility and that all paved roads be marked with center lines and edge lines based on average daily traffic. Pavement markings, for example, are reported to have a benefit to cost ratio of 60 to 1.

Once again, Mr. Chairman thank you for the opportunity to address the committee this morning, I will be more than happy to answer any questions you might have on the matter.

## ADDENDUM

### WORK ZONE SAFETY PROGRAM (Section 1051)

Section 1051 of ISTEA states that the Secretary shall develop and implement a work zone safety program to improve work zone safety at highway construction sites by enhancing the quality and effectiveness of traffic control devices, safety appurtenances, traffic control plans, and bidding practices for devices and services.

Last May, the National Transportation Safety Board released its findings after a three-year study on "Highway Construction Work Zone Safety" identifying crucial inadequacies that contribute to the rising fatality and accident rates in highway construction zones.

The Safety's Board's study revealed accidents in which traffic control techniques and devices were "clearly not in compliance" with existing guidelines. The Board expressed concern about the "adequacy of traffic control plans" and questioned whether the FHWA placed enough emphasis on recurring problems. The Safety Board recommended that the FHWA, AASHTO, and other transportation officials develop a national program to strengthen compliance with existing guidelines, and also that states should use funds earmarked for construction to monitor compliance.

ATSSA recommends that the following elements be included in any work zone safety management program:

1. The 1990 Annual Work Zone Report from the FHWA indicates that the limited number of trained personnel is a problem and that the high rate of turnover in government agencies and the private sector results in a constant need to provide training. A number of states now require some degree of certification of worksite traffic supervisors, but all states should require this. **Therefore, we recommend that a major component of a**

**national Work Zone Safety Program would require each state highway department to designate, and require the contractor to designate, for each project, a person trained and certified who will have the responsibility and authority for assuring that the provisions of the Traffic Control Plan (TCP) and other safety aspects of the work zone are effectively administered.**

Education and training of persons responsible for work zone traffic control is of utmost importance to the members of our association. In 1977, ATSSA initiated a certified Worksite Traffic Supervisor (WTS) Program developed as a joint effort with the Institute of Transportation Engineers (ITE) and the Federal Highway Administration (FHWA). To date, over 9,000 people have completed our training program and over 2,000 are currently certified. Twelve states require ATSSA certification on a least some projects.

The ATSSA WTS program sets industry standards that have resulted in an upgrading of the quality of work zone traffic control. When we refer to the need to provide training for work zone personnel, we note that standards should be formulated and adopted with due regard to the current training and certification program of ATSSA and should be equivalent or superior to this program.

2. Whenever possible, each state highway department should use individual bid items for providing, installing, moving, replacing, and maintaining traffic control devices and safety systems. If lump sum procedures are used, the contract documents must include a procedure for payment for additional work, devices or changes. Also, on all projects state highway agencies are encouraged to include a penalty provision to be applied for days or periods of time when the traffic control is not in compliance with the Traffic Control Plan. Whatever method of payment is used, it is important that there be an ongoing review of procedures as problems and concerns develop. The most successful systems result from joint development and review by both the agency and industry.

3. Section 120(c) of the ISTEA allows for 100% federal funding for certain safety improvements that have a significant cost/benefit ratio in terms of lives saved for money spent. This provision is important for states with matching fund problems. It can mean that important safety improvements can be made without delay while states find the funding. **In order to encourage states to use superior traffic control devices and procedures and reduce serious losses now occurring in work zones, 100% federal funds should also be made available for work zone traffic control.**

4. Each state highway department should be required to collect uniform data on all work zone accidents. Such data should include the type, design, and operational characteristics of work zones in which accidents have occurred; the type of roadway; traffic volume; the nature of the accident; and the extent of the damage, injuries, or fatalities sustained. Each state highway department should also analyze and use this information to correct deficiencies and improve future traffic control plans.

5. The Secretary of Transportation should conduct annual reviews of work zone safety practices and policies, both state-by-state and on a national level, in order to determine the effectiveness of each state's work zone safety practices. The results of such inspections, reviews, and assessments should be reported annually and distributed to the states so successful practices can be acknowledged. Successful techniques could then be incorporated by states that have higher work zone fatalities and accident rates so that those rates could be reduced.

#### **UNIFORMITY OF STANDARDS FOR TRAFFIC CONTROL DEVICES**

Consistent, uniform standards for traffic control devices should apply to all classifications of roadways regardless of jurisdiction or user agency. Unfortunately, this is not the case. The Manual on Uniform Traffic Control Devices (MUTCD) for streets and highways presents a national standard governing the design and use of all traffic control devices. However, it is not uniformly applied or enforced, particularly off the federal-aid highway system. Indeed, since the Secretary of Transportation is not legislatively required to promulgate the standards, there is a question as to whether the Department of Transportation even has the authority to enforce the provisions of the MUTCD.

To clarify the situation and provide for uniformity and strict enforcement of the provisions of the MUTCD, ATSSA recommends:

**The Secretary of Transportation be specifically required to promulgate standards and practices for the design and use of traffic control devices on all roads and streets open to public travel. The location and design of all traffic control devices shall conform to uniform national standards and practices as promulgated by the Secretary and revised periodically to accommodate the state-of-the-art.**

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## Testimony

Submitted to the Subcommittee on Surface Transportation

Committee on Transportation and Infrastructure

September 19, 1996

2167 Rayburn House Office Building

by

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*The National Organization Serving People with Brain Injury • Promoting Prevention*



Thank you for allowing the Brain Injury Association the opportunity to submit testimony on safety issues as they relate to reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA). My name is Janese Spanbock and I am an Occupational Therapist in a Brain Injury Unit at Southside Hospital in Bayshore, New York. My late husband, Paul Spanbock and I have been actively involved in the Brain Injury Association and in the fight to prevent brain injuries for many years.

The Brain Injury Association, located in Washington, DC, is a national, non-profit advocacy organization dedicated to the concerns of brain injury research, rehabilitation and prevention. It is composed of individuals with brain injury, their families, the providers who serve them, and concerned supporters. What began as a small group in a mother's kitchen has blossomed into a national organization with 46 state affiliates, 100,000 members, and over 1,000 support groups and chapters. I am happy to inform you that the Brain Injury Association has now entered its sixteenth year and continues to thrive. The mission of the Brain Injury Association is to promote awareness, understanding and prevention of brain injury through education, advocacy, and community support services that lead toward reduced incidence and improved outcomes for children and adults with brain injuries.

I urge the Department of Transportation to consider two areas where federal action will have a significant impact on preventing traffic-related injuries: bicycle safety and pedestrian safety. To this point, ISTEA safety measures have focused on highway safety. Although ISTEA's safety programs have been targeted at drivers, these programs also have had positive ramifications for bicycle and pedestrian safety. Now, the time has come for the federal government to face non-vehicular safety issues head-on.

As an Occupational Therapist, I see the results of this country's failure to adequately deal with prevention issues. Every day, I work with children and adults who are injured in bicycle accidents or as pedestrians and whose lives will be permanently altered. A few will make it back into the work force, though with diminished capacity, and many will never work again. And not only are their lives changed, but so too are the lives of their families and friends. A couple of years ago, my life changed when my husband Paul was struck by a car while he was jogging.

There are things that this country can do to reduce the number of accidents. In all honesty, we should not call these incidents accidents because they are preventable. With the proper measures, the child who sustains a brain injury because she did not wear a helmet or the elderly gentleman who is struck by a car because of poor street lighting would never be involved in an "accident."

A national law, similar to the "zero tolerance" and safety belt provisions currently found in ISTEA, should be passed requiring all children to wear helmets when engaged in bicycling, skate boarding, in-line skating and like activities. Currently, 500,000 children and adults are admitted to hospital emergency rooms each year due to bicycle accidents. Every year, approximately 850 people die as a result of injuries sustained in bicycle accidents, over half of them children. In

addition, an astonishing 15,000 children each year are permanently disabled due to bicycle accidents.

The cost of caring for these injured children should also not be ignored. The annual medical expenses alone for bicyclists who have been injured in the United States is approximately \$500,000,000. This figure does not take into account the costs of home care, government assistance programs such as Social Security Disability Income and Medicaid, education expenses incurred through the Individuals with Disabilities Education Act, lost wages (and taxes), and other factors that are inherent for persons with disabilities.

While reservations regarding the high cost of bicycle helmets may once have been valid, new technologies and new competition have caused a rapid and large reduction in the price of bicycle helmets. And manufacturers have developed multi-purpose helmets that protect bicyclists, skateboarders and in-line skaters. Three years ago the average bicycle helmet would have been purchased for over fifty dollars. Today, helmets that meet even higher standards for safety cost less than ten dollars! That is roughly the equivalent of two meals at a fast food restaurant or one movie ticket and a box of popcorn. The savings from wearing a bicycle helmet are enormous. One recent study revealed that for every dollar spent on helmets, \$28 in costs to society for medical expenses are saved. Individual costs are even greater. A ten dollar investment in one bicycle helmet could prevent a severe brain injury costing \$6,000,000 or more over a lifetime. This does not include the tragic personal costs associated with sustaining a brain injury and the time and effort that families expend to provide their loved ones with the highest possible quality of life under the circumstances.

Until now, most of the progress made in the field of bicycle safety has been accomplished through programs such as Safe Kids and the Brain Injury Association's own Be HeadSmart curriculum. These programs assist schools in teaching the importance of bicycle, skateboarding, in-line skating and pedestrian safety. In fact, in one instance a parent was saved from a potentially disastrous brain injury because her son had been taught the importance of bicycle helmet safety at school. As the parent left the house on her bicycle, her son urged her to wear a helmet and she obliged. Because she wore her helmet, she was saved a trip to the hospital and possibly worse. But these programs do not go far enough. It has been widely estimated that only five percent of children on bicycles are currently wearing helmets. A study done at a hospital here in Washington, DC found that less than two percent of patients admitted for injuries sustained in a bicycle accident had been wearing a helmet at the time of the incident.

That last statistic indicates two key points: first, that few children are wearing bicycle helmets; and second that bicycle helmets prevent injury. Eighty-eight percent of all brain injuries and 75% of severe brain injuries caused by bicycle accidents could be prevented if bicycle helmets are worn. As I previously stated, the costs of these injuries to the federal and state governments, as well as to society as a whole, are staggering. The economic savings from preventing these accidents will be substantial.

Fifteen states already have child bicycle helmet laws in place. All but Florida's have gone into force in the past four years. Florida's bicycle helmet law becomes effective on January first.

Beyond these fifteen states, hundreds of local jurisdictions have child bicycle helmet laws in place. Recently, Dallas, Texas and the state of Florida joined the growing list of jurisdictions with these laws. These laws are enforced through police education programs and fines levied against the parents of children found riding without helmets. A list of the fifteen states and a sampling of local jurisdictions with child bicycle helmet laws may be found in the Appendix.

We need a law to accomplish the goal of putting children who bicycle, skateboard or in-line skate into helmets. A recent study showed that helmet use by children increased to 47% because of legislative action while increasing to only 7.5% under a school-based education program. We need to employ every method to achieve the goal of saving children from brain injuries that can and should be prevented. We need Congress to pass a law requiring that children wear helmets.

A national bicycle helmet law based on denying states additional ISTEA funds is a feasible means toward getting each state to pass a bicycle/skateboard/in-line skating helmet law for children. Attaching highway monies to laws that serve a national safety goal has been done in the case of drinking age laws as well as with zero tolerance laws and safety belt laws. If the United States had universal bicycle helmet laws, it is estimated that one bicycle accident-related fatality per day and one brain injury every four minutes could be prevented. I urge the Subcommittee on Surface Transportation to consider enacting a nation-wide bicycle helmet law for children.

In regard to the argument that such a law would infringe on personal rights; the United States has long held a different standard for our young citizens. Every state has underage drinking laws while ISTEA further includes a zero-tolerance law. Young citizens are not allowed to vote or drive until they reach a certain age. Many jurisdictions have ordinances or curfew laws that prohibit children from roaming the streets past a certain hour. These measures ensure the safety of our youth. As a nation, we have long believed in protecting children, our most important resource. Bicycle, skateboard and in-line skating helmets are needed to accomplish this goal.

A national bicycle helmet law can and should be passed. The benefits to our children would be enormous. And the benefits will accumulate in the years to come. Those children who practice safety today will continue to practice safety as adults and will, in turn, stress the importance of safety to their own children. Allow me to relate one story before I move on to pedestrian safety.

Karla Kirkwood-Johnson wrote in *RideSafe*, a bicycle safety news publication, about the following event:

"I don't know quite what caused my nine-year old daughter Amy to fall from her bike; it seemed like she just lost her balance and fell. When my husband and I got to the scene of the accident, we found her lying on the ground, bloodied and very scared. Judging from the bruises, cuts and gravel on her face, she appeared to have fallen face first from her bike. She was losing consciousness just as the paramedics arrived. At the emergency room, we learned that she had a broken nose, broken tooth and four loose teeth. Fortunately, Amy was wearing a bicycle helmet. She had large bruises on her forehead, where the padding from her

helmet helped to absorb the fall. Without her helmet, I think Amy probably would have sustained neurological damage. In fact, three different doctors on three separate occasions, unprompted, said that the helmet probably saved her life. I do not doubt the truth of the statement, given the injuries she did sustain, even though she was protected. So many people say they can't get their kids to wear helmets. I tell them they have to insist. Bicycle accidents can happen to anyone!"

I urge Congress to include a national child bicycle helmet law when reauthorizing ISTEA. And please include in-line skating and skate boarding, two of the fastest growing recreational activities in the country. Through enforcement and education by police officers we can prevent, over and over again, the near tragedy that Amy Johnson avoided simply by wearing her helmet.

I also feel that I must address the issue of pedestrian safety in this country. Pedestrian safety could be vastly improved through simple and relatively inexpensive measures such as building and widening sidewalks in urban and suburban areas and widening highway embankments in rural areas. Traffic calming measures, improved pedestrian crosswalks with timed crossing lights, and improved street lighting to prevent crime and illuminate pedestrians, are also effective ways to improve pedestrian safety.

In 1994, 5,600 pedestrians were killed in vehicle-related accidents. Every 95 minutes another pedestrian dies on our roads and streets. In addition, 65,000 pedestrians were injured in 1994, many with severe brain injury. At the Brain Injury Association, our government affairs position is funded by my family through a fellowship. My husband Paul, who had dedicated his life to helping people with brain injury, died as a result of a brain injury he sustained while crossing a street. Pedestrian accidents affect a lot of families in this country yet these accidents are preventable. As a nation, we must address this issue.

Like the costs for bicycle accident-related injuries, the costs that society must bear for pedestrian injuries are huge. The potential to save lives and costs is large as well. Let me give you an example of a dangerous situation that is repeated throughout the country thousands of times each day. Many neighborhoods do not have adequate park space or sidewalks, forcing children to play in the streets. They play stickball, street hockey, dodgeball, tag and so many other childhood games. The result: in 1995, over one-third of all traffic-related fatalities involving children between the ages of five and nine occurred to children who were pedestrians at the time. That means children playing stickball or tag, street hockey or dodgeball, or simply walking home from school.

Figures like these and the national focus on the crime wave, and in particular on violent crime, is having its effect. While similar research has not been done in the United States, a study was performed in Great Britain that examined the chaperoning habits of parents with school-age children. The study found that between 1971 and 1990 the median age of children who were chaperoned back and forth to school by their parents increased by two-and-one-half years. While at one time a parent may have let their child walk to and from school on their own in first grade, by 1990 the average parent was still chaperoning their child to school in grades three and four. I have a young daughter who I love very much and I am worried about the day she will have to

walk to school or even to a school bus stop. Again, no similar study has been done in the United States, but anecdotal evidence suggests that this trend is just as prevalent here.

Parental fears are based on increasingly dangerous streets, both in terms of traffic and crime. And perhaps these parents have good reason to fear. According to the National Highway Traffic Safety Administration (NHTSA), most pedestrian related accidents occur between 3 p.m. and 5 p.m. when children are on their way home from school.

Fortunately, there are methods of improving pedestrian safety that are proven and effective. Enhanced lighting is helpful in preventing crime and in illuminating pedestrians for all drivers to see. Building and widening sidewalks gives pedestrians an opportunity to walk along city streets while serving to separate automobile traffic from strollers. A study on rural roads found that when the embankments are widened, not only are pedestrians and bicyclists better protected, so too are drivers. Adding a four-foot-wide paved shoulder to a rural two-lane road reduces run-off-road, head-on and side-swipe motor vehicle crashes by 29% (eight-foot-wide shoulders reduce the chances of these crashes by 49%). These shoulders give bicyclists and pedestrians a place to operate safely and leave drivers more room for emergency maneuvers.

Funding for pedestrian crosswalks and timed crossing lights is also a simple step that can improve pedestrian safety by allowing pedestrians to cross roads that are now currently uncrossable. It is unfortunate, but many pedestrians would rather cross a street at an unmarked crossing than walk a few blocks to cross at a stop sign or traffic light. Cross walks and timed crossing lights may induce pedestrians to walk those few extra feet in order to cross a street safely.

Additionally, new techniques in "traffic calming" show great promise in preventing pedestrian-related accidents. These measures include techniques such as building sidewalks out into the street. While the traffic lane is unaffected, the driver's visual reaction to the jutting sidewalk is that the road has been narrowed, thus causing him or her to slow their vehicle. Traffic engineers are developing this technique and other methods that have the effect of slowing traffic without impairing vehicular safety and, as a result, our streets will become more pedestrian friendly. In order for them to succeed, these new techniques must be encouraged and funded.

Finally, the Department of Transportation and many national associations including the National Safety Council, the American Automobile Association and the International Association of Chiefs of Police, are developing the "Partnership for a Walkable America." This partnership aims to increase pedestrian access, improve the nation's health and promote pedestrian safety. Safer sidewalks and streets will encourage people to walk more often, reducing their chances of suffering heart attacks, stroke and other sedentary-life related conditions. And as the nation's health is improve because more people are walking, our health care costs will be reduced.

For an investment of a few million dollars in these measures and programs, many lives will be saved and many more lives will be protected from the tragedy of a debilitating pedestrian-related accident. In economic terms the money spent will be saved many times over through decreased Medicaid, Medicare, the Individuals with Disabilities Education Act, Supplemental Security

Income and Social Security Disability Income expenditures, and through protecting wage earning and tax paying citizens. I urge Congress to properly fund these types of pedestrian safety measures.

Thank you again for allowing me this opportunity to submit testimony on behalf of the Brain Injury Association. I appreciate your time and effort in ensuring that ISTEA be reauthorized with the best possible revisions

## Appendix

## States and selected local jurisdictions with child bicycle helmet laws

Jurisdiction	Coverage	Ages	Effective
<b>States</b>			
Alabama	state-wide	under 16	9-1-95
California	state-wide	under 18	1-1-94
Connecticut	state-wide	under 12	10-1-93
Delaware	state-wide	under 16	4-1-96
Florida	state-wide	under 17	1-1-97
Georgia	state-wide	under 16	7-1-93
Maryland	state-wide	under 16	10-1-95
Massachusetts	state-wide	under 12	1-1-94
New Jersey	state-wide	under 14	7-1-92
New York	state-wide	under 14	6-1-94
Oregon	state-wide	under 17	10-1-93
Pennsylvania	state-wide	under 12	3-31-95
Rhode Island	state-wide	under 18	7-1-96
Tennessee	state-wide	under 12	1-1-94
West Virginia	state-wide	under 15	6-7-96
<b>Local Jurisdictions</b>			
Homewood, AL	city-wide	all ages	1-1-94
Montevallo, AL	city-wide	all ages	9-28-93
Tucson, AZ	city-wide	under 18	12-22-93
Bidwell Park, CA	regional park	all ages	7-1-91
Allegheny County, MD	county-wide	under 16	5-1-92
Howard County, MD	county-wide	under 17	10-1-90
Montgomery County, MD	county-wide	under 18	9-13-91
Erie County Parks, NY	county parks	all ages	6-28-93
Greenburgh, NY	city-wide	all ages	6-1-94
Guilderland, NY	town-wide	under 14	12-1-92
Rockland County, NY	county-wide	all ages	10-1-92
Chapel Hill, NC	city-wide	under 16	4-14-92
Beachwood, OH	city-wide	under 17	12-1-90
Orange Village, OH	city-wide	ages 6-15	11-1-92
Clarkesville, TN	city-wide	all ages	4-1-93
Austin, TX	city-wide	all ages	5-19-96
Bedford, TX	city-wide	under 18	2-27-96
Dallas, TX	city-wide	all ages	9-2-96
Houston, TX	city-wide	under 18	7-1-95

<b>Jurisdiction</b>	<b>Coverage</b>	<b>Ages</b>	<b>Effective</b>
Alexandria, VA	city-wide	under 15	6-18-94
Arlington County, VA	county-wide	under 15	1993
Blacksburg, VA	city-wide	under 15	7-1-94
Fairfax County, VA	county-wide	under 15	1993
Virginia Beach, VA	city-wide	under 15	7-1-95
King County, WA	(excludes Seattle)	all ages	1993
Pierce County, WA	county-wide	all ages	9-1-94

Data from Bicycle Helmet Safety Institute and the Safe Kids Campaign





**ADVOCATES  
FOR HIGHWAY  
AND AUTO SAFETY**

**STATEMENT OF JUDITH LEE STONE  
PRESIDENT  
ADVOCATES FOR HIGHWAY AND AUTO SAFETY  
BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
SUBCOMMITTEE ON SURFACE TRANSPORTATION  
SEPTEMBER 19, 1996**

Good morning. I am Judie Stone, President of Advocates for Highway and Auto Safety (Advocates). Advocates is a coalition of consumer, health, safety, law enforcement and insurance companies, organizations and agents working together to support the adoption of laws and programs to reduce deaths and injuries on our highways. As a highway safety organization, Advocates is unique. We focus our efforts on all areas affecting highway and auto safety -- the roadway, the vehicle, and the driver.

Thank you for the opportunity to testify here today at the hearing on the Intermodal Surface Transportation Efficiency Act (ISTEA) Reauthorization focusing on the highway safety programs, Section 402, 403, and 410 programs, and other traffic safety initiatives. I have been asked to specifically discuss how these programs work and what changes can be made to improve them, as ISTEA will be up for reauthorization next year. I will address each program, offer insight as to what has changed since the adoption of ISTEA, and propose ways to improve the programs to address the current highway safety challenges. I will summarize my remarks and ask that my full statement be included in the record.

As you know, the Congressional enactment of ISTEA established an important and long overdue safety agenda for the Department of Transportation (DOT). Unfortunately, since its enactment in 1991, many of the safety provisions have been weakened or repealed. This has not helped quell a national public health crisis producing more than 41,000 deaths and 5 million injuries every single year.

For the third straight year in a row, highway deaths and injuries are up, medical costs are up, and yet funding for traffic safety programs are at an all time low. Consequently, improving safety in the U.S. has transformed from a challenge to an upward battle. Along with addressing problems such as impaired drivers and unrestrained vehicle occupants, our nation is facing new concerns, such as higher speed limits, weaker motorcycle helmet laws, increased aggressive driving, and a growing population of young, inexperienced high risk drivers.

The American people are concerned. Every American knows at least one person who has been in a serious auto crash, often in his or her immediate family. This message comes through loud and clear in the results of a poll conducted by Lou Harris that Advocates released this month. (Please see attached press release.) The results of the poll indicate that the public believes that strong action by federal and state governments is necessary and desirable, and that something further must be done to stop the senseless, avoidable deaths and injuries of millions of Americans each year.

For example, 80% of the those polled believe that a federal presence is important in passing laws which mandate safety belt use. Ninety-four percent say it is important to have federal regulation of car safety standards. Ninety-one percent believe federal involvement in assuring safe highways is important.

The public knows there is a very serious problem -- now they must participate in the solution. To combat this epidemic we must educate the public about how they can protect themselves and then encourage them to habitually practice safety measures, such as using their safety belts, placing children in car seats correctly, not driving while impaired, and obeying speed limits.

In order to accomplish this goal, programs which provide the arena for a network of safety partners to work together must be expanded. States and communities, auto manufacturers and the insurance industry, health and medical practitioners, safety activists, law enforcement and national organizations, the private sector, elected officials and the public must have the resources to work together. Federal grants frequently act as a catalyst to accomplish this end.

#### I. SECTION 402

The State and Community Highway Safety Grant Program, also known as Section 402, is provided to the states, the Indian Nations and the territories each year to develop and implement state highway safety activities. The grants support state planning to identify and quantify highway safety problems, provide start-up money for new programs, and give new direction to existing safety programs.

The Section 402 program helps states develop programs which have led to the passage of state laws, improve enforcement of existing laws, change public attitudes through educational programs, build state and local leadership in highway safety and, at least in part, lead to substantial savings in medical and other health care costs. Yet, one of the best parts of the Section 402 program is that a small amount of federal dollars is leveraged with private sector and state monies. Community traffic safety programs and initiatives are funded with start-up money from the federal government and are matched or supplemented with private and state resources. This is a winning combination that involves many important parties at the community level.

Mr. Chairman, in your home State of Wisconsin, a successful 402 laser speed detection pilot program has been saving lives. As you may be aware, Milwaukee identified 17 roadways with a pattern of speed-related crashes. Most of these roadways are multiple lanes with high traffic density. Law enforcement officers often cannot accurately utilize conventional radar for speed compliance on the densely traveled multi-lane roadways because positive vehicle identification cannot be ascertained. Speed was reported as a possible contributing circumstance in an average of 13% of Milwaukee's crashes from 1987 to 1990, as compared to the Wisconsin state average of 9%.

The goal of the laser speed detection pilot program was to reduce the number of speed related crashes in Milwaukee by targeting the densely traveled multi-lane highways. All of Milwaukee's 50 motorcycle traffic officers and nine sergeants and traffic investigators were trained and certified as laser operators. They conducted many tests and disseminated information about the new laser technology through news releases, television advertisements and radio interviews.

The side-by-side comparison conducted simultaneously from an unmarked car revealed that the laser was able to detect 96% of the speeding vehicles in the test sector, while radar was able only to detect 34% of the vehicles. One hundred thirty-two laser citations were issued, as compared to 58 radar citations when laser and radar were alternately deployed.

In 1992, the year of the laser pilot program, Milwaukee realized a 25% reduction in speed-related crashes as compared to the prior year. Of 21,233 crashes, 12% were speed-related, a reduction from 16% in 1991.

In addition to speed compliance, the laser technology has been used in the following capacities:

- by the Milwaukee Metro Unit to measure vehicles for hidden compartments that may conceal illicit drugs;
- by Maritime law enforcement units to detect speeding boaters; and
- by accident investigators to measure distances at the scenes of traffic and boating crashes.

The Section 402 grant for \$14,885 was matched with private funds of \$13,938. Due to the success of the pilot program, 22 additional laser units were purchased for the department in 1993.

Congressman Rahall, in your home State of West Virginia, a 402 program, the Northern Panhandle Regional Highway Safety Program (NPRHSP), was awarded the 1994 NHTSA and FHWA National Joint Safety Award. This program promotes and supports awareness, education, training and enforcement efforts that address all aspects of highway safety. A major program sponsored through these efforts is the Total Quality Management (TQM) Safety Team Program, which is a collaborative effort among Weirton Steel, Weirton Police Department, Weirton Steel's 40 motor carrier suppliers and the NPRHSP, with support from NHTSA and FHWA. The TQM Safety Team works to prevent coil mishaps and ensure public safety on roadways by requiring all Weirton steel carriers to properly secure their loads.

As you are well aware, until 1993, one of the potential hazards of highway driving in the vicinity of the West Virginia steel town of Weirton was colliding with a 22,000 pound steel coil that had slipped off its transporting truck. These coils - some of which weighed up to 47,000 pounds - were not always properly secured to the trucks flatbeds and were falling off trucks at an average of 4 each year.

The TQM Safety Team adopted a six-phase approach to fulfill its mission, consisting of: community relations and public awareness campaigns; a training video and manual to aid trucking companies in educating their drivers on proper securement; random inspections to determine whether drivers were complying with federal and state regulations and with the Team's safety requirements; a recognition program rewarding drivers who passed the random inspections; and participation by insurance carriers who allowed access to their crash data resources and provided added incentives.

Since the program began in February 1993, no coils have fallen off trucks leaving Weirton Steel. Furthermore, the company averages 30 to 40 random safety inspections per year to ensure that all coils are properly secured on the back of trucks.

A third 402 success story is occurring across the River in Hampton Roads, Virginia, a town which is number two in crashes, number one in injuries, and number three in fatalities in the Commonwealth. While an increase in traffic congestion is part of the problem, a large percentage is attributable to bad driving habits. A new 402-funded program, "Smooth Operator," addresses the top "crash causers" on the highways through public information/education and awareness to help reduce crashes, injuries and fatalities. A variety of traffic safety issues are addressed throughout the year including impaired driving, tailgating, rubbernecking, improper merging, and safety belt use.

Smooth Operator draws support from the corporate, non-profit, and state agency communities. With a 402 grant of \$45,000, the program has received more than half a million dollars in private sector donations. From the corporate community, support comes from television and radio stations that provide the public information component of the program, as well as a car dealership and a law firm. Community support is garnered from a number of highway safety groups, including Mothers Against Drunk Driving, Concerned Citizens Advocating Traffic Safety and Virginians Opposing Drunk Driving, that provide volunteer support at a variety of community events and grassroots distribution of educational materials. State support is provided by the Department of Motor Vehicles Community Traffic Safety Program, Department of Transportation, State Police and municipal law enforcement.

There is a successful 402 story in the state of every Member of on the Transportation and Infrastructure Committee. Section 402 grants are funding programs that curtail drunk driving, buy emergency medical services equipment and train instructors, and decrease pedestrian deaths. Preventing traffic crashes from occurring through public information, education, and enforcement not only saves lives, but it also saves billions of dollars. For each serious injury that is prevented, taxpayers save \$35,000 in health care costs alone.

Federal 402 support provides the underpinning for hundreds of successful community-based highway safety countermeasures, also known as the Safe Communities programs. The intent of this initiative is to build on the experiences states have in developing community traffic safety programs (CTSPs), to develop programs that are based on community-level data, and to reach out to new partners, particularly public health organizations and private businesses. This

partnership is saving lives and curbing costs every day on our nation's roads. In the late 1980s, fewer than 100 CTSPs existed. Last year, nearly 400 were in place, half of which were self-sufficient.

Section 402 is one of the smallest federal transportation programs -- representing less than one percent of the entire federal-aid highway program -- yet, it is one of the most cost effective. The National Highway Traffic Safety Administration (NHTSA) estimates that the direct economic benefits of highway safety programs exceed their costs by 9 to 1. If pain and suffering and loss of life are factored into the equation, the benefit-to-cost ratio rises to 31 to 1. Few federal programs can boast such cost/benefit ratios.

Nonetheless, this program is substantially under-funded compared to fifteen years ago. In 1980 the program was authorized at \$225 million. Throughout the 1980s the authorization level dropped to just over \$100 million, where it remains today. Since the 402 program is the basis for everything the states do in highway safety, funding this program at a reasonable level is essential to attacking needless deaths and injuries on our highways.

## II. SECTION 410

Section 410 establishes a federal alcohol incentive grant program designed to encourage states to enact strong, effective anti-drunk driving legislation and improve the enforcement of these laws. Section 410 also promotes the development and implementation of innovative programs to combat impaired driving.

Since funding for the Section 408 program ended in FY 1994, Section 410 has been the sole incentive program to institute activities needed to combat the nation's serious problem with impaired drivers. Increases in the number of states passing Administrative License Revocation Laws, .08 BAC laws, and .02 BAC laws can be attributed in large measure to a desire to qualify for Section 410 incentive funds.

States may compete for basic grants and up to seven supplemental grants. A state can receive a basic grant if it adopts and implements five out of seven of the following:

1. an expedited license suspension program for drunk drivers;
2. a self-sustaining drunk driving prevention program;
3. a .10 BAC law in the first 3 years of the program; a .08 BAC law in the last 2 years;
4. a non-discriminatory state-wide program for stopping motor vehicles to determine if the operator is driving under the influence (NHS added performance-based alternative criteria for states whose constitutions prohibit sobriety checkpoints);
5. an effective system for preventing those under 21 from obtaining alcoholic beverages;
6. mandatory jail or community service for repeat DWI/DUI offenders; and
7. a law enacted and enforced which finds any person under 21 years old to be legally intoxicated if their BAC is .02 or more (this criteria was added by NHS).

Supplemental grant funding is available to states that meet additional criteria, including open container laws, strict drugged driving prevention programs, and mandatory BAC testing programs.

As part of ISTEA, Congress amended Section 410 to expand eligibility criteria and increase funding authorizations. Further amendments were made in Public Law 102-388, which altered grant eligibility requirements and funding procedures. Most recently, the NHS changed eligibility requirements, providing states with more options for meeting basic grant requirements.

The result of these changes in eligibility requirements has been that more states are applying for the grants -- that's the good news. In FY 1992, 19 states qualified under the revised regulations. Five new states qualified during FY 1993, 3 new states in FY 1994, and 2 new states in FY 1995. A total of 29 states have now achieved eligibility, and NHTSA anticipates that as many as 36 states may qualify during FY 1996.

The bad news is that there is not enough money to fund the states. Based on the obligation limit for FY 1995, NHTSA was able to fund the states at only 75% of their formula calculation. At the level of \$25 million provided for FY 1996, the 34 to 36 states expected to qualify will receive approximately 63% of their eligible grant. The 410 program ceases to be an "incentive" for the enactment of highway safety laws that we know work if there are insufficient funds.

According to the Lou Harris poll, there is little doubt about where the American people stand on establishing tougher standards governing drinking and driving, especially when it pertains to teenagers. Ninety-one percent favored passage of uniform laws under which teenage drivers when testing positive for any alcohol would be subject to immediate revocation of their driver's licenses and would be subject to strong penalties for driving under the influence. Among the youngest group, those 18 to 19, an 88% majority support such laws. Also, 78% of adults nationwide oppose any effort to roll back the legal drinking age from 21 years of age.

Further, in a significant new development in this area, a solid majority back a tough step that would strengthen the impact of the campaign against drunk driving. Sixty-six percent of those polled are so strongly opposed to driving while impaired that they support a measure that to have law enforcement authorities work out an arrangement with local TV news and newspapers that for people found guilty of driving under the influence of alcohol, the names and photos of all such offenders would be released to the media reporting that they have had their licenses revoked and their vehicles seized if they are repeat offenders. Lou Harris analyzed this response and commented, "[t]he heavy sentiment to widely disseminate the names and photos of those who are convicted for drunk driving is a significant development, for it means the American people are playing for keeps to put an end to the tragic consequences of drunk driving." Perhaps more aggressive measures, like this popular emerging idea of vehicle impoundment, should be considered as additional potential criteria for funding.

### III. SECTION 403

The 403 program provides support for highway safety research and demonstration programs. Funding is used to conduct behavioral research, develop effective countermeasures, and assess best practices. Technical assistance and demonstrations of promising techniques are also key parts. NHTSA then transfers this information to states and communities for use in their own programs, both federally-funded (through Section 402 and other grants) and locally-funded. The 402 and 403 programs work in tandem, as the research and demonstrations performed under 403 are incorporated into the 402 program. Information also is transferred to many national organizations for implementation through their local affiliates.

Much of the past success of this program is due to NHTSA's ability to serve its federal, state and community partners through development and collaboration on effective programs at state and local levels based on the agency's research. In addition, highway safety program funds also support the effective national level public service advertising programs, such as those featuring "Vince and Larry" and "Friends Don't Let Friends Drive Drunk."

Highway safety funding has been documented to be an extremely cost-effective investment for the nation. They have been effective in reducing health care and business costs, as well as reducing the tax burden. However, after a decade of progress, additional safety gains will be more difficult. Those who still fail to buckle up, or who still drink and drive, are increasingly more difficult to reach effectively. A higher level of research and demonstration funding is essential to implement new and innovative behavioral programs that achieve the goals of reducing impaired driving and increasing occupant protection, thus preventing hundreds of deaths and thousands of serious injuries each year.

### CONCLUSION

Every year our government provides from \$14 to \$16 billion in federal assistance to the states for the construction, reconstruction and maintenance of roads and bridges. Also every year, there are more than 41,000 deaths and 5 million injuries sustained on our nation's highways, at a cost of \$150 billion a year. \$13 billion are wasted in medical costs alone. Among the most effective federal assistance programs administered by both federal and state governments to address these gargantuan public health problems are the Section 402, Section 403 and Section 410 programs. Funding for these programs totals less than \$200 million per year. To say there is a disparity between these figures is more than an understatement. It is alarming that we devote so little from the Highway Trust Fund to help solve such a costly societal problem, especially when solutions to the problems have been proven time and again.

As the Highway Trust Fund grows and federal expenditures increase to improve and expand the national network of highways and roadways, exposure will increase, as will the number of deaths and injuries, unless aggressive action is taken to prevent them. There needs to be commensurate

growth in the highway safety programs which aims to curb drunk driving and excessive and aggressive speeding, and to increase safety belt and child safety seat use, among others.

It is for these reasons that Advocates for Highway and Auto Safety recommends:

- That a specific percentage of federal highway funding be set aside each year for programs to be carried out under Sections 402, 403 and 410. Funds available from such a set-aside will more accurately reflect the magnitude of the problem and will greatly expand the already effective network of programs in the states that address the motor vehicle crash problem. Given the scope of the problem, it makes good financial sense to link highway safety spending to highway construction expenditures. Today, these highway safety programs represent about 1% of the entire federal-aid highway program. It should be at least 3% if we are serious about addressing this public health problem.

Spending more dollars on these very effective programs is a pure act of prevention. For every few dollars spent, millions are saved because the crash did not occur, the teenager was not carried to the hospital in an emergency helicopter, and the father or mother did not die on the operating table in the hospital. An appropriate analogy is that the highway safety programs will equal the cost of a few aspirin, compared to a week in intensive care, or a month in the hospital, or even a lifetime in rehabilitation. We inoculate children for childhood diseases because we do not want them to get sick, and because it is cost-effective. Highway safety programs are the few dollars spent for prevention in a world where we can no longer afford not to control costs.

Advocates would be glad to discuss our proposal in more detail with the committee staff. Whether one is a Republican or a Democrat, the language of cost control is commonly shared and intimately understood. These programs are cost-effective, and for every dollar spent, thousands are saved that would otherwise be taxpayer waste.

Thank you, Mr. Chairman.



**kids, cars  
& crashes****CAUTION:  
Precious Cargo Inside**A CAMPAIGN FOR STRONGER LAWS TO  
PROTECT YOUTH ON OUR NATION'S HIGHWAYS  
SPONSORED BY ADVOCATES FOR HIGHWAY AND AUTO SAFETY**FOR IMMEDIATE RELEASE**CONTACT: CATHY HICKEY, 202-408-1711  
BILL BRONROTT, 301-652-6016**NEW HARRIS POLL SHOWS OVERWHELMING SUPPORT FOR TOUGHER****STATE TRAFFIC SAFETY LAWS AND FEDERAL HIGHWAY SAFETY REGULATION****Safety Advocates Launch Kids Cars & Crashes Campaign to Curb #1 Threat to Nation's Youth**

WASHINGTON, D.C. (Tuesday, September 3, 1996) ... The American public overwhelmingly supports strong federal and state involvement in highway and auto safety, especially in areas that affect youth, according to a new Louis Harris poll released today.

Advocates for Highway and Auto Safety, an alliance of consumer, safety and insurance organizations, commissioned Harris to conduct the independent survey. In conjunction with the release of the survey, Advocates today kicked off a *Kids, Cars & Crashes* safety campaign to encourage state and federal action to better protect young Americans from the leading threat to their lives -- highway crashes.

The Harris poll measured public opinion on a broad spectrum of leading state and federal highway and auto safety concerns. The survey shows that despite the conventional wisdom that Americans want the federal government "off their backs," 87 percent of Americans feel it is important to have federal involvement in areas of highway safety.

"This is the first comprehensive survey I have conducted on highway safety in my 40 years as a national pollster, and I was amazed at the strong level of support for federal and state measures to make our highways and cars safer," said Louis Harris, president of Louis Harris Polling, which conducted the survey of a national cross-section of 1000 people nationwide.

"In an era marked by a rush to turn over many substantive areas of governing and regulations to the states and localities, highway and auto safety stands out as a significant exception to the rule," Harris said. "This is one area where the establishment had better listen carefully."

Some key federal issues examined in the Harris poll show that:

- 94 percent say it is "important" to have federal regulation of car safety standards, with 77 percent saying it is "very important."
- 91 percent want federal regulation of large truck safety.
- 91 percent want federal involvement in assuring safe highways.
- 80 percent want federal involvement in mandating safety belt use.
- 77 percent supports a federal mandate requiring the wearing of motorcycle helmets.

"Taken as a whole, these results show a clear public concern over abandoning the longstanding federal role in highway safety," Harris noted. "There are not many areas that affect the life of the American people where such a clear-cut mandate for a federal presence is so strongly felt."

--- MORE ---

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**HARRIS POLL SHOWS STRONG PUBLIC SUPPORT FOR GREATER HIGHWAY AND AUTO SAFETY**  
**Page 2 of 4**

Highway deaths have increased each year since 1992. Last year, 41,798 Americans were killed and an estimated five million others were injured in highway crashes. More than 9,100 Americans under the age of 21 were killed in highway crashes in 1995. Highway crashes are the leading cause of death and injury of Americans under the age of 30.

With millions of American children returning to school today, Advocates for Highway and Auto Safety marked the release of the Harris poll by launching a new campaign called *Kids, Cars & Crashes: Precious Cargo Inside*. Advocates is calling on the states and the federal government to significantly reduce death and injury among motorists under age 21 by:

- ① enacting "zero tolerance" laws prohibiting any drinking among drivers under the 21 minimum drinking age;
- ② strictly enforcing the 21 minimum drinking age laws;
- ③ adopting graduated licensing laws to phase in the full driving privilege for teens;
- ④ upgrading and aggressively enforcing child safety seat laws; and
- ⑤ closing dangerous gaps in state safety belt laws by raising them to "primary enforcement" status like every other highway safety law in the nation.

Advocates' campaign also calls on the federal government to more aggressively regulate auto safety, especially sport utility vehicles that are popular among our nation's youth. SUVs have a greater tendency to roll over in crashes, and "rollover" is a frequent factor in fatal car crashes.

Several years ago, Advocates urged the U.S. Department of Transportation (DOT) to adopt a new safety standard requiring sport utility vehicles to be redesigned to lower the center of gravity and reduce the incidence of rollover. DOT ultimately tabled the proposed rule and instead told automakers to place only safety rating stickers on new cars. "Especially in light of the fact that sport utility vehicles are one of the most popular vehicles among our youngest, least experienced and most risk taking drivers," said Judith Lee Stone, president of Advocates for Highway and Auto Safety, "the Department of Transportation should reinstate the rollover safety standard to address the vehicle stability issue."

By 51 percent to 37 percent, a majority of the public is convinced that sport utility vehicles are not as safe as most passenger cars. "A 75 percent to 19 percent majority flatly say they would be willing to pay extra for improved protection in all cars -- a demand that I hope the auto industry and federal government will heed," Harris said. "There is no doubt that an overwhelming majority of consumers are prepared to pay \$200 to \$300 more for cars that have better safety systems to prevent rollover, to improve roof crush protection, to improve side impact protection, and to add padding on the interior of the car."

A central focus of the Harris survey dealt with young people. The poll showed that the public wants the most government involvement in areas that affect youth, such as strengthening and enforcing child safety seat laws, underage drinking and impaired driving.

Americans also strongly support more restrictions that gradually phase in teen driving privileges, such as a mandatory learner's permit period and time restrictions. "It is important to note that teens themselves also support these provisions," Harris said.

On "zero tolerance" blood-alcohol content (BAC) laws for drivers under age 21, 91 percent to 7 percent support license revocation and other penalties for any driver under the legal drinking age who tests positive for any alcohol. Even among young people ages 18 to 29, an 88 percent to 12 percent majority agrees with this toughening of the law.

— MORE —

**HARRIS POLL SHOWS STRONG PUBLIC SUPPORT FOR GREATER HIGHWAY AND AUTO SAFETY**  
**Page 3 of 4**

On a proposal to ~~repeal~~ the 21 drinking age law, 78 percent to 18 percent oppose the idea. A better than 2 to 1 majority among those under age 30 agreed with this mandate of no rollback of the drinking age law.

On the proposal to enact graduated licensing laws to phase in the full driving privilege for teens, the Harris poll questioned the public on several key components of the proposed law:

- An overwhelming 10 to 1 majority (89 percent to 8 percent) supports teen drivers holding a learner's permit for at least six months before they qualify for a license and that an adult driver must be in the vehicle with the teenagers. Seventy-seven (77) percent of young people agreed.
- 79 percent favors a teen driver moving up to a restricted license for six months to a year after taking a behind-the-wheel test. A 2 to 1 majority of young people agree.
- A nearly unanimous majority of 88 percent to 9 percent agree that "finally, if after a year or so, the teenager has not violated speed or drinking-when-driving laws, the teenager will be issued a full driver's license." And, 79 percent of teens agreed.
- By 62 percent to 30 percent, a substantial majority of American people agree with the provision that "a young driver, for the first six months of licensure would not be permitted to drive after 10pm or 11pm." A clear 56 percent to 39 percent majority of young people disagreed.
- The last area tested specified that "when first licensed, young drivers would not be allowed to transport other teenagers without an adult being present." A narrow 49 percent to 42 percent of the public agrees. A clear-cut 65 percent to 35 percent of teenagers disagree.

"There is a powerful mandate for putting in tougher restrictions of teen licensing than now exists," Harris said. "The notion of graduated licensing procedures is obviously an idea whose time has come."

Regarding child safety seat laws, an 84 percent to 12 percent majority favors making it mandatory for all young children to ride in safety seats no matter who is driving and no matter where they are seated in the car. Some states have loopholes that exempt kids in cars seats if they are in the back seat or if someone besides the child's parents is operating the vehicle. A strong majority favors closing those gaps.

The survey also addressed the issue of safety belt laws. Safety belt use in the nation has reached a plateau of about 68 percent. Usage is typically higher in states that have primary enforcement safety belt laws. "Primary enforcement" allows a police officer to cite any motorist that is not wearing a safety belt.

Currently, only 11 states have primary enforcement belt laws while 38 states and the District of Columbia have much weaker "secondary enforcement" laws. These require a law enforcement officer to first stop a vehicle for another traffic offense before being able to write a ticket for the safety belt violation. New Hampshire is the only state with no belt law for adults.

There is a growing movement to encourage states to strengthen their safety belt laws by upgrading them to "primary enforcement" status. States that have done so, such as California, have seen their usage rates jump anywhere from 10 to 15 percent just by passing the law. North Carolina has recently achieved a usage rate of 83 percent -- the highest in the nation -- by aggressively enforcing their primary enforcement law.

The Harris poll found that by 51 percent to 46 percent, a slim majority opted against primary enforcement of safety belt laws.

**HARRIS POLL SHOWS STRONG PUBLIC SUPPORT FOR GREATER HIGHWAY AND AUTO SAFETY**  
**Page 4 of 4**

"Public opinion is essentially split over the question of primary enforcement belt laws," Advocates' president Stone said. "Actually, we expected even higher resistance to the idea of primary enforcement because this is a new concept to most people. Most people do not realize that every highway safety law in the nation is primary enforcement except for safety belt laws in most states. Our *Kids, Cars and Crashes* campaign will give us an opportunity to work with others to educate the public and policy makers about the enormous benefits of primary enforcement belt laws," Stone added.

On the issue of speed limits, public opinion is not clear. On one hand, 73 percent of Americans believe that the federal government should be concerned with excessive speed on our highways, while 62 percent supports giving the states the power to set their own speed limits. Last year, the Congress approved a provision to the National Highway System legislation that repealed the national 55-mph speed limit law. States may now set their own maximum speed limits.

The Harris poll, however, found that 64 percent are worried that higher speed limits will contribute to even more aggressive driving. Also, 66 percent are concerned that highway crashes will increase. "If reports of rises in crashes and deaths caused by higher speeds persist, then a change in public opinion about the speed limit repeal may well be in the offing," Harris cautioned. "The seeds are being sown among the public for a hard second look at last year's legislation." Harris added that "it will take a while for definite results on changes in fatalities to sink in. Until then, public opinion will remain volatile and probably not even reliable."

Finally, on the issue of truck safety, the Harris poll found that 8 in 10 Americans oppose any relaxation or change in either the number of hours truck drivers are allowed to drive continuously or to allow bigger or heavier trucks on our highways.

Also addressing the news conference at the National Press Club today was Jan Withers of Upper Marlboro, Maryland. Her daughter Alisa, at age 15, was the lone fatality in crash on April 15, 1992, caused by a teen friend who was driving drunk and speeding. Alisa was the only unbuckled occupant among the five friends in the car, and she was the only one ejected. She died early the next morning of massive injuries.

After Alisa's death, Withers joined the Maryland chapter of Mothers Against Drunk Driving and she now volunteers as a victim's advocate. "We hear a lot of talk from our elected officials and candidates for office about family values," Withers said. "If they are truly serious about family values then there should be no debate over the *Kids, Cars and Crashes* safety agenda because it deserves to be enacted in every state."

Gael Whetstone, a trauma resuscitation nurse at the University of Maryland's Shock Trauma Center in Baltimore, spoke of numerous fatal and paralyzing injuries that she has seen this summer involving young people who were drinking and driving or not buckled up. "Often I will later hear or read news reports of cases that I have worked on the night before, and always the news story talks of people killed or injured in accidents," Whetstone said. "The thing is, these were not accidents -- these were preventable crashes and preventable injuries."

Whetstone spoke of hearing the "heart-wrenching, animal-like cries of mothers grieving over the bodies of their dead children in the middle of the night" following fatal car crashes. "If our policy makers would see and hear what we at Maryland Shock Trauma witness every day," Whetstone said, "they would make the *Kids, Cars and Crashes* goals a top priority."

For additional information about the Lou Harris survey on highway safety and the *Kids, Cars and Crashes* campaign, the public is invited to contact Advocates for Highway and Auto Safety at 1-800-659-BAGS (2247). Information also will be available on Advocates' world wide web site: <http://www.saferoads.org>

**ISTEA REAUTHORIZATION: IMPROVING PROGRAM DELIVERY OF FEDERAL TRANSPORTATION PROGRAMS AND THE CONGESTION MITIGATION AND AIR QUALITY PROGRAM (CMAQ)**

Thursday, September 26, 1996

U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
SUBCOMMITTEE ON SURFACE TRANSPORTATION  
*Washington, D.C.*

The subcommittee met, pursuant to recess, at 9:32 a.m. in room 2167, Rayburn House Office Building, Hon. Thomas E. Petri (chairman of the subcommittee) presiding.

Mr. PETRI. The subcommittee will come to order.

This morning we continue our series of ISTEA hearings by focusing on two important issues: first, how to improve delivery of surface transportation improvements; and, second, the congestion mitigation air improvement program.

We begin today's hearing by exploring the surface transportation program, trying to make it more efficient.

In order to receive Federal aid highway or transit funds, grant recipients must meet a countless number of Federal requirements stemming from Federal laws, regulations, agency guidance, court decisions, and executive orders. As many as 30 different Federal, State, and local transportation, environmental, and planning agencies may be involved in reviewing a single project. These requirements can be costly and cause untold delay.

While there clearly is a need to protect Federal interests, we must be sure that all these Federal requirements are absolutely necessary. We must examine ways to reduce the level of Federal burdens and mandates, reduce cost, and speed up delivery of needed transportation improvements without weakening Federal oversight.

The second part of this morning's hearing will review the congestion mitigation and air quality improvement program, or CMAQ program. Congress adopted the CMAQ program in 1991 with the passage of ISTEA to help States address air quality problems in non-attainment areas.

Today's witnesses will testify on their experiences with the program over the last 5 years and make suggestions on how the committee can improve or revise the program in the upcoming reauthorization bill.

I'm pleased to welcome the many distinguished witnesses that will be testifying before the subcommittee today, including: Mr. John Lieber, Deputy Assistant Secretary of Transportation Policy; Mr. Anthony R. Kane, Executive Director of the Federal Highway Administration for the U.S. Department of Transportation; and the Honorable Mary Nichols, Assistant Administrator for Air and Radiation from the U.S. Environmental Protection Agency.

We're pleased you could join us today to share your agencies' perspectives on these issues.

We'll also hear testimony from State transportation air quality officials, local elected officials, and other interested groups.

I'd like to remind all of you that oral testimony should be limited to 5 minutes. Your complete statements will be included in the hearing record.

I'd now yield to the ranking democrat on the subcommittee, Congressman Nick Rahall, for any comments he would like to make.

Mr. RAHALL. Thank you, Mr. Chairman.

As we all know, this is the last of a series of subcommittee hearings we've conducted here in Washington over the course of this year on the reauthorization of ISTEA.

I would note that the act expires exactly 1 year and 4 days from today.

Throughout these hearings we've received a number of recommendations relating to the reauthorization of the Federal highway program, including proposals to streamline or reduce its number of funding categories, and to make certain current activities no longer eligible or mandatory. These matters relate to the type or scope of program being envisioned in the revision.

We also were advised of several proposals relating to the formula by which funds are distributed to the States, with the donor States seeking to bolster their apportionments, while the donee States express a concern that some of these proposals may undermine the national highway system we have in place in this country.

Obviously, coming from a donee State, I obviously will side with the latter, of course.

But, with respect to the former matter, the type of program being contemplated in the reauthorization, today I'd like to restate what I said at the very beginning of these hearings: I believe we should stay the course in reauthorization of ISTEA.

Certainly we should make some modifications where necessary. Certainly we should seek to streamline the program. But, at the same time, I believe the fundamental nature of ISTEA, which includes the empowerment of localities, a greater degree of environmental sensitivity, flexibility, and innovation, must be maintained into the next century.

With this stated, at this time I would like to outline several initiatives that I will work toward during the reauthorization of ISTEA.

First, we must not neglect the core highway programs. By this I mean that I will work to maximize funding for the national highway system, the highway bridge replacement and rehabilitation, and the surface transportation program.

Second, as part of this effort, high-priority corridors on the national highway system should be provided with additional funding

above and beyond what would be apportioned to the various States by formula for NHS and STP-type programs if the completion of the corridors are truly to be national priorities.

In other words, high-priority designation currently amounts to only bragging rights. It's time we back these corridors with a significant amount of funding.

Third, highway safety must be given more than lip service. Shoveling out billions of Federal highway construction dollars to the States is not enough without addressing the pressing need to bolster our existing highway safety programs.

In this regard, I intend, among other initiatives, to propose financial incentives to the States to reduce highway fatality rates, such as for not raising their speed limits.

We currently have an incentive program in place to enhance air quality, CMAQ, so I fail to see why we should not have a similar type of program to reduce fatalities due to speed-related and other type of mishaps on our Nation's highways.

Fourth, certain mandatory set-asides of highway funds should be maintained in the reauthorization, such as funding for the transportation enhancements program. Many TEP projects offer an alternative means to provide mobility for our people, leading to a reduction in highway congestion and improved air quality. This, in my view, represents a justifiable expenditure of Federal aid highway funds.

Fifth, and last, fostering greater transit opportunities must remain a matter of national interest. Mass transit systems also reduce congestion and enhance our air quality, while often providing the only means of mobility for those Americans who have no other transportation alternatives.

So, as I conclude, Mr. Chairman, let me say that it has been a pleasure serving with you during this Congress. When the 104th Congress convened there was a great deal of turmoil as we Democrats learned what it meant to be in a minority and Republicans assumed the gavel in the House for the first time in 40 years.

I guess once every 40 years, one time only, is not bad.

[Laughter.]

Mr. RAHALL. This transition, however, was less disrupting, at least in this subcommittee, due in large part to your grace and your willingness to continue with the bipartisan tradition that has always prevailed as it relates to surface transportation matters. For this I thank you.

I look forward to serving with you again next year, regardless of whether you're sitting in that chair or I'm sitting in that chair.

Mr. PETRI. Thank you very much. I just want to respond that I learned a long time ago that what goes around comes around in life, so I appreciated your courtesies when you were in the majority and I've tried to be as thoughtful as you were during these last 2 years.

Mr. RAHALL. You have been.

Mr. PETRI. We welcome you. Mr. Lieber, would you like to begin?

**TESTIMONY OF JOHN N. LIEBER, DEPUTY ASSISTANT SECRETARY FOR TRANSPORTATION POLICY, U.S. DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY ANTHONY R. KANE, EXECUTIVE DIRECTOR, FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION; AND MARY D. NICHOLS, ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION, U.S. ENVIRONMENTAL PROTECTION AGENCY**

Mr. LIEBER. Thank you, Mr. Chairman.

Mr. Chairman, members of the committee, I appreciate the opportunity to testify on the congestion mitigation and air quality improvement program and also on the Department's ongoing efforts to improve delivery of the Federal aid highway and motor carrier safety programs.

I'm accompanied by Mr. Anthony Kane, the executive director of the Federal Highway Administration, who is well-known to you.

Congress designed the CMAQ program to address two pressing quality of life concerns: cleaning up the air we breathe, and relieving the traffic congestion plaguing many of our urban and suburban areas. By this standard, CMAQ has been a tremendous success.

The program has allowed States to fund projects which directly address air quality in their communities, such as the purchase of clean fuel buses in Kenosha, Wisconsin, and many other areas.

Indeed, CMAQ-funded projects have been critical for many non-attainment areas to satisfy the requirement that their transportation plans be consistent with state air quality goals.

CMAQ has also been a success because it has realized ISTEA's promise of increased flexibility for State and local governments and a more-inclusive decision-making process.

The CMAQ program has proven to be ISTEA's most flexible program, although it constitutes only about 5 percent of the overall funding available over the 6-year life of the bill.

CMAQ has brought new players to the table and strengthened coordination between transportation and air quality agencies at both the State and Federal levels.

Further, CMAQ has been a catalyst for innovation. The program has provided funding for creative projects such as the rail-truck intermodal facility in Stark County, Ohio, and New York's Red Hook Barge Service, two projects which reconcile environmental and economic goals by simultaneously cutting truck emissions and speeding freight movement.

CMAQ has also delivered major benefits in terms of congestion relief. Houston's TranStar traffic management and control system uses cutting-edge technology to manage over 300 miles of busy freeway.

And CMAQ has funded a wide range of traffic signalization projects, HOV lanes, and bicycle and pedestrian facilities nationwide.

Over time, the Department has effectively addressed the administrative challenges posed by this novel program. At the outset of the program, we established a goal that in 3 years CMAQ funds should be obligated at rates comparable to the larger ISTEA pro-



grams, and by fiscal year 1995, CMAQ obligation rates had risen to 99 percent—equivalent to the NHS and STP programs.

Another challenge was developing strong State and local systems to review and select projects under CMAQ. This called for new partnerships amongst States, MPOs, local agencies, and new constituency groups. With strong Federal leadership, including detailed, updated program guidance, a top-to-bottom review of the program in 1994, and assistance on countless individual projects, this goal, too, has been achieved in many, many areas.

And we've moved quickly to implement the changes to the CMAQ program in the National Highway System Designation Act of 1995, which allowed areas that have achieved clean air quality goals to continue receiving CMAQ funds.

CMAQ has received enthusiastic support from all quarters. This has been underscored at each of the 12 outreach hearings conducted by the Department on ISTEA reauthorization and at three FHWA-sponsored focus groups held on CMAQ specifically.

Though our ISTEA reauthorization proposal is still under development, this positive consensus will weigh heavily in DOT's deliberations.

Mr. Chairman, I am also here today to provide information on the Department's efforts to streamline delivery of our ISTEA programs. ISTEA included authorization for close to 50 specific programs and supported a wide range of projects other than traditional highway and bridge construction. FHWA and FTA have moved aggressively to develop procedures to implement these new programs efficiently.

During ISTEA, FHWA has systematically shifted its oversight philosophy away from the detailed project-by-project review approach of the past. Instead, FHWA and FTA now seek to exercise their oversight responsibilities by helping States and MPOs to adopt sound overall project selection and management programs.

With FHWA encouragement, many States have taken over sole responsibility for design and construction on less-complex Federal projects.

Both FHWA and FTA have strong customer-oriented field operations, yet we continue to make organizational changes to improve program management. For example, FHWA, FTA, and NHTSA are now working to co-locate their regional field offices at a single site so our partners and customers can enjoy the benefits of one-stop shopping.

FHWA has also pressed forward with a variety of non-traditional contracting methods designed to speed construction and limit inconvenience for highway users—for example, the use of cost-plus-time bidding and lane rental costing. These techniques have been a great success, especially in efforts to rebuild California freeways after the Northridge earthquake.

As this committee is well aware, we've also made major progress in the area of innovative finance. I'm pleased that the Congress shares our enthusiasm for these efforts to stretch the Federal dollar and has included support for several tested, innovative financing techniques in the NHS Designation Act and in the 1997 DOT appropriations bill.

Over the past year, the Department has also worked to eliminate or revise regulations so as to improve program delivery. In the area of motor carrier safety, FHWA is conducting a comprehensive zero-based review of all of its regulations to guarantee clarity and national uniformity, while also eliminating redundant or outdated rules.

Minimizing the burdens of ISTEA's planning requirements has been another priority, and we have pursued it aggressively with updated guidance and a cooperative approach to MPO certification.

Other streamlining efforts have been targeted at environmental processes. For example, FHWA and other agencies have worked over the last few years to merge the processes for complying with various environmental statutes, especially NEPA and section 404 of the Clean Water Act.

Another approach has been taken on projects that don't have complex environmental impacts. There, FHWA has been allowing environmental clearances to be handled solely by those close to the project, using standardized but simplified procedures.

Finally, with Congress' help, we have streamlined the transportation enhancements program because we recognize that the same administrative rules and requirements that apply to a multi-million dollar highway project may be inappropriate for an enhancements project costing only a few thousand dollars.

As we wind up our extensive outreach efforts this year prior to the ISTEA reauthorization and as we come to a close of this informative and successful series of hearings, on behalf of Secretary Pena I want to reiterate our appreciation to the members of this committee for their cooperation in implementing ISTEA.

Our outreach has shown a wide range of support for continuing many of ISTEA's programs and principles. We've also heard many beneficial suggestions for change. But, most importantly, we have heard the call for a continued Federal role in guiding our surface transportation programs into the next century.

With the new partnerships ISTEA has helped to create at all levels, we believe we can deliver a program that carries out the vision of this committee.

Mr. Chairman, that concludes my statement. Mr. Kane and I would be happy to answer any questions.

Mr. PETRI. Thank you very much.

The next witness is the Honorable Mary Nichols.

Ms. NICHOLS. Good morning, Mr. Chairman, and thank you for the opportunity to speak to you today about the congestion mitigation and air quality improvement program.

The fact that the EPA is here today to talk to you about a transportation program I think speaks to the progress that ISTEA represents in protecting both the health of our Nation's citizens and our environment.

Over the last 25 years, this country has made great strides in protecting public health by reducing the emissions from highway vehicles through improved technology that reduces emissions from cars and trucks, developing cleaner fuels, and ensuring that vehicles are properly maintained and used.

But we need to continue to move forward if we're going to meet both the current and emerging problems and impacts on our health and environment.

While the number of cities that are not meeting air quality standards has, fortunately, decreased, there are still over 60 million people living in areas where the air is unhealthy to breathe. Highway vehicles are a major source of the pollutants that form the Nation's most widespread and intractable pollution problem—ground-level ozone, or smog.

One of the reasons why we've not realized all of the benefits of our clean air programs over the last 25 years is that the total number of vehicle miles traveled keeps growing every year—even faster than our population. With more vehicles on the U.S. roads driving more miles, we need to find common-sense, cost-effective, and innovative ways to reduce those emissions. Wise decisions on the part of State, local, and Federal officials and active involvement by the public can assure that the tremendous accomplishments that this country has made in air quality will be fully realized.

The interaction between transportation policy and air quality planning is critical to these efforts, and until the passage of the Clean Air Act in 1990 and ISTEA in 1991, there was no comprehensive framework for assuring that air quality impacts were considered as an integral part of transportation planning.

Fortunately, ISTEA has provided State and local governments with a common-sense framework. ISTEA contains provisions that require areas that are not in attainment with the air quality standards to explicitly consider and be consistent with their air quality plans and time frames.

EPA is very enthusiastic about the strides that have been made in integrating transportation and air quality planning to the benefit of public health and local communities.

Protecting the environment and public health is a responsibility for all levels of government. ISTEA has brought new interest groups, including environmentalists, the business community, alternative transportation advocates, land use planners, and their expertise and their views into the planning process. It recognizes that the affected citizens have the right to participate in these discussions and that they know what will benefit them the most.

The public has strongly supported the projects that have been made possible by set-aside funds which strengthen the community, clean the air, and improve the quality of life.

This brings me to CMAQ. CMAQ is unique as the only Federal transportation funding program focused primarily on air quality improvement. The DOT guidance, which was developed with early and extensive coordination with EPA, extended eligibility for funding to projects and activities that had not been eligible under the Federal aid highway or mass transit programs in the past.

In Portland, Oregon, CMAQ supported the development of a MAX light rail line. The light rail line has moved people out of their automobiles when they come to work and shop in downtown Portland. It has also helped to improve the air quality, reduce health problems, and sustain the economy of that community.

The American Public Transit Association reports that \$1.2 billion worth of private development has occurred along that line. This is obviously a project that makes economic and environmental sense.

CMAQ funds have also been used for natural gas vehicle fueling facilities in Boise, Milwaukee, and Boston. These facilities are providing a new generation of clean-burning buses which use compressed natural gas and are also helping to boost ridership in many of these cities.

The fueling facilities can also be made available to school bus fleets and will encourage the purchase of CNG vehicles by private fleet operators.

What better way to support EPA's clean fuel fleets program?

These are just a few examples where the CMAQ program is making a difference in protecting our health, our environment, and our economy at the local level.

The CMAQ program, I think, represents the spirit of ISTEA in the best possible way: that is, it gains for the environment, it's a more-efficient way to go, and it also exemplifies partnership.

You've heard examples of how State and local governments are working together and how the Federal Government is working with them and supporting them, and you've also heard how EPA has been working with DOT to help make this program succeed.

We've been part of the Administration's outreach effort to hear what State and local officials have to say about what has worked and what hasn't. At regional forums throughout the country we've heard from State DOTs, environmental agencies, mayors, county officials, metropolitan planning officials, and transit providers. Overall, the response to ISTEA has been enthusiastic.

We've also heard from the public about what they want from their transportation systems. Obviously, they want mobility and accessibility, and they also want to protect their environment and their health. They want a transportation system that encourages a sense of community, not one that divides neighbors and leaves them with driving as the only option to get the goods and services they need.

As you begin the process for reauthorization of ISTEA, EPA hopes to be able to help identify where we can advance the progress that has already occurred. The momentum which has now been created at the local, regional, and State level can be enhanced by wise use of the reauthorizing legislation.

EPA will work closely with DOT and other agencies within the Administration to help provide some specific suggestions on ways to improve the CMAQ program.

Mr. Chairman, thank you again for this opportunity to discuss ISTEA and the CMAQ program. I, too, would be happy to answer any questions you may have.

Mr. PETRI. Thank you. Thank you both.

Mr. RAHALL, do you have any questions?

Mr. RAHALL. Thank you, Mr. Chairman.

Let me start with you, Mr. Lieber.

You, in your prepared statement, noted that CMAQ funds have accounted for 55 percent of title 23 funding used for transit projects. That percentage kind of surprised me until I reflected upon the fact that even West Virginia—West Virginia, not a big

transit State, mind you, not a State normally associated with flexing potential highway funds to other uses—even West Virginia flexed CMAQ funds for a transit project in Huntington.

Now, West Virginia only engaged in this brave, new world of flexing money that might have been used on highways into transit one time, but we did do it, nonetheless.

So, aside from my wanting to get on the record just how innovative we are in getting West Virginia, as a point of clarification, the 55 percent figure you cited relates to the amount of highway trust money available to transit projects rather than the overall amount, including general funds; is that correct?

Mr. LIEBER. That's correct.

Mr. RAHALL. Okay. That's actually the only question I had. I thank you, Mr. Lieber.

Mr. LIEBER. Thank you.

Mr. PETRI. Okay. Mr. Baker?

Mr. BAKER. Was that 55 percent of the total that West Virginia gets, or is that—

[Laughter.]

Mr. BAKER. If I could ask Ms. Nichols a question, we are in the embarrassing position in the Bay area in California of having attained clean air status, and therefore we lose some of our funding under the formulas; however, we have kind of a step-down procedure which allows us to come down gently.

Do you support that procedure so that there isn't a negative incentive to clean up our air as we put more money in rail and road?

Ms. NICHOLS. Yes. Absolutely. We were very pleased to work with the Department of Transportation to fix the guidelines so that areas that come into attainment wouldn't immediately lose their eligibility for the CMAQ funds but have a transition period. I believe it's 2 years currently.

I also believe that we need to take a look at areas where those specific projects may be needed and try to make sure we find ways to support them on a continuing basis, and we're happy to work on that.

Mr. BAKER. Thank you. We're struggling to expand our BART system in the Bay area, and with no new starts and inadequate funding we hope to be able to get back the \$0.043 gas tax that went into the deep, dark hole known as "deficit reduction" as a result of the 1993 tax act. I hope you'll support us in getting that money back. Some of it could be used for rail.

Back to you, Mr. Chairman, and the gentleman from West Virginia.

Mr. PETRI. Thank you.

Mr. Cramer, any questions?

Mr. CRAMER. No.

Mr. PETRI. Mr. Mascara?

Mr. MASCARA. Thank you, Mr. Chairman.

As a former county commissioner in Washington County, Pennsylvania, and a member of the Southwestern Pennsylvania Regional Planning Commission, and as its chairman, I had the responsibility of implementing ISTEA, 1991, and the Clean Air Act amendments from 1990, and the designing of an ISTEA plan and national highway system plan in southwestern Pennsylvania.

We had some problems in our areas that related to the measurement of the air quality to see whether or not we were in attainment. The first report was that we were in non-attainment. We asked that some independent testing firm come into southwestern Pennsylvania to measure the air quality in southwestern Pennsylvania. They did not agree with the findings that we were in non-attainment.

Some of the problems were related to the equipment that measured the air quality. My question is whether or not the EPA or some Federal agency has control over the standards of the equipment that measures air nationwide.

Ms. NICHOLS. Yes, Mr. Mascara. The system is somewhat complex. There's a network of monitoring stations that are operated by the State and deployed by the State, but EPA sets overall standards for the location and for the functioning of the equipment.

Frequently we are asked to come in and review whether the data are accurate. We also have a quality assurance program where there are referee laboratories that can check on equipment and measurements because, from time to time, obviously, controversies do arise about whether the measurements are accurate.

Mr. MASCARA. Thank you. There was some question in my mind that there were some \$39 million in CMAQ funds available to the area if we did not meet those standards, and I was suspect as to why we did not meet those standards, because, had we met the standards, then Pennsylvania would not have gotten the \$39 million in CMAQ funds, so I was—as a former accountant, I was a little suspicious of the numbers, so I questioned it.

After a survey by an independent testing firm, they said we did meet the air quality standards at that time.

Thank you very much.

Mr. PETRI. Thank you.

I have a couple questions.

Mr. Lieber, in the area of cost-benefit or trying to figure out how to allocate resources, has the Department done any work in trying to estimate the cost of Federal mandates of two different transportation projects?

Mr. LIEBER. I don't know of specific efforts to estimate the cost of Federal mandates, in general. I'd defer to Mr. Kane if there are specific project efforts that have been undertaken.

Mr. KANE. One issue is defining what mandates are. I know that we always have—

Mr. PETRI. We're all somewhat guilty in—we see a problem and so we pass something or issue regulations to deal with that problem, and then we have the thing we're very familiar with, the law of unintended consequences, or we move problems around. This is a difficulty that we wrestle with at all levels of government.

Mr. KANE. I think in the regulatory area we have a better record, I believe, and particularly now, as we do regulatory reform, we try to calculate the costs and benefits of the various regulations, many of which are a result of some of the mandates that were in statute. So I think we really are trying to document that right now.

We have a number of examples in the regulatory area that we could certainly share.

When it comes to other mandates, there have been program studies for varieties of ones. I know there would be issues with everything from seat belts to speed limits, etc., and there have been different studies, both by interest groups in favor or opposition, and some by the Department.

We'd be happy to work with you on whatever list we might have to share whatever information we might have.

Mr. PETRI. This has, as you know, become a fairly controversial area.

Mr. KANE. Right.

Mr. PETRI. But it is an area that a lot of academic types—economists and others—think we, as a matter of public policy, should be doing more about, not in order to automatically approve or disapprove things, but in order to prioritize between similar types of activities and figure out how we can allocate all the scarce resources.

A lot of things we think of, if it's in a world of infinite resources, all these things would be wonderful, and we tend to ignore the fact that there are trade-offs.

Mr. KANE. And I think there are some mandates that are listed as mandates but really have very strong benefits. The national highway system bill included requirements to use life cycle costs and value engineering that certainly impose a cost of doing those calculations but have significant long-term benefits associated with applying those results in your project designs.

Mr. PETRI. Well, last week at our hearing a number of groups came in and they organized around concerns about highway safety and have various ways to try to improve that, and we're hoping that we would write into ISTEA a highway safety set-aside. But when you get down to what expenditure of funds contributes to highway safety, there are a lot of things that no one's agitating about that are very important.

Painting the highways so there's a center strip contributes a lot to highway safety. Signage contributes a lot to highway safety. Shoulders and proper construction and rest areas, and you can go on down the list.

So if we were to have a set-aside, we're going to have to figure out what qualifies and what doesn't. We wouldn't want to favor some less-economic subjects for a set-aside as opposed to a more-economic, because that would end up costing lives.

Mr. LIEBER. Mr. Chairman, I think you make a good point. One of the concepts we're exploring in our reauthorization discussions is the idea of flexibility in highway safety programs for States and communities to make their own decisions about how best to achieve highway safety goals. So it's one idea that we're looking at very seriously.

Mr. PETRI. Just to make one last stab at the mandate question, do you have any data or indication as to the difference in cost between Federally-funded and State-funded projects where we're not involved?

We hear that we add all kinds of costs, and we're familiar with some major things like Davis Bacon and so on, but do you have any figures in your Department about what we're really talking about on a comparable basis?

Mr. LIEBER. I've heard a number of different figures over time, most of them from outside the Department. But, again, I'd probably defer to Mr. Kane on this.

Mr. KANE. I think it's very similar to your earlier question. It's very anecdotal. We have some information. And in a lot of areas, State mandates or State requirements exceed Federal requirements, so there are many States where, in a number of the contracting provisions and environmental provisions, the Federal Government really doesn't have an additive cost.

But we certainly could share some of that information, as well, Mr. Chairman.

Mr. PETRI. Well, we will be having other panels, and I think the States are on the firing line on this. They run their programs and Federal programs.

Mr. KANE. And one thing we tried to say in the statement is that we're really looking at ways to make the process more efficient on the environmental area—things like merging 404 up with the NEPA process so that you really streamline the process, make it more efficient, move it quicker. We're delegating down more decisions in the environmental area, moving more towards categorical exclusions and programmatic ways of dealing with the environmental requirements.

Mr. PETRI. I could spend all day with Mary Nichole on CMAQ and air quality problems generally. We obviously have had some experience now with programs. We adopted a lot of legislation with deadlines that looked like a long way away when the bills passed 10 or 20 years ago. We're now in the midst of all these deadlines. We are going to have to figure out how to revise some of these programs to focus them better and take advantage of what we've learned, so we continue the effort without causing needless heartburn.

One thing in Wisconsin that we are agitating about, I just feel I ought to mention, is the idea of measuring standards along political jurisdictional lines. Air doesn't stop at the borders of the State or of a county.

I happen to represent very rural counties with no industry, which, if everyone moved out, would still be in near non-attainment under ozone standards because pollution comes blowing in from somewhere else. There's nothing they can do about it in that area, and yet as a result of our mix of laws, they are at a disadvantage in trying to get economic development, at a disadvantage in gasoline prices, and so on and so on.

So we are advocating in our State for a more national approach to look for where the pollution is actually coming from and deal with it there rather than looking at where it comes down and punishing the people who happen to live in an area where the pollution chooses to land.

Do you have any comment on whether this shift in focus makes any sense or not?

Mr. NICHOLS. Absolutely. EPA has taken a number of steps to try to address this phenomenon, which has really become much better-known since the 1990 amendments to the Clean Air Act were passed, that ozone is transported over vast distances, and many areas simply do not have the ability, acting on their own, to



address their air quality problems. They have air which is unhealthy, by our best medical evidence, but it's not something that they, themselves, can fix.

And we recognize that the Federal Government has a responsibility, through things like national standards for automobiles and fuels.

We also can work with communities on those areas where they do have an opportunity.

I think maybe it's because of the fact that I'm the person in charge of administering what is undoubtedly the most prescriptive of all Federal environmental statutes, the Clean Air Act, that I am so enthusiastic about the CMAQ program, because it's the one opportunity that we've found to work with local communities that are struggling with getting into attainment or staying in attainment where there's an actual little bit of money, which is another thing that we don't have, that could help them with that problem to do the things that they can take care of at the local level.

We have found that when you go out to communities and actually can offer them a choice, the response is tremendous, and it's a very positive one.

So, instead of being in the mode of saying, "We're going to sanction you and take away your highway funds if you don't meet the standards," which is the only tool that we really have available to us now, we're in the position of saying, "Here's a way that you can work to actually help solve the problem."

What we've done at EPA to try to deal with this transport issue is to convene a group called the Ozone Transport Assessment Group, which Wisconsin is actively participating in, to try to look at this phenomenon of transported pollution and to make some suggestions about how States, working together, could agree on some programs so that upwind States aren't causing problems for their neighbors.

We're very hopeful that we're going to get some results back from that by the end of the year and, in turn, those might feed into either legislation or changes in our regulatory program.

But you're right that that is a problem right now that we focus just on the political boundary rather than on where the air really goes.

Mr. PETRI. I think we tend here, to focus on silver-bullet solutions to these problems like electric cars, without realizing that then you have a lead problem if they can't solve the lead battery issue. If electricity is transported over wires and generated somewhere else, that facility presumably has some additional environmental impact, as well.

You can't just look at cars; you have to look at the whole system to see if you're really improving things or just raising costs and increasing inconvenience and moving problems around and not really solving the problem.

Even car pooling may not provide substantial benefits if people have to drive to the place where the van is. Some studies seem to indicate that with new cars, anyway, a lot of the pollution occurs when they're cold and warming up and cooling down. You have four warm-up and cool-down if you go to a car pool and back as

opposed to one if you just commute to and from and park at where you're working.

It's not clear that some of these solutions really make much of a difference, and they may even make things worse, plus adding to inconvenience. At least there are those who argue that.

I don't know if you have a response to this. All I'm trying to say is we're at a stage where we're going to have to start becoming more sensitive to trade-offs in devising programs that maximize our progress in the environmental areas where we really want to continue making that progress.

Ms. NICHOLS. I certainly agree with that. I guess the one thing I might just add to the discussion is that one of the features of CMAQ is evaluation of the air quality benefits of the project, so that's one of the things you might hear someone complain as an administrative cost because they are required to do some demonstration that the project is going to be beneficial to air quality.

We think that that demonstration can be a fairly simple and not a terribly elaborate one, but we think it's important for just the reason that you're mentioning, that you actually do some analysis to see that this project, which may superficially look like a good idea, is actually going to contribute to solving the problem.

Mr. PETRI. Do you have any information at all as to how much the CMAQ program has actually contributed to air quality? We've spent billions of dollars on it. What have we actually got in terms of environmental progress for this particular expenditure of funds?

Ms. NICHOLS. I think it's anecdotal at this point because many of the projects are just in the process of actually being implemented.

Mr. Lieber may have something additional to add to this, but I'd say, from our perspective, we're anticipating that many of the benefits will be realized over a period of years. But for some of them they are immediate, and they are again localized at this point. We don't have enough data to show whether they're going to really be valuable over the long term.

But in the short term, projects that alleviate congestion that has caused traffic to back up, like the Red Hook Barge project in New York where a bridge was being reconstructed and traffic was backing up and pollution being generated by cars that were trying to get around it. They put in a barge using CMAQ funding and people were able to take advantage of that.

You can sense the—you can measure the effects at the local level.

But they're not huge. They are small projects, and the benefits tend to be certainly not as large in the size of the dollars spent as some of the others.

Mr. PETRI. Well, alleviating congestion is a very important goal for environmental and quality of life—as we're all aware—conditions, generally. And, of course, time costs money and inconvenience. And there are lots of ways to alleviate congestion. Mass transit is one. More electronics on the highways to ease the flow of traffic is another. And, of course, building more lanes, if that's feasible, is one, as well.

These all are options that cost money, and if we settle on one way and you say, "well, easing congestion is the goal," why can't

we look at all the mix of options to achieve that goal if it's a beneficial goal environmentally?

Mr. LIEBER. Indeed, Mr. Chairman, you're exactly right. One of the benefits that we keep seeing about CMAQ is that it really is so flexible that it allows every community to figure out what specific options will work best for them, whether it's public education or support for a telecommuting program or a physical project of the kind you described.

Under CMAQ you can support those projects.

The one thing I would add to Ms. Nichols' statement is that what CMAQ supports in large part is actions that are already identified as transportation control measures under the State air quality process, so they've already been pre-cleared, in effect, as having positive effects on the environment, and they all have to be consistent with the State air quality plans.

Through that yearly reporting process the folks who are programming the CMAQ money have to look at the macro effects.

Also, we have some tentative, overall analyses of the impacts of the CMAQ program on air quality, which we'd be happy to share with you. We're just beginning to get at that right now.

Mr. PETRI. Thank you.

[The information referred to is attached to Mr. Lieber's prepared statement.]

Mr. PETRI. Mr. Horn, do you have any questions?

Mr. HORN. Thank you, Mr. Chairman.

I have a couple of questions. I'm sorry I came in a little late. You might have covered it.

About a year ago I was chatting with one of the top generals in the Army about what are the research areas that we need to do the most work in, and it relates to what you're talking about. He said, "Without question, the battery," in terms of getting long-term charge out of that battery.

There is a firm in my area that has been building battery-driven buses. Obviously, it takes quite a bit of the back of the bus to have batteries there that will propel you.

There is no question this is the cleanest type of fuel in terms of urban America, because when you're at a stop sign you're not using any energy. You just turn it off and you aren't polluting the air.

To what degree are we investing in battery research to try and prolong the life of a particular battery so we don't have to have constant charges driving around southern California where you can easily do—people drive 150 miles a day to hold a job in Long Beach. They drive from Riverside, they drive from San Bernadino, because you can get a three-or four-bedroom house much more reasonably than you can in coastal Los Angeles.

What can you tell us about our investment in that area?

Mr. LIEBER. You probably have seen the same media reports that I have—the car companies coming out for the first time with electric vehicles for consumer purchase.

That process, the market process, is really driving a lot of the research and progress that you're referring to, particularly in California, which has set a target, as you well know, for electric vehicles.

One other thing I would add is that there are companies that specifically focus on the battery research that you refer to, a con-

sortia of companies. There's one headed by the former chairman of GM, I believe, in the Detroit suburbs, which has announced some dramatic improvements in terms of their research in how far batteries can carry vehicles.

So we think that there is dramatic progress on the horizon in the area you refer to.

[The following was received from Mr. Lieber.]

Further information concerning development of batteries for electric vehicles is attached, consisting of news releases from Energy Conversion Devices/Ovonics, and from the Department of Energy.



# NEWS RELEASE

**Energy Conversion Devices, Inc.**

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## NEW BATTERIES POWER ELECTRIC VEHICLE TO WORLD DISTANCE RECORD

Troy, Michigan, May 29, 1996--Stanford R. Ovshinsky, President and Chief Executive Officer of Energy Conversion Devices, Inc. ("ECD") (Nasdaq National Market:ENER) and Chief Executive Officer of Ovonic Battery Company, Inc. ("Ovonic Battery"), was pleased to announce today that the U.S. Department of Energy issued the following press release:

"For the third year in a row, an electric vehicle powered by nickel metal hydride batteries set a distance record on a single charge while finishing first in the American Tour de Sol road rally. That performance milestone - 373 miles - was clocked during this month's New York-to-Washington D.C. rally.

"The Tour de Sol showcases advancements in electric vehicle technologies as competitors demonstrate enhancements in the range, energy efficiency and reliability of these cars. It also shows how public-private partnerships can help assure U.S. leadership in the sustainable energy industry.

"The batteries which powered the Solectria electric vehicle to a first-place finish were developed by Ovonic Battery Co. (a subsidiary of Energy Conversion Devices) with assistance from the U.S. Department of Energy under terms of a cooperative agreement with the United States Advanced Battery Consortium (USABC). The USABC is a partnership among the three major U.S. automakers -- Chrysler, Ford and General Motors.

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"It's ironic that the Republican Congress is poised to pull the plug on exactly the kind of research that produced this success," noted Christine Ervin, assistant secretary for Energy Efficiency and Renewable Energy. "At a time when our nation is becoming increasingly dependent on foreign oil, this reminds us how important it is to develop alternative forms of energy to meet America's transportation needs."

"The Ovonic batteries maintained their power throughout the course of mixed city and highway driving, allowing the vehicle to finish at street speeds with its lights on and windshield wipers working. Ovonic batteries are projected to last the life of the vehicle and have been designed to be maintenance-free, recyclable and without the toxicity and safety problems of many other battery technologies."

"In 1994, Ovonic formed a partnership with General Motors (GM Ovonic) to develop, manufacture and market batteries for electric vehicles. GM Ovonic will sell its batteries to GM, as well as other electric vehicle manufacturers throughout the world."

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# DOE NEWS

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Hope Williams, 202/585-8808

FOR IMMEDIATE RELEASE  
May 24, 1988

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Mr. HORN. Is there any effort of Federal agencies such as the military, transportation, and others to have a team that works together to look at where the developmental effort might well be put? [The information to be supplied follows:]

The U.S. Partnership for a New Generation of Vehicles (PNGV) is a cooperative research and development program, instituted in 1993, between the government and the domestic auto industry. The goal is the implementation of a three-part program pursuing: (1) advanced manufacturing technology; (2) promising near term advances in fuel efficiency; and (3) creation of a new class of globally competitive, environmentally friendly and safe vehicles that can achieve fuel efficiencies up to three times that of today's comparable vehicles.

The Departments of Defense, Energy, Commerce and Transportation, National Aeronautics and Space Administration and other federal agencies participate in PNGV, with the domestic automobile industry. Research and development on batteries and other energy storage systems, as well as R&D in other areas, is being planned and implemented in the PNGV program. The Department of Transportation has participated on the government-industry PNGV Steering Committee and also on the Technical Group. The Department of Transportation supplies automotive expertise and the National Highway Traffic Safety Administration supports the PNGV safety goal.

In addition to coordination in the PNGV program, government research and development on batteries has been coordinated for approximately 25 years by the Interagency Advanced Power Group, which includes the Departments of Defense and Energy, and other federal agencies.

Mr. LIEBER. Honestly, I don't know how involved we are in the Federal Government in that.

Ms. NICHOLS. I was just going to say that we have been partners in the PNGV—Partnership for Next Generation Vehicle—project, which is an Administration-wide program designed to produce a particular definition of a clean energy efficient car, but what has come out of that has been a great deal of additional collaboration between the agencies on targeted research that is focused towards improvement in transportation.

We agree with you that this is a tremendous gap, and from the environmental point of view there are many areas that will not be able to ever achieve healthy air without a real zero emission vehicle program.

Mr. HORN. It seems to me, if you might just file for the record, I'd like to know what role Transportation is playing in this area. I've learned long ago exciting things go on in a lot of Federal agencies, and often the right hand and the left hand haven't talked to each other to know what's going on.

I just wonder to what degree we're coordinating that within the Executive Branch.

Mr. LIEBER. You make a good point, and we will get back to you on it.

Mr. HORN. Okay.

[The information received follows:]

The Department of Energy has been funding a program of research on improved batteries for vehicles for approximately 25 years. One element of the program is DOE's participation in cooperative agreements with the United States Advanced Battery Consortium (USABC). This consortium is a partnership of the three American automakers, the Electric Power Research Institute, and several individual electric utilities, to pool technical knowledge and R&D funding. The partnership was initiated in 1991, to run for 12 years. The original cooperative agreement covered four years and established funding of \$262 million, cost shared equally between government and industry. An agreement for an additional four years was signed October 24, 1996, with total funding of \$106 million, of which \$48 million will be from the government.

The Intermodal Surface Transportation Efficiency Act of 1991 authorized a \$12 million Advanced Transportation Systems and Electric Vehicle Program (Electric Vehicle Program) for the Department of Transportation's Federal Transit Administration (FTA). FTA's Electric Vehicle Program was designed to help develop new ways to meet America's current and future air quality and energy security goals. It was also designed to enhance the development of a domestic electric vehicle industry, including battery technology, by taking advantage of expertise from the aerospace and defense sectors. FTA's Electric Vehicle Program is an excellent example of a joint public/private partnership since 50 percent of the cost will come from non-Federal resources. Four consortia were selected to implement the Electric Vehicle Program: the Advanced Lead Acid Battery Consortium (ALABC), CALSTART, the Chesapeake Consortium, and the New York State Consortium.

The ALABC consists of battery manufacturers and suppliers under the auspices of the International Lead Zinc Research Organization. The ALABC has been working to develop, demonstrate and evaluate rapid recharge technology for lead-acid batteries; to examine the infrastructure issues associated with rapid recharging and the availability of electric power for opportunity charging; and to develop a basic battery monitoring and control system. Preliminary results show that the ALABC rapid recharge technology can be used to safely charge standard 12 volt, 50/60

amp-hour flooded and sealed lead-acid batteries in 15 minutes to 80% of their capacity and in 5 minutes to 50% of their capacity. The Santa Barbara Metropolitan Transit District is currently testing this technology on larger batteries in its transit vehicles.

Through the other consortia, the FTA Electric Vehicle Program is developing electric vehicle technology for transit application. This technology includes battery power, fuel cells, and a "hybrid" electric vehicle, that is a generator with a battery engine. CALSTART consists of over 175 public and private entities representing California electric utilities, U.S. businesses, state and local government agencies, public and private educational research institutions, and a Federal laboratory. CALSTART is developing advanced electric vehicle components and subsystems; developing, demonstrating, and evaluating components for the necessary infrastructure support systems; and developing advanced prototypes and specifications for electric vehicle buses. CALSTART's activities include: a showcase electric vehicle with advanced components and subsystems that has been displayed at auto shows nationally and internationally; over 100 recharging stations installed for electric vehicle fleets currently in use throughout California; and a video on electric vehicle technology for fire and emergency rescue personnel. In addition, CALSTART has developed and is field testing a 22-foot and a 30-foot electric bus, and is developing a 40-foot hybrid electric transit bus that will produce only a small fraction of the emissions of a typical diesel bus. CALSTART is also developing a high capacity energy storage device.

The Chesapeake Consortium includes Westinghouse, Chrysler, Baltimore Gas and Electric, and the State of Maryland. This Consortium has developed an advanced powertrain for battery powered electric vehicles that has been tested in 10 prototype electric vehicles. The Consortium further refined this powertrain through a Defense Advanced Research Projects Agency (DARPA) award to reduce the cost of the powertrain to where it is competitive with conventional powertrains. The Consortium is working with BlueBird Company, a bus manufacturer, to develop electric buses. BlueBird is now offering commercial electric buses for transit and school bus service.

The New York State Consortium includes the New York Metropolitan Transportation Authority, General Electric, Bus Industries of

America, EPRI, NYSERDA, and a number of New York electric utilities. The Consortium is developing and will be demonstrating a low floor, full sized prototype bus with a hybrid electric propulsion system. Preliminary tests indicate that the program goals to reduce emissions by 50% and to improve fuel efficiency by 25% will be met. There are plans to develop the hybrid electric bus for commercial use.

Mr. HORN. My last question concerns air quality, namely my air quality.

When I'm driving in this area and I come up off the George Washington Parkway from Dulles to take what we used to call the 14th Street Bridge 50 years ago—and I don't know what we call it now. All I know is you've got a killer connection from the George Washington Parkway onto the northbound traffic which picks up the freeway here and gets us back to our little home known as the "House of Representatives."

Now, either Virginia or the National Department of Transportation ought to do something about that or you're going to have about a dozen deaths a year, I would think, given the fact that the traffic coming from Springfield in Virginia is not skewed over to the center so you can access off the George Washington Parkway. That is absolute murder in being, and I would think someone would sue the living daylights out of the State of Virginia or the Department of Transportation if an accident occurred there. And there are a lot of near accidents.

Mr. LIEBER. You make a good point, and with the growth in National Airport traffic and the impending opening of the new terminal, that traffic may well increase, and it's worth looking at.

Mr. HORN. Can we look into that and see what we can do?

Mr. LIEBER. We will. I don't know exactly whether it's the Park Service that has jurisdiction right there because of the adjoining park or another agency, but we will look at that right now.

Mr. HORN. Yes, because you need to move that north-bound traffic from the south over to the center of that so people can access.

The other thing I think I'd take a look at for the tourist that's coming here is at least three warnings, which we give them in California, before you have a major turn-off. I think sometimes too many people are just over-shooting where they wanted to go, and that ends you up off the freeway in some little town, or whatever, trying to find your way back to the freeway.

It just seems to me somebody that doesn't know the area ought to go out and just systematically drive most of these entrances to Washington and most of the exits. How do you find Dulles, etc.? And they should see if we couldn't get better signage there.

I'm used to good signages in the State of California.

Mr. LIEBER. Again you make a good point. I'm from New York City, and I have always marveled at California's freeway signage and said the same thing, "Why can't we have it in the rest of the country?"

Mr. HORN. Yes. Thank you very much.

[The following was received from Mr. Lieber.]

The following is in response to Congressman Horn's request for information about the George Washington Parkway loop ramp to I-395 (Shirley Highway) northbound:

- Virginia and D.C. are currently studying ways of improving the 14th Street bridge and the connections on either side, including the George Washington Parkway loop ramp onto I-395 northbound. This is being done by a consultant who is under contract to conduct a planning study and produce a report evaluating alternatives. Virginia Congressmen Wolf, Moran, and Davis are following the study and recently attended a project briefing by the consultant. The study should be completed in January, 1997. Virginia and D.C. will then explore ways to implement an improvement as well as ways of funding the project.
- Virginia Congressman Wolf asked for accident data at this location in May, 1994. Virginia DOT reported that for the 3-year period ending 12/31/93 there were 6 accidents on the ramp itself, all of which were rear-end collisions, and 7 accidents in the merge area where the ramp meets the regular lanes of I-395. According to Virginia DOT, this is about the normal accident frequency for ramps in the Northern Virginia area.
- The suggested alternative of moving all through traffic to the left lanes is not possible in this case because there is a lane drop just upstream which reduces through lanes from 4 to 3. To reduce another lane from 3 to 2 would provide unacceptable operation of I-395. In addition, there is a left exit ramp from I-395 at the same location as the right entrance ramp from George Washington Parkway.
- It would not be possible to add additional guide signs on I-395 at this location because of the number of closely spaced exits.



Mr. PETRI. All right. Mr. Mascara?

Mr. MASCARA. Thank you.

I would like to expand on Chairman Petri's question about the transport of ozone.

Pennsylvania happens to be a part of the northeast ozone transport group, association—

Ms. NICHOLS. Commission.

Mr. MASCARA. One question is: did Pennsylvania join by choice, or was it forced to be a part of that?

Ms. NICHOLS. The ozone transport region and the commission that has jurisdiction over it was created under the 1990 amendments to the Clean Air Act, so Pennsylvania was designated, by virtue of its air quality, as being a member because it contributes to the air pollution problems of its neighbors downwind.

Mr. MASCARA. So my next question is, then: how is it that, by geography, or the way the earth spins on its axis, that Ohio and West Virginia are not a part of the northeast group? And why—and this is expanding on Chairman Petri's question—why Pennsylvania should clean up Ohio and West Virginia's air?

And if it is true that you have a set of national standards, it appears to me that that's not the case, that it seems to be fragmented and we do not have a national standard that would not require Pennsylvania to clean up Ohio and West Virginia.

And I have the utmost respect for Mr. Rahall, my good friend, but I'm curious as to why those two States are not a part of that.

Ms. NICHOLS. Well, at the time that Congress passed the 1990 amendments, I believe that the data that they had available, the modeling that EPA and others had done, made it clear that there was a region that was defined by the 12 States and the District of Columbia that make up the OTC, the Ozone Transport Commission.

What we've learned since 1990 is that, as you are suggesting, ozone, in fact, travels much farther distances. The chairman said this, as well.

That's why we have convened the Ozone Transport Assessment Group, which is made up of 37 States. It's actually the entire northeastern United States east of the Mississippi River, which we believe, based on the best meteorological data that we have, the best air quality data that we have, in some sense share a common air problem.

It doesn't mean that every molecule that's emitted in Ohio gets to Pennsylvania or Maine, but that, under certain weather conditions, air is actually traveling as one mass throughout that entire area.

And we have those States working together very actively, with financial support from EPA. A lot of State effort—very excellent effort—in fact, your commissioner from Pennsylvania is heading up the Policy Committee of that group that is looking at ways to find major regional solutions to these problems, because everybody wants clean air, nobody wants to do more than their fair share, and everybody is, in some sense, both a cause and a victim of this transport problem.

Pennsylvania is both a victim of upwind pollution and it's a contributor to other people's pollution, as well.

So we feel that the best approach here is to try to come up with some collaborative solutions where everybody can agree on what their fair share is, and then we can move forward.

Mr. MASCARA. Is it true that, under certain standards or requirements under the Ozone Transport Commission, that Pennsylvania would need to drive California cars and use the types of gasolines that would be more—there would be more costs associated with driving that automobile in Pennsylvania, when we don't suffer the same problems that Los Angeles might suffer?

Ms. NICHOLS. The Ozone Transport Commission, as a group—the States that are part of the Ozone Transport Commission several years ago petitioned EPA to impose a requirement, which is how this structure works, for every State in the region to use California cars. They called them "OTC low-emission vehicles," but they are California vehicles.

After going through a year-long rule-making process, EPA determined that lower-emission vehicles would be needed throughout that region if any of the States were to attain the air quality standards, and so we granted that petition.

At the same time the administrator signed the petition, she also indicated that there was a proposal that had been put forward by the auto industry for a national vehicle—what they call the "49-State car," which is cleaner than today's current Federal vehicles by about 75 percent but does not meet all the California program requirements, and that that program would be more cost-effective than what the OTC had asked for.

Since that time, we have been working with the States in the region, including Pennsylvania, and the car industry to try to bring them together on an agreement about how such a program could be implemented.

Unfortunately, I say, from my perspective, we don't have the power to just mandate this 49-State vehicle because in the Clean Air Act Congress only allowed us to go to the tier-one level.

Mr. MASCARA. Thank God.

Ms. NICHOLS. That's it.

Mr. MASCARA. I find it reprehensible that people in Pennsylvania should pay the extra thousands of dollars to purchase that automobile and then be asked to pay more per gallon for their gasoline because of a problem in Los Angeles or parts of California. Someone's going to have to convince me that that needs to be the case, and I'm glad that you don't have the authority to implement that, because people I represent and the people of Pennsylvania—and I'm sure other States in the northeast—would say that's an abomination.

Ms. NICHOLS. Well, Mr. Mascara, the 49-State car that the auto industry proposes to build, by their own estimate, would cost less than \$100 more than today's cars. It would pollute about a quarter as much. It would not require any additional type of gasoline. And it's a very good car. It's a car that actually is being sold in some models today. So I don't think it's a bad deal for even people in Pennsylvania who have air pollution problems.

Mr. MASCARA. I might agree with that, but you have to understand the makeup of southwestern Pennsylvania where I come from, where we've lost hundreds of thousands of jobs, manufactur-

ing jobs, where plants have closed, stationary sites are great, we don't have the kinds of problems that we had back in the 1940s and 1950s and 1960s. And now—and the technology on automobiles has been great to help clean up the air. And somehow now you're asking us to bite the final bullet and be asked to drive an automobile that the people in California are being asked to drive.

I thank you.

Thank you, Mr. Chairman.

Mr. PETRI. Thank you.

Mr. Baker?

Mr. BAKER. Why should we have all the fun?

A quick question to Ms. Nichols. We have a clean-burning fuel in California now that has just been mandated, and there is a lot of contention as to whether, because it loses octane, if you will, or power, you have to burn more fuel in order to achieve the same mileage, and it does damage to cars, and all kinds of allegations.

Are you testing this fuel in the laboratory to see if, indeed, we're saving pollutants, and considering the number of miles and the wear and tear on cars?

Ms. NICHOLS. Mr. Baker, I'm from California, myself, and I'm familiar with the allegations about the California reformulated fuel.

We are not, at EPA, attempting to check those claims because California has been delegated the ability to have its own fuel program. California's reformulated gasoline is—does meet different requirements. They're more stringent requirements. The State of California felt that they needed that cleaner gasoline because of the severity of the air problem, and we do not supervise that.

Mr. BAKER. Wouldn't it make sense to know if it's actually working and if other pollutants are being put out, or you're burning more fuel and therefore not saving in pollutants at all?

Ms. NICHOLS. Well, as I said—

Mr. BAKER. Who's the right agency then? The California EPA?

Ms. NICHOLS. I believe it's the California Air Resources Board, which is part of CAL EPA, that sets those standards. We have worked on many programs with them in the past collaboratively, and certainly would be happy to assist if there's a need to do that.

Mr. BAKER. I would hope we'd do that. And then we also had such stringent air pollution laws that they were threatening to take older cars and tow them off the road. That's become quite a controversy, especially to the working people who drive older cars and trucks.

That has been rescinded, I understand, from our Federal point of view?

Ms. NICHOLS. There is not a Federal mandate for scrappage of older vehicles. It is still part of the California program that California is proposing to do, but they've not passed the legislation or the funding to implement a voluntary type of scrappage program.

I know it is something that a number of private companies do and are very interested in, because it improves the fleet turnover and can accelerate cleanup. But it's not a Federally-mandated program.

Mr. BAKER. It's a little tough on the working poor, and if it's ever implemented we're going to have a revolution.

Last question: Mr. Lieber, there's a competition for three projects in your department. One of them is a light rail project from BART to the Oakland Airport. Will you be granting that soon? It's been before you for a year. Will they be awarding that winner of that little contest? Are you familiar with it? There's three—

Mr. LIEBER. I'm only very generally familiar with it, and I know that they've been looking at that project for some time. I'll need to get back to you on the timing for the grant awards there.

Mr. BAKER. It's not in my District, but I'm very interested in Oakland and its survival, and it's a cost-effective program to get people to the Oakland Airport.

We have all joined together in the Bay area, republicans and democrats, to hasten the awarding of the contracts to get to San Francisco Airport through the BART system, which will take almost 70,000 people off the roads each day.

So I would love to have this awarded, even though it's not in my District. I think it's Ron Dellums' and Pete Stark's District.

Mr. LIEBER. We've worked closely with the BART program on all kinds of projects.

Mr. BAKER. If you'd get back to me on that, I'd sure appreciate it.

Mr. LIEBER. Absolutely.

[The information received follows:]



U.S. Department  
of Transportation  
Federal Transit  
Administration

Administrator

400 Seventh St., S.W.  
Washington, D.C. 20590

DEC 13 1996

The Honorable Ronald Dellums  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Dellums:

This is in reply to your letter sent jointly with Congressman Bill Baker on behalf of the Port of Oakland and the City of Oakland regarding the Bay Area Rapid Transit (BART) proposal for the Suspended Light Rail Transit (SLRT) project. I appreciate your strong interest in ensuring improved public transit access throughout the East Bay and in particular developing a transit connection with the Oakland International Airport. The Federal Transit Administration (FTA) would be pleased to assist BART in refining its proposal for an airport connection.

As you demonstrate, the statutory provisions relating to the SLRT project can be read to permit selection of a winner of the competition. With respect to your point regarding funding, I note that Congress has not enacted appropriations for the project since fiscal year 1992. However, apart from FTA's authority to proceed and the availability of funds, FTA is required by 49 U.S.C. 5320(c)(1) to consider the "technical, managerial, and financial capacity to construct, manage, and operate the project." Based on our technical reviews, I believe that the SLRT project should not proceed at this time. The proposals submitted for review raised a number of concerns among my staff. A thorough analysis of each revealed that none met the technical criteria for a safe and feasible monorail system. FTA advised each applicant about the technical deficiencies of its proposal. While BART and one other applicant responded to FTA's comments, serious problems remain unresolved. Accordingly, I have concluded that none of the proposals has achieved a technical level that would make it eligible for consideration for selection.

You should know that we have encouraged BART to follow the normal metropolitan planning process and to initiate a Major Investment Study to ensure that the most cost-effective and technically feasible transportation choice is made for the Oakland Airport connection.

An identical letter has been sent to Congressman Bill Baker. If I can be of further assistance, please let me know.

Sincerely,

Gordon J. Linton

Mr. BAKER. Thank you for your patience, Mr. Chairman.

Mr. PETRI. Thank you. Thank you all for your testimony.

The next panel consists of a number of people with responsibility for transportation issues at the State level: Ms. Shirley Ybarra, deputy secretary of transportation, Commonwealth of Virginia; Dennis Faulkenberg, deputy commissioner and chief financial officer of the Indiana Department of Transportation; Mr. Frank Carlile, the assistant secretary for transportation policy of the Florida Department of Transportation; Brigid Hynes-Cherin, the executive director of San Francisco Transportation Authority who is here on behalf of the American Public Transit Association; Mr. Terry McKinley, chief of intergovernmental affairs, Dade County, Florida, who's appearing on behalf of the chairman of the board of commissioners of the county; and Ms. Linda Bohlinger, deputy chief executive officer of the Los Angeles County Metropolitan Transit Authority.

We thank you all for coming, and look forward to your testimony. As you know, your full statements will be made a part of the record, and we would ask, if possible, that you restrict your oral comments to 5 minutes. To assist you we have a little green light there that will turn red in 5 minutes. We will try to abide by the same 5 minutes when doing questioning.

Let's begin with Ms. Ybarra.

**TESTIMONY OF SHIRLEY J. YBARRA, DEPUTY SECRETARY OF TRANSPORTATION, COMMONWEALTH OF VIRGINIA; DENNIS E. FAULKENBERG, DEPUTY COMMISSIONER AND CHIEF FINANCIAL OFFICER, INDIANA DEPARTMENT OF TRANSPORTATION; FRANK CARLILE, ASSISTANT SECRETARY FOR TRANSPORTATION POLICY, FLORIDA DEPARTMENT OF TRANSPORTATION; BRIGID HYNES-CHERIN, EXECUTIVE DIRECTOR, SAN FRANCISCO TRANSPORTATION AUTHORITY, ON BEHALF OF THE AMERICAN PUBLIC TRANSIT ASSOCIATION; TERRY MCKINLEY, CHIEF OF INTERGOVERNMENTAL AFFAIRS, DADE COUNTY, FLORIDA, ON BEHALF OF MIGUEL DIAZ DE LA PORTILLA, CHAIRMAN, BOARD OF COUNTY COMMISSIONERS, DADE COUNTY, FLORIDA; AND LINDA BOHLINGER, DEPUTY CHIEF EXECUTIVE OFFICER, LOS ANGELES COUNTY METROPOLITAN TRANSIT AUTHORITY**

Ms. YBARRA. Thank you, Mr. Chairman.

I have a written statement that has some detail in it, and I will just hit some highlights in that.

I really appreciate being here today and your allowing me to speak to streamlining the Federal aid to surface transportation program.

As has been noted by the earlier panel, the ISTEA was based on the notion that we needed a more responsive transportation program designed to meet a variety of transportation needs by increasing the State and local flexibility, and ISTEA was supposed to give the State and local governments authority to decide how the Federal funds were to be invested.

The idea was to shift the decision-making power to those in tune with the transportation needs and solutions; instead, we've actually seen a proliferation of narrow program categories that has resulted

in increased difficulty in matching funds to priorities identified through the very process the Federal law has identified to establish these priorities.

The NHS Designation Act was a good first step in an effort to eliminate some of the burdensome regulations, but it was only a start.

The next surface transportation bill should continue down that path and become more flexible and responsive to the needs of the States and their local partners, because they reflect what the transportation customers want and need.

Legislation should encourage State and Federal coordination, with Federal agencies being partners rather than regulators. A common-sense approach, setting goals, not prescriptive solutions, is the type of direction that I urge you to take with respect to the Federal surface transportation program.

For example, in the highway and transit planning regulations, they require a detailed alternative mode analysis known as a major investment study. While intended to ensure that adequate consideration of viable alternatives are considered, the current regulations foster endless analysis without narrowing the options to be studied.

The requirements are applicable to too broad a spectrum of projects, not limited to situations where true multi-modal options exist.

As an example, we were trying to do a project on the Capital Beltway, and I think everyone here is familiar with the congestion and the problems we have on the Capital Beltway. We were not adding lanes, but all of the sudden we were required to do a major investment study, a \$1 million-plus study, to see if there were an alternative mode that could take care of the Capital Beltway, I believe, in this particular area.

Now, I think we're a long way, and we have planned for years of adding lands to the Capital Beltway. We had hoped that that decision had been made. But no, a million-plus dollars later before we could go forward with the study.

That's just one example of unnecessary regulations developed in response to ISTEA.

Another overly-detailed regulation relates to the long-range planning requirements. Federal regulations spell out 23 specific required State planning considerations and 15 specific required metropolitan planning considerations that must be considered, regardless of the geographic location.

Does it make sense to evaluate bicycle, car pooling, van pooling, transit solutions to reduce single occupant vehicle use on the inter-city routes of southwestern Virginia or, for example, Nenno, Wisconsin, or perhaps even in West Virginia?

There are just some areas that these are not viable options. That's what the State-wide planning requirements require us to do.

While I think the Federal Government should require basic planning guidelines, illustrating best practices and allow the individual States and MPOs the flexibility to establish their own criteria elements to consider: level of detail, funding assumptions, and update schedules.

The other topic included in today's agenda is the congestion mitigation and air quality program. Including this topic in discussion of the efficient delivery of transportation improvements is appropriate.

The CMAQ program limits States' ability to tailor their transportation investments to the needs of its businesses and citizens.

We have flexed funds in Virginia; however, again, it is that administrative and the effort to go through to flex them when we believe that we could make the decisions really much easier.

We have been a strong supporter of STEP 21. I will not—we are not having that hearing today. That is a streamlined program, Mr. Chairman, and I know that you are familiar with it, as Wisconsin has been certainly a partner in developing that.

This concludes my prepared remarks and I thank you.

Mr. PETRI. Thank you.

Mr. Faulkenberg?

Mr. FAULKENBERG. Thank you, Mr. Chairman and members of the committee.

My name is Dennis Faulkenberg, and I'm a deputy commissioner and chief financial officer of the Indiana Department of Transportation, and I appreciate the opportunity to share our views before you today on efficient delivery of transportation programs for the reauthorization of ISTEA.

With the passage of ISTEA in 1991, we were told of the great flexibility and efficiencies made possible by that legislation. We were assured that the new ISTEA program would finally allow State and local transportation professionals to make transportation decisions which made sense in our States and local communities. We were excited with the prospects for relief from cumbersome Federal oversight and regulation, while being allowed to direct funding to projects most needed in our States.

Certainly ISTEA allows tremendous flexibility between the use of highway funds for highway projects or for transit projects. We also welcome the lessening of Federal oversight and involvement on non-national highway system projects.

However, that's where the ISTEA's flexibility and efficiency seems to end and the hidden burden of increased complexity and Federal intrusion in local decision-making begins.

ISTEA's new surface transportation program, or STP, funding was to be the new flexible program for which we had all so anxiously awaited. Yet, upon closer look, we discovered the multitude of pre-ISTEA programs that STP replaced were all still there. In fact, ISTEA included set-aside categories of funds for even more new Federal programs.

The simple, flexible new STP category was subdivided into as many as 40 separate categories of funding, each to be managed by us separately throughout the year.

These set-asides within the STP category are just one of the examples of the hidden complexity of ISTEA's funding. Similar situations exist in minimum allocation, donor State bonus, bridge programs. In all, we count as many as 59 categories of highway program funds that we must manage to deliver our projects using Federal funds.



In order to properly utilize all available funding, it's frequently necessary for us to fund a single highway project with many different appropriations of Federal funds. To the traveling public and our local elected officials, they want and need a simple road or bridge project. However, behind the scenes we must use funding from numerous categories, complete separate sets of Federal paperwork for each category of funds used, and many times arrange loans of dedicated funds between urban areas.

Frankly, we fail to see the flexibility, the simplicity, or the efficiency in such a program.

Although this accounting exercise seems to us to be pretty pointless, we're able to manage it with an adequate supply of accountants, computers, and Federal forms.

Less-manageable, though, are the programming obstacles created by set-asides and separate programs in ISTEA. ISTEA includes set-asides and separate programs for such things as transportation enhancement activities and rail-highway crossing programs within the STP category, the congestion mitigation air quality, or CMAQ, and the bridge program. These are examples of the overly-prescriptive nature of ISTEA through its arbitrary set-aside of specific dollar amounts for certain types of projects, regardless of our unique State and local needs.

In Indiana in the next 5 years our State has an estimated \$1.5 billion of highway projects in our State system, alone, that are unfunded. Our local governments are able to tell a similar story. Yet today an example of the inability for us to access our Federal funding is one where we have unobligated balances of nearly \$30 million of CMAQ funds and over \$26 million of transportation enhancement funds that can't be used for these projects that our State and local planners have selected as our most urgent needs for funding.

Those activities should remain eligible but not mandatory, regardless of need.

The STEP 21 proposal, or streamlining transportation efficiency program for the 21st century, which we've been involved in, finally proposes a real flexible and efficient streamlined program for reauthorization. STEP 21 retains the eligibility of all current ISTEA programs.

After assuring a strong Federal role in funding a national highway system, STEP 21 provides flexibility for State and local transportation professionals to make decisions which make sense for our communities.

I hope that this committee will seriously consider unbinding us from Federal strings and red tape created with ISTEA's proliferation of set-asides and new categories, while allowing our scarce transportation resources to be used to enhance mobility, move our products, and to support economic development throughout the Nation.

Mr. PETRI. Thank you.

Mr. Carlile?

Mr. CARLILE. Mr. Chairman and members of the committee, I want to thank you for the opportunity to be here with you this morning.

The subject of this hearing is very important to the Florida Department of Transportation. I think, after hearing the two previous speakers, you'll see a common theme develop here. I'll try to be very brief and avoid repetition as much as possible.

Florida is the fourth-largest state and the third-fastest-growing State, and we are, as a result, faced with a significant challenge to deliver transportation improvements in all modes of transportation in our State to meet this demand.

Just one example, which I think is fairly striking and is contained in my written statement. In 1995 there were 670,000 new vehicles registered in the State of Florida. If you parked these cars bumper to bumper, they would cover every foot of every lane on the longest interstate route in Florida, I-75, which is 425 miles long. That sounds like a pretty big parking lot.

Although I use that as an analogy, I think a lot of the commuters in Florida feel like it's more than an analogy; it's reality as they commute to work and shopping and other activities.

So obviously efficient delivery of transportation improvements is vital to our State's residents and visitors.

Unfortunately, ISTEA has not provided sufficient funding or flexibility for us to effectively address Florida's needs.

Fine-tuning of ISTEA, as some have suggested, will not accomplish the real change that was promised back in 1991. Two other proposals will. Of course, I'm referring to the Transportation Empowerment Act, or turn-back, as it's referred to, and the ISTEA Integrity Restoration Act, or STEP 21.

Like the first speaker, I didn't come here to speak directly to those issues. I know you've covered that in a previous hearing. And it's no secret that Florida obviously has been involved in both of these proposals.

But what I would point out is that, although funding equity is an important element, streamlining and efficiency is the focus of these two proposals.

I would also point out that, regardless of the funding level and distribution of funds that's ultimately decided, I think that we can all agree that streamlining and increased flexibility of the States is essential.

The underlying concept of ISTEA, as originally conceived, is excellent, but the regulations and procedures that the States are saddled with makes it very difficult to carry out. They're just too complex and too inefficient. I gave several examples in the written statement I provided. I'd just like to point out two.

First of all, in Florida we must manage over 60 separate Federal funding accounts. This is just too inefficient and labor-intensive to administer.

There's a flow chart—I think it's attachment A in the written statement that I provided in association with my oral comments. If you look at that, you can see just how complex the process is in dealing with these 60 fund categories. It looks kind of like the wiring diagram of my VCR. It's almost as complex as a pass play by Coach Steve Spurrier—maybe not quite that complex.

Another example of what we're having to deal with is the Federal project oversight requirements. This has been addressed previously, as well.

For example, enhancement projects, which are wonderful projects, well-received I think in virtually all the States, these projects must follow the same requirements as major projects do.

We feel these should be—we should be able to provide these as grants to the communities to implement.

The same is true for the congestion mitigation and air quality program. I don't think the complex and detailed rules and requirements we have to go through to administer these funds really adds value to either one of these programs.

There are a number of other similar programs that I could address, but, in light of the time—and I think I'm probably close to using up my 5 minutes—I'll conclude at this point.

In conclusion, what I would say is that the next surface transportation act should simplify the Federal program structure, it should maximize State and local program flexibility, and it should address the funding inequities of ISTEA.

Again, I thank the chairman and members of the committee for allowing me this opportunity. I'll be glad to address questions at the appropriate time.

Thank you.

Mr. PETRI. Thank you very much.

Ms. Hynes-Cherin?

Ms. HYNES-CHERIN. Thank you, Mr. Chairman and members of the committee. I'm Brigid Hynes-Cherin, executive director of the San Francisco County Transportation Authority and chairperson of APTA's Federal Procedures and Regulations Subcommittee.

My message today focuses on ways to make Federal transit programs more efficient and the need to maintain and strengthen the CMAQ program.

As we've stated in previous hearings before this committee, APTA believes that the Federal Government has a vital role in maintaining an efficient, comprehensive transportation system that supports a healthy economy, moves people and goods, and sustains other Federal goals.

Towards this end, APTA has adopted a comprehensive transportation proposal, which has been submitted for the record.

A key ISTEA innovation is its focus on improving the efficiency of the surface transportation network. By integrating surface transportation planning, programs, and services, ISTEA has improved surface transportation program delivery significantly.

Moreover, the Federal Transit Administration has actively been working to simplify and streamline its grants programs, and we appreciate and support those efforts.

Nonetheless, while ISTEA has worked well, there are areas that can be improved. Limitations on how we can use transit funds, expensive Federal mandates, and unnecessarily stringent procurement standards create inefficiencies that need to be addressed in reauthorization legislation.

Therefore, let me highlight for you some of the regulatory changes included in APTA's proposal for the reauthorization of ISTEA.

First, the use of capital funds to purchase materials and supplies for maintenance of rolling stock and facilities should not be re-

stricted to a certain threshold, but rather be made consistent with capital maintenance eligibility in the highway program.

Transit operators should be permitted to use capital funds for all bus rehabilitation and remanufacturing. The use of these funds is consistent with Federal highway law, under which resurfacing and restoration of highways is analogous to maintenance of transit's capital investment.

Transit, like highways, needs to preserve the Federal investment in its existing infrastructure.

Second, while APTA supports drug and alcohol testing, the application of the rules is sometimes duplicative, burdensome, and costly. Where the underlying program goals are ineffective, we urge greater flexibility in DOT's administration of these programs.

For example, if an entity is subject to both FHWA and FTA programs because they flex some money which have different requirements, the entity should be permitted to comply only with the program that affects its major operations.

We also recommend that Federal procurement rules should apply only to projects specifically funded with Federal dollars. In contrast, the FTA has ruled that if a transit operator takes one penny of operating aid, its entire operating budget and any activities funded with it are subject to Federal procurement rules.

Another innovation we support would let transit systems retain the proceeds from the sale of Federally-funded assets, including real estate, so long as the proceeds are used for transit purposes. This would allot transit systems to carry out their operations in a more businesslike manner, responding to local needs and circumstances, rather than skewing decisions based on Federal requirements.

In addition, many of our systems are now being audited and reviewed not only by the Federal Government but also by their State governments and local entities. These Federal reviews should be, at a minimum, coordinated, if not consolidated, to avoid duplication of efforts and time-consuming staff work.

While APTA supports the goals of the Americans with Disabilities Act, it is being implemented at the same time that Federal financial support is declining. Total ADA costs for transit operators will exceed \$1.4 billion annually, including nearly \$1 billion in para-transit operating expenses—more than twice the current \$400 million annual transit operating assistance.

Since the goal of meeting 100 percent of para-transit demand is virtually impossible to obtain, APTA recommends a number of regulatory reforms to help contain costs. These include a more flexible interpretation of ADA compliance that allows localities to balance para-transit and mainline needs, and statutory language stipulating that all agencies receiving Federal funding for non-emergency transportation shall participate in the design and delivery of para-transit services so that Health and Human Services funded transportation services can be included for the purposes of ADA compliance.

Let me just briefly mention the CMAQ program. APTA strongly supports the continuation of this program. It has been a key funding flexibility under ISTEA for transit. It has strengthened the partnership among Federal, State, and local governments. It has

created new incentives to manage Federal resources more efficiently. And it has increased public involvement.

Our proposal does not support the changes to CMAQ envisioned in the STEP 21 reauthorization program, which would fold CMAQ into a streamlined surface transportation program.

We support it continued as a separate program and that it be available for maintenance areas, as well.

In closing, APTA strongly supports a continued Federal role in transportation and continuation of ISTEA.

Thank you very much. I'd be glad to answer any questions.

Mr. PETRI. Thank you.

Mr. McKinley?

Mr. MCKINLEY. Mr. Chairman, members of this subcommittee, I thank you for the opportunity to speak before you today.

I'm Terry McKinley, chief of intergovernmental affairs for the Metro Dade Transit Agency, and I'm here today on behalf of Miguel Diaz De La Portilla, the chairman of our county commission, who regretfully was not able to be here today.

We have submitted some fairly extensive written testimony that I will defer to as far as anecdotal background. Couched within that written testimony are nine specific recommendations that we have offered to the committee. What I'd like to do in my brief period orally here this morning is to highlight those specific recommendations.

First, we encourage the committee to retain the flexible funding features of the ISTEA legislation. We think that the extent of the use of those flexible funding features, although they have not reached the maximum allowable under the statute, does indicate that there is a need and there is a desire to utilize that feature.

Secondly, we encourage the committee to retain the decentralization features that allow local decision-making for project programming. That process is working very well in Dade County. Our relationship with the various modal agencies, including the State Department of Transportation, allows us to take maximum advantage of that feature, and we would encourage its retention.

Thirdly, we would like the subcommittee to consider developing or requiring US DOT to develop a single review process for major investment studies that are multi-modal and, in fact, involve multi-agency reviews.

I think you've heard some other testimony here this morning that indicates that whenever there are multiple agencies, multiple US DOT agencies involved, the process for review and completing of EISEs and the various other MIS requirements become redundant and very inefficient.

The review processes have a tendency to become sequential rather than concurrent, and we end up having the consultants and the local officials explaining and re-justifying the same issues over and over again.

As a result, this drags out the process for these types of multi-modal projects and ends up costing the taxpayers an enormous amount of money.

I know that this committee has heard testimony from Mr. Diaz De La Portilla on several previous occasions explaining our East-West Corridor, the Miami Inter-modal Center project, which hap-

pens to involve, as you all well know, some aspect of all of the various agencies in US DOT. The MIS for that program, when it's completed—hopefully very shortly—will end up taking over 3½ years and costing over \$20 million just to complete that part.

Fourthly, we would like the committee to consider instituting a Federal Highway Administration-like obligation authority reimbursement process for the management of the Federal funds for the formula-type funds of the FTA. The FTA formula funds that would be the section 9, section 3, fixed guideway modernization, section 18, the RTAP, and so forth, are allocations based on—and there is pretty much of a vested entitlement to the recipient for those funds, and we think that the management of those funds in a process similar to the way FHWA handles its funds would certainly streamline the handling of those funds.

As an anecdotal example, the MPOs in most of the State of Florida—I believe all of them—are utilizing highway PL funds in the current year, but their use of section 8 Federal transit planning funds are a year behind, and that's because of the grant administration and the grant approval and review process for obtaining those funds.

Fifth, the ISTEA legislation identifies a project management oversight take-down on all of the various components of the section 3 funding program. We have some considerable experience in dealing with project management oversight consultants for the new start funds, but I don't believe that we or many other transit agencies have actually seen any project management oversight functions on the bus capital and the fixed guideway modernization programs.

I would ask the committee to take a look into this and see if these funds are still available to the FTA, and, if so, maybe they could be reallocated to the projects that were discounted to provide them.

As an alternative, perhaps the legislation should consider rescinding these take-downs for these other two programs.

If a rescission of that particular project management oversight take-down in the section 3 fixed guideway modernization is not accomplished, then I would ask the committee to take a look at how that take-down is calculated for that program.

It is apparent, or it suggests that the take-down for the fixed guideway modernization program for the oversight function is taken off the top of that program, whereas the distribution of funds to that program is from the bottom up, given the funding breakdown for the old rail cities first.

As a result, the top, which is tier three and tier four, where the new rail cities get their eligible funds—overall from the program, the new rail cities receive about 8 percent of the program funds, yet apparently they pay about 20 percent of the oversight take-down.

That concludes my comments on the first portion of the project delivery segment of this. I have a couple of really brief comments on the CMAQ portion, if I may be permitted.

One, we would—

Mr. PETRI. I think what we'll do is I'll ask you the question and give you a chance to do that.

Mr. MCKINLEY. Sure.

Mr. PETRI. Ms. Bohlinger, would you care to proceed?

Ms. BOHLINGER. Thank you. I'm Linda Bohlinger, deputy CEO for the LA County Metropolitan Transportation Authority, or the MTA. Thank you for giving me a chance to testify on behalf of the MTA on the reauthorization of ISTEA.

I would like to highlight three of our issues that are important as we begin this reauthorization process. I've submitted testimony, but will highlight these three points.

Let me put MTA in context. A lot of you know what we're about, but it's very important to us, in our role as a multi-modal planning and programming owner, builder, operator, to make sure ISTEA continues and strengthens the successes on existing ISTEA.

We have about a \$3 billion annual budget. It neatly describes our three roles. About a billion dollars goes into planning and programming, where we allocate funds to a variety of agencies in LA County. A billion goes to rail construction. And a billion goes to us as an operator.

We operate almost a million passengers a day.

In addition, it is significant that over 60 percent of our program is locally funded.

So ISTEA has been very important for us, and I wanted to highlight three issues. One is local decisionmaking and flexibility, the second is mandates, and the third is CMAQ.

On the local decisionmaking, ISTEA's emphasis on local decisionmaking and flexibility of funds has really helped the MTA in its planning and programming role. For example, our call for projects process has allocated over \$1.1 billion over the last 6 years to local agencies, and it has really helped us match projects and deliver projects in a timely way.

This has not only helped with mobility in LA County, but has also helped with our air quality problem and reducing congestion, so we're real interested in maintaining flexibility in ISTEA.

On the mandate issue, we are continuously seeking ways to reduce Federal mandates and, in particular, duplication of regulations. One example that we would like Congress to consider is to allow state requirements to substitute for Federal requirements where there are duplications.

One example is in California, where there are strong environmental laws, as Ms. Nichols indicated earlier, that really make Federal laws duplicative and therefore more costly to the taxpayers.

Specifically, the NEPA laws and the California CEQA environmental laws are virtually identical. We would seek Congress to consider allowing, in California, the CEQA requirements to count for NEPA. That would make for a more-efficient process while certifying environmental concerns. This is one of our ideas on reducing duplicative regulations.

Finally, on the CMAQ issue, the MTA strongly supports continuation of the CMAQ and air quality program. The MTA has received and programmed almost \$300 million of CMAQ funds since ISTEA has been in existence. We have made significant progress in meeting the Federal Clean Air Act requirements, and we've used those funds to fund air quality projects that are in our air quality plan,

such as car pool lanes, light rail operations, transportation demand projects, not only for the MTA but for the variety of cities and operators in our area.

We must continue to receive CMAQ funds to continue this effort, and we urge that Congress maintain the CMAQ ozone calculation factors to ensure that LA County continued to implement its projects already underway.

We will be working and we are working with the rest of our partners in southern California to improve air quality. We don't believe this program should be abandoned.

However, we do recognize that many areas across the country have met air quality standards and that we would not want to have those areas penalized, so we're working with our partners, for example, in northern California, to make sure that CMAQ program is continued but that it does not adversely affect those areas that have actually met some of the attainment standards in air quality.

So, in conclusion, we want you to keep the flexibility and the local decision-making. We would like you to reduce mandates and duplicative regulations. And we would like you to maintain the CMAQ program with the emphasis on air quality.

The MTA stands ready to work with our local, State, and Federal partners, as well as this committee, in crafting the next ISTEA that builds on the success of the existing ISTEA.

Thank you.

Mr. PETRI. Thank you.

Mr. RAHALL, do you have any questions?

Mr. RAHALL. Yes, Mr. Chairman.

Let me ask Mr. Faulkenberg, if I might, if you could elaborate on why you cannot obligate the \$30 million in CMAQ and \$26 million in TEP funds for those purposes, or is it that you could obligate this money for those purposes but are saying you would prefer to use it for something else?

Mr. FAULKENBERG. We simply don't have the projects coming in ready for letting in those boxes of money. We have the apportionments there; the projects are over here. We have lots of good enhancement projects that are selected in our State. We have some CMAQ projects that are more severe non-attainment areas, select and do obligate. Yet, we don't have the volume of projects coming in those categories as we do in road and bridge projects.

We have, right now, on the shelf, \$13 million of county bridge projects, local government bridge projects, on the shelf I could build tomorrow, but we're out of bridge money until October 1. Yet we've got twice that much in the enhancement category, but I can't use that for the bridges.

If there were more flexibility in ISTEA, we could go ahead and build those bridges now, and then we could do the enhancement projects when they get in.

We've selected enhancement projects. We've programmed them. But they are just not ready for letting yet, and so we have to let the money lie there dormant until the projects come.

Mr. RAHALL. Okay. I was going to ask you, as well as Mr. Carlile, some further questions on turn-back and STEP 21, etc., but decided not to get into that. We might be here the full 369 days from now until the reauthorization deadline.



Instead, I decided to deal more with substantive issues in my questions.

Ms. Hynes-Cherin, if I might ask you, because I am interested in your proposal relating to the loosening of the current restrictions on the use of capital funds for items such as maintenance, bus rehabilitation and the analogy you made to the highway program. Could you elaborate on this?

Ms. HYNES-CHERIN. Well, under the highway program you can use highway money to go out and resurface your streets, and that is labor. You're hiring someone. It's asphalt. It's maintaining your existing investment, and that is a cost which is eligible. It's not separated into an operating cost and a capital cost the way that the transit program is.

What we're saying is that in order to maintain a bus so that it can stay on the road for its full 12 years, you have to hire mechanics, you have to buy pieces for it, and you have to do work on it. And we're saying let's treat the maintenance of the investment that has already been made the same for transit as it is for highways.

We've obviously moved toward that, with the associated capital maintenance cost, and we're just saying let's go further and let's treat them equally.

Mr. RAHALL. Thank you.

Ms. HYNES-CHERIN. Yes.

Mr. RAHALL. Thank you, Mr. Chairman.

Mr. PETRI. Thank you.

Mr. Horn?

Mr. HORN. Thank you very much, Mr. Chairman.

I have enjoyed the testimony of each of you, and while some of you aren't directly involved with transit, I'd like your comments.

Given the legislation before us, I just want to go down the line: what's the one mandate of the Federal Government you would eliminate if you could waive the magic wand? I'd like to see if there's a consensus here, and I'd like to start with you, Secretary Ybarra.

Ms. YBARRA. Were you speaking specifically of transit?

Mr. HORN. No. I'm speaking of the legislation before us. You can pick any part you want. What's the biggest pain in the neck you deal with in terms of the legislation, as written?

Don't all collude and conspire. Let's just deal with which one we can handle.

I take it you have no problems, then?

Ms. YBARRA. No. I think everyone's sitting here going, "Which one?" because—

Mr. HORN. I just want to know what's your particular gripe. I don't need a consensus.

Ms. YBARRA. The gripe or complaint is, much as Dennis was saying, when you have all of these pots that come in as money and they sort of mandate a level of that, and yet, like his State, we may need more bridge money or we may need more NHS or money that we could use on specific projects.

We get, again, the enhancement projects. They're very nice projects, but—and we do fully fund, because we end up getting \$80 million request for an \$8 million program—not that we necessarily

do \$80 million, but at least it's the flexibility among these different programs.

CMAQ says CMAQ has to be at this level. We may want to do more CMAQ or more types of projects that would qualify in that, but there's only this much money. Or we may want to use certain amounts for transit and there's only this much money.

So I think that, with all due respect, you're going to have an opportunity to deal with a lot of the mandated set amounts, and I think that's why we were all sort of stunned, like they're all a problem, mandating a certain amount.

Mr. HORN. Well, obviously, one way to handle it is either everything from total flexibility to taking a percentage and saying, "You can use 20 percent of this money and transfer it to other columns," whatever. What would you prefer?

Ms. YBARRA. I'd prefer the STEP 21 proposal. We've been out very much a leader in that. There's a certain amount of money there that is for the NHS program. The rest of it is, in essence, a State block grant allowing us. And we're also funding the MPOs as they should be. And we believe we can determine, in the Commonwealth of Virginia, the priorities of those projects that are needed. And the projects are different in southwest Virginia than they are in northern Virginia.

Mr. HORN. How about you, Mr. Faulkenberg?

Mr. FAULKENBERG. It's hard to pick the one, but the one that clearly is the most senseless to us is the categorization, the boxes of money that we get that make ISTEA so inflexible.

Set-asides for such things as, as sacred as the bridge program, the off-system bridge requirement, 15 percent to 35 percent has to be spent off-system. Those are our lowest-volume county roads in our State that don't make a lot of sense to be getting involved with the Federal Government for a road that carries 100 cars a day.

What might be an option in our State--and we've talked about in our State and in the future if ISTEA truly got more flexible, tell us that goal you're wanting to achieve there. We need to improve the safety of bridges. And then we might give them local money, give them State money. We might buy their Federal money. We can put it on a \$10 million State interstate bridge project where it makes more sense, rather than on 50 little low-volume, off-system bridges.

But the inflexibility of ISTEA doesn't allow us to do that. We have to go through the paperwork of getting into this little box of money for the off-system bridges and spending it out of there.

Mr. HORN. Having grown up on a farm, I'm very conscious of what the big city boys do to farmers, which are now 1.5 to 2 percent of America. Having represented urban America, I still maintain my balance, and I would like to make sure that some of the rural areas get the type of bridge repair they need.

Can you assure this committee that if you had complete flexibility you would be taking care of those bridges, or would reality be the large population centers with their representatives in your State government would be pushing you to do the urban things and forget the rural things?

Mr. FAULKENBERG. I think we can absolutely assure that our performance is the best indicator. This year, alone, on the State--

in Indiana we get about \$30 million worth of Federal bridge money. We're spending over \$80 million on bridges on our State highway system, alone, on the State system—nearly three times the Federal amount.

Federal bridge funding is really insignificant in the whole mix of things with our bridge program. It's an important thing to us. We don't want school buses dropping into the creeks in our State. We know that. We have some folks who really know how to manage our bridge program, and they know which ones need to be fixed, and we're addressing those through the money that we're directing now.

In Indiana, our local governments have locally-initiated property taxes for cumulative bridge funds to have locally-generated money to address bridge problems, so we throw a whole lot of our own money at that, in addition to the Federal, and we can assure you that we're going to keep spending the money.

Mr. HORN. Just to finish the question—I won't have a second question, because my time is up, but I'd like to get the answers, just simply and briefly, from Mr. Carlile as to what's your least-favorite mandate.

Mr. CARLILE. Congressman, a great thing about going third is you can say you totally agree with the previous two speakers, but really my first thought was that there's no one single mandate, but I think the fact that we don't have the flexibility because of the way the funds come down.

I mentioned 60 different fund categories we have to manage inhibits the ability to make the decisions that you need to make. Just as the previous speaker addressed the rural issues, those issues don't go away in our State because we change the structure.

We definitely need to have the eligibility for all the programs that are there now, and maybe even expanded, but we need to be able to make the decisions in each State that best fit.

Mr. HORN. Ms. Hynes-Cherin, what's your least-favorite?

Ms. HYNES-CHERIN. I guess what I would have to say is that it's—we like the flexibility now. We think there is sufficient flexibility. We, like you, are concerned that if there isn't some protection for these set-asides or categories that they won't get funded.

So, in the issue right now of spending money, yes, we have projects out there that can spend the CMAQ and the STP money, but they're not developed by the State Highway program so they take a little bit longer. We have people who are in the learning curve. We think that's being taken care of.

But I think it is the same issue of how can we reduce the—get back to the local level in deciding what's the best way.

For instance, in ADA we're not saying ADA isn't important, but we're saying there are trade-offs that have to be made; that if you have to cut mainline service in order to provide "comparable service" in para-transit, who are you really serving there? Are you taking the bigger picture there, or are you then ending up focusing on one mandate?

So it's the ability to make those trade-offs.

Mr. HORN. Mr. McKinley?

Mr. MCKINLEY. I think, given the situation that Dade County is in right now trying to implement a major multi-modal project, that

our hated "mandate du jour," if you will, probably centers on the inefficiency of the Federal process in going through a major investment study and having to undergo the various agency reviews and rules, as established by, as it has been called recently, "US DOT's loose coalition of fiefdoms," in a sequential and rigorous process, rather than having a single Department process by which we can get those projects done in a much more efficient manner.

Mr. HORN. Ms. Bohlinger?

Ms. BOHLINGER. I think the one great thing would be to take local decision-making one step further. We really had this experience in North Ridge earthquake where all the Federal and State regs were stripped away and we were able to do things very quickly.

Two items that would fall into this one local decision-making category. One would be having, in California, use CEQA for NEPA. That would save—

Mr. HORN. Why don't you explain? I hate gibberish, for the record.

Ms. BOHLINGER. Sorry. Instead of following both the California Air Quality Act, as well as the Federal Air Quality Act, to just use California's act to qualify projects, to clear projects environmentally. We think that could probably save at least six months on each project, and, as you know, time is money.

The second area, which really pertains more to transit, is to keep local traditional collective bargaining at the local level and eliminating 13(c).

We have \$110 million worth of grants that have been held up for nine months because of that process, but we really would rather see that collective bargaining take place at the local level.

Mr. HORN. Thank you. That was very helpful.

Mr. PETRI. Thank you all. I have a promise to Mr. McKinley to let him take my time to complete his statement and give us the additional information.

Mr. MCKINLEY. I thank you very much. I'll be as brief as I possibly can here.

Regarding the CMAQ program, we would concur with other colleagues that have spoken already in continuing to maintain the eligibility of those areas that have gone from a non-attainment area to a maintenance area. In fact, we endorse the recommendations that will be put forth by the Metropolitan Transportation Commission from the San Francisco area that you'll hear later today.

One additional issue that we would suggest within the CMAQ program is to consider developing some eligibility requirements for the program that deal primarily with the traffic congestion issue, in concert with the title of the program, and not have it feature only on the air quality issue.

I know that the traffic congestion and the air quality issue are inextricably linked, but the traffic congestion, in and of itself, is a bane to the urban area.

During the life of ISTEA, we in Dade County have had the good fortune to be redesignated from non-attainment to a maintenance area, but during that same period of time we have moved from the fifth to the fourth most traffic congested urbanized area in the United States.

The particular detriments of traffic congestion to the economic productivity of the area and to interstate commerce has been well documented, and we would suggest that the committee consider building in an eligibility factor that pertains to traffic congestion similar to the air quality non-attainment issues.

Thank you.

Mr. PETRI. Thank you.

Mr. RAHALL?

Mr. RAHALL. Thank you, Mr. Chairman.

I just wanted to, for the record, since in your oral testimonies some of you did not go into this at length but in your written testimonies you were rather harsh on reform of section 13(C), and especially in APTA's legislative recommendations. So I just wanted to make, as part of the record—and, of course, we're all aware that we made administrative reforms last January, and those reforms have been working, I believe.

I just want to state, as a matter of record, to counter what's especially in the written testimony of APTA, that, since the administrative reforms went into place on January 29th of this year, DOL has received 477 section 13(C) certification requests. It has processed them in an average of 23 days, with 99 percent completed in the first 60 days. Only one certification has resulted in DOL issuing a final certification after the 120-day limit.

However, three cases remain unresolved from before the new policy went into effect in January of this year. Of these three, two involve Los Angeles.

Be that as it may, those are pre-existing cases from before the reforms were instituted, so it should be obvious then, that with 99 percent of certification requests now being completed within 60 days, there is no need for legislation in this area.

Again, I put that in the record just as a response to some of the written testimony that has been made part of today's record, as well.

Thank you, Mr. Chairman.

Mr. PETRI. Thank you.

Mr. Mascara, did you have any questions?

Mr. MASCARA. Thank you.

As I listened to the testimony and reviewed some of the statements that you gave us, ISTEA has not returned sufficient funding, it's inflexible, there are too many mandates, too many duplications. But, that notwithstanding, my question relates to the ISTEA as it affected—and I see we have a cross-section of State and local governments represented here. As a former county commissioner, I certainly understand some of the problems of local government as it relates to dealing with the MPO and the State DOTs.

At the expense of the State departments of transportation, some of that authority and power went to local governments and to MPOs, and my question relates to my own experience in Pennsylvania where, of the \$156 billion generated by ISTEA, some \$9 billion that went to Pennsylvania, the Pennsylvania State Department of Transportation elected to use 60 percent of that funding, or \$7.2 billion, for maintenance, which left a paltry \$1.8 billion for new projects.

Have you experienced, in your particular States, any difficulties between the local governments, the MPOs, and the State DOTs as it relates to those problems associated with ISTEA?

Ms. BOHLINGER. Perhaps I could address that. Having worked for both the county level, regional level, and State governments, I have experience in how those agencies are trying to work together.

I can only speak for California in that we tried to work together to work out in ISTEA what funds would be delegated to the regional agencies, the metro areas, for congestion relief and air quality relief, and which funds had to be maintained at the State level for maintenance.

I think we all had to agree that maintaining the State infrastructure was first priority for those funds going to the State, so that has to go off the top, because that's not only important at the State level, it's also important locally to keep our infrastructure maintained.

We also wanted to maintain and had separate State law to make sure that the delegation to the local or metro areas in ISTEA-I continued in California, and we'd like to see that in ISTEA-II, as well—that the funds that are going to metro areas like LA and the Bay area are targeted directly there and that you have a separate pot that the State makes sure that they keep their system maintained.

Mr. MASCARA. Anybody else?

Mr. FAULKENBERG. I would say that the Indiana experience has been a good one. Everyone can use more money. All local governments in Indiana would say, "Of course we want more." But we have a pretty agreeable relationship between the metropolitan planning organizations, our Association of Cities and Towns, and our Association of Counties, who each are given a seat at the table each year as we negotiate the split of the Federal funding that we get each year.

We come to an agreement, a consensus, on how those funds are to be divided. Everyone would like more, but we agree on it.

But even with the STEP 21 program that we've been active in promoting, which would give us a whole lot of flexibility and trust would be involved, just as I was asked a while ago about whether we could trust you to spend it, our Association of MPOs in Indiana, our Association of Counties and Cities and Towns have all endorsed that program. They trust that we'll still be able to work out a fair deal for them.

Mr. MASCARA. Thank you, Mr. Chairman. And thank you, ladies and gentlemen.

Mr. PETRI. Thank you, and thank you all.

Mr. MASCARA. Mr. McKinley, did you want to say something?

Mr. MCKINLEY. No.

Mr. PETRI. We look forward to working with you as this process goes forward and your counsel and your organization's counsel.

We've had a request from our colleague from Louisville, Representative Ward, that we move up, and therefore I think we will take the fourth panel next. Mr. Ward wanted to be here and is here to introduce the Honorable Jerry Abramson, mayor of Louisville, Kentucky, who is appearing on behalf of the U.S. Conference of Mayors. He is joined by the Honorable Vivian Lund, mayor of

Warrenville, Illinois, who will be appearing on behalf of the National Association of Regional Councils and the Association of Metropolitan Planning Organizations.

Representative Ward, would you like to proceed?

[No response.]

Mr. PETRI. Well, I thought he was here on the job. He's not absent. Well, then, we'll go back to plan A and take the people in regular order.

Sorry. He is here. Sorry about the confusion. Representative Ward?

Mr. WARD. Swimming upstream.

Mr. PETRI. All right. We're trying to accommodate you and Mayor Abramson, and we're delighted to do that. We welcome you to say what remarks you might like to on behalf of your distinguished constituent.

Mr. RAHALL. Mr. Chairman, if I might, while they're taking their seat, I'd like to just not only welcome the mayor, but our distinguished colleague from Kentucky, Mike Ward, who has been a very strong leader in this Congress and has represented his constituency in an excellent manner. We're honored to have him appear before us today.

Mr. WARD. Thank you very much, Mr. Rahall, and thank you, Mr. Petri. I appreciate your accommodating our situation this morning.

I guess I should say we're also always delighted when so many people get so enthusiastic about transportation that the time seems to pass on by. I look at it in a positive light.

I am delighted to be here this morning to introduce the mayor of Louisville to the committee. I don't know that I really have to introduce him, because Mayor Abramson, in his service as president of the U.S. Conference of Mayors, has many times appeared before Congressional panels, speaking on behalf of the mayors of America. Today he'll be speaking with you about the ISTEA reauthorization and about his views on the congestion mitigation and air quality program.

Mayor Abramson, in his testimony, will describe in detail the value of the CMAQ program to Louisville and to other urban areas around the country. This program has made it possible for my community to make great strides in meeting the Clean Air Act requirements, and thus improving our air quality.

At this time, I would like to say that I strongly support and do associate myself with the remarks of the mayor.

Mr. Chairman, you and the members of this distinguished panel are beginning the process of developing the legislation to extend the many critical transportation programs established by the 1991 ISTEA. I commend you for your diligent work and thank you again for allowing me this opportunity to introduce my friend and my mayor, Jerry Abramson.

Mr. PETRI. Thank you.

Mayor Abramson?

**TESTIMONY OF HON. JERRY ABRAMSON, MAYOR OF LOUISVILLE, KENTUCKY, ON BEHALF OF THE U.S. CONFERENCE OF MAYORS; AND HON. VIVIAN LUND, MAYOR OF WARRENVILLE, ILLINOIS, ON BEHALF OF THE NATIONAL ASSOCIATION OF REGIONAL COUNCILS AND THE ASSOCIATION OF METROPOLITAN PLANNING ORGANIZATIONS**

Mayor ABRAMSON. Thank you, Congressman, and thank you, Mr. Chairman.

I really appreciate the opportunity of coming in a little early, and I appreciate your understanding about the need to get back to Louisville.

I'm here on behalf of the United States Conference of Mayors, and I wanted to talk specifically with you about the congestion mitigation and air quality program.

The mayors of America met in June in Cleveland at our annual meeting and adopted several policies relating to the ISTEA reauthorization, and I have placed those into the record for you to have them to be aware of, but there were three specific modest changes that we do recommend in the overall ISTEA legislation that I would like to bring to your attention, and then share with you our thoughts about CMAQ more specifically.

The three specific are that we urge Congress to make transportation expenditures required under the Americans with Disabilities Act an eligible cost under the ISTEA categories across the board.

The inflexibility that we found of ISTEA should not be cited as a basis for denying help to local governments with their important investments.

Number two, we'd like to recommend that the sub-allocation provisions of ISTEA be changed to ensure that the funds set aside for local governments in fact get to those local governments in the metropolitan areas. And that's really more of a discussion. We'd like to sit with the folks who ultimately work through that issue and talk about the specifics.

Finally, we urge refinement in ISTEA's allocation process so that local elected officials can be more fully vested in shaping the decisions in regard to the allocation of funds in the State, as well as the regional allocations that are developed through the MPOs.

I now want to turn my focus specifically to the CMAQ program. The United States Conference of Mayors urges Congress to extend this program and, if air standards are, in fact, strengthened, as EPA is now discussing, we would urge Congress to commit additional funds to help mitigate these expanded costs.

Mr. Chairman, I'd like to first compliment you and members of the committee for your foresight in providing Federal resources in support of regional and local efforts to improve air quality and reduce the impact of air pollution on our communities. I believe that ISTEA is a landmark statute largely because it sets forth a vision—a vision for how this Nation invests in surface transportation needs while making resources available to help clean up our air.

The CMAQ program is the lynch pin of this effort. As president of the Conference of Mayors, I helped lead the mayors and other local and State officials to press Congress for an unfunded Federal mandate legislation, and you all were kind enough to listen and support that proposal, and the Unfunded Mandate Act was passed.



In fact, Representative Clinger, as chairman of the Government Reform and Oversight Committee, helped shepherd this bill through Congress, and it has made a difference.

But during that debate on this legislation, we argued that if a national interest is achieved with Federal requirements—i.e., an EPA requirement in this example—there must be Federal participation in funding the costs to meet those requirements.

In our discussions with Members of Congress, we were able to point to this program, the CMAQ program, as the most recent and best example of where Congress partnered with us, the cities of America, in funding a Federal mandate—namely, air quality—in clean air.

The mayors feel strongly that CMAQ should be extended, and if air standards, as I said, are increased with EPA, we ask that additional funds are placed into the allocation into the budget.

In the Louisville area, we have worked for several years to improve our air quality, and we're proud of what we've achieved, but it's not over yet.

Having been out of compliance with both ozone and carbon monoxide in the Louisville metropolitan area since 1990, we have achieved attainment in the CO area, in carbon monoxide, but we're still striving to come into the attainment level in ozone.

Reaching attainment has been a result of a multi-faceted program, of which CMAQ funding has played a major role not only in Louisville but in cities throughout this Nation.

CMAQ funding contributed to successful programs to convert vehicles to clean fuel, establish computerized, city-wide traffic signals, and enhance our vehicle inspection program.

In the Kentuckiana Ozone Prevention Coalition—we call ourselves "Kentuckiana" because it's Kentucky and Indiana, rather than calling it Indiana and Kentucky, which would be "Indiucky."

[Laughter.]

Mayor ABRAMSON. In the Kentuckiana area, we developed this Ozone Prevention Coalition, which has really made a difference and provided an opportunity for us to work through the changes necessary to reach attainment.

The bottom line, I guess, is that cities are at the bottom of the food chains, my friends, and, as a result, we're the ones that are left with having to resolve the issue once and for all as these requirements come our way.

We think it's in our best interest and in the interest of the Nation, since there are 98 communities that do not meet the requirements set by EPA, that CMAQ program continue and allow us to provide, in a partnership way with our friends in Washington, an opportunity to bring about the changes to ensure economic growth and, at the same time, take care of the environmental concerns regarding quality of air in our metropolitan areas.

Thank you, Mr. Chairman.

Mr. PETRI. Thank you.

Our next witness is Ms. Lund.

Mayor LUND. Mr. Chairman and members of the committee, my name is Vivian Lund.

Mr. PETRI. Let me just indicate, if you're wondering what all these bells are, we have votes on the floor. We're going to have to

be leaving in about 4 minutes, and I know you have to go. The committee will adjourn until 1:00 because the current vote will be followed by seven 5-minute votes, and we'll be voting on the floor for the next hour.

I apologize for that, but I think we can accommodate both of you if you're willing to shave your testimony slightly and we'll keep our questions very brief, as well.

Mayor LUND. I'm mayor of the city of Warrenville, Illinois, a community of over 11,000 people located 30 miles west of Chicago. Today I'm here to testify on behalf of the National Association of Regional Councils, NARC, and its affiliate organization, the Association of Metropolitan Planning Organizations, AMPO, which represents metropolitan planning organizations, MPOs, throughout the country.

I'm doing so as a representative of the Executive Committee of the Council of Mayors, of the Chicago Area Transportation Study, the MPO for northeastern Illinois.

I respectfully request that my written statement be made part of the official hearing record.

Mr. PETRI. It will be.

Mayor LUND. On behalf of the members of NARC and AMPO, I appreciate your invitation to testify before the committee on the congestion mitigation and air quality improvement program. My testimony today reflects the views of these associations, which have a membership of over 120 MPOs. It also reflects my personal experience as mayor of a fast-growing suburban community, as well as my involvement in the transportation decision-making process for the larger metropolitan area through the MPO.

The CMAQ program established in the ISTEA Act has filled a void not addressed in legislation prior to ISTEA. The program enables us to provide specific relief for congestion, while meeting the environmental requirements of the Clean Air Act.

CMAQ is unique because of, one, the flexibility it provides to invest in a host of projects not otherwise eligible for Federal transportation funding; and, two, the ability to fund projects that would not otherwise have emerged a high enough priority, given scarce resources and competing project funding demands.

Indeed, the CMAQ programs focus on flexibility, innovation, and multi-modal investment strategies, embodies the spirit and intent of ISTEA.

From the local perspective, I can personally attest to the gains in combatting congestion and improving air quality which would not have been possible without the CMAQ program.

As mayor of a growing suburban community, I am faced with having to maintain the existing transportation infrastructure and with meeting the demands for a new capacity to serve a growing population, while still making program in meeting the health-based national air quality standards.

The more-traditional Federal aid highway programs—for example, the STP program and the national highway system program—barely enable us to meet our maintenance and rehabilitation needs, let alone provide an opportunity to fund projects that are designed specifically to reduce emissions.

Having a separate source of funds both focuses our attention and provides the necessary capital to make real gains in improving air quality.

The importance of the CMAQ program goes far beyond the funding of projects specifically geared to reducing congestion and improving air quality. In northeastern Illinois, the CMAQ program has been a real catalyst to increase the awareness of transportation agencies and elected officials of congestion and air quality issues.

The fact that the Congress felt so strongly as to establish a source of funds specifically for projects that reduce congestion and improve air quality sends a clear message on the national resolve to attain the health-based air quality standards.

That message has been heard and acted upon, not only by elected officials and transportation professionals, but by the general public and many others not traditionally involved with the programming of transportation projects.

For example, the American Lung Association of Chicago—

Mr. PETRI. I apologize, Madam Mayor. The time has expired and we do have to leave and vote.

This hearing is adjourned until 1:00.

[Recess.]

Mr. MICA [ASSUMING CHAIR]. I would like to call this meeting of the Subcommittee of Surface Transportation back to order.

We're going to call now on our third panel of this ISTEA reauthorization hearing. Our third panel this afternoon consists of: Mr. Philip Scherer, executive director of the Transportation Development Association of Wisconsin; Mr. Pete Wert, Haskell Lemon Construction, Oklahoma City, Oklahoma, on behalf of Associated General Contractors of America; Mr. Stan F. Lanford, Jr., president of Lanford Brothers Company of Roanoke, Virginia, and at-large vice chairman of the American Road and Transportation Builders Association; and finally Mr. Leo F. Peters, the senior vice president for the American Consulting Engineers Council.

I'd like to thank our witnesses for their participation and, as is customary, I think as may have been explained, we do try to limit your testimony to 5 minutes summary, and then we'll be glad to submit for the record lengthy statements or additional materials pertinent to the hearing.

I would like to thank this panel. I believe we're going to talk a bit about red tape, one of my favorite subjects, and hopefully you could shed some light on how we could do a better job.

Again, I welcome you to our subcommittee.

I recognize first Mr. Philip J. Scherer, with the Transportation Development Association of Wisconsin.

Sir, you are recognized and welcome.

**TESTIMONY OF PHILIP J. SCHERER, EXECUTIVE DIRECTOR, TRANSPORTATION DEVELOPMENT ASSOCIATION OF WISCONSIN; PETE WERT, HASKELL LEMON CONSTRUCTION, OKLAHOMA CITY, OKLAHOMA, ON BEHALF OF THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA; STAN F. LANFORD, JR., PRESIDENT, LANFORD BROTHERS COMPANY, INC., ROANOKE, VIRGINIA, AND AT-LARGE VICE CHAIRMAN OF THE AMERICAN ROAD AND TRANSPORTATION BUILDERS ASSOCIATION; AND LEO F. PETERS, SENIOR VICE PRESIDENT FOR THE AMERICAN CONSULTING ENGINEERS COUNCIL**

Mr. SCHERER. Thank you, Mr. Chair and members of the committee. We do very much appreciate the opportunity to spend a little bit of time with you.

I think it's worthwhile spending just a minute to let you know who my association is and our interest in transportation.

We are a State-wide, nonprofit association that has a strong interest in all modes of transportation. In the existing memberships we have about 500 members.

Our members consist of: business and industry, local governments, regional planning commissions, metropolitan planning organizations, consultants, contractors, State-wide organizations and associations, academia, organized labor, utility, and many others.

Our members represent all modes of transportation and have interest in all modes of transportation: airports, highways, transit, specialized transportation, elderly and disabled, waterborne transportation, rail transportation—both passenger and freight.

We like to say we were multi-modal before multi-modal was in.

Basically, we represent the people that plan, that build, that maintain, that pay for, and that depend on good transportation.

Our objective is the best in Wisconsin transportation.

I'd like to start by saying that we certainly recognize the needs that are out there in transportation. We recognize the recent Federal study, the US DOT study that said we're doing about two-thirds what we need to do just to maintain what we have.

Our local studies and our regional studies and our State-wide studies reveal about the same thing: about two-thirds of what we need to do just to maintain the existing system.

At the same point in time, our members are realists. They know the challenges that exist at every level of government in generating the needed dollars. They know that we need to squeeze every penny out of every dollar that we have in transportation. And they know that we need to maximize our investment.

In that light, our members express concern over the continuing proliferation of Federal mandates, requirements, permits, approvals, and sign-offs—those that are necessary to build, to maintain, and to operate those transit systems that we've talked about.

I can assure you that we hear more and more from more and more people with more and more questions and more and more concern over the increasing proliferation of those Federal and State mandates, and that concern runs the full spectrum of transportation in the transportation community in Wisconsin.

I could take a lot of time talking about examples that are so bizarre that you'd find them hard to believe, but I don't think that's the purpose of today's meeting and probably not too productive.

But I will tell you this: all too often it seems to us that a sense of reasonableness and balance has been lost. Related costs are growing, while pay-backs and questionable pay-backs appear to be commonplace.

I think most of you have seen the long and winding road graphic that we put together. Basically, it tries to take a look at all of the mandates, steps, sign-offs that are required in undertaking a major transportation project. It could be a highway, a runway improvement, a runway expansion, whatever.

I'd like to say, first of all, that each of those steps, when viewed individually, certainly appears to have reasonableness and merit, but what we're seeing is it seems like no one is standing back and looking at the broader picture. What does that picture look like? Basically the graphic that we shared with you tries to do that.

Although it may appear light-hearted, we take it very seriously, and we feel that, in totality, those impacts are costly and exhaustive.

We feel we need to stand back and look at that long and winding road, and I can assure you that the graphic does not include every step that needs to be done, and I can assure you that we did that about 3 years ago, and our members are telling us that it's outdated already, that there are more steps.

We're not going to try and pass judgment on each of those steps. We'll just say that the road is long and it's winding.

That concern has reached the level in Wisconsin that our State Legislature has set up a special committee to look at State mandates and try and determine what they can do with those. We have regional and State-wide groups in other areas that have concern. We have a State-wide Local Roads and Streets Council. That group has set up a special committee to address this whole issue. So I can assure you that it is a major area of concern.

Generally, those mandates and sign-offs and what-not fall into about seven areas: wetland issues; Clean Air Act provisions; endangered species issues; Americans with Disabilities Act, ADA, provisions; water quality issues; hazardous material issues; and historical/archaeological types of issues.

In summary, we're certainly sympathetic to the underlying concepts and the objectives of those provisions, but we are pragmatists. We're concerned about the dollar, as well, and we're concerned about balance and reasonableness.

It's for those reasons that we ask you to do a number of things. We ask that you review current mandates for their effectiveness and their true costs relative to benefits.

When we completed the long and winding road graphic, we asked our State DOT people, we asked our Federal Highway Administration people what the cost of all those steps were. Nobody can give us an answer to that.

We ask that you undertake a comprehensive assessment of the costs and benefits related to any proposed new mandates. We ask that you analyze both current and existing mandates to look for potential overlap and duplication. And where Federal mandates are

felt necessary, we ask and recommend that you fund them, and not from existing program dollars.

Finally, we ask that you monitor and periodically review existing and any new mandates to determine their true costs over a period of time.

That ends my testimony. I would be glad to answer any questions.

Mr. MICA. I thank you. We'll hold the questions until all the witnesses have testified.

Now I recognize Mr. Pete Wert, who is testifying on behalf of the Associated General Contractors of America.

Welcome. You're recognized, sir.

Mr. WERT. Mr. Chairman and members of the committee, I'm Pete Wert of Haskell Lemon Construction Company of Oklahoma City. I appreciate the opportunity to present testimony on behalf of AGC.

Highway investment needs are staggering. Failure to make these investments will adversely impact our economy and our future. Investment in the interstate system has paid off six-to-one in increased economic growth and productivity, but failure to prioritize highway investment also adversely affects safety.

Highway deaths have increased 5.6 percent since enactment of ISTEA. During this same period, \$30 billion was diverted from the highway trust fund. Highway user fees should build and maintain highways. Our economic future and our lives depend upon it.

Because of these needs and limited financial resources, the FHWA, the States, and the highway community have been cooperating to develop methods to improve highway equality. The national quality initiative, NQI, was created in 1992 to establish a voluntary nationwide effort focused on building customer satisfaction.

The NQI is a true partnership of all parties involved in pre-design, design, construction, and maintenance of highways. Last year the NQI and FHWA conducted the first national survey to measure driver satisfaction with highways. This survey will be the benchmark against which future achievements are measured.

The results of the survey show the traveling public is concerned about safety and pavement conditions, and also that the majority of respondents supports additional fuel taxes if used for maintenance of highways.

AGC provides a home for both large and small construction firms, yet the vast majority are small businesses. Our members overwhelmingly support the open competitive bid system. It is cost-effective, provides equal opportunity for large and small businesses, it's flexible, and promotes trust in the system by removing subjectivity in contract awards.

It does not create artificial financial thresholds that bar some firms from competing.

We are very concerned about the encouragement and growth of design/build procurement and its adverse impact on small business and the open competitive bid system.

The design/build method introduces subjectivity in the award of contracts and does impose significant bidding cost.

Many of the adverse impacts on small businesses found in design/build also apply to increased use of warranties. Warranties are not the driving force behind quality. In many cases we're performing preservation work where funding constraints limit the extent of rehabilitation. We only treat symptoms, not the disease.

In the current competitive bid system, value can be the focus of highway engineering and construction. When warranties are imposed, contractors are forced to concentrate on risk allocation rather than creation of value.

AGC is committed to a highway construction industry that extends equal opportunity to all responsible businesses to compete in an open, competitive bidding market.

The DBE program causes decisions relating to award of subcontracts and selection of materials, suppliers, and vendors to be based upon factors other than price and quality. Failure to address this issue in the 1997 highway authorization could result in Congress affirming a fatally-flawed program that does not provide real assistance to those entities intended for help.

These rigid quotas should be sunset, and alternative methods of promoting participation of small and disadvantaged businesses through the private sector should be explored.

An additional item of concern is the application of Buy America restrictions on highway contracting. I enclose a letter from one of our members as an example of how this statute can substantially increase the cost of a highway project.

While I understand the importance of this issue, some accommodations should be made when significant savings can be achieved by using products manufactured elsewhere in North America.

A crushing burden to public works contracting is paperwork. Our members spend nearly as much time working on compliance with regs as they do with construction. That should not be.

I am enclosing an editorial that outlines the litany of rules and regulations we must comply with when building a Federally-assisted project.

The purpose of regulations should be to ensure that a quality project is built safely and that public interest is protected without undue cost to taxpayer or environment.

In closing, AGC is firmly committed to the open, competitive bid system. Contractors should have maximum flexibility when they bid on jobs. The optimal system is an open system that provides equal opportunities for all responsible parties interested in competing for the work.

In the face of escalating highway needs, and with highway fatalities increasing, we must eliminate diversions and ensure the integrity of the user fee system.

The \$0.043 currently diverted to the general fund must be redirected to the highway trust fund. The highway trust fund should be used only for needed highway investment, and the transportation trust funds should be taken off-budget.

Thank you, Mr. Chairman.

Mr. MICA. I thank you.

Now I would like to recognize Mr. Stan Lanford, at-large vice chairman of the American Road and Transportation Builders Association.

Welcome, sir. You're recognized.

Mr. LANFORD. Thank you, Mr. Chairman, members of the subcommittee.

I'm Stan Lanford, president of Lanford Brothers Company, a highway and bridge construction company located in Roanoke, Virginia. I'm also honored this year to serve as the at-large vice chairman of the American Road and Transportation Builders Association.

Our industry intends to be a full participant in the ISTEA reauthorization process. This summer we formed an organization, the Transportation Construction Coalition, or TCC, to work for legislation aimed at significantly improving the condition of the Nation's highways and bridges. TCC is co-chaired by ARTBA and AGC, and now has two dozen members.

We appreciate this opportunity to present ARTBA's views on two important elements of the national surface transportation program: how to improve the efficient delivery of transportation improvements, and a review of the congestion mitigation and air quality, or CMAQ.

The delivery of transportation improvements is the sum total of the entire program and its reason for being. If projects are not put in place and their benefits, economic development and safety of users, made available in a timely and cost-effective fashion, then there are clearly flaws in the process and the underlying law.

I believe there is general agreement that improvements can be made in the delivery process, despite, or perhaps because of, the sweeping changes brought about through ISTEA.

There is evidence that we have the know-how and the wherewithal to expedite projects when there is the will to do so. An outstanding example occurred in California following the devastating earthquake in the Los Angeles area, where transportation facilities were rebuilt in record-breaking time.

Closer to home is another example. Just a few years ago the government of the District of Columbia found itself with a public works operation that could no longer deliver transportation improvements in a efficient and timely manner. The system was changed to become more efficient by Congress and the Federal Highway Administration.

These experiences and others should be examined in detail for guidance as we move to reauthorization of the surface transportation programs next year.

The program structure in ISTEA is too cumbersome and must be simplified to allow more money to go directly to construction. Equally important is the need to increase Federal investment in transportation. The highway trust fund can now support a \$26 billion annual program; just to keep even with current conditions would require \$32 billion annually.

ARTBA believes additional revenue should be secured and programs should be authorized and funded at that level.

Important issues will be addressed during reauthorization of the surface transportation programs. ARTBA strongly believes that



these should not be allowed to overshadow the day-to-day nuts and bolts process by which the program is implemented.

To further identify the full range of delivery problem areas, ARTBA has initiated a nationwide survey of its members and others to draw upon their experiences and observations. We will provide the subcommittee with results of this review in ample time for use in assembling your ISTEA reauthorization plan.

Mr. Chairman, my prepared statement discusses in detail a number of recommendations to the committee. I will summarize our recommendations briefly.

Eliminate the use of highway program to achieve non-transportation objectives by eliminating the remaining sanctions. Funding sanctions often prove to be counter-productive to the desired effect and creates uncertainty in transportation funding. Blackmail in any form is not the way public policy should be made.

Congress must act to ensure that regulatory excess is not used to hamper essential transportation development. The Federal Highway Administration should be the lead agency on regulatory action that has the potential to affect highway development improvements and operations. In addition, risk assessment and cost/benefit analysis should be required of all proposed regulatory actions involving transportation.

Full use should be made of the Small Business Regulatory Enforcement and Fairness Act of 1996, which provides for Congressional review of final agency rules.

The committee should eliminate the requirement for physically-constrained funding of transportation projects. This inhibits long-range planning and the orderly flow of projects to the bidding stage.

We recommend that the highway program be granted greater freedom to transfer funds between the various highway-related activities.

Expenditures for the highway account of the highway trust fund should be limited solely to construction-based and safety-related improvements at highways and bridges.

The public involvement process should be reconstructed to be a wide communication with the general public and elected officials representing broad constituencies, and not just narrow special interests.

The next version of ISTEA should include provisions that encourage greater privatization of highway and bridge maintenance, which will save tax dollars.

ARTBA believes technology-based sought solutions, not efforts to restrict highway mobility, are the keys to successfully reducing air pollution.

Finally, the expanded highway capacity will lead to lower levels of congestion and pollution.

This concludes ARTBA's prepared testimony. I would be pleased to answer any questions.

Mr. MICA. Thank you.

Now I'd like to recognize Leo F. Peters, senior vice president for the American Consulting Engineers Council, and also welcome Tom Dobbins, a close personal friend and former private sector associate, who I see not too far behind you in our audience.

Welcome. You're recognized, sir.

Mr. PETERS. Mr. Chairman and members of the subcommittee, thank you for the opportunity to be with you today to testify on the reauthorization of the Intermodal Surface Transportation Efficiency Act.

My name is Leo Peters. I represent the American Consulting Engineers Council, or ACEC, both as one of its many small-firm members and as the senior vice president for 1996-97.

Mr. Chairman, I'll summarize my full statement, which has been submitted for the record.

ACEC is the largest trade organization of its kind, representing approximately 5,000 consulting engineering firms from across the country employing some 200,000 people. Our members are consultants to public and private entities and furnish professional services in planning, engineering, maintenance, and operation of our Nation's transportation system.

With the twilight of ISTEA at hand, the question now being heard is: what's next? ACEC thinks that, as we approach the next millennium, another historic opportunity is at hand—an opportunity for this committee to identify and expand upon ISTEA's successes, to identify and remedy areas where it may be improved, to create and deliver the most effective value-added transportation package possible.

Before discussing solutions, we, as engineers, are trained to closely consider the problems. We know that a problem well stated is a problem that's half solved. Here are a few of the critical problems we have identified:

According to FHWA's own 1995 status report, personal and freight demands on our systems are at an all-time high. At the same time, every one in ten miles of interstate highway is in poor condition and one in four interstate bridges are classified as deficient.

ACEC played a key role in initiating a survey of over 2,000 highway users from across the country as part of the national quality initiative. The survey shows that 50 percent of the public is not satisfied or is neutral regarding their overall satisfaction with our highway system.

Clearly, there is considerable opportunity for improving public satisfaction with our Nation's highways.

Even if the maximum amounts of funding from available sources, such as the highway trust fund and the redirection of all present highway user fees to the highway trust fund occurred, this would still generate only enough money—some \$270 billion, according to AASHTO—just to maintain current highway and bridge conditions.

So much for the problems.

Engineers are called upon to solve problems. What are the solutions we have identified?

ACEC proudly supports the following keystones that we believe should be included in the upcoming reauthorization legislation.

Qualifications-based selection—when designing transportation projects, we view our role as one of a partnership with the government. According to the Federal Highway Administration's own data, State transportation departments that contract out between 50 and 70 percent of their preliminary and construction engineer-

ing work to private consultants achieves the lowest total overall engineering costs, thus providing the most value to the U.S. taxpayers.

Alternatively, States that contract out less than 20 percent of their engineering work have the highest engineering costs.

Both government and the private sector have an interest in producing highways and bridges with greater efficiencies, increased safety, lower life cycle cost, and improved technological innovations.

Congress played a key role in that partnership and passed transportation legislation by ensuring that only the most-qualified engineering firms are procured when planning highway and transit projects. This law, known as "qualifications-based selection," or QVS, ensures high-quality designs and low total life cycle cost on highway and transit projects.

We commend your vision for this in the past and urge you to maintain this important criteria in the next highway reauthorization bill.

Quality through competition—on behalf of ACEC, I want to thank this committee for including the quality through competition provision in last year's National Highway System Designation Act. This provision prohibits the arbitrary placement of limits on indirect costs of overhead and salary rates for professional consulting services. By enacting this provision you have increased competition, encouraged technological innovation, and reinforced this subcommittee's desire to have the most qualified team of professionals planning and designing our Nation's transportation network.

This full statement, which has been submitted for the record, contains examples of troublesome regulations that delay project delivery times and recommends solutions to help accelerate the planning process.

Mr. Chairman, ACEC is continuing to explore ways in which the delivery of transportation improvements could be accelerated. ACEC recently concluded a cooperative agreement with AASHTO, resulting in the formation of the AASHTO/ACEC Task Force, which will meet next month to discuss ISTEA reauthorization.

Lastly, ACEC recently established three task forces consisting of the top transportation engineers in the country to examine project delivery and procurement issues that should be addressed by the next Congress.

ACEC will soon submit to you additional legislative proposals developed by these task forces for your subcommittee's consideration as you prepare draft legislation to reauthorize ISTEA.

These briefly-stated solutions summarize our vision for the reauthorization of ISTEA.

Thank you, Mr. Chairman.

Mr. MICA. I thank you, and I thank all of our panelists.

I want to thank Mr. Scherer for this very graphic description of the rat's maze that has to be run and the hurdles to get anything done.

Based on your experience with Federal and State agencies, how does the burden of State requirements compare to the burden of Federal agencies?

Mr. SCHERER. We didn't come up with an exact number. As I mentioned, we did—our legislature did put together a committee to address them and try and determine which of those steps were State-related and which were Federal.

From my perspective, I would say at least, if not more than 50 percent are Federal.

Mr. MICA. And the balance—

Mr. SCHERER. Are State.

Mr. MICA. What about you, Mr. Wert? What has been your experience?

Mr. WERT. At the construction level, I would agree. I think that we are probably—I think at the project level we may be in the 60-plus percent of the things we deal with in terms of bureaucracy and paperwork would be the Federal.

Mr. MICA. I guess you both would favor probably some type of fast-tracking, too, if it could be done. Sometimes, because of some of the Federal requirements, in particular, the process goes on and on and you must complete one before you get to the other.

What do you think about something like that, Mr. Scherer?

Mr. SCHERER. I think anything that's akin to a one-stop shopping center—and I know that's a worn-out word, but I think if we could minimize, as we talked about earlier, some of the overlap and duplication—and some of those requirements are both State and Federal, so anything we can do to consolidate that process from a time perspective would be of value.

We looked at that graph and added up the time, and for a significant project that would be, we're talking at a minimum 8 years from project inception to completion. That's for a non-controversial project.

Mr. MICA. What was that? What was the time frame again?

Mr. SCHERER. About 8 years.

Mr. MICA. Eight years. Have any of you seen—this will be a question for all the witnesses—a State with a particularly good model for moving these projects forward?

Mr. Scherer?

Mr. SCHERER. I have not.

Mr. MICA. Mr. Wert?

Mr. WERT. No.

Mr. MICA. Mr. Lanford?

Mr. LANFORD. The State of Virginia typically says 6 years from the time of conception until a project can be built.

Mr. MICA. So they can make it in 6?

Mr. LANFORD. I'm not sure whether—maybe my figures are outdated, but that's what—

Mr. MICA. Probably a lot of the project managers die before the projects are done.

Mr. Peters?

Mr. PETERS. We have no particular State to point at at this point in time.

Mr. MICA. Mr. Lanford, you didn't know I was going to be chairing this panel, but you said the magic words, "cost/benefit analysis and risk assessment," which I have spent 2 years trying to pound into Members' conscious and subconscious about requiring

cost/benefit analysis and risk assessment in the regulatory process. You think that would help?

Mr. LANFORD. Yes, sir. I happen to have made a comment when they were doing a study on lead and the damage that lead did. I wrote a letter to the EPA trying to find out why they were coming down on bridges and steel structures as being a major problem when their own data showed that there was very little pay-back on that tremendous cost and not much economic benefit derived from it.

The problem with lead seemed to be in apartments and housing where children were having a chance to eat the lead, and add on the construction projects it's not a problem.

So I think you're exactly right. I think economic benefit needs to be measured and somebody needs to be held accountable before we put more regulations in for something that has minimal positive impact.

Mr. MICA. Well, that crazy, extreme idea held up every regulatory piece of legislation in the last Congress, although I think Safe Drinking Water—we put it in there and it passed overwhelmingly. So people are starting to look at the cost and benefit and risk. Again, it's an extreme approach.

Mr. LANFORD. Thank you, sir.

Mr. MICA. They're slow to learn, but sometimes they do pick up around here.

Mr. Peters, you cited in your testimony some statistics that were interesting about conducting some professional services in-house as opposed to—I don't want to say "outhouse," but outside.

Are you comparing—did your comparisons compare apples and apples or apples and oranges? Could you tell us how you reached those conclusions?

Mr. PETERS. They did compare apples and apples. I would have to get back to you in writing. I'm an environmental engineer, not a highway engineer. But I know our staff has looked at this and we've done a number of studies over the years to make sure that we are comparing apples and apples.

Generally, we've found this to be very true, that that's the most efficient method of product delivery when a State has an efficient highway engineering department but doesn't try to do all of the work because of the peaks and valleys that they're going to run into.

Mr. MICA. So you think there can be some considerable savings by—

Mr. PETERS. That's exactly right.

Mr. MICA.—changing possibly some of these Federal ISTEA parameters?

Mr. PETERS. That's right.

Mr. MICA. Finally, do any of you have any estimates on how much the compliance of—and we'll just take Federal regulations and requirements and conditions that may, in fact, be excessive—add to the cost of a project in dollars or add to the delay in projects?

Mr. Scherer, any idea what—

Mr. SCHERER. When we completed the long and winding road graphic, the logical question, the next logical question and that which a lot of people asked is: what are the costs related to that?

We went to our State Department of Transportation and asked them if they could give us a handle on costs. They could not. We went to our Federal Highway Administration and asked those folks if they could give us a cost. They could not.

We could not find anyone that could give us dollars associated with those steps.

Mr. MICA. Mr. Wert, do you have any idea what either the cost in dollars or delay might be costing us on these projects?

Mr. WERT. No, Mr. Chairman, I don't.

Mr. MICA. You don't? Mr. Lanford, would you like to answer?

Mr. LANFORD. It's very difficult to pin this sort of thing down. At one time I saw some figures posted that the environmental regulations were going to add 2 to 3 percent to the cost of a project. I think if you went back through the bid items on selected projects you might find it was much higher than that, where the bid items are broken out and the work is paid for as a separate item.

That would be an interesting field to have an economist do a little work in, I think, to find out just what the benefit is and what the cost is.

Mr. MICA. Mr. Peters, any comment?

Mr. PETERS. None specific, but obviously delays add cost because of just the inflation factor.

Mr. MICA. Okay.

Well, I'd like to thank our panelists. Your testimony has been helpful as part of a record we're building and trying to look at all of the factors that relate to ISTEA and how we could do a better job, a more-productive job.

So if you have additional comments or information, Mr. Peters, that you could submit for the record, we will be leaving that open and welcome your additional comments, testimony, and working with us as we reauthorize ISTEA.

Thank you. You're excused.

Our next panel—I'm actually going to combine panels five and six. We've had—I guess due to the length we've lost one or two witnesses, but I would like to call, if I could at this time: Mr. Dick Smith, the Office of Planning and Programming of the Illinois Department of Transportation; Ms. Sonia Hamel, director of air policy at the Massachusetts Executive Office of Environmental Affairs; Mr. Larry S. Bonine, director of the Arizona Department of Transportation; Mr. Steve Heminger, manager of legislation and public affairs, Metropolitan Transportation Commission of the San Francisco Bay Area; Mr. Shiva Pant, Director of Transportation of Fairfax County, Virginia, on behalf of the Institute of Transportation Engineers; and I believe last, but not least, Mr. Doug Howell, transportation associate, Environment and Energy Study Institute, on behalf of the Surface Transportation Policy Project.

I would like to again welcome our witnesses in this good-sized panel here. I think that you've already heard the ground rules. We try to limit your verbal testimony here to 5 minutes, and we'll be glad to submit additional comments for the record.

With that comment, welcome. I would like to first recognize for testimony Mr. Dick Smith, Office of Planning and Programming, Illinois Transportation Department.

**TESTIMONY OF DICK SMITH, OFFICE OF PLANNING AND PROGRAMMING, ILLINOIS DEPARTMENT OF TRANSPORTATION; SONIA HAMEL, DIRECTOR OF AIR POLICY AND PLANNING, MASSACHUSETTS EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS; LARRY S. BONINE, DIRECTOR, ARIZONA DEPARTMENT OF TRANSPORTATION; STEVE HEMINGER, MANAGER OF LEGISLATION AND PUBLIC AFFAIRS, METROPOLITAN TRANSPORTATION COMMISSION OF SAN FRANCISCO BAY AREA; SHIVA PANT, DIRECTOR OF TRANSPORTATION, FAIRFAX COUNTY, VIRGINIA, ON BEHALF OF THE INSTITUTE OF TRANSPORTATION ENGINEERS; DOUG HOWELL, TRANSPORTATION ASSOCIATE, ENVIRONMENTAL AND ENERGY STUDY INSTITUTE, ON BEHALF OF THE SURFACE TRANSPORTATION POLICY PROJECT; AND WILLIAM D. FAY, PRESIDENT AND CEO, AMERICAN HIGHWAY USERS ALLIANCE**

Mr. SMITH. Thank you very much, Mr. Chairman and members of the subcommittee. My name is Dick Smith. I direct the policy and Federal affairs activities for the Illinois Department of Transportation.

On behalf of the Department, I want to thank you for the opportunity to testify today on issues related to the congestion mitigation and air quality program as a part of the reauthorization of ISTEA.

I was glad to hear this morning Ms. Nichols from the US EPA say she was interested in improving the CMAQ program. We have a couple of ways that we think that we might be able to help her improve her program.

IDOT does believe that the CMAQ program has been beneficial and that it should be continued in the next surface transportation program.

The goal of the CMAQ program is to assist metropolitan areas in reducing congestion on their highway systems and reduce mobile source emissions in order to help them achieve national air quality standards.

This is an excellent goal for a Federal program category when ISTEA was enacted, and it's just as relevant for the next reauthorization period. As I mentioned, though, we do believe the program needs two changes to give States and metropolitan planning organizations the full degree of decision-making and flexibility that the program envisioned.

First of all, we believe that the congestion reduction aspect of the program has been lost. Over the last 4 or 5 years, we have been implementing in Illinois and in the Chicago metropolitan area and St. Louis metropolitan area, in specific, a good deal of good projects, but they are almost always dealing with air quality improvements and not taking a look at congestion relief that could be accomplished. Those projects can also add to improved air quality in the region.

The new program should re-emphasize congestion reduction as a legitimate goal.

The new program should also be made more flexible. Program eligibility could be expanded to include more traditional highway projects which relieve congestion on our roadways.

The second area that we think needs to be dealt with in the reauthorization of ISTEA is making CMAQ dollars available for inspection and maintenance for longer than the current 3-year period that's allowed under law.

Enhanced I&M has been shown to be one of the most effective controls for mobile source emissions, but it is very expensive, and continuing the use of CMAQ funds for this program is important. Extending the time that they are eligible is important.

While we are asking for this change in Illinois, we are not suggesting that, by allowing Federal funds to be used for longer periods of time, that we would cut back on the State and non-Federal source of funds that is currently being used. We would continue our commitment to this program if the eligibility time frame was extended.

Let me just quickly summarize the two points that we would like to see changed in the CMAQ program: returning congestion mitigation as a goal in the program, and extending the time frame that CMAQ funds can be used for inspection and maintenance.

With that, I'll stop and answer any questions when the panel's done.

Mr. MICA. I thank you. We will complete the panel.

I'd like to welcome and recognize Sonia Hamel, director of air policy, Massachusetts Executive Office of Environmental Affairs.

You're recognized. Welcome.

Ms. HAMEL. Thank you, Mr. Chairman.

I'm here today on behalf of Governor William F. Weld and Secretary of Environmental Affairs, Trudy Coxe, to urge the subcommittee to retain a strong congestion management and air quality funding element in any future ISTEA reauthorization.

I'm here to let you know that we think this program should be retained and, in fact, strengthened to make sure that ISTEA funds projects that improve our environmental quality and also improve the quality of life in our communities.

In the Commonwealth right now there are 750,000 people who are suffering from chronic respiratory disease and illness that are directly affected by air pollution. Avoidable respiratory disease is a major cause of missed school days, of missed work days, and of emergency room visits and hospital costs for the State.

This has real personal cost, it has societal cost, and we believe it's a reasonable Federal goal to help the States address these costs and to enhance the productivity and health of our people.

CMAQ is working in our State. It provides funds for worthwhile projects in our State implementation plan. And, as you know, the Clean Air Act amendments of 1990 are very expensive for States to implement.

In Massachusetts, 43 percent of the pollutants that cause smog come from automobiles. We believe, therefore, that 5 percent of the total ISTEA funding is not too much to specify for a goal that is as important as our health.

Especially in light of the fact that EPA is reconsidering the ozone and particulate standards as not being sufficiently protective of



public health, I think that maintaining this funding category is essential.

In the Commonwealth, the CMAQ program has been working. It has been supporting transit and ride-sharing programs, park and ride programs, high occupancy vehicle programs, increasing rail access to Boston, and we have an aggressive clean fuels program and are bullish about these fuels, in general, and we think that they are going to make the biggest cost dollar-per-ton reduction of emissions out of our CMAQ program.

We have been doing a number of special purchases of vehicles. The governor has set a target of moving towards 75 percent of our State and municipal fleets being alternatively fueled by the year 2001, and we're using CMAQ funds to handle the differential cost for municipalities only in future years.

The other thing which is not to be ignored is that CMAQ program has been bringing parties to the table who normally are not fans of the transportation planning process or of our programs. A lot of groups like cycling groups, pedestrian groups, recreational users, and transit advocates are much more supportive now of the overall transportation program and no longer object to the other portions of the program moving forward because they know that there have been pieces that are earmarked for them where they will clearly get what they think that they need.

I have to say that our CMAQ program has also been very beneficial for business. The best friend of the truck drivers trying to move freight on our congested roads are the transit riders and the van pool riders who are not sitting in their cars in front of him as he's trying to move his freight along.

The program has some weaknesses. We think that there should be a better focus on the long-term air quality improvements, and I agree on congestion. We think that there should be a focus on having a more performance-based program, as opposed to the current sort of "trust me" program that is being set. Set performance standards instead of a lot of the regulation that is currently in the program.

I think the CMAQ program is just beginning to bear fruit. On a practical level, there were a lot of projects that were in the pipeline when ISTEA was passed. There were commitments that had been made to municipalities, and the State and MPOs did follow through with those expenditures. As a result, the municipalities and regions are only now beginning to come up with the kind of creative and useful projects that were the original intent of the CMAQ program.

We think it's important and it's an important goal of ISTEA, too, to allow these local initiatives to bear fruit and to let a determined citizenry shape the future of their own communities. This program should be given more time to succeed, and we urge you to continue it.

Mr. MICA. Thank you for your testimony. I now recognize Larry Bonine, director of Arizona Transportation Department.

Thank you.

Mr. BONINE. I'm Larry Bonine, the director of the Arizona Department of Transportation.

As we submitted written testimony, I would like to just mention a couple of things off the top, having heard testimony all morning

and being in sync with a lot of it. A lot of my colleagues have been here—Dick Smith—so I'll just mention the congestion.

The CMAQ program has worked well for us, and we've gotten a lot of benefits from it, primarily only in the Phoenix metropolitan area.

It has worked well. We've done a lot with it. But to say there's flexibility there is wrong. It can have a lot, lot more.

Our push and my comment to you would be to really go to work on that.

If that is to continue to be a Federal program and a Federal mandate, then lighten it up so that we can use it on new projects, that we can use it on congestion projects, much the way Dick was talking about. We've lost the focus on that.

Now, reducing air pollution is important, but we can even do more of that if we just have the flexibility to do that within this program.

I'd like to slide from that and using that when I said, "If you choose to continue that as a Federal program," and go to the streamlining process.

We agree with the STEP 21. We're part of that. We're one of the leaders within it. We think that there can be a lot, lot more streamlining.

ISTEA, as we know it today, is better than what we had before. What we do next needs to be an improvement of what we have today.

We think—I think that every time you have a Federal program you've started something that is going to grow and continue to grow unchecked until you do something else. That's the nature of bureaucracy. It is not in any bureaucrat's interest to make something easier. The goal is to get work load, because work load generates jobs, work load generates other people to work for you, and it just grows unchecked. That's just the nature of bureaucracy.

So there needs to be a check and a continuous improvement of that.

We have a lot of Federal programs coming down, and they continue to grow and hinder.

Also, when we have to look for grants, when we have to go and compete for "Federal funds"—and think about the Federal funds. We pay \$0.18 a gallon when we fill up our automobiles, a use tax. In our State we pay \$0.18 a gallon or \$0.185. The \$0.185 comes to the Federal, is then captured, and we have to go compete to get it back with strings on it, with programs on it.

Now, when it comes down, there is an inefficiency. I don't know. In earlier testimony there were questions about what is the cost/benefit, how much does that cost—that inefficiency as it comes down, as it filters through layers and through programs. It's something.

Plus, the State is being put in the underlying feeling of being subservient, of somehow these guys are smart and we're not and they're telling us how to manage our programs.

Well, States are pretty smart. States have got their things together and many of these programs they can handle just fine, thank you—many of them.

Having said that, here I come from a State that is small in population but growing. I come from a State that has an international border which has some interest in that. And therefore there should be, must be, a Federal role. We need a Federal role for things that hit that nature. We have incredible Federal lands in our State. So it just makes sense that there is a Federal role.

A particular case in point that we have, we have these corridors of high-priority that we have. We have one called CANAMEX. I received a call from my counterpart the day before yesterday in Nevada. He has a real interest now, through some hearings they have been having, on a bridge over the Colorado, over the Hoover Dam. They've been having hearings on what happens if we close that, because one day it just might happen.

So suddenly he has a great constituency and he's coming to me saying, "We need to do something." Well, now I'm talking about a Federal interest, a Federal role in something of a major corridor that goes north/west in these United States.

Those would be my three points: one, flex up on the CMAQ program. It's good. It's helping. A lot of the things that were said here do fit, but it does need a lot more flexibility.

Two, streamline the whole process more. Take the layers out, if you can, because you'll make more of these very scarce dollars come back to where they belong.

Three, there is a Federal role in places where you have the regional impact.

Thank you, Mr. Chairman.

Mr. MICA. I thank you.

Now we'll recognize Mr. Steve Heminger with the Metropolitan Transportation Commission of the San Francisco Bay Area.

Thank you. You are recognized. Welcome.

Mr. HEMINGER. Good afternoon, Mr. Chairman and Mr. Rahall.

The Metropolitan Transportation Commission, for your information, is the metropolitan planning organization for the nine-county San Francisco Bay area, and we appreciate the opportunity to testify this afternoon on the CMAQ program as part of your deliberations for reauthorizing ISTEA next year.

When ISTEA was enacted in 1991, the Bay area was designated as a moderate ozone non-attainment area, and thus we were eligible for CMAQ funding. In June of 1995, however, our region was redesignated by the U.S. Environmental Protection Agency as an ozone attainment or maintenance area.

As a result of this change in status, our region lost eligibility for ISTEA's CMAQ funds, which are apportioned based on a formula that includes a pollution severity factor, according to non-attainment status.

To address this situation, MTC led a national coalition of urban areas that successfully preserved CMAQ funding for air quality maintenance areas in the national highway system legislation passed by Congress last year, and we thank the subcommittee very much for its leadership in including that provision.

As you recall, the temporary legislative fix in that bill was to freeze CMAQ allocations at fiscal year 1994 levels, thus ensuring that non-attainment areas redesignated after that date would continue to receive CMAQ funds.

As a point of information, there were 98 ozone non-attainment areas as of November, 1991, when ISTEA passed. Since that time, 32 areas have been redesignated as maintenance areas. Of the remaining non-attainment areas, another 18 have submitted requests to EPA to be re-designated to maintenance status.

Attached to my testimony is a complete listing of these current and potential maintenance areas.

I would note, Mr. Chairman, that two are in your home State of Florida, and, Mr. Rahall, two are in your Congressional District in West Virginia. They are all over the country.

We think maintenance areas should continue to receive CMAQ funds for two principal reasons. First, it would be perverse for the Federal Government to punish areas that clean up their air by withdrawing transportation funds. Good behavior should be rewarded and not punished. Second, the Clean Air Act requires areas not only to attain but to maintain compliance with clean air standards for at least 20 years.

Keeping our skies clean requires the same kind of dedicated effort as achieving initial attainment, especially with continued growth in population and auto travel.

Since the regulatory mandate for clean air continues, clean air funding in the CMAQ program we believe should continue, as well.

Admittedly, though, the temporary legislative fix of freezing CMAQ allocations at 1994 levels may have to be revisited next year in reauthorization. One longer-term option would be for the committee to consider adjusting the CMAQ apportionment factors so that maintenance areas would continue to receive some level of funding but in lower amounts than more-severely polluted areas that are still non-attainment.

For example, the CMAQ factors could be adjusted so that maintenance areas receive funding at the same level as current marginal non-attainment areas, which have a factor of one. At the same time, the CMAQ factors for other non-attainment areas could be adjusted upwards—1.1 for marginal, 1.2 for moderate, and so on through the severe area and extreme area in Los Angeles.

We would be happy to work with the subcommittee in exploring this or any other legislative options to ensure continuing CMAQ eligibility for air quality maintenance areas.

As Mr. Smith said earlier, however, we should not lose sight of the two-part objective of the CMAQ program—congestion mitigation and air quality improvement.

While the Bay area has been officially redesignated as an attainment area for air quality, we are very much a non-attainment area still for traffic congestion.

The projects proven most effective at reducing vehicle delay in our region, such as our roving freeway service patrols and traffic signal timing, have been and should continue to be funded with CMAQ dollars.

Our region has also used CMAQ to fund innovative ITS projects such as our TravInfo project, which will debut next week, and a universal fare card for transit, Translink, that will better coordinate transit service among our region's transit systems.

Overall, we conclude that the CMAQ program has been an initial success. In addition to achieving air quality and congestion relief

benefits, it has encouraged intergovernmental partnerships and improved collaboration, it has given local officials experience with flexible funding, leading to increased intermodalism, and it has promoted innovation in project development.

We again appreciate the opportunity to testify, and I look forward to your questions.

Thank you.

Mr. MICA. Thank you for your testimony.

I recognize now Mr. Shiva Pant, who is testifying on behalf of the Institute of Transportation Engineers.

Welcome. You are recognized, sir.

Mr. PANT. Good afternoon, Mr. Chairman and Mr. Rahall.

My name is Shiva Pant, and I am director of the Fairfax County Department of Transportation, right across the river, but I'm here today as a member of the Institute of Transportation Engineers and its Legislative Committee, and certainly appreciate the opportunity to speak to you about the CMAQ program.

As the association of some nearly 12,000 transportation professionals throughout the United States, ITE's recommendations relating to the reauthorization of the Nation's surface transportation program represents a consensus of public, private, and academic professionals from a broad political and regional background.

ITE believes that ISTEA programs should be judged on what they accomplish and contribute toward a national intermodal transportation system that is safe, economically efficient, and environmentally sound.

ITE supports the CMAQ program; however, it believes that much more work needs to be done to quantitatively determine how various transportation plans and programs contribute to attainment of the Nation's clean air objectives.

The Institute believes it is important that projections of air quality effects be based on current data and realistic assessments incorporating behavioral factors rather than on theoretical assumptions.

This work must be accomplished if a rational basis is to be established for making future decisions affecting not only the CMAQ program but how the Nation will proceed in achieving its mobility and air quality objectives.

In my jurisdiction in Fairfax County, we have funded several important projects such as signal systems and transit centers which CMAQ funds. However, other projects that would improve traffic flow on roadways have not been funded or pursued because of the air quality rules that govern project selection and approval. These constraints need to be eliminated.

Efforts to eliminate traffic flow improvement as an eligible expense under the CMAQ program should not be accepted by your committee. Such efforts are contrary to the language authorizing the CMAQ program and would eliminate one of the most cost-effective means of achieving short-term emission reductions when compared to other transportation control measures.

Reports by the Institute of Transportation Studies at Berkeley and the US DOT's Volpe National Transportation System Center indicate insignificant increases in traffic volume as a result of traffic flow improvements.

There is no magic bullet, no transportation project that will have all positive and no negative impacts. Each project must be evaluated on its overall effects and not by a pass-fail litmus test such as oxides of nitrogen or the NOx emissions.

Passing the conformity build/no build test for NOx is, in many cases, a matter of luck. Factors most important in reducing NOx emissions are not known with precision and, based on current modeling approaches, decreasing VMT on congested freeways may actually increase NOx emissions since speed increases could generate net increases in these emissions.

Likewise, proposals to construct commuter parking lots that would encourage car pooling and bus ridership have to undergo testing with theoretical models to prove that these projects meet the emission goals, since determinations made on the basis of theoretical models do not encourage implementation of projects that improve mobility and efficiency.

ITE supports expanding eligible uses of CMAQ funds to include existing as well as new projects and projects that reduce emissions after the attainment date.

Efforts to improve mobility and air quality should be long-term and continuous and should not be subject to stops and starts or restricted to arbitrary time limits.

In addition, project eligibility should be based on aggregate impacts on congestion and air quality and not on whether the project is a continuation of existing efforts or the initiation of a new effort.

Overall value and effectiveness should be the deciding criteria.

The CMAQ program was designed to reduce pollution while increasing transportation efficiency. The Institute's reauthorization recommendations are consistent with the broad intent of the CMAQ program, and the Institute urges Congress to keep the broad intent of the CMAQ program in mind during the reauthorization process.

I appreciate the opportunity to speak before you. You have the Institute's written testimony, and I will be glad to answer any questions you may have.

Thank you, Mr. Chairman.

Mr. MICA. I thank you for your testimony.

I now would like to recognize, last but not least—thank you for your patience—Doug Howell. Doug Howell is testifying on behalf of the Surface Transportation Policy Project of the Environment and Energy Study Institute.

Thank you. You are welcome and recognized.

Mr. HOWELL. Thank you, Mr. Chairman. It is good to be here. And thank you, other members of the committee.

I am here on behalf of the Environmental and Energy Study Institute. We are a member of the Surface Transportation Policy Project, and I will be talking on behalf of STPP today.

STPP is a nonprofit coalition of 150 organizations representing a very diverse group of members, including elderly, historic preservation, transportation workers, citizen groups, downtown businesses, environmental organizations, and others. We are united in the belief that transportation investments can serve multiple purposes at the same time: strengthening the economy, protecting the

environment, strengthening communities, and meeting other important social goals.

STPP is very supportive of the CMAQ program. We see it as one of the most important new programs in ISTEA, and there are four reasons for that. I'd like to just briefly outline those.

First of all, ISTEA made a very important turn in recognizing the importance of environmental protection with transportation policy in 1991. CMAQ is probably the most important program in achieving environmental goals. The \$1 billion set-aside a year for air quality serves not only air quality but many other purposes.

I would like to give a little bit of a background of the way we see the impacts of transportation systems on the environment.

It has a massive adverse impact on land, using non-renewable resources, consuming farm land at 600,000 acres a year, and solid waste.

It has a massive impact on water, with highway runoff nitrates that get on surface water.

It has a massive impact on energy security. We are 97 percent dependent on oil in the transportation arena. That is the major contributor to the export of \$50 billion a year for imported oil.

And, of course, transportation has a massive impact on air quality. It's nearly the leading contributor to urban smog. Carbon monoxide contributes nearly one-third of global warming. And we are learning more and more about how poisonous toxins also come from transportation emissions.

There is only one major program within ISTEA that addresses all these problems, and that's CMAQ, and that's just the beginning.

We also see CMAQ as fulfilling part of the promise of flexibility. We've heard some today how they'd like to open up the program to more eligible projects, but it also has been a very, very flexible program.

Of the \$2.2 billion that have been flexed to transit programs, CMAQ has accounted for \$1.3 billion of that flexed money.

CMAQ is also a very innovative program. While the surface transportation program within ISTEA was expected to be a very innovative program, what we're finding is that CMAQ is really the leader in innovation. Ride-sharing, transit projects, busways, bicycle and pedestrian projects, natural gas vehicles, electric vehicles—a variety of projects have been a great source of innovation.

And, of course, it has been the funding source for the Clean Air Act amendments of 1990.

We have three general recommendations for the reauthorization of CMAQ for next year.

First and foremost, we absolutely support the guaranteed minimum funding identified in CMAQ. We think that's critical. If it were made voluntary, we are very concerned that the program may dwindle away or, in some cases, be completely eliminated in some of the States. There are some good reasons for that.

When you look at the spend-out rates in ISTEA, CMAQ had some very slow start-up problems and the traditional highway programs were spending out at about twice the rate, so we need to institutionalize CMAQ to make sure it doesn't get overwhelmed by traditional programs, and the set-aside is the thing that's going to do that.

There's also another good reason to ensure a set-aside. What we see with the transportation enhancements program is a new program. It has a set-aside. The Federal Highway Administration, when they did their report of the enhancements program, concluded that you need to assure the minimum set-aside for the next reauthorization to make sure that program is institutionalized.

We see that logic about institutionalizing the enhancements program and keeping a mandatory set-aside analogous to what's needed for CMAQ.

Another point I'd like to talk about in our hopes for the reauthorization of CMAQ is that we continue to focus on air quality. We've heard a lot about congestion, but we have to be a little bit concerned that we are ensuring that the congestion projects are, in fact, achieving air quality goals.

Many of the congestion projects may show some short-term gain in air quality, but over the long run some of the history with congestion mitigation and highway capacity expansion projects is that, in fact, they fill up with more cars, which, in turn, leads to more congestion, and in the end exacerbates air quality.

So congestion mitigation projects, as we go forward with these, we must make sure that they are, in fact, meeting air quality goals.

The last thing I'd like to talk about in terms of a focus for CMAQ reauthorization is long-term thinking. Again, it relates to focusing on the air quality goals.

If we use a short, 3-year test of a particular criteria pollutant, we may or may not have a result with a specific CMAQ project. But we do not want to allow that focus on short-term air quality gains to eliminate some very important, creative, long-term solutions to complicated transportation projects.

I'd like to give one quick example.

If you have a transit project and you combine that with transit-oriented design, you may not see necessarily air quality benefits within a very short time period of 3 years, but if you look at that project over a 25-year period, the air quality gains may be very, very significant.

So we encourage the committee, as they look at CMAQ for next year, to keep in mind we must keep looking at the long-term results of our projects.

Thank you.

Mr. LATHAM [ASSUMING CHAIR]. Very good. I thank you for your testimony.

I just have a couple questions, I guess for the whole panel.

According to most estimates, the transportation conformity measures will contribute 1 to 2 percent of regional air quality improvements. Can we improve the CMAQ program so that it will have greater impact on air quality improvement? Anyone?

Mr. HEMINGER. I'll try one. Mr. Chairman, I think one thing is to recognize that the CMAQ program is still very young, and we're clearly learning what works and what doesn't.

The U.S. Department of Transportation, for example, has done a couple of evaluations of the program. As you indicate, they've shown that some of the measures funded have not performed as well as we'd like on air quality. Others have performed very well.



One area in which we are investing heavily in the Bay area is in synchronizing traffic signals, which not only, we think, gives us a bang for the buck on air quality, but also improves traffic flow and reduces congestion.

So we think, over time, if you reauthorize CMAQ, and with the assistance of this department, and with the scrutiny of the subcommittee on what measures work and what measures don't, that may be an opportunity for you to fine-tune what kinds of projects are eligible and to try to direct investment in areas that are going to give us the biggest bang for the buck in air quality improvement.

Mr. LATHAM. Anyone else?

Mr. BONINE. I would just say, with respect to where I come from in the Phoenix metropolitan area, it's awfully hard for the program this size we're going to have there for it to have an impact, given our growth. Our growth is just exploding.

So how do you keep up with that? How do you not have congestion and how does that not lead to more of a problem?

So we would have to really make this a big bite size to actually be able to measure something with respect to this program.

Mr. LATHAM. Mr. Smith?

Mr. SMITH. I think that one way you might be able to improve things—and this is not going to have drastic impact, but the current scrutiny that's done by Federal agencies on projects tends to have delays, therefore costs go up.

I'm not suggesting that big dollar savings are out there, but projects could be implemented quicker if the review was done more timely.

Mr. LATHAM. Mr. Howell?

Mr. HOWELL. Thank you. About that, if you want to really get the most bang for your buck, one of the things that we all need to understand—and we're learning more and more about—is exactly where the majority of pollution comes from when you look at a car trip.

When you start the car, you're getting a majority of your air pollution at that moment. It's a phenomenon we call "cold starts."

And so in the first 5 or 10 minutes you're going to get a disproportionately high amount of air pollution over an hour commute to work every day, so mitigating congestion isn't necessarily going to give you the biggest bang for the buck.

The more important focus, where you actually might be able to reduce the amount of air quality impact, is eliminating the trip, itself.

When you look at the overall trips we take in this country, about 40 percent are five miles or less. A lot of the CMAQ projects we're seeing today are going to be able to eliminate those short trips of five miles or less—intermodalism, transit projects, bicycle and pedestrian projects where we can eliminate those short trips which cause a disproportionately high amount of pollution.

Mr. LATHAM. I might just say in Iowa you can't go anywhere in less than five miles, in rural Iowa.

Mr. HOWELL. And in that case—

Mr. LATHAM. And if it's under five miles we walk.

Mr. HOWELL. That's right. And you've actually done some great projects with alternative fuels out in Iowa, which is one of the

things being funded by CMAQ. We really support that. If you want to stick with a car, then let's clean them up. CMAQ has been a very important source of money for those type of projects.

Mr. LATHAM. Current rules limit the types of congestion reduction projects that are eligible under CMAQ. Should the eligibility be expanded to allow other types of projects?

Mr. PANT. If I might, Mr. Chairman, yes, I think that was what ITE's position is. There are projects—and following up on your earlier question—no one project can really be tested to prove whether it helps or not. I think you have to look at it overall.

You cannot just come up with conclusions as to air pollution benefits from one parking lot or one transit center, so yes, it needs to be made more flexible.

We have—in Fairfax County now, not for ITE, but as a Fairfax County official, we have congestion near our METRO station parking lots, and that is a disincentive for people to go. There's not enough parking for people to park, and the expansion of the parking is requiring us, if you want to use CMAQ funds, to prove that that project, itself, leads to a betterment of air quality.

So I think congestion and air quality need to go hand in hand. An earlier speaker talked about the fact that it's both congestion mitigation and air quality.

So I would suggest it be made more flexible.

Mr. LATHAM. Anyone else?

Mr. SMITH. That was the basis of my testimony, was that congestion mitigation or congestion relief has to be reinstated as a goal in this program. It has lost that part of the title of the program, and I think by changing some of the eligibility criteria you can certainly get at that.

Mr. LATHAM. Okay. Thank you very much.

I recognize Mr. Rahall.

Mr. RAHALL. Thank you, Mr. Chairman.

I'd like to ask this panel—the entire panel—a question. Several witnesses before the committee have advocated the elimination of the CMAQ program, making air quality congestion projects eligible for funding under a streamlined, flexible program as a means to give State and local governments flexibility to meet the local transportation and air quality needs in its jurisdiction.

I fail to see how the use of less than 5 percent of the funds authorized for surface transportation programs adversely distorts local transportation decisions to reduce congestion and achieve national clean air quality standards.

So my question is: do any of you see any credence to the arguments being advanced by those advocating the elimination of certain required CMAQ programs such as what STEP 21 is seeking?

Ms. HAMEL. No.

Mr. RAHALL. There's one.

Mr. HOWELL. No.

Mr. RAHALL. Two.

Mr. HOWELL. But, if I may add some fuel to the fire, when we look at the needs, the conditions, and performance report, they talk about the tens of billions of dollars of needs. Very legitimate. We heard earlier today of maybe hundreds of billions of dollars of needs. And we set aside, as you say, over 95 percent of our pro-

gram for traditional highway type of projects, less than 5 percent for air quality.

What we're learning now about environmental impacts is that the external costs, social, environmental costs on a yearly basis are anywhere from \$250 billion upwards up to \$600 billion a year of cost not captured by highway users.

Now we're beginning to address this problem with just a very small set-aside of CMAQ money. If you look at the overall costs, from our view what we're learning is that the 5 percent set-aside should be an absolute minimum given the magnitude of the problem that we're trying to take on today.

Mr. RAHALL. Yes.

Mr. BONINE. My comment, as a DOT and as a State, as I started the CMAQ—as set-asides go, we have had a benefit from that in the Phoenix area, the Phoenix metropolitan area.

But to say 5 percent, I would challenge that. I mean, that's there, but once that 5 percent makes its way down through the handlers, through the bureaucracy, through the pockets that it goes in, through the stuff that you have to go through, it's costing much more than that. And then spread that across all the set-asides.

I guess what I would like to think is the States now are mature. We don't need the Federal Government to be the parent and us the children. Give us goals. Let's have a national goal. Let's have things like that. Let us go for it, and let us manage it ourselves.

It's money that's collected in the State. It's the State's money, really, but it goes up and it has this portion to it. That would be my comment on it.

Yes, if you've got to have Federal programs, as they go, CMAQ is a good one and we've had benefit from it and I can see where the local communities like it, given the way that ISTEA has us talking to each other.

In my State I like to think that we do that. Maybe ISTEA helped us come up with that dialogue, but once it's there we're doing very well as a family deciding where we need to spend our money.

I guess what I'm saying is we would get more bang for the buck if we didn't have to go through so many of these Federal programs, funded or not. When they're funded, they're funded again with a money that would be much more efficient if streamlined and gotten to the State without so many strings on it.

Mr. HEMINGER. Mr. Rahall, if I could, speaking on behalf of a metropolitan area, we have a couple concerns about the idea, as well.

I must say we sometimes have a parent and child relationship it seems with our States.

We are concerned. First of all, CMAQ is tailored to air quality and urban congestion and has different eligibility than other Federal programs, and especially things like the operational projects that we're doing like tow trucks and traffic operation centers. Those are not eligible for other Federal funding programs.

Secondly, CMAQ is apportioned, as I mentioned in my testimony, based upon where the problems are, where the air quality problems are and where the congestion problems are, which are usually one and the same.

And the other ISTEAs are not allocated according to that basis, nor are the funds in the STEP 21 proposal. So I think that's a concern, as well, both in terms of eligibility and apportionment. The concern is that the CMAQ program might get lost within a larger block grant.

Mr. RAHALL. Thank you, gentlemen.

Mr. LATHAM. If there are no further questions, I just would like to thank the panel for their excellent testimony. We appreciate very much your input.

Mr. RAHALL. Mr. Chairman, I just want to make one last comment as we conclude this last ISTEAs hearing.

As all of us are aware, we've had a long process and even probably a longer process ahead of us, but as I've concluded long hearings in my other committees, whether it was reform of the mining law of 1872 or reauthorization of the abandoned mine reclamation program, or whatever, I always end the long hearings with a quote from what Thomas Jefferson once wrote: "I much prefer the dreams of the future than the history of the past."

That's how I end these hearings.

Thank you, Mr. Chairman.

Mr. LATHAM. I thank you very much for those wonderful words. [The prepared statement of Mr. Poshard follows.]



SUBCOMMITTEE ON SURFACE TRANSPORTATION  
HEARING ON TRANSPORTATION IMPROVEMENT EFFICIENCY AND  
THE CONGESTION MITIGATION AND AIR QUALITY PROGRAM

Opening Statement of Congressman Glenn Poshard

September 26, 1996

Mr. Chairman, I appreciate the opportunity near the end of this Congress to discuss one of the most important elements of the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA), the planning requirements for transportation improvements. As we all know, ISTEA is one of our major legislative tasks for next year, and it is my belief that through our rigorous hearing process, we are extremely well prepared to tackle it.

It seems the most common complaint from the representatives of our state DOTs is that they have too many restrictions in their planning for, and implementation of, state transportation programs. Anything we can do to make this process less cumbersome, such as involving fewer federal agencies or reducing the number of studies needed in the early planning stages, while still providing adequate environmental safeguards, will streamline the overall effort and save money. I look forward to hearing the ideas of our panelists on this topic.

Mr. Chairman, I would like to thank you and the Ranking Minority Member, Mr. Rahall, for your continued efforts on behalf of our nation's transportation system. I would also like to welcome all of our witnesses, and issue a special greeting to Ms. Carla Berroyer, who is the Chief of Planning for the Illinois Department of Transportation and appearing as part of Panel 6. It is with great anticipation that I look forward to the many challenges that ISTEA will present for us in the next Congress. I am confident we will meet them.

Mr. LATHAM. This hearing is adjourned.  
[Whereupon, at 2:17 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

PREPARED STATEMENTS SUBMITTED BY WITNESSES

**Statement of Mayor Jerry Abramson**  
**on**  
**ISTEA Renewal**  
**and the**  
**Congestion Mitigation and Air Quality Program**  
  
**on behalf of**  
**The U.S. Conference of Mayors**  
**before the**  
**House Transportation and Infrastructure**  
**Subcommittee on Surface Transportation**  
**Thursday, September 26, 1996**

Mr. Chairman and members of the Subcommittee, I am Jerry Abramson, Mayor of Louisville and a Past President of The United States Conference of Mayors.

I appear today on behalf of the nearly 1,050 mayors representing cities with a population of 30,000 or more.

I thank you for this opportunity to provide the views of the nation's mayors on the Congestion Mitigation and Air Quality (CMAQ) Program as this Committee prepares to renew the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

**elected officials be more fully vested in shaping decisions by state and regional allocation bodies.**

**The mayors also adopted a resolution on the Congestion Mitigation and Air Quality Program (CMAQ), the focus of this hearing today.**



In singling out this ISTEA program, the mayors emphasized the need for particular attention to CMAQ, urging Congress and the Administration to extend this program, and even commit additional resources to the extent applicable air standards are strengthened.

The mayors are also recommending that CMAQ funding be available for both non-attainment areas as well as "maintenance" areas which recently achieved compliance and are striving to stay in compliance, as current law now provides.

I will discuss the CMAQ program and the details of our policy position later in this statement.

The mayors also adopted a resolution supporting national goals for **Intelligent Transportation Systems (ITS)**, an issue that needs to be addressed further during renewal of ISTEA. Mr. Chairman, I would urge this Committee to talk further with Atlanta Mayor Campbell and other officials from the Atlanta region to review their recent experience in the deployment of state-of-the-art traffic management systems and other technologies during the Olympics.

Related to how we finance ISTEA and other federal transportation investments, the mayors adopted a resolution on **Transportation Trust Funds**, urging Congress and the Administration to take the federal transportation trust funds off budget. Mr. Chairman, I know the priority that this Committee and full Committee Chairman Shuster have placed on this issue. The mayors adopted this policy statement to lend our support to these and other efforts to elicit additional resources to transportation investment.

Finally, in an issue directed at Congressional tax committees but related to this Committee's interest, the mayors urged the adoption of an **Income Tax Deduction for Public Transit Expenses**. Here mayors are recommending that we allow those who use public transportation to deduct their commuting costs. Mayors believe there is more that can be done to stimulate the demand side of public transportation. Increased transit ridership translates into greater revenues for the system, ultimately relieving pressure for additional federal assistance. This change may also help level the playing field in commuter choice in that for years federal tax laws have allowed employers to provide tax free parking benefits to workers at their place of employment.

### **Recent Policy Positions**

Mr. Chairman, since Atlanta Mayor Bill Campbell, the Chair of the Conference's Transportation and Communications Committee, testified before you earlier this year, the nation's mayors met in Cleveland for our 84th Annual Meeting.

At this June meeting, the mayors adopted several policies pertaining to the issues before this Committee today. Let me briefly review these new policy statements. Attached to this testimony are the full policy statements.

First, in the Conference's resolution on ISTEA renewal, the nation's mayors strongly affirmed their support for ISTEA renewal, recommending only modest changes in this landmark legislation. In fact, the mayors are urging you and others in Congress to use the ISTEA framework as the starting point for any renewal legislation.

Within the ISTEA framework, we are recommending three specific changes.

1. First, we urge Congress to make transportation expenditures pursuant to the Americans with Disabilities Act (ADA) an eligible cost under all ISTEA categories. We should not have inaccessibility of the Act cited as a basis for not moving forward with these important investments by state and local governments.
2. We are also recommending that the suballocation provisions of ISTEA be modified to ensure that funds specifically set-aside for local governments in their metropolitan areas actually reach these areas.
3. Finally, we are also urging refinements in ISTEA's funding allocation processes. We believe that it is critical that local elected officials be more fully vested in shaping decisions by state and regional allocation bodies.

The mayors also adopted a resolution on the Congestion Mitigation and Air Quality Program (CMAQ), the focus of this hearing today.

## **Congestion Mitigation and Air Quality Program**

Now let me discuss the CMAQ program in more detail. I only briefly summarized our recent policy statement. Let me provide the broader context of this statement and the Conference's position on the CMAQ program.

Mr. Chairman, I would like to first complement you and Members of this Committee for your foresight in providing federal resources in support of regional and local efforts to improve air quality and reduce the impacts of air pollution on our citizens and communities.

ISTEA has often been touted by mayors, and by so many other public and private officials, as a landmark statute. This legislation set forth a vision for how the nation moves forward in this important area, investing in surface transportation needs while making resources available to mitigate the effects of highway networks and other systems on public health and the environment.

The CMAQ program simply underscores the foresight of your actions in 1991. As President of the Conference of Mayors during the campaign to end unfunded federal mandates, I helped lead the mayors as we, along with so many other local and state officials, pressed Congress for an end to the historic practice of shifting costs and burdens to local taxpayers. This campaign ultimately succeeded with enactment of S. 1, legislation which remains one of the great achievements of the 104th Congress.

This morning I would like to recognize Representative Clinger, a senior member of this Committee, for his leadership as Chair of the Government Reform and Oversight Committee in guiding the "Unfunded Mandates Reform Act of 1995" through the U.S. House of Representatives.

During debate on the legislation, we continued to emphasize the point that if there is a national interest to be achieved with federal requirements or mandates, there must be federal participation in funding and sharing the costs of these requirements.

In our discussions with Members of Congress, staff and others, we were able to point to the CMAQ program as the most recent and best example of where Congress partnered with us in funding a federal

mandate. In this case, the effort was aimed at addressing the federal interest in improving the nation's air quality.

I know that this Committee is sensitive to these issues and has taken actions to reduce the burdens on mandates on local governments. Mr. Chairman, I thank you and your colleagues for your efforts in this regard.

Before us today, we have the CMAQ program, an example of shared funding of a critical national priority, reducing harmful air pollution.

As you prepare for renewal of ISTEA, I strongly urge you to continue and renew this commitment to the CMAQ program. I would also urge you to be prepared to dedicate additional resources for what is a chronic and long term environmental concern for the nation and the citizens we serve.

As we meet today, for example, we know that U.S. EPA officials are assessing new air quality and health effects data and other research, new information that may soon drive them to the conclusion that our air standards must be tightened to further protect public health.

The resolution, which we adopted in June, urges Congress and the Administration to allocate additional resources to the CMAQ program in the event applicable standards are modified. Mayors anticipate that this action will increase cost burdens on local governments in those areas now operating under the Act's requirements and possibly extend the reach of the Act's requirements to more areas all across the nation.

In the Louisville area, we have worked for several years to improve our air quality. We are proud of what we have achieved, having been recently redesignated as a "maintenance" area, a status under the Act, I should emphasize, that is not without burdens and local cost impacts.

Given our limited experience as a "maintenance" area, there is still a real potential that even without a change in current standards, our air basin could revert to a non-attainment area, given demographic trends, driving habits and other circumstances.

With the potential for revisions in current standards, I expect that my area would almost certainly fall back in to non-attainment.

These circumstances underscore the reality that the Clean Air Act is a dynamic statute in terms of its changing local impacts. For those of us in public office, it is a reality that will always be with us.

We have reached the point where it is now time to make a more enduring and longer term commitment to combating this national problem. Continuing and targeted funding, as provided under ISTEA's CMAQ program, is a threshold issue.

Simply put, extension and strengthening of the CMAQ program should be the point of departure for next year's debate on ISTEA. Today roughly one-half of the nation's population under current standards -- which some consider unprotective of public health -- live with polluted air or live in areas that have just reduced harmful levels of air pollution. This is not a problem we can hide from.

In the end, this issue is about making a sustained commitment to air quality. We are fortunate that you and the Members of this Committee initiated this federal commitment when you enacted ISTEA.

I am aware that there are certain organizations and others who are now urging you to eliminate this program in favor of redirecting these funds to other ISTEA program elements. We strongly urge you to reject this formulation of the issue.

ISTEA, appropriately, struck a balance. For this and many other reasons, the nation's mayors are urging you to craft renewal legislation next year that follows the ISTEA framework, including the continuation, and possibly expansion, of the CMAQ program.

Unlike some mandates, such as that for crumb rubber which was swept away in the National Highway System designation bill, we all know that we are not going to eliminate the Clean Air Act. There are those who simply want to eliminate the funding for the CMAQ program, turning back the clock and returning to the days of mandates without money. I can assure you that mayors and other local officials are not going back to those days.

All of our efforts must be aimed at going forward with our federal partner, sharing in the cost burden, sharing in governance, sharing in the solutions to this problem for our citizens and communities.

### **Louisville Experience with CMAQ**

Let me now talk specifically about what the CMAQ has meant to our the Louisville area and our efforts to improve air quality in our region.

The use of CMAQ funding in the Louisville metropolitan area has been extremely beneficial in promoting several major projects to improve air quality and reduce congestion. After achieving attainment in 1993 for carbon monoxide (CO), the Louisville region continues to work on reaching attainment for ozone and in 1996, we had our first clean year. We are now eligible to apply for a one year extension which we are doing.

Achieving attainment has been a result of a multi-faceted program of which CMAQ funding was an integral part. CMAQ funds have contributed to successful programs to convert vehicles to clean fuel, establishing computerized city-wide traffic signalization, and an enhanced vehicle inspection program to reduce emissions. The Kentucky Ozone Prevention Coalition was also established under CMAQ as well as a paratransit scheduling efficiency project which will provide for the implementation of a complete paratransit scheduling and dispatch system to improve this important transportation component of our community service.

I will say that in the early years of the CMAQ program under ISTEA, funding to the Louisville region was insufficient given the needs of the area and the statutory requirements of CMAQ. However, in the last two years, Louisville has received over half of the state CMAQ allocation.

Mr. Chairman, each area can provide similar reports on how the CMAQ program has furthered local and regional efforts to achieve air standards.

At the same time, I recognize that there has been some criticism about how CMAQ funds have been deployed. This is a new program so there were some startup problems. I answer those critics -- most of whom it seems don't live with or don't care about the reality of air pollution and the Act's requirements -- by acknowledging that there has been some learning and testing out of potential solutions. For those of us that have been working to improve our air quality, I can assure you that there is no silver bullet for this problem.

I should also note that there are some states where state transportation officials were not active partners. In some cases, this meant that they were slow to support the program and/or even allocate CMAQ funding set-aside for eligible areas. In the early days of implementing ISTEA, some officials went out of their way to criticize the program, simply because they viewed it as diverting funds from important state highway projects. I am hopeful that most of that is behind us now.

We also know that these CMAQ funds are being successfully deployed to tackle congestion in many metropolitan areas. This is a problem that not only diminishes our quality of life in our urban areas, it affects our broader economy in terms of lost productivity. There are still cases where air quality benefits of CMAQ investments are hard to quantify, particularly in the short term. We do know, however, that making investments in congestion relief projects produce other benefits for the economy, communities and our citizens.

Mr. Chairman, I know that the congestion mitigation side of this program will be given particular attention later in this hearing. I would note that Mayor Campbell in his testimony before this Subcommittee talked about this issue.

Finally, I know that there are continuing efforts now underway to compile information on the CMAQ program, including descriptions of successful local efforts using these resources. I am confident that this new information will only amplify the very positive statements and reports about the success of the CMAQ program that have been provided by the U.S. Department of Transportation and others involved with this program.

As we move forward on ISTEA renewal, The U.S. Conference of Mayors, along with other organizations, will be developing additional information on the CMAQ program, which will be provided to this Committee as it becomes available.

Mr. Chairman, this concludes my testimony. I would be pleased to answer any questions that you or members of the Committee may have.

I thank you for this opportunity to present the views of the nation's mayors on ISTEA renewal and the CMAQ program.

**Resolution Adopted at 64th Annual Conference of Mayors  
June 21-25, 1996  
Cleveland, Ohio**

**RENEWAL OF INTERMODAL SURFACE TRANSPORTATION  
EFFICIENCY ACT (ISTEA)**

**WHEREAS**, the Administration and the Congress are now developing proposals to renew the Intermodal Surface Transportation Efficiency Act (ISTEA), landmark legislation which is due to expire September 30, 1997; and

**WHEREAS**, this 1991 statute invests federal transportation resources in bridges, highways, public transportation and other city and local transportation priorities, while investing in other important regional, state and national transportation priorities and needs; and

**WHEREAS**, this legislation furthers partnerships among federal, state, regional and local transportation decision-makers and the public to craft balanced transportation solutions that strengthen communities, improve efficiency, increase mobility and enhance the environment; and

**WHEREAS**, ISTEA directly funds cities, and in cooperation with their other local government partners in their metropolitan regions, provisions which acknowledge the role of cities, along with other local governments, as owners and operators of a substantial share of the nation's transportation systems and facilities; and

**WHEREAS**, through direct funding of public transportation systems, the suballocation of highway resources to urbanized areas and allocation of resources to substate areas complying with federal mandates under the Clean Air Act, ISTEA helps correct funding imbalances, whereby local areas, often many of the nation's cities and their metropolitan areas, have not received a "fair share" of the federal user fees and other tax resources generated by their taxpayers and others in their local areas; and

**WHEREAS**, mayors and other local officials, in partnership with state governments and the public, continue to demonstrate how ISTEA, which is still a relatively new framework for decision-makers, can be tailored to respond to transportation needs of our cities and their metropolitan areas; and

**WHEREAS**, while this legislation has been successful in most instances, there are specific examples where mayors have identified areas for refinement, all within the context of preserving the basic structure of ISTEA,



**NOW, THEREFORE, BE IT RESOLVED** that The United States Conference of Mayors calls upon the Congress and the Administration to renew ISTEA, building upon the basic principles and program structure set forth in this 1991 landmark legislation; and

**BE IT FURTHER RESOLVED** that the Conference calls upon Congress and the Administration to enact necessary refinements to ISTEA that should include: making transportation-related expenditures for compliance with the American with Disabilities Act (ADA) eligible under all ISTEA funding categories; ensuring that mayors, other local elected officials and their representatives are empowered and adequately represented on regional planning and other allocation bodies that distribute ISTEA funds; and strengthening suballocation requirements to make sure that resources passed through the states under ISTEA program categories are actually obligated to local and regional decision-makers and their representative agencies to support locally-developed transportation projects.

**Resolution Adopted at 64th Annual Conference of Mayors  
June 21-25, 1996  
Cleveland, Ohio**

**CONGESTION MITIGATION AND AIR QUALITY PROGRAM**

**WHEREAS**, the Administration and the Congress will soon be developing proposals to renew the Intermodal Surface Transportation Efficiency Act (ISTEA) which is due to expire September 30, 1997; and

**WHEREAS**, this landmark statute has provided critical funding through the Congestion Mitigation and Air Quality (CMAQ) program to assist nearly one hundred regions, and the numerous cities and other local governments within these areas, in complying with the Clean Air Act; and

**WHEREAS**, CMAQ funding has helped cities and their regions absorb the significant mandated costs associated with achieving and maintaining compliance with ambient air quality standards; and

**WHEREAS**, the CMAQ program has served as a model of how the federal government can partner with cities and their regions in providing resources to achieve compliance with federal mandates; and

**WHEREAS**, these CMAQ eligible areas have made progress in achieving compliance with the Clean Air Act through the use of these funds; and

**WHEREAS**, despite this progress, there is the potential that these areas, and potentially many other areas in the future, will absorb additional mandated costs as certain standards are revised and the growth in vehicle use escalates,

**NOW, THEREFORE, BE IT RESOLVED** that The United States Conference of Mayors calls upon the Congress and the Administration to extend the CMAQ program during renewal of ISTEA; and

**BE IT FURTHER RESOLVED** that ISTEA renewal ensure that additional resources are made available under this program to the extent that applicable federal standards are revised and to the extent expected costs associated with achieving compliance and maintaining compliance increase.

**Resolution Adopted at 64th Annual Conference of Mayors  
June 21-25, 1996  
Cleveland, Ohio**

**NATIONAL SURFACE TRANSPORTATION GOAL FOR INTELLIGENT  
TRANSPORTATION SYSTEMS (ITS)**

**WHEREAS**, a vast domestic market and a new high technology industry is moving American surface transportation into the information age to better serve consumers; and

**WHEREAS**, Intelligent Transportation Systems (ITS) are being developed to enhance travel and transportation; travel demand management; public transportation operations; electronic payment; freight management; commercial vehicle operations; emergency management; and advanced vehicle control and safety; and

**WHEREAS**, deployment of viable Intelligent Transportation Systems in the United States can increase safety for transportation users; improve mobility; reduce congestion; facilitate interstate commerce; generate jobs; improve international competitiveness; provide environmental protection; conserve energy; and facilitate intermodalism; and

**WHEREAS**, ITS is a cost-effective means of increasing the utilization of our transportation systems in response to increasing demand; and

**WHEREAS**, the transportation technology revolution will require a broad array of independent, yet coordinated actions for a sustained period in both the public and private sectors -- nothing less than a national commitment of our nation's most creative and capable energies; and

**WHEREAS**, transportation is an essential and integral part of access to education, employment, health care, and everything that enables individuals and communities to develop their full potential; and

**WHEREAS**, the U.S. Department of Transportation and The U.S. Conference of Mayors are committed to an aggressive partnership in support of Intelligent Transportation Systems,

**NOW, THEREFORE, BE IT RESOLVED** that The U.S. Conference of Mayors calls upon the Congress and Administration to enact legislation, provide resources and other actions to promote the following goal for deployment of Intelligent Transportation Systems: to complete deployment of basic ITS services for consumers of passenger and freight transportation across the nation by 2005, the private sector will lead in the development and bringing to market of

reliable and affordable Intelligent Transportation Systems; the public sector will lead in the deployment of core intelligent transportation infrastructure to meet essential public needs, forming innovative partnerships with the private sector where appropriate; and the Intelligent Transportation Systems developed and deployed will be integrated, interoperable, and intermodal.

**Resolution Adopted at 64th Annual Conference of Mayors  
June 21-25, 1996  
Cleveland, Ohio**

**TRANSPORTATION TRUST FUNDS**

**WHEREAS**, Congress established the federal Highway Trust Fund, the federal Aviation Trust Fund, the federal Inland Waterways Trust Fund, and the federal Harbor Maintenance Trust Fund for the purpose of building and maintaining transportation infrastructure; and

**WHEREAS**, these four transportation trust funds are financed by dedicated user fees levied solely on America's transportation users; and

**WHEREAS**, since the unified budget was instituted in 1969, annual expenditures from these single-purpose trust funds have been reduced, creating a surplus in the trust funds exceeding \$30 billion; and

**WHEREAS**, these on-budget transportation trust fund surpluses are being used to offset deficit spending on other general fund programs, thereby making the true size of the federal budget deficit; and

**WHEREAS**, the transportation trust funds do not contribute to the federal deficit because spending from these funds cannot exceed the amount of revenues deposited into them; and

**WHEREAS**, removing the transportation trust funds from the unified budget would allow revenues deposited in these trust funds to be utilized for their intended purpose of federal investment in highway, bridge, transit, harbor and airport projects benefiting federal, state and local transportation systems; and

**WHEREAS**, H.R. 842, the "Truth in Budgeting Act" passed in the United States House of Representatives on April 17, 1996, by a comfortable margin of victory, on a bipartisan vote, taking the transportation trust funds off budget,

**NOW, THEREFORE, BE IT RESOLVED** that The United States Conference of Mayors supports restoring integrity to the federal budgeting process and to the Transportation Trust Funds by removal of the four Transportation Trust Funds from the Unified Federal Budget, freeing them for their intended use; and

**BE IT FURTHER RESOLVED** that The United States Conference of Mayors calls on the United States Senate to continue the spirit of the U.S. House of Representatives to put the "trust" back in the trust funds by passing legislation taking Transportation Trust Funds off budget.

**Resolution Adopted at 64th Annual Conference of Mayors  
June 21-25, 1996  
Cleveland, Ohio**

**INCOME TAX DEDUCTION FOR PUBLIC TRANSIT EXPENSES**

**WHEREAS**, federal assistance to mass transit has been on a steady decline in recent years, and that dramatic decreases in operating and capital assistance, along with decreased ridership, threatens the financial stability of transit operators; and

**WHEREAS**, the promotion of transit ridership is one solution to improve the financial condition of transit operators, and the utilization of the federal tax code to encourage increased ridership will certainly assist in this effort; and

**WHEREAS**, by increasing transit usage, people are less reliant on the automobile, therefore, metropolitan areas across the nation will benefit from reduced congestion, energy savings and reduced air pollution; and

**WHEREAS**, the purpose of this proposal is to promote the ridership of public transit by allowing individuals to claim a federal income tax deduction in the amount of their public transit expenses commuting to and from their place of employment; and

**WHEREAS**, this tax deduction would be available to all taxpayers across the economic spectrum -- both itemizers and non-itemizers; and

**WHEREAS**, this proposal was presented to The U.S. Conference of Mayors in August 1995 in Seattle and incorporated into its Transportation and Tax Agenda,

**NOW, THEREFORE, BE IT RESOLVED** that The U.S. Conference of Mayors calls on Congress to enact legislation to promote the increase in ridership of public transit by allowing individuals an income tax deduction in the amount of their public transit expenses commuting to and from their place of employment.



*Statement of:*  
Linda Bohlinger  
Deputy Chief Executive Officer  
Los Angeles County Metropolitan Transportation Authority

Before the  
Committee on Transportation and Infrastructure  
Subcommittee on Surface Transportation  
United States House of Representatives

September 26, 1996

**STATEMENT OF LINDA BOHLINGER**  
**DEPUTY CHIEF EXECUTIVE OFFICER,**  
**LOS ANGELES COUNTY**  
**METROPOLITAN TRANSPORTATION AUTHORITY**

Mr. Chairman, members of the Committee, on behalf of the Los Angeles County Metropolitan Transportation Authority (MTA) we appreciate the opportunity to appear before you today to present testimony supporting the reauthorization of the landmark federal transportation legislation, the Intermodal Surface Transportation Efficiency Act, known as ISTEA. Specifically, we are here to provide testimony on the Efficient Delivery of Transportation Improvements and the Congestion Mitigation and Air Quality Program (CMAQ).

MTA officials appeared before the Subcommittee on June 18, 1996, with a strong endorsement for the Reauthorization of ISTEA. We return today to reiterate our support and look forward to working with our national transportation partners to ensure the successes we have enjoyed under ISTEA are continued and strengthened.

With the creation of ISTEA, the country recognized that the nation's ability to compete successfully in the fast paced global economy depends upon moving people and goods safely and efficiently. The partnership among federal, state, regional and local transportation agencies fostered by ISTEA has ensured the coordination required to integrate transportation facilities and services into an efficient *intermodal* transportation network.

ISTEA's partnerships have created recognition that an integrated transportation system - and not any single individual mode of transportation - is key. Those of us in Los Angeles County can certainly testify with first-hand knowledge of the need to balance a transportation network, one that does not rely exclusively on a single mode of transportation. The Northridge earthquake of 1994 and its devastating impact on our automobile oriented freeway system was a sobering reminder of how vital and basic an integrated transportation system is to everyday life.



***PLANNING, FUNDING, BUILDING AND OPERATING A  
TRANSPORTATION SYSTEM FOR LOS ANGELES COUNTY***

As the transportation agency for the second largest county in the country where one-third of California's residents reside, the MTA has accepted the leadership challenge to plan and operate a comprehensive transportation system which is safe, reliable and cost-efficient. The MTA is governed by a 13-member Board of Directors which consists of the Mayor of Los Angeles and three appointees, the five County of Los Angeles Supervisors and four elected officials who represent the other 87 cities that make up Los Angeles County.

Over 9 million residents call Los Angeles County home. Based on demographic forecasts prepared by the Southern California Association of Governments (SCAG), the regions MPO, our population will increase by nearly 3 million people over the next twenty-five years - a 38 percent increase from the 1990 Census. The five-county region known as Southern California will increase by nearly 6 million by the year 2020, to over 20 million people.

Without improvements to our current transportation system, the projected increase in population and employment would reduce average countywide commuting speeds from a current level of approximately 35 miles per hour to 15 miles per hour or, in some rapidly growing outlying areas, to less than 10 miles per hour. This is unacceptable. It contradicts national policies and goals for sustaining economic growth through mobility.

The multi-modal role the MTA plays as both the regional transportation planner as well as primary service provider for Los Angeles County is unlike any other transit agency in the country. The MTA programs ISTEA Surface Transportation Program (STP), and Congestion Mitigation and Air Quality (CMAQ) funds through the statutorily defined Regional Transportation Improvement Programming (RTIP) process.

The goal of the MTA is to develop, over the next twenty years, an integrated Metro system that includes rail transit, commuter rail, extensive bus and paratransit services, carpool and bus lanes, an improved street, highway and freeway network, including state-of-the-art traffic management measures and increased employer-based programs to reduce congestion.

The MTA is also the regional coordinator for allocating federal, state and local funds to 16 of the areas municipal transit operators. Collectively, the MTA and these municipal operators provide approximately 430 million passenger trips annually.

As an operator, the MTA is one of the largest public transit carriers in the United States. We provide over 223,000 miles of revenue service daily. MTA bus operations has over 335 million boardings annually, on 175 routes, with over 20,000 bus stops. We cover a service area of 1,433 square miles.

Additionally, we operate an expanding rail service network. In 1993, we opened the first 4.4 mile segment of the Metro Rail Red Line in downtown Los Angeles. With the opening of the Wilshire/Western 3-mile segment of the Red Line, the subway now carries over 35,000 riders a day, almost doubling ridership estimates. The MTA is also responsible for rail construction in Los Angeles County and is the federal grantee for Section 3 "New Start" funds to continue construction of the 23-mile, \$5.8 billion Metro Rail Red Line.

On several occasions, Los Angeles County voters have voted to tax themselves, including a one-cent sales tax, demonstrating a strong commitment to funding the needed investment in transportation infrastructure. When complete, the current 79-mile Metro Rail system will be funded with 62 percent state and local funds.

For example, projects built with all state and local funds include the 22-mile Metro Blue Line light-rail to Long Beach which is carrying over 43,000 passengers each day. The Metro Green Line, which runs mainly down the center median of the Glenn Anderson I-105 Freeway, is carrying 14,000 passengers each day.

Another success story in Southern California is the five-county state and locally funded commuter rail service known as Metrolink. Metrolink is the West Coast's largest commuter rail service and is now the nation's fastest growing commuter rail system. Metrolink trains travel over 404 miles, with 87 daily trains on six separate routes that parallel significant freeways. The newest route has the distinction of being the nation's first suburb-to-suburb line originating from the Inland Empire to Orange County. Metrolink began service with just 2,400 patrons each day. Today, passengers trips have soared to over 23,000.

### **THE EFFICIENT DELIVERY OF TRANSPORTATION IMPROVEMENTS**

ISTEA has fostered the efficient delivery of transportation improvements through numerous provisions, including increased local decision making and flexibility of funds. The old adage that time is money can be demonstrated when projects are delivered in an efficient and accountable process, the time frame for project completion is reduced, thereby reducing costs. On the other hand, when there are mandates, such as 13(c), and duplicative regulatory requirements at the federal and state level, project delivery is delayed, thereby increasing costs to taxpayers.

My remarks on the efficient delivery of transportation improvements will focus on local decision making with flexibility of funds and mandates and duplicative regulatory requirements. As an active member of the American Public Transit Association (APTA) we will continue to work with transportation stakeholders throughout the country to identify ways to improve ISTEA.

#### **LOCAL DECISION MAKING WITH FLEXIBILITY OF FUNDS**

An example of efficient delivery of transportation improvements using the flexibility of funding is illustrated with the MTA's Call-for-Projects process. As mentioned earlier, the role the MTA plays as both the regional transportation planner, as well as primary service provider for Los Angeles County, is unlike any other transit agency in the country. The Call-for-Projects process matches available funding to the best regional projects. In fact, the MTA's Call-for-Projects process has leveraged and programmed \$1.1 billion in ISTEA, state and local revenues over the last six years. The process is simple and efficient – transportation providers throughout Los Angeles County submit project applications which the MTA reviews with an extensive analysis. The result – matching projects with available funding to achieve the maximum mobility benefit.

Again, an efficient process with local decision making allows for timely project delivery, reducing costs and expediting congestion relief.

#### **MANDATES AND DUPLICATIVE REGULATORY REQUIREMENTS**

In February, 1995, Los Angeles County Supervisor and MTA Board member, Michael Antonovich, testified on Mandates, Burdens and Inefficiencies in the Federal Transit Program. Supervisor Antonovich highlighted the need for transportation providers to use innovative management techniques, such as contracting out service, to seek ways to provide quality services at reduced costs.

An example of a barrier to innovative management techniques is an outdated provision in the Federal Transit Act, known as 13(c). The MTA Board of Directors has sought the repeal of this provision in its attempts to provide quality service at reduced costs.

In past testimony, the MTA cited numerous examples of how 13(c) has outlived its usefulness. This provision stifles innovation, perpetuates bureaucracy, delays funding and ultimately increases costs. The MTA stands ready to work with members of Congress and transportation providers to seek the repeal of 13(c).

Working with transportation stakeholders across the country, we are continuously seeking ways to reduce redundant and duplicative requirements which impede delivery of transportation services. One example Congress needs to consider, where applicable, is to allow state requirements to supplement or replace federal requirements.

For example, in California, there are strong environmental laws that make federal requirements duplicative, and therefore more costly, to the taxpayers. Specifically, the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) are virtually identical. Congress should consider allowing CEQA, the state requirements, to count for NEPA, the federal requirements. This would allow for a more efficient process for certification while addressing the environmental concerns.

### **CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM**

The MTA strongly urges Congress to continue, with modifications, the Congestion Mitigation and Air Quality Improvement program.

The CMAQ Program was designed to focus federal funds on air quality improvement as a specific objective. These funds are to assist areas designated as non-attainment and maintenance under the Clean Air Act Amendments (CAAA) of 1990, to achieve healthful levels of air quality by funding transportation projects and programs. The CMAQ provisions in ISTEA recognize ozone and carbon monoxide as the primary transportation pollutants. Six billion dollars is authorized under the program, and apportionment's totaling \$1 billion are made each year to the states. In the six years of ISTEA, the MTA has received and programmed almost \$300 million in CMAQ funds.

FHWA and FTA officials have worked with their customers to improve the program guidelines to ease its implementation. The revisions have encouraged states and MPOs to creatively address their transportation/air quality problems, experiment with new services, all to develop lower cost alternatives to reduce pollutants and ease congestion.

Los Angeles has made significant progress in meeting federal Clean Air Act requirements. These funds have been used to fund multimodal projects, such as carpool lane (HOV) projects, light rail operations, and transportation demand management projects, including shuttle expansion services and ridesharing services. Los Angeles must continue to receive CMAQ funding to enable the region to achieve the mandates of the Clean Air Act. The MTA urges Congress to maintain the CMAQ ozone calculation factors to ensure Los Angeles can follow

through with the projects already underway. Retaining the ozone and carbon monoxide factors will assist Southern California in its efforts to improve air quality and should not be abandoned now.

The MTA recognizes that many areas across the country have made progress in meeting federal Clean Air Act requirements with the assistance of CMAQ funding and should not be penalized by losing CMAQ eligibility. The MTA will continue to work with Congress and transportation providers to modify the law to address the issue.

## **CONCLUSION**

I trust my comments have demonstrated to members of this Committee, and to the Congress, the absolute need to build on the success of ISTEA. Congress must not abandon this program which works and one that the nation needs. Together, we will build a better America with more choices for our residents. ISTEA is the cornerstone of our continued partnership to invest in our future.

I would be happy to answer any questions you may have.



**FIVE BYAMINGTON**  
Governor

**ARIZONA DEPARTMENT OF TRANSPORTATION**

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**LARRY S. BONINE**  
Director

**STATEMENT BEFORE THE  
HOUSE SUBCOMMITTEE ON SURFACE TRANSPORTATION  
HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE**

**Relating to**

**INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA):  
THE EFFICIENT DELIVERY OF TRANSPORTATION IMPROVEMENTS,  
AND  
THE CONGESTION MITIGATION AND AIR QUALITY PROGRAM**

**By**

**LARRY S. BONINE  
DIRECTOR  
ARIZONA DEPARTMENT OF TRANSPORTATION**

Mr. Chairman, thank you for this opportunity for the Arizona Department of Transportation (ADOT) to present its views on the efficient delivery of transportation improvements as it relates to the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. The challenge your Subcommittee faces in crafting a transportation blueprint as we enter this next millennium is an enormous undertaking. Before we get into our recommendations to your Subcommittee, I would like to briefly describe to you the transportation challenge that we face in Arizona.

As the State of Arizona enters the next century, its population is expected to grow at twice the national average. Over the next two decades, statewide population is forecast to increase by 50% from 4.1 million persons in 1995 to 6.2 million persons by the year 2015. During that same period employment is expected to increase from 1.7 million to 2.4 million, or a 41% increase. The Phoenix and Tucson metropolitan areas have become magnets of economic development in the southwestern U.S.

As you know, the key to facilitating a growing economy is the presence of a solid transportation infrastructure. At this time, Arizona has 55,000 road miles, a growing transit network, an active rail and aviation system and a capital city of more area in square miles than Los Angeles. It will be simply impossible to meet these increased needs for our transportation infrastructure if more federal, state and local funds are not made available for investment into these public needs. ADOT recently conducted a transportation needs assessment and Arizona is facing unmet financial needs for transportation ranging from \$9.8 billion to \$10.9 billion.

Therefore, it is clear that more resources will be needed to meet this increased demand, especially in growth states like Arizona. Equally important, however, will be the

ability to deliver resources and services in a much more efficient manner. To that end, I would like to present to the Subcommittee our views on the following:

1. Streamlining of the federal transportation program; and
2. Funding of a federal highway High Priority Corridor system.

#### **PROPOSED FEDERAL HIGHWAY STREAMLINING**

Mr. Chairman, ADOT supports the need for more transportation decision making to be done at the state and local level. At the same time, we understand that there is considerable discussion that the federal transportation funding and administrative function should be returned to the states. As a donor state, we understand and appreciate the merits of a turnback proposal. However, as an international border state with low population and a large federal land presence, we believe there is still a need for a federal role in transportation, especially in the area of multi-state and international border issues.

Arizona strongly supports the streamlined program structure that is recommended in H.R. 3775, the "ISTEA Integrity Restoration Act" that was introduced by Congressman Tom DeLay (R-TX) and Congressman Gary Condit (D-CA) and at this time has 67 cosponsors. This bill encompasses the proposals put forth by the Step 21 Coalition that is made up of 22 state departments of transportation. Reform and simplification in the area of federal highway allocation formulas is needed badly and a fairer distribution of such resources is necessary for fast growing states such as Arizona. In addition, there is a specific provision in H.R. 3775, that is cited later in my testimony, which has specific relevance to our proposal on the federal highway National Priority Corridors.

We believe that this reauthorization of ISTEA should address the real need for the



simplification and reduction in the number of federal regulations and clearances required in order to receive these federal funds. We can cite numerous examples where multi-agency approval requirements have led to significant delays in the delivery of improved Arizona highways. A case in point would be Arizona State Route (SR) 87 which extends across the Tonto National Forest. This important project was delayed nearly four years from the date of initial surveying to the date of approval of the environmental impact statement, due primarily to the need for multi-agency signoffs that were often simply duplicated efforts.

We also support the elimination of mandated set-asides in such areas as safety and enhancements. Our state would prefer that these items be made eligible and not required uses of highway funds. If we are permitted to set our own priorities based upon the specific needs and requirements of running a safe and efficient transportation infrastructure in Arizona, we believe limited funds will be better directed and better spent.

Finally, with our 21 Native American Tribes, we would strongly support the need for continued coordination among the State, Metropolitan Planning Organizations, the Bureau of Indian Affairs and local communities in the important area of transportation planning. This continued coordination is particularly important in Arizona as we build and improve upon transportation corridors through these sovereign nations. Cooperative transportation planning and coordination is essential as we strive to meet our transportation needs in the future.

#### HIGH PRIORITY CORRIDORS

As a follow-up to my previous statements, I would like to comment on one of the most important federal transportation concerns to Arizona - high priority corridors. One of the more significant aspects of the ISTEA of 1991 was the designation of several national

high priority corridors and along with that designation the authorization of funds for those corridors. In 1995, with the passage of the National Highway System Designation Act several more high priority corridors were designated, but the authorization of funding was not necessarily associated with that designation.

One of those routes designated was the CANAMEX Corridor which runs through five states from Canada to Mexico. Those states are Arizona (Interstate 19, Interstate 10 and US 93), Nevada (US 93 and Interstate 15), Utah (Interstate 15), Idaho (Interstate 15) and Montana (Interstate 15). CANAMEX creates a strategic north-south linkage capable of connecting to the existing east-west interstate highway system and providing direct and efficient access from Canada, through the Rocky Mountain Region, the Desert Southwest and the Pacific Northwest to the Mexican State of Sonora and Northern Mexico.

Specifically focusing on Arizona, the state is a major gateway for trade and goods that benefit other states. The U.S. Port of Entry at Nogales, Arizona, is the major international border crossing for seasonal Mexican produce that is trucked to grocers and wholesale distributors throughout the entire United States, including the Northeast. Fifty percent of all winter produce consumed in the United States and Canada passes through the port of entry at Nogales, Arizona. With increased trade already occurring in the border states, infrastructure improvements of the CANAMEX route, particularly in Arizona, are necessary to serve trade related development and make the flow of goods more efficient through the international border area.

The unique need that Arizona has along the CANAMEX route is that the Arizona portion of the route along US 93 is the only portion of the corridor that is only two lanes.

This situation has created a significant safety and trade efficiency problem.

As you streamline ISTEA, we ask that you continue and expand upon the innovative financing program of State Infrastructure Banks and allow for the regional pooling of funds. This improvement would allow us to address a significant problem associated with the CANAMEX Corridor, a bridge linking the states of Nevada and Arizona over the Colorado River. The estimated cost of this vital link is \$130 million. Both the upgrading of US 93 and the development of the Colorado River Bridge would require the investment of large amounts of transportation resources. The estimated cost of US 93 is \$836 million. Increased program flexibility and funding would greatly assist our efforts to meet the challenge presented by this corridor of national significance.

With this background and the unique needs of Arizona we would make the following proposals on how the High Priority Corridor designation could be reformed to better meet the needs of those corridors involved:

1. Establish an authorization level that approximates the level established in ISTEA without impacting in anyway the authorizations established for the original High Priority Corridor program;

2. Allow the other High Priority Corridors to compete for those funds utilizing, at a minimum, the criteria specified in Section 6(a)(3) of H.R. 3775. That section defines the "highest priority corridor" as one which the Secretary determines:

- "A. has national and international significance;

- B. directly accounts for at least 35% of the truck-borne traffic for Canadian and Mexican imports and exports;

- C. has at least 20% truck traffic;
- D. directly benefits impoverished areas;
- E. provides multiple intermodal connections; and
- F. connects to military bases."

This refinement of the program will allow the State of Arizona and other states to compete for funds and give the program a focus that will allow the corridors to be developed more efficiently. It will also require each corridor to set its own priorities and allow for those priorities to compete against other national priorities for funding.

In conclusion, we have presented to you our proposals on how one of the most successful national programs in U.S. history, the federal highway program, can be made to work even better. Arizona, like most states, seeks a streamlined, efficient federal program based on sound policy and equitable funding. We appreciate this opportunity to present our views and we look forward to our continued work with the Subcommittee and its staff as you work on this most important reauthorization legislation.

I would be pleased to answer any questions that you might have.

Statement of

Frank Carlile  
Assistant Secretary for Transportation Policy  
Florida Department of Transportation  
605 Suwannee Street  
Tallahassee, Florida 32399.

before the  
Subcommittee on Surface Transportation  
House of Representatives  
Committee on Transportation & Infrastructure

on  
ISTEA Reauthorization:  
The Efficient Delivery of Transportation Improvements  
and  
The Congestion Mitigation and Air Quality Program

Thursday, September 26, 1996  
Washington, D.C.

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Mr. Chairman, Members of the Committee, thank you for the opportunity to provide input to the Subcommittee on Surface Transportation regarding the next federal surface transportation act. The subject of this hearing, "The Efficient Delivery of Transportation Improvements and The Congestion Mitigation and Air Quality Program" is of fundamental importance to the Florida Department of Transportation.

Florida, as the fourth most populous state and third fastest growing state, faces significant challenges in delivering needed improvements in all modes of transportation. For example:

- ◆ On any given day, we have about 400 active highway construction projects underway in Florida. Over the past five years, we have averaged more than \$900 million in annual contract lettings. Even at this rate of funding, planned improvements to the Florida Intrastate Highway System will take 50 years to complete.

- ◆ In 1995, there was a net increase of 670,000 vehicle registrations in Florida. If parked bumper to bumper, these vehicles would fill every foot of every lane on our longest Interstate highway, I-75, which is 425 miles long.
- ◆ The state's 20 local bus and rail transit service providers carry 160 million passengers annually. Passenger trips, vehicle miles, and revenue miles are increasing at a majority of these systems.
- ◆ The rail freight system consisting of almost 3,000 miles of mainline and branch track operated by 12 railroad companies moves 140 million tons of freight each year.
- ◆ Florida's 14 deepwater seaports were responsible for the shipment of 69% of the state's \$46 billion in foreign trade. In 1995, exports exceeded imports by 25% and have doubled in the last five years to reach a level of \$30.7 billion.
- ◆ Our 19 commercial airports handled 47 million enplanements in 1995. Air passenger volume is expected to increase by 145% between 1990 and 2010.

Simply put, the efficient delivery of transportation improvements is of paramount importance to Florida. Unfortunately, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) has not returned sufficient funding or provided the program flexibility needed to address Florida's transportation needs.

"Tossing not tossing" ISTEA, as some have suggested, will simply not accomplish the real change that ISTEA promised in 1991. Two other proposals will. Both seek to benefit donor and recipient states alike. These proposals are:

**Turnback or Rollback**—This proposal is being spearheaded in the House by Congressman John Kasich (Ohio) and Congresswoman Karen Thurman (Florida), and in the Senate by Senator Connie Mack (Florida). Phased in over a two year period, this plan -- known as "The Transportation Empowerment Act" -- would keep a portion of the existing federal gas tax in order to maintain the 40-year federal investment in the Interstate Highway System. The remainder would

be decreased and states afforded the option of passing a full or partial replacement state gas tax.

**STEP 21 - A Streamlined Transportation Efficiency Program for the 21st Century**—This plan was developed by a large coalition of state DOTs -- known as STEP 21 -- and was introduced in the House of Representatives on July 10 by Congressman Tom Delay (Texas) and Gary Condit (California). In the Senate, John Warner (Virginia) and Bob Graham (Florida) will be the primary sponsors of STEP 21 legislation. The House version is called "The ISTEA Integrity Restoration Act" and provides adequate funding for the National Highway System while updating the existing, antiquated highway distribution formulas. It also streamlines the myriad of existing program categories.

Both of these options are intended to provide greater funding equity for donor states and create more streamlined program structures. For Florida, either option would be an improvement over ISTEA.

#### **Impediments to Efficient Delivery of Transportation Improvements**

As previously stated, the efficient delivery of transportation improvements is critical to meeting the extensive needs in Florida. The following are a few examples of how ISTEA impedes our delivery of these improvements:

- ◆ **Transportation Funding Categories**—The fund allocation system in ISTEA is complicated and inefficient. Florida's ISTEA apportioned and equity funds are divided into over 60 individual accounts, each of which must be separately managed and cannot be combined. For example, each of the State's eleven Transportation Management Areas receives urban funds in three different accounts, one each for Surface Transportation Funds, Minimum Allocation Funds and Donor State Bonus Funds. Safety funds are suballocated into four separate small accounts, and Surface Transportation funds are allocated into somewhat overlapping accounts for rural, small urban, large urban and "any area" categories. The chart

included with this statement as "Attachment A" demonstrates the complexity of the Sub-state distributions for the Surface Transportation Program. In order to finance a federally funded project, funds oftentimes must be combined from a number of funding categories and, for large projects, must be accumulated over a period of years. This process is inefficient and labor intensive to administer.

- ◆ **Project Oversight Requirements**—There continues to exist an inordinate amount of administrative paper work and processing effort for ISTEA funded projects. For example, Surface Transportation Enhancement funding for small projects must follow many of the detailed requirements which have been established for major highway system improvements. It would be far more efficient to permit states to grant these monies to local governments to be used in accordance with local administrative requirements.
- ◆ **Section 129 Agreements**—The Department of Transportation and Florida Expressway Authorities have been hesitant to use federal funds on needed toll facility projects due to the restrictions of Section 129 agreements which limit the use of future toll revenues to federally eligible transportation projects. This restriction results in an unreasonable limitation on toll projects and toll systems, particularly since federal funds normally make up just a fraction of total project funding.
- ◆ **Section 129 Loans**—The use of these loan funds is effectively limited to new projects since environmental assessment and approval is one of the primary steps in determining project feasibility. Existing environmental laws and permitting requirements are in place and assure that transportation projects which may affect the environment are either not built, or any harmful effects are properly mitigated.
- ◆ **State Programming Processes**—Florida has in place an extensive five year transportation programming process, which includes federal as well as state funded transportation projects. ISTEA requires a separate three year state transportation program for federal projects. These processes are a duplication of effort and result in the potential for project delays when



programs need to be amended as well as added administrative costs.

- ◆ **Transferability Between Fund Categories**—Fund transferability under ISTEA is selective and limits a state's ability to manage funds. While the intent of permitting intermodal funding flexibility is good, a block grant approach is needed to achieve meaningful results.

#### **Florida's Experience With the Congestion Mitigation and Air Quality (CMAQ) Improvement Program**

Our experience with the CMAQ Program provides an example of how well intentioned programs can still fall short of meeting each state's needs. The program has been a valuable asset in meeting the transportation conformity requirements in Florida. Although the air quality benefits of CMAQ projects are sometimes small -- measured in kilograms per day rather than tons -- conformity in several instances has depended on the emissions reductions attributable to CMAQ projects.

In 1991, three areas (Miami, Palm Beach, and Fort Lauderdale) were designated as "moderate" nonattainment areas. Two areas (Tampa and St. Petersburg) were designated as "marginal" areas and one area (Jacksonville) was designated as a "transitional" area. All six areas have since been redesignated to attainment status and are now classified as "maintenance" areas. Each of these areas must now meet the same transportation conformity requirements.

Maintaining air quality standards will be increasingly difficult in growth states like Florida. The National Highway System Designation Act of 1995, in recognition of the need to maintain these standards, extended CMAQ to former nonattainment ozone areas that had since been redesignated to attainment.

The CMAQ funds Florida receives are based on the population of five of the six areas. Since Jacksonville was originally designated as a transitional area, its population is not used in calculating Florida's CMAQ apportionment.

In order to provide CMAQ funds to Jacksonville, the state must guarantee that the

other five areas will not be negatively impacted. This impediment could be avoided by giving states maximum program flexibility through a block grant approach such as proposed in STEP 21.

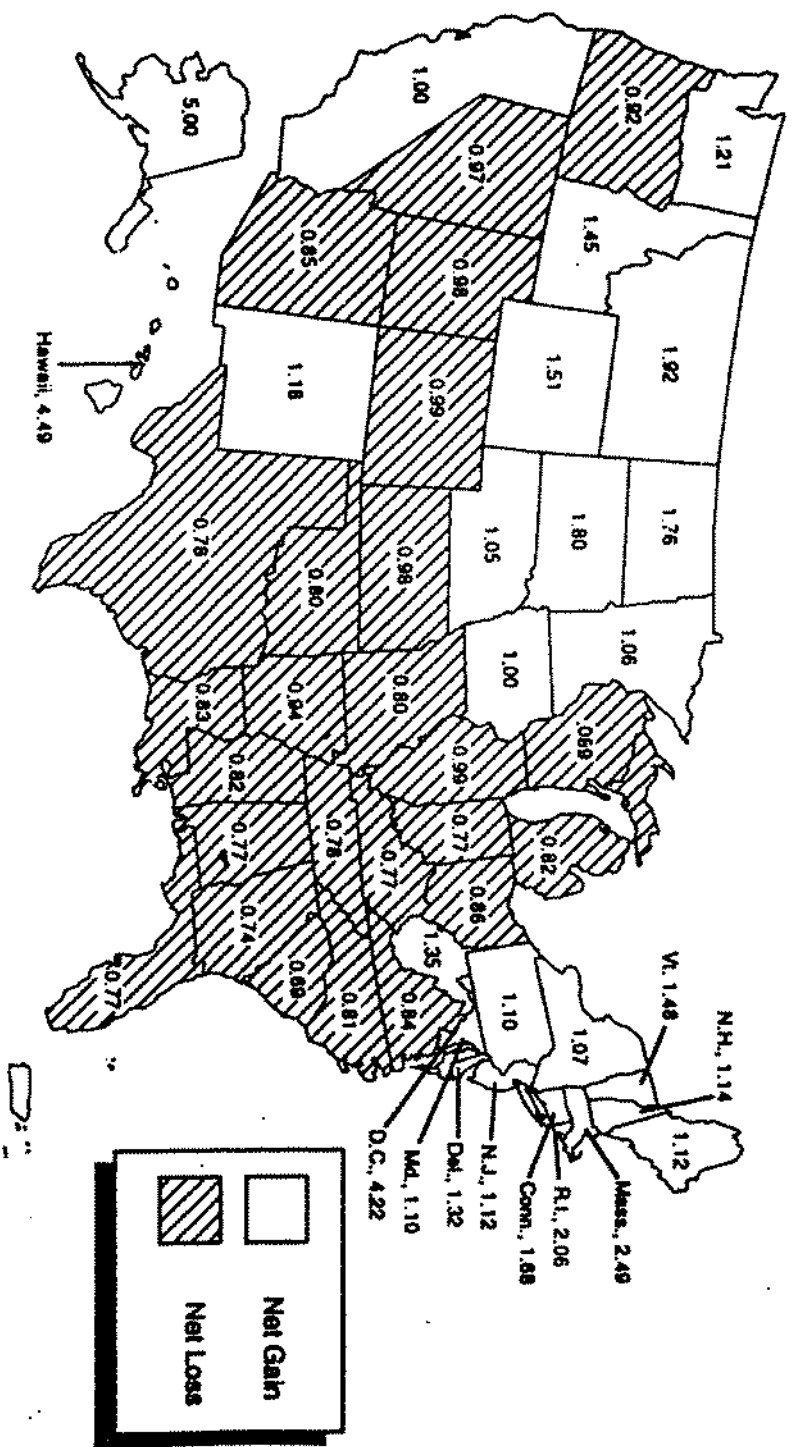
### Funding Equity

ISTEA recognized the inequity of the funding distribution formulas. In fact, a series of five complex funding equity categories were enacted in an attempt to achieve an equitable distribution of funds. "Attachment B," which summarizes the five ISTEA funding equity categories, formula calculations and eligible uses, attests to the complexity of ISTEA's effort to achieve equity. Even with these equity categories, Florida's transportation users continue to receive an inequitable level of return of the user fees they pay into the Highway Trust Fund.

For the first four years of ISTEA, fiscal years, 1992-95, Florida received only 77¢ back for each dollar of user fees collected. A map produced by the Federal Highway Administration shown on the following page shows each state's return ratio. In 1995, the most recent year for which figures are available, Florida motorists paid more than \$1 billion into the Highway Account of the Highway Trust Fund. More than \$200 million of these funds were then distributed to other states. That's a return of 80¢ on the dollar to address Florida's own transportation needs. Florida receives an even lower rate of return from the \$100 million of Mass Transit Account funds attributable to Florida motorists (less than 60¢ on the dollar) and no return from the more than \$200 million of user fees being collected for deficit reduction.

While there is a need for a national transportation program and the attending redistribution of funds, an appropriate balance must be restored. Of the 10 most populated states, Florida has received the lowest rate of return under ISTEA. If each of these ten states donated 5 percent of the federal motor fuels taxes collected in their states to support the needs of sparsely populated states, some \$500 million would be available each year to supplement the federal taxes collected in other states. These states generated a net of \$320 million for distribution to other states in 1995. Florida would still be donating \$50 million annually to address needs in other states, but would no longer be paying far more than our fair share. The table

Highway Trust Fund Return Ratio  
 For ISTEA  
 Fiscal Years 1992 - 1995



Source: Federal Highway Statistics 1995, Federal Highway Administration, Table FE-221

below shows the state-by-state breakout of this approach.

STATE	1990 Population (1,000s)	5% of Trust Fund Payments
California	29,758	\$106 million
New York	17,991	\$45 million
Texas	16,986	\$79 million
Florida	12,938	\$52 million
Pennsylvania	11,883	\$44 million
Illinois	11,431	\$35 million
Ohio	10,847	\$38 million
Michigan	9,295	\$34 million
New Jersey	7,730	\$29 million
North Carolina	6,632	\$32 million
<b>TOTAL</b>		<b>\$494 million</b>

Greater funding equity must be incorporated into the next federal surface transportation bill for three important reasons. First, out of a simple notion of fairness, equity and logic, those states with growing populations should be first in line for funding -- not last. Secondly, if we are truly interested in America competing in the global economy, then a federal transportation system which financially short-changes a majority of Americans simply cannot be tolerated. And finally, with the focus of our international trade undeniably shifting to South and Central America, it is clearly in our national interest to dedicate more transportation resources to the Southeast.

#### Performance Goals

Although not specifically identified as a topic for this hearing, the recent interest in identifying national performance goals for transportation is of concern to us.

State DOTs have the primary responsibility for measuring the performance of their transportation systems using indicators consistent with State policies and resource availability which are linked to each State's public involvement process.

National performance criteria represent an inappropriate federal intrusion into the state and local decision making process. Such national criteria would require extensive new data acquisition activities which have unresolved accountability, cost, validity and comparability. Additionally, federally mandated performance measures run counter to the Congressional direction expressed in the National Highway System Designation Act of 1995 in which the ISTEA Management Systems were made optional for states.

Many of the measures which could be imposed nationally would place a significant focus on social, economic and environmental outcomes which often have only marginal or indirect links to transportation.

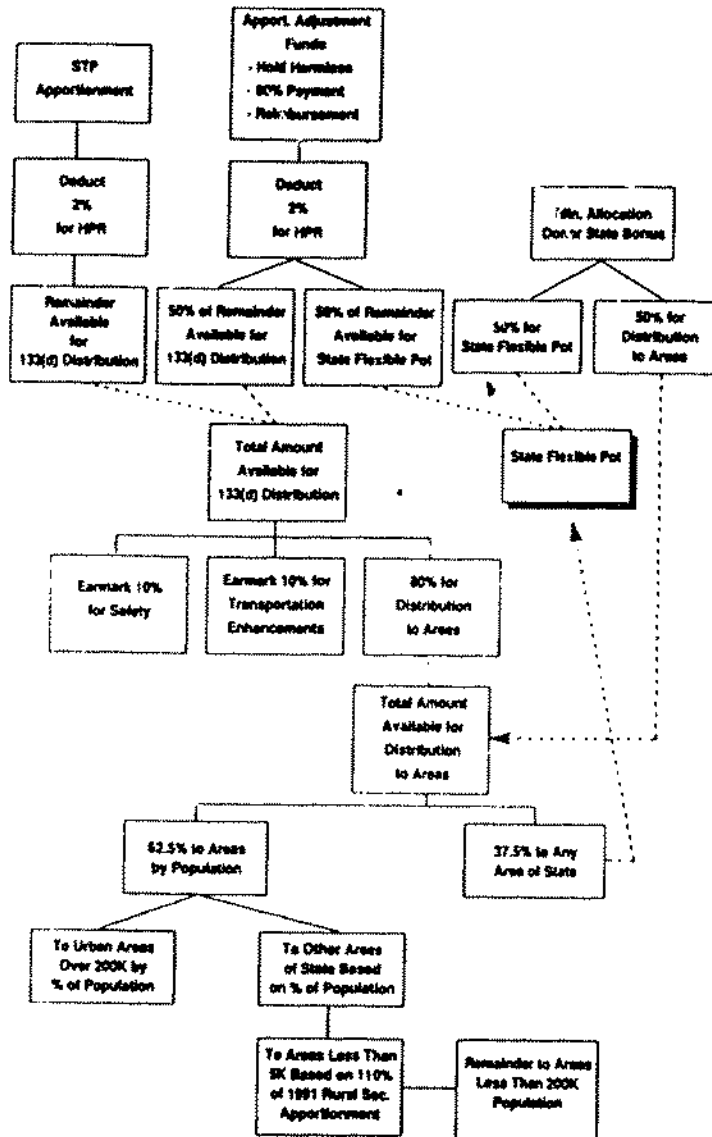
In Florida, we have worked closely with the Florida Transportation Commission, the Florida Commission on Governmental Accountability to the People, and our Governor's Office to develop performance measures which are responsive to the needs of our Legislature and general public. It is very unlikely that the measures we have identified would be the same as any other state. We support performance accountability at the state level, but strongly recommend that efforts to impose a top-down federal performance measurement process be abandoned.

In conclusion, the Florida Department of Transportation recommends that the next federal surface transportation act:

- ◆ Address the funding inequities of ISTEA
- ◆ Simplify the federal program structure
- ◆ Maximize state and local programming flexibility
- ◆ Avoid mandating national transportation performance measures

Thank you for the opportunity to present these views. I will be pleased to respond to any questions.

## Surface Transportation Program— Sub-State Distribution



## Funding Equity Categories

CATEGORY/SECTION	FORMULA	ELIGIBLE USE
Minimum Allocation (MA) 23 U.S.C. 157	For FY 1992-97, each State is guaranteed an amount so that its percentage of total apportionments in each FY of Interstate Construction (IC), Interstate Maintenance (IM), Interstate Substitution (IS), National Highway System (NHS), Surface Transportation Program (STP), Bridge Program (BRR), Scenic Byways, and Safety Belt and Motorcycle Helmet grants and allocations from any of these programs received in the prior year shall not be less than 90 percent of the percentage of estimated contributions to the Highway Trust Fund, not including the Mass Transit Account. The contributions are based on the latest year for which data is available. This normally is 2 years before the FY for which the calculation is made.	The funds may be used for any or all of the following: IC, IM, IS, NHS, STP, CMAAQ, and BRR.
Donor State Bonus (DSB) 23 U.S.C. 1013(c)	For each FY 1992-97, donor States are identified by comparing each State's projected contributions to the Highway Trust Fund in the FY to the apportionments that will be received by the State in that FY. The ISTEA authorizes a particular amount each year to distribute to these donor States as a bonus. Staging with the State having the lowest return (apportionments compared to contributions), each State is brought up to the level of return for States with the next highest level of return. This is repeated successively for each State until the funds authorized for that FY are exhausted.	The funds are used as Surface Transportation Program funds, except that one-half of the bonus amount received by a State does not have to follow the sub-State distribution rules of that program.
Hold Harmless 23 U.S.C. 1015(e)	The ISTEA establishes a legislative percentage that each State must receive each FY. The percentage applies to the total funding to be distributed for IC, IM, IS, NHS, STP, CMAAQ, BRR, Federal Lands, MA, Interstate Reimbursement (when it becomes available in FY 1996), and DSB. Each State is to receive an add-on to its regular apportionments so that its total will equal the established percentage.	The funds are used as STP funds, except that one-half of the amount received by a State is not subject to the two set-asides or the sub-State distribution rules of that program.
90 Percent of Payments Adjustment 23 U.S.C. 1015(b)	For each FY 1992-97, each State that qualifies will receive an allocation in an amount that ensures its apportionments for the FY and allocations for the previous FY will be at least 90 percent of its contributions to the Highway Account of the Highway Trust Fund. This is different from the Minimum Allocation, where the guarantee is 90 percent of a State's relative share of contributions. Like Minimum Allocation, the contribution is determined based on the latest year for which data are available. The apportionments included in the calculation are those for IC, IM, NHS, STP, CMAAQ, Interstate Reimbursement (when it becomes applicable in FY 1996), USB, and Hold Harmless.	The funds are used as STP funds, except that one-half of the amount received by a State is not subject to the two set-asides or the sub-State distribution rules of that program.
Reimbursement for Interstate Segments 23 U.S.C. 160	For FY 1996 and 1997, each State (including the District of Columbia) will receive an amount of money to reimburse them for their cost of constructing segments of the Interstate System without Federal assistance in the early days of the Interstate Construction Program. The amount each State will receive is a percentage (specified in the law) of the amount authorized for each of those years (\$2 billion each year).	The funds are used as STP funds, except that one-half of the amount received by a State is not subject to the two set-asides or the sub-State distribution rules of that program.

*Presented by Terry  
McKinley*

**TESTIMONY OF**

**MIGUEL DIAZ DE LA PORTILLA**

**CHAIRMAN, BOARD OF COUNTY COMMISSIONERS, DADE COUNTY, FLORIDA**

**ON BEHALF OF**

**THE METRO-DADE TRANSIT AGENCY**

**BEFORE THE**

**SUBCOMMITTEE ON SURFACE TRANSPORTATION**

**OF THE**

**HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

**SEPTEMBER 26, 1996**



TESTIMONY OF CHAIRMAN MIGUEL DIAZ DE LA PORTILLA  
ON BEHALF OF THE METRO-DADE TRANSIT AGENCY, MIAMI, FLORIDA  
BEFORE THE SURFACE TRANSPORTATION SUBCOMMITTEE  
OF THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
SEPTEMBER 26, 1996

Mr. Chairman and Honorable Subcommittee Members,

I am Miguel Diaz de la Portilla, Chairman of the Board of County Commissioners of Dade County, Florida. It is an honor to be before you again and I am grateful for the opportunity to provide input into ISTEA reauthorization considerations.

When ISTEA was enacted in 1991, it was recognized as landmark legislation, significantly altering the direction of surface transportation project implementation. We believe that alteration was beneficial. As you may be aware, Dade County has been on the leading edge of a variety of ISTEA concept deployments -- from premier intermodal facilities to flexible funding utilization to innovative financing methodologies.

At the time of its enactment, ISTEA was touted by this Subcommittee as legislation that was intended to "level the playing field" on which highway and transit projects competed for federal dollars. From the transit perspective, that objective was a welcome change to the prior trend. The playing field needed to be leveled.

Since 1991, we have learned that "leveling" has at least two different dimensions. In the first instance, leveling means changing the tilt of the field so that one of the contestants will not have a favored position. We believe that the flexible

funding provisions of ISTRA, along with its decentralization of project identification and selection, substantially achieved such a tilt correction. We strongly encourage the retention of those features in a reauthorization bill.

In the second instance, leveling means smoothing the surface -- filling the potholes and eliminating the bumps and impediments. As much as ISTEA changed the tilt of the playing field, a reauthorized ISTEA must address the bumps and potholes as well as fine tuning the tilt.

In its landmark role, ISTEA introduced some revolutionary changes in the way surface transportation projects are born and developed. The focus of the ISTEA changes in the ways of doing business was on what I will call the "front end" of our projects. Priority-setting and decision-making were decentralized to the local levels through a more empowered Metropolitan Planning Organization (MPO), in cooperation with state Departments of Transportation. Federal statutory requirements and regulations, such as NEPA and ADA, remained intact as project development criteria, but local planners and elected bodies became freer to decide their own futures. This feature of ISTEA is working and working well for Dade County. We urge you not to change this emphasis.

As an outgrowth of ISTEA, the FHWA and the FTA co-authored and issued the new Joint Planning Regulations which Congress mandated. This effort was intended to streamline previously independent agency processes into an uniform, consistent project development procedure which is consistent with NEPA and necessary

agency review requirements. From a client perspective, what we ended up with was the worst case scenario from each agency.

In 1991, Metro-Dade County had several critical transportation corridors undergoing preliminary study. However, none were sufficiently developed at that time to warrant authorization in the original ISTEA. Since then, two of these corridors have significantly advanced toward implementation. These two corridors, the Miami North Corridor Transitway and the East-West Multimodal Corridor/Miami Intermodal Center (MIC), were both early followers of the newly created joint planning regulations.

The North Corridor project is a straight transit project with only FTA involvement at the federal level. However, the East-West/MIC project is a complicated multimodal project that involves every modal agency in USDOT. In fact, this extensive federal involvement is sufficiently complex to be governed by a Memorandum of Understanding co-signed by all of the federal modal administrators and overseen by the Secretary of Transportation's Office of Intermodalism. This project is now in the Final Environmental Impact Statement development stage and will be ready to proceed into implementation next year.

Because of this early and comprehensive experience with the new law, the new regulations and multiple federal agency processes, Dade County is in a good position to evaluate the performance of these elements and offer suggestions for their improvement. Agency process comments will be limited to the FHWA and FTA as the primary surface transportation agency elements of

our experience.

To further set the stage, this particular project is an intricate marriage of significant highway improvements and fixed guideway transit, along with high-occupancy vehicle features and direct interconnection with intercity rail, commuter rail, intercity bus and urban bus modes providing direct accessibility to airport and seaport facilities. The FHWA was named as the lead federal agency with the FTA, the FAA and others as cooperating agencies.

The original objective of the Memorandum of Understanding between the various federal agencies was to insure an efficient, cooperative process which would expedite the completion of the Major Investment Study (MIS) in satisfaction of each agency's statutory requirements. The MIS, when completed, will have taken over three and a half years at a cost in excess of \$20 million.

Prior to the development of the East-West/MIC project, the Florida DOT and the Metro-Dade Transit Agency (MDTA) had much cooperative experience with each other's processes and FDOT had much experience with FHWA processes as had MDTA with FTA's. However, FDOT did not have much exposure to FTA processes and MDTA did not have much exposure to FHWA. Neither organization had much experience with FAA processes, which also became intricately involved with the project in that some Passenger Facility Charge (PFC) revenues were expected to finance landside access improvements. These process unfamiliarities contributed to unique learning experiences -- federal agency procedures are vastly different, even in the same Department, even to accomplish the

same purpose. A multimodal project, if it is a multi-agency project, must satisfy the most rigorous agency process in each stage of implementation. This realization is a significant disincentive for developing intermodal facilities financed by more than one agency.

Notwithstanding the jointly developed MIS regulations, the FHWA and FTA continue to have and require adherence to different standards for project development. Additionally, the two agencies employ different levels of participation and project involvement philosophies.

The FHWA assigned a District (State) representative directly to the project. That individual had considerable direct involvement in the project and participated in each monthly progress meeting for the duration of the MIS. He was an active member of the project MIS team and provided continuous guidance to assure compliance with NEPA and FHWA requirements. Most importantly, at times where FHWA reviews and approvals were required, he had the delegated authority to recommend approval and had sufficiently detailed knowledge of the project to exercise this authority immediately. Long, detailed reviews were not necessary. The experience was pleasant and we learned a great deal from it.

In contrast, the FTA took on a more remote, more adversarial role in the process. They were not a regular participant during the course of the MIS, having assigned an individual from the Washington, D.C. office and citing travel budget constraints as a reason for not participating. The designated representative

from the Coast Guard attended more project meetings than the FTA!

When it came time for FTA reviews, extensive supporting documentation was required for their independent highly critical reviews, which had to be first channelled through the FTA Regional office in Atlanta. These parts of the process took inordinate lengths of time and the relationship between project and agency staff was more adversarial than cooperative. As an example, the Draft Environmental Impact Statement (DEIS) for the project was completed earlier this year. A request was forwarded to the FTA to initiate Final EIS action, which was to include a comprehensive review of FTA-specified criteria. This request was initiated in April, and although the criteria was exhaustively dealt with during the MIS, we still do not have their consent. In fact they are still requesting support documentation for components that were approved by the FHWA lead agency months ago. All of this for a project that is proposed to be less than one-third funded by federal transit programs and thereby statutorily exempt from such review.

While a small part of this differentiation may be peculiar to the individuals involved, similar experiences on other projects suggest that the unique institutional features of the two agencies, i.e. statutory requirements, regulations and procedures, are the major contributors. One such institutional difference is the different funding distribution mechanisms.

As you know, FHWA funding, with the state as the recipient, is based on a formula allocation and funds are dispensed on an obligation authority reimbursement basis. This is analogous to

releases against a letter of credit limited by the annual allocation. Once a program of projects to draw on that amount of funds is approved and the recipient is pre-certified by FHWA to expend the funds, projects get designed and built. A hypothetical highway project to expand a non-interstate expressway can be approved at the district level.

On the other hand, FTA funding is a combination of formula allocations and discretionary designations all distributed on an individual grant basis. Each formula program and each discretionary project is required to have a separate grant for each recipient. Whereas the FHWA basically deals with 50 major recipients, the FTA must deal with the 50 states and 400 individual urbanized areas in the U.S., many of which have several recipient transit agencies. Each of these recipients may have several grants and each grant undergoes extensive critical review by FTA staff before it is awarded by the agency headquarters. A formula grant containing a project to buy spare bus transmissions has to be released from Washington!

The two different fund distribution mechanisms should be matched with the type of specific federal program rather than with the agency which traditionally administers the program. We recommend that the Subcommittee consider having the fund distribution and administration process for all formula allocation programs be similar to the FHWA obligation authority reimbursement structure. All discretionary programs should retain a grant structure. In the FTA realm, this would mean that the discretionary Bus and Bus Related program and the discretionary

New Starts program would remain as individual project grant-type programs, while the Formula Capital, Formula Operating, RTAP and Fixed Guideway Modernization programs would be administered like the FHWA programs.

I realize that our perspective is a superficial view of the complexities of the programs, but the FHWA-type process appears to be simpler, more easily administered and not as over-controlled as the grant-type process for funds to which the recipient is already entitled. I also realize that the FTA has made efforts to streamline the process by automating portions and trying to decentralize other portions. Their efforts in this regard are to be commended, but these efforts may merely reflect the administration's own recognition that the process is cumbersome. However, they can only achieve a limited improvement without statutory relief. The change of process for formula programs could allow FTA to have more participation in the grant projects, expediting their review.

In another area, the transit funds scheduled for the discretionary Bue Capital, discretionary New Start and formula-driven Fixed Guideway Modernization programs are subject to a statutory reduction for project management oversight (PMO). These funds are intended to supplement the line item for FTA administration to provide administrative and technical oversight of the projects funded by those programs. Dade County is fortunate to receive funds from each of these programs and is very familiar with actual oversight efforts on New Start



Projects. However, I don't believe we have ever had any experiences with FTA-contracted oversight consultants for any projects funded from the Bus and Modernization programs. cursory conversations with other transit properties confirm this experience. If these funds are not being used to perform the intended function which apparently is not of great concern, then these funds should be proportionately returned to the projects that were discounted to provide them.

If there remains a concern that within these programs there are certain projects that could benefit from an independent oversight effort, then the statute should be amended to reflect a PMO takedown on a project-by-project basis. The application should depend on the pertinent project characteristics that might require such an oversight, such as only construction project contracts over \$10 million. The program itself, along with its smaller, non-construction projects, should not be burdened or discounted unnecessarily.

A related concern arises in the programmatic PMO take-down in the Fixed Guideway Modernization program. This program includes a statutorily-required oversight take-down of three-quarters of one percent. In the annual appropriations schedules, this discount appears to be taken "off the top" of the appropriated funds prior to distribution to the eligible recipients. Because of the tiered structure of this program, with tiers established by dollar amount, the distribution of monies is done from the "bottom up". The first two tiers, occupied by the

"old rail cities", represent the bulk of the funds in the program. Tier four, where the "new rail cities" get most of their funds in this program, apparently pays the entire FMO take-down. If this is the case, then the "new rail cities" pay a substantially disproportionate share of the FMO expenses. At recent levels of appropriations, the "new rail cities" have received approximately eight percent of the total program funds. In tier four, the "new rail cities" account for twenty percent of the funds. If in fact the FMO take-down is "off the top", then the "new rail cities" are paying two and one-half times their share of the program, subsidizing the cities getting the bulk of the money. We recommend that if the FMO provision is retained in this program, statutory language be introduced to reflect a proportionate distribution of the FMO discount among program recipients.

The announcement of this hearing also included a reference to the Congestion Mitigation and Air Quality Improvement program (CMAQ). This program has been extremely beneficial to Dade County and we strongly endorse its continuation. Its application to transit projects, as a flexible funding mechanism, is yet another tribute to the surface transportation concept that no longer sets apart highways and transit, but merges them into public mobility facilities.

During the ISTEA age, USDOT has periodically published flexible funding charts depicting how many flexible highway dollars have been transferred to transit use, including CMAQ

funds. If you were to look at such a chart for Dade County, you find that no CMAQ funds have yet been transferred to FTA for transit use. However, we have used much of our CMAQ allocation for transit-related projects. We have built an 8.5-mile exclusive busway in the part of South Dade that was ravaged by Hurricane Andrew in 1992. We have built a 2000-space parking garage that serves our Dadeland North Metrorail Station and which allowed us to put a revenue-producing joint development project on the former surface lot. We have completed the MIS for the East-West/MIC project. All of these projects have been funded with CMAQ funds and are transit-related. The flexible funding charters do not indicate this because all of these projects were eligible for CMAQ funding where they came from -- the highway program. Formal transfer was not necessary; the projects were overseen by FDOT and approved by FHWA.

During the tenure of the CMAQ program, Dade County's status as a non-attainment area was upgraded to that of a maintenance area. Contributing was the air quality conformity of our Transportation Improvement Program that was assisted significantly by the projects funded by the CMAQ funds. We feared that this status upgrade, an achievement, from an environmental perspective, would jeopardize our continuing receipt of the very funds that helped us - a punishment for doing well. However, thanks to this Subcommittee, that paradox was corrected in the NHS bill last year. We are continuing to use the CMAQ funds to pay for projects that will help us maintain our air quality in attainment with EPA's standards and our expectations.

Unfortunately, our achievements in air quality are not mirrored in the traffic congestion market. Dade County has the dubious honor of being the fourth most congested urban area in the nation -- right behind Washington, D.C.. We would like to see the CMAQ program contain some supplemental and enhanced eligibility criteria reflected by the "CM" portion of its title. I'm sure that the authors of the program realized that traffic congestion is arguably the largest contributor to air quality deterioration. But, traffic congestion is a big problem in its own right and harms our society in more ways than reduced air quality. Its detrimental effect on economic and social productivity is well documented and its effect on personal mobility is stifling.

Because traffic congestion is exclusively a surface transportation phenomenon and because it has taken on national proportions in its magnitude and impact on interstate commerce, it is reasonable that a federal surface transportation program should offer relief. We strongly encourage this Subcommittee to consider building an element into the CMAQ program that provides specific urban area eligibility, with severity factors like those for air quality non-attainment areas. Program funding should be appropriately increased for this expanded coverage.

As we gain more experience with the beneficial changes brought to us through the ISTEA legislation, we in Dade County will continue to assess these experiences and offer constructive enhancements to the outstanding work of this Subcommittee. We

sincerely appreciate the opportunity to come before you and present our ideas. Should any of the subjects I mentioned today need additional support, our staff stands ready to work with your staff to explore the intricacies of these issues and develop the proper statutory framework. I look forward to the opportunity to address you again. Thank you for your interest and attention.

Testimony to the House Transportation and Infrastructure Committee's  
Surface Transportation Subcommittee

Submitted by: Dennis E. Faulkenberg

Deputy Commissioner and Chief Financial Officer

Indiana Department of Transportation

September 26, 1996

Thank you Mr. Chairman and members of the subcommittee. My name is Dennis Faulkenberg. I am Deputy Commissioner and Chief Financial Officer of the Indiana Department of Transportation. I appreciate the opportunity to share our views on the reauthorization of transportation programs, especially with respect to the efficient delivery of transportation improvements.

With the passage of ISTEA in 1991, we were told of the great flexibility and efficiencies made possible by that legislation. We were assured that the new ISTEA program would finally allow state and local transportation professionals to make transportation decisions which make sense in our states and local communities. We were excited with the prospects for relief from cumbersome federal oversight and regulation, while being allowed to direct funding to projects most needed in our states.

Certainly, ISTEA allows tremendous flexibility between the use of highway funds for either highway projects or for transit projects. We also welcomed the lessening of federal oversight and involvement in non-National Highway System projects.

However, that is where ISTEA's flexibility and efficiency seems to end, and the hidden burden of increased complexity and federal intrusion in local decision-making begins.

ISTEA's new Surface Transportation Program (STP) funding was to be the new flexible federal program for which we had all anxiously awaited. Yet, upon a closer look, we discovered the multitude of pre-ISTEA programs that STP replaced were all still there. In fact, ISTEA included set-aside categories of funds for even more new federal programs. The simple, flexible new STP category was subdivided into as many as 40 separate categories of funding; each to be managed separately by us throughout the year.

The suballocation and set-asides within the STP category are just one of the examples of the hidden complexities of ISTEA's funding categories. Similar situations exist in the Minimum Allocation, Donor State Bonus and Bridge programs. In all, we count as many as 59 categories of highway program funds that we must manage to deliver projects using federal funds.

In order to properly utilize all available funding, it is frequently necessary for us to fund a single highway project with many different appropriations of federal funds. To the traveling public and our local public officials, they want and need a simple road or bridge project to be built. However, behind the scenes, we often must use funding from numerous categories, complete separate sets of federal paperwork for each category of funds used, and many times arrange "loans" of dedicated funds between urban areas.

We fail to see the flexibility, the simplicity, or the efficiency in such a program.

Although this accounting exercise seems to us to be pointless, we are able to manage it with an adequate supply of accountants, computers, and federal forms.

Less manageable though, are the programming obstacles created by set-asides and separate programs in ISTEA. ISTEA includes set-asides and separate programs for such things as the Transportation Enhancement Activities and Rail Highway Crossing/Hazard Elimination Program within the STP category; the Congestion Mitigation and Air Quality, or CMAQ program; and the Bridge program. These are examples of the overly prescriptive nature of ISTEA through its arbitrary set-aside of specific dollar amounts for certain types of projects, regardless of our unique state and local needs.



In Indiana, in the next five years, our state has an estimated \$1.5 billion of unfunded highway projects on our state system alone. Our local governments are able to tell of a similar need. Yet, today, we have unobligated balances of nearly \$30 million of CMAQ funds, and over \$26 million of Transportation Enhancement funds that cannot be used for these projects that our state and local transportation planners and elected officials have selected as their most urgent needs for funding. These activities should remain eligible for use on projects where they make sense, but not mandatory regardless of need.

The STEP 21 proposal for a Streamlined Transportation Efficiency Program for the 21st Century, with which the State of Indiana has been involved, finally proposes a flexible, streamlined and efficient highway program. The STEP 21 program retains the eligibility of all current ISTEA programs. However, after assuring a strong federal role in funding the National Highway System, STEP 21 provides flexibility to State and local transportation professionals to make decisions which make sense for their communities.

I hope that this committee will seriously consider unbinding us from the federal strings and red tape created with ISTEA's proliferation of set-asides and new categories, while allowing our scarce transportation resources to be used to enhance

mobility, move our products, and support economic development throughout the nation.



WILLIAM F. WELD  
GOVERNOR  
ANGELO PALE GELLUCCI  
LIEUTENANT GOVERNOR  
TRUDY COXE  
SECRETARY

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Testimony of Sonia Hamel, Director of Air Policy and Planning  
Commonwealth of Massachusetts  
for Governor William F. Weld  
before the U.S. House of Representatives  
Committee on Transportation and Infrastructure  
SubCommittee on Surface Transportation  
Hearing on ISTEA Reauthorization:  
*Efficient Delivery of Transportation Improvements  
and the Congestion Management and Air Quality Program*  
September 26, 1996

I would like to thank the subcommittee and you, Mr. Chairman, for holding this hearing.

I am here today on behalf of Governor William F. Weld and Secretary of Environmental Affairs, Trudy Coxe, to urge the Subcommittee to retain a strong Congestion Management and Air Quality (CMAQ) funding element in the future ISTEA reauthorization.

I am here to let you know that we think this program should be retained and, in fact, strengthened to insure that ISTEA funds projects which improve our environmental quality and improve the quality of life in our communities.

**Why do we care about air quality?**

In the Commonwealth, there are 750,000 people who suffer from chronic respiratory disease and illness directly affected by air pollution. Even healthy people (i.e. athletes, construction workers and children) are affected by elevated smog levels. Avoidable respiratory disease is a major cause of missed school days, missed work and emergency room visits and hospital admissions. This has personal and societal costs. It is a reasonable federal goal to help the states address these costs and to enhance the productivity and health of our people.

**What do we think about the existing CMAQ program?**

Generally, we are very pleased with the CMAQ program and feel that it has many strengths including:

- provides funding for many worthwhile projects included in State Implementation

Plans for Clean Air. As you know the Clean Air Act Amendments of 1990 are very expensive for states to implement. In Massachusetts, 43% of the pollutants that cause smog come from automobiles. We believe that 5% of total ISTEA spending is not too much to specify for a goal as important as our health.

Especially in light of the fact that EPA is reconsidering the ozone and particulate standards as not being sufficiently protective of public health, I think that this funding category is essential.

In the Commonwealth, CMAQ has been especially helpful in:

- supporting transit and rideshare projects, including for example, the Worcester Intermodal Center, an extensive park-and-ride program to add 20,000 spaces at rail stations, our Southeast Expressway High Occupancy Vehicle lane and a major Commuter Rail (the Old Colony line) Expansion.
- bringing new parties into the transportation planning process and providing people who previously were critics of the highway planning process with a stake in the process. Cycling groups, pedestrian groups, transit advocates and recreational transportation users are all much more supportive of the overall transportation program.
- leveraging private resources for the benefit of our commuters through the funding of Transportation Management Associations. The CMAQ program is business and freight friendly. Ridesharing programs and transit benefit our businesses. The "best friends" of the truck driver who moving his cargo along our crowded roadways are the transit riders and the vanpoolers who are not sitting in traffic in front of his truck.
- improving (along with the conformity process) communications between DOFs and air agencies; the CMAQ program provides a tool to integrate transportation and air quality planning.

The program does have some weaknesses. In reauthorization, I think that the following clarifications could be made:

- The program's objective needs to be clarified between long-term air quality improvement and congestion. We think it should focus on air quality and be more performance-based. Now that we have some experience with projects in this area, we can better assess their environmental benefits.
- The standards for these federal grants should be tightened to insure that projects with only projects with long-term air quality benefits are granted CMAQ funding.

**Conclusion**

The CMAQ program should be continued. On a practical level, I think this program needs to be given more time. There were a great many commitments in the pipeline when ISTEA began. Now that most of those projects are complete, we are beginning to see municipalities and regions coming up with creative and useful transportation projects, the original intent of CMAQ. In Massachusetts, we think an important goal of ISTEA II should be to allow local initiatives to bear fruit and to let the determined citizenry shape the future of their own communities. The program should be given more time to succeed.

I understand that the ISTEA reauthorization will entail many difficult choices over the next year. ISTEA was a major step forward in balancing the needs for transportation and for protecting the environment. It helps in accounting for the full costs of transportation decisions on our environment and our health. I urge you to continue that momentum by including a robust CMAQ program in ISTEA's reauthorization.



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U.S. House of Representatives

**Statement of Steve Heminger  
Manager of Legislation and Public Affairs  
Metropolitan Transportation Commission**

before the

**Subcommittee on Surface Transportation  
Committee on Transportation and Infrastructure  
U.S. House of Representatives**

September 26, 1996

Good morning, Mr. Chairman and members of the subcommittee. I am Steve Heminger, Manager of Legislation and Public Affairs for the Metropolitan Transportation Commission (MTC). MTC is the metropolitan planning organization for the nine-county San Francisco Bay Area. We appreciate the opportunity to testify this morning on the Congestion Mitigation and Air Quality Improvement (CMAQ) Program as part of the subcommittee's overall efforts to prepare for reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA) next year.

The CMAQ program is small relative to the overall size of the federal transportation program, representing only 5% of Title I highway funding. Yet it has been a critical funding component to help metropolitan areas meet the mandate of the Clean Air Act. It has also enabled areas like ours to fund small but effective projects aimed at improving traffic flow, which has a direct impact on both congestion relief and air quality improvement, the twin objectives of the CMAQ program. This morning, I would like to present the case for continuation and evolution of the CMAQ program.

When ISTEA was enacted in 1991, the San Francisco Bay Area was designated as a "moderate" ozone nonattainment area and, thus, eligible for CMAQ funding. In June 1995, our region was redesignated by the U.S. Environmental Protection Agency (EPA) as an ozone attainment, or "maintenance," area. As a result of this change in status our region lost eligibility for ISTEA's CMAQ funds, which are apportioned based on a formula that includes a pollution severity factor according to nonattainment status. To address this situation, MTC led a national coalition of urban areas that successfully preserved CMAQ funding for air quality "maintenance" areas in the National Highway System legislation passed in November 1995. Our temporary legislative fix in that bill was to freeze CMAQ

allocations at FY 1994 levels, thus ensuring that nonattainment areas redesignated after that date would continue to receive CMAQ funds.

As a point of information, there were 98 classifiable ozone nonattainment areas as of November 1991 when ISTEA passed. Since that time, 32 areas have been redesignated as maintenance areas. Of the remaining nonattainment areas, another 18 areas have submitted requests to EPA to be redesignated to maintenance status. A complete listing of these current and potential maintenance areas is attached to my testimony.

We think maintenance areas should continue to receive CMAQ funds for two reasons. First, it would be perverse for the federal government to punish areas that clean up their air by withdrawing transportation funds. Good behavior should be rewarded, not punished. Second, the Clean Air Act requires areas to attain and maintain compliance with clean air standards for at least 20 years. Keeping our skies clean requires the same kind of dedicated effort as achieving initial attainment, especially with continued growth in population and auto travel. Since the regulatory mandate for clean air continues, clean air funding in the CMAQ program should continue as well.

Admittedly, our temporary legislative fix of freezing CMAQ allocations at FY 1994 levels will have to be revisited in ISTEA reauthorization. One longer-term option would be to adjust the CMAQ apportionment factors so that maintenance areas continue to receive some level of funding, but in lower amounts than more severely polluted areas that are still nonattainment. For example, the CMAQ factors could be adjusted so that maintenance areas receive funding at the same level as current marginal nonattainment areas (factor of 1). At the same time, the CMAQ factors for other nonattainment areas would be adjusted upwards...1.1 for marginal, 1.2 for moderate, 1.3 for serious, 1.4 for severe and 1.5 for



extreme. We would be happy to work with the subcommittee in exploring this or other legislative options to ensure continuing CMAQ eligibility for air quality maintenance areas.

We also should not lose sight of the two-part objective of the CMAQ program — congestion mitigation and air quality improvement. While the Bay Area has been officially redesignated as an attainment area for air quality, we are still very much a nonattainment area for traffic congestion. The projects proven most effective at reducing vehicle delay in our region, such as our roving freeway service patrols and traffic signal timing, have been — and should continue to be — funded with CMAQ dollars. Our region has also used CMAQ to fund innovative Intelligent Transportation System projects such as the Bay Area's TravInfo project and a universal fare card, Translink, to better coordinate service among our region's transit systems.

The CMAQ program is a mere five years old, and through its implementation we are gaining valuable information about what projects are more, or less, effective in improving air quality. U.S. DOT is to be commended for its ongoing evaluation of the program, and for disseminating its findings to state and local officials. With more experience we will be in a better position to target funds to meet both mobility and air quality goals in the future.

Overall, we conclude that the CMAQ program has been an initial success. In addition to achieving air quality and congestion relief benefits, it has encouraged intergovernmental partnerships and improved collaboration; it has given local officials experience with flexible funding leading to increased intermodalism; and it has promoted innovation in project development. We appreciate the opportunity to testify on this important program. I will be glad to answer questions.

KJ/RS/7/1/02: Testimony CMAQ

Attachment 1

## Ozone Maintenance Area Status List

Many areas across the country have made significant progress in meeting federal Clean Air Act requirements for the pollutant ozone. In fact, the U.S. Environmental Protection Agency (EPA) has formally redesignated 32 classifiable air basins as ozone maintenance areas. Another 18 regions have submitted redesignation requests.

### Redesignation Requests Approved (32)

Canton, OH	Kewaunee Co., WI
Charleston, WV	Knoxville, TN
Charlotte/Gastonia, NC	Lexington/Fayette, KY
Cherokee Co., SC	Memphis, TN
Cleveland/Akron/Lorain, OH	Miami/Ft. Lauderdale/W Palm Beach, FL
Columbus, Ohio	Owensboro, KY
Dayton/Springfield, OH	Paducah, KY
Detroit/Ann Arbor, MI	Parkersburg, WV
Edmonson Co., KY	Raleigh/Durham, NC
Indianapolis, IN	San Francisco Bay Area, CA
Grand Rapids, MI	Sheboygan, WI
Greenbrier Co., WV	South Bend/Elkhart, IN
Greensboro/Winston/Salem, NC	Tampa-St. Petersburg/Clearwater, FL
Huntington, WV/ Ashland, KY	Toledo, OH
Jersey Co., IL	Walworth Co., WI
Kansas City, MO/Kansas City, KS	Youngstown/Warren/Sharon, OH-PA

### Redesignation Requests Submitted (18)

Birmingham, AL	Nashville, TN
Cincinnati, OH	Northern Kentucky (Cincinnati portion)
Evansville, IN	Pittsburgh, PA
Hancock/Waldo Co., ME	Pointe Coupee Parish, LA
Lake Charles, LA	Reading, PA
Lewiston/Auburn, ME	Reno, NV
Manitowac Co., WI	Richmond, VA
Monterey, CA	Salt Lake City, UT
Muskegon, MI	Santa Barbara, CA

Testimony of

**Doug Howell**  
**Transportation Associate**  
**Environmental and Energy Study Institute**  
on behalf of the  
**Surface Transportation Policy Project**

on

***ISTEA's Congestion Mitigation and  
Air Quality Improvement Program***

**before the Subcommittee on Surface Transportation  
Committee on Transportation and Infrastructure  
U.S. House of Representatives**

**September 26, 1996**

**\*\* FINAL \*\***

Mr. Chairman and Members of the Subcommittee, thank you for the invitation to appear today. My name is Doug Howell, and I am the transportation associate with the Environmental and Energy Study Institute, an education and public policy institute concerned with environmental, energy and transportation issues. I am presenting testimony on behalf of the Surface Transportation Policy Project, a non-profit coalition of over 150 organizations, whose mission is to ensure that transportation investments serve people and communities. STPP's members are national and local public interest groups concerned with the environment, energy conservation, the economy and social issues. They represent constituencies as diverse as the elderly, historic preservationists, transportation workers, citizen groups and downtown business interests. We are united in the belief that balanced investment in transportation can strengthen the economy, protect the environment, help strengthen communities and meet important social goals.

As you know, Mr. Chairman, one of the new funding programs created by ISTEA was the Congestion Mitigation and Air Quality Improvement Program. It provides \$1 billion per year for projects to reduce air pollution from the transportation sector. We feel the CMAQ program has proven to be a valuable piece of the overall federal approach to transportation. This is for four principal reasons:

**1. Improving Environmental Quality.** This program is targeted at addressing an important national need -- protecting the quality of our environment. We can disagree about how to do this, but not whether to do it. The American people support strong federal leadership in protecting the environment and the transportation program should not be immune from this. As long as automobiles are a leading contributor to the country's air pollution, and as long as there is a federal Clean Air Act, there must be a CMAQ program.

It is difficult to underestimate the impact of transportation on the environment. It affects air quality, water quality, use of non-renewable resources such as oil, farmland and open space, and generates a large volume of solid waste. Transportation is the principle source of our energy security problems -- it consumes two-third of the oil we use, and oil imports cause a drain on our balance of trade of over \$50 billion per year. And its impact on most of these factors is growing. The share of air pollution that comes from transportation is higher today than it was 10 years ago, and there is growing evidence that air pollution is more dangerous than we thought ten years ago.

**2. Flexibility.** CMAQ is the ISTEA program that has most lived up to the promise of flexible funding granted in 1991. Most of the funds "flexed" to transit at local option in the last five years have come from the CMAQ program. According to the Federal Transit Administration's report *Flexible Funding Opportunities for Transportation Investment*, \$1.3 billion of the \$2.2 billion that went to transit projects at local option in the first 4 years of ISTEA was CMAQ money. Only \$550 million came from the Surface Transportation Program. After ISTEA passed, it was thought that the flexible Surface Transportation Program would be the place where innovative projects were funded and the debate over transportation policy played out at the state and local level. In fact, most STP funds have gone for traditional projects, from highway and bridge repairs to construction of new roads. Unless things change radically, ISTEA's promise of flexibility will be a hollow promise if CMAQ funding is eliminated.

**3. Innovation.** The CMAQ program has also been a principal source of innovation in ISTEA. Projects it has funded range from refueling stations for alternative fuel bus fleets to ridesharing and other "demand management" programs. CMAQ is also keeping the "I" in ISTEA. Intermodalism was a big part of the rhetoric used when ISTEA passed, but making this idea real has been difficult. The CMAQ program has made real intermodal projects happen, such as the expansion of the intermodal hub at South Station in Boston where bus lines, local trains, suburban trains and Amtrak service all comes together with direct access to Logan airport.

We do not argue that all ISTEA money should be spent for such things, but it is equally difficult to argue that no attempt should be made to use federal funds to spur innovation -- in this case, innovative ways of reconciling transportation to its effects on the environment in the form of air pollution. Given the amount spent on transportation every year -- \$24 billion in federal money, and over \$88 billion in public sector funds altogether -- \$1 billion per year for CMAQ seems only fair.

**4. Funding for a Federal Mandate.** Like it or not, the Clean Air Act Amendments of 1990 were a large unfunded mandate imposed by the federal government on states, local governments and private businesses. We believe that the federal government has the responsibility to set national environmental standards that everyone must live up to. Nevertheless, we recognize that Clean Air Act compliance has been and will continue to be costly.

In 1991, Congress and the President recognized the magnitude of this cost, and created the CMAQ program as a commitment of federal funds to help solve at least

one part of the air quality problem. In addition, this Congress, the 104th, has passed legislation that establishes a system for dealing with consideration of new proposals for unfunded federal mandates in a systematic way. It seems clear that repeal of the CMAQ program would violate the spirit if not the letter of this law.

#### **Recommendations for ISTEA Reauthorization**

Based on our experience with the CMAQ program over the last five years, we have three overall recommendations about how Congress should treat the CMAQ program in ISTEA reauthorization. We will present these in greater detail in a few months in our comprehensive platform for ISTEA reauthorization.

**Recommendation #1. CMAQ projects should continue to receive a guaranteed minimum of funding.** For the reasons outlined above, we feel that CMAQ has been and will continue to be a valuable piece of the federal program. In addition, if the guaranteed minimum of federal funds it receives is eliminated and CMAQ activities become just an eligible expense for federal dollars, we feel that funding for CMAQ projects will quickly dwindle, and in some states, be eliminated altogether. A similar conclusion has been reached for the transportation enhancements program already, by both FHWA and GAO. As FHWA said in its report *Implementation of Transportation Enhancements*, "The ultimate successful mainstreaming of enhancement activities will require continuation of set-aside requirements into the next authorizing legislation." We feel this logic applies equally well to CMAQ. In addition, STPP's report *ISTEA Year Four*, shows that in FY 1994, states obligated 86% of their NHS funds, but only 45% of CMAQ funds. This disparity clearly indicates that CMAQ has not yet been mainstreamed.

There is broad agreement among those who believe in a continuing federal program that assuring environmental quality is one of the compelling reasons for a federal role. These words will ring hollow if the CMAQ program is not continued.

**Recommendation #2: The program should assure that projects that do not contribute to a better environment are not funded.** Before I go into detail on this point I should say that on the whole the U.S. DOT has done a reasonably good job of implementing this program given the rather sketchy direction in the statute regarding what projects are eligible for CMAQ funds. This being said, there are a number of circumstances where projects are being proposed that do not meet the test established in ISTEA.

For example, some states and MPOs have proposed that CMAQ funds be used to increase the through-put of intersections or otherwise add capacity to the highway system. This is based on the argument that reducing congestion improves air quality -- the less time people spent with their cars idling in traffic, the better our air would be. While this may have been true at one time, new emissions control technology has changed this. Because of the high efficiency catalytic converters present on most cars today, most of the pollution emitted during the average trip comes in the first few minutes before the catalytic converter has warmed up. Today, it is the trip itself, not its duration, that has the greatest effect on air pollution.

This has important implications for transportation policy. It means that widening roads to reduce congestion -- adding a lane here or an overpass there -- will not clean up the air. In fact, reduced congestion in a particular corridor will often tempt people that were using other means of transportation to begin driving. This increases the number of trips the corridor carries and the total amount of air pollution.

Similar arguments can be made about other questionable CMAQ projects. Some CMAQ funds have been programmed to build a new bridge and to construct a parking garage, again on the theory that more available parking will result in less circulation looking for parking, or that the new bridge will result in shorter trips. These are not the kinds of projects CMAQ was intended to fund, and FHWA should disallow these uses. If they will not, Congress should make clear in statute that they are not eligible. The same goes for ITS projects that increase highway capacity through technology. Any one of these may be valuable projects, but CMAQ is not the place to fund them.

***Recommendation #3. The CMAQ program should focus on long term environmental sustainability in transportation, not just air quality.*** This recommendation has two important parts: a new emphasis on sustainability, and long term thinking.

The first of these new focuses, environmental sustainability, is in our view the most important challenge facing transportation over the next generation. The CMAQ program began to get at this question by directing attention at how to make transportation compatible with good air quality, but this is just one part of the puzzle. If the CMAQ program's intention over the last five years has been to spur creative thinking about air quality, over the next five years, this should evolve into spurring creative thinking about all the environmental impacts of transportation, from energy

usage to global climate change. Given the importance of these issues for the transportation community and for society at large, earmarking five percent of federal surface transportation funds for these purposes seems, if anything, too timid.

This gets to my second point, that of long term thinking. We do not argue that the other, shorter term needs facing transportation, such as repair of deteriorated facilities, providing access for all Americans and making intermodal connections, are not important. They are very important. But we should not allow the urgency of these short term problems to distract us entirely from long term problems, and the environmental sustainability of the transportation system is clearly a long term problem.

It is for this reason that we do not support narrowing the CMAQ program to be based exclusively on computer models that predict the short term emissions effects of a particular project. Pushing the program in this direction will reinforce the Clean Air Act's emphasis on modeling to determine emissions reductions, a valuable exercise as far as it goes, but one that tends to elevate short term benefits over long term ones and allows little room for creativity. For example, a project to bring transit to a community together with a comprehensive transit-oriented development plan that reduces the need for car travel to meet basic needs would be a good use of CMAQ funds, but might not meet the Clean Air Act test of proven emissions reductions in the next three years. Such a focus is appropriate for the Clean Air Act, where the goal is to reduce emissions of specific pollutants by a date certain, but may be too restrictive for the kind of creative thinking we hope the CMAQ program could spur.

This concludes our recommendations, although I would like to make a brief note about funding formulas. One result of the changes we are proposing would be to expand the pool of states and metropolitan areas that receive CMAQ funds. Clearly, major cities that still violate federal air quality standards would continue to receive priority funding, but environmental sustainability is an issue everywhere, and creative solutions could come from La Crosse as easily as Los Angeles.

Thank you. I would be happy to answer any questions.



283

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TESTIMONY OF THE  
 AMERICAN PUBLIC TRANSIT ASSOCIATION  
 BEFORE THE  
 SUBCOMMITTEE ON  
 SURFACE TRANSPORTATION  
 OF THE  
 HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

\*\*\*\*\*

September 26, 1996

SUBMITTED BY

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APTA represents over 1000 members, including all major commuter rail operations, motor bus and rapid transit systems, and organizations responsible for planning, designing, constructing, financing and operating transit systems. APTA members include business organizations which supply products and services to the transit industry, academic institutions, and public interest groups.

## INTRODUCTION

Good morning, Mr. Chairman. On behalf of the membership of the American Public Transit Association (APTA), I appreciate this opportunity to present the transit industry's views on the efficient delivery of funds under the federal transit program and the Congestion Mitigation and Air Quality Program. My message today focuses on ways to make the federal transit program more efficient and the need to maintain and strengthen the CMAQ program.

As we have stated in previous hearings before this subcommittee, APTA believes that the federal government has a vital role in maintaining an efficient, comprehensive transportation system that supports a healthy economy; moves people and goods; and sustains other federal goals. Toward this end, APTA has adopted a comprehensive reauthorization proposal, which has been submitted for the record, that preserves much of ISTEA and the current transit program structure, and builds on ISTEA's flexible funding and planning provisions. While the focus of today's hearing is on specific matters, we look forward to working with the Subcommittee on our comprehensive proposals.

## PROGRAM DELIVERY

A key ISTEA innovation is its focus on improving the efficiency of the surface transportation network. By integrating surface transportation planning, programs, and services, ISTEA has improved surface transportation program delivery significantly. Moreover, the Federal Transit Administration has actively been working to simplify and streamline its grant programs, and we appreciate and support those efforts. Nonetheless, while ISTEA has worked well, there are areas that can be improved.

Limitations on how we can use transit funds; expensive federal mandates; and unnecessarily stringent procurement standards create inefficiency and need to be addressed in reauthorization legislation. Therefore, let me highlight for you some of the regulatory changes included in APTA's proposal for the reauthorization of ISTEA.

The use of capital funds to purchase materials and supplies for maintenance of rolling stock and facilities should not be restricted to a certain threshold, but rather be made consistent with capital maintenance eligibility in the highway program. Transit operators should be permitted to use capital funds for all bus rehabilitation and remanufacturing. The use of these funds for maintenance is consistent with federal highway law, under which resurfacing and restoration of highways is analogous to maintenance of transit capital investment. Transit like highways needs to preserve the federal investment in its existing infrastructure.

While APTA fully supports drug and alcohol testing, the application of the rules is sometimes duplicative, burdensome, and costly. Where the underlying program goals are unaffected, we urge greater flexibility in DOT's administration of the program. For example, if an entity is subject to both FTA and FHWA programs which have different requirements, the entity should be permitted to comply only with the program that affects its operations more.

We also recommend that federal procurement rules should apply only to projects specifically funded with federal dollars. In contrast, the FTA has ruled that if a transit operator takes one penny of operating aid, its entire operating budget and any activities funded with it are subject to federal procurement regulations. The transit community

believes that Congress should clarify that federal rules apply only to federally-assisted activities, not to those that are carried out with state or local resources.

Another innovation we support would let transit systems retain the proceeds from the sale of federally funded assets, including real estate, so long as the proceeds are used for transit purposes. This would allow transit systems to carry out their operations in a more businesslike manner, responding to local needs and circumstances rather than skewing decisions based on federal requirements.

In addition, many of our systems are now being audited and reviewed not only by the federal government, but also by state and local entities. These federal state reviews should at a minimum be coordinated if not consolidated to avoid duplication of efforts and time consuming staff work.

While APTA supports the goals of the Americans with Disabilities Act, it is being implemented at the same time that federal financial support is declining. Total ADA costs to transit operators will exceed \$1.4 billion annually, including nearly \$1 billion in paratransit operating expenses -- more than twice the \$400 million annual amount of transit operating assistance since FY 1996. Furthermore, the final implementation of paratransit plans, due in January, 1997, is expected to increase costs even more.

Since the goal of meeting 100% of paratransit demand is virtually impossible to attain, APTA recommends a number of regulatory reforms to help contain costs. These include:

- A more flexible interpretation of ADA compliance that allows localities balanced paratransit and mainline needs, and
- Statutory language stipulating that all agencies receiving federal funding for non-emergency transportation shall participate in the design and delivery of paratransit services so that Health and Human Services funded transportation services can be included for purposes of ADA compliance.

#### THE CONGESTION MITIGATION AND AIR QUALITY PROGRAM

Let me turn now to the CMAQ program. APTA strongly supports the continuation of this program. CMAQ is a key part of funding flexibility under ISTEA. It has strengthened the partnership among federal, state, and local governments; created new incentives to manage federal resources more efficiently; increased public involvement; and provided localities with the opportunity to consider the full range of solutions and transportation modes that can help meet clean air goals.

More specifically, the CMAQ program has been the largest source of flexible funding for transit improvements under ISTEA. Nearly sixty percent of the \$2.2 billion in surface transportation funds "flexed" to transit in the first four years of ISTEA have come from the CMAQ program. CMAQ recognizes the connection between transportation improvements and air quality.

The ability to fund innovative projects that improve the overall transportation system's effectiveness is one of CMAQ's most significant contributions to a balanced transportation system. CMAQ funds have been used to purchase alternative fuel buses, expand parking at rapid transit stations, and to construct intermodal facilities that

connect local bus service with intercity bus, train, and airline service. One such project is the Intermodal Transportation Center in Worcester, MA. The city is using CMAQ funds to transform its historic Union Station into a comprehensive multi-modal center. Worcester has identified this investment as a linchpin of its strategy for economic development and community revitalization.

The congestion factor in the CMAQ program is also important because congestion is one of the most costly problems for businesses operating in metropolitan areas where a majority of our citizens live and work.

In this regard, APTA supports adjustments to the CMAQ program that would allow it to continue to provide resources for areas that come into attainment and are known as "maintenance areas" because these areas are still subject to EPA requirements. In addition, many metropolitan areas continue to face serious congestion problems and the need to prevent long-term air quality deterioration and should not be penalized.

Our proposal does not support the changes to CMAQ envisioned in the "Step 21" reauthorization plan, which would fold the CMAQ program into a streamlined Surface Transportation Program. In contrast, our proposal to use CMAQ funds in maintenance areas would have the effect of distributing CMAQ funds more broadly; we do not feel that CMAQ program goals should be restricted to address the return to states issue. Although the Step 21 proposal would make CMAQ purposes eligible under the new STP, there is no guarantee that any of these funds would go toward Congestion, Mitigation and Air Quality purposes. By enacting the STEP 21 proposal,

funding flexibility under ISTEA and the commitment to funding Clean Air Act mandates could greatly be reduced. In short, we believe CMAQ works well the way it was designed under ISTEA.

In closing, APTA strongly supports a continued federal role in transportation and continuation of ISTEA and its flexible funding provisions. Mr. Chairman, APTA appreciates this opportunity to appear before you today. I would be glad to answer any questions you may have.

**American Public Transit Association**  
**Legislative Committee Recommendations on**  
**Reauthorization of the**  
**Intermodal Surface Transportation Efficiency Act**

**Statement of National Purpose**

To enhance mobility in the 21st Century, the nation's transportation system must provide a solid foundation for economic growth by moving people and goods, not just vehicles, and by serving as an efficient, comprehensive, integrated network. Toward this end, the U.S. transit industry is ready to build on its outstanding record of customer service, innovative public-private cooperation, and a wide range of contributions to American life. Federal support for transit investments is a fundamental part of a balanced national transportation program that will strengthen our economic productivity and global competitiveness, improve the quality of life in our nation's communities, and provide all Americans with access to the broad range of affordable transportation services they need to lead fulfilling, productive lives.

From our very beginnings as a nation, Congress has determined that a national role in transportation is important to "ensure domestic tranquility, provide for the common defense, promote the general welfare..." This national role has been manifested in assistance for coastal and seaborne shipping; the Post Office's transportation needs; canal, turnpike, and railroad construction; aviation; and a federal highway aid program that culminated in the 1954 authorization of the Interstate and Defense Highway system. The following decade saw the development of federal transit programs as Congress recognized that transit was essential to achieve federal objectives.

By 1991, the Intermodal Surface Transportation Efficiency Act (ISTEA) reformed federal policy to meet the mobility challenge of the post-interstate era by integrating surface transportation planning, programs, and services. ISTEA recognizes that our economic health and the quality of life in our communities depend on more efficient use of infrastructure and careful planning in regions and states.

ISTEA also addresses the complications posed by our past insensitivity to the environmental and social impacts of massive urban freeway construction, which has stiffened public resistance to transportation improvements. We need more effective strategies to blend transportation infrastructure into the social and neighborhood fabric of our cities and suburbs, addressing human needs and impacts as well as physical and engineering questions.

Over the past 30 years, the U.S. transit industry and its riders have prevented:

- ▶ the emission of 1.6 million tons of hydrocarbons, 10 million tons of carbon monoxide, and 275,000 tons of nitrogen oxides into our air;



- the importation of 20 billion gallons of gasoline; and
- the construction and maintenance of 20,000 lane-miles of freeways and arterial roads and five million parking spaces to meet rush-hour demands, saving at least \$220 billion (as much as all federal highway spending for the last 15 years).

Today, transit saves at least \$15 billion per year in congestion costs and provides a lifeline for people in thousands of metropolitan and rural communities. The federal government relies on transit to protect the environment; conserve energy; provide accessible transportation for people with disabilities, the elderly, and other transit-dependent riders; and ease the burden on crowded roads.

By standing firm on ISTEA's reforms and allowing the federal-state-local transportation partnership to flourish, the federal government can ensure that transit will function even more effectively as a thriving part of a balanced national transportation system. As the economic losses caused by congestion grow in suburban as well as central cities, transit will become an even more important alternative to congestion. Continued federal support for balanced transportation will enable every community to improve its transit service and increase the range of affordable, convenient transportation options, and revitalize our central cities, maintain the health of our suburbs, and weave our smaller towns and rural America more closely into the fabric of our national life.

Therefore, the American Public Transit Association (APTA) holds that it is the policy of the United States to create an environment that provides expanded opportunities for business, industry, households, and individuals to grow and prosper. Among the most important of these are the opportunities to:

- Enhance the economic security of individuals and businesses;
- Assure personal safety and security;
- Improve the quality of our neighborhoods and regional environments; and
- Enhance the effectiveness of public services.

Public transit links people to these new opportunities. The mission of public transportation is to foster personal mobility, economic opportunity, and an improved quality of life through partnerships, communication, and technology. Investments in transit are needed to enhance the economic health and the quality of life in central cities, suburbs, small towns, and rural areas. These transit investments will improve the quality of all citizens' lives and avert a future of congestion, economic stagnation, environmental degradation, and increasingly severe constraints on mobility for all people including those with no access to personal vehicles.

So that public transit can carry out this mission, we recommend the following proposals for the reauthorization of federal surface transportation programs.

**American Public Transit Association****Legislative Committee Recommendations on Reauthorization of the  
Intermodal Surface Transportation Efficiency Act****Principal Recommendations**

- I. MAINTAIN ISTEA'S PROVISIONS FOR FLEXIBLE FUNDING AND A LEVEL PLAYING FIELD BETWEEN TRANSIT AND HIGHWAY INVESTMENTS, WITH EXPANDED OPPORTUNITIES FOR FLEXIBLE FUNDING**
- II. MAINTAIN THE EXISTING TRANSIT PROGRAM STRUCTURE**
- III. EXPAND THE DEFINITION OF ALLOWABLE CAPITAL EXPENDITURES TO INCLUDE MAINTENANCE AND MANDATE RELIEF**
- IV. SUPPORT TRANSIT IN SMALL URBANIZED AREAS AND RURAL AREAS**
- V. PROVIDE FOR A UNIFIED APPROPRIATION OF TRANSIT FUNDS**
- VI. INCREASE THE FEDERAL TRANSIT PROGRAM'S EFFICIENCY**
- VII. MODIFY THE CONGESTION MITIGATION AND AIR QUALITY PROGRAM**
- VIII. MAINTAIN AND STRENGTHEN THE PLANNING REQUIREMENTS**
- IX. APPLY THE HIGHWAY SOLVENCY TEST INSTEAD OF THE MORE STRINGENT MASS TRANSIT SOLVENCY TEST TO THE MASS TRANSIT ACCOUNT**
- X. RECAPTURE THE "DEFICIT REDUCTION" 4.3 CENTS/GALLON GASOLINE TAX FOR THE HIGHWAY TRUST FUND, WITH AT LEAST 20% DEPOSITED INTO THE MASS TRANSIT ACCOUNT**
- XI. CONTINUE TO SUPPORT THE TRANSIT COOPERATIVE RESEARCH PROGRAM (TCRP), UNIVERSITY TRANSPORTATION CENTERS, AND ISTEA INSTITUTES; AND CREATE A NEW TECHNOLOGY DEVELOPMENT AND DEMONSTRATION PROGRAM**
- XII. ALLOW STATES TO USE THE STATE SHARES OF FLEXIBLE FUNDING PROGRAMS FOR INTERCITY PASSENGER RAIL INVESTMENTS**

### SUMMARY OF RECOMMENDATIONS

#### I. MAINTAIN ISTEА'S PROVISIONS FOR FLEXIBLE FUNDING AND A LEVEL PLAYING FIELD BETWEEN TRANSIT AND HIGHWAY INVESTMENTS, WITH EXPANDED OPPORTUNITIES FOR FLEXIBLE FUNDING

ISTEA's innovative flexible funding and level playing field provisions have been successful and should be retained. Among these important programs and principles are:

- The Surface Transportation Program (STP) and the Congestion Mitigation and Air Quality (CMAQ) program, with metropolitan suballocations;
- Equal, 80% federal shares for highway and transit projects; and
- The use of local "soft match" for transit projects.

Additional flexible funding should be authorized by expanding the Surface Transportation Program using revenue from the Highway Trust Fund's Highway Account and Mass Transit Account. For every \$1 in Mass Transit Account revenue that would go to a new STP-Transit Program, an additional \$2 in Highway Account revenue would go to an STP-Highway Program. The STP-Transit Program would be part of the Federal Transit Program, but would be apportioned in the same way as the STP program, including metropolitan area suballocations, and its funds could be used for the same purposes as STP program funds.

#### II. MAINTAIN THE EXISTING TRANSIT PROGRAM STRUCTURE

The existing transit program structure should be retained because it works well. The discretionary new start, rail modernization, and bus components; urbanized area, non-urban, and elderly/disabled components; and planning, research, and FTA administrative functions, all provide funds for a range of specific needs and encourage innovative new start projects in all regions of the country.

The next authorization act should provide funding for a core transit program before additional flexible funding is provided through the STP-Transit Program as proposed in our Recommendation. Even the maximum amount of federal revenue that is likely to be available during the next authorization period is insufficient to fund the appropriate federal share of the nation's transit investment needs. The following recommended funding levels for the core and new flexible programs are based on the revenue that is available from the Mass Transit Account.

Fiscal Year 1998 funding for the transit program should be authorized at the Fiscal Year 1996 authorized level of \$5.125 billion and should be adjusted for inflation in later years. This proposal was developed so that the core program and flexible transit program could be supported with existing gasoline tax revenues and balances in the Mass Transit Account (MTA) of the Highway Trust Fund, plus a small general fund component for those programs that must now be funded with general funds. Our proposal also calls for return to the transportation trust funds of the revenue from the 4.3 cents

per gallon federal gasoline tax that now goes to deficit reduction. This proposal does not meet clearly identified transit funding needs, but rather sets funding at levels that can be supported with existing gasoline tax revenues and MTA balances.

Transit funds should be divided among individual programs as authorized by ISTEA, retaining the ratio of \$1.36 in formula funds for each \$1.00 in discretionary funds; the 40:40:20 ratio for the New Start, Fixed Guideway Modernization, and Bus discretionary programs; the 80% federal share for transit projects and the 90% federal share for Clean Air Act and Americans with Disabilities Act (ADA) costs; and federal authority for the use of "soft match" resources such as toll revenues for the local share of project funds. Funding should continue to flow to Designated Recipients.

### **III. EXPAND THE DEFINITION OF ALLOWABLE CAPITAL EXPENDITURES TO INCLUDE MAINTENANCE AND MANDATE RELIEF**

Despite ISTEA's overall record of success, annual appropriations measures have significantly reduced urbanized area (UZA) transit operating assistance, causing serious problems for transit agencies. To ameliorate the problems caused by this operating assistance shortfall, APTA proposes to expand the transit program's definition of allowable capital expenditures. For small UZAs, we propose to eliminate the distinction between capital and operating assistance as is now the case for non-urban areas, so that transit operators in these areas could use all of their funds for capital or operating purposes as currently defined. This proposal would not affect the program structure or the distribution of funds. No transit agency would receive a lower share of funds. If Congress retains operating assistance for large UZAs, we further propose that transit operators in these UZAs be able to trade in \$1 of operating assistance for \$2 of capital.

### **IV. SUPPORT TRANSIT IN SMALL URBANIZED AREAS AND RURAL AREAS**

To provide adequate support for transit in smaller urbanized areas (UZAs) and in rural areas, APTA supports the existing ISTEA formulas for smaller UZA and non-urban funding, as well as a provision to allow all these funds to be used for operating assistance as defined under current law, as is currently permitted for rural areas, and minimum regulatory requirements for these areas.

### **V. PROVIDE FOR A UNIFIED APPROPRIATION OF TRANSIT FUNDS**

To create more stability and predictability in annual transit funding levels, APTA proposes that transit funds be appropriated in a block amount as is done for the Federal-Aid Highway Program. Any shortfall of appropriations below authorized levels would be proportioned equally among all transit programs. This procedure would result in a uniform first-year outlay rate for the total transit program in the same way that a uniform first-year outlay rate is calculated for the Federal-Aid Highway Program.

This proposal would:

- ▶ Seek as a worthy goal equality in first year outlay rates for transit and highways, which would currently be a 17% first-year outlay rate; and
- ▶ Establish a level playing field between the highway and transit programs as they are treated in the budget and appropriations processes.

The next authorization act can fulfill these goals by applying the principle of a level playing field between transit and highway investments to the budget and appropriations process.

#### VL INCREASE THE FEDERAL TRANSIT PROGRAM'S EFFICIENCY

Building on Congressional and U.S. DOT initiatives, APTA proposes several administrative and regulatory changes to make the federal transit program more cost-effective. We propose to:

- 1) Increase capital flexibility by eliminating the associated capital maintenance item threshold and expanding capital maintenance eligibility to be consistent with FHWA programs;
- 2) Provide flexibility under the drug and alcohol testing program, for example, when a recipient must comply with FHWA and FTA rules;
- 3) Apply federal procurement requirements only to capital funds;
- 4) Allow proceeds from sale of transit assets - including real property - to remain with grantee if used for transit purposes;
- 5) Permit transit operators to coordinate or combine federal and state reviews to avoid duplication of efforts;
- 6) Reassert that FTA Circulars do not carry the weight of regulations;
- 7) Establish a direct link between non-rush hour half-fare requirements for senior citizens and the provision of federal operating assistance;
- 8) Modify the parking tax benefit to narrow the difference between the \$65 per month tax-free transit benefit and the \$165 per month tax-free parking benefit. Require that federal employees pay market prices for workplace parking. Create a federal income tax deduction for transit commuter expenses;
- 9) Establish a procedure to give transit agencies credit for their contributions to attainment under the Clean Air Act;

- 10) Allow transit operators to provide charter bus service with fewer restrictions;
- 11) Ensure that compliance with the Americans with Disabilities Act:
  - Establishes a method that accommodates financial burden on transit systems;
  - Provides discretion to local officials;
  - Defines compliance that is certified by FTA;
  - Strengthens the coordination process at the federal level to ensure transit access to all federal funding for transportation services;
- 12) Reform section 13(c) legislatively with respect to its applicability, to ensure that it complies with the Administrative Procedure Act (APA) and is subject to a time limit, and to cover substantive issues.

#### VII. MODIFY THE CONGESTION MITIGATION AND AIR QUALITY PROGRAM

Steady annual increases in flexible funding transfers to transit prove that ISTEA's flexible funding provisions respond to the needs of states and metropolitan regions. APTA favors adjustments to the CMAQ program so it will continue to provide resources for areas that come into attainment, but continue to face serious congestion problems and potential long-term air quality deterioration. The federal government should not penalize states and regions for achieving air quality goals.

#### VIII. MAINTAIN AND STRENGTHEN THE PLANNING REQUIREMENTS

ISTEA's planning provisions are fundamentally sound, including current authority for Metropolitan Planning Organizations, public participation requirements, transportation and land use linkages, and multimodal corridor analysis through the Major Investment Study (MIS) criteria. APTA recommends changes to ensure that the planning process fully accounts for often-ignored benefits of transit investments and to provide sufficient resources so that planning does not become another "unfunded federal mandate."

#### IX. APPLY THE HIGHWAY SOLVENCY TEST INSTEAD OF THE MORE STRINGENT MASS TRANSIT SOLVENCY TEST TO THE MASS TRANSIT ACCOUNT

Spending from the Mass Transit Account of the Highway Trust Fund should be required to comply with the Byrd Test instead of the more restrictive Rostenkowski Test. This change will create a more level playing field between highways and transit since the Byrd Test applies to the Highway Account.

**X. RECAPTURE THE "DEFICIT REDUCTION" 4.3 CENTS/GALLON GASOLINE TAX FOR THE HIGHWAY TRUST FUND, WITH AT LEAST 20% DEPOSITED INTO THE MASS TRANSIT ACCOUNT**

We join other transportation industry organizations in calling for a return of the deficit reduction gas tax to the Highway Trust Fund. In keeping with the precedent set by President Reagan, the Mass Transit Account should receive a minimum of 20% of the amount that is deposited into the Highway and Mass Transit Accounts.

**XI. CONTINUE TO SUPPORT THE TRANSIT COOPERATIVE RESEARCH PROGRAM (TCRP), UNIVERSITY TRANSPORTATION CENTERS, AND ISTEА INSTITUTES; AND CREATE A NEW TECHNOLOGY DEVELOPMENT AND DEMONSTRATION PROGRAM**

ISTEA has enabled the nation's transit agencies to improve productivity and serve their customers more effectively. ISTEА established the Transit Cooperative Research Program (TCRP), the first national research program to give the transit community a direct role in addressing critical challenges. Like its highway counterpart, TCRP makes a significant contribution to the national interest that deserves continued support. The university transportation centers (UTCs) and the university institutes established by ISTEА (ISTEA Institutes) also conduct important research, education, and training programs. The next authorization should retain these programs and provide them with no less than their current percentage of transit program funding. We also recommend the creation of a Technology Development and Demonstration Program as a partnership of the federal government, transit agencies, and the private sector. This Program would support the implementation of new transit technologies and practices, including those identified through TCRP.

**XII. ALLOW STATES TO USE THE STATE SHARES OF FLEXIBLE FUNDING PROGRAMS FOR INTERCITY PASSENGER RAIL INVESTMENTS**

Since it is important to ensure that governors and state DOTs have control over the use of flexible funds, we recommend that states be authorized to use the state share of flexible funding programs for intercity passenger rail investments. The use of funds for intercity passenger rail purposes is acceptable, however, only if there is an increase in the total amount of flexible funding. Therefore, this proposal is conditioned on the adoption of APTA's proposal to make available a higher total level of flexible funding by using funds from the Mass Transit Account and "deficit reduction" gas tax resources. It is important to ensure that governors and state DOTs have control over the use of these funds.

**DETAILED RECOMMENDATIONS****I. MAINTAIN ISTEA'S PROVISIONS FOR FLEXIBLE FUNDING AND A LEVEL PLAYING FIELD BETWEEN TRANSIT AND HIGHWAY INVESTMENTS, WITH EXPANDED OPPORTUNITIES FOR FLEXIBLE FUNDING**

**Proposal:** Retain the Title I program structure of formula and discretionary programs and expand the Surface Transportation Program using revenue from the Highway Account and the Mass Transit Account.

**Background:** ISTEA's innovative flexible funding and level playing field provisions have been successful and should be retained. Among the most important programs and principles are the Surface Transportation Program (STP) and the Congestion Mitigation and Air Quality (CMAQ) program, including the metropolitan suballocations; the equal, 80% federal shares of highway and transit projects; and the use of local "soft match" for transit projects. ISTEA has strengthened the partnership among federal, state, and local governments, created new incentives to manage federal resources more efficiently, and gone far to reduce federal policy biases against transit investments.

Flexible funding transfers to transit have risen from \$303.8 million in FY 1992 to \$801.9 million in FY 1995, for a total of nearly \$2.2 billion in the first four years of ISTEA. This steady increase is one indication that transit is a priority at the state and local level, and that ISTEA's flexible funding provisions have been successful.

APTA supports an increase in the authorized funding level for the Surface Transportation Program using resources from the Highway Trust Fund's Highway Account (HA) and Mass Transit Account (MTA). After the transit core program has been funded at our recommended level of \$5.125 billion in FY 1998, additional MTA funds would go to a new STP-transit program. For each \$1.00 of MTA funds that go to the STP-transit program, an additional \$2.00 in Highway Account funds would go to the STP-highway program. For FY 1999 and future years, the transit core program, STP-transit program, and STP-highway program funding levels would be adjusted for inflation, as would the highway core program.

Although funding for the STP-transit and STP-highway programs would be authorized in different titles of the U.S. Code, each program would be apportioned in the same manner as the existing Surface Transportation Program and would include metropolitan area suballocations like the existing program. Funds from each program could be used for the same purposes allowed under the existing program; proposed changes in the definition of eligible projects would apply to each of the programs in an identical manner. STP-transit funds could be flexibly used for highway projects selected by states or MPOs, just as STP-highway funds could be flexibly used for transit projects.

APTA estimates that the new STP-transit program could be authorized at \$693 million in FY



1998 before using funds that would accrue from return of the 4.3 cents/gallon gasoline tax that is now directed for deficit reduction purposes. Under the 1-to-2 ratio, additional STP-highway funding would be \$1.386 billion in FY 1998. [See Table 1, *Reauthorization Funding Levels, CURRENT Highway Trust Fund Accrual Rate.*]

*Action: Amend subtitle III of Title 49 to create a Surface Transportation Program-transit program with funding from the Mass Transit Account; for each \$1.00 of funds authorized for this program, increase the authorized funding for the Title 23 Surface Transportation Program by an additional \$2.00 from the Highway Account.*

## II MAINTAIN THE EXISTING TRANSIT PROGRAM STRUCTURE

*Proposal: Retain the current federal transit program structure of formula and major capital investment (discretionary) programs.*

*Background: Federal surface transportation programs provide essential funding for infrastructure investments that promote economic development, increased productivity, and individual opportunity. The Federal Transit Program is a vital component of this program: It supports transit systems that fill critical gaps in the comprehensive national transportation network, and it creates more transportation choices so that our infrastructure can move people and goods more efficiently and provide an alternative to ever more costly congestion.*

To meet these critical economic and social needs, the existing federal transit program structure should be retained, including a Major Capital Investment (Discretionary) Program with New Start, Fixed Guideway Modernization, and Bus/Bus Facility Components; a Formula Program with Urbanized Area, Non-Urban, and Elderly/Disabled Components; and the Research and Development Program. The federal program should be administered by a transit agency or advocate whose status within DOT is equal to its modal counterparts. Funding in FY 1998 should be at the Fiscal Year 1996 authorized level and should be adjusted for inflation in later years.

A categorical program:

- Provides a base level of predictable, stable funding that is important to all transit operators including those in medium-sized and smaller metropolitan areas and rural areas;
- Retains a focus on the needs of transit-dependent individuals and the high quality service that must be provided to attract and keep new customers, both of which might be ignored or undervalued in the allocation of block grant funds;

- Allows transit agencies to participate in local and regional planning as full partners with their own assets to contribute, rather than putting them in the position of supplicants with few resources of their own;
- Within DOT, ensures that transit needs will receive appropriate attention and consideration.

#### **Transit Program Funding**

The next authorization act should provide funding for a core transit program before additional flexible funding is provided through the STP-Transit Program as proposed in our Recommendation. Even the maximum amount of federal revenue that is likely to be available during the next authorization period is insufficient to fund the appropriate federal share of the nation's transit investment needs. The following recommended core funding level is based on the revenue that is available from the Mass Transit Account.

If revenue for the MTA remains at current levels, we recommend that funding for the transit core program be set at the FY 1996 authorized level of \$5.125 billion in FY 1998 and adjusted for inflation in later years. As discussed above, additional Mass Transit Account authorizations above the amount needed for the transit core program would go to the new STP-transit program. We also support the highest possible authorization level of General Fund support for the federal transit program, although we recognize that in recent years, General Fund support for transit has declined steadily in relative and absolute terms.

#### **Equitable Funding within the Transit Program**

The formula program is an essential component of the federal transit program and should continue to receive an equitable share of federal transit funding. The current equity formulas, derived from the funding levels authorized in ISTEA, should be retained:

- There should be \$1.36 in urbanized area and rural Formula funding for every \$1 in Major Capital Investment (Discretionary) funding.
- The Major Capital Investment Program should continue to be divided on a 40:40:20 basis among the New Start, Fixed Guideway Modernization, and Bus/Bus Facility programs, respectively.
- Within the Formula program, we support the division of funds authorized in ISTEA. Thus the Section 18 Non-urban program should receive 5.5% of the total funding provided for the Section 9 and 18 programs.

### Major Capital Investment Program

APTA supports all the existing Major Capital Investment programs, but is neutral on the process that Congress uses to earmark funds for individual New Start and Bus/Bus Facility projects. These discretionary programs provide a strong incentive for innovative, customer-responsive transit investments.

The New Start program creates incentives for metropolitan areas to develop and implement innovative transit alternatives in high density corridors. This program promotes greater choices for commuters who would otherwise have fewer alternatives to congestion and rush hour travel. It is essential not to limit the New Start program to existing projects or otherwise inhibit the efforts of more metropolitan areas to incorporate innovative rail and busway options into their long-range planning processes. The planning requirements for transit New Starts should, under the MIS regulations, be comparable to those for highway developments. The next authorization act should provide for equity in planning applications for all modes.

The Fixed Guideway Modernization program helps maintain and extend the useful life of major capital investments in many of our largest metropolitan areas. It has enabled the historic rail cities to maintain infrastructure which, in many cases, had suffered many years of neglect or disinvestment by private owners. Any proposal to change the formula for distribution of fixed guideway modernization funds should be the product of a consensus among the fixed guideway cities.

The Bus/Bus Facilities program meets major facility and equipment purchase needs that cannot be accommodated through the formula program. Further consideration should be given to changes in the Section 3 Bus/Bus Facility program that would provide minimum allocations to states or regions over the life of the reauthorization.

*Action: Affirm support for the current law version of the Federal Transit Act, except as noted elsewhere in this proposal.*

### III. EXPAND THE DEFINITION OF ALLOWABLE CAPITAL EXPENDITURES TO INCLUDE MAINTENANCE AND MANDATE RELIEF

*Proposal: Expand the transit program's definition of allowable capital expenditures and eliminate the distinction between capital and operating assistance for small UZAs as is now the case for non-urban areas.*

*Background: For transit operators, ISTEA's most serious shortcoming has been the failure to achieve full funding of the urbanized area operating assistance cap. Operating assistance shortfalls have undermined ISTEA's goal of providing stable, predictable transit funding to allow effective long-term planning and the provision of cost-effective, affordable service. Congress and the*

Administration have undertaken several initiatives to ameliorate the problems caused by the decline in operating assistance, including measures to reduce unneeded regulations and to expand the definition of allowable capital expenditures.

Looking to the Federal-Aid Highway Program as a model for additional reform in this area, APTA proposes to incorporate features of that program into the transit program. Instead of an operating cap that limits spending on certain categories of expenditures, the transit program could have a uniform definition of allowable expenditures that includes the use of Mass Transit Account and General Revenue funds for maintenance expenditures, the costs of federal mandates, planning, and research. This change would build on steps taken in the Fiscal Year 1996 Transportation Appropriations Act, which expanded the definition of allowable capital expenditures.

This proposal would not affect the program structure or the distribution of funds. No transit agency would receive a lower share of funds. The proposal would:

- Eliminate the "operating limit" formula apportionment;
- Expand the use of UZA formula funds for maintenance, mandates, etc.; and
- Eliminate the restrictions on the use of funds for UZAs with fewer than 200,000 people and rural areas, as is now the case for rural areas.

*Action: Amend subtitle III to expand the definition of allowable capital expenditures.*

#### **Alternative Capital-Operating Trade-In Proposal**

***Proposal:* Establish a Capital-Operating Trade-In Program.**

***Background:*** In the event that Congress maintains the operating assistance provisions of current law for large UZAs, APTA recommends the establishment of a program that would allow transit operators to trade operating assistance dollars for capital dollars. Under this proposal, an amount from \$400 million to \$800 million would be a take-down off the top of the transit appropriation. Transit operators in UZAs with more than 200,000 people that choose to trade in their operating limit would receive an additional \$1 of capital for each \$1 of operating funds they used for capital purposes. In effect, they would trade in \$1 of operating assistance for \$2 of capital. All funds in the takedown pool that are not used to match traded-in operating funds would revert to the urbanized area formula program for reapportionment.

*Action: Amend subtitle III to establishing a capital-operating trade-in program.*

#### IV. SUPPORT TRANSIT IN SMALL URBANIZED AREAS AND RURAL AREAS

**Proposal:** Support transit agencies in small urbanized areas and in rural areas by allowing them to use all federal funds for operating or capital purposes without restrictions, and eliminating burdensome reporting requirements.

**Background:** Transit operators provide essential basic mobility for millions of people in the nation's small urbanized areas and non-urban areas. ISTEA affirmed the importance of federal support for these programs by expanding the existing formula programs that assist them; transit operators in these areas also receive discretionary funds, chiefly through the bus/bus facility program.

For transit-dependent residents of these communities, including many elderly and low-income working people and people with disabilities, transit service is a critical lifeline to jobs, stores, schools, churches, and health care. The next authorization act must protect the programs that give these Americans access to affordable transit service.

Given the shortfalls in operating assistance during the ISTEA era, the transit industry recommends that small urban and non-urban transit agencies be allowed to use all formula funds for operating assistance needs as defined in current law. We also recommend that these transit agencies be exempted from burdensome regulatory requirements.

The current relationship between Section 9 and 18 should be maintained: The Section 18 non-urban program should receive 5.5% of the total funding provided to Sections 9 and 18. All of these funds should be available for operating as well as capital needs. The 18(i) set-aside for intercity bus service should be eliminated. The next authorization act should include a provision requiring that section 18 funds should first be made available to section 18 public entity recipients before such funds may be made available to other entities that are not necessarily open to the public.

*Action: Amend relevant sections of the law.*

#### V. PROVIDE FOR A UNIFIED APPROPRIATION OF TRANSIT FUNDS

**Proposal:** Have the transit program appropriated as a single amount with programs funded proportionately to authorized levels.

**Background:** The ability to plan long-term investments in transit has been restricted by uncertainty in transit appropriations. Variations in outlay rates among transit programs have resulted in uneven reductions of program levels when appropriations have fallen below authorized levels. The operating limit for urbanized area formula funds has been significantly reduced as have research funds. The ratio of formula to Major Capital Investment funding also changes from year to year.

APTA proposes that transit funds be appropriated in a block amount as is done for the Federal-Aid Highway Program. Any shortfall of appropriations below authorized levels would be proportioned equally among all transit programs. This procedure would result in a uniform first-year outlay rate for the total transit program in the same way that a uniform first-year outlay rate is known for the Federal-Aid Highway Program. APTA proposes that the portion of expenditures from formula funds allowed for maintenance and mandate relief be consistent for all recipients and sufficiently high that the first-year outlay rates for the entire transit program and the entire Federal-Aid Highway Program be equal. This would eliminate the need to appropriate transit and highways at different portions of their authorized levels to achieve first-year outlay savings.

This proposal would:

- ▶ Seek as a worthy goal equality in first year outlay rates for transit and highways, which would currently be a 17% first-year outlay rate, and
- ▶ Establish a level playing field between the highway and transit programs as they are treated in the budget and appropriations processes.

The next authorization act can fulfill these goals by applying the principle of a level playing field between transit and highway investments to the budget and appropriations process. Improved economic productivity and individual access to opportunity both require a federal transit program that allows transit operators to meet customers' needs in a businesslike way with a minimum of bureaucratic restrictions.

*Action: Amend subtitle III to establish a unified transit appropriation as described above.*

## VI. INCREASE THE FEDERAL TRANSIT PROGRAM'S EFFICIENCY

Because they increase transit operating costs, federal mandates limit transit agencies' ability to provide their customers with efficient, affordable service. The total annual cost of federal mandates is greater than the level of operating assistance authorized by ISTEA, and far in excess of the actual operating aid levels appropriated during the ISTEA era. Federal policy makers must weigh the need for transit service as well as their desire to achieve the laudable goals of federal mandates. To reduce the conflict among these varying needs, federal policy should increase the resources available to transit agencies and reduce the regulatory burden on these agencies.

We propose the following regulatory efficiencies for incorporation in the next authorization act:

**1**

**Proposal:** Eliminate associated capital maintenance item threshold. Expand capital maintenance eligibility to be consistent with FHWA programs.

**Background:** Congress has cut federal operating assistance significantly. One concern is that transit systems as a result may be forced to cut back on routine and ongoing maintenance, which could result in a more rapid depreciation of federally funded assets. A response to this concern would be to permit the capitalization of maintenance costs, which already is the case under programs administered by the FHWA and, to a lesser extent, the FTA. The FY 1996 DOT appropriations act, for example, made certain bus overhaul costs eligible for capital funding. This proposal could be implemented piecemeal - by modifying existing provisions of law - or by a wholesale change in the definition of "capital" under federal transit laws.

**Action:** For piecemeal approach, at 49 USC 5307(a)(1) delete "...each costing at least .5 percent...[through end of sentence]." For broader approach, amend statutory definition of capital at 49 USC 5302(a)(1).

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**2**

**Proposal:** Provide flexibility under drug and alcohol testing program.

**Background:** APTA supports federal drug and alcohol testing of safety workers, including operators of transit vehicles. Nonetheless, the application of the rules sometimes is duplicative, burdensome, and costly. Where the underlying program goals are unaffected, APTA urges greater flexibility in DOT's administration of the program. For example, if an entity is subject both to FTA's and FHWA's programs, which have different requirements, the entity should be permitted to comply only with the program that affects its operations more. In addition, under the existing DOT regulations, transit systems may have their random drug and alcohol testing rates lowered only on the basis of industry-wide data. Random testing is costly; if a transit system can show from its own data that positive drug and alcohol rates are low, it should be able to apply to FTA for lowered random testing rates on an individual basis, and not be held to a more difficult industry-wide standard.

**Action:** Amend FTA law, not Omnibus Transportation Employee Testing Act.

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**3**

**Proposal:** Apply federal procurement requirements only to capital funds.

**Background.** Under current FTA policy, federal procurement requirements apply to all federally funded projects, including those funded with operating assistance. Because operating assistance is "fungible" and cannot be limited to a particular project in the way that capital funds can,

this FTA policy essentially means that federal procurement rules apply to all of a grantee's procurements, even those funded solely from state and local sources. There is no indication that federal procurement requirements were meant to apply so broadly. Accordingly, APTA recommends that federal transit laws be amended to limit federal procurement requirements to the use of federal capital funds, thereby permitting projects not using federal capital funds to be subject to relevant state and local requirements.

*Action: Add new provision at 49 USC 5302.*

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4  
*Proposal: Proceeds from sale of transit assets - including real property - should remain with grantee if used for transit purposes.*

*Background:* Under current federal transit law, if a grantee chooses to sell federally funded assets, the federal share of the proceeds generally must be returned to the federal government. This acts as a barrier to good business practices, and tends to discourage a grantee from making decisions based on local conditions and circumstances. ISTEA added a new provision permitting a grantee to transfer federal assets to another public body if the assets no longer are needed, and APTA recommends that the provision be amended to permit a grantee also to sell federally funded assets and to keep the proceeds so long as they are used for transit purposes.

*Action: Amend 49 USC 5334(g) to permit such dispositions.*

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5  
*Proposal: Permit transit operators to coordinate/combine federal/state reviews to avoid duplication of efforts.*

*Background:* Recipients of federal transit funds are subject to comprehensive federal triennial reviews. Increasingly, such systems are subject to state and local reviews as well. To reduce duplicative costs and encourage comprehensive and coordinated reviews, to the extent practical federal reviews should be administered in concert with related state or local reviews.

*Action: Amend triennial review section of law at 49 USC 5307(i)(2).*



6

**Proposal:** Reassert that FTA Circulars do not carry the weight of regulations.

**Background:** In contrast to FTA regulations that are issued in draft form and subject to comment and revision, FTA circulars are frequently issued without the benefit of the same public review. Unfortunately, however, circulars often carry the same weight and penalties as regulations.

**Action:** Include statutory or, more likely, report language that instructs the FTA to limit circulars for the purpose of providing guidance.

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7

**Proposal:** Establish a direct link between non-rush hour half-fare requirements for senior citizens and the provision of federal operating assistance.

**Background:** Under section 5307(d)(1)(D) -- formerly section 5m -- of the Federal Transit Act, approval of formula program grants by the Secretary are contingent on half fares being provided to the elderly and handicapped during non-peak hours of operation. While many transit systems may prefer to maintain this benefit, the elimination of this provision would give others the discretion to structure fares in a manner more appropriate to their demographics and financial condition. A redefinition of this provision would make the implications of operating assistance cuts more apparent to Congress and would provide discretion to local authorities.

**Action:** amend 49 USC 5307(d)(1)(D) to tie this requirement specifically to operating assistance grants.

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8

**Proposal:** Modify the parking tax benefit to narrow the difference between the \$65 per month tax-free transit benefit and the \$165 per month tax-free parking benefit. Require that federal employees pay the market rates for workplace parking. Provide a federal income tax deduction for public transit commuting expenses.

**Background:** Employers can subsidize employee work trips through tax-free fringe benefits. Persons commuting in personal vehicles can receive free parking and transit users can receive transit passes. The value of these two benefits is not, however, equal. The parking benefit is tax free up to \$165 per month whereas the transit pass benefit is tax free only up to \$65 per month. Transit users are limited to 39% of the benefit available to private vehicle drivers simply because they choose to use transit. In addition to encouraging private vehicle commuting and discouraging transit commuting, the tax-free parking benefit costs the federal government \$17 billion annually in lost tax revenues.

In recent years, Congress has made significant progress in redressing this imbalance. APTA recommends further reforms to equalize the tax-exempt fringe benefit for transit riders and private vehicle commuters. APTA recommends that employees of the federal government be subject to market rates for parking costs.

We further recommend that individuals (both itemizers and nonitemizers) should be allowed an income tax deduction in the amount of their public transit expenses commuting to and from their places of employment. For example, if the cost of a monthly transit pass is \$100, a commuter could deduct \$1,200 from his/her taxable income. A 28% taxpayer would save approximately \$336 from his/her federal income tax annually. To control the overall cost to the Treasury, an annual ceiling could be imposed, perhaps as high as \$1,500.00 per taxpayer.

*Action: 1) Amend the Tax Code to provide equal monthly tax-free benefits for employee parking and employee transit expenses; and to allow individuals to claim as a federal tax deduction the cost of commuting to and from work on public transit. This tax deduction would be available to all taxpayers across the economic spectrum -- both itemizers and nonitemizers.*

*2) Require federal agencies to charge employees market rates for workplace parking.*

9

*Proposal: Establish a procedure to give transit agencies credit for their contributions to attainment under the Clean Air Act.*

*Background: Transit is one of the most environmentally beneficial forms of urban transportation. Transit riders use less energy and cause smaller quantities of emission than private vehicle drivers. Transit vehicles use less right-of-way than roads and encourage land use patterns that use fewer resources and cause less stress for the natural environment.*

With the recent relaxation of Employee Commute Option and Inspection and Maintenance requirements, some of the mandatory tools available to local officials to achieve their clean air standards have been reduced. The goals, however, remain in place without any more definitive means of achieving them. Transit investment and enhancement should be available as a measure by which local officials can receive enhanced credit for achieving their clean air attainment goals.

*Action: Amend Clean Air Act.*

10

**Proposal:** Allow transit operators to provide charter bus services with fewer restrictions.

**Background:** ISTEA established a charter bus demonstration program pursuant to which transit systems could meet the needs of government, civic, charitable, and other community activities which otherwise would not be served in a cost effective and efficient manner. The demonstration program went well, and APTA recommends that its principles be embodied in permanent law. Alternatively, APTA recommends that the remaining charter bus program be administered in accordance with the more flexible and less costly regulations that were in place before 1983.

**Action:** Make provisions of demonstration program permanent law; incorporate key provisions of pre-1983 regulations into law.

11

**Proposal:** Ensure that compliance with the Americans with Disabilities Act:

- Establishes a method that accommodates financial burden on transit systems;
- Provides discretion to local officials;
- Defines compliance that is certified by FTA;
- Strengthens the coordination process at the federal level to ensure transit access to social service funding.

**Background:** Preliminary estimates indicate that total ADA costs to transit operators will exceed \$1.4 billion annually, including some \$1.1 billion in paratransit costs (of which at least \$980 million is for operation or contract operation of paratransit service). The final implementation of paratransit plans is likely to increase costs even more. Therefore, every effort should be made to control future cost increases. Because the goal of meeting 100% of demand is unrealistic, APTA recommends a number of regulatory reforms that would help contain costs. They include:

- The establishment of a flexible interpretation of compliance that would provide local officials with some discretion in balancing paratransit requirements with mainline needs.
- Statutory language stipulating that those agencies which receive funding from any federal source for the delivery of non-emergency transportation shall participate in the design and delivery of paratransit services, and in the cooperative transportation planning process, as identified in ISTEA.

- Provisions to broaden flexibility of federal transportation funds to authorize eligibility for paratransit operating and capital costs necessary to comply with the complementary paratransit service requirements of the ADA.

*Action: Add a new "ADA Enhancement Program" with these provisions at 49 USC 5310(h).*

## 12

**Proposal:** Reform section 13(c) legislatively with respect to its applicability, to ensure that it complies with the Administrative Procedure Act (APA) and is subject to a time limit, and to cover substantive issues.

**Background:** In 1964, Congress responded to the collapse of many private mass transit systems with the Urban Mass Transportation Act (UMTA) of 1964, which provided federal assistance to public transit systems. In drafting the UMTA, Congress included Section 13(c) in response to the concerns of organized labor that the status and bargaining rights of private sector employees would be undermined by the conversion from private to public mass transit systems.

Section 13(c) has long outlived its original intent of protecting private sector employees as they were absorbed into public mass transit systems. Accordingly, APTA recommends that Section 13(c) of the Federal Transit Act be reformed legislatively in the three areas of applicability, process and substance.

*Action: Amend section 13(c) to reflect the following positions:*

### A. Applicability

- i) *13(c) should not apply to grants for operating assistance, routine rolling stock replacements, or other projects with no adverse impact on workers or that are required to carry out another federal mandate.*
- ii) *Protective arrangements should expire within a fixed time (e.g., three years for capital assistance).*

### B. Process

- i) *The process for making 13(c) certifications should be reformed to comply with the Administrative Procedure Act (APA) and be subject to a time limit (e.g., 60 days) after which grant funds may be awarded by the Department of Transportation (DOT) without a Department of Labor (DOL) certification.*

- ii) *The specific reforms that would be achieved by applying the APA include:*
- *Require legal basis for DOL decisions to be stated*
  - *No ~~EX PARTE~~ contacts*
  - *Precedential value of decisions established*
  - *APA judicial review available, both before or after grant funds accepted*
  - *Burden of proof on claimant*
- iii) *Consideration should be given to administering section 13(c) in DOT rather than DOL.*
- C. *Substantive Issues*
- i) *Reform efforts should make clear that:*
- *A wide range of impasse resolution measures may be agreed upon by the parties and should be based on state law. These may include the right to strike, fact finding, mediation, and interest arbitration provided both parties are in agreement. Interest arbitration is not to be imposed unilaterally.*
  - *Section 13(c) does not provide carry over employment rights from contractor to contractor.*
  - *Section 13(c) does not infringe on basic management rights to contract out, use part time employees, plan routes and service, etc.*
  - *The 6-year severance provisions should be eliminated.*
  - *Contingent liability arising from issues such as service area workers included under 13(c) protections should be ended.*

## VII. MODIFY THE CONGESTION MITIGATION AND AIR QUALITY PROGRAM

*Proposal: Modify the Congestion Mitigation and Air Quality (CMAQ) program to provide for the weighted apportionment of CMAQ funds in states that had carbon monoxide or ozone non-attainment areas on January 1992, and that have since come into compliance with Clean Air Act standards. Such areas would be considered "clean air maintenance" areas and apportionment would be calculated using the weighting factors in current law.*

*Background:* CMAQ funds under ISTEA are distributed on a basis where the population in non-attainment areas, as it relates to all such areas, is multiplied by a factor of 1.0 to 1.4 (depending on the severity of the air quality problem). Notwithstanding such factors, each state receives at least 1/2 of 1% of the total. States without non-attainment areas for carbon monoxide or ozone within their borders can use funds for projects eligible for assistance under the Surface Transportation Program. ISTEA was, however, amended under the National Highway System Designation Act (P.L. 104-59) so that no state receives less CMAQ funds in FY 1996 or FY 1997 than it received in FY 1995.

Support for the CMAQ program is likely to increase if funds are distributed to more states for congestion mitigation and improvement or maintenance of air quality. As more areas come into compliance with air quality standards current law would reduce the number of areas receiving such funds, which are one of the best sources of flexible funding for transit. Project eligibility standards should be retained, however, and in particular, the prohibition on the use of CMAQ funds for projects that result in the construction of new capacity available to single occupancy vehicles (except in off-peak hours) should be retained.

*Action: Amend 23 USC 149(b) to ensure distribution of CMAQ funds to "clean air maintenance" areas.*

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## VIII. MAINTAIN AND STRENGTHEN THE PLANNING REQUIREMENTS

*Introduction:* ISTEA's planning provisions triggered a more inclusive, comprehensive, intermodal, flexible, locally-responsive, and transit-friendly approach to transportation planning. ISTEA provides communities with a planning process to help make difficult choices and justify them in the short and long terms. APTA strongly supports a continued federal role in transportation planning. APTA endorses ISTEA's planning provisions, and in some cases recommends measures to strengthen them.

This endorsement is based in large part on the results of APTA's Survey on the Planning Provisions of ISTEA. In May 1995, under the leadership of the APTA Policy and Planning Committee, a survey was sent to members of the Policy and Planning and Legislative Committees in order to obtain their views on ISTEA's planning provisions. The enclosed survey results overwhelmingly support most provisions and recognize the need for improvement in a few others.

APTA endorses ISTEA's regulatory framework for process, criteria, elements to consider, level of detail, participants, funding assumptions, and update schedules as appropriate. The regulatory framework provides minimum protections for the non-traditional players in the transportation planning and programming process.

The transportation planning process should be guided by broad goals that include: a) reduced vehicle miles traveled (VMT), b) increased average vehicle occupancy, and c) coordinated land use and transportation plans.

#### A. Metropolitan Planning Organizations (MPOs)

##### *Proposal: Strengthen Metropolitan Planning Organizations and Transit Relationships*

**Background:** The economic health of metropolitan regions is an essential component of our nation's economic health. Making metropolitan regions more economically productive depends on an effective intermodal transportation system that moves people and goods more efficiently into and throughout each region. APTA believes that Metropolitan Planning Organizations (MPOs) are best suited to be the power brokers of transportation decision making in metropolitan areas and that their prominent role must be strengthened. Eighty-one (81) percent of members surveyed endorsed providing more power to MPOs; 86% supported the current MPO role in long range planning, and 88% endorsed the MPO's role in Transportation Improvement Program development. One issue is the need for disclosure by states of the obligation amounts since passage of ISTEA for each urbanized area by funding category, including transit and highway programs.

Current law allows MPO board members representing 75% of an area's population to approve redesignation. APTA proposes that the next reauthorization bill require all MPOs to reconfirm their composition if they have not done so since the passage of ISTEA. The reconfirmation process should be preceded by widespread, proactive public involvement, culminating in formal public hearings. Further, in addition to membership, the process should address issues such as equitable representation, transit representation, meeting frequency, chair rotation procedures, the ability of members other than the chair to convene meetings, the composition and operational procedures of key committees, and the independence of MPOs housed in modal agencies. Finally, APTA believes the 75% trigger for redesignation is overly restrictive, and recommends that it be changed to 51% plus the central city. Ninety (90) percent of the survey results support transit representation on MPO boards and 89% support central city representation on MPO boards.

APTA supports the Transportation Management Area (TMA) concept; 86% of our survey respondents endorsed the power of local transportation decision making to TMAs.

*Action: 1) Reduce the redesignation threshold from 75% to 51% of the population so that MPO board members representing 51% of an area's population plus the central city can trigger redesignation.*

*2) Require local affirmation of each MPO's composition and institutional, structural, and procedural arrangements under the new redesignation ground rules to publicly reaffirm the MPO's decision making process for plans, programs, and the use of public funds. This should be accomplished with proactive public involvement. MPOs that have experienced redesignation since*

*ISTEA's enactment would be exempt.*

3) *Require states to make public the obligation amounts since passage of ISTEA for each urbanized area by funding category, including transit and highway programs.*

4) *Provide adequate MPO funding; at a minimum, this would be equivalent to current ISTEA levels.*

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#### **B. Public Involvement**

***Proposal:*** Maintain inclusive decision making in the planning provisions.

***Background:*** The importance of participatory planning in developing transportation plans, programs, projects, and policies cannot be overemphasized. Effective transportation planning does not take place without meaningful public involvement programs tailored to the particular local circumstances. Benefits of public input include improved planning, facilitated decision making, enhanced legitimacy, and increased implementation prospects. Ninety-five (95) percent of the survey results endorsed continued public involvement in the transportation planning process.

***Action:*** *Retain all existing public involvement legislation, and implement final adoption of the "Interim Policy on Public Involvement" and the corresponding "Questions and Answers."*

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#### **C. Major Investment Studies (MIS)**

***Proposal:*** Support the continued use of Major Investment Studies as a process to make sound investment choices to solve problems and/or achieve objectives in selected corridors.

***Background:*** Major Investment Studies (MIS) are a way of leveling the playing field in making major investment decisions because they subject highway and transit projects to the same level of review. Eighty-one (81) percent of the survey results support the major investment study process for seeking transportation solutions in problem corridors. APTA strongly supports the continued use of MIS to make sound choices in transportation investments.

***Action:*** 1) *Add language that explicitly recognizes the MIS. Require the long range transportation plan to identify major corridor investments only after conducting multi modal investment studies, undertaken in a cooperative manner, that consider a reasonable range of alternatives against investment criteria.*

2) *Repeal the transit-only investment criteria found in Section 49 USC 5309(m)(3) (formerly 3(j)) with multi modal criteria.*



**D. Consideration/Consolidation of Planning Factors**

**Proposal:** Consolidate existing factors, where possible, while maintaining the spirit and flexibility of ISTEA; add one new factor.

**Background:** ISTEA included factors to be considered in metropolitan planning with the intent of stimulating comprehensive thinking. While the factors have sometimes been dealt with in perfunctory ways, APTA supports the underlying premise of the 16 factors and recommends the following provisions to broaden their scope. Seventy-eight (78) percent of the survey results support the consideration of the planning factors in the planning process.

The legislation should recommend that DOT issue guidance explaining the flexibility of the factors. The factors are benchmarks for consideration. For example, if an MPO feels that a criterion does not apply, it can meet the requirement simply by explaining why.

**Action:** 1) Require an additional factor, the consideration of central city issues.

2) Include statutory or report language recommending that DOT issue guidance explaining the flexibility of the concept. The factors are benchmarks for consideration.

**E. Fiscally-Constrained Plans**

**Proposal:** Retain fiscally constrained plans.

**Background:** ISTEA's "financial constraint" requirements are necessary to protect the integrity of the state and MPO planning processes. They also force decision makers to set a more realistic set of priorities in a collaborative, participatory setting. In addition, financial constraints can also help areas to get more resources. When state and local officials fully realize the shortfall between available funding and transportation needs, they more readily work to support additional funding sources. Seventy-eight percent of survey results support fiscally-constrained programs and financial assessment for the long range plan. However, many comments suggested a two-tiered approach that includes a less constrained, more visionary long range plan.

By programming to the authorized level, not an uncommon tactic in most plans, the plan provides a minimum cushion of over-programming to meet unexpected delays that hamper project implementation. In addition, the three-year nature of the Transportation Improvement Plan (TIP) provides another mechanism for identifying projects that can be advanced without creating the need for a special set of "contingency" projects, which then have questionable status.

**Action:** Retain the provision for fiscally-constrained metropolitan and statewide plans.

#### F. Land Use/Transit Linkage

**Proposal:** Encourage and promote the coordination of land use and transportation planning.

**Background:** Although the federal government does not require land use planning, it has recognized that transit-supportive land use patterns and associated policies are the cornerstone of success for major transit investments. Therefore, Congress and the Administration must continue to give special consideration to projects with transit-supportive land use patterns and/or legally binding policies and must encourage and promote the coordination of land use and transportation planning.

**Action:**

- 1) *Continue to emphasize transit-supportive land use planning for major capital investments. Compatible and transit-supportive land use must continue to be a major criterion for capital investments. The use of public transit investments to enhance, stimulate, facilitate, reorient, and/or organize adjacent land development or redevelopment strategies needs to be recognized and supported. Areas that adopt and implement enforceable transit-supportive policies in land use, infrastructure, and related areas should be given priority.*
- 2) *Provide greater flexibility in the use of ISTEA funds for transit-supportive and development activities. Major Capital Investment (Discretionary) funds provide flexibility for using funds for non-vehicle-related activities that are functionally and operationally related to a transit project. This allows for pedestrian access, mixed uses in transit facilities, etc., and the creative use of funding to encourage more transit-supportive land uses. Explicit language is needed in the reauthorization bill that extends the flexibility afforded to Major Capital Investment Program 3 funds to projects using Formula, STP, and CMAQ funding.*
- 3) *Modify cost-effectiveness analyses to recognize infrastructure savings achieved with compact transit-supportive land uses. There are potential savings of local infrastructure costs associated with compact development which should be included in the analyses.*
- 4) *Authorize federal funds to improve modeling to identify benefits of transit-supportive land use. Current trip models are weighted by automobile trips and travel times. These models currently do not adequately consider the beneficial impact of short trips, transit usage, or pedestrian access. Funding should be provided to improve modeling capability to include better quantitative methods, including sensitivity to specific design details. Needed are model refinements and data to test options such as a direct connection to transit, pedestrian amenities, bicycle facilities, etc.*

- 5) *Continue and increase FTA's Livable Communities initiative grant programs as part of the next authorization act, and integrate these programs with other governmental programs and private sector activities. The FTA's Livable Communities initiative has sought opportunities to place transit services and projects in the context of the community-- its relationship to the needs of the residents and businesses, its reinforcement of the unifying aspects of transit services to community identity, and its commerce. Emphasis is placed on the comprehensive plan of the community, public involvement, coordinated community development strategies, intergovernmental and private partnerships, and the synergy of the project.*

*Funding and flexibility for Livable Communities needs to be increased under reauthorization. Local communities, transit providers, and businesses need to see more success in collaborative, cooperative, and coordinated partnerships to enhance and reinforce transit services' impact on community vitality.*

- 6) *Include a policy statement regarding transit's role in improving the quality of life. Transit provides jobs; access to jobs; mobility for all segments of the population; and needed transportation to school, medical treatment, services, recreation, shopping, etc. It also provides capability to respond to community disasters and emergencies and a transportation choice to citizens who choose not to use or do not have access to personal vehicles. Communities dealing with air and noise pollution rely on public transit as part of the solution. Transit encourages urban forms that offer variety in density and land use that are often defining of a community. Transit supports pedestrian flows and access which creates the street environment that makes cities livable and inviting. Transit also provides essential transportation to rural communities. Therefore, transit's role in improving the quality of life in our communities needs to be recognized.*
- 7) *Authorize at least three demonstration projects of integrated land use and transit policies. The transit/land use connection is more theory than practice in much of the United States. Where it has been tried, the implementation of new, legally-binding transit supportive plans and policies in conjunction with major transit investments has been a way to achieve local land use objectives and help guarantee the transit project's success. More local success stories -- such as examples of corridor-wide station community planning, land banking for joint development, or transit supportive development incentives -- are needed to advance the state of the art and provide practical examples from which to learn.*

- 8) *Require MPOs to collaborate with other agencies to conduct a broad-based visioning process for transportation and land use if they have not already done so. Experience has demonstrated that such processes best provide a framework for subsequent transportation planning, and can develop a cadre of interested citizen and government officials who will be actively involved in subsequent phases of project development. Many communities have successfully used a visioning process to define quality-of-life issues for their communities. Their aspirations for healthy commerce and communities have led to a reconsideration of land use and development policies, and greater emphasis on ensuring the development of a balanced transportation network.*

*As part of the visioning process, MPOs should explicitly recognize the importance of revitalizing the nation's central cities and creating new employment, housing, mobility, and economic opportunities in these areas. MPOs should be encouraged to incorporate the goal of revitalizing our center cities and the inner rings of older suburbs into their regional transportation, land use, and development plans. All participants in the MPO process should cooperate toward this end, recognizing that the economic health and quality-of-life in the suburbs and central city are inextricably linked.*

- 9) *Extend the regional and statewide planning structure developed under ISTEA to other federal programs, e.g., HUD's new block grants, HHS service grants, etc. All should be linked to a regional structure for metropolitan planning so that housing, business development, and service delivery can be regionally designed and delivered as part of regional growth strategies. Incentives should be provided for regional cooperation.*
- 10) *Assure reasonable representation of agencies with control over land use on decision/policy bodies for MISOs and MPOs. Without the active involvement of land use agencies in MISOs and MPOs, the transportation land use connection envisioned in ISTEA is an impossibility.*

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#### G. Federal Certification Reviews

**Proposal:** Continue federal oversight in the planning process to ensure consideration and consultation between state and regional stakeholders.

**Background:** APTA believes that the FHWA/FTA certification process can provide much-needed oversight to ensure that all the players are adhering to the principles of ISTEA (or any subsequent authorization bill). In our membership survey, 85% supported federal certification and 79% favored sanctions for non-compliance with ISTEA planning mandates.

ISTEA changed the way we do business. Some oversight must be expected to ensure that the new principles are being followed. Over time, perhaps the need for federal oversight will diminish.

*Action: Maintain federal certification of the metropolitan and statewide planning processes.*

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#### H. State Planning

*Proposal: Continue statewide planning and programming process under ISTEA.*

*Background:* APTA supports state planning as generally defined in ISTEA. Seventy-four (74) percent of survey results support the development of a state plan as required under ISTEA. In addition, 79% of survey results support a statewide transportation improvement program. However, there is some confusion at state DOTs when an MPO TIP is amended, particularly when the amendment involves a transit project. All ISTEA partners would benefit from a consistent, clearly defined TIP amendment process.

*Action: 1) Require MPO review and approval of a metropolitan area's portion of the state long-range plan.*

*2) Require a legislative provision that defines the TIP amendment process.*

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#### IX. APPLY THE HIGHWAY SOLVENCY TEST INSTEAD OF THE MORE STRINGENT TRANSIT SOLVENCY TEST TO THE MASS TRANSIT ACCOUNT

*Proposal: Apply the Byrd Test Instead of the Rostenkowski Test to the Mass Transit Account.*

*Background:* Under current federal tax law, the solvency of both accounts of the Highway Trust Fund is protected by automatic spending restrictions. The Byrd Amendment of the Federal-Aid-Highway Act of 1956 applies to the Highway Account and specifies that the trust fund must maintain a sufficient balance to make all reimbursements. The Byrd test permits commitments to equal revenue for the year being appropriated plus two additional year's anticipated revenue. Spending from the Mass Transit account is limited by a stricter standard, known as the Rostenkowski Test. It is similar to the Byrd test but requires that transit be able to pay its authorizations with the cash balance plus one year's anticipated cash revenue. APTA recommends that the MTA be subject to the Byrd test instead of the Rostenkowski test. This change would allow the authorization of an additional \$2.8 billion from the MTA and provide the same rule for highways and transit.

*Action: Amend USC 269503 (e4).*

**X. RECAPTURE THE "DEFICIT REDUCTION" 4.3 CENTS/GALLON GASOLINE TAX FOR THE HIGHWAY TRUST FUND, WITH AT LEAST 20% DEPOSITED INTO THE MASS TRANSIT ACCOUNT.**

*Proposal:* Amend the Tax Code to provide that revenue from the 4.3 cents per gallon federal fuels excise tax be deposited in the Highway Trust Fund. The Mass Transit Account should receive a minimum of 20% of the total revenue that is deposited in the Highway and Mass Transit Accounts.

*Background:* The Surface Transportation Assistance Act of 1982 created the Mass Transit Account within the Highway Trust Fund and provided that this Account would receive 20 percent of the revenue from a five-cent per gallon increase in the federal fuels excise tax. In 1990, the Mass Transit Account received the revenues from an additional one-half cent per gallon of the federal fuels excise tax. The Omnibus Budget Reconciliation Act of 1990 (OBRA) increased the gasoline tax by 5.0 cents per gallon. Of this total, the revenue from 2.5 cents per gallon was earmarked for deficit reduction and the revenue from 2.5 cents per gallon was deposited in the Highway Trust Fund with 20% going to the Mass Transit Account. President Clinton's economic package, the Omnibus Budget Reconciliation Act of 1993, included the 4.3 cents per gallon deficit reduction tax and provided that OBRA's deficit reduction 2.5 cents would be turned over to the Highway Trust Fund on October 1, 1995, with 20 percent of that amount deposited in the Mass Transit Account.

Recent studies, including APTA's definitive evaluation of transit funding needs, confirm that transit and other surface transportation funding needs are far greater than the amount of funding available under current law. Transit capital funding requirements are \$13.9 billion per year from 1995 through 2004.

Over this ten year period, capital needs include:

- ▶ \$35 billion for new vehicles, including 67,800 buses and 51,400 vans;
- ▶ \$23 billion for new bus facilities including parking lots for bus passengers;
- ▶ \$12 billion to modernize bus facilities and equipment;
- ▶ \$22 billion to modernize and rehabilitate existing fixed guideway rail and bus routes, stations, and maintenance facilities;
- ▶ \$43 billion for additional fixed guideway services that respond to new customer demands; and
- ▶ \$4 billion to rehabilitate more than 14,900 buses, rail cars, and other vehicles to extend their useful lives.

Additional revenue is needed to support the maintenance of existing transit facilities and services, transit operators' compliance with federal mandates and requirements, and investments in new transit facilities and services that respond to unmet demands. Adequate federal support for the transit program under a self-sufficient, wholly dedicated source helps to facilitate predictable planning and investment by individual transit operators and local governments. However, transit funding needs greatly exceed the available resources in the Mass Transit Account of the Highway Trust Fund.

*Action: Amend tax code to provide that the revenue from 4.3 cents per gallon of the federal fuels excise tax now used for deficit reduction be deposited in the Highway Trust Fund. The Mass Transit Account should receive a minimum of 20% of the total revenue that is deposited in the Highway Account and the Mass Transit Account of the Highway Trust Fund.*

#### **XI. CONTINUE TO SUPPORT THE TRANSIT COOPERATIVE RESEARCH PROGRAM (TCRP), UNIVERSITY TRANSPORTATION CENTERS, AND ISTEА INSTITUTES; AND CREATE A NEW TECHNOLOGY DEVELOPMENT AND DEMONSTRATION PROGRAM**

*Proposal: Retain the Transit Cooperative Research Program established in ISTEА, continue to support University Transportation Centers and ISTEА Institutes, and authorize a new technology development and demonstration program.*

*Background: Through its support of research programs, ISTEА has enabled the nation's transit agencies to improve productivity and serve their customers more effectively. ISTEА established the Transit Cooperative Research Program (TCRP), the first national research program to give the transit community a direct role in addressing critical operating challenges. Like its highway counterpart, TCRP makes a significant contribution to the national interest that deserves continued support. The university transportation centers (UTCs) and the university institutes established by ISTEА (ISTEА Institutes) also conduct important research, education, and training programs. The next authorization should retain these programs and provide them with no less than their current percentage of transit program funding. We also recommend the creation of a Technology Development and Demonstration Program as a partnership of the federal government, transit agencies, and the private sector. This Program would support the implementation of new transit technologies and practices, including those identified through TCRP.*

##### **1. Transit Cooperative Research Program**

The Transit Cooperative Research Program (TCRP), administered by the Transportation Research Board (TRB) of the National Research Council (NRC), is a cooperative research program authorized by ISTEА and created by an agreement among the Federal Transit Administration, the Transit Development Corporation (TDC), and the NRC. The program addresses research needs identified by transit operating agencies, planners, designers, and others in operations, hardware, physical infrastructure, economics, human resources, and other contemporary issues selected by the TDC Board of Directors which plans the program. Reauthorization of this highly successful program is imperative. TCRP is the first national research program in which the transit community has had a direct role in addressing the many operating challenges common to the transit industry. The program has been operating since August 1992 and is producing results of significant value to the transit industry.

TCRP Reports have addressed a number of critical issues, including rural transit planning and service delivery assessment, access to transit for people with disabilities, and a wide range of operational, scheduling, maintenance, and other issues. There is no other source for these studies; they cannot be carried out at the local level. Moreover, they enhance transit service providers' ability to help achieve a wide range of federal objectives including those outlined in ISTEA: "*Significant transit improvements are necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly persons, persons with disabilities, and economically disadvantaged persons in urban and rural areas of the country.*" Like its highway counterpart, the TCRP's contribution to the national interest is significant and worthy of continued support. APTA recommends that TCRP should receive no less than its current percentage of transit program funding in the next authorization act.

## 2. University Transportation Centers and Research Institutes

A total of 13 university transportation centers (UTCs) have been established by federal legislation and funded on a 50% matching basis. ISTEA also added six university research, education, and training institutes (ISTEA Institutes) with non-redundant topical assignments. The UTCs and ISTEA Institutes develop areas of expertise and perform research, education, and training programs that are designed to advance the state of the art and to interest, recruit, and train students in these specialty areas. They are among the only places for fundamental research in transportation in an environment designed to deliver products useful to practitioners. These programs build a base for future transportation systems and identify transportation as a discipline on the frontier of technology. They attract, and prepare for careers in the transportation industry, the best and the brightest students who are interested in careers in management, technology, engineering, and science. Federal dollars are matched by nonfederal funds to further leverage the investment in this program.

## 3. Technology Development and Demonstration Program

Investments in new technology development and the demonstration of new services and methods ensure maximum utilization of capital investments, safer operation, and lower operating costs. Such investments benefit transit agencies and the riding public alike. Neither the private sector nor the public sector can be expected to make these technological or service demonstration investments alone. Consequently, a portion of federal transit program funds should be set aside for a technology and service innovation program that works in partnership with private and public sector investments. A creative and reliable funding source should be identified which will allow multi-year commitments for projects initiated under this program.

*Action: (1) Ensure the retention of funding and appropriate authorizing language for the TCRP, the UTCs, and the ISTEA Institutes; and (2) Establish a Transit Technology Development and Demonstration Program.*



**XII. ALLOW STATES TO USE THE STATE SHARES OF FLEXIBLE FUNDING PROGRAMS FOR INTERCITY PASSENGER RAIL INVESTMENTS**

***Proposal:*** Amend the definition of allowable expenditures under the Surface Transportation Program (non-suballocated funds) to include intercity passenger rail capital purposes.

***Background:*** Since it is important to ensure that governors and state DOTs have control over the use of flexible funds, we recommend that states be authorized to use their share of flexible funding programs for intercity passenger rail investments. Aside from this change, we propose to retain the current definition of eligible expenditures under the Surface Transportation Program, which includes "capital costs for transit projects eligible for assistance under the Federal Transit Act". The use of funds for intercity passenger rail purposes is acceptable only if there is an increase in the total amount of flexible funding. Therefore, this proposal is conditioned on the adoption of APTA's proposal to make available a higher total level of flexible funding by using funds from the Mass Transit Account and "deficit reduction" gas tax resources. It is important to ensure that governors and state DOTs have control over the use of these funds.

***Action:*** Amend 1 Title 23, Section 133 of the U.S. Code to authorize grants for intercity passenger rail services.

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Table 1: Reauthorization Funding Levels, CURRENT Highway Trust Fund Accrual Rate, Page 1

Program/ Funding Source by Program Beginning in FY 1998 (0)	FY 1996 Actual Authorization (Millions)	Proposed Authorization Levels				
		FY 1998 (Millions)	FY 1999 (Millions)	FY 2000 (Millions)	FY 2001 (Millions)	FY 2002 (Millions)
<b>Transit Core Program Funding</b>						
Major Capital Investment Programs	2,090.0	2,090.0	2,109.5	2,170.6	2,233.6	2,300.6
New Starts and Extension (NMTA)	820.0	820.0	843.8	868.2	893.4	920.2
Fund-Quality Modernization (QMTA)	820.0	820.0	843.8	868.2	893.4	920.2
Bus Capital (MTA)	410.0	410.0	421.9	434.1	446.7	460.1
Formula Programs	2,865.1	2,865.1	2,948.1	3,033.6	3,121.6	3,215.2
Urbanized Area - Large and Medium (NMTA)	2,388.3	2,388.3	2,457.5	2,528.8	2,602.1	2,680.2
Urbanized Area - Small (GF)	254.3	254.3	261.7	269.3	277.1	285.4
Rural (GF)	153.8	153.8	158.3	162.9	167.6	172.6
Elderly and Disabled (NMTA)	68.7	68.7	70.7	72.7	74.8	77.1
Planning and Research (GF)	13.8	13.8	15.2	16.8	18.5	19.5
Metropolitan Planning (GF)	81.2	81.2	84.2	87.3	90.4	93.5
Rural Transit Assistance Program (GF)	7.7	7.7	7.9	8.1	8.4	8.6
Other Planning and Research (GF)	76.9	76.9	79.1	81.4	83.8	86.3
University Centers (GF)	7.0	7.0	7.2	7.4	7.6	7.9
FTA Administration (GF)	49.2	49.2	50.6	52.1	53.6	55.2
Total Mass Transit Account	2,775.0	4,507.0	4,657.7	4,772.2	4,910.5	5,057.9
Total General Fund	2,350.0	618.0	636.0	654.4	673.4	693.6
<b>TOTAL TRANSIT CORE PROGRAM</b>	<b>5,125.0</b>	<b>5,125.0</b>	<b>5,273.6</b>	<b>5,426.6</b>	<b>5,583.9</b>	<b>5,751.4</b>
<b>Flexible Program Funding</b>						
Existing STP (Highway) and CMAQ (HA)	5,126.0	5,126.0	5,274.7	5,427.6	5,585.0	5,732.6
Increased STP (Transit) (NMTA)	—	693.0	712.3	732.8	754.5	777.1
Increased STP (Highway) (HTA)	—	1,386.1	1,404.7	1,465.7	1,508.9	1,554.3
<b>TOTAL FLEXIBLE PROGRAM</b>	<b>5,126.0</b>	<b>7,205.1</b>	<b>7,411.7</b>	<b>7,626.2</b>	<b>7,848.4</b>	<b>8,084.0</b>

Table 1: Reauthorization Funding Levels, CURRENT Highway Trust Fund Accrual Rate, Page 2

Program/ Funding Source by Program Beginning in FY 1998 (a)	FY 1996 Actual Authorization (Addition)	Proposed Authorization Levels					FY 2002 (Addition)
		FY 1998 (Addition)	FY 1999 (Addition)	FY 2000 (Addition)	FY 2001 (Addition)		
Highway Core Program Funding							
Titles I, II, IV, V Total (FIA)	15,705.1	15,705.1	16,160.5	16,629.2	17,111.4	17,624.8	
Titles I, II, IV, V Total (GF)	5.0	5.0	5.1	5.3	5.4	5.6	
<b>TOTAL HIGHWAY CORE PROGRAM</b>	<b>15,710.1</b>	<b>15,710.1</b>	<b>16,165.7</b>	<b>16,634.5</b>	<b>17,116.9</b>	<b>17,630.4</b>	
Summary: Total Funding by Source and Administration							
<b>By Revenue Account:</b>							
General Funds	2,355.0	623.0	641.1	699.7	678.8	699.2	
Mass Transit Account	2,775.0	5,200.0	5,350.0	5,505.0	5,665.0	5,835.0	
Highway Account	20,631.1	22,217.2	22,859.9	23,522.5	24,205.4	24,931.6	
<b>By Modal Administration:</b>							
FHWA Total	20,836.1	22,222.2	22,865.0	23,527.8	24,210.8	24,937.2	
FHWA Highway/Corr	15,710.1	15,710.1	16,165.7	16,634.5	17,116.9	17,630.4	
FHWA Flexible (Total)	5,126.0	6,512.1	6,699.3	6,893.3	7,093.9	7,306.9	
FTA Total	5,125.0	2,818.0	2,986.0	6,198.4	6,338.4	6,528.6	
FTA Transit Care	5,125.0	5,125.0	5,273.6	5,426.6	5,583.9	5,751.4	
FTA Flexible	0.0	693.0	712.3	772.8	754.5	777.1	
<b>TOTAL FUNDING ALL PROGRAMS</b>	<b>25,961.1</b>	<b>28,040.2</b>	<b>28,851.0</b>	<b>29,687.2</b>	<b>30,549.2</b>	<b>31,465.8</b>	

(b) GF - General Fund HA - Highway Account of the Highway Trust Fund MTA - Mass Transit Account of the Highway Trust Fund  
 FHWA - Federal Highway Administration FTA - Federal Transit Administration

Note: Transit programs designated as being funded from General Funds cannot be funded from the Mass Transit Account under current law. FHWA amounts include all programs and administrations funded the Highway Account of the Highway Trust Fund including the National Highway Traffic Safety Administration and the Bureau of Transportation Statistics. These projections are for an assumed accrual rate of 14 cents per gallon to the Highway Account and 2 cents per gallon to the Mass Transit Account. Both the Highway Account and Mass Transit Account would be subject to the Byrd Test for determination of admissibility.



Testimony of  
**American Road & Transportation Builders Association**

To

Committee on Surface Transportation  
Committee on Transportation & Infrastructure  
U.S. House of Representatives  
Washington, DC

Presented By  
Stan F. Lanford, Jr.  
ARTBA At-Large ViceChairman  
President, Lanford Brothers Co., Inc.  
Roanoke, Virginia

September 26, 1996

**Testimony of  
American Road & Transportation Builders Association  
To  
Subcommittee on Surface Transportation  
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September 26, 1996**

Mr. Chairman, Mr. Rahall, members of the Subcommittee. I am Stan Lanford, President of the Lanford Brothers Company, a highway and bridge construction company located in Roanoke, Virginia. I also am honored this year to serve as At-Large Vice Chairman of the American Road & Transportation Builders Association (ARTBA).

ARTBA was founded in 1902 and is the only national association devoted solely to the planning, construction and safe operation of transportation facilities of all types. Our membership of 4,000, located throughout the nation, is composed of contractors, engineers and planners, equipment manufacturers, materials suppliers, financial institutions, educators and transportation officials from federal, state and local governments.

Our industry intends to be a full participant in the ISTEA reauthorization process. This summer we formed an organization, the Transportation Construction Coalition (TCC), to work for legislation aimed at significantly improving the condition of the nation's highways and bridges. The TCC is co-chaired by ARTBA and the Associated General Contractors of America (AGC) and now has two dozen members. This coalition is developing policy positions and specific legislative recommendations on a broad range of subjects. Major emphasis will be on securing additional funding for increased highway and bridge investment and business concerns of firms in the transportation development industry.

We appreciate this opportunity to present ARTBA's views on two important elements of the national surface transportation program, how to improve the efficient delivery of transportation improvements and a review of the Congestion Mitigation and Air Quality Program.

This subcommittee has provided a valuable service during the year by conducting a series of hearings on issues relevant to reauthorization of federal surface transportation programs in 1997. By starting a full year in advance of the formal reauthorization process, you have allowed ample time for development and presentation of positions on the issues by all interested parties. Consequently, the subcommittee will be able to evaluate these hearings as it formulates legislative proposals on which to base the final reauthorization bill.

The delivery of transportation improvements is the sum total of the entire program and its reason for being. If projects are not put in place and their benefits made available in a timely and cost-effective fashion, then there clearly are flaws in the process and the underlying law. I believe there is general agreement that improvements can be made in the delivery process despite—or perhaps because of—the sweeping changes brought about through the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

I cite one situation reinforcing that belief. There was a press report only last week about a highway improvement intended to relieve congestion in Carmel, California, that has been under consideration for nearly 50 years. This project has been disputed, debated, revised and contested for well over a generation. It still is not resolved. Environmental studies were started in 1984, and last week an appeals court ruled on the latest plan, sending it back for further work. The court ruled that, among other things, consideration hadn't been given to wetlands that were formed by an earthquake after environmental studies had begun. At the present rate, it could be the next millennium before a definitive decision, to build or not to build, or how to build, is reached.

But there also is evidence that we have the know-how and wherewithal to expedite projects when there is the will to do so. The most outstanding example also occurred in California following the devastating earthquake in the Los Angeles area.

The state and federal governments recognized that the region's transportation system needed to be restored in the shortest possible time. They were able to mobilize the resources and cut through the red tape that often leads to unnecessary delays. Interim transportation plans were put into place while highways, bridges and rail facilities were repaired or rebuilt. Normal transportation operations were resumed in what must be a record time given the extent of the damage. The whole operation was carried out expeditiously and without violating any of the standards that ordinarily guide transportation programs.

Closer to home is another example. Just a few years ago, the government of the District of Columbia found itself with a public works operation that could no longer deliver transportation improvements in an efficient or timely manner. The system of awarding and management of contracts was cumbersome and time-consuming. Contractors worked with great uncertainty over when or if they would be paid for their labors. Financing procedures had placed the city in a position where it was unable to match available federal funds and thus was in danger of losing millions of dollars.

Thanks to leadership from the Federal Highway Administration and assistance from Congress, the situation has changed. A new highway financing system was instituted and operations were streamlined to permit a more reliable and less time-consuming procurement process.

I submit, Mr. Chairman, that there is a great lesson to be learned from the Southern California earthquake and the reforms undertaken in Washington, D.C. These

experiences should be examined in detail as we move to reauthorization of ISTEA next year.

Many important policy issues will be addressed during reauthorization of the surface transportation programs. ARTBA strongly believes that these should not be allowed to overshadow the day-to-day, nuts-and-bolts process by which the program is implemented. Anecdotal evidence indicates that there are numerous time-consuming, frustrating and unnecessary roadblocks to the efficient development and construction of transportation projects.

Attached to my statement is a brochure developed by the Ohio Construction Information Association. It provides an entertaining but chillingly accurate picture of the path that must be negotiated on the way to building a road.

To further identify the full range of delivery problem areas, ARTBA has initiated a nationwide survey of its members and others to draw upon their experiences and observations. We will provide the subcommittee with the results of this review in ample time for use in assembling your ISTEA reauthorization plan.

We already know several ways in which the law could be improved to reduce the frustrating and costly delays surrounding so many transportation improvement projects.

An essential step in smoothing the delivery process is to eliminate the use of the highway program to achieve other objectives. Highway funding sanctions intended to force states to comply with social and environmental regulations and objectives are neither appropriate nor effective methods of reaching non-transportation goals. Their application, in fact, often proves counterproductive to the desired effect and also create uncertainty in transportation funding. Blackmail in any form is not the way public policy should be made!

This committee, Mr. Chairman, took the lead last year in removing or modifying several sanctions, such as the mandated use of recycled tires in asphalt pavement, when it developed the National Highway System bill. We urge you to build on this start to eliminate the remaining sanctions.

ARTBA is very appreciative of the action by this committee in ending once and for all any questions about the extension of transportation controls to attainment areas under the Clean Air Act. When this move was made, ARTBA took legal action to prevent the Environmental Protection Agency (EPA) from imposing controls applicable to non-attainment areas to those that already meet clean air standards. That suit was successfully concluded in August of this year. Meanwhile, the Transportation & Infrastructure Committee included language in the National Highway System (NHS) bill that made it clear that the agency was attempting to regulate project development activities beyond its mandate under the Clean Air Act.

EPA, however, is currently engaged in a rulemaking procedure that would have even more adverse effects on transportation development. The agency intends to significantly tighten ozone and fine particulate standards in a way that would place most of the country in non-attainment status. Such classification would require the widespread application of conformity review for transportation projects, resulting in delays, uncertainty and confusion in the initiation of projects.

Congress must act to ensure that regulatory excess is not used to hamper essential transportation development. One step would be require that the Federal Highway Administration be the lead agency on regulatory action that has the potential to affect highway development, improvements or operations, including conformity with the Clean Air Act. In addition, risk assessment and cost/benefit analysis should be required for all proposed regulatory actions involving transportation.

Full use should be made of the Small Business Regulatory Enforcement and Fairness Act of 1996. This recent legislation provides opportunities for small entity participation in rulemaking of the EPA and Occupational Safety and Health Administration (OSHA) and provides for congressional review of final agency rules. Perhaps more significantly, this legislation provides small businesses an opportunity to force EPA to reopen existing rules, to reduce burdens on small businesses. A key candidate for scrutiny under the new act would be EPA's Section 404 (b) (1) guidelines, which contain the regulatory criteria for Section 404 wetlands permits. The wetlands permitting process can result in significant regulatory delay for transportation projects.

Another impediment to project delivery is the ISTEA requirement that state transportation improvement programs include only projects for which full funding is expected to be available. This requirement has reduced the number of projects on which planning can go forward and take their place on the list of those available for implementation.

There have been occasions when, for various reasons, projects have been delayed with others unavailable to move up in priority for bidding. The result is that available funds can't be committed to transportation improvements. State Transportation Improvements Programs should not be so severely "fiscally constrained" as provided in ISTEA. We urge the committee to make such changes in the law as are necessary to ensure that the planning process produces a steady flow of projects ready for construction.

The availability of money, of course, is crucial to any ability to build or improve transportation facilities, as is the way funding is distributed. ISTEA established a number of new funding categories strikingly different from those in use for a number of years prior to its enactment.

ISTEA encourages state and local officials to consider all modes of transportation as well as factors such as overall social, economic, energy and environmental effects when selecting projects for funding. It also provides authority for the transfer of funds among



several categories. Over the nearly five years since ISTEA was enacted, the practice of transferability has had uneven results. Funds available under some categories have been heavily committed while others have been underutilized. The result has been a lag in investment in some areas.

We recommend that the highway program be granted greater freedom to transfer funds between the various highway-related activities. This will enable states to allocate resources to their most urgent needs, regardless of the category through which they are provided.

At the same time, this situation can be further improved by redefining the authority to transfer funds between highway and transit programs. Expenditures from the Highway Account of the Highway Trust Fund should be limited solely to construction-based and safety-related improvements to highways and bridges. The ability to use Highway Account dollars for transit programs should be eliminated. At the same time, there should be no authority to transfer Transit Account funds to highways.

Since enactment of ISTEA, the highway/transit flexibility provisions have caused more than \$2.5 billion of highway funds to be moved to transit uses. During this period, Congress has moved the highway program close to full funding while the transit program has lagged proportionately behind. ARTBA believes that if both the highway and transit programs are fully funded, there should be little, if any, need to move funds between the two activities. The ability to transfer funds, however, is not a substitute for adequate support for both highways and transit!

Since surface transportation directly affects the lives of every American, it is important that citizens be involved in the system development process. ISTEA's public participation provisions expanded transportation decision-making to include a broad range of new players, including historic preservationists, environmental interests, alternative transportation advocates, small business and community development organizations. The objective is to more comprehensively assess transportation investment priorities and alternatives.

These changes, however, have had the unintended effect of increasing the influence of narrow, special interest groups to the detriment of elected officials representing broad constituencies. This is adversely skewing investment of transportation funds toward social objectives not always supported by the general public and away from widely supported basic transportation infrastructure and mobility needs. The public involvement process should be restructured to be a broad communication with the general public, not just narrow, special interests.

Mr. Chairman, we all are concerned that available funding for transportation is inadequate to meet current identified needs. Just a year ago, for instance, the Department of Transportation reported that annual investment in highways by all levels of government

is some \$15 billion less than is necessary just to prevent further deterioration in the system!

That means that every effort must be made to maximize infrastructure investments through aggressive and sustained maintenance programs. Recent studies by the Army Corps of Engineers and others predict that there will be growing emphasis on maintenance and improved operations to provide much of the nation's future mobility needs. The Transportation Research Board says that one dollar invested in preventive maintenance at the appropriate point in the life of a pavement may save three to four dollars in future rehabilitation costs. Other studies report that many agencies do not even have adequate systems for determining maintenance needs and their costs.

Under these circumstances, ARTBA believes Congress should pay close attention to maintenance. Experience has shown that contracting out maintenance activities to private sector firms can save tax dollars and improve efficiency. The next version of ISTEA should include provisions that encourage greater privatization of highway and bridge maintenance.

Mr. Chairman, the Congestion Mitigation and Air Quality (CMAQ) program was initiated in ISTEA to permit the use of Highway Trust Fund resources to address two areas related to environmental concerns. After nearly five years of experience, the subcommittee should look carefully at the results. You should determine if the diversion of highway funds away from highway improvements, as permitted under CMAQ, has produced the intended benefits.

CMAQ is based on the premise that continued growth in motor vehicle usage is not desirable and that such growth should and can be reversed by spending highway funds for non-traditional purposes, including expanded transit operations. We believe there is evidence that these expenditures have not had the desired effect in changing driving habits or making a significant contribution to air pollution reduction.

For instance, \$16.5 million was allocated to restore an old railroad station in Worcester, Mass., which had been recommended for demolition after years of neglect. Another \$7.3 million in federal highway funds built an elaborate, 1,500-foot long elevated walkway to Cleveland's new sports complex. And motorists in Phoenix, Ariz., were subjected to a radio and billboard campaign designed "to get commuters out of their cars" courtesy of \$1 million in CMAQ funds. Local groups apparently thought these were desirable projects, but do they contribute to the safer, more efficient movement of highway traffic?

In allocating resources, it is essential to understand what produces results. One example is instructive. The southeastern portion of Wisconsin is a highly urbanized region and has been designated a non-attainment area under the Clean Air Act. The state found that from 1990 to 1996 emissions of volatile organic compounds (VOCs) declined by almost 60 percent despite growth in vehicle usage. According to the state, this reduction

is attributable almost entirely to technology: cleaner cars, cleaner fuels and enhanced inspection and maintenance of vehicles.

ARTBA believes technology-based solutions—not efforts to restrict highway mobility—are the keys to successfully reducing air pollution. The development by auto makers and energy producers of even less polluting vehicles, fuels and power sources will provide the real answers.

Studies show that, with few exceptions, large investments in transit facilities have very little effect on driving habits. And, some of the most effective transportation control measures (TCMs)—congestion pricing, reformulated gasoline and enhanced inspection and maintenance—are stoutly resisted by motorists. Proposals for their institution generate substantial public opposition in many communities and erect political hurdles to their imposition.

Even these few examples, Mr. Chairman, suggest the need for a thorough review of the basis on which the CMAQ program was established. Certainly, the bias against expanded highway capacity must be reversed since, in many instances, additional traffic lanes, reconstruction of existing facilities and operational improvements will lead to lower levels of congestion and pollution. With the overwhelming majority of personal and commercial movement dependent on roads, it makes no sense whatsoever to limit the kinds of road improvements that can be carried out with CMAQ funds.

That concludes ARTBA's prepared testimony. I would be pleased to answer any questions.

SPECIAL PULL OUT  
SECTION

## So you want a highway?

*Here's the eight year hitch!*

In our Annual Report to Shareholders (Infrastructure Insight Vol. 1, No. 3), we set forth Ohio's Top 10 Infrastructure Issues. Fully four of these (#'s 6,7,8,9) identify various pieces that create infrastructure gridlock — bottlenecks, stalemates, roadblocks — call them what you will. By any name, they all comprise obstacles that in one way or another clog the pipeline of plan development. As our flowchart illustrates, it takes about eight years for a federally assisted highway to go from the point of conception to groundbreaking.

Environmental considerations and regulations, many of them fairly new, demand considerable attention along the way. Hazardous waste sites, wetlands impact, archaeological and historical concerns — all must be attended to. But please don't misunderstand us. By no means do we advocate a return to the process of 25 years ago when highways sometimes bulldozed their way through neighborhoods, wetlands, cemeteries, whatever. Today we all know better and we always advocate being responsible citizens. Being responsible, though, also means being responsive to the needs of the public and, as our flowchart indicates, the current process is anything but responsive. It's truly a fiasco.

Read on as we illustrate our point further with a couple of very real horror stories. We relate these in the hope that you, our members and readers, can help find ways to 1) identify functions that are necessary in the process and expedite them, 2) eliminate functions that are unnecessary. We need to get the attention of legislators, environmentalists, consultants and public servants and unclog this pipeline! If we don't get with it soon, progress on our infrastructure is in danger of coming to a grinding halt.

**Case # 1** — The Butler Regional Highway, relocating SR 129, an 11 mile, four-lane connector on new right-of-way between Hamilton and I-71. It's been 20 years (!) since the first public hearings were held and approvals gained to build this road. Since then, new environmental or historical studies have been mandated that cause the project to be reassessed anew. As it stands now, the most optimistic view has the Butler Highway breaking ground in about four years with completion sometime around 2001.

Bill Foster, Butler County engineer, explains that the "biggest problem is getting people to make decisions" accompanied by the inability at any given point to say,

"we have satisfied the regulations and we cannot accept any further changes." Foster notes that it took 15 months for the EPA to review a hazard evaluation report that his office forwarded to Columbus.

Foster's suggestions to break the bottlenecks are straightforward: 1) Close the "communications gap between those who initiate the projects and those who review them", 2) Facilitate "an arrangement whereby all parties to a project could come together periodically and see where a project stands and what it will take to finish it."

Sound simple? Apparently many believe that the problem is even simpler — too much work for too few people. Most everyone agrees that the Ohio Department of Transportation (ODOT) is understaffed. ODOT had over 13,000 employees in the 1960s and now, despite a greater workload, is under a 7,800 employee ceiling. The answer has been to utilize consultants for a variety of tasks (see chart, noting how many times the word consultant appears). Here the problem becomes time again — months required in the selection process to hire consultants.

One thing is certain — something has got to give. Either a large number of the steps in the process must be streamlined or eliminated or somehow people and technology must be made equal to the tasks required. Or both...and soon.

**Case # 2** — Improvements to a particularly dangerous stretch of US 27 in ODOT District 8 (Cincinnati). The requisite archaeological study had passed muster and the roadway was careful to avoid all significant historical sites. Until the archaeologist noticed that the plan called for minor grading to the back slope of a ditch close to an old building foundation thought to be a privy. Diggings commenced and cataloging of items produced a three-inch thick report listing, among items recovered, a garter belt button. That item alone demanded complete recovery from the site. One year later the \$58,000, multi-volume conclusion from unearthed bones was that people in the 1890s ate beef, chicken, and pork.

Meanwhile, people were dying on route 27 and inflation was increasing costs.

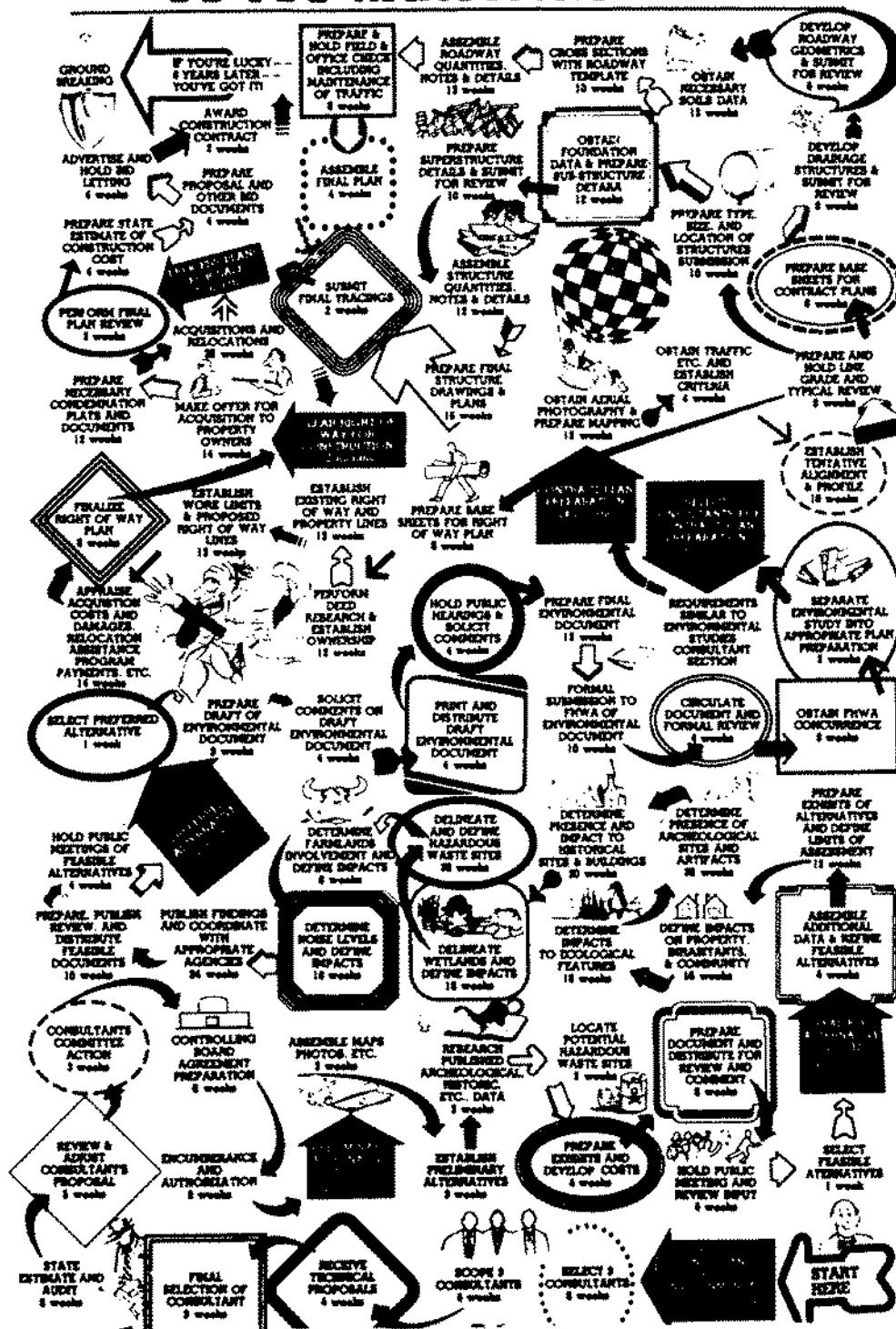
George Butzer, ODOT's new deputy director for planning and design, couldn't believe that it takes eight years, if all goes well, to get a federal-aid highway or bridge built. So when he came on the job a year ago, he set his department to working on the problem.

"What we're trying to do is take little pieces here and there. If we can take a month out of a six-month process, if we can take two weeks out of a two-month process, we can take all those little increments and maybe they add up to a year. That will make it a seven-year process instead of eight."

"With inflation at four percent per year, that's a \$32 million worth of additional work we can do with no additional money, just by doing it a year sooner at a better price."

Way to go, George. Now we invite you readers who believe that even seven years is unacceptable to look at our flowchart once again. And let's get the attention of those who can help people like George Butzer cut this abominable time to something that is acceptable to us all.

# SO YOU WANT A HIGHWAY



Statement of John N. Lieber  
Deputy Assistant Secretary for Transportation Policy  
U.S. Department of Transportation

Before the House Committee on Transportation and Infrastructure  
Surface Transportation Subcommittee

September 26, 1996

The CMAQ Program and Program Delivery/Streamlining

Mr. Chairman, Members of the Committee, I thank you for the opportunity to testify on the Congestion Mitigation and Air Quality Improvement Program (CMAQ) and on the Department of Transportation's (DOT) ongoing efforts to more efficiently and effectively exercise our important oversight responsibilities for the Federal-aid highway and motor carrier safety programs.

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) presented a vision for the future that protects the extensive Federal investment we have made in our roads, bridges, and transit systems over the decades and it emphasizes enhancing the transportation system's efficiency, monitoring and improving system performance, and ensuring that future investments reflect consideration of economic, environmental, and quality-of-life impacts. Secretary Peña fully supports that vision, which he sees as a literal and critical bridge to the 21st century. ISTEA recognized the key role that transportation plays in the Nation's economy and in turn its importance to the economic health and vitality of each State and its urban and rural areas. Further, in adopting ISTEA, Congress provided for States' different needs and priorities and empowered States and metropolitan planning organizations (MPOs) to set their priorities for investments to be funded with Federal transportation dollars. At the same time, Congress

recognized the need to ensure that national objectives are addressed including the need to improve mobility for people, improve connections between modes of transportation for goods and people, and reduce the environmental impacts of our transportation investments. Flexibility in choosing transportation investments that are appropriate to States and urban areas while attending to these national objectives is the cornerstone of ISTEA.

#### I. Congestion Mitigation and Air Quality Improvement Program

##### A. The CMAQ Program targets funding to two specific national objectives.

ISTEA fosters a needs-based process for identifying funding priorities within States and promotes a more strategic use of Federal funds through better planning, new partners, enhanced public involvement, and greater empowerment of States and MPOs. The CMAQ program is a unique program within ISTEA because it directs funds at two specific national objectives: attainment of the national ambient air quality standards (NAAQS) and relief from the congestion that plagues more and more of our urban and rapidly growing suburban areas. By providing funding to assist States and metropolitan areas to meet the mandates of the Clean Air Act Amendments (CAAA) of 1990, CMAQ has proven to be a significant development in the overall effort to integrate transportation planning with programs to improve air quality.

##### B. CMAQ's flexibility has helped air quality and congestion relief.

The CMAQ program has proven to be ISTEA's most flexible program, although it constitutes only about 5 percent of the overall funding available through ISTEA's six-year authorization period. Through its almost five-year history, this innovative program has accounted for \$1.6 billion of the \$2.9 billion (55 percent) in Title 23 funding that was used for transit projects, even though the overall program amount is smaller than other flexible funding programs in the ISTEA. In addition to transit, CMAQ has funded projects ranging from San Francisco's

Incident Management Program, to the rail/truck intermodal facility in Stark County, Ohio, to New York's Red Hook Barge intermodal project, to an award-winning parking management program in Glendale, California, which help employers reduce emissions by encouraging their employees to consider options to driving alone to work each day.

These and other CMAQ-funded projects provide a wide range of benefits in addition to air quality improvement. Other benefits such as congestion relief, improved mobility and accessibility for both people and goods, and promotion of energy efficient transportation options can be attributed to the availability of the CMAQ program funds to States and MPOs. And best of all, CMAQ allows States and MPOs to decide for themselves which projects they will invest in to meet the goals of the program. CMAQ-funded projects have been critical for some nonattainment areas to satisfy tests for conformity of transportation plans to State air quality plans. CMAQ funding may also be necessary to fund transportation control measures contained in the air quality plans. While there is a wide range in air quality emissions reductions from CMAQ projects, all have air quality benefits.

CMAQ flexibility has allowed States to fund many new efforts and projects which go beyond traditional highway and transit infrastructure, and such innovation has been the hallmark of the CMAQ program. CMAQ funds have been used to purchase clean fueled buses in Kenosha, Wisconsin; and electric vehicles in Boston, Massachusetts; to establish Inspection and Maintenance programs in Indiana; and the Clean Air Campaign in Phoenix: all programs designed to reduce emissions from motor vehicles and help States attain the Federal clean air standards.

The congestion relief benefits of the CMAQ program have been substantial. Houston's TranStar traffic management and control system uses cutting edge technology to manage over 300 miles of freeway and over 100 miles of high occupancy vehicle lanes. It includes ramp



metering, an incident management program, and signal coordination on a region wide basis. This and other types of Intelligent Transportation Systems projects have been increasingly funded under the CMAQ program as part of DOT's Operation Timesaver initiative. The CMAQ program has funded HOV lanes in Los Angeles and shared-ride services and demand management programs in Minneapolis. In addition, the CMAQ program promotes alternative travel options as envisioned by the Congress in ISTEA, such as bicycle lanes in Illinois and a pedestrian walkway in downtown Cleveland to its Gateway Complex, home to the Cleveland Cavaliers and Indians.

C. CMAQ did experience start-up problems.

1. Obligation rates were initially low.

Nonetheless, the CMAQ program was not without its initial start-up problems. Back in 1992, the first year of the CMAQ program, just 42 percent of CMAQ funds (\$809 million) were obligated. In 1993 this figure increased to 62 percent (\$600 million) and by 1994, the obligation rate soared to 85 percent (\$815 of \$962 million). Recognizing this problem early on, we established a goal that, in three years, CMAQ funds should be obligated at comparable levels to the much larger programs of the National Highway System and the Surface Transportation Program. We achieved that goal, with the 1995 obligation levels reaching 99 percent.

2. Institutional mechanisms for selecting projects had to be developed.

Another area that proved to be a unique opportunity with CMAQ funding was that States and MPOs had to establish institutional mechanisms to open up the funding process to a much broader constituency than had been the case in the past or which is currently the case with other funding programs under ISTEA. The development of strong local processes to develop funding priorities under CMAQ, including the development of new partnerships between State and local agencies, both public and private, has taken some time and a great deal of effort at the Federal,

State and local levels, and has succeeded with formal selection processes in many MPOs. Communication among transportation and air quality planning agencies at all levels has improved and new players are involved. Examples of new participants include air quality and energy agencies, community/private employer transportation management associations, and national consortia such as the Natural Gas Vehicle Coalition. The Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Environmental Protection Agency have worked very closely together on CMAQ implementation, including development and subsequent revision to our program guidance, a major review of the program in 1994, and on individual projects. We are pleased with the tremendous progress made to date and are hopeful that, in the spirit of ISTEA, such inclusive processes for prioritizing investments extend to other ISTEA programs.

Many States have been willing to cede some of their traditional authority to reach out to local governments, the private sector, and other transportation stakeholders and are starting to realize the benefits of the process of inclusion in transportation investment decisions. States are now getting used to the idea of directing investments toward achieving not only Federal, but also State and local goals through transportation investments funded with CMAQ and other ISTEA funds.

#### D. NHS Act Changes

Under ISTEA, as nonattainment areas were redesignated to attainment, these areas were to lose CMAQ funding. In response to legitimate complaints from a number of affected areas, the Congress and the Administration agreed that this, in effect, constituted punishing such places for their good work to improve air quality. We are pleased with the changes to the CMAQ program which were included in the National Highway System Designation Act of 1995 (NHS Act).

Due to the NHS Act provisions, funding for maintenance areas is now allowable. Further, the fund distribution factors used to apportion funds to each State for FY 1996 and FY 1997 are frozen to reflect the nonattainment area status in FY 1994 including any changes that occurred during that year. These two changes allow newly designated "maintenance" areas to continue to receive and use CMAQ funds in order to help them maintain their new status as attainment areas. These areas are still subject to other CAAA requirements such as conformity, so we think it makes sense to allow them to receive CMAQ funds to continue their good work in improving air quality.

E. CMAQ program improvements continue to evolve.

Improvements to the CMAQ program continue to evolve as we near the end of ISTEA's authorization period. Our July 1995 guidance revision, later affirmed by the current March 1996 update, provides for more extensive public outreach and education efforts, funding of experimental transportation projects and programs, and expansion of eligibility for incentive programs to encourage the use of transit, ridesharing, and other alternative modes of transportation.

We have provided much flexibility, consistent with the principles of sound program management. Most recently, we initiated a joint interagency effort with FTA and EPA to reduce oversight and coordination requirements at the Federal level. In seven of our nine regions, we now have memoranda of agreement to streamline the project review process, allowing minimal oversight and more timely review.

F. CMAQ program received broad-based support from communities.

The flexibility CMAQ has allowed has engendered a great deal of support and involvement by the public and private sectors, as well as by community and environmental groups and other

stakeholders in the transportation system. Further, CMAQ funds have leveraged both public and private sector funding for transportation investments far in excess of Federal matching requirements. And finally, emission reductions from transportation sources are occurring as a result of CMAQ-funded projects, thus helping the Nation's nonattainment areas achieve the NAAQS in accordance with the CAAA mandates.

This popular support for the CMAQ program was reinforced during the past three months at FHWA-sponsored focus groups held in three locations throughout the country: Dallas, Los Angeles, and New York. Participants of the focus groups were nearly unanimous in their support for continuance of the CMAQ program. They cited several distinct advantages of the CMAQ program and particularly appreciated the "process," or indirect benefits, the program fosters. They noted that CMAQ represents a separate funding program dedicated to making improvements and innovations in transportation, and the program's unprecedented flexibility, improving the way transportation decisions are made. They also said the program has invited new players to the table who have participated substantially in the planning process. States have continued to incorporate cutting edge congestion relief and air quality beneficial projects in their transportation plans and programs. They agree that the CMAQ program has served as a catalyst for better integration of transportation and air quality planning, and that CMAQ is serving as a vital funding source for needed projects that would otherwise go unfunded. We have heard similar statements at the DOT-sponsored regional forums.

## II. Program Delivery

### A. Scope of the Program under ISTEA

The ISTEA provided authorizations for highways, highway safety, and mass transportation for a 6-year period. It significantly increased the Federal investment, with average

annual obligations in the ISTEA period thus far of \$19.5 billion—as compared to a \$14.3 billion average for each of the five years preceding ISTEA.

Title I (Surface Transportation) of ISTEA provided authorizations for close to 50 specific programs, ranging from the larger Interstate, National Highway System, Surface Transportation and Bridge programs to the smaller Recreational Trails, Scenic Byways and Ferry Boat programs. Title I also recognized the strong national interest in the Nation Highway System by requiring AASHTO design standards for NHS projects, while providing additional flexibility to the States to use State-adopted design standards for non-NHS projects.

In addition to traditional highway and bridge construction and reconstruction, there is a tremendous diversity of projects under ISTEA with a wide range of activities eligible for Federal-aid highway funds. Several examples of this diverse program include:

- Activities that enhance the environment, such as wetland banking, mitigation of damage to wildlife habitat, historic preservation, a wide range of bicycle and pedestrian projects and highway beautification,
- Capital costs for transit projects eligible for assistance under the Federal Transit Act,
- Congestion Mitigation and Air Quality Improvement projects directed toward attainment of the national ambient air quality standards,
- Start-up costs for traffic management and control systems, and
- Providing direct funding or loans for the construction of toll highways.

These few examples are indicative of the diversity of the Federal-aid highway program and also the challenges we face in delivering the program nationwide to States with a wide range of transportation needs.

FHWA has taken various initiatives to meet these program delivery challenges. Several of

the more significant involve our stewardship of the program, which we define as the process of providing program oversight and accountability. ISTEA provided significant flexibility for the States to exempt FHWA from direct design and construction oversight responsibility for many of the less significant Federal projects. Due to our longstanding partnership with the States and knowledge of their program stewardship abilities, we strongly encouraged the States to make maximum use of this oversight exemption.

In addition, during 1991, the FHWA Strategic Management Committee adopted a new "Statement of Operational Philosophy" for the agency. This new philosophy established process review/product evaluation procedures as the agency's primary mode of operation in carrying out its program oversight responsibilities, as opposed to the long tradition of detailed project-by-project reviews.

These significant changes have enabled us to be involved in oversight of the more significant Federal-aid highway projects while allowing States, with their very competent staffs, to assume design and construction responsibility for the great majority of less significant and less complex projects. The additional staff time available to FHWA due to the reduced oversight has been used to gain technical expertise and provide specific technical assistance to the States.

One of the most significant factors contributing to the effective delivery of the Federal-aid highway program by the FHWA is the close working relationship with our State partners. We have devolved decisionmaking authority within the FHWA so that our division offices have authority for essentially all program decisions. We continue to improve our program management. In our western regions we have established a Resource Center to consolidate administrative functions in one location to serve various regions, instead of having duplicate staff in each individual regional office. A similar initiative has been approved for the eastern regions.

We are also currently establishing four metropolitan offices in the cities of New York, Philadelphia, Chicago, and Los Angeles that will be staffed by both FHWA and FTA personnel to better assist these large cities in developing their complex, intermodal, urban transportation programs. Through extensive coordination with FTA and the National Highway Traffic Safety Administration (NHTSA), we are also now working to co-locate our field regional offices at one location to better serve our partners and customers with "one-stop shopping."

We will continue these valuable initiatives and constantly strive to find others to improve and streamline the process of delivering the Federal-aid highway program to the States. With the approach of reauthorization of the transportation program next year, we are considering various initiatives to facilitate improved program delivery. These include consolidating some of the close to 50 individual programs, which would simplify the overall transportation program for the States and provide more overall program flexibility, while maintaining the critical program components.

## B. Innovations

### 1. Innovative Contracting

Since 1990, the FHWA has been evaluating promising nontraditional contracting methods designed to enhance the quality of our highways and limit the impacts of highway construction on road users under Special Experimental Project No. 14 (SEP-14). While Federal statutes and regulations set forth specific requirements for Federal-aid highway projects, we have been able to operate within the flexibility afforded under these laws. These techniques provide States the opportunity to accelerate projects by creating new ways to overcome construction and administrative barriers. We have now approved for non-experimental use three of the four techniques originally identified under this project: cost-plus-time bidding, lane rental, and warranty clauses.

We have encouraged the use of cost-plus-time bidding and lane rental provisions for critical projects on busy routes where congestion and delay from construction would be most heavy. These methods incorporate a contractor's bid for contract time, with an associated cost, into the overall low bid determination. This means that the contractor must schedule the work so as to minimize the time the traveling public is exposed to construction delays. Contractors have responded to these time incentives with great success. For example, during the reconstruction of California freeways after the Northridge Earthquake, we enabled CALTRANS to use cost-plus-time bidding technique on 10 reconstruction projects. This technique reduced the total contract time for all 10 projects by 450 days. CALTRANS estimated that cost-plus-time bidding saved an estimated \$47.7 million in costs to users of these heavily-traveled highways.

Before we began our SEP-14 initiative, the use of warranties on Federal-aid projects was greatly restricted. The rationale for this restriction was that warranties could indirectly result in Federal-aid highway funds paying for maintenance costs, which is generally prohibited. For Federal-aid projects off the National Highway System, States that have exempted themselves from Federal oversight may use warranties in accordance with State procedures.

Under SEP-14, 11 States experimented with warranties on Federal-aid highway projects, with the objective of encouraging improved quality and contractor accountability without shifting the maintenance burden to the contractor. Many States believe that warranties will contribute to longer lasting highway products and will benefit small or specialty contractors and provide new products. We believe that warranties will help prevent unnecessary maintenance and repair costs resulting from premature failures of highway projects due to poor construction methods or low quality materials. As a result, in April of this year we amended our regulations to give States the option to include warranties in contracts for projects on the National Highway System.



The fourth technique, design-build, continues to enjoy strong support from State highway agencies. Under this contracting method, design and construction are performed through a single procurement, so construction can begin before the last design details are finalized. The design-build process has an advantage over traditional project development by providing contractors the maximum flexibility for innovation in selecting design and construction methods. From the States' perspective, the potential time savings is a significant benefit. While the FHWA does not believe that the design-build method will become the preferred form of project delivery in the highway program, we recognize that it is a valuable tool for advancing critical projects quickly, and we will continue to evaluate this experimental technique.

## 2. Innovative Financing

Despite record levels of Federal transportation investment in recent years, our Nation's infrastructure needs continue to grow. It is clear that traditional public sector financing alone cannot fund all necessary improvements to our Nation's highways and bridges. Through our innovative finance initiatives, we are giving States greater flexibility and authority to develop creative new ways of financing infrastructure projects. We have lifted restrictions in our current financing method that slow projects, increase costs, and discourage private investment. I am pleased that the Congress shares our support for these new financing methods and included several of the innovative financing techniques tested by the States in the NHS Designation Act.

Investment tools, such as crediting private contributions to a project as a State's matching share, make our limited Federal funds stretch much further. Cash flow tools like partial conversion of advance construction—so States need not accumulate the entire Federal share of a project before construction begins—move projects to construction sooner and lower costs by reducing the interest burden on loans or bonds.

Another technique we have developed to accelerate projects and ease administrative burdens is the Surface Transportation Program (STP) Simplification pilot program. States approved under this pilot can bundle together several STP-eligible projects and commit Federal funds to those projects in a single obligation.

The States' response to these new financing initiatives has been impressive. The FHWA has approved more than 75 projects in 32 States worth more than \$4.5 billion. These strategies have made a real difference and can be measured in terms of \$1.2 billion in increased private and non-Federal public infrastructure investment to date. Because of the increased flexibility these innovative financing methods offer to States, many projects that were stalled under conventional financing methods will advance to construction an average of two years faster than originally scheduled.

The State Infrastructure Bank Pilot Program authorized in the NHS Act holds great promise for exploring a broad range of financing concepts, including loans and credit enhancements. Therefore, we are pleased that the Congress, in the DOT appropriations act, has provided additional funding and expanded States' opportunities to participate in this new pilot.

#### C. Streamlining Regulations and Administrative Procedures

To maintain our position in the world economy, we must maintain a safe and efficient national transportation system. We need strong Federal leadership to do so. Efficient national cargo movement is key to our ability to benefit from expanding trade opportunities. Truckers rely on national uniformity in facilities and regulatory standards when operating throughout the country. At the same time, we recognize the need to ensure that our regulations are not unduly burdensome and we are committed to the concept of performance-based regulations. Greater reliance on performance management will enable us to maintain accountability for our Nation's

roads and motor carriers while reducing cumbersome rules that delay improvements and add to costs.

Over the past year, we have eliminated or revised a number of regulations so as to streamline and improve the delivery of the programs we administer. We have undertaken a comprehensive review of our regulations and we have eliminated redundant and obsolete rules in the areas of motor carrier safety, right-of-way, equal employment opportunity on Federal-aid construction contracts, and project programming. We have also eliminated outdated and unnecessary regulations in our public lands highways program.

Minimizing the burdens of ISTEA's planning requirements has been another one of our priorities. In the initial effort to develop and implement our joint planning regulations, the FHWA and the FTA launched a proactive outreach program, soliciting input from States, MPOs and transit agencies. Since then, we have sought to rely on guidance, rather than a prescriptive one-size-fits-all regulatory approach, to strengthen and support cooperative planning processes. We recognize that the States, MPOs, and transit operators are sources for innovative ideas that can benefit their peers and the Federal effort. We have sought to learn from these partners by disseminating information on their best practices to other regions of the country, encouraging collaborative efforts, and emphasizing a customer service culture.

We have also made changes in our administration of project authorization and execution agreements, which are required for each Federal-aid highway project. We have revised our procedures in this area and are encouraging States to use this new process, where the project authorization and project agreement actions are combined into a single document. The use of an electronic version of the document, including an electronic signature, is now permitted to further simplify and expedite processing.

We have also sought and obtained legislative relief from statutory mandates that unnecessarily burdened States or private industry, including requirements for specific expenditures of scarce Federal-aid highway funds on recycled paving materials and for pre-employment alcohol testing of commercial motor vehicle drivers.

#### 1. Motor Carrier and Highway Safety

In the area of motor carrier safety, we are conducting a comprehensive "zero-base" review of all of our regulations to ensure clarity, fair treatment, and national uniformity while eliminating redundant or outdated rules. In the nearly 60 years since the first Federal motor carrier safety regulations were issued in 1937, numerous new rules have been added and the existing ones amended in response to safety concerns. Addressing these issues individually over time has resulted in some rules that may be overly complex and impractical in today's environment. The motor carrier industry is changing, and our regulations must keep pace with technological and highway safety advancements in the areas of highway construction, vehicle design, and driver knowledge and ability.

Jointly with NHTSA, we have established a 16-State pilot program that is testing a performance-based approach to the Section 402 highway safety grant approval process. In this program, participating States are invited to set their own performance goals and measures and to develop unique strategies for meeting them, rather than conforming to a single, Federal standard. This pilot was recently extended because of the States' great interest in it.

#### 2. Environmental Processes

In developing ways to streamline the environmental approval process, we have sought methods that can meet our dual objectives in this area of advancing necessary and important transportation improvements while giving due consideration to valid environmental concerns. We

have targeted our streamlining efforts on the project approval process, and have been able to provide some effective relief administratively. We hope to do even more in this area.

The highway project development process requires compliance with numerous Federal environmental laws, regulations, and executive orders. Satisfying these multiple mandates is sometimes challenging. The FHWA, Army Corps of Engineers, Environmental Protection Agency, National Marine Fisheries Service, and the Fish and Wildlife Service have worked over the last several years to merge the processes for complying with the National Environmental Policy Act (NEPA) and Section 404 of the Clean Water Act. Interagency agreements on this subject are in place in most regions of the country. Additional opportunities exist for streamlining other aspects of the environmental review process, and we are currently exploring these options.

Our proposed delegation of the review of draft environmental impact statements to the FHWA's field offices would avoid concurrent review by FHWA regional and headquarters staffs, thus freeing our headquarters employees to assist in the preparation of only the more complex and controversial environmental impact statements. We have already received some modest results from a pilot of this initiative. To ensure that our field managers are well equipped to carry out these new responsibilities, each has attended an environmental leadership seminar in the last two years.

One approach we have taken to deal efficiently with environmentally uncomplicated projects is the use of programmatic approaches, where the environmental clearances are handled by those close to the project, using established but simplified procedures. Over the last several years, we have extensively implemented programmatic approaches for using categorical exclusions under NEPA, for making Section 4(f) approvals involving small uses of park land and other protected resources, and for addressing adverse impacts on historic resources, such as

historic bridges, as required under Section 106 of the National Historic Preservation Act. We have also worked extensively with the Army Corps of Engineers to make maximum use of nationwide and general Section 404 permits.

For example, our Ohio division office adopted a programmatic approach to categorical exclusions two years ago. Since then, Ohio has saved over 10,000 hours per year in State staff time. At our division office, we estimate that we have saved over 800 hours per year. Overall, the FHWA has been removed from project involvement on 85 to 90 percent of all Federal-aid highway projects, including most local projects. This approach has had similar dramatic results in States across the country. We will consider employing a similar approach on a national scale to maximize program efficiencies.

Through our own administrative actions, and with Congress' help in the NHS Designation Act, we have streamlined the transportation enhancements program, because we recognize that the same administrative rules and requirements that apply to a multi-million dollar highway construction project may be inappropriate for an enhancements project costing only a few thousand dollars. Our goal with transportation enhancements has been to make the implementation of these small, environmentally friendly projects as simple as possible. For example, from the perspective of meeting the requirements of NEPA, virtually all of the enhancements projects have been advanced as categorical exclusions. We have also adopted simplified procedures for transportation enhancements dealing with planning requirements, land acquisition, labor issues, and contracting.

#### D. Conclusion

As we wind up our extensive outreach meetings this year prior to the reauthorization of ISTEA, we first commend the leadership and the members of this Committee for their

cooperation in implementing the truly landmark act, ISTEA. Our outreach has shown a wide range of support for continuing many of ISTEA's programs, with certain reforms that build on the successes. Clearly, we have all heard the success stories and also many beneficial suggestions for changes. But most importantly, we have heard the call for a continued Federal role in guiding our surface transportation programs into the next century. With our new ISTEA partners, we believe we can deliver a program that carries out the vision of this Committee.

In implementing ISTEA, we have found that the use of pilot programs has been one of our best methods for exploring program delivery improvements. Pilots give State and local officials even greater flexibility to ensure that transportation investments meet the varied and unique needs of their communities while maintaining national transportation priorities such as safety, environmental protection, clean air, and improved mobility for all of our citizens. In closing, I reiterate our support for the CMAQ program and commend its benefits in reaching our national objectives of cleaner air and less congestion. We are committed to building on the innovations we have explored in ISTEA and look forward to working with this Committee and our other partners in further improving these programs in reauthorization. I would be pleased to answer any questions you may have.



U.S. Department  
of Transportation  
Federal Highway  
Administration

# Memorandum

Subject: **INFORMATION:** Congestion Mitigation and Air Quality Improvement (CMAQ) Program Date: DEC 17 1996

From: Director, Office of Planning, FTA Review by: TPL-10/HEP-41  
Director, Office of Environment and Planning, FHWA Date of: M. Savonia, x62080  
A. Marner, x60096

To: Regional Federal Transit Administrators  
Regional Federal Highway Administrators  
Federal Lands Highway Program Administrator

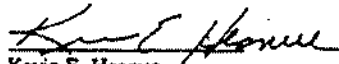
Attached is a summary of third year (1994) activities funded under the CMAQ Program. Major findings include:

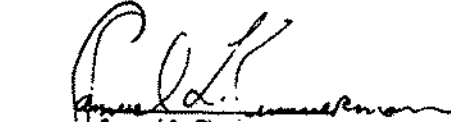
- The obligation rate of CMAQ funds continues to rise over previous years. The obligation rate of 85 percent (\$815 million) brings the CMAQ Program to an obligation level comparable to other Federal-aid highway programs;
- While the dollar value of CMAQ funds flexed to Transit projects has increased, the proportion of these flexed funds to total funds obligated decreased from FY 1993 to FY 1994;
- Nevertheless, the States are using increasing dollars for Shared Ride, Demand Management, Pedestrian/Bicycle, and other Transportation Control Measure projects. This indicates continued use of the flexibility of the CMAQ fund source; and
- The States continue to make progress in their air quality analyses. The proportion of projects reported with quantitative analysis has risen to 77 percent in FY 1994, almost three times the FY 1992 rate.
- Problems in reliability of the data remain due to reporting inconsistencies and inattention to detail necessary to enable a reasonable comparison among the States.





We ask for your assistance in disseminating this summary to FHWA division offices and States, as well as Metropolitan Planning Organizations, public interest groups, and concerned citizens upon request.

  
Kevin E. Hearne

  
Samuel L. Zimmerman

Attachment

**The Congestion Mitigation and Air Quality Improvement Program**  
**A Summary of Third Year Activities**  
**(FY 1994: October 1993 - September 1994)**

**Introduction**

This report is the third annual national review of activities funded under the Congestion Mitigation and Air Quality Improvement (CMAQ) Program, covering the 1994 fiscal year. For copies of the first and second year reviews or additional copies of this report, contact the FHWA hotline at (202) 366-2069.

This summary of third year obligations includes: the distribution of funding among project types, an assessment of emissions reductions analyses as required under the program guidance, comments on the reliability of reported data, and expectations for the CMAQ program in the coming years.

This is the last summary directed by the requirements stipulated in the original program guidance of October 16, 1992. This program guidance has been superseded by the *Revised Guidance* issued on July 13, 1995. The 1995 CMAQ annual reports will be expected to meet new reporting requirements, specifically regarding experimental projects.

In comparison to the first year activities of CMAQ funds, the FHWA-FTA report on FY 1993 noted the following: an increase in the obligation rate of CMAQ funds, continued use of the program's flexibility, and progress in the quantity and quality of air quality analyses. In addition, the 1993 report cited project descriptions as an area needing improvement.

The FY 1994 State reports revealed the following:

- o The obligation rate of CMAQ funds continues to increase. The FY 1994 obligation rate of 85 percent represents a 23 percentage point increase over FY 1993 and a doubling of the obligation rate of FY 1992 (42 percent).
- o The distribution of funds among project types in FY 1994 differed somewhat from that of FY 1993. Of the total obligations in FY 1994, the States obligated 40 percent to transit projects (down 7 percent from FY 1993) and 34 percent to traffic flow improvements (up 6 percent from FY 1993). During FY 1994, the obligation rate for Demand Management projects more than doubled, but the overall amount of funding for this category remained very small. In the remaining project categories, Shared Ride, Ped/Bike, other TCMA, and STP/CMAQ, the proportion of funds changed minimally.

- o Despite little change in the distribution of funds obligated, the amount of activity (as gauged by the number of proposals ultimately funded) has increased significantly in some categories. For example, the number of proposals funded during FY 1994 in the categories of Ped/Bike and Other TCMs has doubled in comparison to FY 1993.
- o The States continue to make progress in their air quality analyses. The proportion of projects reported with quantitative analysis has risen from 28 percent in FY 1992 to 69 percent in FY 1993, and reached 77 percent in FY 1994.
- o By contrast with these continued improvements in some aspects of the CMAQ Program implementation, the FY 1994 State reports indicated some inconsistencies. In order to improve their emissions reductions analysis, the States need to project emissions reductions at a consistent, and clearly specified, project implementation stage, use consistent units (kg per day), and specify pollutants. General report formats need to include a clear list of all projects obligated and distinguish between Federal funds obligated and the State/local match.

### Third Year Results

#### *Obligation Rates*

In FY 1994, the States obligated approximately \$815 million under the CMAQ Program out of the \$962 million that were apportioned. Although the Federal amount apportioned to the States decreased by \$5 million between FY 1993 and FY 1994 (\$967 million vs. \$962 million), the States obligated \$215 million more CMAQ funds in FY 1994 (36 percent more).

According to the 1994 State reports, 23 of the States (including the District of Columbia and Puerto Rico) obligated at least 80 percent of their 1994 CMAQ funds. Nearly one-third of the States, obligated 100 percent or more of their funds, by carrying over unobligated funds from FY 1992 and 1993. The number of States that used less than 50 percent of their CMAQ apportionments dropped from 38 to 23 between FY 1992 and 1993, and dropped again to 19 States in FY 1994. Note that while these figures are generally reliable, there may be discrepancies with other DOT information since they are being reported by the separate States, and not coming from the central accounting system.

Table 1 - Thirteen States Receiving the Largest CMAQ Apportionments  
FY 1994 (October 1993 - September 1994)\*

State	Amount Apportioned	Amount Obligated	Obligation Rate
California	142.2	117.7	82.8%
New York	101.0	73.9	73.2%
Texas	95.4	72.8	76.4%
Pennsylvania	58.2	23.2	39.8%
New Jersey	55.5	45.4	81.8%
Illinois	47.2	20.5	43.4%
Ohio	42.3	15.6	36.8%
Massachusetts	39.6	24.7	62.4%
Maryland	29.9	42.9	143.6%
Florida	28.8	34.3	119.3%
Michigan	28.0	50.0	178.4%
Connecticut	22.6	21.0	92.7%
Virginia	20.5	18.5	90.4%

\*in millions

The thirteen States which receive the largest CMAQ apportionments (and account for three-fourths of the total yearly apportionments) are listed in Table 1. As in FY 1993, these States generally used a high percentage of their funds. The States that fared best, however, have changed between FY 1993 and FY 1994. In FY 1993, four Region I States (NY, NJ, MA, and CT) were among the five highest obligators of the thirteen States. However, in FY 1994 only one of these States was among the five highest States (MI, MD, FL, CT, VA). Note that the four Region I States still fared well, obligating a combined 75 percent of their funds (down from 96 percent in FY 1993).

Three of the thirteen States obligated less than 50 percent of their FY 1994 apportionments. Two of these States (OH and PA) had similarly obligated less than 50 percent of their FY 1993 apportionments. The third State (IL) was among the top five obligators in FY 1993. By contrast, Michigan, which obligated less than 50 percent in FY 1993, had the highest obligation rate of these thirteen States in FY 1994.

There are several reasons for the overall increase in obligation rates over FY 1992, 1993, and 1994. In the first year of CMAQ activities (FY 1992) overall obligation rates were low. This was partly expected and understandable. In the Program's second and third years, the States made a great deal of progress in the evolution of project development and selection processes, and accordingly, raised their overall obligation rate.

The FY 1994 State reports suggest a better working relationship among Federal, State, and local organizations which has smoothed and speeded up the approval process for CMAQ proposals. In addition, more projects have been proposed and sponsored as groups become more educated about the CMAQ Program and its objectives. In order to handle these proposals, many States have developed or refined the process by which they evaluate and select CMAQ projects. Some of these States, such as New York, included a description of their selection process or "guiding principles" in the annual report. Finally, with the passage of time, some projects have progressed from study and design phases to more costly construction phases. All of these factors combined in FY 1994 to increase the amount of CMAQ funds obligated, both as a raw number and as a percentage of the amount apportioned.

Despite the high obligation rates in FY 1994, there is still a question as to why the States do not obligate all of their available CMAQ funds. One reason is the approval process itself. Here, progress has been made, but it is still a complicated process involving many interested parties: Federal, regional, and State organizations, MPOs, air quality agencies, and the public. Secondly, although some projects have progressed to construction phases, a large number remain in the less costly design phases. For example, the State of Delaware, which obligated less than \$800,000 on projects in FY 1994, estimated that it will ultimately obligate \$15 million to complete these projects.

#### *Program Activities*

During FY 1994 the FHWA/FTA approved funding for 974 CMAQ proposals, 207 more proposals than in FY 1993. Appendix A provides a complete listing of all CMAQ projects funded during the FY 1994 obligation period as provided in the State reports. These projects are categorized according to the classifications under the CMAQ Program guidance:

- Transit;
- Traffic Flow Improvements;
- Shared Ride;
- Demand Management;
- Pedestrian/Bicycle; and
- Other TCMs (including inspection and maintenance programs).

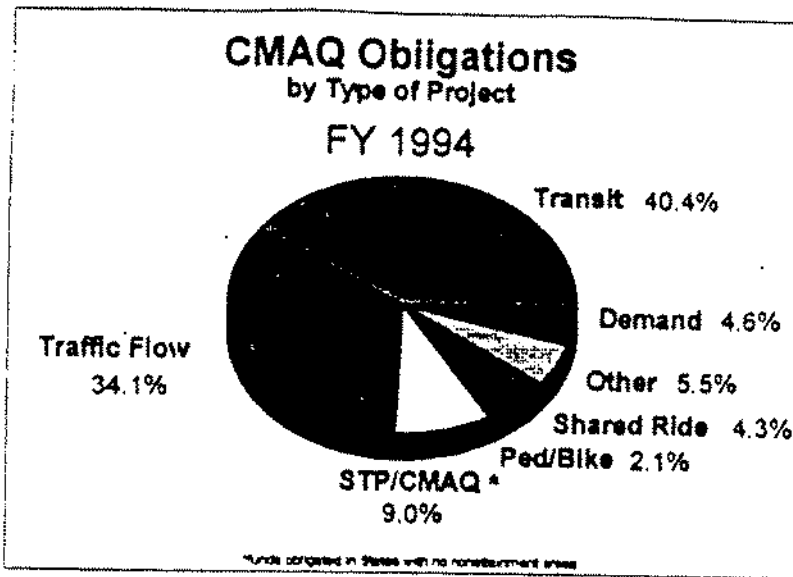
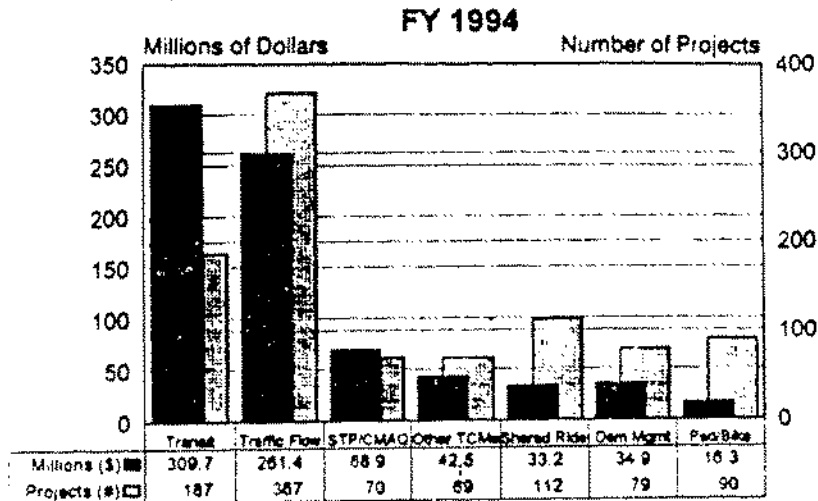


Figure 1

A comparison of FY 1993 obligations to FY 1992 indicated a shift away from the project categories with the largest share of obligations (transit, traffic flow), toward categories with smaller shares. It was predicted that this trend in the distribution of CMAQ obligations among project types would continue in FY 1994. However, the FY 1994 obligation, shown in Figure 1, compared to FY 1993 obligations does not completely support this prediction. The combined percentage of funds used for pedestrian/bicycle, shared ride, and other TCMs decreased by nearly 3 percentage points, from approximately 15 percent in FY 1993 to 12 percent in FY 1994. At the same time, demand management's share more than doubled going from a little over 2 percent in FY 1993 to 4.6 percent in FY 1994. The transit share decreased between FY 1993 and FY 1994 (from 47 percent to 40 percent), while retaining the top spot in obligations for the third year in a row. In 1994, the greatest shift of funds went towards traffic flow improvements, due in part to large sums of money spent on Intelligent Transportation Systems.

## Type of Project by Number & Dollar Amount



**Figure 2**

Figure 2 includes an analysis of the number of projects obligated in each project category. There is some inaccuracy in this accounting due to differences in the way the States characterize a "project". As noted in last year's report, transit projects are obligated under quarterly grants which may include multiple project elements. In other categories there are discrepancies among the States in their methods of recording projects. One State may combine several elements into one project, while another may record each of the elements as a separate project.

Despite these inconsistencies, the distribution of proposals funded is a valuable part of the complete CMAQ Program analysis. The distribution of funds alone provides an incomplete representation of activity particularly in those categories which, by nature, involve less costly projects. For example, the Ped/Bike category which appears as a thin sliver in Figure 1 (2.1 percent of total funds obligated), appears as a significant value in Figure 2 (90 projects or more than 9 percent of all CMAQ proposals obligated).

Similarly, the State of Florida, in FY 1994 obligated CMAQ funds for eight demand management projects totaling \$1 million. These projects are overshadowed by the close to \$19 million spent

on eight transit projects. Although there was an equal amount of activity (as gauged by proposals obligated) in the demand management category as in transit, the demand management barely shows up in an analysis of Florida's funding distribution.

In FY 1994, as compared to FY 1993, the States obligated 122 more proposals in the categories of shared ride, demand management, ped/bike, and other TCMs. The number of proposals funded in each of these categories individually also increased. In FY 1994, the States funded 3 fewer transit proposals, and 65 more proposals for traffic flow improvements. The percentage of proposals funded in both transit and traffic flow decreased between FY 1993 and FY 1994 (by 6 and 2 percentage points, respectively). In this case, a comparison of FY 1994 to FY 1993, still indicates a shift in project activity away from those categories with the largest share of obligations and toward categories with smaller shares.

Transit projects and traffic flow improvements accounted for three-fourths of the total 1994 CMAQ obligations. The high transit share is partially reflecting the high cost of transit projects selected for funding. Transit funds accounted for 40 percent of the FY 1994 CMAQ obligations, but the number of transit proposals accounted for only 19 percent of the proposals obligated.

The CMAQ Program remains the most flexible of all ISTEA programs. The States continue to take advantage of this aspect as noted by their obligation of over \$20 million more CMAQ funds in FY 1994 compared to FY 1993 in the categories of shared ride, demand management, ped/bike, and other TCMs combined. Nevertheless, in a program review conducted in 1994, several areas were uncovered where more flexibility could be granted. Responding to the States' desires and in keeping with the intentions of Congress, FHWA, FTA, and EPA included additional flexibility in the *Revised Guidance* issued July 13, 1995. A copy of the *Revised Guidance* may be obtained from the FHWA hotline: (202) 366-2069.

#### Analysis of Air Quality Benefits

##### *Overall Analysis*

In the FY 1994 CMAQ reports, the States provided quantitative air quality analyses for 695 of the 904 projects reported (exclusive of STP/CMAQ projects). This corresponds to 77 percent of all projects, an increase of 8 percentage points from FY 1993, showing continuing progress in quantifying project emission benefits.

The most frequently reported analyses were for volatile organic compounds (VOC), which appeared on 659 occasions or in 95 percent of all projects with air quality analyses. As in FY 1993, carbon monoxide (CO) emission analyses were completed for more than one-half (54 percent) of the projects. The percentage of projects with analyses on oxides of nitrogen (NO<sub>x</sub>) rose 14 points, from just over half of the projects in FY 1993 to 65 percent of the projects in FY 1994. Small particulate matter (PM-10) analyses, which were completed for 18 percent of the projects in FY 1993, dropped to 9 percent of the projects in FY 1994.



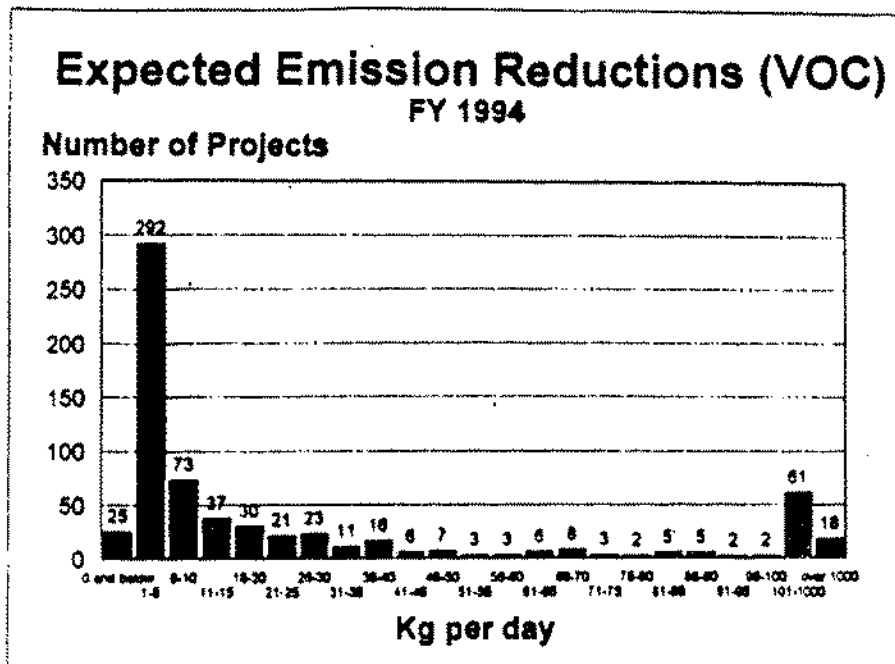


Figure 3

Figure 3 shows the frequency distribution of emissions reductions for VOCs for all of the FY 1994 projects containing VOC analyses. The distribution, much like that of FY 1993, reinforces the conclusions made in the previous 2 years that the emissions reductions benefits of CMAQ projects are small. Of the 652 projects reported with VOC analyses, 320 (nearly half) estimated reductions of 5 kg/day or less. Another 259 projects contributed emissions reductions between 6 and 100 kg/day. Thus, a total of 89 percent of the projects reduced emissions by 100 kg/day or less. Showing more potential are the 73 projects which reported VOC emission reductions of more than 100 kg/day and the 15 of these which project reductions of over 1,000 kg/day. Note that while these high estimates may be an indication of potential, they may also indicate inaccuracies associated with methodologies in emissions reductions analysis (see *Areas Needing Improvement*).

Table 2 - CMAQ Air Quality Benefits for All Pollutants (kg/day)

<u>Emission Type</u>	<u>Number</u>	<u>Minimum<sup>1</sup></u>	<u>Median</u>	<u>Maximum</u>
VOC	659	-3	4	86,182
CO	374	-32	36	36,986
NO <sub>x</sub>	453	-127	2	6,132
PM-10	64	0	0	1,059

Table 2 shows the minimum, median, and maximum value of the expected emissions reductions for each emission resulting from the CMAQ projects obligated in FY 1994.<sup>2</sup> The median values range from 0 kg/day (PM-10) to 36 kg/day (CO). This is similar to the range from FY 1993 (0-47 kg/day) where the pollutants on the high and low ends were the same. Although these median ranges are less than fifty, the maximum emissions are on the order of 1,000 to 86,000. Assuming that these maxima are valid estimates of potential, CMAQ projects may have a greater capacity for air quality benefits than those currently realized.

Several points should be repeated from the 1993 report regarding the emission reduction analyses in the section above. First, all of the projected air quality benefits are attributable to single (such as VOC) emission reductions alone. Some projects may show multiple emission reductions for criteria pollutants (CO, ozone, PM-10) as well as others like carbon dioxide. Second, CMAQ money may be only one portion of an entire pool of funds financing a project. As a result, only a portion of the benefits can be attributable to CMAQ funds alone. Third, many of these projects have different project lives. For example, a rideshare project may only be a 1-year project contributing 1 year of benefits, or may in fact represent an investment with longer term benefits. On the other hand, a project to put additional buses on the road may have a 12-year lifespan and contribute to 12 years of emission reduction benefits.

Fourth, even in the best of circumstances, emission reductions from TCMs are very difficult to predict. There can be great variation in both the magnitude and timeframe over which they take place. Finally, no attempt has been made to analyze these projects with respect to the relative costs and benefits. Some projects funded under CMAQ are very low cost such as many bicycle projects. Although the air quality benefits of these projects may also rank low, the project may be cost-effective when relative costs and benefits are evaluated. An adequate cost-effectiveness analysis would need to include the above factors, as well as others. Further research in this area is still clearly warranted.

<sup>1</sup>Negative numbers indicate increases in emissions. These are offset by decreases in other emissions, making the project eligible for CMAQ funds.

<sup>2</sup>The median, rather than the mean, is a better representation of average effectiveness because the mean is unduly influenced by relatively few projects with large emissions reductions. The median is the point above or below which 50 percent of all observations lie when ranked highest to lowest.

Table 3 - Air Quality Analysis by Project Type (VOC, kg/day)

<u>Type of Project</u>	<u>Number</u>	<u>Minimum</u>	<u>Median</u>	<u>Maximum</u>
Transit	145	-3	4	1,842
Traffic Flow	269	-1	5	1,283
Shared Ride	91	0	3	6,486
Other TCMs	31	0	4	86,182
Ped/Bike	67	0	1	77
Demand Management	56	0	23	1,719

A more detailed examination of VOC emission reductions also shows that the estimated emission benefits of CMAQ projects vary little by project type. Table 3 lists the minimum, median, and maximum values of the projected VOC emission reductions for each project category. Again, the median emission reduction values are far from the maxima. With a high of 23 kg/day for Demand Management and a low of 1 kg/day for Ped/Bike, the range of median values shows that there is not a great deal of variation in average emissions among the different project types. The category of other TCMs appears to have the greatest potential probably due to the effectiveness of inspection and maintenance (I/M) programs, as modeled by current techniques. This category demonstrates a maximum emission reduction of over 86,000 kg/day. While Ped/Bike projects show the least reductions both in median and maximum values, their effectiveness is not significantly different from that of the other categories, given the overall low level of effectiveness of almost all CMAQ funded projects.

Table 4 - Projects With at Least 500 Kg/Day  
VOC Emission Reductions

(Emission reductions are provided without comment on their accuracy.)

<u>Project Description</u>	<u>Project Type</u>	<u>State</u>	<u>Emission Reductions (kg/day)</u>
Enhanced I/M program implementation by Division of Motor Vehicles	Other TCMs	New Jersey	86,182
Remote sensing of motor vehicles	Other TCMs	Wisconsin	16,923
Enhanced I/M pilot demo program	Other TCMs	Wisconsin	15,837
Employer Trip Reduction Program	Demand Mgmt	New Jersey	6,486
Enhanced I/M facility	Other TCMs	Delaware	1,978

<u>Project Description</u>	<u>Project Type</u>	<u>State</u>	<u>Emission Reductions (kg/day)</u>
Dutchess feeder buses to RR Station	Transit	New York	1,842
Employer Technical Assistance Project	Demand Mgmt	Wisconsin	1,719
I/M program computer upgrade	Other TCMs	Maine	1,392
Purchase 5 LNG buses, Pass Syst, (16 proj)	Transit	Washington	1,392
ECO Training Program	Demand Mgmt	New York	1,318
Enhanced I/M	Other TCMs	Delaware	1,288
TDM Program	Traffic Flow	Ohio	1,283
Install ATMS/ATIS components	Traffic Flow	Michigan	1,161
Mechanic's training program	Other TCMs	Maine	929
Transit line-Chicago circumferential travel	Transit	Illinois	885
Public info signage expansion (PATH)	Transit	New York	823
Freeway Traffic Management	Traffic Flow	Wisconsin	814
Furnish and install emission testing equipment	Other TCMs	New York	661
Traffic signals	Traffic Flow	Texas	641
Areawide Overall Work Program	Other TCMs	California	626
AMBAG DWP Program Work	Other TCMs	California	612
TDM Resource Center	Demand Mgmt	Washington	517
Traffic signal system improvements & retiming	Traffic Flow	Colorado	500
Traffic signal system improvements & retiming	Traffic Flow	Colorado	500
Traffic signal system improvements & retiming	Traffic Flow	Colorado	500

Again this year, the relatively high maximum values in just about every category provide reason for optimism that CMAQ projects can contribute toward an area's efforts to achieve attainment. Table 4 lists the 25 projects with anticipated VOC emissions reductions of 500 kg/day or more, an increase of seven over FY 1993. Of the FY 1994 projects, eight are associated with I/M programs, seven are traffic flow improvements, four are transit projects, and four are demand

management projects. The FY 1993 summary singled out I/M programs for their particularly high benefits. In FY 1993 I/M programs accounted for two of the top five projects with the highest VOC reductions. In FY 1994 four of the top five projects are I/M projects. The top rated New Jersey I/M project is the same as last year's, with additional funds having been obligated. [Please note that these and all projects reported herein refer to "obligations" or earmarking funds for particular projects. Expenditures or implementation of these projects may lag significantly, particularly important for I/M programs, from what is reported here.]

Table 5 - VOC Reductions by Project Cost

<u>Kg/day</u>	<u>\$0-\$500K</u>	<u>\$500K-\$1M</u>	<u>Over \$1M</u>	<u>Total</u>
500 or greater	3%	7%	9%	4%
100-499	5%	20%	10%	8%
0-99	92%	73%	81%	88%
	100%	100%	100%	100%

The analysis in Table 5 provides the distribution of project costs and their expected VOC emission reductions. It shows that there is no apparent correlation between the size of the project (as measured by the amount of CMAQ funds obligated) and its effectiveness. Comparing these numbers to FY 1993, the results are very similar. In FY 1994, 88 percent of all projects, regardless of cost, estimate VOC emissions reductions of less than 100 kg/day. Of the projects which reduce emissions by 500 kg/day or greater, those costing less than \$500,000 and those costing more than \$1 million constitute 3 and 9 percent of all projects, respectively. While there is some difference, the closeness of these percentages indicates that there is not a significant relationship between project cost and air quality benefits. The majority (92 percent) of projects funded with CMAQ funds in FY 1994 were low-cost projects (less than \$500,000) producing small emissions (less than 100 kg/day). Note that, in most cases, CMAQ funds account for only part of the total project cost. Therefore, attributing the total emissions reductions for that project to the amount of CMAQ dollars spent is somewhat misleading.

#### *Areas Needing Improvement*

There are many factors affecting the reliability of this air quality analysis, including the fact just mentioned that CMAQ funds usually do not account for the total cost of projects. Some factors affecting reliability are within the procedures of analysis, while others relate to the actual data employed. The information contained in Figures 4 and 5 and in Tables 3 and 4 pertain only to VOC emission reductions. This ignores the project benefits associated with reductions in CO, NO<sub>x</sub>, and PM-10 emissions. In addition, although Table 5 includes costs and benefits, there is still no attempt at a comprehensive benefit-cost analysis for all CMAQ projects. The many factors warranting consideration and the difficulty in assigning dollar values to these factors make this

analysis particularly complicated. One such factor is the comparison of short-term versus long-term benefits of projects. Some States have made progress in this area and included benefit-cost analyses in their 1994 CMAQ reports.

Each State performs air quality analyses under its own methods since Federal guidance imposes no uniform method. Inconsistencies are therefore to be expected. However, occasionally numbers were reported that appeared unreasonable and required extensive follow-up. In some cases it was not possible to obtain better information, and these analyses were deleted from the data base.

Determining air quality analysis is complex and highly sensitive to assumptions. It is compounded by varying levels of technical expertise at MPO's and State DOT's. Greater care should be used in developing the underlying assumptions on which each air quality analysis relies and in using consistent units. We suggest that air quality analysis be done for the year when the implemented project is expected to realize its maximum benefits. At the same time, it is understood that funding priority needs to be based on when the area is expected to reach attainment, since the intent is to assist the attainment process. When a project reaches full benefits and for how long should be taken into consideration as well as its effect in the nonattainment period.

Even after emission reductions are developed, there are inaccuracies in the reporting of these values. The CMAQ guidance specifies that emission reductions be expressed in units of kg/day. Nevertheless, a significant number of States submitted reports with emissions in other units such as kg/year, tons per year, etc. In order to have compatible data, it was necessary to contact these States to find the correct conversion factors (how many days were counted in a year, metric or English tons). Often the information requested was not available. Finally, a few States listed their emissions reductions as "air quality benefits" and failed to specify whether the reductions were in VOCs, CO, NO<sub>x</sub>, or PM-10 emissions.

#### Conclusions and Recommendations

Just as the State reports of FY 1993 were an improvement from those submitted in the previous year, the State reports submitted in FY 1994 improved upon those of FY 1993. In FY 1994, the majority of States provided adequate project descriptions on the proposals obligated with CMAQ funds. In addition, more projects included quantitative emission reductions, improving the overall air quality analysis.

Though slightly less than in FY 1993, the data reported in the 1994 State reports demonstrated continued use of the CMAQ Program's flexibility. Despite the prediction made in the FY 1993 summary that there would be a further shift of CMAQ funds in 1994 to the smaller project categories (Shared Ride, Demand Management, Ped/Bike, other TCMs), this did not materialize. While transit's share was reduced, the share of traffic flow improvements increased.

In addition to the issues connected with the air quality analysis, there were difficulties within other areas of States' reports. Specifically, in listing their projects, the States were not always clear as to which proposals were ultimately obligated with CMAQ funds and/or how much of the project cost came from Federal funds. There is evidence that some States reported their CMAQ obligations as a sum of Federal and match funds, without distinguishing between the two. This is supported by the finding of States whose reported obligations exceeded the amount of funds available to them.

Taking into consideration all of the areas of possible error, it is reasonable to expect inconsistent results among the States and among the different years of CMAQ analyses. Surprisingly, this is not the case. Many of the trends exhibited in the 1993 State reports resurfaced in the 1994 reports. In particular, the frequency distribution of VOC emission reductions (Figure 3) is remarkably similar between the 2 years. Furthermore, despite the many different methods used to determine emissions reductions, the results all point in the same direction. That is, that the CMAQ projects consistently produce small emission reductions.

In each year of the CMAQ Program, the data submitted by the States improved upon the previous year. In order to continue this trend, we recommend that States:

- o provide in their annual summary of CMAQ activities a clear listing and description of all projects obligated, each with its corresponding amount of Federal CMAQ funds;
- o employ the required, consistent units of kilograms per day; and
- o specify the pollutant for each emission reduction.

The States do not bear sole responsibility for CMAQ Program implementation, and MPOs and other local organizations also need to assist them in making needed improvements. Further, Federal agencies must continue their efforts to share information about the CMAQ Program, develop better methods for the analysis of transportation/air quality impacts, and find ways to make implementation of the program as smooth and effective as possible.

CMAD Report 1994

STATE	AMOUNT APPOINTMENT	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	NOA	FM 19
ALABAMA	\$4,812,290	\$237,000	5.1%	\$2,000	Pub/Ed	City of Birmingham Bids Bids				
ALABAMA	\$4,812,290	\$237,000	5.1%	\$235,000	Stand/Bld	Village View (13) Transferred to FTA	31.4		142	15.5
ALASKA	\$4,812,290	\$1,518,915	31.4%	\$233,000	Traffic Flow	Pre dot work with recycled asphalt		2818.8		
ALASKA				\$200,202	Traffic Flow	Evaluate existing signal system timing system plan for efficiency		857.3		
ALASKA				\$113,713	Other TCMA	Pressure and monitor vehicle I/M testing to improve air quality		4072.4		
ALASKA				\$272,000	Other TCMA	Pushover counter timing device to monitor multiple CO emissions				
ARIZONA	\$12,292,443	\$9,797,355	79.4%	\$6,229,831	Trans	BTA Bus Purchase	0.8	22.3	6.5	31.9
ARIZONA				\$135,000	Stand/Bld	Coyote Rehabilitation Program	12.6	79.2	9.8	29.9
ARIZONA				\$2,215,113	Traffic Flow	Grand Avenue TSM - traffic signal upgrade, RT lane lane	6.9	42.3	0.0	0.0
ARIZONA				\$341,200	Pub/Ed	Regional Bicycle Program	0.1	0.5	0.1	0.0
ARIZONA				\$99,411	Demand Mgmt	Montezuma County Travel Reduction Program	121.6	1102.9	137.1	291.4
ARIZONA	\$4,812,290	\$31,442	1.1%	\$31,442	STP/CMAD					
CALIFORNIA	\$142,198,394	\$112,797,441	83.8%	\$1,055,000	Trans	Procurement period 13 month, 120 vehicles for on-duty drivers	0.1	2.4	0.5	0.1
CALIFORNIA				\$441,445	Other TCMA	Western Power Company - TCMA	22.1		27.8	
CALIFORNIA				\$365,580	Other TCMA	Power Company Transportation Center - TCMA	0.9		0.1	
CALIFORNIA				\$102,000	Pub/Ed	City of Woodland - library upgrade and maintenance	7.2	184.4	5.1	0.1
CALIFORNIA				\$86,230	Trans	Western CMO construction - steady construction facility	0.5	4.1	26.2	
CALIFORNIA				\$221,200	Pub/Ed	Business parking, customer advisory, 20 bicycle lockers, bike lease			1.0	0.3
CALIFORNIA				\$1,393,540	Trans	Dist 5 LRA, purchase 3 second gear powered transit buses	626.3	11799.8	23.8	
CALIFORNIA				\$429,946	Other TCMA	Arroyo Grande Work Program			1170.8	231.2
CALIFORNIA				\$20,400	Pub/Ed	Arroyo Grande Work Program			3.5	1.3
CALIFORNIA				\$79,842	Traffic Flow	Woodland - EE working table	10.4	48.6	2.1	
CALIFORNIA				\$12,500,000	Trans	Securixone Light Rail System and extension, AUSA imp.	45.5	454.6	26.4	
CALIFORNIA				\$16,000	Pub/Ed	Contract for job and - El Dorado Mills Blvd	0.2	3.8	0.2	
CALIFORNIA				\$3,495,435	Traffic Flow	Contract for job and - El Dorado Mills Blvd	20.0	263.3	14.4	
CALIFORNIA				\$485,000	Traffic Flow	Balance of Chrysler Traffic, Traffic System Management	45.7	37.1	22.8	
CALIFORNIA				\$79,791	Traffic Flow	Investment 23 signals - El Cerrito Blvd/El Cerrito to Daly Blvd	3.2	26.3	1.8	
CALIFORNIA				\$11,941	Traffic Flow	Investment 24 signals - El Cerrito Blvd/El Cerrito to Daly Blvd	0.4	2.9	0.2	
CALIFORNIA				\$16,820	Traffic Flow	Contracte Blvd - signal increase, strip project	1.8	14.6	0.3	
CALIFORNIA				\$34,000	Traffic Flow	Digital reconstruction strip project on Redondo Blvd Edge-	0.8	8.0	0.3	
CALIFORNIA				\$35,413	Traffic Flow	Diversions CSD Signal Project - 14 signal increase, strip	1.1	10.4	0.4	
CALIFORNIA				\$5,311	Traffic Flow	Digital reconstruction, strip (9th and 5th Ave.)	8.0	58.4	3.7	
CALIFORNIA				\$14,000	Traffic Flow	Investment signal strip - for Francis Drake Blvd	0.2	1.5	0.1	
CALIFORNIA				\$41,971	Trans	Upgrade signal equipment and cabinet				
CALIFORNIA				\$42,494	Traffic Flow	Transit Facility on Emerson Frey	15.0	122.7	7.6	
CALIFORNIA				\$116,841	Traffic Flow	Liquid Construction - Pinedale Blvd/1st St	6.4	60.9	3.3	
CALIFORNIA				\$14,185	Traffic Flow	ESTOR Signal reconstruction - Truss, Oak, Sherrill	7.3	43.8	2.4	
CALIFORNIA				\$63,743	Traffic Flow	ESTOR reconstruction - Pine Falls Ave	11.9	117.2	4.2	
CALIFORNIA				\$33,412	Traffic Flow	ESTOR-Complete Signal/Signal Construction - Canyon Rd	5.6	43.8	2.7	
CALIFORNIA				\$90,000	Traffic Flow	Upgrade signal system junction - Canyon & 22/24th Street	0.3	3.2	0.1	
CALIFORNIA					Traffic Flow	New traffic signal, reconstruction, etc. - E. Washington				

Total with no measurement 6928



STATE	AMOUNT APPOINTMENTS	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CU	MAX	FIN IS
CALIFORNIA		\$17,000		\$17,000	Traffic Flow	Traffic Signal Upgrade - Sunridge Dr & Foothill Rd	14.0	123.0	7.6	0.0
CALIFORNIA		\$108,236		\$108,236	Traffic Flow	Hydrus signal controller/retrofit - Shattuck Ave	28.6	212.7	14.3	0.0
CALIFORNIA		\$46,576		\$46,576	Traffic Flow	Downcross Signal System, union square	5.9	32.2	3.2	0.0
CALIFORNIA		\$159,334		\$159,334	Traffic Flow	Traffic signal upgrade, ramp project	0.4	3.1	0.2	0.0
CALIFORNIA		\$1,541		\$1,541	Traffic Flow	Redesign intersection - Washington Ave & West Street	0.3	2.9	0.2	0.0
CALIFORNIA		\$41,796		\$41,796	Traffic Flow	Downcross Oakland - union square, quadway signal change	4.8	24.8	3.4	0.0
CALIFORNIA		\$33,412		\$33,412	Traffic Flow	Hydrus traffic signal master system	1.7	12.3	3.7	0.0
CALIFORNIA		\$464,000		\$464,000	Traffic Flow	Remodeling/Demolition/Rebuild Va Traffic signal intersection	1.1	70.7	1.1	0.0
CALIFORNIA		\$178,200		\$178,200	Traffic Flow	Redesign traffic signal master comp - OM Island Ave	18.5	128.0	9.7	0.0
CALIFORNIA		\$422,500		\$422,500	Other TCMA	Redesign and utility relocation - OM Redwood Hwy	4.8	42.0	2.6	0.0
CALIFORNIA		\$991,000		\$991,000	Traffic Flow	Redesign and utility relocation - OM Redwood Hwy				
CALIFORNIA		\$28,532		\$28,532	Traffic Flow	Redesign and utility relocation - OM Redwood Hwy				
CALIFORNIA		\$239,180		\$239,180	Other TCMA	Redesign and utility relocation - OM Redwood Hwy				
CALIFORNIA		\$18,880		\$18,880	Traffic Flow	Redesign and utility relocation - OM Redwood Hwy				
CALIFORNIA		\$176,000		\$176,000	Signal Etc	Vehicle Detection Park and Esch	0.1	52.7	1.1	0.0
CALIFORNIA		\$440,330		\$440,330	Traffic Flow	Vehicle Detection Park and Esch				
CALIFORNIA		\$341,100		\$341,100	Traffic Flow	Vehicle Detection Park and Esch				
CALIFORNIA		\$78,834		\$78,834	Traffic Flow	Vehicle Detection Park and Esch	7.9	64.1	3.9	0.0
CALIFORNIA		\$726,433		\$726,433	Traffic Flow	Signal system and timing - Sand Hill Rd and Wilbur Rd	5.5	56.3	2.0	0.0
CALIFORNIA		\$3,491,433		\$3,491,433	Traffic Flow	Redesign and utility relocation - OM Redwood Hwy	11.0	112.8	7.1	0.0
CALIFORNIA		\$53,118		\$53,118	Traffic Flow	San Jose CBD - traffic management and emergency link	5.7	40.9	1.9	0.0
CALIFORNIA		\$209,366		\$209,366	Public	San Jose CBD - traffic management and emergency link	1.0	8.1	0.2	0.0
CALIFORNIA		\$46,500		\$46,500	Traffic Flow	San Jose CBD - traffic management and emergency link	1.2	9.5	0.2	0.0
CALIFORNIA		\$34,300		\$34,300	Traffic Flow	San Jose CBD - traffic management and emergency link	5.8	46.9	2.9	0.0
CALIFORNIA		\$120,401		\$120,401	Traffic Flow	San Jose CBD - traffic management and emergency link	0.4	2.7	0.1	0.0
CALIFORNIA		\$187,122		\$187,122	Traffic Flow	San Jose CBD - traffic management and emergency link	1.8	11.0	1.9	0.0
CALIFORNIA		\$24,300		\$24,300	Traffic Flow	San Jose CBD - traffic management and emergency link	2.0	14.0	0.3	0.0
CALIFORNIA		\$319,790		\$319,790	Traffic Flow	San Jose CBD - traffic management and emergency link	3.1	23.6	1.6	0.0
CALIFORNIA		\$189,148		\$189,148	Traffic Flow	San Jose CBD - traffic management and emergency link	1.1	9.1	0.4	0.0
CALIFORNIA		\$54,296		\$54,296	Traffic Flow	San Jose CBD - traffic management and emergency link	0.6	4.4	0.2	0.0
CALIFORNIA		\$36,458		\$36,458	Traffic Flow	San Jose CBD - traffic management and emergency link				
CALIFORNIA		\$36,000		\$36,000	Traffic Flow	San Jose CBD - traffic management and emergency link				
CALIFORNIA		\$1,243,372		\$1,243,372	Traffic Flow	San Jose CBD - traffic management and emergency link	17.1	64.3	7.6	0.0
CALIFORNIA		\$177,060		\$177,060	Downcross Signal	San Jose CBD - traffic management and emergency link	0.4	3.7	0.3	0.0
CALIFORNIA		\$119,442		\$119,442	Traffic Flow	San Jose CBD - traffic management and emergency link	611.5	2643.3	299.7	44.8
CALIFORNIA		\$176,800		\$176,800	Traffic Flow	San Jose CBD - traffic management and emergency link	9.0	64.1	12.3	4.3
CALIFORNIA		\$494,272		\$494,272	Other TCMA	San Jose CBD - traffic management and emergency link	1.8	14.1	2.3	0.0
CALIFORNIA		\$988,000		\$988,000	Traffic Flow	San Jose CBD - traffic management and emergency link	21.8	216.1	23.8	6.3
CALIFORNIA		\$103,438		\$103,438	Other TCMA	San Jose CBD - traffic management and emergency link	1.5	6.3	1.9	1.1
CALIFORNIA		\$708,240		\$708,240	Downcross Signal	San Jose CBD - traffic management and emergency link				
CALIFORNIA		\$984,000		\$984,000	Traffic Flow	San Jose CBD - traffic management and emergency link				

\*Values with no measurement error

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STATE	AMOUNT APPORTIONED	AMOUNT OBLIGATED	P.C.T.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	YOC	EO	NOX	PM 10
CALIFORNIA		\$4,800		\$4,800	Pav/Bus	Contract bid work - Fargo Ave	0.1	0.2	0.5	
CALIFORNIA		\$11,931		\$11,931	Traffic Flow	Install traffic signals/Prevent items - 12th and Orangeville Blvd	0.1	0.2	0.5	
CALIFORNIA		\$9,000		\$9,000	Traffic Flow	City of Kingburg - install traffic signals	0.5	4.3	0.4	
CALIFORNIA		\$4,000		\$4,000	Pav/Bus	City of Kingburg - install sidewalks			0.1	
CALIFORNIA		\$141,519		\$141,519	Traffic Flow	Fresno County Rural Transit Agency - purchase 2 vehicles			0.1	
CALIFORNIA		\$282,296		\$282,296	Traffic Flow	Fresno County Rural Transit Agency - purchase 2 vehicles	1.5	3.8	12.3	7.8
CALIFORNIA		\$253,311		\$253,311	Traffic Flow	City of Dallas - purchase 4 passenger buses, buschips, buschips sign	0.2	0.5	1.3	
CALIFORNIA		\$100,000		\$100,000	Traffic Flow	Install new traffic signal and new bus stop	2.7	41.0	2.5	
CALIFORNIA		\$236,000		\$236,000	Pav/Bus	Contract - Class 1 bid work - North of Quince Ave				
CALIFORNIA		\$8,000		\$8,000	Traffic Flow	Tulare County - install new traffic control signal				
CALIFORNIA		\$18,460		\$18,460	Pav/Bus	Construction of sidewalks				
CALIFORNIA		\$80,000		\$80,000	Pav/Bus	Buy six energy reduction program				
CALIFORNIA		\$143,000		\$143,000	Traffic Flow	Install traffic signals/Prevent items - 12th and Orangeville Blvd				
CALIFORNIA		\$79,477		\$79,477	Traffic Flow	King's Co Public Transit Agency - purchase bus				
CALIFORNIA		\$100,000		\$100,000	Traffic Flow	Interconnect Signal System - 1st, Vermont Ave, Virginia				
CALIFORNIA		\$9,000		\$9,000	Traffic Flow	TR's signal buy lighting system - Columbia St	0.4	6.2	0.1	1.8
CALIFORNIA		\$175,000		\$175,000	Traffic Flow	Signal synchronization and related safety modifications	0.1	1.5	0.0	1.0
CALIFORNIA		\$11,000		\$11,000	Traffic Flow	Signal synchronization and related safety modifications	8.3	44.8	15.8	
CALIFORNIA		\$64,000		\$64,000	Traffic Flow	City of Chico Shown - install external traffic signal	0.9	3.2	3.0	
CALIFORNIA		\$150,000		\$150,000	Traffic Flow	Install and upgrade traffic signal and install new board count				
CALIFORNIA		\$2,800		\$2,800	Pav/Bus	Provide 4' bid work on both sides				
CALIFORNIA		\$712,093		\$712,093	Traffic Flow	Purchase buses				
CALIFORNIA		\$1,920		\$1,920	Pav/Bus	Provide 4' bid work on both sides				
CALIFORNIA		\$2,331,060		\$2,331,060	Traffic Flow	Ventura County Trans Comm. Van Access buy buses	7.8	7.8	30.9	0.3
CALIFORNIA		\$4,811,800		\$4,811,800	Traffic Flow	LA Coy Daily Water, Water, FTA TRF - purchase 29 buses				
CALIFORNIA		\$432,248		\$432,248	Other TCMA	City of Elvert/Telecommunications Center				
CALIFORNIA		\$12,000		\$12,000	Other TCMA	12th Dist. Fire-Plan Tech - and remodeling structure				
CALIFORNIA		\$133,295		\$133,295	Other TCMA	City of LA - Marketing TRM/ Reducing accidents				
CALIFORNIA		\$45,133		\$45,133	Other TCMA	Visions Center's T.A.B. - provide mid-day transit to residents				
CALIFORNIA		\$172,025		\$172,025	Other TCMA	Quasda TRM Parking Signage Program				
CALIFORNIA		\$19,977		\$19,977	Other TCMA	Long Beach Comprehensive TRM Signage System				
CALIFORNIA		\$184,000		\$184,000	Other TCMA	Long Beach - install bid parking and signage				
CALIFORNIA		\$220,429		\$220,429	Other TCMA	LA County Integrated TRM Plan - redesigning, rebranding				
CALIFORNIA		\$1,585,210		\$1,585,210	Other TCMA	Provide sign reducing travel observations				
CALIFORNIA		\$344,341		\$344,341	Other TCMA	Positive Alternative Television Center				
CALIFORNIA		\$14,000		\$14,000	Other TCMA	Busan Chan - install bicycle lockers				
CALIFORNIA		\$15,000		\$15,000	Traffic Flow	PVTA Alternative Comm Services systems infrastructure for YR				
CALIFORNIA		\$35,024,000		\$35,024,000	Traffic Flow	MTR - buy region's buses				
CALIFORNIA		\$506,392		\$506,392	Other TCMA	Halfpenny Road Park'n Subd Program - operate bus				
CALIFORNIA		\$185,913		\$185,913	Other TCMA	Eschbach Town, Making Organization				
CALIFORNIA		\$592,327		\$592,327	Traffic Flow	Corp Transit Purchase Prog - provide transit info to employees				
CALIFORNIA		\$40,250		\$40,250	Other TCMA	LA Tru Short Trip Bus - planning and provision				
CALIFORNIA		\$35,000		\$35,000	Other TCMA	Install bike lockers @ LA Coy Facilities				
CALIFORNIA		\$0,818		\$0,818	Other TCMA	Small Business Campaigns Transit - planning and signs				
CALIFORNIA		\$314,100		\$314,100	Other TCMA	Buslines Travelodge TRM - telecommunications alternative				

Values in all are approximate only

STATE	AMOUNT APPORTIONED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	MDX	PM 10
CALIFORNIA				\$24,000	Shared Risk	PTA Public Vespene - design, marketing and operation				
CALIFORNIA				\$26,000	Public	Proximity study for streets, analysis and design of bike path	0.4	5.7	0.4	0.1
CALIFORNIA				\$1,359,000	Shared Risk	Redwood Grove Vespene Project				
CALIFORNIA				\$146,559	Traffic	Redwood Grove, Redwood Trail Program				
CALIFORNIA				\$13,379	Shared Risk	Upholds Ten point and side line - parking, signage, lighting	0.6	4.2	0.7	0.2
CALIFORNIA				\$1,318,933	Traffic Flow	Contract West bound off ramp and East bound BOV				
CALIFORNIA				\$2,298,559	Traffic Flow	Contract Union T.V. & Customs, sign				
CALIFORNIA				\$61,970	Traffic Flow	Shared traffic signals and weekend evening widening work	1.5	23.5	-1.8	0.0
CALIFORNIA				\$16,000	Public	Visions County - shared bicycle markers	0.1	1.3	0.1	0.0
CALIFORNIA				\$50,000	Other Tech	Thousand Oaks - Transportation Center, study				
CALIFORNIA				\$80,800	Public	Shared bike markers				
CALIFORNIA				\$65,000	Shared Risk	Analysis Valley Transit Authority - purchase buses				
CALIFORNIA				\$778,809	Traffic	Purchase TDA Vespene Prog. incentives				
CALIFORNIA				\$344,000	Shared Risk	LA City Draft Work, Make, FTA Trail - purchase 20 buses	1.1	9.0	1.4	0.7
CALIFORNIA				\$64,000	Public	Visions County - shared bicycle markers	0.1	1.3	0.1	0.0
CALIFORNIA				\$2,342,000	Traffic	Van Co. - Vista University Training Operations - purchase vans	5.0	79.2	-23.7	2.0
CALIFORNIA				\$1,128,757	Traffic	5 Coast Area Transit - purchase 5 shared bus linked buses	2.8	0.0	15.2	0.0
CALIFORNIA				\$70,500	Traffic	FTA Transfer - study for alternative bus lanes				
CALIFORNIA				\$1,600	Public	Visions bicycle markers and study				
CALIFORNIA				\$291,977	Shared Risk	Bike Share Program - marketing campaign	37.8	239.2	-5.4	
CALIFORNIA				\$26,000	Traffic Flow	Redesign of new signal coordination system	14.8	54.4	-37.7	
CALIFORNIA				\$21,000	Traffic Flow	Western trail signal coordination, Redwood Ave	15.5	31.8	-77.3	
CALIFORNIA				\$26,000	Traffic Flow	Western trail signal, Redwood Blvd	4.2	31.9	-4.9	
CALIFORNIA				\$50,000	Traffic Flow	Intersection signal, Redwood Ave and University Ave				
CALIFORNIA				\$346,000	Traffic Flow	Traffic signal coordination, University Blvd				
CALIFORNIA				\$75,000	Traffic Flow	Operations signal, various intersections				
CALIFORNIA				\$44,957	Shared Risk	Bike Share Program - marketing campaign				
CALIFORNIA				\$177,188	Shared Risk	Bike Share Program - marketing campaign				
CALIFORNIA				\$12,000	Traffic Flow	Intersection traffic signals, Van Buren Street/Highway 101	11.2	84.0	-7.0	
CALIFORNIA				\$109,400	Public	Visions bicycle markers and study				
CALIFORNIA				\$1,242,246	Traffic	Marine Traffic - purchase buses and study	6.2	3.6	86.2	2.2
CALIFORNIA				\$48,550	Traffic	Marine Traffic - purchase buses and study				
CALIFORNIA				\$213,053	Traffic	Marine Traffic - purchase buses and study	48.6	493.8	108.4	136.1
CALIFORNIA				\$27,000	Traffic Flow	Purchase 3-33 passenger buses				
CALIFORNIA				\$123,542	Traffic	Shared traffic signal, Mission Ave @ Folger St	0.7	1.9	4.3	3.9
CALIFORNIA				\$1,340,444	Traffic	City of Redwood - purchase 3 shared buses				
CALIFORNIA				\$44,000	Traffic	BusShare Maintenance, Traffic - purchase 2 shared buses	0.5	0.8	7.0	1.1
CALIFORNIA				\$191,200	Traffic	BusShare Maintenance, Traffic - purchase 2 shared buses	0.9	0.8	14.9	1.9
CALIFORNIA				\$240,810	Traffic	BusShare Maintenance, Traffic - purchase 2 shared buses				
CALIFORNIA				\$349,823	Traffic	BusShare Maintenance, Traffic - purchase 2 shared buses				
CALIFORNIA				\$70,500	Traffic Flow	BusShare Maintenance, Traffic - purchase 2 shared buses				
CALIFORNIA				\$40,000	Public	Bus/Traffic - various, analysis and design	7.2	113.7	0.5	1.1
CALIFORNIA				\$46,400	Shared Risk	San Diego Co. - TDA/Traffic Redwood Prog (Vespene, Traffic)	4.3	32.7	5.0	1.8
CALIFORNIA				\$250,000	Traffic	Bus/Traffic - various, analysis and design				

\*Sum of state apportionment errors

STATE	AMOUNT AFFORWARDED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VDC	CU	NOX	PM10
CALIFORNIA				\$4,437	Traffic Flow	Dutcher - system traffic signals	0.1	0.1	0.1	0.1
CALIFORNIA				\$26,539	Traffic Flow	City of El Cerrito - system traffic signals	1.6	3.8	2.8	0.0
CALIFORNIA				\$26,539	Traffic Flow	Traffic signal widening - 14 signals along Sycamore Blvd	3.5	9.9	5.0	0.0
CALIFORNIA				\$26,539	Traffic Flow	La Brea - signal widening	2.0	7.9	4.0	0.0
CALIFORNIA				\$33,452	Traffic Flow	National City - system signals	2.1	10.8	3.9	0.0
CALIFORNIA				\$26,539	Traffic Flow	North Perry System in Perry - system traffic signal	0.9	3.5	1.8	0.0
CALIFORNIA				\$25,672	Traffic Flow	County of San Diego - system signals, 20 intersections	1.4	5.4	2.8	0.0
CALIFORNIA				\$11,931	Traffic Flow	Antonia Blvd - system signal	1.0	3.8	1.9	0.0
CALIFORNIA				\$42,412	Traffic Flow	Vale - establish time base coordinated system	3.0	11.8	5.9	0.0
CALIFORNIA				\$26,539	Traffic Flow	Oceanside - signals conversion, year base control sys	0.8	3.9	1.4	0.0
CALIFORNIA				\$209,612	Traffic Flow	Escondido - intersection traffic signal, provide communication	1.0	4.1	1.9	0.0
CALIFORNIA				\$177,000	Traffic Flow	Oceanside - install traffic signal control system	1.0	3.8	2.0	0.0
CALIFORNIA				\$406,430	Traffic Flow	Laguna Heights - installation and expand 60 traffic signal sys.	2.7	10.8	5.2	0.0
CALIFORNIA				\$227,947	Traffic Flow	Lake View - modernize and expand traffic signal system	1.3	5.0	2.5	0.0
CALIFORNIA				\$233,718	Traffic Flow	Intermountain traffic signal - San Mateo Blvd and Mission	1.5	5.7	2.9	0.0
CALIFORNIA				\$53,118	Traffic Flow	Perry - traffic intersection	0.0	0.0	0.0	0.0
CALIFORNIA				\$407,830	Traffic Flow	North of Dulles Blvd - construct 3.7 mi HOV lanes	17.9	126.6	10.9	0.1
COLORADO	\$4,812,290	\$6,108,134	126.9%	\$1,235,000	Traffic Flow	DRCCO - traffic signal system improvements & widening	308.0	3508.0	0.0	0.0
COLORADO				\$1,244,000	Traffic Flow	DRCCO - traffic signal system improvements & widening	308.0	3508.0	0.0	0.0
COLORADO				\$446,000	Traffic Flow	DRCCO - traffic signal system improvements & widening	500.0	3500.0	0.0	0.0
COLORADO				\$976,000	Shared Bus	DRCCO - UrbanTransit, TDM Program	228.0	2317.0	412.0	89.0
COLORADO				\$300,000	Other TDM	DRCCO - Various programs	0.0	150.0	0.0	0.0
COLORADO				\$148,000	Shared Buses	BAGC - Travel Enhancement Plus Program	0.0	0.0	0.0	0.0
COLORADO				\$118,219	Shared Buses	HERTAQRC - Operating Service	10.9	168.2	0.0	0.0
COLORADO				\$75,976	Shared Buses	HERTAQRC - Voucher Program	1.7	11.9	1.3	0.0
COLORADO				\$156,000	Shared Buses	PRACO - Transit Reduction Incentive Program	1.5	11.0	1.2	0.0
COLORADO				\$708,233	Traffic Flow	PRACO - Traffic Management and Control/Signalization	1.5	11.0	1.2	0.0
CONNECTICUT	\$12,640,877	\$20,997,015	97.7%	\$800,000	Shared Buses	CT's Air Express - commuter system	173.0	182.0	17.0	0.0
CONNECTICUT				\$75,000	Shared Buses	Edenbridge Chase Air	18.0	17.0	1.0	0.0
CONNECTICUT				\$200,000	Shared Buses	ECO Commuter Incentive	43.0	43.0	4.0	0.0
CONNECTICUT				\$600,000	Shared Buses	ECO Voucher Incentive	130.0	136.0	13.0	0.0
CONNECTICUT				\$800,000	Shared Buses	Technical Assist Employee Commuter Opt	173.0	182.0	17.0	0.0
CONNECTICUT				\$300,000	Shared Buses	Metropolitan ECO Program	108.0	114.0	11.0	0.0
CONNECTICUT				\$812,000	Shared Buses	Estabrook & ECO for FY 91	136.0	184.0	18.0	0.0
CONNECTICUT				\$613,343	Shared Buses	24th express service	133.0	160.0	16.0	0.0
CONNECTICUT				\$191,100	Shared Buses	North Shore	106.0	112.0	12.0	0.0
CONNECTICUT				\$318,000	Shared Buses	Estabrook Chase Air	69.0	72.0	7.0	0.0
CONNECTICUT				\$64,000	Traffic Flow	RT 10 computerized signal system	7.0	7.0	0.0	0.0
CONNECTICUT				\$444,000	Traffic Flow	RT 14 traffic signals	8.0	8.0	1.0	0.0
CONNECTICUT				\$474,000	Traffic Flow	RT 82 computerized signal system	4.0	4.0	0.0	0.0
CONNECTICUT				\$80,000	Shared Buses	Meriden Road Dubuoy TMA	44.0	102.0	10.0	0.0

\*Values with no corresponding entry

STATE	AMOUNT APPORTIONED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	YOC	CU	NOX	PA 18
CONNECTICUT				\$1,000,000	Shared Risk	Van Pool purchase	20 0	31.0	30 0	
CONNECTICUT				\$311,302	Shared Risk	Easterns New Haven	146 0	419 0	231 0	
CONNECTICUT				\$391,295	Shared Risk	Stanford Education Exchange	238 0	878 0	379 0	
CONNECTICUT				\$300,000	Shared Risk	TOM Exchange				
CONNECTICUT				\$400,779	Shared Risk	Newer Ford Exchange	165 0	109 0	263 0	
CONNECTICUT				\$400,000	Shared Risk	Stanford Education Consumer Register	183 0	878 0	292 0	
CONNECTICUT				\$80,000	Shared Risk	Newer Ford Exchange TMA	37 0	47 0	59 0	
CONNECTICUT				\$125,000	Shared Risk	Stanford Education New London TMA	103 0	112 0	112 0	
CONNECTICUT				\$4,442,000	Traffic	Production of electronic books	4 0	4 0	59 0	
CONNECTICUT				\$1,000,000	Traffic	Additional obligations to previously obligated projects	1 0		2 0	
CONNECTICUT				\$639,494	Other TCMA					
DELAWARE	\$4,812,290	\$397,240	16.8%	\$403,340	Other TCMA	Wilmington - Educational Inspection and Maintenance Fund	1977 7		145 2	
DELAWARE				\$64,890	Other TCMA	New Castle Co. - Educational Inspection and Maintenance Fund	included above			
DELAWARE				\$64,720	Other TCMA	Dover - Educational Inspection and Maintenance Fund	1280 1		190 5	
DIST. OF COL.	\$4,812,290	\$10,943,948	227.9%	\$110,000	Shared Risk	Education Program	36 3	31.0	14 2	
DISTRICT OF COLUMBIA				\$2,800,000	Traffic	Metropolitan Police	11 5	419 0	26 9	
DISTRICT OF COLUMBIA				\$386,376	Other TCMA	Education SMT (Foreign)			2362 7	
DISTRICT OF COLUMBIA				\$401,342	Other TCMA	NESTW Inspection, Exchange (Foreign)			2362 7	
DISTRICT OF COLUMBIA				\$90,000	Other TCMA	Air Quality Public Education Campaign	0 0			
DISTRICT OF COLUMBIA				\$1,981,200	Other TCMA	Education SMT System			2362 7	
DISTRICT OF COLUMBIA				\$16,000	Public/In	High spec. Student Parking	0 0			
DISTRICT OF COLUMBIA				\$326,994	Other TCMA	High Tech Education Training Center			2362 7	
DISTRICT OF COLUMBIA				\$24,000	Public/In	Management Student Travel	0 0			
FLORIDA	\$20,775,238	\$34,338,967	119.3%	\$3,889,877	Traffic Flow	Traffic control devices	1 0	31.0	1 0	
FLORIDA				\$600,547	Traffic Flow	Inspection improvements	28 0	419 0	9 0	
FLORIDA				\$601,679	Traffic Flow	Inspection improvements	107 0	1619 0	33 0	
FLORIDA				\$9,417	Traffic Flow	Inspection improvements	87 0	1315 0	37 0	
FLORIDA				\$102,412	Demol. Injct	Transportation Management Assoc.	47 0	362 0	34 0	
FLORIDA				\$223,143	Traffic Flow	Inspection improvements	3 0	47 0	1 0	
FLORIDA				\$2,379,103	Traffic Flow	Inspection improvements	235 0	3562 0	72 0	
FLORIDA				\$415,009	Traffic Flow	Traffic Signal System	2 0	14 0	2 0	
FLORIDA				\$30,234	Traffic Flow	Traffic Signal System	2 0	14 0	2 0	
FLORIDA				\$1,021,512	Traffic Flow	Traffic Signal System	81 0	1054 0	43 0	
FLORIDA				\$445,808	Traffic	Standard Exchanges	26 0	219 0	40 0	
FLORIDA				\$12,429,260	Traffic	Boreway and Bypass	14 0	109 0	17 0	
FLORIDA				\$300,000	Traffic	Intermodal Center	106 0	878 0	162 0	
FLORIDA				\$1,515,391	Traffic	Airport Intermodal Center	124 0	1315 0	62 0	
FLORIDA				\$1,441,113	Traffic Flow	Inspection improvements	33 0	303 0	10 0	
FLORIDA				\$100,000	Traffic Flow	Signal System Exchange	61 0	834 0	29 0	
FLORIDA				\$61,930	Other TCMA	Advanced Traffic Program	41 0	40 0	29 0	
FLORIDA				\$245,790	Demol. Injct	Transportation Management Organization	139 0	2065 0	249 0	
FLORIDA				\$240,000	Traffic	San Egoan Upgrade	0 0	0 1	0 0	

\*Values in bold are unencumbered dollars

STATE	AMOUNT APPORTIONED	AMOUNT OBLIGATED	PERCENT	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOL	CO	NOX	FM 10
FLORIDA				\$1,838,400	Traffic Flow	San Francisco	115.0	912.0	139.0	
FLORIDA				\$2,648,113	Traffic Flow	Traffic Control System	22.0	148.0	11.0	
FLORIDA				\$942,195	Traffic Flow	Redesign	12.0	97.0	14.0	
FLORIDA				\$900,000	Traffic Flow	Traffic Protection	12.0	92.0	14.0	
FLORIDA				\$30,000	Pub/Eds	On-line Bicycle Safety	8.0	32.0	7.0	
FLORIDA				\$30,000	Demand Mgmt	Transportation Management Organization	1.0	5.8	1.0	
FLORIDA				\$4,193	Demand Mgmt	Alternative Transportation Event	5.0	43.0	7.0	
FLORIDA				\$245,790	Demand Mgmt	Departmental Customer Center	5.0	40.0	6.0	
FLORIDA				\$188,439	Demand Mgmt	Customer Assistance Center	4.0	35.0	4.0	
FLORIDA				\$147,474	Demand Mgmt	University Customer Center	36.0	281.0	43.0	
FLORIDA				\$32,772	Demand Mgmt	Alternative Transportation Event	9.0	72.0	10.0	
GEORGIA	\$16,902,061	\$18,333,298	123.8%	\$300,000	Traffic Flow	Major signal for route to Lindbergh	18.1		9.1	
GEORGIA				\$1,184,000	Traffic Flow	Portions of other signal plans have				
GEORGIA				\$5,335,363	Traffic Flow	1-75 communication center & cable FM Uturn to I-85				
GEORGIA				\$4,786,884	Traffic Flow	Communication center on I-85 PM				
GEORGIA				\$1,362,966	Traffic Flow	1-75 Communication center				
GEORGIA				\$4,393,935	Traffic Flow	1-75 Communication center				
GEORGIA				\$780,000	Other TDM	Business inspection and vehicle testing program				
HAWAII	\$4,812,290	\$7,472,704	155.3%	\$2,894,434	STPCHMAQ	ITEA Management Systems Development				
HAWAII				\$4,968,266	STPCHMAQ	Business/Traveler Mgmt - Waikoloa Hwy				
IDAH0	\$4,812,290	\$4,968,000	103.3%	\$345,000	STPCHMAQ	Redesign Public Transportation Service				
IDAH0				\$333,000	STPCHMAQ	NICE Bus Purchase - purchase 3 class diesel buses				
IDAH0				\$140,000	STPCHMAQ	CNG Fueling Facilities Expansion, Boise				
IDAH0				\$290,000	STPCHMAQ	7th Ave - 8th Avenue (2) Buses				
IDAH0				\$390,000	STPCHMAQ	East Expansion - Bus Purchase				
IDAH0				\$200,000	STPCHMAQ	PUT Purchase - Equipment Bus #1				
IDAH0				\$43,000	STPCHMAQ	PUT Purchase - Equipment Bus #2				
IDAH0				\$99,000	STPCHMAQ	Lease & New Co Van Truck				
IDAH0				\$118,000	STPCHMAQ	Purchase Bikes/Bike Program				
IDAH0				\$120,000	STPCHMAQ	Ade Co Customer Vans, New Exams (3)				
IDAH0				\$162,000	STPCHMAQ	Traffic Signal - Alameda & McKinley St's, Pocatello				
IDAH0				\$150,000	STPCHMAQ	Signal Interconversion - 17th St, Idaho Falls				
IDAH0				\$150,000	STPCHMAQ	Traffic Signal Project - Madison Ave, Idaho Falls				
IDAH0				\$137,000	STPCHMAQ	Traffic Signal Project - Wendell Ave, Idaho Falls				
IDAH0				\$467,000	STPCHMAQ	Traffic Signal Project - West Beach Intersection, Boise				
IDAH0				\$120,000	STPCHMAQ	Idaho Ct - Parkway - Myrtle Parkway				
IDAH0				\$217,000	STPCHMAQ	Redesign Project - Taylor Trail Bridge Region, Idaho Falls				
IDAH0				\$161,000	STPCHMAQ	Clear D'Alava Water Treatment - Idaho Falls and Area				
IDAH0				\$222,000	STPCHMAQ	Buying gravel across, Clear D'Alava				
IDAH0				\$175,000	STPCHMAQ	Business supports building of roadways - Kootenai Co				
IDAH0				\$179,000	STPCHMAQ	Mar-Traider & Regional, Kootenai Co				

\*States with no obligations are not shown



STATE	AMOUNT APPORTIONED	AMOUNT DEDICATED	FCY	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	MLX	PL 15
INDIANA				\$160,000	Trail/Bus	Bus Pedestrian Facility construction, Golden	1.2	4.1	1.4	
INDIANA				\$100,000	Trail/Bus	15' Long Bus with SR, Gray van	0.0	0.1	0.1	
INDIANA				\$56,760	Trail/Bus	Control Bus Landing for Redwood, E. Chicago & Gary	4.9	20.7	5.9	
INDIANA				\$24,211	Trail/Bus	Computer Tracking System in Elkhart Co.	0.2	1.4	0.2	
INDIANA				\$1,200,000	Trail/Bus	Control Bus-Operated Signaling in Indianapolis in	0.1	296.6	94.4	
INDIANA				\$333,400	Trail/Bus	E. Chicago to South Bend, Airport Shuttle West Up-Cross	2.7	10.9	0.8	
INDIANA				\$96,000	Trail/Bus	Signal Conversion Phase III in Lake & Porter Co.'s	7.0	44.1	10.5	
INDIANA				\$44,000	Trail/Bus	3 CNO Conversion Km. & 1.1 Van, South Bend area	0.9	7.8	0.9	
INDIANA				\$14,000	Trail/Bus	3 CNO Conversion Km, South Bend area				
INDIANA				\$11,800	Trail/Bus	Passenger Waiting Facility at Indiana Regional Airport	0.1	0.2	0.1	
INDIANA				\$1,120,000	Trail/Bus	Trail/Signal Modern Improvement in Indiana Co.	11.3	108.3	0.3	
INDIANA				\$1,272,435	Trail/Bus	Local Modernization Trail/Signal, Madison Co.	80.4	693.2	4.5	
INDIANA				\$181,200	Trail/Bus	City Street Bus Improvement, St Joseph Co.	0.1	0.0	0.0	
INDIANA				\$44,000	Trail/Bus	Bus Stop Side Signage, South Bend area	0.3	1.1	0.2	
INDIANA				\$120,200	Trail/Bus	Parade Area Improvements, St Joseph Co.	1.8	13.1	2.1	
INDIANA				\$172,000	Trail/Bus	Improvements Improvement, Vanderburgh Co.	12.1	187.6	3.8	
INDIANA				\$128,800	Trail/Bus	Improvements Improvement & Trail Lane, Vanderburgh Co.	3.4	55.9	1.1	
INDIANA				\$208,000	Trail/Bus	Improvements Improvement & Trail Lane, Vanderburgh Co.	17.6	258.7	5.5	
INDIANA				\$204,000	Trail/Bus	Signalization, Vanderburgh Co.	18.9	315.4	4.0	
INDIANA				\$1,002,400	Trail/Bus	Improvements Improvement, Vanderburgh Co.	29.2	477.3	9.1	
INDIANA				\$104,000	Trail/Bus	Bus Conversion to CNO, South Bend area	0.2	2.1	0.0	
INDIANA				\$17,400	Trail/Bus	Public Mail Van & CNO conversion Km, St Joseph & Elkhart	0.0	0.3	0.0	
INDIANA				\$180,000	Other TODA	Public Mail & Assessment First Year Fiscal 1, St Joseph & Elkhart	0.1	0.5	0.4	
INDIANA				\$40,000	Other TODA	Public Mail & Assessment Second Year Fiscal 1, St Joseph, Elkhart				
INDIANA	\$4,812,200	\$9,204,500	206.5%	\$9,578,800	STINCMANQ	ACC Rebuilding (2 projects)				0.4
INDIANA					STINCMANQ	NCC Funding				
INDIANA					STINCMANQ	Trail/Signal				
INDIANA					STINCMANQ	Personnel Substitutions				
INDIANA					STINCMANQ	Bridge replacement				
KANSAS	\$4,812,200	\$18,184,091	311.4%	\$97,000	STINCMANQ	5th St - parking, parking				
KANSAS				\$181,000	STINCMANQ	Quinn Rd - bridge replacement				
KANSAS				\$97,000	STINCMANQ	7th St - parking				
KANSAS				\$231,000	STINCMANQ	1st, 2nd Sts - parking, parking				
KANSAS				\$3,200,000	STINCMANQ	7th St - parking, parking				
KANSAS				\$121,000	STINCMANQ	Inventory of 1st & 2nd Sts - parking, parking				
KANSAS				\$114,000	STINCMANQ	1st 1/2 St & 1st 1/2 St - parking, parking				
KANSAS				\$6,191,981	STINCMANQ	1st 1/2 St & 1st 1/2 St - parking, parking				
KENTUCKY	\$7,024,797	\$5,279,611	74.6%	\$124,961	Trail/Bus	Bus Co. - 1st year line on RTV 15 at Lexington Rd	4.6	46.6	0.0	
KENTUCKY				\$37,400	Signal Bus	1st Year - 1st Year	15.2	108.4	26.9	
KENTUCKY				\$1,200,000	Other TODA	Bus Co. - 1st Year	1.5	0.0	0.1	
KENTUCKY				\$235,000	Personnel Mgmt	Personnel Mgmt				
KENTUCKY				\$1,030,000	Personnel Mgmt	Personnel Mgmt				

\*States with no commitment data



CMADQ Report 1994

STATE	AMOUNT ATTRIBUTED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOL.	CO	MAX.	PH 18
KENTUCKY				\$132,552	Traffic Flow	Fryman Co - 148 new lanes on Tower Creek Rd at Adams Dr	4.4	49.2	0.6	
KENTUCKY				\$9,400	Traffic Flow	Payson Co - 148 new lanes at US 60/US 258 Dr	0.5	6.4		
KENTUCKY				\$320,000	Traffic Flow	Inflexion Co - Louisville urban center/ suburbs				
KENTUCKY				\$204,000	Shared Bids	Inflexion Co - Louisville Suburban Program	154.0			198.0
KENTUCKY				\$1,500,000	Demolition/Highway	Inflexion Co - River Road construction project				
KENTUCKY				\$40,000	Traffic Flow	Darwin Co - Downtown Overpass/Traffic Signal System	21.5	264.8	2.9	
KENTUCKY				\$2,878	Traffic Flow	Darwin Co - Right turn lane on South approach at 25th St	2.5	31.0	0.3	
KENTUCKY				\$20,000	Traffic Flow	Boyle Co - Ky 164/20th St intersection redesign	0.6	4.4	0.1	
KENTUCKY				\$344,000	Traffic Flow	Boyle Co - Hwy 2 new lanes & end air pollution reduction to 3				
LOUISIANA	\$4,812,280	\$729,284	15.3%	\$480,248	Traffic Flow	Turning lane at La 108	3.3	22.1	0.3	
LOUISIANA				\$83,036	Traffic Flow	Contract to develop Incident Management System	38.5	218.5	38.0	
LOUISIANA				\$344,640	Other TCMA	Contract to prepare the incident response coordination plan				
MAINE	\$4,812,280	\$3,370,976	137.3%	\$1,406	Traffic Flow	Adams, South Side - production and operation of 2 buses	0.4		0.8	
MAINE				\$40,210	Traffic Flow	Dorchester Town, Inc. Acadia Bus Service	2.6		2.9	
MAINE				\$120,420	Traffic Flow	AVCOG - Subscription Bus Service	5.5		15.4	
MAINE				\$482,380	Traffic Flow	Madison Road Bus Service	4.2		6.1	
MAINE				\$1,903,500	Traffic Flow	Portland Water - water, buses, and routes	4.7		0.1	
MAINE				\$96,000	Shared Bids	ONCOG - Elder Share Program	18.7		40.1	
MAINE				\$27,721	Shared Bids	Augusta, Park and Ride	2.7		7.6	
MAINE				\$2,007	Shared Bids	Baldwin, Park and Ride	3.2		6.3	
MAINE				\$24,119	Shared Bids	Barnett, Park and Ride	2.0		3.8	
MAINE				\$2,007	Shared Bids	Elsworth, Park and Ride	2.5		4.0	
MAINE				\$33,490	Shared Bids	Ludlow, Park and Ride	1.5		2.8	
MAINE				\$2,810	Shared Bids	South Berwick, Park and Ride	2.6		4.9	
MAINE				\$278,374	Paratransit	Lewiston, Custom Airt Charter Bus/Levy Loop	0.0		0.1	
MAINE				\$139,487	Paratransit	Andover, Transfer to the job Bus	0.1		0.1	
MAINE				\$403,400	Other TCMA	Portland, AIRTRAIL Passenger Facility	6.5		77.2	
MAINE				\$1,589,943	Other TCMA	Andover, International Transfer Facility	3.4		6.4	
MAINE				\$79,479	Other TCMA	Village of Viable Learning	929.0		842.0	
MAINE				\$96,338	Other TCMA	Madison's evening program	1297.0		1265.0	
MAINE				\$280,640	Other TCMA	Program computer upgrade				
MAINE				\$922,220	Other TCMA	Mad-Cover 31/91 TCMA Initiatives	418.9		483.0	
MAINE				\$96,336	Other TCMA	MA.T.A. - Walk Transportation Center				
MAINE				\$412,439	Other TCMA	City of Lewiston - Third Avenue Side Work	20.4		8.3	
MAINE				\$96,338	Traffic Flow	City of Lewiston - signal improvement	3.2		1.6	
MAINE				\$112,392	Traffic Flow	City of Portland - signal improvement	0.2		0.1	
MAINE				\$40,210	Traffic Flow	City of Augusta - signal improvement				
MARYLAND	\$29,875,126	\$42,900,000	143.6%	\$1,200,000	Traffic Flow	Brown State MADC Station - transit parking	10.3	43.5	16.1	
MARYLAND				\$2,000,000	Shared Bids	Park & Ride Lot (5 locations)	19.4	132.9	26.2	
MARYLAND				\$39,700,000	Traffic Flow	Traffic control - various locations	21.6	78.9	5.4	
MARYLAND					Traffic Flow	HVY lanes, Diagnostics improvements	87.0	446.0	14.9	

\*Name with an asterisk is not

Quad Report 1974

STATE	AMOUNT AFFORWARDED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CU	MIX	PM 18
MASSACHUSETTS	\$39,833,804	\$24,745,088	62.4%	\$1,000,000	Trust	Worcester Regional Center	49.5	64.0		
MASSACHUSETTS				\$21,096,000	Trust	Worcester Regional Center	263.4			
MASSACHUSETTS				\$521,000	Part/Bus	Worcester Regional Center	76.5			
MASSACHUSETTS				\$1,280,000	Trust	Worcester Regional Center	0.7			
MARYLAND				\$400,879	Trust	Montgomery Co. - water supply, 6 Mile Rd to 23 Mile Rd	30.1			
MARYLAND				\$500,718	Trust	Montgomery Co. - water supply, 23 Mile Rd to 31 Mile Rd	24.9			
MARYLAND				\$364,073	Trust	Montgomery Co. - water supply, 31 Mile Rd to 41 Mile Rd	24.9			
MARYLAND				\$168,000	Trust	Montgomery Co. - water supply, 41 Mile Rd to 51 Mile Rd	38.8			
MARYLAND				\$55,148	Trust	Montgomery Co. - water supply, 51 Mile Rd to 61 Mile Rd	0.3			
MARYLAND				\$123,803	Trust	Montgomery Co. - water supply, 61 Mile Rd to 71 Mile Rd	1.7			
MARYLAND				\$98,000	Trust	Montgomery Co. - water supply, 71 Mile Rd to 81 Mile Rd	0.2			
MARYLAND				\$258,000	Trust	Montgomery Co. - water supply, 81 Mile Rd to 91 Mile Rd	47.3		8.5	
MARYLAND				\$45,000	Trust	Montgomery Co. - water supply, 91 Mile Rd to 101 Mile Rd	49.3		8.8	
MARYLAND				\$45,000	Trust	Montgomery Co. - water supply, 101 Mile Rd to 111 Mile Rd	18.4		2.3	
MARYLAND				\$448,500	Trust	Montgomery Co. - water supply, 111 Mile Rd to 121 Mile Rd	24.4			
MARYLAND				\$488,260	Trust	Montgomery Co. - water supply, 121 Mile Rd to 131 Mile Rd	21.3			
MARYLAND				\$37,740	Trust	Montgomery Co. - water supply, 131 Mile Rd to 141 Mile Rd	26.4			
MARYLAND				\$1,116,400	Trust	Montgomery Co. - water supply, 141 Mile Rd to 151 Mile Rd	0.5			
MARYLAND				\$32,000	Trust	Montgomery Co. - water supply, 151 Mile Rd to 161 Mile Rd	4.1			
MARYLAND				\$32,000	Trust	Montgomery Co. - water supply, 161 Mile Rd to 171 Mile Rd	4.1			
MARYLAND				\$81,000	Trust	Montgomery Co. - water supply, 171 Mile Rd to 181 Mile Rd	1.6			
MARYLAND				\$40,500	Trust	Montgomery Co. - water supply, 181 Mile Rd to 191 Mile Rd	0.7			
MARYLAND				\$72,800	Trust	Montgomery Co. - water supply, 191 Mile Rd to 201 Mile Rd	3.9			
MARYLAND				\$418,500	Trust	Montgomery Co. - water supply, 201 Mile Rd to 211 Mile Rd	32.4			
MARYLAND				\$926,100	Trust	Montgomery Co. - water supply, 211 Mile Rd to 221 Mile Rd	83.4			
MARYLAND				\$2,676,100	Trust	Montgomery Co. - water supply, 221 Mile Rd to 231 Mile Rd	71.7			
MARYLAND				\$289,000	Trust	Montgomery Co. - water supply, 231 Mile Rd to 241 Mile Rd	11.0			
MARYLAND				\$138,000	Trust	Montgomery Co. - water supply, 241 Mile Rd to 251 Mile Rd	13.2			
MARYLAND				\$45,000	Trust	Montgomery Co. - water supply, 251 Mile Rd to 261 Mile Rd	1.2			
MARYLAND				\$1,294,000	Trust	Montgomery Co. - water supply, 261 Mile Rd to 271 Mile Rd	139.9		0.4	
MARYLAND				\$328,000	Trust	Montgomery Co. - water supply, 271 Mile Rd to 281 Mile Rd	22.3			
MARYLAND				\$324,000	Trust	Montgomery Co. - water supply, 281 Mile Rd to 291 Mile Rd	14.6			
MARYLAND				\$328,000	Trust	Montgomery Co. - water supply, 291 Mile Rd to 301 Mile Rd	23.5			
MARYLAND				\$284,000	Trust	Montgomery Co. - water supply, 301 Mile Rd to 311 Mile Rd	166.3		100.4	
MARYLAND				\$34,000	Trust	Montgomery Co. - water supply, 311 Mile Rd to 321 Mile Rd	4.2			
MARYLAND				\$234,000	Trust	Montgomery Co. - water supply, 321 Mile Rd to 331 Mile Rd	1.2			
MARYLAND				\$156,000	Trust	Montgomery Co. - water supply, 331 Mile Rd to 341 Mile Rd	7.0			
MARYLAND				\$180,000	Trust	Montgomery Co. - water supply, 341 Mile Rd to 351 Mile Rd	3.3		7.1	
MARYLAND				\$2,880,000	Trust	Montgomery Co. - water supply, 351 Mile Rd to 361 Mile Rd	2.3			
MARYLAND				\$2,004,000	Trust	Montgomery Co. - water supply, 361 Mile Rd to 371 Mile Rd	41.2			
MARYLAND					Trust	Montgomery Co. - water supply, 371 Mile Rd to 381 Mile Rd	27.8			

Quoted with an approximate error

CMAD Report 1994

STATE	AMOUNT APPORTIONED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOL.	CU	MAX	FIN 10
MICHIGAN				\$3,437,000	Traffic	Seaton Highway Area Regional - purchase large street lights	19.2			
MICHIGAN				\$1,279,800	Traffic	Seaton Highway Area Regional - purchase large street lights	21.7		10.5	
MICHIGAN				\$320,000	Demolition	Detroit-SEMILOG-Oldland - TDM Program	109.6			
MICHIGAN				\$129,000	Demolition	Ann Arbor-Tony Smith - TDM Study	71.7			
MICHIGAN				\$175,000	Shared Bids	SEMILOG Area - Education Enhancement	36.6			26.9
MICHIGAN				\$100,000	Shared Bids	New Ansonville Area - Education Enhancement Program	2.5			
MICHIGAN				\$48,000	Shared Bids	SEMILOG Area - Mich/Van Empty Bus Schedule	1.0			
MICHIGAN				\$48,000	Shared Bids	SEMILOG Area - purchase 3 CNG equipped vehicles	0.5			
MICHIGAN				\$156,000	Shared Bids	SEMILOG Area - equipment vehicle program	1.0			
MINNESOTA	\$4,812,290	\$1,212,242	44.8%	\$118,200	Demolition	Dorchester High TMO				
MINNESOTA				\$472,800	Demolition	MLR Education Program				
MINNESOTA				\$79,242	Demolition	1994 TDM Program (Custodial Commission)		179.0		
MINNESOTA				\$2,400,000	Traffic	1347 Transit Service Expansion		222.0		
MINNESOTA				\$102,000	Demolition	RTS TDM Queue Program				
MISSISSIPPI	\$4,812,290	\$4,812,290	100.0%	\$4,812,290	ETWOMAQ	South Co - traffic flow improvements				
MISSISSIPPI					ETWOMAQ	Parsons Co - traffic flow improvements				
MISSISSIPPI					ETWOMAQ	Parsons Co - traffic flow improvements				
MISSISSIPPI					ETWOMAQ	Whitaker Co - traffic flow improvements				
MISSISSIPPI					ETWOMAQ	Whitaker Co - traffic flow improvements				
MISSISSIPPI					ETWOMAQ	Whitaker Co - traffic flow improvements				
MISSOURI	\$9,548,009	\$3,944,537	41.3%	\$47,992	Traffic	Miller-Mid-Central - signal improvements	28.2			
MISSOURI				\$344,800	Shared Bids	Overseas Ave - signal timing / installation	33.0			
MISSOURI				\$1,402,500	Traffic	Madison Co - Trans. Dev. Regional Rehabilitation Program	103.6			
MISSOURI				\$1,200	Traffic	Madison Co - Trans. Dev. Regional Rehabilitation Program	12.7			
MISSOURI				\$317,245	Shared Bids	Madison Co - Trans. Dev. Regional Rehabilitation Program	10.4			
MISSOURI				\$241,200	Shared Bids	Madison Co - Trans. Dev. Regional Rehabilitation Program	10.4			
MISSOURI				\$175,760	Other TDMs	Madison Co - Trans. Dev. Regional Rehabilitation Program	18.7			
MISSOURI				\$440,000	Traffic	Madison Co - Trans. Dev. Regional Rehabilitation Program	7.8			
MISSOURI				\$333,600	Traffic	Madison Co - Trans. Dev. Regional Rehabilitation Program	4.1			
MONTANA	\$4,812,290	\$1,818,352	37.8%	\$177,322	Traffic	Madison Co - study to award equity in syndication traffic signals				
MONTANA				\$391,200	Traffic	Madison Co - parking areas and signs				
MONTANA				\$34,000	Public	Madison Co - observation of bicyclist-pedestrian encounters				
MONTANA				\$1,021,490	Traffic	Madison Co - parking areas and signs				
NEBRASKA*	\$4,812,290	\$0	0.0%			Madison Co - study to award equity in syndication traffic signals				
NEBRASKA*						Madison Co - parking areas and signs				
NEBRASKA*						Madison Co - observation of bicyclist-pedestrian encounters				
NEBRASKA*						Madison Co - parking areas and signs				
NEVADA	\$4,812,290	\$398,854	8.3%	\$398,854	Traffic	Washoe Co - dual ball beam lanes, McCarran Blvd at Langley Ln	1.0	10.2	0.2	
NEW HAMPSHIRE	\$4,812,290	\$3,882,246	80.7%	\$160,000	Traffic	Construction and parking area improvements	4.2		0.9	
NEW HAMPSHIRE				\$233,200	Traffic	Construction and parking area improvements	7.6		44.2	0.1
NEW HAMPSHIRE				\$4,480	Traffic	Upgrading of signal systems at 3 locations	7.9		41.0	0.0
NEW HAMPSHIRE				\$4,800	Traffic	Contract to MITCHELL's closed loop traffic control system	7.9		41.0	0.0

\*States with no implementation data

2000 Budget 1994

STATE	AMOUNT	AMOUNT	ACT.	PROJECT	PROJECT	PROJECT	PROJECT	WVC	CU	NOX	PM 10
APPORTIONED	OMITTED	ACT.	AMOUNT	TYPE	DESCRIPTION						
NEW HAMPSHIRE				\$12,160	Traffic Flow	Repositioning of traffic intersection improvements					
NEW HAMPSHIRE				\$20,000	Traffic Flow	Contract structural tunnel facility	0.3	1.9	0.6		
NEW HAMPSHIRE				\$15,000	Shared Bids	Design and construct port-wash lot	0.6				
NEW HAMPSHIRE				\$18,800	Shared Bids	Design and construct expansion of existing port-wash	0.7				
NEW HAMPSHIRE				\$112,000	Shared Bids	Design and construct structural tunnel facility	0.7				
NEW HAMPSHIRE				\$3,600	Shared Bids	Upgrade existing port-wash lot	1.1				
NEW HAMPSHIRE				\$750,000	Shared Bids	Design and construct a port-wash lot	0.2				
NEW HAMPSHIRE				\$3,600	Pay/Use	Construct a portable bridge across the Lamprey River	0.4	3.3	0.3		
NEW HAMPSHIRE				\$300,000	Shared Bids	Preliminary engineering for port-wash lot					
NEW HAMPSHIRE				\$1,050,800	Shared Bids	Structural planning study to identify needs for project types					
NEW HAMPSHIRE				\$81,200	Other TCMS	Design and equipment spec to deliver structural report tunnel					
NEW HAMPSHIRE				\$290,700	Other TCMS	Purchase of tunnel boring machine, via computer of					
NEW HAMPSHIRE				\$131,314	Other TCMS	Provide start-up and operating costs for advanced I&I Prog					
NEW HAMPSHIRE				\$296,432	Traffic Flow	Operating study for proposed commuter bus service	1.6		3.9		
NEW HAMPSHIRE				\$180,000	Traffic Flow	Business for level of service by the local state gov - Contract	0.3		0.3		
NEW HAMPSHIRE				\$3,000,000	Traffic Flow	Admin. plan for implementation of Metropolitan Transit Serv.					
NEW HAMPSHIRE				\$3,000,000	Traffic Flow	2nd/3rd phase - work for upgrade transit service in Andover	128.9				
NEW HAMPSHIRE				\$7,000,000	Traffic Flow	Construction of light rail system in Andover	7.2				
NEW HAMPSHIRE				\$312,000	Traffic Flow	Construction of street light system on I-93	5.7				
NEW HAMPSHIRE				\$37,000	Traffic Flow	Add design costs for construction of grade separated walkway	6.4				
NEW HAMPSHIRE				\$171,600	Traffic Flow	Traffic intersection and signal system - Rt 9	6.4				
NEW HAMPSHIRE				\$3,399,000	Traffic Flow	Construction of computerized traffic system on I-93	28.1				
NEW HAMPSHIRE				\$4,991,000	Traffic Flow	Construction of computerized traffic signal system, Rt 12	3.7				
NEW HAMPSHIRE				\$1,179,000	Traffic Flow	Contract of computerized traffic signal and intersection sig	4.6				
NEW HAMPSHIRE				\$490,000	Traffic Flow	Traffic signal intersection at 25 intersection, Adams Co.	2.5				
NEW HAMPSHIRE				\$3,000	Traffic Flow	Purchase of variable message signs and night repair truck					
NEW HAMPSHIRE				\$494,000	Traffic Flow	Add constant, work for signal street light computer system	3.5				
NEW HAMPSHIRE				\$834,000	Traffic Flow	Add constant, work for signal street light computer system	3.5				
NEW HAMPSHIRE				\$64,000	Traffic Flow	Oper. of service point to deal w/ traffic violations and facilities	7.0				
NEW HAMPSHIRE				\$1,120,000	Traffic Flow	Purchase of variable message signs					
NEW HAMPSHIRE				\$437,000	Traffic Flow	Contract, Change Order for constant, of street light system	7.2				
NEW HAMPSHIRE				\$43,000	Traffic Flow	Oper. of service point to deal w/ traffic violations and facilities	2.1				
NEW HAMPSHIRE				\$1,200,000	Shared Bids	Enterprise Customer Options Program					
NEW HAMPSHIRE				\$1,200,000	Shared Bids	Enterprise Trip Reduction Program development/John Deere	648.3				
NEW HAMPSHIRE				\$1,050,000	Shared Bids	MOV monitoring program to encourage shared ride on Rt 90	6.6				
NEW HAMPSHIRE				\$322,000	Shared Bids	Install 4 bay structure of Brunswick building light program					
NEW HAMPSHIRE				\$1,999,000	Shared Bids	THA grant program to urban food bank and support ETR prog					
NEW HAMPSHIRE				\$3,540,000	Shared Bids	Suburban habitat Prog-developing comprehensive THA program					
NEW HAMPSHIRE				\$411,000	Other TCMS	TRACS-Traffic Signalization Quality Enhancement/Johns City	10.8				
NEW HAMPSHIRE				\$6,200,440	Other TCMS	Enhanced I&I program implementation by Div of Motor Veh.	2418.0				
NEW MEXICO				\$2,100,000	Traffic Flow	Western Transit Building Shared					
NEW MEXICO				\$200,000	Shared Bids	ROADWORK					
NEW MEXICO				\$400,000	Traffic Flow	Central Ave intersection reconstruction and left turn bays					

Transfer with the transportation services

CHADQ Report 1994

STATE	AMOUNT APPOINTMENTS	AMOUNT ORNLCA TED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	EO	NOI	FOI 14
NEW MEXICO				\$1,200,000	Trade Show	City of Albuquerque Liquid Amusement		470.0		
NEW MEXICO				\$160,000	Trade Show	Battery replacement in roadway		3.2		
NEW MEXICO				\$400,000	Trade Show	Photo del Presente/Photo Division Chacoil Battery		199.6		
NEW MEXICO				\$500,000	Other TCDA	Alternative Vehicle Fuel Program		33.2		
NEW MEXICO				\$1,000,000	Other TCDA	Competition Side Surveillance System				
NEW MEXICO				\$400,000	Other TCDA	Environmental Media Air Quality Awareness				
NEW YORK	\$101,802,803	\$72,208,098	72.38	\$338,000	Demanded Sign	Hudson/Tribble TCDA Program	3.7	20.1	4.9	
NEW YORK				\$116,000	Demanded Sign	ECO Training Trip Education Program	387.9	1484.7	291.0	
NEW YORK				\$148,000	Demanded Sign	Phoenix Co - Building ECO Program Ads	55.2	436.7	85.6	
NEW YORK				\$348,000	Demanded Sign	Building Co - Building ECO Program Ads	16.7	205.6	59.9	
NEW YORK				\$202,000	Demanded Sign	ECO Workshop/TMO Development	47.1	213.8	121.8	
NEW YORK				\$433,000	Demanded Sign	ECO Training Program	1318.2	11265.5	1818.2	
NEW YORK				\$23,000	Demanded Sign	ECO Workshop Co Ads - with street - monitoring	included above			
NEW YORK				\$22,000	Demanded Sign	ECO Workshop Co Ads - with street, monitoring	included above			
NEW YORK				\$99,000	Demanded Sign	ECO Workshop Co Ads - with street, monitoring	included above			
NEW YORK				\$364,000	Demanded Sign	Food Fair Signage/Shoplifting	3.7	66.3	0.9	
NEW YORK				\$3,748,000	Other TCDA	Forward and install sanitation testing equipment	441.4	972.4	4098.9	199.4
NEW YORK				\$1,788,000	Shared Bid	ECO DBB Shared - NYC Contracting employees for ride share	16.8	186.8	25.5	0.8
NEW YORK				\$87,000	Shared Bid	ECO Fuel Acid, HFC/ADA B-2 Boiler - required service	included above			
NEW YORK				\$6,000	Shared Bid	Gas Air Sublogys with access to port & site	0.4			
NEW YORK				\$12,000	Trade Show	Person Dir Exam/Battery, contamination	10.4			
NEW YORK				\$104,000	Trade Show	Person Co Battery, 3 units	included above			
NEW YORK				\$28,000	Trade Show	North County Transfer PM 3 - 4.5 on battery rail	0.0	3.2		
NEW YORK				\$180,000	Trade Show	NTS Bus Fuel Controller	0.0			
NEW YORK				\$40,000	Trade Show	Shore Ferry Boat	0.1	2.1	0.5	
NEW YORK				\$200,000	Trade Show	Shore Ferry Boat, contamination	0.4	3.8	0.6	
NEW YORK				\$316,000	Trade Show	Sub/Ped very job development	0.5	4.6	0.7	
NEW YORK				\$1,200,000	Trade Show	B-5A Sub/Ped tool	0.4	3.9	0.8	
NEW YORK				\$100,000	Trade Show	Waste/Power Co-Inc Drycleaner St. Study, hole p/a	0.2	2.5	0.5	
NEW YORK				\$388,000	Trade Show	Wastewater Sewerage - imp. public access, Albany	0.0			
NEW YORK				\$60,000	Trade Show	Wastewater Sewerage - imp. public access, Albany	0.3	2.8	0.4	
NEW YORK				\$1,740,000	Trade Show	Wastewater Sewerage - imp. public access, Albany	0.9	2.7	1.0	
NEW YORK				\$40,000	Trade Show	Sub/Ped tool along air	0.2	2.3	0.2	
NEW YORK				\$40,000	Trade Show	Sub/Ped tool along air	0.4	4.4	0.4	
NEW YORK				\$17,000	Shared Bid	Chrysler Consumer Support Study	3.2	41.6	9.2	
NEW YORK				\$28,000	Shared Bid	Pod and Bids Leasing, Seattle	18.3	144.3	30.3	
NEW YORK				\$287,000	Shared Bid	POV NOV Rehabilitation Drive	9.6	78.1	149.5	
NEW YORK				\$333,000	Shared Bid	POV/Other maintenance and repair	93.8	742.4		
NEW YORK				\$328,000	Shared Bid	ECO van with, vessel equipment - primary car/van pooling	7.2	28.6		
NEW YORK				\$391,000	Shared Bid	Therapy Etc 21 Park & Ride	13.9			
NEW YORK				\$441,000	Shared Bid	ECO Interagency Subsidizing	0.7	155.7	1.4	
NEW YORK				\$795,000	Trade Show	NY 13253 Interagency Subsidizing	8.9			
NEW YORK				\$2,520,000	Trade Show	Comptroller Budget request material expenses	14.8	337.0		

\*States with no environmental work

CMAD Region 1994

STATE	AMOUNT APPOINTMENT	AMOUNT COMPLETED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	YOC	CD	MOY	FM 10
NEW YORK				\$5,000	Trade Flow	Quaker sign; Quaker Co. - special event sign, sign blank	0.0	11.8		
NEW YORK				\$134,000	Trade Flow	Decorative sign improvement	0.0	204.6		
NEW YORK				\$1,000	Trade Flow	BE M&T Equipment BA contract improv. sign, sign blank, sign	4.8			
NEW YORK				\$203,000	Trade Flow	BE M&T Equipment BA contract - safety message improvement	0.4			
NEW YORK				\$101,000	Trade Flow	BE M&T (L) 9988 - advertisement improvement	4.1			
NEW YORK				\$16,000	Trade Flow	1200 Cable-Signage advertisement - contract improvement	17.1			
NEW YORK				\$7,000	Trade Flow	Signage in A 24K - sign improvement	0.1			
NEW YORK				\$20,000	Trade Flow	Weatherman radio, sign	2.7			
NEW YORK				\$5,800	Trade Flow	BE 113 @ Metropolitan Ave. - contract improvement	7.9			
NEW YORK				\$34,000	Trade Flow	BE 202 @ 10th St - contract sign blank, contract improv	1.0			
NEW YORK				\$2,296,000	Trade Flow	BE (TM) @ 5th Ave - add sign blank, sign, sign blank, blank	0.4			
NEW YORK				\$214,000	Trade Flow	Trade Flow	15.3	121.7		
NEW YORK				\$7,000,000	Trade Flow	Trade Flow	18.1	184.4		
NEW YORK				\$2,000,000	Trade Flow	MFA operations BA substitution	1.2	11.0		
NEW YORK				\$80,000	Trade Flow	LA Region San Diego	2.0	19.1		
NEW YORK				\$21,000	Trade Flow	Estimated BA contract pending	3.1	17.2		
NEW YORK				\$2,300,000	Trade Flow	Design, develop, install and test site	93.0	860.0		
NEW YORK				\$400,000	Trade Flow	BECCA bus station (18) units	19.4	145.1		
NEW YORK				\$440,000	Trade Flow	TRMEL County - construction BECCA	9.0	125.4		27.1
NEW YORK				\$100,000	Trade Flow	MTC 1100 contract 31 bus services	2.0	21.4		
NEW YORK				\$50,000	Trade Flow	Expanded BA bus services	0.8	8.9		
NEW YORK				\$100,000	Trade Flow	Expansion bus system	1.7	18.9		
NEW YORK				\$100,000	Trade Flow	Half production program	2.0	21.9		
NEW YORK				\$10,000,000	Trade Flow	Trade purchase 51 buses	0.5			
NEW YORK				\$239,000	Trade Flow	ECOD Bag Transportation Program	110.8	1333.1		
NEW YORK				\$1,000,000	Trade Flow	Production sale buses	44.3			
NEW YORK				\$400,000	Trade Flow	Expansion Fleet buses BE contract	1841.0		2289.4	
NEW YORK				\$200,000	Trade Flow	Bechtel 3 ETR vehicles	1000.0		1576.8	
NEW YORK				\$400,000	Trade Flow	White Plains Transportation	44.0			
NEW YORK				\$1,000,000	Trade Flow	New Haverhill Parking Improvement at BE	13.9			
NEW YORK				\$470,000	Trade Flow	Est Bus Priority Payment	0.3			
NEW YORK				\$124,000	Trade Flow	Deal bus line 26 Ave	2.3	4.3		
NEW YORK				\$100,000	Trade Flow	Pub Safe Signage Express (DATN)	823.2	8108.0		3.0
NEW YORK				\$333,000	Trade Flow	MTC additional bus services	134.8	1101.4		2.2
NEW YORK				\$376,000	Trade Flow	Contract pending	124.4	701.4		334.4
NEW YORK				\$2,144,000	Trade Flow	Imagined Ferry Line Sign	31.5	517.2		
NEW YORK				\$284,000	Trade Flow	Trade buses at 10th Street	0.9	4.4		5.1
NEW YORK				\$4,232,000	Trade Flow	Contract for 426 31 BE	0.2	21.7		27.1
NEW YORK				\$1,000,000	Trade Flow	ECOD Program-Trade Center	203.0	2620.0		
NEW YORK				\$1,114,000	Trade Flow	MFA Baker Plaza	48.2	424.7		29.4
NEW YORK				\$8,000,000	Trade Flow	MFA 61 N. Cross Queens Blvd Lr - add sign capacity	96.4	692.1		29.3

Contract with bus administration agency

N. C. COLMAN  
N. C. COLMAN  
N. C. COLMAN

\$11,892,930

\$5,273,644

44.4%

\$3,373,444

Contract with bus administration agency  
Contract with bus administration agency  
Contract with bus administration agency

Variable message sign, Weather-Station  
Variable message sign, Weather-Station  
Variable message sign, Weather-Station

CMAG Reports 1984

STATE	AMOUNT APPORTIONED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CU	NOX	PM10
NORTH DAKOTA*	\$4,812,290	\$1,941,765	12.0%	\$1,941,765	STP/CMAG	Grade, Surf. & Base - Univ. Dr. in Fargo Mud & Hot Bit Pavement, US 2 Farm Highway (under-construction) Grade & Mill - Hwy. US 85 Wildcat City (under-construction)				
NORTH DAKOTA*	\$4,282,923	\$15,562,011	24.5%	\$477,803	Traust	MURVA Subur. Mill Traust Center	2.1	12.2	9.0	
OHIO				\$797,000	Traust	MURVA, Eastern Port-a-Ball Lot	0.2	3.7	4.2	
OHIO				incl. above	Traust	MURVA, Northeast Port-a-Ball Lot	0.7	4.7	0.5	
OHIO				\$232,893	Traust	MURVA, Western Port-a-Ball Lot	0.8	4.1	5.2	
OHIO				\$1,460,000	Traust	North Dixie Bus Service Expansion	10.1	50.2	8.8	
OHIO				\$500,000	Traust	Major ETA Bus Conversion to CNG	1.5	-31.7	3.2	
OHIO				\$1,560,000	Traust	SCATS Bus Purchase	2.1	8.1	16.4	
OHIO				\$346,188	Traust	TABATA Bus Purchase	0.2		5.0	
OHIO				\$1,764,250	Traust	METRO ETA Above University Bus Service	4.9			
OHIO				\$199,800	Traust	METRO ETA Above - Cleveland TDM	11.3			
OHIO				\$8,000	Shared Ride	MURVA Vapour Station	14.3			
OHIO				\$123,000	Shared Ride	OHV Bldg. Maraging Computer	14.2	26983.7	1378.5	
OHIO				\$200,000	Shared Ride	OHV Groundwater Side Room		incl. above		
OHIO				\$50,000	Shared Ride	OHV Employee Incentive Program		incl. above		
OHIO				\$1,222,810	Traffic Flow	OHV Van Conversion to CNG		incl. above		
OHIO				\$15,870	Traffic Flow	NOJACA - Roady Area Signal Project	49.9		1.8	
OHIO				\$1,060,200	Traffic Flow	NOJACA - Maryland Heights Signal	94.1	1151.7	-74.7	
OHIO				\$4,000,000	Traffic Flow	MORINC - Columbus - Phase 7 Signal				
OHIO				\$118,500	Traffic Flow	OHV - RTMS Development				
OHIO				\$180,000	Traffic Flow	OHV - RTMS Delivery				
OKLAHOMA*	\$4,812,290	\$1,542,816	12.1%	\$128,312	STP/CMAG	MORINC - 18 270 TDM Program	128.5	8472.8	135.9	
OKLAHOMA*				\$1,726	STP/CMAG	Cherokee Co. - Gravel (1.20 mil) stone and bridge - under-construction				
OKLAHOMA*				\$400,000	STP/CMAG	Gravel (1.20 mil) stone and bridge - under-construction				
OKLAHOMA*				\$122,897	STP/CMAG	Oklahoma Co. - Transfer CMAG funds to transit administration				
OKLAHOMA*				\$203,920	STP/CMAG	Payson Co. - Gravel (1.75 mil), stone and surf.				
OKLAHOMA*				\$120,660	STP/CMAG	Payson Co. - Gravel (1.75 mil), stone and surf.				
OKLAHOMA*				\$126,000	STP/CMAG	Payson Co. - Gravel (1.75 mil), stone and surf.				
OKLAHOMA*				\$194,000	STP/CMAG	Payson Co. - Gravel (1.75 mil), stone and surf.				
OKLAHOMA*				\$328,000	STP/CMAG	Payson Co. - Gravel (1.75 mil), stone and surf.				
OKLAHOMA*				\$172,000	STP/CMAG	Payson Co. - Gravel (1.75 mil), stone and surf.				
OREGON	\$1,644,588	\$6,511,113	115.5%	\$48,312	Traffic Flow	Signal Timing Plan, Medford		150.3		
OREGON				\$198,400	Public Bldg	Performance/Price Contract on Steel Bridge	5.0	24.7		
OREGON				\$44,000	Public Bldg	Suburban MAX Public Access Shop, Clatskanie	2.5	12.8		
OREGON				\$448,825	Other FCMA	Portland Regional Public Education Dirq				
OREGON				\$89,716	Traust	Traust (Operated) Development	46.4	230.7		
OREGON				\$274,000	Traffic Flow	Lafayette Mill Mill				
OREGON				\$224,312	Demolish Bldg	Regional Transportation Management	112.5	558.5		

\*States with no implementation effect

CHARTERED BY THE STATE

STATE	AMOUNT ATTORNEYS	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	YR.	CU	MAX	PA-18
OREGON				335,211	Shared Title	Oregon City Diversion, Shared/Part A Bid	11	53		
OREGON				14,400	Part/Title	Country Ave. - District in River Rd, Shared very	09	44	13	
OREGON				50,000	Travel	Reduction in Travel Access Study & Drive (Wood Co)				
OREGON				54,217,075	Part/Title	Washburne Bridge Access Study (Wood Co)	27	132		
OREGON				467,000	Travel	Central City Bids - Shared Facilities	337	1074		417
OREGON				529,559	Travel	30 month Columbia St. Shared, 10 month	02	10		
OREGON					Travel	Elmore Vehicles				
OREGON					Travel	Elmore Public Signal Synchronization		558		
PENNSYLVANIA	534,177,432	531,341,343	99.5	546,000	Travel	East Co. - SR 20, upgrade interior, curb curv, utility lines	70	825	04	
PENNSYLVANIA				546,000	Travel	Marion Co. - utility lines, replace manholes, upgrade sig	19	184	07	
PENNSYLVANIA				320,000	Shared Title	Lackawanna Co. - Transportation Demand Study	57	503	48	
PENNSYLVANIA				546,000	Shared Title	Lancaster Co. - Super Street, Part A Bid	01	08	02	
PENNSYLVANIA				14,400	Part/Title	Lancaster Co. - Transportation Demand Study	57	500	69	
PENNSYLVANIA				130,000	Shared Title	Lancaster Co. - Washburne Bids - Shared	03	25	06	
PENNSYLVANIA				150,000	Shared Title	Lancaster Co. - Lancaster Inv. Part A Bid	01	07	02	
PENNSYLVANIA				13,120,000	Travel	Lebanon Co. - SR 200 Part A Bid	08	02	05	
PENNSYLVANIA				112,800,000	Travel	Lebanon Co. - SR 200 Part A Bid	138	864	218	
PENNSYLVANIA				2092,000	Shared Title	Lebanon Co. - SR 200 Part A Bid	243	871	19	
PENNSYLVANIA				11,440,000	Shared Title	Lebanon Co. - SR 200 Part A Bid	236.3	1544.4	248.4	
PENNSYLVANIA				534,439	Travel	Lebanon Co. - SR 200 Part A Bid	148	108.7	28.7	
PENNSYLVANIA				329,200	Shared Title	Lebanon Co. - SR 200 Part A Bid	95	40.4	8.2	
PENNSYLVANIA				524,700	Shared Title	Lebanon Co. - SR 200 Part A Bid	26	15.9	5.3	
PENNSYLVANIA				154,000	Travel	Lebanon Co. - SR 200 Part A Bid	07	3.9	1.5	
PENNSYLVANIA				994,000	Travel	Lebanon Co. - SR 200 Part A Bid	33	29.3	8.2	
PENNSYLVANIA				315,200	Shared Title	Lebanon Co. - SR 200 Part A Bid	37	15.1	8.3	
PENNSYLVANIA				441,000	Travel	Lebanon Co. - SR 200 Part A Bid	08	12.0	04	
PENNSYLVANIA				5484,000	Travel	Lebanon Co. - SR 200 Part A Bid	13	8.1	0.1	
PENNSYLVANIA				2128,000	Shared Title	Lebanon Co. - SR 200 Part A Bid	28	22.2	3.5	
PENNSYLVANIA				1192,000	Travel	Lebanon Co. - SR 200 Part A Bid	30	21.4	4.6	
PENNSYLVANIA				578,000	Travel	Lebanon Co. - SR 200 Part A Bid	10	7.5	3.2	
PENNSYLVANIA				528,000	Travel	Lebanon Co. - SR 200 Part A Bid	12	11.7	4.3	
PENNSYLVANIA				1185,000	Travel	Lebanon Co. - SR 200 Part A Bid	82	40.3	8.8	
PENNSYLVANIA				3153,000	Travel	Lebanon Co. - SR 200 Part A Bid	25	23.5	4.2	
PENNSYLVANIA				34,000	Shared Title	Lebanon Co. - SR 200 Part A Bid	04	3.7	0.8	
PENNSYLVANIA				372,000	Part/Title	Lebanon Co. - SR 200 Part A Bid	23	18.7	3.2	
PENNSYLVANIA				134,000	Travel	Lebanon Co. - SR 200 Part A Bid	13.4	107.2	42	
PENNSYLVANIA				5138,000	Travel	Lebanon Co. - SR 200 Part A Bid	00	0.3	0.0	
PENNSYLVANIA				5440,000	Travel	Lebanon Co. - SR 200 Part A Bid	07	6.7	0.0	
PENNSYLVANIA				5235,750	Travel	Lebanon Co. - SR 200 Part A Bid	90	73.1	4.8	
PENNSYLVANIA				1415,000	Other Title	Lebanon Co. - SR 200 Part A Bid	42	33.9	0.1	
PENNSYLVANIA				120,000	Shared Title	Lebanon Co. - SR 200 Part A Bid	08	8.8	0.1	
PENNSYLVANIA				480,000	Shared Title	Lebanon Co. - SR 200 Part A Bid	14	10.2	1.6	
PENNSYLVANIA				134,000	Other Title	Lebanon Co. - SR 200 Part A Bid	16	11.4	1.7	
PENNSYLVANIA					Other Title	Lebanon Co. - SR 200 Part A Bid	43	34.3	0.8	

\* Shared with other departments and areas



STATE	AMOUNT APPORTIONED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	NHX	PM 18
PENNSYLVANIA										
PENNSYLVANIA	\$400,000			\$143,000	Other TCMA	Purchase of 3 emergency	0.6	53.5	0.7	
PENNSYLVANIA	\$211,000			\$64,338	Traffic Flow	Modifications for Signage Improvement on Military	5.4	15.4	0.0	
PENNSYLVANIA	\$31,400			\$18,288	Traffic Flow	Modifications for Signage Improvement on Military	1.1	11.3	0.0	
PENNSYLVANIA	\$54,193			(311,923)	Traffic Flow	Modifications for Signage Improvement on Military	6.1	46.3	0.0	
PENNSYLVANIA	\$9,600			\$8,434,414	STP/CMAQ	Radiol Monitoring Field Frequency FM 30	6.3	50.2	-0.2	
PENNSYLVANIA	\$50,000			\$3,026,283	STP/CMAQ	Reconstruction PM 2	17.1	137.4	28.8	
PENNSYLVANIA	\$50,000				Shared Ribs	Washington Co. - Regional Education Program	1.4	5.8	1.4	
PENNSYLVANIA	\$9,600				Traffic Flow	Washington Co. - TR 19 Truck and Bldg, Suppl'd & Maint	6.8	50.4	0.1	
PENNSYLVANIA	\$9,600				Traffic Flow	Washington Co. - TR 30 for new bus, upgr'd & sig	6.0	42	0.0	
PENNSYLVANIA	\$60,000				Traffic Flow	Washington Co. - Hwyg Pkts and Bldg, upgr'd & maint	0.4	3.7	0.9	
PUERTO RICO	\$4,812,290	\$13,687,213	244.8%							
PUERTO RICO										
PUERTO RICO										
PUERTO RICO										
PUERTO RICO										
RHODE ISLAND	\$5,635,328	\$1,560,000	26.9%	\$1,500,000	Traffic	Increased bus service User - of Rhode Island	8.1	44.5	-4.6	
S. CAROLINA	\$4,812,290	\$90,000	1.9%	\$42,800	STP/CMAQ	Buy/sla condenser				
S. CAROLINA				\$48,000	STP/CMAQ	Buy/sla condenser				
SOUTH DAKOTA	\$4,812,290	\$408,789	8.5%	\$438,789	STP/CMAQ	Various projects				
TENNESSEE	\$10,764,246	\$3,291,015	21.2%	(195,000)	Traffic Flow	Knox Co. - Upgrade Signal System (includes from per yr)	11.2	24.2	34.2	
TENNESSEE				\$175,000	Traffic Flow	Knox Co. - State Route 31, various intersections	6.2		5.7	
TENNESSEE				\$34,767	Traffic Flow	Knox Co. - State Route 1, intersection at South 84	6.2		0.1	
TENNESSEE				\$68,000	Pathways	Knox Co. - Stateville/Whiteoak to Fremont	0.1			
TENNESSEE				\$287,600	Shared Ribs	Hudonville - Regional Education Program	26.5			
TENNESSEE				\$128,600	Shared Ribs	Hudonville - Regional Education Program	26.5			
TENNESSEE				\$48,000	Shared Ribs	Hudonville - Van Station, Hudonville to Card Springs	0.3			
TENNESSEE				\$195,660	Shared Ribs	Hudonville - Regional SOV/CMAQ Access Study	1.4			
TENNESSEE				\$60,000	Shared Ribs	Hudonville - South Part & State Ln, Henderson	26.5			
TENNESSEE				\$74,200	Shared Ribs	Hudonville - Regional Education Program, Blount Co	26.5			
TENNESSEE				\$14,200	Shared Ribs	Hudonville - Regional Education Program, Blount Co	0.1			
TENNESSEE				\$40,800	Shared Ribs	Hudonville - Cuyahoga and Vantage Program, Wilkeson Co	26.5			
TENNESSEE				\$13,500	Shared Ribs	Hudonville - Regional Education Program, Wilkeson Co	26.5			
TENNESSEE				\$13,000	Shared Ribs	Hudonville - Regional Education Program, Wilkeson Co	26.5			
TENNESSEE				\$17,000	Traffic Flow	Hudonville - Intersection Improvement, City of Brentwood	0.4			
TENNESSEE				(174,000)	Traffic Flow	Hudonville - Intersection Improvement, City of Brentwood	0.4			
TENNESSEE				\$75,000	Traffic Flow	Hudonville - State Route 556, Brentwood	0.8			
TENNESSEE				\$100,600	Traffic Flow	Hudonville - State Route 171 intersection at Blount, City	0.8			
TENNESSEE				\$40,000	Traffic Flow	Hudonville - State Route 6 Intersection, City of Hendersonville	0.8			
TENNESSEE				\$500,000	Traffic Flow	Hudonville - State Route 6, Corner R 84 to Roper Hwy	35.2			

\*Share with all participating areas

CHADQ Budget 1994

STATE	AMOUNT APPORTIONED	AMOUNT ALLOCATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	EO	MAX	PA IN
TENNESSEE				\$3,800	Trade Show	Nashville - 11 intersections in Henderson	3.8		-4.1	
TENNESSEE				\$20,000	Trade Show	Nashville - intersection improvement, Old Nashville Hwy	7.7		0.9	
TENNESSEE				\$29,071	Trade Show	Nashville - intersection improvement, New Basin, 41	8.2		0.0	
TENNESSEE				\$110,000	Trade Show	Nashville - Main Basin 96 intersection, Williamson Co	8.5		0.4	
TENNESSEE				\$110,000	Trade Show	Nashville - Main Basin 397, Williamson Co	1.3		-0.8	
TENNESSEE				\$20,000	Other Trade	Nashville - Pilot Project on downtown boulevard of education				
TENNESSEE				\$200,000	Shared Risk	Nashville - Regional Intermodal Management Program	22.8	2506.7	247.0	
TENNESSEE				\$125,200	Trade Show	Shelby Co. - Regional Area Redeveloping	44.0	639.9	22.0	
TENNESSEE				\$245,200	Trade Show	Shelby Co. - Taylor Ave Corridor in Collierville	67.9	913.6		
TEXAS	\$95,266,410	\$72,242,506	76.4%	\$200,701	Trade Show	Phon Rd @ various locations - Traffic Signals	90.3			
TEXAS				\$12,964	Trade Show	PM 1211 - Traffic Signals	1.4			
TEXAS				\$2,378,773	Trade Show	For Park, Oak Creek Oak Lawn - Traffic Signals	441.3			
TEXAS				\$34,283	Trade Show	PM 1171 - Traffic Signals	25.6			
TEXAS				\$7,244,200	Trade Show	Various - All Paid Variables DIART				
TEXAS				\$200,200	Trade Show	RM 20 @ - Intersection to Grand Lanes - signal controller in	80.1			
TEXAS				\$2,378,000	Trade Show	RM 20 @ - Douglas Rd. to Jan. Valley - signal controller in	61.4			
TEXAS				\$400,000	Trade Show	RM 20, RM 33E, RM 63S - Memorial Assistance Program	121.7			
TEXAS				\$400,000	Trade Show	RM 31, RM 33E, RM 63S - Memorial Assistance Program	121.7			
TEXAS				\$1,466,400	Trade Show	Various - Texas Variables & Public Flow DIART				
TEXAS				\$1,174,130	Trade Show	PM 504 @ PM 2337 - Intersection Improvement	2.5			
TEXAS				\$143,434	Trade Show	RM 121 @ Various Locations - traffic signals	9.1			
TEXAS				\$320,000	Trade Show	Various Locations in City of Richardson - traffic signals				
TEXAS				\$117,500	Trade Show	Various locations in City of Grand Prairie - Traffic Signals				
TEXAS				\$344,133	Trade Show	RM 63S @ RM 33E - Signal Management	123.7			
TEXAS				\$1,200	Trade Show	Scenic Ln. @ Ford Ave - intersection light issue				
TEXAS				\$75,000	Trade Show	Lane Field, For Road, Near Hwy, Finance Office				
TEXAS				\$30,000	Trade Show	Travel Fair Program - Chase Allen Diamond Fair				
TEXAS				\$300,000	Trade Show	Dallas to Irving - Commerce Blvd (Phase 1)	71.5			
TEXAS				\$10,000,000	Trade Show	RM 121 - Franchise Bids @ Dallas Rd. - traffic signals				
TEXAS				\$71,004	Trade Show	Chandler Dr @ South Colony (signal req only)				
TEXAS				\$10,400	Trade Show	Pyramid Rd in Hous. (signal req only)				
TEXAS				\$4,000	Trade Show	Openhouse/Parade Area Trail				
TEXAS				\$4,000	Trade Show	Long Prairie Rd @ Beechcroft (signal req only)				
TEXAS				\$40,000	Trade Show	Clear Park-Steinbeck Blvd (Traffic signal req only)				
TEXAS				\$4,000	Trade Show	Proctor Lane @ Rockwood (signal req only)				
TEXAS				\$20,000	Trade Show	All Proctor Lane Rd - intersection improvement	1.8			
TEXAS				\$12,000	Trade Show	Wald, Wald, & College St in Dispersion - traffic signals				
TEXAS				\$7,200	Trade Show	Pyramid Rd @ Stanford Rd - intersection improvement				
TEXAS				\$41,007	Trade Show	RM 202 @ Canyon Dr - traffic signals				
TEXAS				\$79,000	Trade Show	Various - all local variables intersection				
TEXAS				\$122,000	Trade Show	Various locations in Fort Worth - traffic signals				
TEXAS				\$79,444	Trade Show	Various - all local paid intersection				
TEXAS				\$104,000	Trade Show	Travel Fair program for PMTA	24.8			

\*Values with no measurement exist

STATE	AMOUNT APPOINTMENT	AMOUNT OBLIGATED	PER.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOE	CO	NOX	PR:10
TEXAS	\$3,000,000	\$3,000,000	79.4%	\$3,000,000	Traffic	Project 12 lanes - FWY	19.0			
TEXAS	\$156,000	\$156,000		\$156,000	Shared Bids	Various Cases - Bid Specs Program	18.4			
TEXAS	\$133,000	\$133,000		\$133,000	Traffic Flow	Lake Worth Park-a-Bids	429.4	3094.4	21.4	
TEXAS	\$40,400	\$40,400		\$40,400	Traffic Flow	Various sections - steel work (ortho signals)				
TEXAS	\$12,000	\$12,000		\$12,000	Traffic Flow	Outside CBD - traffic control system (pre design only)	18.2	208.7	-2.7	
TEXAS	\$1,119,449	\$1,119,449		\$1,119,449	Demolished Right	Various Blvd - Traffic Signal System				
TEXAS	\$13,194	\$13,194		\$13,194	Traffic Flow	Various/Countywide - putting city and county side	0.0		0.0	
TEXAS	\$39,469	\$39,469		\$39,469	Traffic Flow	SM 3 - PM 315 in Winder - ATLAS	0.3		0.1	
TEXAS	\$376,000	\$376,000		\$376,000	Traffic Flow	PM 2094 @ PM 315 to 3 Miles SW - ATLAS	0.4		0.2	
TEXAS	\$1,472,800	\$1,472,800		\$1,472,800	Demolished Right	PM 610 Along South Loop - TV Surveillance System				
TEXAS	\$300,000	\$300,000		\$300,000	Demolished Right	Various - small TVAS				
TEXAS	\$19,100	\$19,100		\$19,100	Traffic Flow	Various - small bery advisory radio				
TEXAS	\$416,340	\$416,340		\$416,340	Traffic Flow	US 59 @ Montgomery Ct. to Dasher St. - traffic signs				
TEXAS	\$2,320,000	\$2,320,000		\$2,320,000	Traffic Flow	SM 209 @ Santa Leticia to Deer Trail - small ATLAS				
TEXAS	\$221,000	\$221,000		\$221,000	Demolished Right	Various Park-a-Bids for	9.8		11.2	
TEXAS	\$434,500	\$434,500		\$434,500	Traffic Flow	Texas Center Pedestrian/Traffic Corridor to the Woodlands				
TEXAS	\$1,379,618	\$1,379,618		\$1,379,618	Traffic Flow	SM 45 @ SM 610 to Spur 241 - small barrier gates				
TEXAS	\$3,418,377	\$3,418,377		\$3,418,377	Traffic Flow	SM 45 @ Sperry St to SM 10 - small computerized TMS				
TEXAS	\$1,794,781	\$1,794,781		\$1,794,781	Traffic Flow	SM 45 - surveillance, communication, and control systems	0.8		0.3	
TEXAS	\$4,990,000	\$4,990,000		\$4,990,000	Traffic Flow	SM 610 @ US 99 Bypass to Old Katy Rd. - small TMS				
TEXAS	\$1,729,214	\$1,729,214		\$1,729,214	Traffic Flow	SM 610 @ Shepherd - small TMS				
TEXAS	\$2,279,132	\$2,279,132		\$2,279,132	Traffic Flow	SM 610 @ Old Katy Rd to 8th Street - small TMS				
TEXAS	\$1,291,447	\$1,291,447		\$1,291,447	Traffic Flow	SM 10 @ SM 610 to Seaboard - small TMS				
TEXAS	\$4,900,000	\$4,900,000		\$4,900,000	Traffic Flow	Various in Houston - barrier gates A yrs long for CTAS	0.2		0.1	
TEXAS	\$8,000	\$8,000		\$8,000	Traffic Flow	Deery Addition @ W Airport Blvd - traffic signals	0.2		0.1	
TEXAS	\$784,423	\$784,423		\$784,423	Traffic Flow	Williams Tower @ Austin Freeway - traffic signals	0.3		0.2	
TEXAS	\$794,460	\$794,460		\$794,460	Traffic Flow	SM 6 @ Park Row to N Bond Ck. - small ATLAS				
TEXAS	\$747,537	\$747,537		\$747,537	Traffic Flow	SM 45 - southeast HOV lanes	1.3		1.7	
TEXAS	\$1,168,812	\$1,168,812		\$1,168,812	Traffic Flow	SM 35 - small ATLAS	0.2		0.1	
TEXAS	\$975,978	\$975,978		\$975,978	Traffic Flow	US 90A @ FM 72 to Keller - small ATLAS				
TEXAS	\$127,120	\$127,120		\$127,120	Traffic Flow	SM 75 @ FM 3003 to SM 105 - small ATLAS	0.2		0.1	
TEXAS	\$2,618,844	\$2,618,844		\$2,618,844	Traffic Flow	SM 45 - upgrade Blvd lanes to control signals	2.0		5.4	
UTAH	\$4,812,290	\$3,312,146	79.4%	\$4,812,290	Traffic Flow	Business Management for Salt Lake Metropolitan Area	2.5	161.0	.8	
UTAH	\$31,000	\$31,000		\$31,000	Traffic Flow	Salt Lake area - barrier, improvement, Right-of-Way @ 3300 S	64.0	250.0	2.3	
UTAH	\$755,346	\$755,346		\$755,346	Traffic Flow	Traffic Management for the Salt Lake Area	44.0	1800.0	42.0	
UTAH	\$307,000	\$307,000		\$307,000	Traffic Flow	Signal coordination for the Ogden Area	23.0	1400.0	15.2	
UTAH	\$40,200	\$40,200		\$40,200	Demolished Right	Transportation Demand Mgmt management for Salt Lake City	4.5	56.0	4.5	
UTAH	\$143,600	\$143,600		\$143,600	Shared Bids	Salt Lake area - Park and Ride for Suburban	2.3	22.0		
UTAH	\$324,400	\$324,400		\$324,400	Shared Bids	Salt Lake area - Park and Ride for Suburban	9.0	21.0		
UTAH	\$19,000	\$19,000		\$19,000	Shared Bids	Salt Lake area - Park and Ride for Suburban				

Check with the administrator for errors

2004 Budget 1994

STATE	AMOUNT APPOINTED	AMOUNT OBLIGATED	NET	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VAC	CU	MAX	PM 10
VIRGINIA	120,490,843	118,113,951	98,458	\$9,101,211	Transit	Metrolink Bus Rapid Track and Exp. - replace buses, WAKATA	9.7		10.0	
VIRGINIA				\$500,000	Transit	Metrolink Bus Rapid Track	4.0		4.0	
VIRGINIA				\$1,216,000	Transit	Metrolink Bus Rapid Track				
VIRGINIA				\$500,000	Transit	New service study - TTCDC				
VIRGINIA				\$430,000	Transit	Metrolink 2 - 40' buses - TTCDC	26.5		26.4	
VIRGINIA				\$100,000	Transit	Transit service in York Co. - TTCDC	14.1		21.2	
VIRGINIA				\$100,000	Transit	Transit service in York Co. - TTCDC	19.4		19.3	
VIRGINIA				\$100,000	Transit	Transit service in York Co. - TTCDC				
VIRGINIA				\$34,000	Transit	Transit service in York Co. - TTCDC				
VIRGINIA				\$246,000	Transit	Metrolink 2 - 40' buses - TTCDC	46.7		46.4	
VIRGINIA				\$4,800	Transit	Metrolink 2 - 40' buses - TTCDC	2.8		3.4	
VIRGINIA				\$15,000	Transit	Metrolink 2 - 40' buses - TTCDC	9.5		1.1	
VIRGINIA				\$35,894	Transit	Metrolink 2 - 40' buses - TTCDC	12.0		2.0	
VIRGINIA				\$120,750	Transit	Metrolink 2 - 40' buses - TTCDC	29.4		4.1	
VIRGINIA				\$1,000	Transit	Metrolink 2 - 40' buses - TTCDC	27.4		4.4	
VIRGINIA				\$4,920	Transit	Metrolink 2 - 40' buses - TTCDC	16.7		1.8	
VIRGINIA				\$12,400	Transit	Metrolink 2 - 40' buses - TTCDC	2.4		0.2	
VIRGINIA				\$129,000	Transit	Metrolink 2 - 40' buses - TTCDC	3.0			
VIRGINIA				\$51,200	Transit	Metrolink 2 - 40' buses - TTCDC	14.1			
VIRGINIA				\$75,000	Transit	Metrolink 2 - 40' buses - TTCDC	3.8			
VIRGINIA				\$27,000	Transit	Metrolink 2 - 40' buses - TTCDC	9.0			
VIRGINIA				\$4,000	Transit	Metrolink 2 - 40' buses - TTCDC	4.1			
VIRGINIA				\$3,000	Transit	Metrolink 2 - 40' buses - TTCDC	0.1			
VIRGINIA				\$104,177	Transit	Metrolink 2 - 40' buses - TTCDC				
VIRGINIA				\$103,464	Transit	Metrolink 2 - 40' buses - TTCDC	66.9		92.3	
VIRGINIA				\$462,000	Transit	Metrolink 2 - 40' buses - TTCDC				
VIRGINIA				\$200,000	Transit	Metrolink 2 - 40' buses - TTCDC	19.0		19.0	
VIRGINIA				\$131,000	Transit	Metrolink 2 - 40' buses - TTCDC	29.4			
VIRGINIA				\$302,400	Transit	Metrolink 2 - 40' buses - TTCDC	19.3		15.9	
VIRGINIA				\$11,200	Transit	Metrolink 2 - 40' buses - TTCDC	4.6		4.6	
VIRGINIA				\$12,000	Transit	Metrolink 2 - 40' buses - TTCDC	2.3		1.9	
VIRGINIA				\$4,400	Transit	Metrolink 2 - 40' buses - TTCDC				
VIRGINIA				\$150,000	Transit	Metrolink 2 - 40' buses - TTCDC				
VIRGINIA				\$333,077	Transit	Metrolink 2 - 40' buses - TTCDC				

Transit with no appointments in 1994

CMAD Report 1994

STATE	AMOUNT APPOINTED	AMOUNT OBLIGATED	PCT	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	YOC	CU	NOA	PA 18
VIRGINIA				120,000	Traffic Flow	Highway Segmentation - Abacoction				
VIRGINIA				520,000	Traffic Flow	Highway Segmentation - Fairfax City				
VIRGINIA				800,542	Traffic Flow	Highway Segmentation - Henning				
VIRGINIA				1183,472	Traffic Flow	Highway segment study and upgrades				
VIRGINIA				3249,917	Traffic Flow	Highway segment study and upgrades				
VIRGINIA				1109,110	Traffic Flow	Highway segment study and upgrades				
VIRGINIA				5212,200	Traffic Flow	Highway segment study and upgrades				
VIRGINIA				427,758	Traffic Flow	Highway segment study and upgrades				
VIRGINIA				885,437	Traffic Flow	Highway segment study and upgrades				
VIRGINIA				1183,226	Traffic Flow	Highway segment study and upgrades				
VIRGINIA				888,918	Traffic Flow	Highway segment study and upgrades				
VIRGINIA				1155,187	Traffic Flow	Highway segment study and upgrades				
WASHINGTON	\$15,309,438	\$19,995,230	130.4%	387,000	General Mgmt	Business Employee Program	4.0	55.0	8.0	
WASHINGTON				1337,297	Traffic Flow	Highway Segment - 1st & 2nd streets at intersection		0.2		
WASHINGTON				1190,000	General Mgmt	Retention of TMA with employees along Wilbur Center	176.0	1710.0	214.0	
WASHINGTON				545,545	General Mgmt	CTR Program for small business	14.0	131.8	11.0	
WASHINGTON				1160,000	General Mgmt	1994 Education Program	51.0	543.0	48.0	
WASHINGTON				325,000	General Mgmt	Dissemination of business literature by employees	23.0	230.0	33.0	
WASHINGTON				5501,000	General Mgmt	TMA Business Center	517.0	4912.0	627.0	
WASHINGTON				546,000	Traffic Flow	Construction of 1000 sq ft parking lot	1.9	13.9	1.3	
WASHINGTON				340,000	Traffic Flow	Construction of 1000 sq ft parking lot	0.3	1.9	0.2	
WASHINGTON				1320,000	Traffic Flow	Daily performance evaluation system, internet, telephone CRM	0.6	0.1	0.1	
WASHINGTON				1152,000	Traffic Flow	Construction of 1000 sq ft parking lot	2.0	12.0	1.0	
WASHINGTON				1156,000	Traffic Flow	Construction of 1000 sq ft parking lot	2.0	12.0	1.0	
WASHINGTON				5600,000	Traffic Flow	Construction of 1000 sq ft parking lot	9.0	84.0	9.0	
WASHINGTON				1178,518	Traffic Flow	Construction of 1000 sq ft parking lot	1.0	1.0	1.0	
WASHINGTON				1127,240	Traffic Flow	Construction of 1000 sq ft parking lot	0.6	0.1	0.1	
WASHINGTON				5296,202	Traffic Flow	Construction of 1000 sq ft parking lot	2.0	0.1	0.1	
WASHINGTON				1126,000	Traffic Flow	Construction of 1000 sq ft parking lot	9.0	84.0	9.0	
WASHINGTON				5600,000	Traffic Flow	Construction of 1000 sq ft parking lot	9.0	84.0	10.0	
WASHINGTON				5328,410	Traffic Flow	Construction of 1000 sq ft parking lot	2.0	12.0	1.0	
WASHINGTON				32,180,000	Traffic Flow	Construction of 1000 sq ft parking lot	31.2	231.0	23.2	
WASHINGTON				81,094,000	Traffic Flow	Construction of 1000 sq ft parking lot	28.0	213.0	34.0	
WASHINGTON				81,204,000	Traffic Flow	Construction of 1000 sq ft parking lot	42.0	399.0	52.0	
WASHINGTON				5600,000	Traffic Flow	Construction of 1000 sq ft parking lot	89.0	420.0	110.0	
WASHINGTON				41,214,000	Traffic Flow	Construction of 1000 sq ft parking lot	1392.0	13193.0	1726.0	
WASHINGTON				1748,200	Traffic Flow	Construction of 1000 sq ft parking lot	10.0	97.0	14.0	
WASHINGTON				1110,000	Traffic Flow	Construction of 1000 sq ft parking lot	21.0	244.0	15.0	
WASHINGTON				1244,000	Traffic Flow	Construction of 1000 sq ft parking lot	10.0	86.0	8.0	
WASHINGTON				5234,000	Traffic Flow	Construction of 1000 sq ft parking lot	35.0	286.0	1.0	
WASHINGTON				8720,715	Traffic Flow	Construction of 1000 sq ft parking lot	23.0	244.0	15.0	
WASHINGTON				81,218,000	Traffic Flow	Construction of 1000 sq ft parking lot	23.0	244.0	15.0	
WASHINGTON				1190,000	Traffic Flow	Construction of 1000 sq ft parking lot	23.0	244.0	15.0	

\*States with no appointments are

1/03 Expense 1994

STATE	AMOUNT APPORTIONED	AMOUNT DELEGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VHC	CO	NOX	PM-10
WASHINGTON				\$596,830	Other TCMA	Acquisition of mobile street sweeper and dusting equip				2.5
WASHINGTON				\$108,385	Other TCMA	Contract new asphalt concrete roadway				3.2
WASHINGTON				\$365,943	Other TCMA	PM-10 C&B 137				
WASHINGTON				\$344,941	Other TCMA	PM-10 C&B 138				
WASHINGTON				\$1,000,000	Other TCMA	Univ. High School Area				1.1
WASHINGTON				\$414,150	Other TCMA	PM-10 Sweeping				
WASHINGTON				\$485,000	Other TCMA	PM-10 Sweeping				
EST VIRGINIA	\$4,812,290	\$337,088	5.3%	\$337,088	Transit	West County - construction of 8 traffic signals on WV 14	120.0	1280.0	-80.0	
DCONKSN	\$12,075,487	\$8,378,175	71.8%	\$412,082	Other TCMA	WADONB - contract setting of water vehicle project	14973.0			
DCONKSN				\$108,385	Other TCMA	WADONB - contract 12M gate demonstration program	15837.0			
DCONKSN				\$6,945,372	Other TCMA	City of Racine - construction of camp, school gas heating fac.	1.3			
DCONKSN					Transit	WADOT preliminary exp for transit in Milwaukee S/W Corrid.	432.0			
DCONKSN					Transit	City of Racine - Transit Line Right-of-Way	5.4			
DCONKSN					Transit	City of Milwaukee - Transit Line Right-of-Way	0.2			
DCONKSN					Transit	Madisonville Co Transit System - Employee Toy Reduction prog	3.0			
DCONKSN					Transit	Madisonville Co Transit System - Bus 77 Expense Project	80.1			
DCONKSN					Transit	City of Knoxville - plant to create Park and Ride Facility	1.8			
DCONKSN					Transit	Wisconsin Dept of Natural Res. - Employee Truck Auction proj	1718.0			
DCONKSN					Transit	City of Milwaukee - the Park, Transit, and Bicycling Exhibit	4.5			
DCONKSN					Transit	Dpt of Natural Resources - BCD Answer Line	3.0			
DCONKSN					Transit	Dpt of Natural Resources - BCD Answer Line	3.0			
DCONKSN					Transit	Madisonville Co Parks Dept - bicycl end	2.7			
DCONKSN				\$674,000	Transit	City of Milwaukee - computer operation of B3 signal system	36.2			
DCONKSN				\$2,533,200	Transit	City of Milwaukee - construction of traffic signals	0.7			
DCONKSN					Transit	City of St. Francis - installation of four traffic signals	0.5			
DCONKSN					Transit	Wisconsin Dept of Transp - District 2 Freeway Traffic Signal	818.0			
DCONKSN					Transit	Wisconsin Dept of Transp - District 2 Freeway Traffic Signal	2.2			
DCONKSN					Transit	Madisonville Co - traffic signal system improvements	46.8			
DCONKSN					Transit	City of Indianapolis - study and install automated traffic signal	3.2			
DCONKSN					Transit	City of Indianapolis - install of Day "The Turn on Red" intersection	29.9			
DCONKSN					Transit	City of Indianapolis - install new automated traffic signal (20 lanes)	3.4			
DCONKSN					Transit	Illinois Co Dept of Pub Works - plan for Edge Street Parking	12.7			
DCONKSN					Transit	Madisonville Co - plan for NOV Sunday parking and shuttle	3.0			
DCONKSN					Transit	Wisconsin Dept of Transp - construction of railroads program	3.0			
VTORANG	\$4,812,290	\$9,200,320	191.4%	\$2,797,945	STWCHIAQ	Freeman Co - construction of 157 mt of Madison Valley Rd				
VTORANG				\$6,432,675	STWCHIAQ	Stewart Co - contract RR equipment used in Green Riv				

Sheet with no attachments or data



U.S. Department  
of Transportation  
Federal Highway  
Administration

# Memorandum

Subject: **ACTION:** Congestion Mitigation and Air Quality Improvement (CMAQ) Program Date: **FEB 27 1993**

From: Director, Office of Environment and Planning Reply to: **HEP-41**  
Director, Office of Planning Date of: **TGM-22**

To: Regional Federal Transit Administrators  
Regional Federal Highway Administrators  
Federal Lands Highway Program Administrator

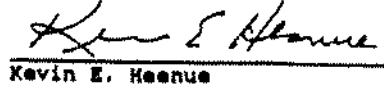
Attached is a summary of second year (1993) activities funded under the CMAQ Program. Major findings include:

- o The obligation rate of CMAQ funds significantly increased in FY 1993 over 1992 levels. Approximately \$600 million of the \$967 million (62 percent) in CMAQ funds were obligated during FY 1993.
- o The States continued to make use of the program's flexibility in the programming of CMAQ funds. The proportion of CMAQ 1993 obligations used for transit purposes amounted to 47 percent of the total. The CMAQ obligations for ride-sharing increased by 500 percent.
- o The States have made substantial progress in estimating air quality benefits, providing quantitative justification for 69 percent of the projects funded in FY 1993, up from 28 percent in FY 1992. Analysis of the numbers provided continue to show that expected emission reductions from Transportation Control Measures are small.
- o Similar progress, however, was not made in providing adequate project descriptions in FY 1993. Many descriptions are so ambiguous that it is virtually impossible to determine how CMAQ funds were used.

We ask your assistance in disseminating this summary to FHWA division offices and States, as well as Metropolitan Planning Organizations, public interest groups, and concerned citizens upon request.

If you have any questions, please contact Mr. Mike Savonia, FHWA, at (202) 366-2080, or Abbe Herner, FTA, at (202) 366-0096.

  
Samuel L. Zimmerman

  
Kevin E. Heenan

Attachment

FHWA:HSavonia:as:366-2080:1/03/95  
File Name: CMAQ2YR.MEM  
Branch File: A-700  
cc: TGM-22, HOA-1, HOA-2, HOA-3,  
HOA-3(ES), HPD-1, HEP-1,  
HEP-40,41,42, HEP-30,31,32



**The Congestion Mitigation and Air Quality Improvement Program  
A Summary of Second Year Activities  
(FY 1993: October 1992-September 1993)**

**Introduction**

This report provides the second national review of activities funded under the Congestion Mitigation and Air Quality Improvement (CMAQ) Program covering the 1993 fiscal year. For copies of the first compilation, *A Summary of First Year Activities*, or additional copies of this report contact the FHWA hotline at (202) 366-2069.

In the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA), Congress created the CMAQ Program and authorized six billion dollars in funding for Federal fiscal years (FY) 1992-97. The FHWA-FTA guidance issued on October 16, 1992 instructed the 50 States, the District of Columbia, and Puerto Rico to submit annual reports detailing their use of CMAQ funds and documenting the anticipated air quality benefits. For activities funded in FY 1993, States were to submit these reports to the FHWA Division Offices by February 1, 1994. In general, States submitted these reports to the FHWA in a timely manner.<sup>1</sup>

In FY 1993, approximately \$600 million was obligated under the CMAQ Program out of \$967 million that was apportioned to the States. The obligation rate was 62 percent which constituted a 20 percentage point increase over the FY 1992 obligation rate of 42 percent. The FY 1994 obligation rate continued this upward trend, soaring to 85 percent.

The FHWA-FTA report on the first year activities of CMAQ funds showed four notable findings:

- Approximately \$340 million of the \$809 million in CMAQ funds available to the States during FY 1992 was obligated. This resulted in a relatively low obligation rate of 42 percent.
- The majority of projects funded with CMAQ monies in FY 1992 were either relatively large and expensive transit projects or smaller and lower cost highway projects. In fact, over 50 percent of program funds were expended on transit projects and another 36 percent were used for traffic flow improvements.

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<sup>1</sup>Connecticut submitted its report for FY 1993 too late (January 1995) to be included in this report.

- The FY 1992 CMAQ State reports lacked air quality analyses for a majority of the projects. States provided air quality analyses for only 45 of the 159 projects (28 percent).
- The State reports lacked specific description of the projects funded by the CMAQ Program in FY 1992. The lack of detail on project descriptions makes it difficult for FHWA/FTA and State and local governments to understand and report how funds are being used.

By contrast, the FY 1993 State reports showed significant improvements:

- The obligation rate of CMAQ funds significantly increased in FY 1993 over FY 1992 levels. Approximately \$600 million of the \$967 million in CMAQ funds was obligated during FY 1993 which equals an obligation rate of 62 percent.
- The States continued to make use of the program's flexibility in the programming of CMAQ funds. The States' obligation of transit funds amounted to 47 percent of the total obligated in 1993, and the total dollar amount of transit funds obligated in FY 1993 increased by over 68 percent (\$120 million).
- The States have made substantial progress in reporting projected air quality benefits and provided air quality analysis for 69 percent of the projects funded with CMAQ obligations in FY 1993. This number was up from the 28 percent of projects that States reported air quality analysis in FY 1992.
- The States, however, did not make sufficient progress in providing adequate project descriptions in FY 1993. The MPOs and States need to provide more complete project descriptions so their citizens, public interest groups, Congress, and officials at the Federal, State, and local levels have a better understanding of what projects are being funded under the CMAQ Program.

### Second Year Results

#### Obligation Rates

Overall, the 1993 CMAQ obligation rate showed a significant increase. The States obligated 62 percent of their FY 1993 CMAQ apportionments. Furthermore, this progress was fairly uniform among the States. The increase in the obligation rate is even more impressive given that the Federal amount apportioned to the States increased by 19 percent between FY 1992 and FY 1993 (\$809 million vs. \$967 million, respectively) due to the difference in congressional authorizations. (Future year authorizations are relatively constant.)

Fourteen States used all of the CMAQ funds available to them in FY 1993. In comparison, only three States obligated all of their apportionments during FY 1992. In a few cases, States obligated more than their FY 1993 apportionment, due to the carryover of unobligated funds remaining from their FY 1992 apportionments. Twenty-six States obligated over 80 percent of their FY 1993 CMAQ apportionments. Several of these States were among those receiving the largest CMAQ apportionments in FY 1993. California, the State that received the largest CMAQ apportionment (\$142 million) in FY 1993, obligated 80 percent of its FY 1993 CMAQ apportionment. The number of States that obligated less than 50 percent of their apportionments in FY 1993 significantly dropped from FY 1992. Only 23 States (including the District of Columbia and Puerto Rico) obligated less than 50 percent of their FY 1993 apportionments compared to 38 States in FY 1992.

Thirteen States receive three-fourths of the yearly CMAQ apportionments, and to a great extent shoulder a disproportionate responsibility in determining the program's success. Table 1 lists these States in descending order of apportionments. Of these 13 States, nearly one-half obligated at least 80 percent of their apportionments. The States listed here and located in Region I did particularly well, with the four States (NY, NJ, MA, and CT) obligating 96 percent combined with no State obligating less than 84 percent.

Four of the 13 States, Texas, Pennsylvania, Ohio, and Michigan obligated less than 50 percent of their FY 1993 apportionments. Pennsylvania withheld CMAQ apportionments pending the completion of a methodology for the entire State to use to evaluate CMAQ projects. Pennsylvania completed this process in late 1994, and the State's CMAQ obligations are expected to increase. A further explanation for the relatively low obligation rates in some States can be derived from the recently completed FHWA/FTA/EPA program review which discovered significant challenges in programming CMAQ funds. These were generally related to the difficulty in implementing smooth coordination mechanisms among the many new players in the CMAQ funding process. The recent employment of several coordination improvements should help to speed the programming of funds in the future, but further efforts at the local, State and Federal levels will be necessary to completely overcome them. It is nonetheless encouraging to note that even the obligation rates for these States also increased between 1992 and 1993.

**Table 1 - Thirteen States Receiving the Largest CMAQ Apportionments  
FY 1993 (October 1992 - September 1993)\***

<u>State</u>	<u>Amount Apportioned</u>	<u>Amount Obligated</u>	<u>Obligation Rate</u>
California	142.2	113.8	80.0%
New York	101.0	96.0	95.0%
Texas	95.4	30.6	32.1%
Pennsylvania	58.2	6.8	11.8%
New Jersey	55.5	57.0	102.6%
Illinois	47.2	49.2	104.3%
Ohio	42.3	10.4	24.6%
Massachusetts	39.6	38.4	96.8%
Maryland	29.9	22.9	76.7%
Florida	28.8	19.4	67.5%
Michigan	28.0	12.5	44.5%
Connecticut	22.6	19.0	83.9%
Virginia	20.5	10.0	49.0%

\*in millions

Overall, States obligated 76 percent more CMAQ funds in FY 1993 than in FY 1992 (\$600 million versus \$340 million). Preliminary estimates of FY 1994 (October 1993 to September 1994) obligation rate is over 85 percent. One reason for the rise in obligation rates is that States and local governments have made progress towards putting into place the coordination mechanisms and technical tools required to develop an effective project development. This, combined with greater experience in the development and prioritization of transportation projects to improve air quality, helped many States increase their obligation rates, but further strides are still necessary.

The rise in obligation rates decreases the likelihood that CMAQ funds will lapse in the future. In addition, the Federal Highway Administration has virtually achieved the goal set in its National Strategic Plan to obligate CMAQ funds at the same relative level set by Congress for all Title 23 funds. The congressional spending limitation, and therefore the FHWA goal for the CMAQ Program, was 91 percent for FY 1994.

*Program Activities*

In addition to the increase in obligations, the FHWA/FTA also approved substantially more CMAQ proposals in 1993, approving funding for 767 CMAQ proposals--an increase of 60% over FY 1992. Appendix A provides a complete listing of all CMAQ projects funded during the FY 1993 obligation period as provided in the State reports. These projects are categorized according to the classifications under the CMAQ Program guidance:

- Transit;
- Traffic Flow Improvements;
- Shared Ride;
- Demand Management
- Pedestrian/Bicycle; and
- Other TCMs (including inspection and maintenance programs).

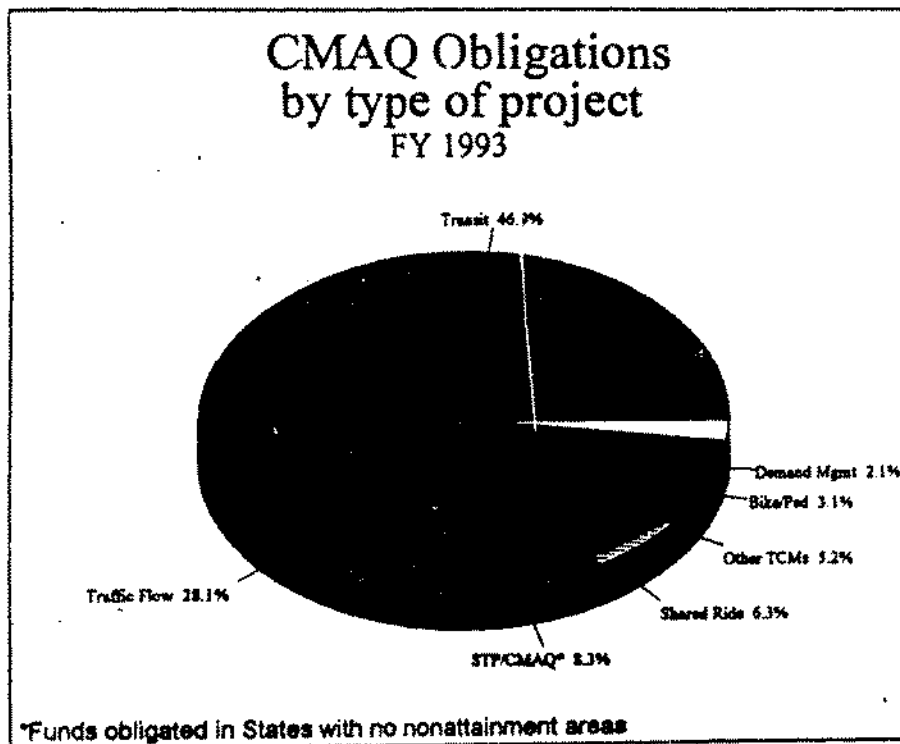
The CMAQ Program has continued to be very flexible. As Figure 1 illustrates, transit captured 47 percent, or the largest share, of CMAQ obligations by the States. Traffic flow improvement projects accounted for another 28 percent of total CMAQ obligations. Obligations in the remaining project categories, exclusive of CMAQ funds used for purposes under the Surface Transportation Program, constituted approximately 20 percent of the funds expended in FY 1993.

Comparing 1993 obligations with those of 1992 indicates that a shift is occurring away from the project categories with the largest share of obligations (transit, traffic flow) to categories with smaller shares. The percentage of CMAQ funds used for demand management, pedestrian/bicycle, shared ride, and other TCMs, increased by nearly 10 percentage points, from 7 percent in FY 1992 to almost 17 percent in FY 1993. The amount obligated towards shared ride projects increased from \$7.5 million in FY 1992 to \$37.8 million in FY 1993, representing a five-fold increase.

At the same time, both transit and traffic flow improvements projects dropped as a percentage of the total share. The share of traffic flow improvements dropped 8 percentage points, from about 36 percent of the total to only 28 percent. Transit's share also dropped from almost 51 percent to about 47 percent. Given the increase in 1993 CMAQ authorizations and increases in the obligation rate, the total spent on transit projects still increased very substantially (68 percent), from \$177 million to \$298 million.

The apparent shift in funding shares between FY 1992 and FY 1993 indicate an increasingly healthy competition among project types for CMAQ funds. Other types of projects outside of the well-established transit and traffic flow areas are becoming increasingly successful at securing funds. Preliminary estimates of FY 1994 CMAQ obligations seem to indicate that this trend in the distribution of CMAQ obligations among project types will continue.

An analysis of the number of projects is included in this report for purposes of consistency with last year's report. However, little information can be attained by rigorous scrutiny of these numbers. Transit projects are obligated under quarterly grants which do not identify each project element. Each grant may contain several elements which could otherwise be considered separate projects. Hence, the number of transit projects is probably understated by this analysis.



**Figure 1**

Similarly, it is difficult to identify project elements with respect to traffic flow improvement projects. For example, a "signal timing project" may include the timing of several signals within a corridor, or a State may report the timing of each signal in a corridor as a separate project. As a result, it is difficult to determine funding activities within a specific project category. Nonetheless, the number of transit improvements increased significantly as shown in Figure 2. Traffic flow improvements comprised approximately \$180 million of the CMAQ obligations and also showed significant increases in the number of funding proposals.

Activities falling in the remaining CMAQ project categories--shared ride, pedestrian/bicycle, demand management, and other TCM projects also increased substantially.

As evidenced by the breakdown of obligations by project type, States have become more flexible in using CMAQ funds as their experience with the program matures. One reason for the shift in the share of obligations in each of the project categories seems to be that new players in the transportation arena have begun to participate in the project selection and

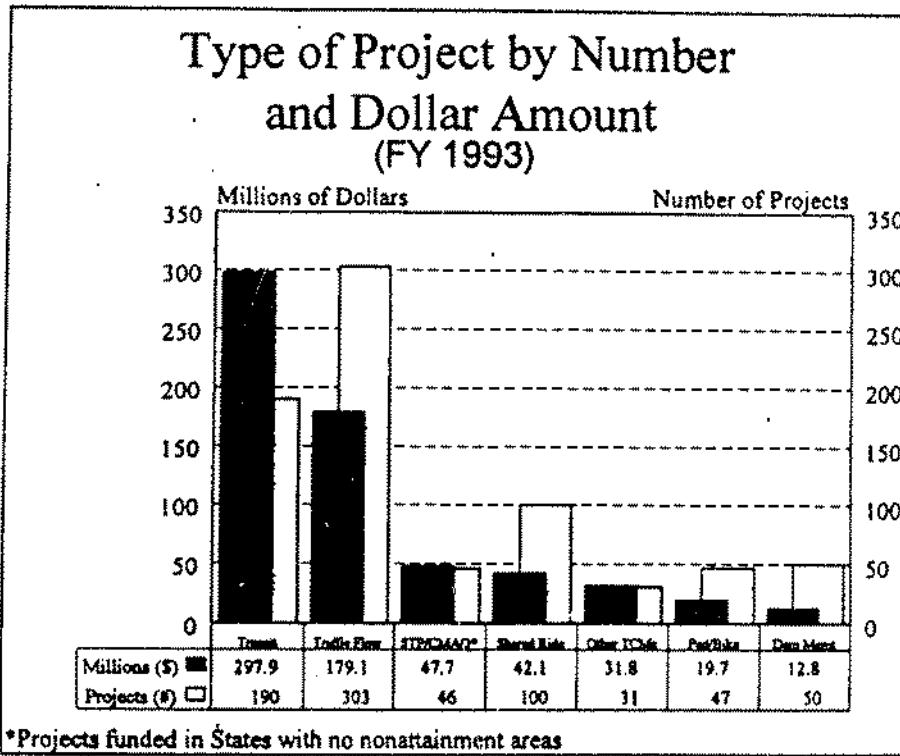


Figure 2

programming process to a greater extent. Whereas the State departments of transportation and transit operators had well established programs and were able to move their projects forward in the first year of CMAQ activities, the new participants may have needed more time to familiarize themselves with program guidelines, local project selection processes and Federal funding requirements. The variety of projects funded under the CMAQ Program may continue as these new participants become even more involved in the project selection and programming of CMAQ projects.

### Analysis of Air Quality Benefits

#### *Overall Analysis*

Significant progress has been made by the States in the percent of CMAQ projects for which air quality analyses were submitted. In fact, 69 percent of the projects listed in the FY 1993 CMAQ State reports had air quality analysis performed for at least one type of emission. In comparison, States had performed air quality analyses on only 28 percent of the projects funded in FY 1992.

Emissions analyses were submitted on volatile organic compounds (VOC) for 497, or 94 percent, of the projects that contained air quality analysis. Carbon monoxide (CO) and small particulate matter (PM-10) emissions analyses were completed for slightly over one-half of the projects. Analysis was performed on oxides of nitrogen (NO<sub>x</sub>) for 18 percent of the projects.

Based on the limited data available in FY 1992, the FHWA/FTA reported in the *Summary of First Year Activities* that the benefits in emissions reductions from projects funded under the CMAQ Program were small. This conclusion is further supported by the more numerous air quality analyses provided in the FY 1993 State reports. Figure 3 shows the frequency distribution of emission reductions for volatile organic compounds (VOCs) for all of the projects containing VOC analyses in the FY 1993 State reports. Two-hundred and twenty-seven of the 497 projects (46 percent) estimated reductions of under five kg/day. The number contributing VOC reductions between six and 100 kg/day added another 210 projects to these 227. The percentage of all projects contributing 100 kg/day or less constitute almost 88 percent (437 projects) of the projects which had air quality analyses. The graph also shows some more promising results. Sixty projects are reported to have expected VOC emission reduction of more than 100 kg/day, and 17 of these are expected to reduce emissions by 1000 kg/day or more.

Table 2 shows the minimum, median, and maximum value of the expected emissions reductions for each emission as a result of the CMAQ projects funded in FY 1993.<sup>2</sup> The median estimated reductions in emissions range from 0 kilograms per day (kg/day) for PM-10 to 47 kg/day for CO. Although the potential for higher emission reductions exists, as evidenced by the maximum emission reductions by each type of pollutant, the median value of each pollutant is less than 50 kg/day.

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<sup>2</sup>The median, rather than the mean, is a better representation of average effectiveness because the mean is unduly influenced by a relatively few projects with large emissions reductions. The median is the point above or below which 50 percent of all observations lie when ranked highest to lowest.



Table 2 - CMAQ Air Quality Benefits for All Pollutants (kg/day)

Emission Type	N	Minimum <sup>2</sup>	Median	Maximum
VOC	497	-5	7	86,182
CO	271	0	47	71,658
NO <sub>x</sub>	246	-127	3	7,405
PM-10	96	-1	0	4,747

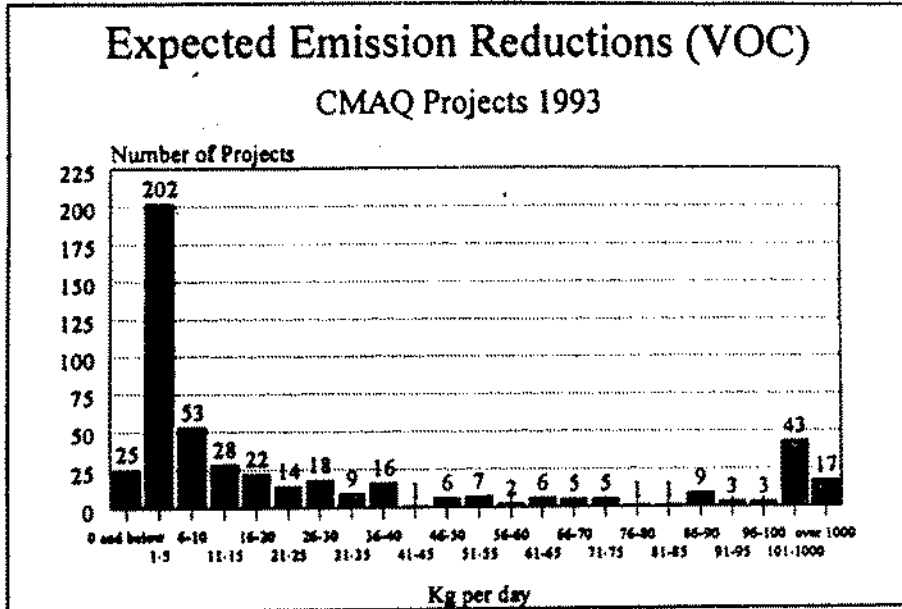


Figure 3

Several points should be made regarding the emission reduction analyses discussed in the section above. First, all of the projected air quality benefits are attributable to single (such as VOC) emission reductions alone. Some projects may show multiple emission reductions for criteria pollutants (CO, ozone, PM-10) as well as others, like carbon dioxide. Second,

<sup>2</sup>Negative numbers indicate increases in emissions. These are offset by decreases in other emissions, making the project eligible for CMAQ funds.

CMAQ money may be only one portion of an entire pool of funds financing a project. As a result, only a portion of the benefits can be attributable to CMAQ funds alone. Third, many of these projects have different project lives. For example, a rideshare project may only be a one-year project contributing one year of benefits, or may in fact represent an investment with longer term benefits. On the other hand, a project to put additional buses on the road may have a 12-year lifespan and contribute to 12 years of emission reduction benefits. Fourth, even in the best of circumstances, emission reductions from transportation control measures are very difficult to predict. There can be great variation in both the magnitude and timeframe over which they take place. Finally, no attempt has been made to analyze these projects with respect to the relative costs and benefits. Some projects funded under CMAQ are very low cost such as many bicycle projects. Although the air quality benefits of these projects may also rank low, the project may be cost-effective when relative costs and benefits are evaluated. An adequate cost-effectiveness analysis would need to include the above factors, as well as others. Further research in this area is clearly warranted.

A more detailed examination of VOC emission reductions also shows that the estimated emission benefits of CMAQ projects vary little by project type as shown in Table 3. Although each project category shows the potential for emission reductions of over 1,000 kg/day, the median reduction for each project category is less than one-tenth of that. The low median values may indicate that on average there is little difference in the small projected reductions between categories.

The relatively high maximum values in just about every category provide some reason for optimism that CMAQ projects can contribute toward an area's efforts to achieve attainment. Most categories contain at least some projects that are estimated to reduce VOC emissions by 1,000 kg/day [1 metric ton/day] or more. One - an inspection and maintenance project in New Jersey - is estimated to reduce VOC emissions by a staggering 86,000 kg/day. One category--"Other TCMs" where I/M projects and some conversions to alternative fuels would fall--demonstrated a relatively high median value as well. While hopeful, such estimates must be viewed cautiously given the current shortcomings in our ability to accurately predict emission reductions. Note that these emission reduction estimates are provided by the State and no attempt has been made to apply a uniform methodology.

Table 3 - Air Quality Analysis by Project Type (VOC, kg/day)

Type of Project	N	Minimum	Median	Maximum
Transit	125	0	8	9,865
Traffic Flow	234	-5	7	1,980
Shared Ride	70	0	5	25,870
Other TCMs	14	0	85	86,182
Ped/Bike	30	0	3	37
Demand Management	23	0	13	2,700

Table 4 lists the 19 projects with anticipated VOC emissions reductions of 500 kg/day (one-half a ton per day) or more. Of these projects, four relate to development of inspection and maintenance, six are traffic flow improvement projects, and four more are shared ride projects. Based on the information presented in Table 4, inspection and maintenance projects appear to yield some of the highest benefits toward emission reductions of VOC. In fact, two of the top five projects with the highest estimated emissions reductions are inspection and maintenance projects.

Table 4 - Projects With at Least 500 Kg/Day  
 VOC Emissions Reductions  
 (Emission reductions are provided without comment on their accuracy.)

<u>Project Description</u>	<u>Project Type</u>	<u>State</u>	<u>Emission Reductions (kg/day)</u>
Dev. a computer system for enhanced I & M	Other TCMs	New Jersey	86,182
Regional ridesharing	Shared Ride	Tennessee	25,870
Enhanced I & M pilot demonstration project	Other TCMs	Wisconsin	15,750
Park & ride lot	Transit	Ohio	9,865
Ride share program	Shared Ride	New Jersey	6,486
Park & ride lot	Shared Ride	Tennessee	4,631
ECO program	Demand Mgmt	New York	2,700
Install transit lanes	Transit	Wisconsin	2,430
Traffic signal coordination	Traffic Flow	Wisconsin	1,980
I/M program computer upgrade	Other TCMs	Maine	1,392
NYDOT coord. study	Traffic Flow	New York	1,293
Traffic signal upgrade	Traffic Flow	Tennessee	1,140
Upgrade signal system	Traffic Flow	Tennessee	1,116
Taxi stand disp. program	Other TCMs	New York	1,101
I/M mech. training program	Other TCMs	Maine	929
Design & impl. signal sys	Traffic Flow	Tennessee	885
Metropool ridesharing	Shared Ride	New York	793
Walk to work program	Demand Mgmt	Wisconsin	540
Traffic signal upgrade	Traffic Flow	Tennessee	524

Analysis of VOC reductions by project cost show no significant gains in emissions reductions among projects with higher capital investments than those with low capital investments. As Table 5 indicates, eighty-eight percent of projects within all three capital investment categories yielded emissions reductions ranging from 0 to 99 kg/day. Only four percent of all projects generated over 500 kg/day of reductions in VOCs. Only three percent of projects costing under \$500,000 and five percent of those costing over \$1 million resulted in VOC reductions over 500 kg/day. In comparison, a much higher percentage of both the projects with capital costs under \$500,000 and those with capital costs over \$1 million were estimated to reduce emissions by less than 100 kg/day. The analysis did show that projects with capital investments between \$500,000 - \$1 million tended to produce the highest percentage of emissions reductions, but there is no strong explanation for these results.

Table 5 - VOC Reductions by Project Cost

Kg/day	\$0-500K	\$500K-\$1M	Over \$1M	Total
500 or greater	3%	10%	5%	4%
100-499	6%	8%	17%	8%
0-99	91%	82%	78%	88%
	100%	100%	100%	100%

It is difficult to draw firm conclusions from the data presented above. Federal guidance pertaining to estimations of emission reductions associated with CMAQ projects allows for a great degree of flexibility and variation for States in estimating emissions benefits, and some States have greater technical capability to do this than others. Further, the state-of-the-art for all estimation techniques still needs improvement. Finally, air quality models rely on assumptions as inputs to the models, and the validity of those assumptions depends greatly on the information used to develop them.

Despite these qualifications, however, something must be said for the consistency of the results. Many different technicians are using a wide variety of methods to estimate emission reductions in the 100+ areas where CMAQ funds are being used. Still, the results are remarkably consistent and lend credence to the conclusion that the anticipated emission reductions from traditional control measures that solely increase the supply of transportation services are likely to be small.

#### Conclusions and Recommendations

In general the State reports submitted in FY 1993 had significantly more information than those submitted in FY 1992. As a result, FHWA and FTA were able to ascertain better data

on the funding activities and air quality benefits associated with the CMAQ Program. The second year of activities under CMAQ shows that strides have been made in obligations and the flexible use of CMAQ funds over various project categories. The proportion of CMAQ obligations for transit and traffic flow improvements has dropped (even though absolute amounts have increased), and the proportion of funds for demand management, rideshare services, and other TCMs has sharply increased. Preliminary data on CMAQ obligations during FY 1994 suggest that this trend may continue in future years of CMAQ funding under ISTEA.

Project descriptions on proposals submitted for CMAQ funding are still inadequate. The lack of detailed project descriptions makes it difficult for Federal agencies to share information on what is/is not effective to CMAQ stakeholders across the country. More complete project descriptions could allow State and local governments to benefit from the experiences of other States toward development and implementation of successful projects at reducing emissions, resulting in a more cost-effective use of Federal funds.

Although the States have made significant improvements toward improved air quality analyses, over thirty percent of CMAQ projects still have no analytical justification. The greater the number of projects with associated air quality benefits, the more information can be obtained as to the overall air quality benefits that result from the CMAQ Program. In addition, increased air quality emissions analysis can provide more consistent information concerning emission reductions among project types and capital investment categories. The systematic approaches taken by Pennsylvania and other States to put in place analytical processes to identify and prioritize proposals for CMAQ funding show great promise in maximizing the use of transportation funds to improve air quality.

While progress has been made, further strides are still necessary. We recommend that States:

- improve the project descriptions submitted as proposals for CMAQ funding;
- analyze more of their CMAQ proposals for anticipated air quality benefits to provide a basis for the priority setting and project selection process and maximize air quality benefits through complementary measures; and
- continue to find ways to improve the interagency coordination process and solicit meaningful public input into project development and selection.

The States do not bear sole responsibility for CMAQ Program implementation, and MPO and other local organizations also need to assist them in making needed improvements. Further, Federal agencies must continue their efforts to share information about the CMAQ Program, develop better methods for the analysis of transportation/air quality impacts, and find ways to make implementation of the program as smooth and effective as possible.

STATE	AMOUNT APPORTIONED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	NOX	PM10
ALABAMA	\$4,812,290	\$1,971,400	41.0%	\$1,971,400	Traffic Flow	Vapour seal	21.6	0.9	8.3	0.2
ALABAMA				\$155,000	Traffic	Electric Bus	1.9			
ALABAMA				\$780,000	Traffic	Purchase 20 buses & 21 vans for expanded transit service	348.5	2178.3	278.6	573.0
ALABAMA				\$150,000	Traffic Flow	Product emissions reduction through	70.0	150.0	20.0	0.8
ALABAMA				\$280,000	Traffic Flow	Product emissions reduction through	211.2	1238.5	144.9	300.4
ALABAMA				\$127,200	Traffic Flow	Product emissions reduction through				
ALABAMA				\$140,000	Traffic Flow	Product emissions reduction through				
ALABAMA				\$231,200	Other TCMA	Product emissions reduction through	4.5			2.2
ALABAMA				\$1,964,902	Traffic	Product emissions reduction through		31.0		
ALABAMA				\$275,000	Street Light	Product emissions reduction through		596.8		
ALABAMA				\$2,000,000	Traffic Flow	Product emissions reduction through				1140.5
ARIZONA	\$12,972,643	\$12,118,074	93.4%	\$5,450,000	Traffic	Product emissions reduction through	2.7	140.4	26.7	77.1
ARIZONA				\$999,580	Traffic	Product emissions reduction through				
ARIZONA				\$460,000	Street Light	Product emissions reduction through				
ARIZONA				\$500,000	Traffic Flow	Product emissions reduction through				
ARIZONA				\$3,512,751	Traffic Flow	Product emissions reduction through	70.0	150.0	20.0	0.8
ARIZONA				\$400,000	Traffic Flow	Product emissions reduction through	211.2	1238.5	144.9	300.4
ARIZONA				\$172,569	Demolition	Product emissions reduction through				
ARIZONA				\$22,821	Pub/Bus	Product emissions reduction through				
ARIZONA				\$45,211	Pub/Bus	Product emissions reduction through	4.0	25.1	3.1	0.0
ARIZONA				\$14,145	Pub/Bus	Product emissions reduction through				
ARIZONA				\$23,481	Pub/Bus	Product emissions reduction through				
ARIZONA				\$51,265	Pub/Bus	Product emissions reduction through				
ARIZONA				\$54,931	Pub/Bus	Product emissions reduction through				
ARKANSAS	\$4,812,290	\$1,150,948	24.1%	\$1,932,348	STP/CMAQ	Major outfalling				
ARKANSAS				\$218,400	STP/CMAQ	Outfall for major outfalling				
CALIFORNIA	\$142,198,294	\$113,774,484	80.0%	\$108,381	Demolition	L.A. - Developing a TMA to serve special commuting needs	0.9	0.9	8.3	0.2
CALIFORNIA				\$106,326	Demolition	L.A. - Impassant methods to manage traffic and travel patterns	49.7	462.6	47.8	9.2
CALIFORNIA				\$50,000	Demolition	San Valley - TMA start up costs				
CALIFORNIA				\$74,999	Demolition	Outfall - Developing city reduction/Promotion of signal				
CALIFORNIA				\$3,500	Traffic Flow	Bakersfield - Intersection 6 signals on King Ave.	12.5	11.7	3.8	0.0
CALIFORNIA				\$2,500	Traffic Flow	Bakersfield - Intersection 3 signals on Stockdale St.	2.1	19.7	0.5	0.0
CALIFORNIA				\$5,200	Traffic Flow	Bakersfield - Intersection 3 signals on Stockdale St.	6.7	13.8	4.5	0.0
CALIFORNIA				\$150,000	Traffic Flow	Kern Co. - Intersection at River Blvd and Diamond St.	0.7	13.9	0.3	0.0
CALIFORNIA				\$3,200	Traffic Flow	Kern Co. - Intersection at River Blvd and Diamond St.	0.4	6.0	0.1	0.0
CALIFORNIA				\$30,000	Traffic Flow	Bakersfield - Intersection 5 signals on Stockdale Street	18.1	29.3	1.6	0.0
CALIFORNIA				\$1,018,258	Traffic Flow	Kern Co. - Intersection at South Union and Pacheco	0.0	0.1	0.0	0.0
CALIFORNIA				\$4,015	Traffic Flow	San Diego Co. - Construction of HOV lanes in the central	13.7	175.2	20.9	0.0
CALIFORNIA				\$40,000	Traffic Flow	Outfall - Signal construction at Varsity and Park Avenues	0.7	6.4	0.3	0.1
CALIFORNIA				\$100,000	Traffic Flow	Outfall - Signal construction at Varsity and Park Avenues	0.2	1.6	0.1	0.0
CALIFORNIA				\$509,153	Traffic Flow	Outfall - Signal construction at Varsity and Park Avenues	4.0	18.5	1.0	0.0

\*Sum of all no disbursement areas

STATE	AMOUNT APPOINTMENT	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	YOC	CO	MAX	TR-18
CALIFORNIA				187,862	Traffic Flow	Turbert - local traffic signals at Olive & Havelpe Dr.	0.4	3.0	0.7	
CALIFORNIA				540,213	Traffic Flow	Valdys - City-wide traffic signal interconnection	64.4	467.8	21.9	
CALIFORNIA				150,000	Traffic Flow	Kern Co. - modify signal 974 at Verdugo Lane	0.0	0.1	0.0	0.0
CALIFORNIA				544,000	Traffic Flow	San Joaquin County - Intersection improvements on St. Thomas Exp	99.6	725.1	13.2	
CALIFORNIA				115,000	Traffic Flow	Kern Co. - local signal at South Union Ave. & Fairview Rd.	0.1	1.5	0.0	0.0
CALIFORNIA				17,043,400	Traffic Flow	Caltrans - FWT 974, 981, 100 #2				
CALIFORNIA				53,264,140	Traffic Flow	Caltrans - FWT 974, 981, 100 #1				
CALIFORNIA				379,625	Traffic Flow	Caltrans - Signal construction @ Sutter Ave.	18.6	172.1	17.9	3.4
CALIFORNIA				540,207	Traffic Flow	L.A. - Phobias and south side card interlocking	23.9	199.3	4.0	
CALIFORNIA				1,000,000	Traffic Flow	Beverly Hills - Small traffic sig. & interconnect 12 interconnect	90.7	441.0	16.5	
CALIFORNIA				1,000,000	Traffic Flow	LA Co. - STC traffic signal @ San Gabriel				
CALIFORNIA				117,622	Traffic Flow	San Bernardino - upgrade and interconnect existing signals	0.1	1.1	0.0	0.0
CALIFORNIA				112,500	Traffic Flow	Kern Co. - Small signal at Niles Ave. & Sutterland Dr.				
CALIFORNIA				540,000	Traffic Flow	Ontario - Traffic signal at Hunt Ave.				
CALIFORNIA				1,100,000	Traffic Flow	Santa Monica - Signal upgrade @ Wilshire Blvd.				
CALIFORNIA				1,011,500	Traffic Flow	City of Modesto - local traffic signal at intersection	0.2	0.6	0.0	
CALIFORNIA				1,190,000	Traffic Flow	City of Modesto - local signals at 2 other int. (4th & Summit)	0.3	4.4	0.2	
CALIFORNIA				1,011,500	Traffic Flow	City of Modesto - replace 4-way stop with traffic sig.				
CALIFORNIA				12,600,000	Traffic Flow	San Jose - replace controller				
CALIFORNIA				179,914	Traffic Flow	San Jose - Development of vehicle location system	0.4	2.8	0.0	0.0
CALIFORNIA				520,000	Traffic Flow	San Jose - installation of 2 signals, and construction of 4 sig.	8.1	67.8	4.2	
CALIFORNIA				174,365	Traffic Flow	San Jose - signal interconnect signals on Summerfield Rd.	3.1	29.7	1.1	
CALIFORNIA				556,619	Traffic Flow	San Jose - interconnect signals on Summerfield Rd.	4.7	37.8	2.3	
CALIFORNIA				329,031	Traffic Flow	Princeton - Signal interconnect on Auto Road Rd.	4.5	39.7	2.5	
CALIFORNIA				544,000	Traffic Flow	Hayward - Signal interconnect on Tamayo Blvd.	31.2	213.6	17.0	
CALIFORNIA				120,000	Traffic Flow	Oakland - Bulman signals	6.1	53.7	3.3	
CALIFORNIA				545,150	Traffic Flow	Contra Costa Co. - Signal interconnect on San Pablo Dam Rd.	1.4	11.6	0.7	
CALIFORNIA				13,541	Traffic Flow	Antelope - signal interconnect on Lane Tree Way	1.4	4.4	0.2	
CALIFORNIA				19,074	Traffic Flow	San Francisco - local traffic signal at Hwy and Division St.	0.6	4.4	0.2	
CALIFORNIA				545,494	Traffic Flow	San Jose - interconnect signals at Highway Rd.	1.0	8.1	0.2	
CALIFORNIA				535,412	Traffic Flow	San Jose - interconnect signals on Avenida Dr. and Puchman	3.2	23.6	1.0	
CALIFORNIA				34,833	Traffic Flow	San Jose - Upgrade interconnect 8 signals on Puchman Blvd.	12.5	90.1	6.2	
CALIFORNIA				120,000	Traffic Flow	Puchman - traffic signal timing evaluation for various streets.	15.5	126.1	7.8	
CALIFORNIA				120,000	Traffic Flow	Puchman - interconnect 9 signals on McDonald Blvd.	4.8	47.0	2.6	
CALIFORNIA				58,833	Traffic Flow	Puchman - interconnect 11 signals on Washington St.	14.3	103.0	4.8	
CALIFORNIA				118,200	Traffic Flow	Develop and fund freeway services garage during peak hours.	2.4	17.2	0.8	
CALIFORNIA				12,213,250	Traffic Flow	Alameda Co. - Signal interconnect on Contra Valley Blvd.	93.2	756.8	46.6	
CALIFORNIA				110,623	Traffic Flow	San Francisco - signal modifications on Lawrence Espy.	34.8	232.9	11.6	
CALIFORNIA				173,000	Traffic Flow	San Francisco - replace controllers on 19th Ave.	49.7	311.1	22.4	
CALIFORNIA				120,261	Traffic Flow	San Francisco - Signal interconnect on El Camino Blvd.	1.8	31.1	1.9	
CALIFORNIA				121,132	Traffic Flow	Daly City - interconnect signals on John Daly Blvd.	1.3	9.6	0.4	
CALIFORNIA				140,722	Traffic Flow	San Francisco - modify signals at El Camino and Bermano	23.9	188.6	8.6	
CALIFORNIA				197,565	Traffic Flow	San Francisco - Replace controllers on Van Ness Ave.	30.0	261.3	16.4	
CALIFORNIA				143,218	Traffic Flow	San Francisco - Replace controllers on Market St.	6.9	48.0	2.3	

\*States with unavailability data



CHAD Report 1993

STATE	AMOUNT AFFORDED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOIC	CO	NOX	PM10
CALIFORNIA				879,345	Traffic Flow	San Jose - TDM Program for emergency vehicles				
CALIFORNIA				509,835	Other TCDA	Berkland Schools - Development of a pilot program, TDM program				
CALIFORNIA				11,614,200	Other TCDA	MTC - Freeway service project				
CALIFORNIA				495,200	Other TCDA	Concha Valley - PM-10 program, air quality mitigation measures				197.0
CALIFORNIA				11,196,224	Other TCDA	Flower County - Developing a commercial based set of TCDA				
CALIFORNIA					Other TCDA	Developing policies, public info, activities to reduce emissions				
CALIFORNIA				500,160	Pd/Bus	San County - PM-10 info for BSA				
CALIFORNIA				450,617	Pd/Bus	Polson - Purchase of 8, velsa bicycle lanes in green valley	1.2	14.7	0.9	
CALIFORNIA				315,500	Pd/Bus	Providence - Construct 4 B. velsa bicycle lanes from 7th to 3rd streets	2.8	31.2	2.6	0.1
CALIFORNIA				11,600	Pd/Bus	San Joaquin Co. - Developing bike path from Empire to Johnson H.S.	0.6	7.4	0.2	0.0
CALIFORNIA				94,000	Pd/Bus	San Joaquin Co. - Construct electric/Bike lanes				
CALIFORNIA				116,000	Pd/Bus	San Joaquin Co. - PM & S for bike lane center, on Sunnyvale Rd.				
CALIFORNIA				110,623	Pd/Bus	San Joaquin Co. - PM & S for bike lane construction				
CALIFORNIA				1796,770	Shared Bikes	City of SD - Shared				
CALIFORNIA				323,194	Shared Bikes	San Joaquin - to reduce emissions of noise, 3 TDMs	51.0	476.2	40.1	9.4
CALIFORNIA				428,271	Shared Bikes	L.A. - provide specific services such as guest bike.	13.5	126.3	12.0	2.5
CALIFORNIA				505,000	Shared Bikes	City of L.A. - project to install a vaupod program	4.1	37.8	1.9	0.7
CALIFORNIA				1122,171	Shared Bikes	Contra Costa - construct 142 vaupod path and ride lot	4.3	38.4	4.8	0.0
CALIFORNIA				1196,000	Shared Bikes	Toronto - develop a peak hour (19) vaupod commuter van program	15.2	154.2	19.2	3.9
CALIFORNIA				1241,250	Shared Bikes	Essexville Co. - Shared vaupod				
CALIFORNIA				1171,517	Shared Bikes	MFA - Pasadena vaupod				
CALIFORNIA				556,500	Shared Bikes	L.A. - Development of vaupod program	4.7	42.3	8.5	1.2
CALIFORNIA				11,492,915	Shared Bikes	City of L.A., Dept. of Airports - proj. to install & operate vaupod	101.3	1025.7	127.7	20.4
CALIFORNIA					Shared Bikes	Sacramento Co. - Developing a bike based program				
CALIFORNIA					Shared Bikes	Kings Co. - Development of a vaupod program				
CALIFORNIA					Shared Bikes	L.A. Co. - Bikesheet services				
CALIFORNIA					Shared Bikes	Kings Co. - Development of a generated ride home program				
CALIFORNIA				54,041,700	Shared Bikes	MFA - L.A. Co. Bikesheet				
CALIFORNIA				94,600	Shared Bikes	Ontario - Park and Ride Lot, signal improvement				
CALIFORNIA				54,042,000	Shared Bikes	Ontario - Park and Ride Lot, signal improvement				
CALIFORNIA				541,971	Shared Bikes	MFA - L.A. Co. Bikesheet				
CALIFORNIA				54,221,450	Shared Bikes	Ontario - Purchase 15 alternative fueled buses	17.7			
CALIFORNIA				128,330	Transit	Ontario - Commuter station for Mountain Connector Bus System				
CALIFORNIA				13,753,600	Transit	San Joaquin - Transit purchase 20 buses	1.8	94.6	4.6	1.0
CALIFORNIA				2224,000	Transit	Big Bear - Purchase 3 new buses and convert two others				
CALIFORNIA				5236,480	Transit	San Bernardino Co. - Buy 6 CHG A 10 psi van				
CALIFORNIA				1177,060	Transit	Qut - Purchase 3 utility buses			1.6	
CALIFORNIA				5551,000	Transit	Visperville - Purchase 6 new diesel buses for expanded fixed route				
CALIFORNIA				11,770,600	Transit	San Diego - Construct 44 stations on the "Blue" Line extension	49.0	525.0	43.0	3.5
CALIFORNIA				1244,727	Transit	Essexville Co. - Bus replacement				
CALIFORNIA				5400,000	Transit	Essexville Co. - Bus replacement to CHG fueling facility				
CALIFORNIA				1483,500	Transit	Yuba Co. - Purchase, alternative fueled van	0.1	1.7	0.1	0.1
CALIFORNIA				122,500	Transit	San Joaquin Co. - Convert 3 personal vans from gasoline to CHG	3.1	18.2	2.2	0.1
CALIFORNIA				1312,173	Transit	San Joaquin Co. - Purchase 2 electric vehicles	0.9	9.8	1.2	0.2
CALIFORNIA				1177,500	Transit	San Joaquin Co. - Purchase electric vehicles	0.2	2.3	1.1	0.1
CALIFORNIA				591,000	Transit	Pacific Grove - Purchase electric vehicles	0.2	2.3	1.1	0.1
CALIFORNIA				591,000	Transit	Marysville - Purchase electric vehicles	0.4	4.1	0.3	0.0

\*States with no accountability data

STATE	AMOUNT APPORTIONED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	NOX	PM-10
CALIFORNIA	\$136,500				Transit	Monterey - 1st year operating expenses for 2-year transit device	0.0	3.2	3.9	0.5
CALIFORNIA	\$177,000				Transit	Visalia - transit counter display & counter of a transit counter	6.5	29.8	13.2	5.3
CALIFORNIA	\$2,138,000				Transit	Fresno - Purchase of 12 clean burn buses	6.5	187.4	11.5	7.0
CALIFORNIA	\$168,150				Transit	San Bernardino - Implement express bus service	6.5	26.5	17.5	8.8
CALIFORNIA	\$1,240,000				Transit	San Joaquin - Convert second gas storage tank				
CALIFORNIA	\$913,600				Transit	Hayward - Trans. Chr. @ Bus Station				
CALIFORNIA	\$5,400,000				Transit	San Francisco Island - Convert light rail increased at Market St.				
CALIFORNIA	\$7,574,400				Transit	AC Transit - TR CTR, Pasa Semp.				
CALIFORNIA	\$400,000				Transit	GO Transit - Huber Tim Cr.				
CALIFORNIA	\$4,418,135				Transit	San Francisco Transit - Purchase 20 CNG Buses	1.0	10.7	1.4	0.2
CALIFORNIA	\$182,500				Transit	Salinas - "to convert major hospital with low income use	13.5	106.9	11.0	2.1
CALIFORNIA	\$414,570				Transit	Alhambra Transit - Development of shuttle service	27.4	215.0	26.2	6.9
CALIFORNIA	\$1,119,804				Transit	Alhambra Transit - Develop a shuttle service	0.5	5.0	0.5	0.0
CALIFORNIA	\$194,300				Transit	Chico - Establishment of a transit information center				
CALIFORNIA	\$1,792,000				Transit	Amador Valley - Buy 8 buses				
CALIFORNIA	\$4,320,000				Transit	Fullerton Transit - Lease 182 buses				
CALIFORNIA	\$320,170				Transit	MTA - Clean air shuttle service	15.5	144.9	15.0	2.8
CALIFORNIA	\$321,000				Transit	Alhambra Transit - Transit-specific shuttle service				
CALIFORNIA	\$129,877				Transit	MTA - Community wide shuttle	32.9	307.4	31.7	12.0
CALIFORNIA	\$1,248,428				Transit	L.A. - participate in the development of a CNG shuttle	51.8	483.1	49.8	9.5
CALIFORNIA	\$1,443,746				Transit	Alhambra Transit - Develop a TMO and shuttle service				
CALIFORNIA	\$97,383				Transit	Tulare Co. - Purchase 2-1/2 passenger replacement buses				
CALIFORNIA	\$2,200,000				Transit	RTD - Shuttle bus demonstration program, Phase 1	364.6	3402.5	331.1	87.5
CALIFORNIA	\$2,706,100				Transit	Request for L.A. Metro bus system to establish shuttle services				
CALIFORNIA	\$822,200				Transit	Tulare Co. - Purchase 2-1/2 passenger replacement buses				
CALIFORNIA	\$7,240,415				Transit	RTD - Shuttle bus demonstration program, Phase 1				
CALIFORNIA	\$789,400				Transit	Request for L.A. Metro bus system to establish shuttle services				
CALIFORNIA	\$20,945				Transit	Edging Co. - Study to convert a preformed observation booth plan				
COLORADO	\$4,812,290	\$4,048,000	84.1%	\$5,409,600	Transit	See Denver Re NOV memo	0.0	0.0	0.0	0.0
COLORADO					Transit	Denver - Shuttle rapid reconstruction	0.0	0.0	0.0	0.0
COLORADO					Transit	Denver - Shuttle rapid reconstruction	47.0	532.0	0.0	0.0
COLORADO	\$562,000				Transit	DENCOG - Shuttle rapid reconstruction	282.0	2807.0	282.0	9.0
COLORADO	\$212,000				Transit	Cajon/Vegetal - Shuttle rapid reconstruction	70.0	291.0	70.0	3.0
COLORADO	\$299,000				Transit	Denver - Shuttle rapid reconstruction	0.0	0.0	0.0	0.0
COLORADO					Transit	Denver - Shuttle rapid reconstruction	0.0	0.0	0.0	0.0
COLORADO	\$121,700				Transit	TCH - Shuttle rapid reconstruction	64.0	459.0	49.0	2.0
COLORADO	\$150,000				Transit	Cajon/Vegetal - Shuttle rapid reconstruction	2.0	15.0	1.0	0.1
COLORADO	\$377,035				Transit	Traffic management & control	0.0	0.0	0.0	0.0
COLORADO	\$9,178				Transit	Cajon/Vegetal - Shuttle rapid reconstruction	0.0	19.0	0.0	0.0
CONNECTICUT	\$21,645,877	\$31,374,000	94.4%			Report submitted too late for inclusion.				
DELAWARE	\$4,812,290	\$0	0.0%			No funds obligated.				

\*States with unavailability errors

STATE	AMOUNT APPORTIONED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	NOX	PM-10
DISTRICT OF COL.	\$4,112,290	\$2,151,408	46.9%	\$220,000	Street Light	Fund the District's share of Supl. the COG estimate prog. Prepared for procurement of new replacement Microbusz	73.6			
DISTRICT OF COLUMBIA				\$1,800,000	Travel	Construction of Cham 1 bus route	18.2			
DISTRICT OF COLUMBIA				\$115,408	Public/Bus	Funds for consultant to perform field investigations, RTOR prog.	16.3			
DISTRICT OF COLUMBIA				\$60,000	Travel					
FLORIDA	\$28,775,228	\$19,419,923	67.5%	\$3,460,000	Traffic Flow	Instructional improvement	302.0	4781.0	100.0	
FLORIDA				\$4,501,315	Traffic Flow	Instructional improvement & signization program	240.0	3603.0	79.0	
FLORIDA				\$2,700,000	Travel	ES for transit corridor	105.0	878.0	161.0	
FLORIDA				\$2,061,022	Travel	ES for airport intermodal facility	176.0	1315.0	62.0	
FLORIDA				\$64,240	Public/Bus	Marketing and promotion of bicycle use	17.0	142.0	18.0	
FLORIDA				\$100,000	Public/Bus	On-line storage for bicycles	9.0	52.0	7.0	
FLORIDA				\$4,455,000	Travel	Busline 28 bid buses to improve service	125.0	1023.0	121.0	
FLORIDA				\$1,029,279	Traffic Flow	Instructional improvement, upgrade of traffic control sys.	34.0	785.0	28.0	
FLORIDA				\$1,000,000	Demand Mgmt	TDM program for Hillsborough County	20.0	187.0	28.0	
GEORGIA	\$16,902,461	\$2,449,498	14.5%	\$264,179	Traffic Flow	SE 16/US 96 Alt @ SE 34 BPT NW of Newnan	0.0			
GEORGIA				\$2,185,320	Traffic Flow	Atlanta signal system upgrade (88 signals)	0.0			
MASSACHUSETTS	\$4,112,290	\$0	0.0%							
MASSACHUSETTS	\$4,812,200	\$6,032,000	125.3%	\$90,000	STWCMAN	Over the Purchase) Fuel motor public transportation (Vehicl Travel Busess) will reduce personal vehicle use	50.8	353.1	32.3	
MASSACHUSETTS				\$101,000	STWCMAN	"The Bus" CNG bus/route/stop				
MASSACHUSETTS				\$2,400,000	STWCMAN	Chrysler Co. public transportation (3 years)				
MASSACHUSETTS				\$550,000	STWCMAN	"Transit TV" Buses, Trolly Buses (4 buses)				
MASSACHUSETTS				\$400,000	STWCMAN	Procedural CNG Bus (1) & fueling equipment				
MASSACHUSETTS				\$270,000	STWCMAN	Transit TV Buses, Trolly Buses (4 buses)				
MASSACHUSETTS				\$630,000	STWCMAN	Transit TV Buses, Trolly Buses (4 buses)				
MASSACHUSETTS				\$100,000	STWCMAN	Transit TV Buses, Trolly Buses (4 buses)				
MASSACHUSETTS				\$110,000	STWCMAN	Transit TV Buses, Trolly Buses (4 buses)				
MASSACHUSETTS				\$107,000	STWCMAN	ADA Co. replacement commuter van (3)	26.3	129.5	26.8	
MASSACHUSETTS				\$311,000	STWCMAN	Promote education program				
MASSACHUSETTS				\$245,000	STWCMAN	FY-93 multiple clean air/did				
MASSACHUSETTS						Public work & Swooper work				
MASSACHUSETTS	\$27,155,241	\$49,175,335	180.3%	\$30,000	Travel	Transfer Facility - Hingham	0.7			
MASSACHUSETTS				\$33,000	Travel	Transfer Facility - Hingham	0.6			
MASSACHUSETTS				\$172,000	Travel	Transfer Facility - Hingham	0.5			
MASSACHUSETTS				\$150,000	Travel	Transfer Facility - Westport	0.5			
MASSACHUSETTS				\$100,000	Travel	Transfer Facility - 54th Street	6.1			
MASSACHUSETTS				\$300,000	Travel	Transfer Facility - River Road	7.6			
MASSACHUSETTS				\$475,950	Travel	Transfer Facility - Day Street Avenue	4.4			
MASSACHUSETTS				\$3,794,000	Travel	Operating Ambulance SVT Rapid Transit Line	23.0			
MASSACHUSETTS				\$31,599,791	Travel	Bus Replacement (10)	13.4			
MASSACHUSETTS				\$532,000	Travel	Bus Replacement (100)	13.4			
MASSACHUSETTS				\$514,000	Travel	Military Litter marketing program	82.3			
MASSACHUSETTS						Ambulance fuel study (3 buses)				

\*States with no transportation costs

STATE	AMOUNT APPOINTMENT	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CD	NOX	PM10
ILLINOIS				\$1,064,000	Traffic	Customer parking - Schaumburg	27.2			
ILLINOIS				\$170,000	Traffic	New station and parking - Crystal Lake (FR)	26.9			
ILLINOIS				\$1,746,000	Traffic	New station - 1515 (GREENWAY)	47.3			
ILLINOIS				\$1,700,000	Traffic	New station - 8th Avenue	22.0			
ILLINOIS				\$280,000	Traffic	Customer Parking - Oak Forest (GOV)	3.6			
ILLINOIS				\$1,172,000	Traffic	Service improvements - 21st to 7th Street	29.2			
ILLINOIS				\$5,720,000	Traffic	New fixed guideway - Ashland to Franklin Park (Phase 1)	198.6			
ILLINOIS				\$1,000,000	Traffic	Station Rehab. - Chicago/Park Street (FR)	25.6			
ILLINOIS				\$1,000,000	Traffic	Station Rehabilitation - Grand/State Street	29.9			
ILLINOIS				\$505,000	Traffic	Customer Parking - Westmonte/Riverswood (GREENWAY)	1.1			
ILLINOIS				\$337,000	Traffic	Customer Parking - 51st/Forest Chicago (GREENWAY)	14.1			
ILLINOIS				\$372,443	Traffic	Customer Parking/Station - West Chicago	14.1			
ILLINOIS				\$164,245	Traffic	Barren, Customer Study - Lake-Cook Road	12.8			
ILLINOIS				\$40,000	Traffic	Barren, Customer Study - E. 60				
ILLINOIS				\$87,750	Shared Bikes	Vegetal program - Chicago	24.4			
ILLINOIS				\$0	Shared Bikes	Park and ride lot - US 50	6.5			
ILLINOIS				\$0	Shared Bikes	Park and ride lot - 144	2.5			
ILLINOIS				\$217,000	Shared Bikes	Park and ride lot - E. 158	2.7			
ILLINOIS				\$789,250	Shared Bikes	Regional ride share - Western State	94.0			
ILLINOIS				\$164,172	Traffic Flow	Signal improvements - North Avenue	4.9			
ILLINOIS				\$499,052	Traffic Flow	Signal improvements - Riverside Road	46.9			
ILLINOIS				\$373,512	Traffic Flow	Signal improvements - Arlington Heights Road	28.0			
ILLINOIS				\$104,237	Traffic Flow	Signal improvements - Duquesne Street	6.4			
ILLINOIS				\$299,149	Traffic Flow	Signal improvements - Ogden Avenue	8.3			
ILLINOIS				\$224,451	Traffic Flow	Signal improvements - Phillips Road	27.0			
ILLINOIS				\$252,222	Traffic Flow	Signal improvements - I88 11	33.0			
ILLINOIS				\$70,500	Traffic Flow	Signal improvements - Western Avenue (FR)	29.5			
ILLINOIS				\$107,000	Traffic Flow	Signal improvements - Western Avenue (FR)	61.7			
ILLINOIS				\$40,200	Traffic Flow	Signal improvements - Western Avenue (FR)	29.3			
ILLINOIS				\$59,000	Traffic Flow	Signal improvements - Western Avenue (FR)	22.9			
ILLINOIS				\$30,000	Traffic Flow	Signal improvements - Western Avenue (FR)	11.9			
ILLINOIS				\$80,000	Traffic Flow	Signal improvements - Western Avenue (FR)	25.7			
ILLINOIS				\$90,000	Traffic Flow	Signal improvements - Irving Park Road (FR)	29.0			
ILLINOIS				\$220,000	Shared Bikes	Telecommuting Study				
ILLINOIS				\$2,545,000	Public/Bike	Central Library (GREENWAY)	24.8			
ILLINOIS				\$228,000	Public/Bike	Metra Quiet Parkway (FR)	0.0			
ILLINOIS				\$104,000	Public/Bike	Coy/Cherry Building Parkway (FR)	4.7			
ILLINOIS				\$297,000	Public/Bike	Riverside Road Library (FR)	2.1			
ILLINOIS				\$0	Public/Bike	Central Library	3.2			
ILLINOIS				\$9,150	Public/Bike	Aves Library	6.1			
ILLINOIS				\$0	Public/Bike	Lawrence Road Elementary	2.2			
ILLINOIS				\$3,000	Public/Bike	McCormick Elementary Library	2.9			
ILLINOIS				\$0	Public/Bike	Irwin Library	9.4			
ILLINOIS				\$1,220	Public/Bike	Riverside Road Library	4.0			
ILLINOIS				\$0	Traffic Flow	Emergency prepared vehicle records - incident management				

States with

unavailable data

CMAD Report 1993

STATE	AMOUNT APPORTIONED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOE	CO	NOX	PA-18
ILLINOIS				\$200,000	Traffic Flow	Aerial traffic management study				
INDIANA	\$10,844,535	\$2,566,760	23.7%	\$44,000	Demanded Right	Employee Commuter Option - Labor Power Coalition	16.2	249.8	37.0	
INDIANA				\$1,200,000	Traffic	Bi-level signaling - South Shore Railway	20.4	43.8	6.3	
INDIANA				\$96,000	Traffic	Signal conversion - South Shore Railway	0.0	0.2	0.1	0.0
INDIANA				\$472,000	Traffic	Two 35 ft. liquid unsealed gas vented tunnel - Gary	0.0	0.1	0.1	0.0
INDIANA				\$96,000	Traffic	One 49 ft. manufactured tunnel box - Gary	0.0	0.3	0.1	0.0
INDIANA				\$480,000	Traffic	Three 35 ft. steel tunnel box - Gary	12.3	49.9	2.1	
INDIANA				\$84,760	Traffic	Control pedestrian detour bus turn up operations start up - Gary	4.6	10.0	1.5	
INDIANA				\$72,000	Shared Right/Wid	Add 64 new parking spaces to South Shore Railway lot				
IOWA*	\$4,812,200	\$0	0.0%							
KANSAS	\$4,812,200	\$2,149,264	44.7%	\$30,000	STP/CMAQ	Major relocation program	7.1	\$8.8		
KANSAS				\$119,864	STP/CMAQ	South Pl. Avenue to Shawnee, signal intersection	4.6	46.6		
KANSAS				\$41,292	STP/CMAQ	127th St. and Jackson, New signal	8.0	40.9		
KANSAS				\$74,416	STP/CMAQ	127th St. and Stock Blvd, New signal	5.7	30.5		
KANSAS				\$83,912	STP/CMAQ	119th St. and Banner Rd, new signal				
KANSAS				\$35,016	STP/CMAQ	1435 and 87th, add LT lanes	4.1	23.4		
KANSAS				\$283,816	STP/CMAQ	101st Trm. and 1-435 Ramp, add LT and Sg. convert 101st	6.0	40.6		
KANSAS				\$72,844	STP/CMAQ	Johnson Dr. and Rowland Dr. traffic signal	36.6	343.1		
KANSAS				\$803,200	STP/CMAQ	314 at I-74, bridge replacement	4.4	49.2		
KENTUCKY	\$7,076,797	\$7,424,615	104.9%	\$347,375	Traffic Flow	Dixie Highway traffic signal system	7.1	\$8.8		
KENTUCKY				\$12,000	Traffic Flow	Lath near on KY 18 at Lanesburg Rd	4.6	46.6		
KENTUCKY				\$96,000	Shared Right	NETV Vantage 5 year demonstration	8.0	40.9		
KENTUCKY				\$444,721	Shared Right	NETV Area relocation program	5.7	30.5		
KENTUCKY				\$175,000	Other TCMA	LANO air quality planning activities				
KENTUCKY				\$180,000	Shared Right	Chambers park and ride lot at US 27	4.1	23.4		
KENTUCKY				\$60,000	Traffic Flow	Lath near bus on Dixie Hwy at Sherry Harbor Rd	6.0	40.6		
KENTUCKY				\$60,000	Traffic Flow	Lath near bus on Dixie Hwy at Turkeyfoot Rd	36.6	343.1		
KENTUCKY				\$120,000	Traffic Flow	5 total vehicle and/or motorcycle equipment packages				
KENTUCKY				\$20,000	Traffic Flow	Lath near bus on Tamm Creek Rd at Ashmun Dr	4.4	49.2		
KENTUCKY				\$16,000	Traffic	Lathington transit evacuation video				
KENTUCKY				\$16,000	Traffic Flow	Lathington signal system upgrade & intersection network				
KENTUCKY				\$47,000	Shared Right	Lathington relocation program				
KENTUCKY				\$124,223	Traffic Flow	Signal system on KY 61 from Calmore to Eastern Parkway	11.2			
KENTUCKY				\$238,205	Traffic Flow	Signal system on US 31E from Tyler Lane to Jefferson St.	13.0			
KENTUCKY				\$520,000	Traffic Flow	City-wide traffic control from Evansville Louisville	138.0			
KENTUCKY				\$3,609,530	Traffic	Louisville transit conversion/activities				
KENTUCKY				\$240,000	Shared Right	Louisville relocation program				
KENTUCKY				\$160,000	Demanded Right	PHIS study deployment project	38.4	274.0		
KENTUCKY				\$410,913	Traffic Flow	Downtown Ashland traffic signal system				
KENTUCKY				\$170,290	Traffic Flow	Eight turn lanes on South Approach at 25th Street	2.5	31.0		

\*States with no commitments listed

CHAD Report 1993

STATE	AMOUNT APPOINTED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	NOX	PM-10
LOUISIANA	\$4,912,296	\$0	0.0%							
MAINE	\$4,812,296	\$5,451,179	113.3%	\$39,079	Trade	Central business public bus on die	1.2		2.2	
MAINE				\$122,000	Trade	Andros, double bus	0.4		0.8	
MAINE				\$90,150	Should Bids	ORCID, 1st year of the show program				
MAINE				\$40,000	Should Bids	ORCID, alternative system study				
MAINE				\$40,140	Should Bids	Aspen, park and ride	2.7		7.6	
MAINE				\$40,140	Should Bids	Bedford, park and ride	3.7		4.3	
MAINE				\$36,120	Should Bids	Berwick, park and ride	2.8		3.8	
MAINE				\$40,340	Should Bids	Berwick, park and ride	2.5		4.0	
MAINE				\$39,000	Should Bids	Berwick, park and ride	1.5		2.8	
MAINE				\$40,140	Should Bids	Lisbon, park and ride	1.3		2.8	
MAINE				\$40,140	Should Bids	Warrenton, park and ride	5.7		4.5	
MAINE				\$205,964	Partials	Landover, Central Ave./Chapin bridge loop	6.0		0.1	
MAINE				\$152,512	Partials	Andros, Vance St. bridge over	6.1		0.1	
MAINE				\$179,250	Other TCDA	Wid, access road improvement for Andros geologic facility	13.2		-20.4	
MAINE				\$401,400	Other TCDA	Andros, Andros geologic facility				
MAINE				\$1,007,400	Other TCDA	Andros, Andros geologic facility	6.5		7.2	
MAINE				\$40,140	Other TCDA	Chase, trail to old transfer facility				
MAINE				\$80,280	Should Bids	Versailles, vehicle parking	3.4		4.4	
MAINE				\$80,280	Other TCDA	Marblehead, vehicle parking	929.0		442.0	
MAINE				\$200,340	Other TCDA	Marblehead, vehicle parking	1292.0		1265.0	
MAINE				\$802,280	Should Bids	Chase St. RTD improvement				
MAINTLAND	\$39,875,136	\$22,800,000	76.7%	\$9,200,000	Trade	New bus lanes	47.2	309.2	49.2	
MAINTLAND					Trade	MO 180-Denney station improvement	23.6	151.9	91.1	
MAINTLAND					Trade	Point of park parking expansion	4.1	23.9	10.5	
MAINTLAND					Trade	Southwest parking expansion	1.1	6.7	3.0	
MAINTLAND					Trade	West Babington parking expansion	7.6	50.4	16.8	
MAINTLAND					Trade	Average parking expansion	18.8	108.3	50.0	
MAINTLAND					Trade	Clinton parking expansion	22.0	128.4	58.4	
MAINTLAND					Trade	Marblehead parking expansion	15.7	86.2	42.7	
MAINTLAND					Trade	Chatham parking expansion	11.6	44.8	20.8	
MAINTLAND					Trade	Chatham parking expansion	14.1	79.4	38.4	
MAINTLAND					Should Bids	Baldy station	16.0	45.4	21.2	
MAINTLAND					Trade Flow	Park-street bus	47.4	641.7	7.9	
MAINTLAND					Trade Flow	Trade street	8.1	1.2	0.0	
MAINTLAND					Trade Flow	Industrial development				
MASSACHUSETTS	\$29,631,804	\$16,364,417	96.8%	\$467,200	Trade Flow	Reconstruction of High Street in Danvers	1.1	19.9		
MASSACHUSETTS				\$406,415	Trade Flow	Installation of 4 smaller control systems	20.3			
MASSACHUSETTS				\$704,557	Trade Flow	Transportation improvement project	20.9			
MASSACHUSETTS				\$289,424	Trade Flow	Signification and geometric improvements	16.9			
MASSACHUSETTS				\$1,403,714	Trade Flow	Improvement to the intersection of State Road and Osgood St.				
MASSACHUSETTS				\$416,214	Trade Flow	Installation of a closed loop signal coordination system.	28.1	256.5		

State of Massachusetts Dept.

STATE	AMOUNT APPOINTMENTED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	NOX	PM10
MASSACHUSETTS				\$800,000	Pub/Bus	Extend this grant from Eastham to Westport on the Cape	2.8	54.4		
MASSACHUSETTS				\$1,380,000	Traffic Flow	Operates year which period major roadway, rail lines				
MASSACHUSETTS				\$300,000	Traffic Flow	Signs installed at key areas throughout the state				
MASSACHUSETTS				\$11,000,000	Traffic	MARTA is proceeding with the renovation of commuter rail service				
MASSACHUSETTS				\$2,880	Traffic	MARTA is conducting the study of commuter rail service				
MASSACHUSETTS				\$4,560,000	Other TCMA	MARTA, development of parking expenditures.	39.6	497.8		
MASSACHUSETTS				\$1,440,000	Other TCMA	Funding for street activities in various parts of the state				
MASSACHUSETTS				\$1,128,000	Other TCMA	Will increase the visibility of electric vehicles				
MASSACHUSETTS				\$800,000	Other TCMA	Purchase from private owner. (Union Station rehab)				
MICHIGAN	\$27,998,278	\$12,469,411	44.5%	\$120,000	Demand Mgmt	Webster - FY 1993 TDM Program	98.9			
MICHIGAN				\$55,284	Demand Mgmt	Sebring - Telecommuting demand study	88.7			
MICHIGAN				\$205,294	Traffic Flow	Kalamazoo - Alton traffic signal	88.7			
MICHIGAN				\$1,702,000	Traffic Flow	Kalamazoo - improves intersection	8.3			
MICHIGAN				\$471,340	Traffic Flow	Kalamazoo - improves intersection	7.1			
MICHIGAN				\$153,000	Traffic Flow	Kalamazoo - traffic signal upgrade	21.6			
MICHIGAN				\$108,000	Traffic Flow	Okland - ATMS SCHED	159.4			
MICHIGAN				\$45,000	Traffic Flow	Okland - ATMS solutions	0.0			
MICHIGAN				\$57,000	Traffic Flow	Okland - ATMS solutions	0.0			
MICHIGAN				\$170,000	Traffic Flow	Okland - ATMS solutions	24.4			
MICHIGAN				\$112,000	Traffic Flow	Wayne - Traffic signal upgrade	83.4			
MICHIGAN				\$150,000	Traffic Flow	Wayne - Traffic signal upgrade	71.7			
MICHIGAN				\$240,000	Traffic Flow	Wayne - Traffic signal upgrade	31.9			
MICHIGAN				\$240,000	Traffic Flow	Wayne - Traffic signal upgrade	159.9			
MICHIGAN				\$128,000	Traffic Flow	Wayne - Traffic signal upgrade	3.7			
MICHIGAN				\$520,000	Traffic Flow	Wayne - Traffic signal upgrade	25.6			
MICHIGAN				\$440,000	Traffic Flow	Wayne - Traffic signal upgrade	31.6			
MICHIGAN				\$120,000	Traffic Flow	Wayne - Traffic signal upgrade	5.5			
MICHIGAN				\$400,000	Traffic Flow	Wayne - Traffic signal upgrade	31.1			
MICHIGAN				\$312,000	Traffic Flow	Wayne - Traffic signal upgrade	31.4			
MICHIGAN				\$220,000	Traffic Flow	Wayne - Traffic signal upgrade	17.9			
MICHIGAN				\$120,000	Traffic Flow	Wayne - Traffic signal upgrade	2.4			
MICHIGAN				\$240,000	Traffic Flow	Wayne - Traffic signal upgrade	14.2			
MICHIGAN				\$160,000	Traffic Flow	District 9 - System integration, Troy	0.0			
MICHIGAN				\$40,000	Traffic Flow	District 9 - System integration, Troy	163.5			
MICHIGAN				\$30,000	Street Risk	Kalamazoo program	0.0			
MICHIGAN				\$22,000	Street Risk	Kalamazoo program	3.8			
MICHIGAN				\$64,000	Street Risk	Kalamazoo program	2.6			
MICHIGAN				\$16,000	Street Risk	Kalamazoo program	2.5			
MICHIGAN				\$375,000	Street Risk	Kalamazoo program	0.0			
MICHIGAN				\$30,000	Street Risk	Kalamazoo program	1.4			
MICHIGAN				\$197,217	Street Risk	District 9 - Roadway program	0.0			
MICHIGAN				\$194,500	Street Risk	District 9 - Michigan program	3.2			
MICHIGAN				\$30,000	Street Risk	District 9 - Greenbelt ride home demonstration	0.0			
MICHIGAN				\$70,500	Street Risk	District 9 - Roadway program FY94	180.2			

\*There is still an unavailability area





STATE	AMOUNT APPOINTMENT	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	NOX	PM-10
PENNSYLVANIA				\$12,000	Shared Side	Part and full construction of a part and side bike	0.4	2.2	0.5	
PENNSYLVANIA				\$10,000	Traffic Flow	Wide roadway, two to three lanes	0.0	0.2	0.6	
Puerto Rico	\$4,812,290	\$0	0.0%	\$200,000	Shared Side	Bicyclerest promotion - Providence				
Rhode Island	\$4,835,228	\$200,000	5.3%	\$40,000	STP/CMAQ	Bicycle coordinator				
S. Carolina	\$4,812,290	\$40,000	0.8%	\$40,000	STP/CMAQ	Various projects				
SOUTH DAKOTA	\$4,812,290	\$4,096,108	136.6%	\$4,096,108	STP/CMAQ	Various projects				
Tennessee	\$10,799,246	\$7,282,280	68.7%	\$407,790	Shared Side	Kane Co. - Vermont HOV program	9.0			
Tennessee				\$964,000	Traffic Flow	Kane Co. - Utopia signal system	1116.0			
Tennessee				\$160,000	Shared Side	Nashville - Regional rebranding	25879.0			
Tennessee				\$4,000	Shared Side	Nashville - Part & side bike	4831.0			
Tennessee				\$216,500	Traffic Flow	Nashville - Intersection improvement	0.4			
Tennessee				\$200,000	Traffic Flow	Nashville - Davidson Co. Intersection study	0.4			
Tennessee				\$150,000	Traffic Flow	Nashville - Corridor signal programming study	9.9			
Tennessee				\$75,000	Traffic Flow	Nashville - Corridor signal programming study	32.1			
Tennessee				\$72,000	Traffic Flow	Nashville - Flow County HOV/Accessibility study	35.1			
Tennessee				\$200,000	Traffic Flow	Nashville - Regional incident management program	2.0			
Tennessee				\$54,000	Traffic Flow	Nashville - Intersection improvement SR-297/80yd Oaks	0.2			
Tennessee				\$60,000	Traffic Flow	Nashville - Intersection improvement SR-41/28-235	0.2			
Tennessee				\$150,000	Traffic Flow	Nashville - Intersection improvement SR-158/Walton St.	0.2			
Tennessee				\$350,000	Shared Side	Memphis - Area rebranding	134.0	1191.0		
Tennessee				\$200,000	Traffic Flow	Greensboro - Traffic signal system	1974.0	19973.0		
Tennessee				\$450,000	Traffic Flow	City of Memphis - Loop detector presentation	85.0	4202.0		
Tennessee				\$900,000	Traffic Flow	City of Memphis - Design & implementation of signal sys.	1140.0	11910.0		
Tennessee				\$1,500,000	Traffic Flow	City of Memphis - Traffic signal system	524.0	5400.0		
Tennessee				\$300,000	Traffic Flow	City of Memphis - Enhanced maintenance resp. for signals				
Texas	\$95,346,410	\$30,425,159	32.1%	\$1,000,000	Traffic Flow	Baptist 6 lanes	11.0			
Texas				\$534,000	Traffic Flow	4 Traffic Cameras	308.0	1764.0	187.0	
Texas				\$340,013	Traffic Flow	Shared center	3.0	21.0	1.0	
Texas				\$4,024,080	Shared Side	SR 45 part and side	14.0	120.0	23.0	
Texas				\$350,000	Shared Side	Woodlands part and side	9.0	52.0	7.0	
Texas				\$48,246	Traffic Flow	Front lane signalization	22.0			
Texas				\$128,578	Traffic Flow	SR121 Corridor improvements	30.0			
Texas				\$133,532	Traffic Flow	SR121 Corridor improvements	102.0			
Texas				\$279,103	Traffic Flow	SR 181 signal in greenway	12.0			
Texas				\$58,138	Traffic Flow	SR 2040 signal improvement	4.0			
Texas				\$39,746	Traffic Flow	SR 10 signal improvement	3.0			
Texas				\$149,443	Traffic Flow	SR 78 signal improvement	55.0			
Texas				\$162,003	Traffic Flow	SR 407 signal improvement	113.0			
Texas				\$88,139	Traffic Flow	SR 45 signal improvement	20.0			

\* Data with no commitment zero

CHAQ Report 1993

STATE	AMOUNT APPORTIONED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOL	CO	NOX	PM-10
OHIO				1172,267	Traffic Flow	Bygone signal improvement - Kenner St Columbus station	15.8	135.6	13.2	
OHIO				3100,000	Shared Bus	Calhoun station	5.4	55.6	43.3	
OHIO				213,225	Shared Bus	Calhoun station	24.6	184.6		
OHIO				1184,675	Shared Bus	Calhoun station	437.8	6947.3	224.7	
OHIO				650,000	Traffic	COTTA conversion part and side bus				
OHIO				21,400,000	Traffic	COTTA CNO bus stop facility				
OHIO				54,800,000	Traffic	COTTA Bus and Vehicle Park bus				
OHIO				445,035	Traffic	Handicapped, commuter bus stop	9865.0	71658.0	7405.0	
DELAWARE*	\$4,812,290	\$7,222,333	150.1%	\$1,656,034	STP/CHAQ	Grade (4.20 slope) down and bridge				
DELAWARE*				1400,000	STP/CHAQ	Transfer CHAQ funds to transit administration				
DELAWARE*				\$2,711,239	STP/CHAQ	Grade (1.75 slope), down and up				
DELAWARE*				\$1,672,000	STP/CHAQ	5.5 slope, right of way				
DELAWARE*				\$128,800	STP/CHAQ	1.23 slope, right of way				
DELAWARE*				\$294,200	STP/CHAQ	2.5 slope, right of way				
DELAWARE*				500,000	STP/CHAQ	Transfer CHAQ funds to transit station				
OREGON	\$1,444,598	\$4,390,233	31.1%	\$646,056	Traffic Flow	Typical part A site	3.4	18.9	4.1	
OREGON				\$3,786,000	Traffic	Expanded bus service	50.8	253.1	52.2	
OREGON				\$133,000	Traffic Flow	Regional site show program	26.1	129.5	26.8	
PENNSYLVANIA	\$28,177,632	\$4,853,000	17.2%	\$100,000	Traffic Flow	Upgrading of traffic signal timing & street lighting	4.8	41.2	0.5	
PENNSYLVANIA				\$184,000	Shared Bus	Construction of a part and side facility for 50 vehicles	0.1	0.7	0.1	
PENNSYLVANIA				\$144,000	Traffic Flow	Construction of a left turn lane and signal upgrade	4.6	28.4	0.5	
PENNSYLVANIA				\$800,000	Traffic	Construction of additional bus bays	0.4	4.0	0.6	
PENNSYLVANIA				\$512,000	Shared Bus	Construction of a part and side facility	0.1	1.2	0.2	
PENNSYLVANIA				\$387,000	Shared Bus	Construction of a part and side facility	0.3	2.3	0.4	
PENNSYLVANIA				\$176,000	Traffic Flow	Intersection improvement; minor widening for turning lanes	4.4	26.1	0.4	
PENNSYLVANIA				\$100,000	Traffic	Small bus service demonstration project	3.1	6.0	15.2	
PENNSYLVANIA				\$370,000	Traffic	Transit project	19.9	127.3	25.2	
PENNSYLVANIA				\$1,200,000	Traffic	Purchase of abandoned signal control devices	0.0	5.9	9.3	
PENNSYLVANIA				\$300,000	Traffic Flow	Upgrading of existing signals and hardware, interconnect system	0.7	5.1	0.1	
PENNSYLVANIA				\$20,000	Traffic	Regrading & widening sidewalk for Andron Transit system	0.4	1.4	0.5	
PENNSYLVANIA				\$60,000	Traffic Flow	Right turn lane and bus pull-off, Cambria County	1.7	14.6	0.1	
PENNSYLVANIA				\$17,000	Shared Bus	Cost of a part A site for a small, off overhead lighting	0.1	1.6	0.2	
PENNSYLVANIA				\$36,000	Shared Bus	Development of a red-light incinerator program	2.7	56.3	6.9	
PENNSYLVANIA				\$944,000	Traffic Flow	Construction of traffic signals	4.9	32.6	0.0	
PENNSYLVANIA				\$164,000	Traffic Flow	A widening of the standing roadway to provide left turn lanes	7.7	56.0	0.0	
PENNSYLVANIA				\$36,000	Traffic Flow	Widening of the intersection, installation of left turn lanes	2.3	19.6	0.1	
PENNSYLVANIA				\$480,000	Traffic Flow	Widening of street, left turn lane - Allegheny County	14.0	80.7	1.5	
PENNSYLVANIA				\$76,000	Traffic Flow	Provide left turn lanes at intersection, street	1.8	14.7	0.1	
PENNSYLVANIA				\$92,000	Traffic Flow	Removal of outdated signal equipment; replace	1.2	6.9	0.1	
PENNSYLVANIA				\$200,000	Traffic	Purchase of an ADA accessible bus	0.7	3.3	2.1	
PENNSYLVANIA				\$37,000	Traffic Flow	Replacement of two environmental traffic signals	1.1	11.3	0.0	
PENNSYLVANIA				\$27,000	Traffic Flow	Rational and replacement of 3 traffic signals, Montgomery St.	1.5	13.4	0.0	

\*States with unapportioned state

STATE	AMOUNT APPOINTED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	YOC	CO	NOX	PA-18
NEW YORK				\$1,476,000	Public	Study post flow etc. study				
NEW YORK				\$800,000	Public	Site assessment development				
NEW YORK				\$394,000	Public	Don E. River regional projects				
NEW YORK				\$205,000	Shared Risk	L1 restoration grant	17.2			210.3
NEW YORK				\$32,000	Shared Risk	N.Y. 110 restoration program	3.2			46.9
NEW YORK				\$30,000	Shared Risk	South wt restoration program	3.9			23.4
NEW YORK				\$360,000	Shared Risk	Beacon park site for	2.7			
NEW YORK				\$330,000	Shared Risk	Schodack park site	2.4			
NEW YORK				\$90,000	Shared Risk	Village project 14 construction	2.1			
NEW YORK				\$34,000	Shared Risk	Charged study 14 construction	3.4			
NEW YORK				\$90,000	Shared Risk	Charleston site home	5.3			
NEW YORK				\$497,000	Shared Risk	NYTA park site Jan	2.2			
NEW YORK				\$146,000	Shared Risk	NYTA park site	2.2			
NEW YORK				\$204,000	Shared Risk	Montgomery industrial	70.0			
NEW YORK				\$1,942,000	Shared Risk	Manhatten economic system	8.9			
NEW YORK				\$444,000	Transfer Flow	Baby Lighthouse Inc. SHP4			19.4	
NEW YORK				\$330,000	Transfer Flow	RT 30 Automobile-Fulton Line			11.8	
NEW YORK				\$239,000	Transfer Flow	Hamilton St. Traffic Operator			204.8	
NEW YORK				\$12,000	Transfer Flow	On Center Sign Ocas Co.				
NEW YORK				\$700,000	Transfer Flow	Department signal improvements	4.9			
NEW YORK				\$196,000	Transfer Flow	Rt. 265 @ Larchmont Blvd. Inc.	3.1			
NEW YORK				\$34,000	Transfer Flow	Rt. 277 @ Wadsworth	0.4			
NEW YORK				\$4,000	Transfer Flow	Rt. 76 @ Llaneta & Stewart	0.2			
NEW YORK				\$40,000	Transfer Flow	Rt. 408 and Rt. 277	5.2			
NEW YORK				\$34,000	Transfer Flow	Rt. 346; Postdam	0.1			1.1
NEW YORK				\$440,000	Transfer Flow	N.Y. DOT Construction Study	1297.7			8.3
NEW YORK				\$145,000	Transfer Flow	Rt. 94 at E. Market (CA 41)	0.6			
NEW YORK				\$354,000	Transfer Flow	Rt. 109 Central Park Ave. signal				
NEW YORK				\$40,000	Transfer Flow	Rt. 133 @ Maple/King Ave.				
NEW YORK				\$120,000	Transfer Flow	Rt. 304 @ Spuyten, Dodge				
NEW YORK				\$36,000	Transfer Flow	Ler Lake Canal	1.9			
NEW YORK				\$2,130,000	Transfer Flow	Nassau Bay Purchase (16) small	0.1			1.1
NEW YORK				\$94,000	Transfer Flow	Transfer leader Gosholm	1.9			23.4
NEW YORK				\$96,000	Transfer Flow	Transfer leader Ocas Pnt.	1.1			1.9
NEW YORK				\$96,000	Transfer Flow	Transfer leader Rt. 4 Beas Co.	2.3			
NEW YORK				\$173,000	Transfer Flow	Transfer leader Karter Ex.	1.5			
NEW YORK				\$104,000	Transfer Flow	CDTA Interlocking & Paving SHP 8m	0.7			
NEW YORK				\$240,000	Transfer Flow	Transfer Center site office	8.7			
NEW YORK				\$240,000	Transfer Flow	X-Change (Qualified) Trans. FAC	2.9			
NEW YORK				\$40,000	Transfer Flow	Latham Foreign transfer facility	2.6			
NEW YORK				\$80,000	Transfer Flow	Schenck Transfer Item (1)	0.5			
NEW YORK				\$24,000	Transfer Flow	Private carrier transfer	0.5			
NEW YORK				\$21,000	Transfer Flow	CDTA land use-integration ordinance	2.3			
NEW YORK				\$40,000	Transfer Flow	CDTA signal transfer system				
NEW YORK				\$48,000	Other TCMA	Intermodal Airport station study				

\*States with no commitments exist

CHADQ Budget 1993

STATE	AMOUNT APPOINTED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	NOX	PM-10
NEW JERSEY				\$182,000	Traffic Flow	Purchase of vehicle storage signs	9.1	7.5		
NEW JERSEY				\$1,215,000	Traffic Flow	Operation of a service point	28.1	11.5		
NEW JERSEY				\$147,000	Traffic Flow	Design of computerized traffic surveillance system	5.7	34.8		
NEW JERSEY				\$555,000	Traffic Flow	Additional design cost for grade separated interchange	3.5	3112.0		
NEW JERSEY				\$333,000	Traffic Flow	Additional design cost for traffic sig. closed loop computer sys.	7.2	1554.0		
NEW JERSEY				\$5,131,000	Traffic Flow	Construction of closed loop sys.	128.9	470.0		
NEW JERSEY				\$37,000,000	Traffic Flow	Guidance and information system	6.4			
NEW JERSEY				\$6,978,000	Traffic Flow	Traffic surveillance and control system	42.1			
NEW JERSEY				\$100,000	Traffic Flow	Control identification and sublogics	468.3			
NEW JERSEY				\$619,000	Shared Risk	Development of port and site projects	8182.0			
NEW JERSEY				\$1,005,000	Shared Risk	Development of State program to comply with Clean Air Act				
NEW JERSEY				\$1,075,000	Other TCMA	Development of new computer sys. - Division of Motor Vehicle				
NEW MEXICO	\$4,812,200	\$5,981,000	105.5%	\$1,208,000	Traffic	Bus bay construction				
NEW MEXICO					Traffic	Green fly-over pass and side				
NEW MEXICO					Traffic	Intermodal facility study				
NEW MEXICO				\$298,000	Shared Risk	Redesign, no driving publicly				
NEW MEXICO				\$1,484,000	Traffic Flow	Control Arm, railroad tracks to Right Street				
NEW MEXICO					Traffic Flow	Signal improvement				
NEW MEXICO				\$220,000	Traffic Flow	Traffic inventory program				
NEW MEXICO					Traffic	Signs on Broadway				
NEW MEXICO				\$1,637,000	Pub/Util	Library improvement on existing roadway				
NEW MEXICO					Other TCMA	Library improvement system				
NEW YORK	\$101,002,800	\$96,000,000	91.0%	\$350,000	Damaged Highways	Traffic demand management program	9.6	117.1		
NEW YORK				\$50,000	Damaged Highways	N. Hempstead Side project	4.8	58.6		
NEW YORK				\$74,000	Damaged Highways	Long Beach Side project	13.4	144.0		
NEW YORK				\$250,000	Damaged Highways	N.Y./SD Side project	43.0	321.1		
NEW YORK				\$301,000	Damaged Highways	Transportation demand management program and				
NEW YORK				\$61,000	Traffic	Market assessment and bus shelter				
NEW YORK				\$1,504,000	Other TCMA	Bus lane construction	5.2	28.7		4.4
NEW YORK				\$272,000	Other TCMA	Car entry station pilot				
NEW YORK				\$246,000	Damaged Highways	Market system long bridge	37.0			
NEW YORK				\$664,000	Damaged Highways	Employee commuter system	2699.9			
NEW YORK				\$335,000	Damaged Highways	Community based projects				
NEW YORK				\$530,000	Damaged Highways	Evolution parking exp.				
NEW YORK				\$235,000	Damaged Highways	Traffic personnel	0.0			85.4
NEW YORK				\$696,000	Other TCMA	Identify transit vehicle que chg.				
NEW YORK				\$340,000	Other TCMA	Dev. and coord. exp. program	1101.3			
NEW YORK				\$80,000	Other TCMA	Queensboro Br. Flow exp.	28.4			
NEW YORK				\$1,174,000	Other TCMA	Toll Flow AB. Side drive	120.4	992.3		318.2
NEW YORK				\$160,000	Pub/Util	Busway station design				
NEW YORK				\$726,000	Pub/Util	North county subway 4				
NEW YORK				\$85,000	Pub/Util	Market assessment				

\*States w/ uncommitted areas

STATE	AMOUNT APPOINTMENT	AMOUNT CALCULATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	NOX	PM-10
NEW YORK				\$180,000	Traffic Flow	Traffic study for service (1)	1.1			
NEW YORK				\$1,200,000	Traffic	CDTA bus purchase	4.4			
NEW YORK				\$160,000	Traffic	Traffic re-construction road	0.9			
NEW YORK				\$1,260,000	Traffic	Expansions	0.1			
NEW YORK				\$2,015,000	Traffic	CHQ parking facility	0.4	0.4	1.0	0.0
NEW YORK				\$234,000	Traffic	Purchase (1) pedestrian van				
NEW YORK				\$19,000	Traffic	Buy shelter (6)	18.8			
NEW YORK				\$480,000	Traffic	Automated vehicle loc system	0.0	64.4		
NEW YORK				\$80,000	Traffic	CHQ parking facility	0.0			
NEW YORK				\$3,835,000	Traffic	Buy replacement	0.0			
NEW YORK				\$177,000	Traffic	Buy replacement				
NEW YORK				\$40,000	Traffic	Buy replacement				
NEW YORK				\$219,000	Traffic	Equip. Equipment Comp. software				
NEW YORK				\$400,000	Traffic	Computer and bus feeder				
NEW YORK				\$114,000	Traffic	Purchase 10 buses				
NEW YORK				\$290,000	Traffic	Purchase bus, bus shelter				
NEW YORK				\$28,450,000	Traffic	Buy M & E, gas, utility, NINCE	0.3	0.3	1.0	
NEW YORK				\$120,000	Traffic	CMAD Team for 8 MTA Proj (1)	2.3	77.2	2.2	
NEW YORK				\$74,000	Traffic	Bus lane priority removal	42.0			
NEW YORK				\$4,194,000	Traffic	Deal bus lane 3rd Ave.	84.8	872.1	39.3	
NEW YORK				\$14,475,000	Traffic	X-fer tunnel tunnel Adv. study				
NEW YORK				\$4,106,000	Other TDM	Buy 30. Cam. Queue Mnt. LM ACQ				
NEW YORK				\$219,200	Traffic Flow	Competition signal system				
NEW YORK				\$40,000	Traffic Flow	Variable message signs				
NEW YORK				\$11,700	Traffic Flow	Diurnal lighting				
NEW YORK				\$4,000	Traffic Flow	Diurnal lighting				
NEW YORK				\$272,000	Traffic Flow	Competition signal system				
NEW YORK				\$120,000	Traffic Flow	Variable message signs				
NEW YORK				\$12,725	Traffic Flow	Intersection/Sigal Improvement				
NEW YORK				\$80,000	Traffic Flow	Telephone traffic service				
NEW YORK				\$194,800	Traffic Flow	Traffic message storage system				
NORTH DAKOTA*	\$4,812,280	\$3,827,308	121.1%	\$734,809	STPNCMAQ	Mt. St. Peter & back				
NORTH DAKOTA*				\$3,271,700	STPNCMAQ	Grade & Aggr. Base				
NORTH DAKOTA*				\$1,000,000	STPNCMAQ	Grade, Surf. & Back				
NORTH DAKOTA*				\$489,673	STPNCMAQ	ROW				
NORTH DAKOTA*				\$333,152	STPNCMAQ	Mt. St. Peter				
NORTH DAKOTA*				\$1,974	STPNCMAQ	E.C. Bus, Churn Ex.				
OHIO	\$42,282,923	\$10,403,714	24.6%	\$110,240	Traffic Flow	Adm. signal upgrade - SR 42				
OHIO				\$395,570	Traffic Flow	Traffic signal upgrade				
OHIO				\$243,270	Traffic Flow	Charnel signal				
OHIO				\$159,040	Traffic Flow	Charnel QND signal synchronization				
OHIO				\$30,290	Traffic Flow	Dayton signal intersection - Cabell, Glenn Hwy				

\*States with no appointment areas

STATE	AMOUNT APPOINTED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	NOX	PM-10
TEXAS				\$100,000	Traffic Flow	Redwood St. signal improvement	60.0			
TEXAS				\$101,290	Traffic Flow	FM 157 signal improvement	5.0			
TEXAS				\$235,368	Traffic Flow	FM 2004 signal improvement	1.0	5.0	0.1	
TEXAS				\$300,340	Traffic Flow	SM 232 signal improvement	0.2	3.0	0.4	
TEXAS				\$286,016	Traffic Flow	MI 625 signal improvement	148.0			
TEXAS				\$412,708	Traffic Flow	US 75 signal improvement	156.0			
TEXAS				\$1,629,477	Traffic Flow	MI 20 traffic sign	88.0			
TEXAS				\$71,678	Traffic Flow	MI 20 traffic sign	11.0			
TEXAS				\$264,377	Traffic Flow	MI 35 W traffic sign	11.0			
TEXAS				\$62,108	Traffic Flow	MI 620 traffic sign	4.0	44.0	7.0	
TEXAS				\$4,08,227	Traffic Flow	MI 25 W traffic sign	4.0	51.0	8.0	
TEXAS				\$215,204	Traffic Flow	US 54 changeable message sign	1.0	11.0	2.0	
TEXAS				\$107,377	Traffic Flow	SM 146 changeable message sign	6.0	42.0	8.0	
TEXAS				\$207,279	Traffic Flow	MI 610 changeable message sign	16.0	120.0	22.0	
TEXAS				\$108,672	Traffic Flow	MI 610 changeable message sign	6.0	42.0	8.0	
TEXAS				\$194,999	Traffic Flow	MI 610 changeable message sign	8.0	58.0	11.0	
TEXAS				\$177,890	Traffic Flow	MI 208 changeable message sign	9.0	71.0	14.0	
TEXAS				\$4975,980	Traffic Flow	MI 610 changeable message sign	16.0	119.0	23.0	
TEXAS				\$2,579,040	Traffic Flow	US 59 traffic surveillance	25.0	199.0	37.0	
TEXAS				\$11,081	Traffic Flow	MI 10 unsynchronized traffic management	3.0	38.0	6.4	
TEXAS					Traffic Flow	MI 10 changeable message sign	1.0	10.0	2.0	
UTAH	\$4,812,280	\$4,318,236	89.7%	\$95,000	Traffic Flow	Study/production of new traffic data required for BTRTA	2.5	165.0	1.8	
UTAH				\$271,025	Traffic Flow	traffic management for Salt Lake International Ave	64.0	200.0	42.0	
UTAH				\$202,894	Traffic Flow	traffic management for the Salt Lake Ave	23.0	140.0	15.5	
UTAH				\$149,174	Traffic Flow	signal coordination for the Ogden Ave	4.5	56.0	4.5	
UTAH				\$40,200	Demolition Sign	transmission pole for Salt Lake and Ogden Ave	74.0	900.0	77.8	
UTAH				\$60,000	Shared State	transmission pole change				
UTAH				\$118,775	Shared State	pole and other site work				
UTAH				\$2,400,000	Traffic Flow	Van and expansion bus purchase	78.2	876.0	78.8	
VIRGINIA	\$4,812,290	\$2,089,964	43.4%	\$2,089,964	STREETCAND					
VIRGINIA	\$20,090,883	\$10,049,437	49.0%	\$920,000	Traffic Flow	Phase 1 construction lanes	9.7	41.7	10.0	
VIRGINIA				\$367,000	Traffic Flow	Acquisition of construction fuel lanes				
VIRGINIA				\$4,206,000	Shared State	Weatheridge construction and traffic organization	21.1	66.2	20.9	
VIRGINIA				\$800,000	Shared State	North Street station - Phase 1				
VIRGINIA				\$120,000	Traffic Flow	North Street station - Phase II				
VIRGINIA				\$120,000	Traffic Flow	MI 1307/Highway Rd. - Dual left turn lanes & shared ramp	17.4			
VIRGINIA				\$12,000	Traffic Flow	MI 1307/Highway Rd. - Dual left turn lanes	1.4			
VIRGINIA				\$20,000	Traffic Flow	1-95/Phase 1 - signal left turn lanes				
VIRGINIA				\$20,000	Traffic Flow	MI 154/Walton Oval Rd. - construction & signal	0.3			
VIRGINIA				\$95,000	Traffic Flow	1-64/Quail Rd interchange - Const. long ramp & side. Mt.	2.2			
VIRGINIA				\$16,000	Traffic Flow	MI 230/Carroll Dr. - right turn lanes	1.0			
VIRGINIA				\$48,000	Traffic Flow	Avalon Interchange Rd. - construction & signal	0.9			

Statewide Management Data

STATE	AMOUNT APPORTIONED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	NOX	PM-10
VIRGINIA				\$16,800	Traffic Flow	Springfield/Bedford/Henry Rd. - improve intersection	4.1			
VIRGINIA				\$6,000	Traffic Flow	Springfield Hwy/Duckhorn Rd. - left turn lane	0.3			
VIRGINIA				\$5,570	Traffic Flow	Rt 301/Bedford Rd. - amend left turn lane				
VIRGINIA				\$10,500	Traffic Flow	Ladysmith Ave/Alexia Ave - improve signal				
VIRGINIA				\$10,500	Traffic Flow	Ladysmith Ave/Oakton City Rd. - improve signal				
VIRGINIA				\$10,500	Traffic Flow	Ladysmith Ave/Dunham Rd. - improve signal				
VIRGINIA				\$15,500	Traffic Flow	Shoemaker Co. - traffic signal control system	1.7			
VIRGINIA				\$7,200	Traffic Flow	Rt 50R 105 - left turn lane	0.2			
VIRGINIA				\$2,200	Traffic Flow	Rt 50R 155 - left turn lane	0.2			
VIRGINIA				\$40,000	Traffic Flow	Rt 17/Rudolph Ln - amend left turn lane	0.1			
VIRGINIA				\$21,400	Traffic Flow	Rt 36 - Commonwealth bridge signal	1.7			
VIRGINIA				\$2,500	Traffic Flow	Rt 18 at Shenandoah Blvd. - coordinated signal	0.2			
VIRGINIA				\$1,000	Traffic Flow	W. Chesapeake Dr - Conover Sq. - modify signal	0.2			
VIRGINIA				\$6,900	Traffic Flow	Rt 17/Rudolph Edge - left & right turn lanes	1.3			
VIRGINIA				\$40,500	Traffic Flow	Rt 17/Rudolph Dr - amend left turn lane	2.3			
VIRGINIA				\$40,400	Traffic Flow	Rt 104/Oakwood Bridge Blvd - improve signals & intersection	3.2			
VIRGINIA				\$8,896	Traffic Flow	Rt 144/Oakwood Bridge Blvd - improve intersection	1.8			
VIRGINIA				\$8,000	Traffic Flow	City of Newport - improve signal eqpy (70 intersection)	20.3			
VIRGINIA				\$27,000	Traffic Flow	City of Newport - update & replace cycle eq. system	29.3			
VIRGINIA				\$160,000	Traffic Flow	Rt 660/Oyster Point Rd - left & right turn lanes	1.9			
VIRGINIA				\$218,000	Traffic Flow	City of Norfolk - operational signal equipment	396.0			
VIRGINIA				\$5,000	Traffic Flow	City of Portsmouth - upgrade signal system on Old Parkway	39.1			
VIRGINIA				\$12,000	Traffic Flow	Main St/Compass Rd. - left turn lane	0.4			
VIRGINIA				\$30,000	Traffic Flow	City of VA Beach - volume signal system upgrade	43.3			
VIRGINIA				\$20,000	Traffic Flow	City of VA Beach - intersection and signal controller	120.1			
VIRGINIA				\$800	Pedestrian	Town of Ashland - signal sidewalk	0.5			
VIRGINIA				\$14,400	Pedestrian	J. Ogden Avenue, Chesapeake (left turn)	3.1			
VIRGINIA				\$19,500	Damaged Motor	Arlington - ab. timing program & conduct research				
VIRGINIA				\$20,137	Damaged Motor	Arlington - modify & monitor det. controller unit program				
VIRGINIA				\$15,500	Damaged Motor	Fairfax - lane reduction at Park Ave				
VIRGINIA				\$11,500	Damaged Motor	Fairfax - intersection signal program for CBD				
VIRGINIA				\$11,500	Damaged Motor	Fairfax - TDM program				
VIRGINIA				\$140,900	Damaged Motor	Virginia state/district controller unit, address upgrade/traffic				
VIRGINIA				\$32,000	Damaged Motor	Hammer monitoring center - N. Virginia				
VIRGINIA				\$47,700	Damaged Motor	Fairfax - lane reduction at Backlick Park				
VIRGINIA				\$34,300	Damaged Motor	Fairfax - TDM program at Over's corner				
VIRGINIA				\$154,000	Damaged Motor	PRTC - emergency program and controller unit, center				
VIRGINIA				\$147,170	Damaged Motor	Norfolk Virginia - detouring program enhancement				
VIRGINIA				\$100,000	Damaged Motor	PRTC - detouring program enhancement				
VIRGINIA				\$200,000	Damaged Motor	PRTC - detouring program enhancement				
VIRGINIA				\$120,000	Damaged Motor	CRTC - emergency transportation efficiency program				
VIRGINIA				\$120,000	Damaged Motor	Richmond - TDM installation on Norfolk street				
VIRGINIA				\$40,000	Damaged Motor	Virginia Beach - Elizabeth TDM program				
VIRGINIA				\$160,000	Damaged Motor	Crane Beach Services/Traffic pass prog./TDM prog. - Pam/Traffic				
VIRGINIA				\$150,000	Damaged Motor	Regional detouring/Crane Beach/Elizabeth/TDM services TRT				
VIRGINIA				\$34,300	Damaged Motor	Virginia Beach - TDM Controller - Year 02				

CMAD Report 1993

STATE	AMOUNT APPOINTMENT	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CO	NOX	PM-10
WASHINGTON	\$11,309,456	\$10,688,501	134.7%	\$336,000	Demolition	Project demolition for the renovation of the existing building.	0.3	1.6	0.3	0.8
WASHINGTON				\$36,000	Demolition	Demolition of existing building.	1.2	2.1	1.5	0.8
WASHINGTON				\$292,000	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$296,499	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$480,000	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$35,000	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$154,476	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$198,134	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$34,006	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$187,323	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$77,799	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$133,674	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$83,572	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$198,841	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$40,000	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$1,210	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$480,000	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$1,208,546	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$100,000	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$646,256	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$180,000	Demolition	Demolition of existing building.	0.0	0.0	0.0	0.0
WASHINGTON				\$74,800	Demolition	Demolition of existing building.	0.1	0.5	0.1	\$9
WASHINGTON				\$1,200,415	Demolition	Demolition of existing building.	54.3	58.3	46.2	\$8
WASHINGTON				\$1,827,700	Demolition	Demolition of existing building.	0.3	74.0	0.5	\$8
WASHINGTON				\$300,000	Demolition	Demolition of existing building.	0.0	74.0	0.0	\$8
WASHINGTON				\$16,977,078	Demolition	Demolition of existing building.	1287.6	1662.0	88.0	\$8
WEST VIRGINIA	\$4,112,280	\$392,950	9.3%	\$201,246	Demolition	Demolition of existing building.	20.0	0.0	0.0	
WEST VIRGINIA				\$392,950	Demolition	Demolition of existing building.	20.0	0.0	0.0	
WISCONSIN	\$12,875,487	\$11,679,698	90.7%	\$118,598	Other	WADOT/DMR Federal PM10 plan demonstration project.	13750.0			
WISCONSIN				\$118,598	Other	WADOT/DMR Federal PM10 plan demonstration project.	13750.0			
WISCONSIN				\$2,505,000	Other	WADOT/DMR Federal PM10 plan demonstration project.	90.0			
WISCONSIN					Other	WADOT/DMR Federal PM10 plan demonstration project.	90.0			
WISCONSIN					Other	WADOT/DMR Federal PM10 plan demonstration project.	135.0			
WISCONSIN					Other	WADOT/DMR Federal PM10 plan demonstration project.	90.0			
WISCONSIN					Other	WADOT/DMR Federal PM10 plan demonstration project.	90.0			
WISCONSIN					Other	WADOT/DMR Federal PM10 plan demonstration project.	2.5			
WISCONSIN					Other	WADOT/DMR Federal PM10 plan demonstration project.	2400.0			
WISCONSIN					Other	WADOT/DMR Federal PM10 plan demonstration project.	1380.0			
WISCONSIN					Other	WADOT/DMR Federal PM10 plan demonstration project.	1.7			
WISCONSIN					Other	WADOT/DMR Federal PM10 plan demonstration project.	135.0			
WISCONSIN					Other	WADOT/DMR Federal PM10 plan demonstration project.	540.0			

\*States with unavailability issues



OMAQ Report 1993

STATE	AMOUNT APPORTIONED	AMOUNT OBLIGATED	PCT.	PROJECT AMOUNT	PROJECT TYPE	PROJECT DESCRIPTION	VOC	CD	NOI	IN-40
WISCONSIN					Dioxane Region	City of Milwaukee - development of flood parking management	0.5			
WISCONSIN				141,408	Public	Milwaukee Co. DMTC - sediment laboratory - consumer reuse	5.0			
WISCONSIN					Public	Kenosha - job site soil - consumer reuse	18.0			
WISCONSIN					Public	City of Kenosha - 21 job, location	98.0			
WISCONSIN				17,241,200	Traffic Flow	WALDORF Energy traffic management	1.8			
WISCONSIN					Traffic Flow	City of Madison - replacement of signal control computer	1.8			
WISCONSIN					Traffic Flow	City of Milwaukee - installation of hand video measurement cable	10.5			
WISCONSIN					Traffic Flow	City of Wisconsin - traffic suspension, closed loop system	0.2			
WISCONSIN					Traffic Flow	City of Milwaukee - traffic signal sys. installation for various bus	127.8			
WISCONSIN					Traffic Flow	City of Milwaukee - computer optimization of traffic sig. sys. in	19.5			
WISCONSIN					Traffic Flow	City of Milwaukee - upgrade & replace electronic signal controllers	10.5			
WISCONSIN					Traffic Flow	City of West Bend - traffic signal controller	180.0			
WISCONSIN					Traffic Flow	WALDORF District 2 - contractor program	180.0			
WISCONSIN					Traffic Flow	City of West Bend - transfer Dr. park & ride for project	5.0			
WISCONSIN	24,112,99	24,084,200	0.3%		STPCMAQ		379.0			

\*Data with an asterisk were



TESTIMONY OF

THE HONORABLE VIVIAN LUND  
MAYOR  
CITY OF WARRENVILLE, ILLINOIS

*President*  
ROBERT C. HOWARD  
Mayor  
City of Whitesville, KY  
Green River Area  
Development District,  
Owensboro, KY

*First Vice President*  
FRANKLIN G. CHING  
Town Representative,  
Town of Needham, MA  
Metropolitan Area  
Planning Council, Boston

*Second Vice President*  
ROXANNE QUALLS  
Mayor  
City of Cincinnati, OH  
Ohio-Kentucky-Indiana  
Regional Council of  
Governments, Cincinnati

*Immediate Past President*  
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Commissioner  
Tarrant County, TX  
North Central Texas COG,  
Dallas/Fort Worth

*Chair*  
Executive Directors  
Advisory Committee  
THOMAS G. TUCKER  
Southeast Missouri  
Regional Planning and  
Economic Development  
Commission,  
Perryville

REGARDING THE  
CONGESTION MITIGATION AND AIR QUALITY  
PROGRAM

BEFORE THE SUBCOMMITTEE ON  
SURFACE TRANSPORTATION

U.S. HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 1996

*Executive Director*  
JOHN W. EPLING  
Washington, DC

Mr. Chairman and Members of the Committee, my name is Vivian Lund. I am Mayor of the City of Warrenville, Illinois, a community of over 11,000 people, located about 30 miles west of Chicago. Today I am here to testify on behalf of the National Association of Regional Councils (NARC) and its affiliate organization, the Association of Metropolitan Planning Organizations (AMPO), which represent metropolitan planning organizations (MPOs) throughout the country. I am doing so as a representative of the Executive Committee of the Council of Mayors of the Chicago Area Transportation Study, the Metropolitan Planning Organization (MPO) for northeastern Illinois. I respectfully request that my written statement be made part of the official hearing record.

On behalf of the members of NARC and AMPO, I appreciate your invitation to testify before the Committee on the Congestion Mitigation and Air Quality Improvement Program (CMAQ). My testimony today reflects the views of these associations which have a membership of over 120 MPOs. It also reflects my personal experiences as mayor of a fast growing, suburban community as well as my involvement in the transportation decision making process for the larger metropolitan area through the MPO.

The CMAQ Program, established in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), has filled a void not addressed in legislation prior to ISTEA. The program enables us to provide specific relief for congestion while meeting the environmental requirements of the Clean Air Act. CMAQ is unique because of:

- (1) the flexibility it provides to invest in a host of projects not otherwise eligible for federal transportation funding; and
- (2) the ability to fund projects that would not otherwise have emerged as a high enough priority given scarce resources and competing project funding demands.

Indeed, the CMAQ program's focus on flexibility, innovation, and multimodal investment strategies embodies the spirit and intent of ISTEA.

*Testimony of Vivian Lund  
Congestion Mitigation and Air Quality Program  
August 26, 1996  
Page 2*

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From the local perspective, I can personally attest to the gains in combating congestion and in improving air quality, which would not have been possible without the CMAQ program. As mayor of a growing suburban community, I am faced with having to maintain the existing transportation infrastructure and with meeting the demands for new capacity to serve a growing population, while still making progress in meeting the health-based, national air quality standards. The more traditional federal-aid highway programs -- for example, the Surface Transportation Program and the National Highway System Program -- barely enable us to meet our maintenance and rehabilitation needs, let alone provide an opportunity to fund projects that are designed specifically to reduce emissions. Having a separate source of funds both focuses our attention and provides the necessary capital to make real gains in improving air quality.

The importance of the CMAQ program goes far beyond the funding of projects specifically geared to reducing congestion and improving air quality. In northeastern Illinois, the CMAQ program has been a real catalyst to increase the awareness of transportation agencies and elected officials of congestion and air quality issues. The fact that the Congress felt so strongly as to establish a source of funds specifically for projects that reduce congestion and improve air quality sends a clear message on the national resolve to attain the health-based air quality standards.

That message has been heard, and acted upon, not only by elected officials and transportation professionals, but by the general public and many others not traditionally involved with the programming of transportation projects. For example, the American Lung Association of Chicago and the Illinois Environmental Protection Agency have both been heavily involved with developing public education programs relating to the harmful effects of ozone and what the average citizen can do as their part to improve air quality. These public education efforts have been funded through our CMAQ program.

Last month, the opening of the first new commuter rail line in northeastern Illinois, the North Central

*Testimony of Vivian Lund  
Congestion Mitigation and Air Quality Program  
August 26, 1996  
Page 3*

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Service, was heralded as a major breakthrough for congestion mitigation and air quality improvement. The startup of this commuter rail service was made possible, in large part, through the CMAQ program. Additional benefits of this project are being realized as communities throughout the region have come to understand the importance of a systemwide commuter rail network. The communities served by this new line are working with Metra, the provider, to improve access to the rail network through additional commuter parking, feeder bus service and station improvements (much of which may be funded through the CMAQ program).

The CMAQ program has also provided the opportunity to implement new technologies as they become available. The number of highways in the metropolitan area that now have signal interconnect systems has increased significantly with the additional funding available from the CMAQ program. This type of improvement has proved itself very effective in relieving congestion. Also, an enhanced inspection and maintenance program, which will prove to be very effective in reducing vehicle emissions, was made possible through the CMAQ program. The CMAQ program is an important contributor to the deployment of technological advances.

I would be remiss in discussing the CMAQ program in northeastern Illinois if I failed to mention our demonstration program. The purpose of this demonstration program is to encourage new and innovative ways to approach the problem of congestion and air quality. The projects selected under this program are those which show particular promise and could be implemented throughout the region. For example, one program is designed to support a reverse commute pattern using transit. Several office and industrial firms in a north suburban corridor were organized to participate in a subscription feeder bus service which connects their locations with a nearby commuter rail station. This service enables workers living in Chicago to make use of what was an essentially empty train to commute to their work sites rather than having to drive alone. Plans to expand this highly successful service are in place, and other locations are being studied to determine their appropriateness for a similar type of service.

*Testimony of Vivian Lund  
Congestion Mitigation and Air Quality Program  
August 26, 1996  
Page 4*

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Without the CMAQ program, there would not have been the awareness of congestion and air quality issues, nor the financial means to implement many of the measures I have described.

As a member of an MPO that is attempting to respond to the dual challenges of air quality and congestion management, I urge you to continue the CMAQ program as established in ISTEA. Its continuation is critical to maintaining the gains northeastern Illinois -- and indeed metropolitan non-attainment areas across the country -- have made toward attaining national air quality standards. I also urge you to consider the fact that the U.S. Environmental Protection Agency is under a court order to issue revised, and probably more stringent, national standards for ozone and particulate matter by July, 1997. The probable result would be a significantly increased number of non-attainment areas -- perhaps as many as 120 - 200, depending on how strict the new standards are. Certainly, the need for this program will increase and its original justification will be reinforced. The CMAQ program is a good program in concept, in the way it has been delivered, and should be retained.

Finally, I should mention that many of the MPOs feel that perhaps the Clean Air Act itself should be reevaluated. We believe a debate should be mounted to consider the lessons learned about the transportability of some air pollution. I believe that the debate could result in a recognition that the law is fundamentally flawed in that much of our pollution problem is of a national dimension, and one in which all of our citizens must help solve, not just those of us in statutorily defined non-attainment areas.

Thank you for the opportunity to testify today. I will be happy to answer any questions you may have.

**STATEMENT OF  
MARY D. NICHOLS  
ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE  
SUBCOMMITTEE ON SURFACE TRANSPORTATION  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
U.S. HOUSE OF REPRESENTATIVES**

**September 26, 1996**

Good morning, Mr. Chairman and members of the Subcommittee. Thank you for the opportunity to speak to you today about the Congestion Mitigation and Air Quality Improvement Program as implemented under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). The fact that I, an official from the Environmental Protection Agency, am here to talk to you about a transportation program, speaks volumes about the progress that ISTEA represents for the health of our nation's citizens and the environment.

**TRANSPORTATION AND THE ENVIRONMENT**

Before I speak about CMAQ specifically, I want to provide you with the context in which I view transportation policy and its relationship to the environment. After energy use, no other sector of the economy has the potential to affect the quality of the environment as does transportation. The ever-growing numbers of cars and trucks on the nation's roads and highways can adversely impact our air, water, and fragile wildlife habitats and burden our landfills. In addition, transportation now accounts for the fastest growing portion of greenhouse gas emissions in the United States.

Over the past 25 years, this country has made great strides in reducing the harmful

emissions from highway vehicles by improving emission control technology on cars and trucks, developing cleaner fuels, and ensuring that vehicles are properly maintained in-use. But we cannot stop now.

While the number of cities that are not meeting the air quality standards has decreased, there are still over 60 million people living in areas that violate the health-based ozone standard. Highway vehicles are a major source of the pollutants that form the nation's most widespread and intractable pollution problem...ground level ozone, which is also called smog.

In a typical urban area with serious ozone problems, highway vehicles emit 25 percent or more of the volatile organic compounds and over 50 percent of the nitrogen oxides...the two principle components of smog. While we have made tremendous progress in reducing ambient levels of carbon monoxide, another vehicle pollutant, there are still areas that do not meet this health-based standard and highways vehicles are responsible for 60 to 90 percent of carbon monoxide pollution. Another pollutant, referred to as particulate matter, is generated in several ways, one of which is in the exhaust of diesel-powered trucks and buses. This pollutant is classified as a possible carcinogen and is of growing concern to health experts.

One of the reasons why we have not realized all the benefits of our clean air programs over the past 25 years is that the number of total vehicle miles traveled keeps growing every year. With more vehicles on U.S. roads driving more miles, we need to look for more innovative ways to reduce overall emissions. If we decided to stop further measures to control air pollution, the



air in our cities would in the short term continue to get cleaner as new cars replaced old cars. Just after the turn of the century, however, increases in vehicle miles traveled would begin to slowly cause total vehicle emissions to increase.

In my opinion such a scenario is not inevitable. Wise decisions on the part of state, local and federal officials and active involvement by the public will assure that the tremendous accomplishments in air quality improvements will be fully realized and new cost effective emission reduction programs can be identified. Obviously, the interaction between transportation policy and air quality planning is critical in our future efforts. And, until the passage of the Clean Air Act in 1990 and ISTEA in 1991, there was no comprehensive framework for assuring air quality impacts were considered as an integral part of transportation planning.

#### **EPA SUPPORTS FUNDAMENTAL PRINCIPLES OF ISTEA**

Fortunately, ISTEA provides state and local governments with such a framework. When signing ISTEA in 1991, President Bush made a commitment to...."the design and building of transportation facilities that fit harmoniously into communities and the natural environment". This fits hand-in-hand with EPA's initiative to support community-based environmental strategies. ISTEA is helping us fulfill this commitment.

ISTEA provides unprecedented flexibility to meet the unique transportation needs of communities. If a city needs more transit or other alternatives to single occupant vehicle transportation, it can use money from highway funds to pay for it. It emphasizes intermodalism

and efficiency by requiring planners to look at alternatives and consider all modes for their transportation options. EPA believes that good transportation decisions are also good environmental decisions, and we are helping officials make those decisions by giving them information and analytic tools to evaluate the air quality effects of transportation alternatives and providing guidance for their implementation.

Protecting the environment is a responsibility for all levels of government. But ISTEA recognizes the importance of place, and recognizes that the affected citizens make the best decisions about what benefits them. Thus, local governments have been made a partner in spending, and ISTEA requires expanded citizen involvement. EPA recognizes this too, and is in the process of providing new flexibility and options for meeting Clean Air Act requirements.

Environmental solutions, while often implemented at the local level, transcend local, state, and even regional boundaries. Therefore, ISTEA provides the framework on which transportation decisions must be made.

ISTEA contains provisions that require areas that are not in attainment with the air quality standards to explicitly consider and be consistent with the air quality plan and time frame. EPA is very enthusiastic about the strides that have been made in integrating transportation and air quality planning.

ISTEA supports the Clean Air Act's transportation conformity provisions. Conformity requires that the impacts on air quality of planned highway and transit projects be considered in both the short and long term. Before federal funding or approvals may be granted, it must be demonstrated that no air quality violations will be caused or worsened, and that timely attainment of the air quality standards will not be delayed. Conformity allows states, metropolitan areas, and the public to consider the air quality impacts of transportation decisions before these large infrastructure investments are made.

We have been working with DOT and other stakeholders to streamline and improve the process of determining conformity. We have held a series of meetings to raise the concerns and difficulties and have amended EPA's transportation conformity rule twice, once in August of 1995 to provide relief to certain areas facing the cutoff of federal funds, and then again in November of 1995 to exempt transportation control measures from funding cutoffs and to address timing problems created by misalignment of the planning processes. We are close to finalizing a third set of amendments to address additional requests for more authority and discretion at the state and local levels and to allow other flexibility in the required analytic procedures and performance measures. We have also initiated the Conformity Pilot Program, a collaborative effort with DOT to seek out innovative methods of streamlining the regulatory requirements for modeling, consultation and coordination of the ISTEA and conformity deadlines and schedules. The pilot program will provide selected state and local transportation and air quality agencies the opportunity to identify the processes and procedures that work best for each pilot area.

Prior to ISTEA legislation there was a tendency for transportation and air quality planners at both state and local levels to use different planning assumptions. The growth projections used to develop air quality plans were often not coordinated with, and were usually lower than, those being used to plan the transportation system. Thus, air quality plans were not designed to accommodate the levels of growth in travel that would often occur. It was a common practice of transportation agencies to develop lengthy project listings as a means to justify increased funding and to mitigate the uncertainty of advancing some projects. This sometimes led to inclusion of projects in Transportation Improvement Programs and long range plans that had no realistic funding source. This occasionally distorted the projected future transportation network, skewed regional transportation priorities and misinformed other planning agencies and the public about what the transportation system and travel activity would be like in the future. ISTEA has changed that. Statewide and metropolitan planning regulations now require "fiscal constraint", which has led to more realistic planning. Both state and local officials are now required to explicitly consider competing priorities for limited transportation funds.

The environment has also benefitted through ISTEA's increased focus on partnerships and public participation. It protects the rights of cities and citizens to participate in the decisions that affect them. Too often in the past, transportation decision makers forgot the importance of place. Decisions were made away from the very environment, both human and natural, where the impacts would be felt. ISTEA recognizes that transportation is part of the community.

The provisions governing the planning process have been strengthened to ensure that it is

open and sensitive to the concerns of the public. The planning regulations require that the public involvement processes be proactive, provide complete information, have timely public notices, provide full public access to key decisions, and provide opportunities for early and continuing public involvement. As our experience at EPA indicates, when given information, a voice, and a choice on matters that affect their lives, the public will choose practical, environmentally friendly alternatives.

In addition to the public at large, ISTEA has brought new interest groups and their expertise into the planning process. Environmentalists, the business community, alternative transportation advocates, land use planners, and urban renewal leaders have joined the state DOT's and MPO's at the decision-making table. The number and variety of new players makes coordination and agreement a challenging task. Critics of this inclusive planning process point to delays for projects, but we see the benefits of choices that are ultimately made. The additional effort has resulted in new and creative ideas that don't neatly fit into the traditional concept of transportation projects. Frustration is giving way to recognition that cities can have mobility and economic growth, as well as cleaner air, a more natural environment and a sense of community.

#### **FUNDING SET-ASIDES FOR THE ENVIRONMENT**

This move toward sustainable transportation has been further supported by ISTEA's shift in emphasis toward local and regional authority. The most explicit example of this shift has been the funding for special purposes. ISTEA sets aside three billion dollars for Transportation Enhancement Activities. Conversion of abandoned rail rights-of-way to hiking and biking trails,

turning neglected transportation corridors into greenways for non-motorized transportation and recreational activities, preservation of historic transportation facilities, wetland set-asides, and highway landscaping and beautification projects have been designated to receive federal funds by local governments. These investments have been supported by the public because they strengthen the community, clean the air, and improve the quality of life.

#### **THE CMAQ PROGRAM**

This brings me to perhaps the most successful of these set-aside programs, the one that is most directly supportive of EPA's air quality program, and the one that you have asked me here to talk about. The Congestion Mitigation and Air Quality Improvement Program, more commonly known as CMAQ, is unique as the only Federal transportation funding program focused primarily on air quality improvement. While other programs, such as the Surface Transportation Program, have the flexibility to support projects with air quality benefits, CMAQ is distinct as the largest source of funding that targets air quality improvements exclusively. The DOT guidance, which was developed with early and extensive coordination with EPA, extended eligibility for funding to projects and activities that had not been eligible under the Federal-aid highway or mass transit programs.

With its emphasis on air quality, the CMAQ program has been a new venture, and some would say a risky one at that, for DOT. Given the unprecedented flexibility and the pioneering nature of the program, FHWA, FTA, and EPA undertook a review of the program in 1994 and concluded that the CMAQ program has been successful in achieving the goal of supporting

cooperation between state and local air quality agencies and their transportation planning counterparts and supporting the implementation of projects with air quality benefits.

Following the review, we worked with DOT to allow even greater flexibility in the use of program funds. Added provisions of the guidance expanded the scope of eligibility for outreach and ride-share programs, fare and fee subsidy programs and contracting with transportation management associations that broker transportation services to private employers. Emission reductions from these projects vary. It is too early to judge the benefit from expanding eligibility to innovative and nontraditional projects, especially long range projects, but all emission reductions are important to the health of the citizens in the areas in which they have been implemented. They also provide benefits beyond air quality, such as traffic congestion relief, improved mobility and accessibility, and energy efficiency. The CMAQ program has numerous success stories that otherwise would not have been possible under past funding mechanisms.

#### **SUCCESS STORIES**

In Portland, Oregon, CMAQ supported the development of the MAX light rail line. The rail line has moved people out of their automobiles when they come to work and shop in downtown Portland. It is helping to improve the air quality and sustain their economy. The American Public Transit Association reports that \$1.2 billion dollars worth of private development has occurred along that line.

If you want to think about innovative projects and the new intermodal emphasis of

ISTEA, I would suggest you consider a freight ferry project in New York Harbor as a prime example. A coalition of New York and New Jersey transportation agencies is using CMAQ funds to implement a freight ferry. In the past, cargo shipments between the Red Hook terminal in Brooklyn, New York and Port Newark-Elizabeth in New Jersey were primarily trucked over the Gowanus Expressway and across the Verrazano Narrows Bridge, contributing to traffic congestion and elevated levels of pollution due to the diesel truck engines and stop and go traffic. To make matters worse the expressway is expected to be under construction for the next seven years, reducing traffic lanes by up to 50 percent. But CMAQ funding and the new partnerships nurtured by ISTEA resulted in an alternative that may have been impossible in the past. Collaborating agencies decided that shipping freight across the Hudson River by barge would help relieve vehicular congestion, reduce emissions and, as an added benefit, found that shipping by barge could be more economical as well.

Out west in Phoenix, Arizona, the Regional Public Transportation Authority and Maricopa County are working together and using CMAQ funds to get commuters to travel in more environmentally friendly ways. The joint program is educating the public about the air quality impacts of traffic and alternatives to driving alone. By targeting commuters and the general public, this joint effort has been successful in reducing trips using single occupant vehicles.

To our south, citizens in Dade County, Florida have CMAQ funding to thank for a project that will help relieve them of the fourth worst traffic congestion in the country. Congestion that could, if left unaddressed, lead to violations of the air quality standard and threaten the area's



recent redesignation as an area that now meets the standards. CMAQ funds are helping build a dedicated busway that will run along US-1, giving relief to the 90,000 vehicles that travel that route daily. Part of a comprehensive plan to improve Miami's transportation system, the northern end of the busway will connect to the MetroRail system, and promote efficient intermodal travel. It is expected that the number of vehicles using the highway will be reduced, as well as the stop and go traffic that leads to higher emission levels.

CMAQ funds have been used for natural gas vehicle fueling facilities in Boise, Milwaukee, and Boston. These facilities support a new generation of clean burning buses which use compressed natural gas instead of diesel fuel and are operated by the transit agencies in these cities. The fueling facilities can also be made available to school bus fleets and will encourage the purchase of CNG vehicles by private fleet operators. What better way to support EPA's Clean Fuel Fleets Program.

These are only a few of the examples where the CMAQ program is making a difference at the local level. But there are many more, as you will hear later today.

#### **WORKING IN PARTNERSHIPS**

The CMAQ program exemplifies the spirit of ISTEA. Environment, efficiency, economy and, most importantly, partnership. You've heard examples of how state and local governments are working together and how the federal government is working with and supporting them. You've also heard how EPA has worked with DOT to make ISTEA a success.

We have been part of DOT's outreach effort to hear what state and local officials have to say about what has worked and what hasn't. At regional forums throughout the country, we have heard from state DOT's, environmental agencies, mayors, county officials, metropolitan planning officials and transit providers. The overall response to ISTEA has been enthusiastic. We have also listened to the public, and heard what they want from their transportation systems. Obviously, they want mobility and accessibility. And they want to protect the environment. They also want a transportation system that encourages a sense of community, not one that divides neighbors and leaves them with driving as the only option to get the goods and services they need.

As you begin the process for reauthorization of ISTEA, EPA hopes to be able to help identify where we can advance the progress that has already occurred. Clearly, ISTEA and the CMAQ funding program represent a tremendous opportunity to move our transportation systems in a more environmentally-friendly direction. The momentum which has now been created at the local, regional and state level can be enhanced by wise use of the reauthorizing legislation. EPA will work closely with DOT and other agencies within the Administration to provide specific suggestion to the next Congress on ways to improve the CMAQ program.

Mr. Chairman, thank you again for this opportunity to discuss ISTEA and the CMAQ program. I will be happy to answer any questions you may have.

**Testimony By  
Mr. Shiva Pant  
Director  
Fairfax Department of Transportation  
Fairfax County, Virginia  
On Behalf of  
The Institute of Transportation Engineers  
Before the  
House Transportation and Infrastructure Committee  
Subcommittee on Surface Transportation  
Washington, DC  
September 26, 1996**

Mr. Chairman, members of the Committee, my name is Shiva Pant. I am Director of the Fairfax County Department of Transportation and a member of the Institute of Transportation Engineer's Policy and Legislative Committee. I appreciate the opportunity to submit my remarks on behalf of the Institute of Transportation Engineers or ITE.

The Institute of Transportation Engineers is an international organization of over 14,000 members in over 70 countries. The Institute's membership consists of transportation engineers, transportation planners and other transportation professionals. The Institute's 11,500 U.S. members are employed in the public sector by the U.S. Department of Transportation, virtually every state Department of Transportation, nearly 600 municipal government, more than 175 counties, and some 100 metropolitan planning organizations. In the private sector, ITE members are employed by hundreds of consulting firms, universities, and equipment manufacturers and suppliers throughout the country.

On a daily basis, ITE's members are responsible for keeping the nation's surface transportation systems operating in the safe, efficient, and reliable fashion that our citizens, businesses and industries have come to expect.

As one of the largest professional transportation organizations in the country, ITE's positions on federal transportation initiatives represent a broad consensus. Those positions are based on the belief that the Federal government has an important role in ensuring that the nation's transportation system serves our citizens' mobility needs, improves their safety, enhances our national economy, and improves our industries' ability to compete in the global marketplace. Federal investments in transportation infrastructure must be efficient and targeted toward achieving those goals.

The subject of today's hearing is the **Congestion Mitigation and Air Quality or CMAQ program**. ITE supports the CMAQ program, however, it believes that much more work needs to be done to quantitatively determine how various transportation plans and programs contribute to attainment of clean air objectives.

#### **Research**

The Institute believes that it is important that projections of air quality effects be based on current data and realistic assessments incorporating behavioral factors, rather than on theoretical assumptions. This work must be accomplished if a rational basis is to be established for making

future decisions affecting not only the CMAQ program, but how the nation will proceed in achieving its mobility and air quality objectives.

In 1994 an ITE produced report, "The Age and Status of Transportation Planning Databases," revealed a significant shortage in up-to-date data among MPO's in the United States. Of the more than 100 MPO's responding to the ITE survey, 54 percent were relying on origin/destination data that was more than ten years old. The recently completed "Commuting in America II" based its conclusions on data collected during the 1990 census. Poor or old data could lead to serious inaccuracies in forecasting of future travel and air quality impacts.

ITE therefore recommends that coordinated national research be pursued to develop better quantitative relationships between air quality and the entire range of transportation improvements. The program should include the U.S. Environmental Protection Agency, the U.S. Department of Transportation, and other interested organizations. The Institute stands not only ready but eager to participate and if necessary to help lead this effort.

### **Traffic Flow Improvements**

The DOT "Guide to the Congestion Mitigation and Air Quality Improvement Program" points out that traffic flow improvements are fundable actions under the CMAQ program that can yield air quality benefits quickly, particularly "at eliminating C<sup>o</sup> hot spots." The Guide notes that traffic flow improvements "improve air quality by reducing congestion without adding lane mileage."

Efforts to eliminate traffic flow improvement as an eligible expense under the CMAQ program should not be accepted by the Committee. Such efforts are contrary to language in ISTEA authorizing the CMAQ program and would eliminate one of the most cost-effective means of achieving short-term emission reductions when compared to other Transportation Control Measures.

Those supporting the elimination of CMAQ funding for traffic flow improvements argue that these improvements will induce additional traffic thereby doing more harm than good. This argument has yet to be supported by data. In fact, a report by the Institute of Transportation Studies at Berkeley, "The Air Quality Impacts of Urban Highway Capacity Expansion: Traffic Generation and Land Use Impacts" reached a different conclusion. Analyzing the impact of capacity enhancement projects that included lane additions, the Berkeley study found that even after twenty years, traffic induced by expansion falls well short of what would be required to produce the same volume-capacity ratios under a no-build scenario. A study by the DOT's Volpe National Transportation Systems Center, "Quality Assessment of IVHS Emission and Air Quality Impacts," concluded "traffic does not quickly expand to completely fill capacity. Thus the notion that increased roadway capacity will result in a new system with equal congestion but more vehicles cannot be supported." Considering that the Berkeley findings related to lane additions which seemingly would have a greater impact on induced demand than the traffic flow improvements allowed under CMAQ, the Volpe report concludes that "the induced travel effects of level of service improvements are likely to be insignificant."

Finally, any long-term induced travel criteria applied to traffic flow improvements should also be applied to all other transportation control measures eligible for CMAQ funding. This will again require a quantum leap in the accuracy of models and data that is available.

### **Aggregate Emissions**

There is no "magic bullet," no transportation project that will have all positive and no negative impacts on the environment. Each project must therefore be evaluated on its overall effects, and not a pass-fail litmus test - such as oxides of nitrogen (NOx) emissions. Passing the conformity build/no-build tests for NOx is many times a matter of luck. Factors most important in reducing NOx emissions are not known with precision. Based on current modeling approaches, decreasing vehicle miles traveled on congested freeways may actually increase NOx emissions as a result of vehicle speed increases.

### **Fund Projects That Reduce Emissions**

ITE supports expanding eligible uses of CMAQ funds to include existing as well as new projects, and projects that reduce emissions after the attainment date. Efforts to improve mobility and air quality should be long-term and continuous, and should not be subject to stops and starts, or restricted to arbitrary time limits. In addition, project eligibility should be based on aggregate impacts on congestion and air quality, and not on whether the project is a continuation of existing efforts or the initiation of a new effort. Overall value and effectiveness should be the deciding criteria.

For example, transit operators in many areas are being forced to reduce service due to budget shortfalls. This will ultimately force many current transit users to shift modes to the automobile, adversely affecting air quality. This could be avoided if CMAQ funds could be used to continue existing transit services.

### **In Conclusion**

The Congestion Mitigation and Air Quality program recognized the impact of transportation on the environment and recognized the impact transportation could have on improving that environment. It was a program to primarily reduce vehicle emission by making transportation more efficient. Congress should not lose sight of the broad intentions of the CMAQ program. The Institute therefore:

- Recommends replacing theoretical assumptions of air quality effects with realistic assessments incorporating behavioral factors based on quality data;
- Urges that traffic flow improvements continue to be eligible as an integral part of the CMAQ program;
- Recommends that projects be eligible for CMAQ funding as long as aggregate emissions will be reduced;
- Encourages changes in CMAQ that would allow program funds to be used for existing as well as new projects and services;
- Recommends allowing the eligibility of CMAQ funding for any project which reduces emissions even if the project is scheduled for completion after the attainment date.

I appreciate the opportunity to submit this testimony on behalf of the Institute of Transportation Engineers. I would be happy to answer any questions the Committee might have on my testimony.



AMERICAN CONSULTING  
ENGINEERS COUNCIL

**TESTIMONY OF**

**LEO F. PETERS**  
**SENIOR VICE PRESIDENT 1996-1997**  
**AMERICAN CONSULTING ENGINEERS COUNCIL**

**BEFORE THE**

**SURFACE TRANSPORTATION SUBCOMMITTEE**  
**OF THE**  
**HOUSE TRANSPORTATION AND INFRASTRUCTURE**  
**COMMITTEE**

**HEARING ON**

**ISTEA REAUTHORIZATION:**  
**THE EFFICIENT DELIVERY OF**  
**TRANSPORTATION IMPROVEMENTS**

**THURSDAY, SEPTEMBER 26, 1996**

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Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to be with you today to testify on the reauthorization of the Intermodal Surface Transportation Efficiency Act. My name is Leo Peters. I represent the American Consulting Engineers Council, or ACEC, both as one of its many small firm members (Weston & Sampson Engineers, Inc., Peabody, MA with 118 employees), and as the Senior Vice President for 1996-1997.

ACEC is the largest trade organization of its kind, representing approximately 5,000 consulting engineering firms from across the country, employing some 200,000 people. Our members are consultants to public and private entities, and furnish professional services in planning, engineering, maintenance, and operation of our nation's transportation system.

It has been said, Mr. Chairman, that the wealth of our nation did not build our transportation system, but rather, our transportation system created the wealth of our country. Consulting engineers understand and appreciate this basic relationship between infrastructure and industry. We have been involved with planning, designing, constructing, maintaining, and enhancing these infrastructure projects for more than 40 years. We also planned and designed the projects that accompanied the massive economic development triggered by the resulting arteries of commerce and prosperity.

I am proud to come before you and discuss this greatest engineering and economic feat in our nation's history, the Interstate Highway System. President Eisenhower's dream has been fulfilled: the first roadway system in the world to replicate that of the Roman Empire. Learning from history, we know that good roads always come before prosperity and an elevated standard of living.

From the engineering community's unique perspective, we fully understand the interstate systems purpose, function, increased demand since construction, and the complicated maintenance and capacity problems it presently faces. To address these complex issues, we encouraged progressive legislation such as ISTEA from its infancy through its enactment. The original ISTEA represented the most significant step forward in transportation prioritization since inception of the Interstate Highway System in the 1950s. From coast to coast, the overriding message we've heard regarding the original ISTEA is, "This is what we've been waiting for!"

With the twilight of ISTEA at hand, the question now being heard is, "What's next?" ACEC thinks that as we approach the next millennium, another historic opportunity is at hand, an opportunity for this committee and this Congress to identify and expand upon ISTEA's successes, to identify and remedy areas where it may be improved, and to seek items of merit in other legislation to create and deliver the most effective, value-added transportation package possible. The American Consulting Engineers Council stands besides you today, as committed and knowledgeable governmental partners, to share our vision with you on new legislation that will keep America moving and competitive in a global economy during the 21st Century.

Before discussing solutions, we as engineers are trained to closely consider the problems; we know that a problem well stated is a problem that's half solved. Here are a few of the critical problems we have identified:

State of the Interstate Highway System - According to the Federal Highway Administration's own report, entitled "1995 Status of the Nation's Surface Transportation System: Conditions and Performance", personal and freight demands on our systems are at an all time high and are expected to increase. At the same time, every 1 in 10 miles of interstate highway is in poor condition and 1 in 4 interstate bridges are classified as deficient. All of this while government and private industry are investing at record levels to maintain transportation services and efficiency. The report concludes that demand has consistently outpaced investment.

Future Highway Demands - The performance of our highways has continued to decline as system usage has increased. For example, total vehicle hours of delay for Washington, D.C., increased from 440,000 hours in 1986 to 621,000 hours in 1992. In the 50 largest cities, total vehicle hours of delay increased by 2,365,000 hours in 1992 as compared with 1986. You have heard of the old adage, "time is money." In this case, the increased congestion costs Americans an estimated \$43 billion annually. This lost economic opportunity negatively impacts our nation's economy by raising the cost to do business and making us less competitive in the international market.

Public Perception - ACEC played a key role in initiating a survey of over 2,000 highway users from across the country as part of the National Quality Initiative (NQI). The survey shows that 50% of the public is not satisfied or neutral regarding their overall satisfaction with our highway system. Clearly, there is considerable opportunity for improving public satisfaction with our nation's highways. When those not satisfied with the highway system were asked what would make them satisfied, more than one-third responded improvement in the quality of the roadway surface. Overall, nearly 7 in ten responded that they are willing to pay more in fuel taxes to improve the nation's highways. Thomas Edison said that, "Restlessness and discontent are the necessities of progress." We believe that the traveling public stands behind you in the tasks for which you have been called. At the same time, that same public stands ready to become further dissatisfied if we don't rise to the occasion and put transportation first.



**Inadequate Funding** - Even if the maximum amounts of funding from available sources such as the Highway Trust Fund, and the redirection of all present highway user fees to the Highway Trust Fund occurred; this would still generate only enough money, some \$270 billion according to AASHTO, just to maintain current highway and bridge conditions. While this is a step in the right direction, we must do better to meet the increasing demands on our transportation infrastructure. More importantly, we must be visionary in our thinking.

So much for the problems. Engineers are called upon to solve problems.

What are the solutions we have identified? ACEC proudly supports the following keystones that we believe should be included in the upcoming reauthorization legislation:

**Qualifications-Based Selection** - When designing transportation projects, we view our role as one of a partnership with the government. According to the Federal Highway Administration's own data, State transportation departments that contract out between 50% and 70% of their preliminary and construction engineering work to private consultants achieve the lowest total overall engineering costs, thus providing the most value to the U.S. taxpayers. Alternatively, states that contract out less than 20% of their engineering work have the highest engineering costs.

Both government and the private sector have an interest in producing highways and bridges with greater efficiencies, increased safety, lower life cycle costs and improved technological innovations. Congress played a key role in that partnership in past transportation legislation by ensuring that only the most qualified engineering firms are procured when planning highway and transit projects. This law, known as qualifications-based selection or QBS, ensures high quality designs and low total life-cycle costs on highway and transit projects. To procure design services based on price alone may be penny wise, but it is dollar foolish because the cost of engineering is less than 10% of the project cost and less than 1% of the total life-cycle cost. We commend your vision for this in the past and urge you to maintain this important criteria in the next highway reauthorization bill.

**Quality Through Competition** - On behalf of ACEC, I want to thank this committee for including the Quality Through Competition provision in last year's National Highway System Designation Act. This provision prohibits the arbitrary placement of limits on indirect costs of overhead and salary rates for professional consulting services. By enacting this provision, you have increased competition, encouraged technological innovation, and reinforced this Subcommittee's desire to have the most qualified team of professionals planning and designing our nation's transportation network. Increased competition means better designs, better results, and a better product.

Under the Quality Through Competition provision, state and local recipients of federal highway and transit funds must accept audits prepared by other appropriate federal and state agencies as a basis for establishing interim pre-contract overhead rates and to use the Federal Acquisition Regulations as a basis for negotiating, contracting and paying engineering fees without the use of arbitrary ceilings on salaries or overhead rates.

The enactment of the Quality Through Competition provision means multiple audits are avoided saving precious federal funds and allowing contracts to proceed more promptly. Moreover, engineering and architectural firms will not be excluded from competition or discriminated against on the basis of their overhead rates. As you know Mr. Chairman, overhead rates alone are not indicative of relative efficiency but rather a reflection of how an individual firm accounts for its direct and indirect costs.

Unfortunately, it has recently been brought to our attention that officials at the Federal Highway Administration have decided not to implement this provision in accordance with Congressional intent. For example, the May 1, 1996 guidance issued by FHWA regarding the Quality Through Competition provision failed to address the issue of caps on direct salary costs, a practice specifically banned by the language of the provision which bars "administrative or de facto ceilings of any kind." (Section 307(a))

In addition, officials at FHWA may have misinformed State Department of Transportation officials by indicating that States may opt-out of the Quality Through Competition requirements at any time in the future. Under the Quality Through Competition language, States are allowed to opt-out of the provision's requirements within one year after the date of enactment, or on November 28, 1996 if, and only if, the State adopts by statute an alternative process intended to promote engineering and design quality and ensure maximum competition among professional companies of all sizes. (Under the provision, the Secretary of Transportation may extend the opt-out period by one year if the State legislature did not meet in 1996.) Despite the clear intent of Congress, officials at FHWA may be informing State Department of Transportation officials and others that States can opt-out any time -- even after the provisions take effect on November 28, 1996 -- regardless of a State's legislative schedule.

Because the Quality Through Competition provision is so critical to reducing burdensome regulations, enhancing competition and accelerating the planning process, FHWA's adherence to the statutory requirements adopted by Congress is of the utmost importance. ACEC strongly urges the Subcommittee to look into this issue. We will be happy to provide you with additional information to assist you in ensuring that the legislation you have worked on so hard last year is implemented correctly.

National Quality Initiative - The National Quality Initiative, or NQI, was established in 1992 and consists of representatives of industry, state transportation officials and the Federal Highway Administration. Our purpose is to promote the quality construction of the nation's highways. Mr. Chairman, I can report to you that NQI has been a resounding success. It has sponsored a number of national and regional quality seminars and other promotional and educational activities. Because of NQI, the level of collaboration among the highway community focusing on highway quality has substantially increased. NQI has helped the procurement process and should be continued under the next ISTEA.

Multi-Year Reauthorization - ACEC recommends the timely reauthorization of a multi-year reauthorization of at least 6 years. Timely, multi-year authorizations and advanced notice of available funding are essential to effective planning, especially for large "capital" improvement programs such as transportation infrastructure projects. It is imperative that a new bill be enacted into Public Law before the current ISTEA law expires in September, 1997.

Maximum Funding - We strongly recommend authorizing as much as the Highway Trust Fund will support. We also believe that all highway user revenues should be used exclusively to finance highway and mass transit capital construction projects, highway safety projects, research, and an efficient level of program administration. Furthermore, we urge you to consider including language in the bill that would take the Highway Trust Fund, along with the other transportation trust funds, off-budget. This will discourage other committees in Congress from spending these funds for other purposes.

Redirection of the 4.3 Cent Gasoline Tax - ACEC supports redirecting the 4.3 cents of highway user fees now going to the general revenue fund for the Highway Trust Fund. These additional resources totaling \$6 billion annually will then be available for increased investment in our Nation's transportation system.

Innovative Financing - We support the creation and use of innovative financing, including the use of tolls and infrastructure banks to fund highway projects. But we believe these funds should complement - not replace - the existing user-fee financing system.

Taxation of Gasohol and other Alternative Motor Fuels - ACEC supports full Federal taxation of gasohol and other alternative motor fuels and that these funds be deposited in the Highway Trust Fund. Since 1979, gasohol has been exempt from part of the federal excise tax, thus denying the Highway Trust Fund over \$700 million in foregone revenue each year. In addition, we recommend beefing up both federal and state activities aimed at combatting tax evasion from paying federal transportation user fees. For example, diesel fuel tax revenues increased by \$1 billion in fiscal year 1994, largely as result of joint U.S. Department of Transportation, IRS, and state revenue department efforts. We applaud these activities and feel they should continue and be supported in the next ISTEA bill.

Expedite Project Procurement - ACEC has taken a long, hard look at procurement issues and project delivery systems. Mr. Chairman, we are regularly involved with projects that take as long as nine years in preconstruction activities. Nine long years. This length of time adds costs to the project, and allows critical capacity problems to erode further. Our vision is to reduce the time it takes to complete the planning phase so that construction may begin within three to six years, while, at the same time, ensuring adequate public input and quality of work. How can this be done? We believe that the time it takes to plan a project can be reduced by eliminating unnecessary and burdensome regulations that impact the day-to-day work being done by design firms.

An example of troublesome regulations that delay project delivery times are those promulgated by the Environmental Protection Agency and administered by the U.S. Army Corps of Engineers. One current illustration of this problem is the Smith Creek Parkway in Wilmington, North Carolina. The construction plans were finally advertised for construction in August 1996 following months of unnecessary, and annoying delays. The final plans were ready for advertisement in Spring 1996. The Army Corps of Engineers was involved and accordant with the North Carolina Department of Transportation from the early stages of project planning. At the final hour, however, the Corps could not issue the necessary permits for the project. The Corps then required the State of North Carolina to return back to square one by examining alternative alignments. Following several months of bureaucratic posturing and senseless delays, the permits were issued and the project was advertised for construction.

Mr. Chairman, it is cases like the Smith Creek Parkway where a government agency has involvement resulted in great delays and cost overruns for important transportation projects.

Designating the U.S. Department of Transportation as a Lead Agency - The aforementioned illustration could have been prevented if the U.S. DOT was designated the lead agency in resolving these types of issues. ACEC strongly recommends that the U.S. DOT play a lead role in all Federal regulatory actions that could impact transportation. We find that when several agencies are involved in a dispute, it is very difficult to come to resolution on the issue. While we want to work with the other agencies, we believe that the next ISTEA bill should provide the U.S. Department of Transportation with the authority to make the final decision in these types of disputes. This could be accomplished by designating the U.S. DOT as the lead agency on environmental regulations affecting transportation projects, plans and programs.

Continue the Federal Highway Administration's Division Offices - ACEC supports the continued presence of the Federal Highway Administration's Division offices. They provide our firms with a single point of contact and are "out in the field" and "in the trenches" with the projects we are designing. Eliminating FHWA divisions will put FHWA out of direct contact with many state and local projects with the bulk of U.S. surface transportation funds being administered by states. ACEC believes it is important for FHWA to be decentralized.

Mr. Chairman, ACEC is continuing to explore ways in which the delivery of transportation improvements could be accelerated. ACEC recently concluded a cooperative agreement with AASHTO resulting in the formation of the AASHTO-ACEC Task Force which will meet next month to discuss ISTEA reauthorization. In addition to working with AASHTO, ACEC is working closely with more than a dozen national organizations including the American Road and Transportation Builders Association and the Associated General Contractors of America as part of the Transportation Construction Coalition or TCC. TCC members will be working together to help enact a new ISTEA bill aimed at significantly improving the condition of our nation's transportation system.

Lastly, ACEC recently established three task forces consisting of the top transportation engineers in the country to examine project delivery and procurement issues that should be addressed by the next Congress. ACEC will soon submit to you additional legislative proposals developed by these task forces for your Subcommittee's consideration as you prepare draft legislation to reauthorize ISTEA.

These briefly stated solutions summarize our vision for the reauthorization of ISTEA. We commend this Subcommittee for the hard work and dedication to this important task; your efforts are apparent to all of us in the transportation industry. We stand ready to serve you, and the American people, in any capacity you deem necessary as you chart the course of our transportation system for the coming years.

Thank you Mr. Chairman for this opportunity to testify.



AMERICAN CONSULTING  
ENGINEERS COUNCIL

October 1, 1996

The Honorable Thomas E. Petri  
Chairman  
Subcommittee on Surface Transportation  
B370A Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Petri:

On behalf of ACEC, I want to extend my deep appreciation for giving me the opportunity to present ACEC's views at the September 26, 1996 hearing on ISTEA Reauthorization before the Subcommittee on Surface Transportation. I also want to take this opportunity to submit additional material for the hearing record pursuant to the request of the Chairman, Rep. John L. Mica.

During the hearing, I had referenced a 1992 study which shows that contracting out 50 to 70 percent of a State Department of Transportation's total engineering work to private consultants achieves the lowest total engineering costs. According to the study which used the Federal Highway Administration's own data and was prepared by William F. Fanning, Director of Research for the Professional Services Management Journal (PSMJ), State transportation departments that contract out between 50% and 70% of their preliminary and construction engineering work to private consultants achieve the lowest total overall engineering costs, thus providing the most value to the U.S. taxpayers. Alternatively, states that contract out less than 20% of their engineering work have the highest engineering costs.

Chairman Mica asked that this study be submitted for the hearing record. As requested, I have enclosed a copy of the study. PSMJ is in the process of updating the study and I will be more than happy to forward a copy to you and your staff as soon as it is made available.

Again, thank you for working with ACEC as you prepare the next transportation bill that will lead our country into the 21st Century.

Sincerely,

Leo F. Peters  
Senior Vice President

LFP/jh  
enclosure  
cc: The Honorable Nick J. Rahall, II  
The Honorable John L. Mica



## Contracting Out Engineering Services is Cost Effective

### U. S. Government Data Shows Contracting Out Saves Money

The issue of cost effectiveness in contracting out engineering services has long been a concern of transportation officials and legislators throughout the nation.

What does actual experience show?

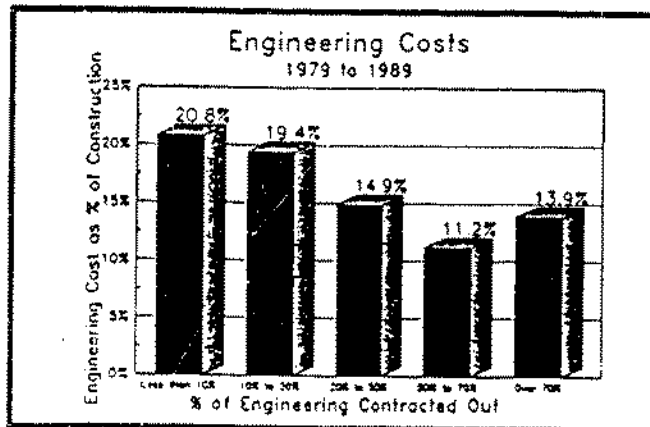
All state and local governments annually submit information on actual transportation spending to the Federal Highway Administration (FHWA). This data shows clearly that based on actual experience, contracting out a significant (50% to 70%) portion of preliminary and construction engineering (PCE) results in the lowest total overall engineering costs.

Several facts about this conclusion:

- ✓ The information includes eleven years of actual experience by all 50 states.
- ✓ The information was submitted by the states under the standard guidelines of FHWA.

The conclusions drawn from this study of FHWA data are conclusive as to the cost effectiveness of contracting out, and the reduced cost states see for engineering when contracting out is increased.

Eleven years of FHWA transportation spending reports clearly show a correlation between contracting out and total cost effectiveness.

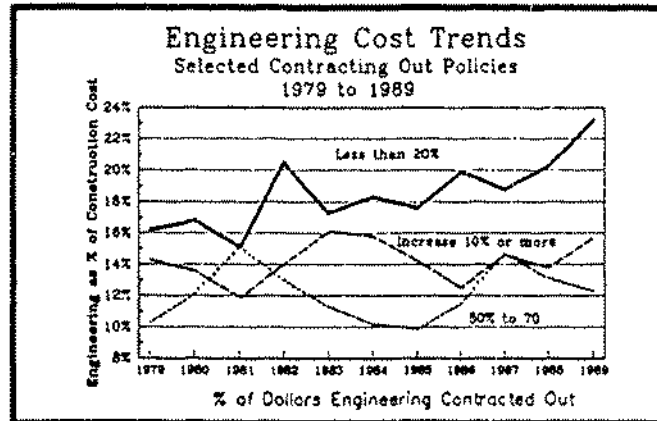


- ✓ Cost effectiveness of engineering is usually expressed with engineering costs as a percentage of construction costs.
- ✓ States that contract out less than 20% of their engineering work have the highest engineering costs in relation to construction spending.

- ✓ States that contract out between 50% and 70% of their engineering work have achieved the lowest cost for engineering over the eleven year period.
- ✓ PCE spending levels only show a correlation when compared to the level of contracting out. Tests based on mileage, traffic density, coastal or mountain terrain and the size of the construction program produce no correlation to engineering costs.

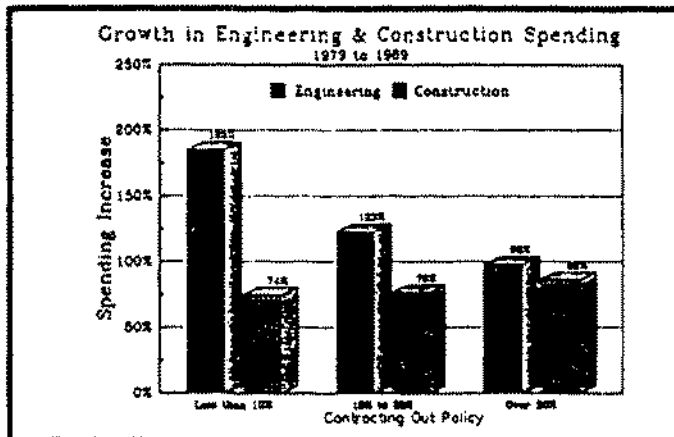
What is the effect on engineering costs when contracting out is increased?

- ✓ Only states increasing their contracting out of engineering have been able to hold PCE costs at stable levels.
- ✓ States contracting out less than 10% of their engineering work have seen the largest increase in engineering costs as a percentage of construction.
- ✓ States contracting out 50% to 70% of their engineering typically have seen the lowest engineering costs as percentage of construction costs.

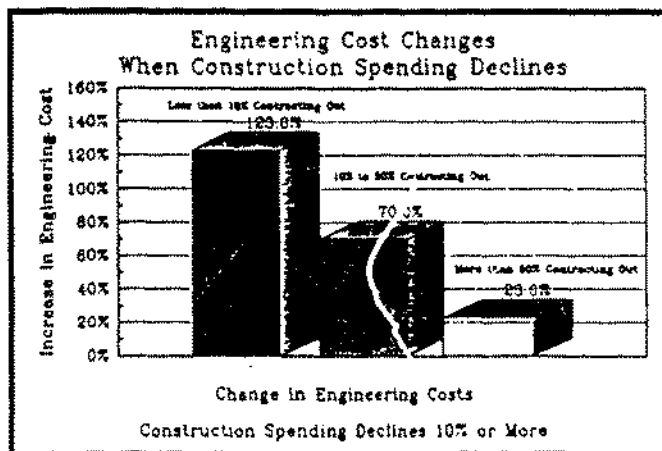


Engineering costs have been rising. Increased environmental concerns, stricter safety standards and more community involvement have all added to the demands on engineers, resulting in higher cost levels. How is contracting out affecting the costs for engineering?

- ✓ Almost every state has seen an increase of more than 10% in year to year construction funding.
- ✓ States contracting out over 50% of their engineering work are the states that have the lowest increase in engineering costs as a percentage of construction when construction spending increases.
- ✓ States are able to increase construction spending faster when contracting out is used extensively.
- ✓ States increasing their construction spending have been able to actually build faster, at a lower engineering cost when they contract out over 50% of their engineering work.
- ✓ States contracting out more than 50% of their engineering work have been able to increase construction spending in a shorter time.



Construction funding is not a stable area of government spending. Deficit pressures or the ending of special building programs frequently create decreases in construction spending. Special programs may also create increases in construction spending over a relatively short period of time and then spending returns to lower levels. How does contracting out affect engineering costs when construction funding levels decline?

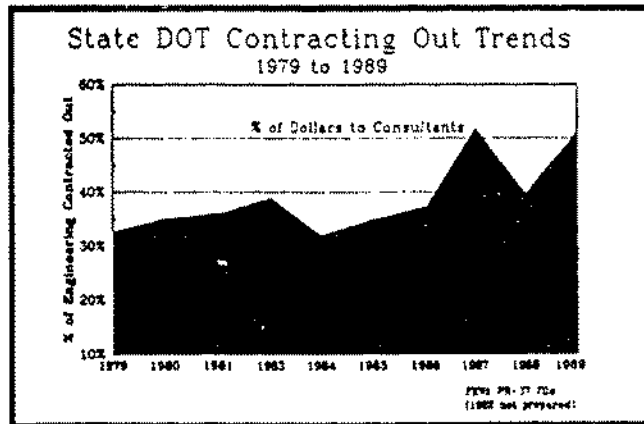


- ✓ Almost every state has experienced at least one year with reduced construction funding. Half of all states have had at least one year-to-year decline of at least 20% in construction funding.
- ✓ PCE costs are better controlled by states when construction funding is reduced when they contract out a large portion of their PCE work.



- ✓ States contracting out a significant portion of their engineering work have seen a more stable relationship of engineering costs to construction. States with limited contracting out have seen engineering costs rise at a rate more than five times as great when construction funding declines by 10% or more.
- ✓ Contracting out less than 10% of engineering results in the highest increase in engineering cost as a % of construction when construction spending declines.

The trends in contracting out of engineering services reflect a recognition that contracting out is cost effective.



- ✓ Overall contracting out has risen from 30% to almost 50% over the past decade.
- ✓ The number of states contracting out less than 20% of their engineering work has declined from 15 to 5 over the past decade.
- ✓ A survey of all fifty states indicates 10 states are planning to increase their contracting out in the future.

Actual state spending for engineering is sending a very clear message. Contracting out of engineering services is a cost effective way to prudently use taxpayer money.

A decade of actual cost experience on an overall program basis is the best measure to use in assessing cost effectiveness. No estimates, no educated guesses, no what ifs and no partial views - actual total experience.

Contracting out engineering services will reduce the costs of engineering.

**Source of information:**

Federal Highway Statistics, published annually by the Department of Transportation.  
Engineering costs are from table SF-4C of the annual report, data on Preliminary and Construction Engineering and Construction.  
Federal Highway Statistics are compiled from reports by state and local governments on Form FHWA-332.  
Data on contracting out from PR-87-224 prepared by FHWA from information on federal aid spending from each state.  
Per FHWA definition, Preliminary and Construction Engineering includes field engineering and inspection, surveys, material testing, and testing; preparation of plans, surveys, and engineering (PS & E), and traffic and related studies.

For further information contact: PSMJ's Director of Research Bill Fanning at 404-971-7586.

## FHWA DATA

The following data is from FHWA. The primary data source is the annual Highway Statistics publication.

This report is compiled, annually, from data submitted by state and local governments. Three important points regarding this data:

1. The data is for actual spending on a calendar year basis. Thus, the data will vary from either state budget/appropriation figures or reports prepared on the basis of a state's fiscal year.
2. The data is gathered on the basis of FHWA definitions that may be somewhat different than state/local definitions for particular spending categories.
3. FHWA staff review the data for consistency and conformity with their guidelines to verify the data for all states is consistent.

From our discussions with FHWA staff, their belief is all data submitted by the states is accurate, including the spending data used in this study. These personnel expressed some doubt as to the completeness of local spending data. These doubts were not about the accuracy of data submitted, but about its completeness as they are uncertain if every local government unit submits data.

Accordingly, this study relies primarily on state level data.

The spending categories used in this study are defined by FHWA as follows:<sup>1</sup>

Item A.1.b. Preliminary and construction engineering. Include the following expenditures: field engineering and inspections; surveys, material testing, and borings; preparation of plans, surveys, and engineering (PS &E); and traffic and related studies.

Item A.1.c. Construction of highways. Include the following classes of expenditures for construction, 3R/4R, (resurfacing, restoration, rehabilitation and reconstruction), restoration of failed components, additions and betterments:

- Construction of roads includes roadway earth work and grading; drainage and related protective structures; base and surface or resurfacing; shoulder and approach surfac-

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<sup>1</sup> Text from FHWA Notice N 5600.9, January 7, 1991, page 8-8, instructions for completing form FHWA-532

ing, including turnouts, interchanges, frontage roads, climbing lanes and parking areas; utility relocation; and environmentally related improvements.

- Construction of major structures includes: bridges; viaducts; grade separation structures, overpasses and underpasses; vehicular tunnels and subways; sewer and drainage systems, walls and roads over dams; and ferries and landings.
- Installation of traffic service facilities includes the cost of building or installing specialized facilities designed to aid, direct, regulate or control vehicle use of the highways. (Report costs of weighing, inspections and highway patrol facilities in item A.5.)

Note these categories do not include any costs associated with right of way acquisition, including administration of right of way costs.

FHWA also tracks state costs for engineering of federal aid projects in the PR-37 data file. This data is accumulated for both total reimbursed costs and for contracted out costs. The PR-37 data was used to determine the state volume of work contracted out.

The PR-37 data file was not prepared for 1982 (current staff contacts with FHWA could not explain why this was not done).

The survey of all fifty states conducted for this survey included verification of state contracting out volume. Both the PR-37 data and the adjusted contracting out volume produced the same findings as to the cost effectiveness of contracting out.

The state survey was conducted in March of 1991, and is of 90-91 values, and was conducted to place each state in one of the contracting out percentage groupings for the purposes of this study, and thus did not attempt to precisely quantify contracting out volume.

This study resulted in four states being moved to higher contracting out groupings and four to lower contracting out brackets, with no overall significant impact on the data analysis.

Additional Highway Statistics data used for testing the cost of engineering included mileage, vehicle miles and administration costs.

Federal Highway Statistics (for the year indicated)  
 Table SF-6C (000,000 omitted)

State	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Alabama	12724	12358	13421	11145	14131	15530	20844	17245	12818	24857	22026
Alaska	22430	22430	18846	26711	26711	29925	31076	34787	33240	34142	44623
Arizona	21974	32538	31240	6496	30962	29755	32862	40459	51280	51120	46421
Arkansas	16878	19222	11118	18122	18752	18600	26781	31610	29060	29125	28730
California	129700	121698	117589	170476	155773	208066	271096	275306	306976	325577	407640
Colorado	21517	24687	22584	29802	35746	38174	45215	49326	48402	53288	53198
Connecticut	21845	24779	29774	27180	37282	42155	37954	49326	48402	53288	53198
Delaware	5944	90312	8557	9231	12881	14809	14848	17815	15318	19343	14207
Florida	60129	60129	45972	47145	52781	52781	72488	79815	102188	128100	128100
Georgia	18129	30894	43792	44145	52781	52781	72488	79815	102188	128100	128100
Idaho	4748	9844	7794	12825	14164	15971	15315	13834	18017	21281	29717
Illinois	4748	4195	4453	7875	9486	12008	14580	15315	13834	18017	29717
Indiana	52557	42448	45244	45405	44805	77662	95469	109354	141490	116118	124470
Iowa	16850	19539	23276	38973	30853	61111	90212	209552	34973	12164	17465
Kansas	21000	29511	17445	17077	18824	19012	20549	209552	21667	24621	22192
Kentucky	3556	7925	8461	8627	9414	9012	7952	84166	23384	28778	58566
Louisiana	39809	42059	42059	41823	51086	54494	46681	64681	62077	72039	78039
Maine	40852	39768	37167	39892	51086	54494	46681	64681	62077	72039	78039
Maryland	8777	10108	11075	14228	18824	19012	20549	209552	21667	24621	22192
Massachusetts	28194	15500	17313	26072	20779	20752	21872	24811	114371	43722	42722
Michigan	38667	31825	31825	34327	34327	54055	57088	54788	44014	43722	96379
Minnesota	30079	36065	18685	31645	36781	36781	47988	49231	54818	51999	41307
Mississippi	10002	20149	18725	22297	23173	22430	47399	54818	51999	50664	41307
Missouri	14910	12241	10726	8216	10711	15116	23771	19552	42336	30355	34348
Montana	16667	22338	19897	4347	4444	5418	19125	19552	42336	30355	34348
Nebraska	14943	10632	10706	12818	15514	15826	15320	16864	18705	18003	4892
Nevada	4423	10945	10706	12818	15514	15826	15320	16864	18705	18003	4892
New Hampshire	4423	10945	10706	12818	15514	15826	15320	16864	18705	18003	4892
New Jersey	4423	10945	10706	12818	15514	15826	15320	16864	18705	18003	4892
New Mexico	2451	5527	11434	10180	17929	17607	20362	23754	17496	17496	54426
New York	36556	48025	52481	101834	17607	17607	20362	23754	17496	17496	54426
North Carolina	44365	54270	35869	43957	43695	83411	106027	66623	69983	14786	90511
North Dakota	44365	54270	35869	43957	43695	83411	106027	66623	69983	14786	90511
Ohio	6892	7186	7880	8706	10470	11121	97290	69553	75069	82864	93240
Oklahoma	10744	9428	25394	33127	36150	47207	9136	7543	40829	6588	2154
Oregon	17098	18344	20864	21773	20590	20664	47911	56423	54666	54689	60008
Pennsylvania	15424	18686	19904	20675	24427	27480	31457	22887	24052	26298	25198
Rhode Island	14181	27883	27883	46686	59748	62769	62814	72550	39904	26430	40000
South Carolina	6999	7699	8181	13641	15777	24127	24127	26208	27763	27763	74665
South Dakota	16070	17985	18161	18749	19745	28495	30794	30794	31344	29988	38984
Tennessee	3522	6887	5289	5326	6385	51174	54194	54194	54194	47381	47381
Texas	45378	45378	5289	5326	6385	51174	54194	54194	54194	47381	47381
Utah	82847	82847	118327	122020	129970	139084	150418	185866	228281	23181	23181
Vermont	19000	25378	20000	7000	27000	31800	40900	31000	34000	34200	40000
Virginia	31901	31902	5731	7196	3636	4877	5095	9233	4271	827	4271
Washington	41342	51855	48285	45678	49819	51519	8773	100130	99138	134576	75426
West Virginia	48069	44511	44511	44586	59566	81773	160896	190130	99138	134576	75426
Wisconsin	28865	16843	13110	10703	15166	19953	15265	22072	4592	13182	13182
Wyoming	13016	16943	16943	21908	23276	25276	28809	28717	34517	34517	42310
Average	12085	14034	16612	18439	22196	23715	27809	25355	18516	18806	22310

The Effect of Contracting Out

March 1992

FHWA DATA  
Federal Highway Statistics (for the year indicated)  
Construction Costs  
Table SF-4C (000 omitted)

State	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Alabama	215,486	152,097	245,283	208,990	257,645	281,392	396,283	347,793	288,971	353,349	353,665
Alaska	1,261,011	868,333	1,048,826	813,946	1,009,956	1,107,254	781,540	1,105,642	972,713	1,012,348	1,085,882
Arizona	1,307,022	1,855,771	1,258,541	1,222,871	1,900,044	1,682,099	2,457,711	2,117,281	2,587,319	1,012,348	1,085,882
Arkansas	2,398,225	1,855,771	1,258,541	1,222,871	1,900,044	1,682,099	2,457,711	2,117,281	2,587,319	1,012,348	1,085,882
California	13,586,252	12,287,511	8,886,110	5,081,172	12,218,952	12,488,850	14,248,850	14,248,850	14,248,850	14,248,850	14,248,850
Colorado	94,159	119,487	118,515	118,515	142,953	166,226	227,452	227,452	227,452	227,452	227,452
Connecticut	24,688	37,251	21,407	57,443	68,444	83,132	78,202	82,326	89,236	89,236	89,236
Delaware	33,691	49,724	52,346	48,154	48,015	42,017	42,017	42,017	42,017	42,017	42,017
District of Columbia	291,659	351,789	458,199	458,199	509,062	373,280	671,945	443,855	443,855	443,855	443,855
Florida	4,272,722	4,041,7	4,646	5,647	7,241,2	6,201,4	4,481,7	6,012,7	4,481,7	4,481,7	4,481,7
Georgia	5,055,52	3,823,4	4,357,6	5,647	5,893,5	6,913,5	8,110,8	8,012,7	5,912,5	5,912,5	5,912,5
Hawaii	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Idaho	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Illinois	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Indiana	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Iowa	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Kansas	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Kentucky	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Louisiana	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Maine	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Maryland	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Massachusetts	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Michigan	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Minnesota	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Mississippi	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Missouri	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Montana	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Nebraska	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Nevada	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
New Hampshire	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
New Jersey	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
New Mexico	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
New York	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
North Carolina	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
North Dakota	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Ohio	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Oklahoma	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Oregon	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Pennsylvania	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Rhode Island	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
South Carolina	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
South Dakota	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Tennessee	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Texas	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Utah	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Vermont	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Virginia	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Washington	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
West Virginia	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Wisconsin	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882
Wyoming	4,703,70	6,597,75	4,357,6	4,357,6	6,206,4	6,206,4	2,875,2	3,406,3	7,808,2	1,012,348	1,085,882

The Effect of Contracting Out

MARCH 1992

Federal Highway Statistics (for the year indicated)  
 Preliminary & Construction Engineering as a % of Construction

State	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Alabama	5.9%	8.1%	5.5%	5.1%	5.5%	5.5%	5.2%	5.0%	4.5%	7.6%	6.2%
Alaska	17.4%	27.0%	18.0%	32.8%	27.9%	16.1%	39.7%	33.3%	37.3%	35.7%	22.8%
Arizona	12.4%	17.7%	14.1%	4.9%	26.9%	17.7%	13.4%	19.2%	14.2%	17.2%	22.8%
Arkansas	4.4%	10.1%	8.1%	14.4%	11.7%	14.1%	12.2%	13.0%	14.5%	15.0%	18.1%
California	17.4%	19.7%	31.4%	30.3%	29.7%	48.1%	28.2%	43.0%	41.9%	41.0%	30.1%
Colorado	22.9%	20.7%	25.1%	30.3%	27.7%	20.1%	28.7%	27.1%	27.9%	24.1%	24.7%
Connecticut	19.4%	19.4%	12.0%	16.1%	18.2%	15.7%	18.5%	16.6%	16.3%	24.4%	24.7%
Dalware	18.4%	18.2%	86.1%	9.4%	12.9%	12.6%	9.5%	10.0%	10.0%	16.3%	16.3%
Florida	13.1%	10.9%	9.4%	16.0%	18.9%	22.2%	9.8%	11.3%	11.1%	18.4%	18.7%
Georgia	24.7%	16.2%	16.8%	22.6%	19.5%	25.8%	36.2%	31.5%	40.5%	43.5%	67.1%
Hawaii	13.5%	16.2%	15.7%	21.1%	16.2%	17.4%	17.2%	17.9%	18.1%	18.4%	16.4%
Idaho	11.7%	9.5%	11.6%	11.8%	10.1%	9.1%	10.0%	7.6%	10.1%	11.4%	16.4%
Illinois	10.7%	10.7%	11.4%	11.4%	11.7%	7.6%	4.7%	7.6%	12.7%	3.4%	8.0%
Indiana	4.3%	4.4%	5.4%	5.5%	4.4%	4.5%	9.1%	11.3%	10.0%	9.7%	16.4%
Iowa	13.2%	13.7%	12.2%	15.9%	18.4%	16.4%	17.0%	17.9%	17.4%	17.1%	10.8%
Kansas	4.3%	4.4%	5.4%	5.5%	4.4%	4.5%	9.1%	11.3%	10.0%	9.7%	16.4%
Kentucky	19.3%	13.4%	11.1%	13.5%	13.0%	12.7%	32.2%	8.9%	11.1%	11.1%	10.8%
Louisiana	26.1%	25.6%	15.1%	14.1%	13.9%	12.8%	25.9%	27.8%	18.4%	11.1%	10.8%
Maine	13.4%	12.6%	18.0%	12.2%	14.4%	9.1%	10.4%	32.0%	26.4%	12.2%	12.2%
Maryland	17.1%	12.7%	18.0%	18.0%	14.9%	37.0%	10.4%	32.0%	26.4%	12.2%	12.2%
Massachusetts	13.9%	12.7%	12.7%	18.0%	14.4%	12.0%	15.3%	13.9%	13.9%	13.2%	17.1%
Michigan	29.1%	33.4%	33.4%	16.0%	14.9%	13.2%	13.9%	13.3%	13.9%	13.2%	17.1%
Minnesota	10.4%	10.1%	10.9%	13.2%	14.9%	14.2%	14.1%	13.3%	16.2%	16.2%	16.0%
Mississippi	6.1%	5.7%	6.9%	4.3%	5.2%	5.1%	5.2%	5.1%	5.1%	13.1%	16.3%
Missouri	24.9%	18.5%	6.9%	4.3%	4.2%	4.5%	5.2%	5.1%	4.5%	6.0%	12.4%
Montana	19.4%	18.5%	19.4%	12.7%	12.7%	11.4%	11.4%	12.9%	12.9%	10.8%	12.4%
Nebraska	23.1%	12.7%	14.1%	12.1%	11.1%	11.4%	11.4%	12.9%	12.9%	10.8%	12.4%
Nevada	6.2%	14.1%	14.1%	12.1%	11.1%	11.4%	11.4%	12.9%	12.9%	10.8%	12.4%
New Hampshire	7.2%	7.1%	18.0%	12.3%	18.5%	17.1%	13.7%	17.2%	17.2%	15.1%	15.1%
New Jersey	3.2%	3.4%	6.9%	7.4%	9.0%	9.0%	8.5%	7.2%	11.4%	21.0%	21.0%
New Mexico	5.3%	6.7%	6.4%	18.0%	10.4%	10.4%	4.2%	14.5%	14.5%	7.7%	5.8%
New York	15.0%	17.7%	15.4%	26.1%	22.4%	23.2%	21.4%	21.4%	21.4%	21.0%	24.1%
North Carolina	15.0%	19.3%	15.4%	15.3%	13.3%	11.7%	11.7%	10.2%	9.4%	9.1%	12.0%
North Dakota	3.0%	3.0%	9.7%	9.8%	10.7%	10.1%	8.0%	9.4%	9.4%	9.1%	12.0%
Ohio	18.2%	15.4%	12.6%	12.6%	10.7%	10.1%	8.0%	9.4%	9.4%	9.1%	12.0%
Oklahoma	10.7%	10.7%	11.4%	11.4%	11.7%	7.6%	4.7%	7.6%	10.1%	11.4%	16.4%
Oregon	21.2%	15.4%	12.6%	12.6%	10.7%	10.1%	8.0%	9.4%	9.4%	9.1%	12.0%
Pennsylvania	22.5%	42.8%	42.8%	42.8%	46.8%	51.3%	41.4%	41.4%	41.4%	41.4%	37.0%
Rhode Island	16.8%	18.3%	5.1%	15.1%	9.0%	22.2%	15.8%	7.0%	17.4%	17.4%	20.5%
South Carolina	10.7%	10.3%	8.4%	19.9%	17.9%	18.3%	20.0%	22.9%	18.2%	9.0%	9.1%
South Dakota	19.9%	19.4%	19.9%	26.9%	16.3%	17.3%	20.0%	15.2%	15.2%	13.0%	19.4%
Texas	11.9%	22.9%	12.9%	26.1%	16.3%	19.6%	16.6%	14.8%	14.8%	20.4%	20.4%
Utah	20.2%	13.4%	13.4%	31.0%	16.1%	16.1%	28.4%	15.9%	27.8%	27.8%	29.4%
Vermont	13.4%	17.9%	18.0%	18.0%	16.7%	16.4%	16.4%	15.9%	15.9%	15.9%	15.9%
Virginia	26.1%	12.1%	12.1%	12.1%	10.1%	8.2%	6.7%	12.1%	12.1%	12.1%	12.0%
Washington	12.1%	12.1%	12.1%	12.1%	10.1%	8.2%	6.7%	12.1%	12.1%	12.1%	12.0%
West Virginia	12.1%	12.1%	12.1%	12.1%	10.1%	8.2%	6.7%	12.1%	12.1%	12.1%	12.0%
Wisconsin	17.1%	15.0%	12.1%	12.1%	10.1%	8.2%	6.7%	12.1%	12.1%	12.1%	12.0%
Wyoming	17.1%	15.0%	12.1%	12.1%	10.1%	8.2%	6.7%	12.1%	12.1%	12.1%	12.0%

The Effect of Contracting Out

March 1992

FHWA Data  
Table SF-4C  
Total PCE and Construction for 1979 to 1989 (000 omitted)

State	PCE	Construction	PCE as % of Construction
California	2490070	5476087	45.5%
Rhode Island	223021	999096	37.2%
Alaska	311528	991994	31.4%
Hawaii	171332	551739	31.1%
Massachusetts	413432	1647269	25.1%
Colorado	428535	1726491	24.8%
Connecticut	646332	2624445	24.6%
Washington	777071	3155804	24.6%
Utah	343575	1545898	22.2%
North Carolina	665513	3158679	21.1%
Maine	142195	697894	20.4%
Tennessee	546334	2797326	19.5%
Arizona	415734	2325748	17.9%
South Carolina	303818	1721901	17.6%
Oregon	290723	1656419	17.6%
Delaware	140034	802565	17.4%
Florida	1087828	6300000	17.3%
Kentucky	604157	3523111	17.1%
Idaho	121835	715877	17.0%
Virginia	786199	4719148	16.7%
Wyoming	218013	1325056	16.5%
New Hampshire	95755	601620	15.9%
Vermont	57150	369613	15.5%
Minnesota	467016	3057378	15.3%
Nevada	160684	1061000	15.1%
Michigan	461025	3222189	14.3%
Texas	1603647	11252728	14.3%
Mississippi	270835	1930759	14.0%
Arkansas	248698	1828018	13.6%
Maryland	459896	3395588	13.5%
Georgia	660591	4907571	13.5%
Nebraska	154998	1175523	13.2%
North Dakota	87414	669153	13.1%
New Mexico	214312	1730866	12.4%
Illinois	973331	7971127	12.2%
Louisiana	511979	4255280	12.0%
Wisconsin	276578	2299167	12.0%
Oklahoma	239316	2152434	11.1%
Iowa	225376	2113924	10.7%
New Jersey	417882	4029973	10.4%
New York	808826	8365309	9.7%
South Dakota	79696	850698	9.4%
Indiana	211685	2295417	9.2%
Ohio	430847	4681327	9.2%
Kansas	168810	2017684	8.4%
Montana	108811	1306599	8.3%
Missouri	243435	2965706	8.2%
Pennsylvania	618331	8515944	7.3%
West Virginia	187552	2787737	6.7%
Alabama	178942	3097976	5.8%
50 State Average			15.2%

FYMA Data File PR-37  
Total FCE dollar reimbursement on federally funded projects

State	1979	1980	1981	1983	1984	1985	1986	1987	1988	1989
Alabama	13.03	16.18	6.87	13.09	15.70	6.56	9.79	3.82	10.39	7.78
Alaska	7.29	7.21	7.47	3.59	15.70	6.56	9.79	3.82	10.39	7.78
Arizona	1.52	1.52	0.51	1.59	10.11	11.46	16.24	7.91	5.53	5.51
Arkansas	6.57	0.99	0.10	4.52	10.11	11.46	16.24	7.91	5.53	5.51
California	29.31	22.52	16.72	11.24	125.15	81.34	38.78	11.48	2.06	0.55
Colorado	4.41	12.52	10.42	10.29	17.56	17.56	22.48	27.54	48.40	41.88
Connecticut	5.16	12.68	57.80	18.20	11.93	17.56	12.63	14.71	0.22	0.22
Delaware	1.26	4.71	0.87	1.71	5.72	2.82	1.79	1.04	0.22	0.41
Florida	4.69	26.41	11.40	25.17	13.81	22.75	16.69	13.37	16.15	18.47
Georgia	12.16	4.69	4.00	5.57	10.28	7.90	7.69	13.37	2.16	1.69
Hawaii	3.41	1.26	16.34	5.76	6.11	2.82	3.18	2.09	1.18	4.81
Idaho	1.90	1.22	1.77	5.18	4.10	5.94	2.78	2.62	2.22	2.80
Illinois	13.02	9.78	17.68	10.68	8.94	8.53	7.48	9.92	5.95	2.59
Indiana	15.38	9.59	15.00	6.45	15.91	15.90	17.55	7.67	5.51	9.47
Iowa	1.51	4.00	1.11	7.51	8.94	3.55	3.07	4.48	2.13	3.52
Kansas	2.27	8.57	1.11	4.05	1.11	4.71	1.87	1.87	1.94	8.12
Kentucky	4.27	10.12	8.44	4.05	17.66	4.72	15.76	9.95	16.20	3.13
Louisiana	2.26	2.26	1.72	3.19	1.66	4.72	4.91	2.62	18.00	4.49
Maine	4.03	9.59	1.72	1.72	1.59	4.72	4.78	2.44	1.50	4.49
Maryland	7.44	8.46	12.62	20.80	11.53	9.44	4.48	2.44	26.32	21.96
Massachusetts	7.18	8.97	10.10	4.91	7.44	9.31	12.13	92.36	1.42	9.98
Michigan	5.82	5.81	16.56	6.15	14.67	7.43	5.71	4.11	8.04	1.46
Minnesota	5.48	3.79	5.56	7.44	1.05	3.13	17.23	1.28	0.04	1.46
Mississippi	1.57	1.57	2.28	2.28	1.05	2.01	3.12	0.61	2.74	4.44
Missouri	25.17	25.55	8.40	14.37	6.53	8.84	8.00	11.05	2.74	5.16
Montana	1.74	1.09	2.48	9.24	6.72	6.22	4.07	5.77	12.22	4.56
Nebraska	3.82	1.09	1.48	1.48	1.00	0.97	1.07	8.64	1.28	8.15
Nevada	1.52	4.32	1.52	3.06	3.43	4.91	1.31	1.73	4.71	3.72
New Hampshire	1.52	1.52	1.52	3.06	3.43	4.91	1.31	1.73	4.71	3.72
New Jersey	20.83	14.87	18.18	22.00	42.17	7.50	2.80	2.06	17.51	16.42
New Mexico	2.00	0.71	1.20	0.28	6.10	0.11	0.81	0.00	4.81	4.81
New York	58.13	24.24	32.21	56.14	78.98	42.94	54.80	41.14	42.81	32.38
North Carolina	18.10	2.01	7.78	11.57	2.11	15.67	8.06	10.52	2.84	3.84
North Dakota	2.17	2.45	2.14	2.52	2.43	2.40	3.79	2.77	2.84	3.84
Ohio	0.48	2.78	0.97	0.48	17.99	11.16	8.99	6.43	8.38	10.48
Oklahoma	0.01	2.15	0.81	0.48	12.83	12.83	0.00	1.43	12.73	1.47
Oregon	4.12	3.27	6.50	1.70	15.98	11.91	6.53	17.43	2.17	3.16
Pennsylvania	25.65	29.50	40.68	31.48	48.93	28.99	13.56	19.43	19.13	19.99
Rhode Island	4.48	3.75	10.48	8.58	14.56	4.56	7.69	8.63	8.00	4.97
South Carolina	1.93	2.34	0.44	1.51	28.27	1.51	1.24	2.17	2.22	4.52
South Dakota	1.52	1.52	1.52	3.06	3.43	4.91	1.31	1.73	4.71	3.72
Tennessee	15.71	12.35	17.85	20.68	14.46	17.52	12.39	17.48	16.52	6.99
Texas	14.18	16.76	19.62	12.80	91.31	5.16	10.76	8.78	3.93	3.44
Utah	0.66	4.42	1.57	1.48	1.86	2.82	2.41	6.04	1.44	7.55
Vermont	4.35	2.27	2.51	3.49	1.80	6.26	5.76	6.04	3.44	3.44
Virginia	7.30	7.82	3.50	18.84	26.00	16.40	22.18	41.56	8.70	0.80
Washington	42.35	26.75	13.83	48.56	26.00	16.40	22.18	41.56	8.70	0.80
West Virginia	2.00	8.96	7.77	8.96	18.15	15.00	17.89	11.77	12.17	4.29
Wisconsin	7.99	7.99	14.55	8.97	21.12	15.98	18.99	29.56	18.37	8.29
Wyoming	0.86	0.82	0.10	2.24	1.15	0.12	0.43	0.20	2.32	2.06

The Effect of Contracting Out

March 1992



FEMA Data File PR-37  
 Total PCE dollar reimbursement on Federally funded projects  
 Dollars contracted out

State	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Alabama	0.41	0.90	0.30	0.00	1.00	0.75	0.71	0.30	0.29	0.12	0.12
Alaska	1.74	1.01	0.35	5.14	4.40	1.00	1.00	1.00	1.00	0.12	0.12
Arizona	1.60	0.23	0.00	0.11	0.74	0.14	0.14	0.14	0.14	0.14	0.14
Arkansas	0.17	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
California	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Colorado	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Connecticut	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Delaware	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
District of Columbia	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Florida	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Georgia	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Hawaii	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Illinois	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Indiana	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Iowa	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Kansas	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Kentucky	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Louisiana	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Maine	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Maryland	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Massachusetts	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Michigan	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Minnesota	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Mississippi	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Missouri	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Montana	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Nebraska	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Nevada	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
New Hampshire	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
New Jersey	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
New Mexico	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
New York	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
North Carolina	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
North Dakota	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Ohio	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Oklahoma	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Oregon	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Pennsylvania	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Rhode Island	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
South Carolina	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
South Dakota	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Texas	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Utah	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Vermont	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Virginia	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Washington	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
West Virginia	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Wisconsin	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00
Wyoming	0.01	0.11	0.00	0.00	0.11	0.00	0.00	0.00	0.00	0.00	0.00

The Effect of Contracting Out

March 1992

FMM Data File #1-37  
Percentage Contracted Out

State	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
Alabama	3.1%	6.1%	8.6%	0.0%	0.0%	19.5%	3.9%	7.3%	8.3%	1.9%	1.5%	
Alaska	17.0%	18.2%	12.6%	2.0%	0.0%	0.0%	10.3%	11.4%	13.0%	17.2%	18.4%	
Arizona	32.7%	24.4%	48.6%	83.4%	43.5%	0.0%	90.5%	51.0%	53.3%	70.5%	10.1%	
Arkansas	20.4%	22.4%	0.0%	0.0%	6.4%	6.4%	37.5%	88.8%	14.1%	5.8%	0.0%	
California	0.1%	1.0%	0.0%	0.1%	0.1%	0.1%	0.0%	0.0%	0.1%	0.0%	0.0%	
Colorado	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	26.6%	19.2%	30.5%	28.2%	
Connecticut	47.7%	70.1%	23.0%	72.4%	2.0%	2.0%	11.8%	0.0%	27.0%	46.8%	23.7%	
Dallas	1.0%	20.1%	36.0%	49.9%	59.1%	59.1%	68.5%	45.3%	49.1%	44.8%	4.9%	
Florida	22.4%	50.1%	36.0%	36.0%	59.1%	18.4%	45.7%	51.3%	74.4%	81.4%	87.6%	
Georgia	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
Idaho	2.3%	40.5%	40.5%	92.7%	90.0%	18.4%	29.6%	42.0%	36.4%	59.7%	34.3%	
Illinois	43.1%	37.8%	24.9%	28.4%	28.4%	42.0%	29.1%	48.4%	36.3%	54.9%	45.7%	
Indiana	77.3%	76.4%	64.9%	78.4%	78.4%	83.1%	78.4%	87.3%	81.0%	83.5%	83.9%	
Iowa	37.3%	55.7%	59.9%	59.9%	77.4%	74.0%	74.0%	76.9%	84.7%	88.9%	87.8%	
Kansas	18.1%	47.8%	35.1%	23.5%	25.9%	4.3%	5.0%	10.5%	6.4%	9.4%	4.1%	
Kentucky	18.1%	18.1%	7.3%	7.3%	14.4%	5.0%	17.4%	10.5%	18.7%	9.4%	4.1%	
Louisiana	99.0%	99.0%	99.0%	99.0%	99.0%	100.0%	100.0%	78.3%	92.6%	96.5%	97.4%	
Maine	0.0%	4.2%	5.6%	0.0%	0.0%	0.0%	0.0%	10.5%	2.5%	9.4%	6.7%	
Maryland	44.9%	60.5%	16.3%	16.3%	31.2%	31.2%	35.1%	92.9%	92.9%	64.4%	67.4%	
Massachusetts	94.4%	79.1%	60.7%	60.7%	77.5%	96.5%	35.1%	92.9%	96.7%	28.7%	0.0%	
Michigan	62.4%	3.1%	3.1%	1.1%	0.9%	1.9%	4.6%	15.1%	10.7%	0.0%	0.0%	
Minnesota	2.1%	30.1%	47.7%	14.3%	0.9%	59.2%	14.1%	18.5%	61.7%	37.2%	31.5%	
Mississippi	5.9%	20.1%	0.0%	0.0%	0.0%	0.0%	0.0%	9.0%	5.2%	0.0%	2.2%	
Missouri	31.6%	21.8%	7.2%	4.6%	4.6%	1.4%	49.4%	90.9%	55.0%	67.9%	47.4%	
Montana	43.1%	23.8%	32.4%	1.8%	1.8%	48.9%	1.4%	0.0%	0.0%	0.0%	0.0%	
Nebraska	24.0%	21.0%	39.7%	15.4%	15.4%	129.0%	14.4%	44.9%	42.1%	84.4%	84.4%	
Nevada	62.9%	79.0%	54.9%	60.3%	62.9%	78.9%	55.2%	41.8%	24.2%	46.0%	46.0%	
New Hampshire	59.6%	54.8%	60.3%	42.5%	42.5%	68.2%	0.0%	76.1%	57.2%	40.4%	32.0%	
New Jersey	44.6%	44.6%	22.5%	59.5%	59.5%	0.0%	0.0%	0.0%	57.2%	40.4%	32.0%	
New Mexico	64.0%	1.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
North Carolina	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
North Dakota	74.1%	4.8%	18.9%	75.8%	75.8%	76.0%	76.0%	63.4%	58.2%	45.7%	45.7%	
Ohio	0.9%	0.9%	0.0%	0.0%	0.0%	0.0%	100.0%	7.8%	7.7%	90.5%	90.5%	
Oklahoma	4.0%	4.0%	53.9%	0.0%	0.0%	0.0%	0.0%	7.8%	7.7%	90.5%	90.5%	
Oregon	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	4.0%	
Pennsylvania	58.9%	82.1%	90.7%	81.7%	1.7%	84.1%	68.2%	71.9%	74.9%	74.9%	74.9%	
Rhode Island	22.3%	31.2%	11.0%	41.1%	78.4%	84.1%	46.3%	65.6%	85.4%	91.7%	79.4%	
South Carolina	2.6%	31.2%	11.0%	41.1%	78.4%	84.1%	46.3%	65.6%	85.4%	91.7%	79.4%	
South Dakota	53.5%	59.7%	25.1%	17.1%	17.1%	29.0%	7.1%	59.5%	22.4%	58.0%	61.4%	
Tennessee	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	24.9%	26.4%	26.4%	26.4%	
Utah	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
Vermont	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
Virginia	0.3%	1.0%	0.3%	2.7%	2.7%	6.8%	11.7%	17.4%	46.1%	12.0%	12.0%	
West Virginia	74.3%	15.4%	1.7%	1.8%	1.8%	1.9%	47.4%	41.5%	21.0%	27.8%	15.2%	
Wisconsin	9.0%	12.5%	43.2%	29.0%	29.0%	47.2%	23.4%	41.5%	21.0%	27.8%	15.2%	
Wyoming	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	

The effect of Contracting Out

March 1992

FHWA PR-37 File  
State Averages Contracting Out

State	Overall Average	Average 79-82	Average 87-89	Change 82-89	Survey Response*
Alabama	6.0%	4.5%	3.9%	-0.6%	6.0%
Alaska	12.0%	12.7%	15.9%	3.2%	12.0%
Arizona	55.3%	52.0%	53.2%	1.2%	70.0%
Arkansas	24.0%	21.6%	6.6%	-15.2%	24.0%
California	0.2%	0.4%	0.0%	-0.4%	10.0%
Colorado	10.8%	0.4%	25.9%	25.5%	10.8%
Connecticut	28.8%	43.9%	32.5%	-11.4%	28.8%
Delaware	49.5%	55.8%	33.1%	-22.5%	49.5%
Florida	60.9%	42.7%	63.0%	40.3%	60.9%
Georgia	23.9%	1.8%	39.4%	37.7%	5.0%
Hawaii	48.4%	56.4%	48.3%	-10.1%	80.0%
Idaho	40.3%	33.7%	35.2%	1.5%	40.3%
Illinois	75.6%	74.8%	77.5%	2.7%	75.8%
Indiana	74.2%	57.5%	91.5%	34.0%	60.0%
Iowa	57.9%	44.5%	84.4%	39.9%	30.0%
Kansas	14.6%	23.3%	6.6%	-16.7%	50.8%
Kentucky	14.9%	18.6%	24.0%	7.1%	8.8%
Louisiana	98.3%	99.7%	95.4%	-4.3%	80.0%
Maine	3.1%	3.0%	2.6%	-0.2%	10.0%
Maryland	57.8%	49.8%	72.4%	22.6%	57.6%
Massachusetts	61.3%	74.9%	74.6%	-0.4%	60.0%
Michigan	3.9%	1.7%	3.6%	1.8%	40.8%
Minnesota	40.4%	45.5%	43.5%	-2.0%	25.0%
Mississippi	9.2%	9.6%	14.8%	5.2%	9.2%
Missouri	35.9%	6.6%	63.8%	57.2%	35.9%
Montana	5.9%	11.6%	0.7%	-10.8%	5.9%
Nebraska	44.5%	32.0%	72.2%	40.2%	10.0%
Nevada	27.2%	24.7%	34.5%	9.8%	27.2%
New Hampshire	48.9%	50.8%	29.4%	-21.5%	80.0%
New Jersey	62.7%	59.2%	66.1%	6.9%	80.0%
New Mexico	24.4%	35.3%	0.0%	-35.3%	10.0%
New York	65.4%	61.4%	68.4%	7.0%	65.4%
North Carolina	14.6%	0.0%	49.4%	49.4%	25.0%
North Dakota	0.9%	2.2%	0.0%	-2.2%	10.0%
Ohio	62.1%	59.6%	55.8%	-4.0%	62.1%
Oklahoma	59.9%	0.0%	93.1%	93.1%	59.9%
Oregon	4.5%	0.9%	11.3%	10.4%	4.5%
Pennsylvania	63.6%	52.5%	74.1%	21.6%	63.6%
Rhode Island	70.1%	58.3%	90.6%	32.3%	65.0%
South Carolina	49.5%	35.3%	60.0%	24.7%	20.9%
South Dakota	27.2%	17.3%	43.4%	26.1%	27.2%
Tennessee	29.5%	38.4%	29.7%	-8.7%	29.5%
Texas	22.3%	0.1%	59.7%	59.6%	22.3%
Utah	16.5%	0.3%	54.4%	54.1%	25.0%
Vermont	7.3%	0.0%	21.0%	21.0%	7.3%
Virginia	6.0%	1.2%	6.6%	5.4%	20.0%
Washington	17.8%	4.6%	30.2%	25.4%	17.8%
West Virginia	45.1%	60.5%	25.1%	-35.4%	45.1%
Wisconsin	16.1%	13.5%	27.5%	14.0%	40.0%
Wyoming	5.2%	0.0%	17.0%	17.0%	10.0%

\*All fifty states were contacted during March of 1991 for this study and thus represent 1990 contracting out values. States that indicated their overall contracting out was equivalent to PR-37 file data were unchanged. Values for contracting out as reported by states were tested to the 87-89 PCE data as it is felt the less exacting standard of calculating out volumes would not be accurate for periods prior to 1987.

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## Contracting Out

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News Article

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### TRANSPORTATION

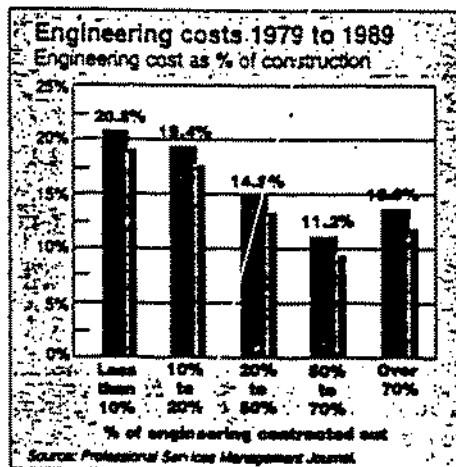
## Consultants lower costs

**A** new study throws light on an age-old controversy—is it more economical for highway departments to engage consultants or use their own staff for engineering work? The answer: It depends on how much work you contract out.

In general terms, the more work a department assigns to consultants the lower its overall engineering costs will be (see chart). The American Consulting Engineers Council (ACEC) claims that its just-released study represents the most complete statistical analysis ever made on the issue. The research was compiled for ACEC by the research office of the *Professional Services Management Journal* using data provided to the Federal Highway Ad-

ministration by all 50 state highway departments.

ACEC plans to use the study's results to lobby state legislators for more contracting out to the private sector. "It



enables us to put a figure with our hunch that contracting out is more cost-effective," says Julie Noufer, ACEC's assistant director of legislative programs. "Our industry is not looking for 100% contracting out, but we want legislators to know that taxpayers get more for their money this way."

The study found that contracting out is on the rise among highway departments. In aggregate, it rose from 30% in 1979 to just under 50% in 1989, the last year data was available, says William F. Fanning, research director for *PSMJ*. The number of states contracting out less than 20% of their engineering work has declined from 15 to 5 during that time.

States that contract out a significant portion of their highway design work are also better able to adapt to yearly fluctuations in construction budgets, says Fanning. When yearly budgets rose by more than 10%, design costs rose least on a percentage basis for states that contracted out more than 50% of design work.

Conversely, with declining budgets, design costs rose sharply for states performing most of their design work in-house. Engineering costs increased five times more for states contracting less than 10% of their work than for states contracting out more than 50% of their work. ■

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Testimony of

**PHILIP J. SCHERER**  
Executive Director

**Transportation Development Association of Wisconsin**

Before the Subcommittee on Surface Transportation  
for the  
House Committee on Transportation and Infrastructure  
September 26, 1996  
Washington, D.C.

**Efficient Delivery of Transportation Improvements**

I am Philip Scherer, Executive Director of the Transportation Development Association of Wisconsin (TDA). Very briefly, TDA is a statewide private, nonprofit association dedicated to the best in Wisconsin transportation. We have been in existence for over 25 years and represent approximately 500 members. Those members include business and industry, chambers of commerce, economic development groups, regional planning commissions, metropolitan planning organizations, transit operations, airports, railroads, cities, counties, towns, villages, academia, elderly and disabled interests, consultants, contractors, statewide organizations and associations with specific transportation interests and numerous other groups.

Our members have strong interest in all modes of transportation as well as in their interaction. They represent every portion of the state including its most urban areas and its most rural areas. In summary, they represent those who plan, build, maintain, depend upon and pay for our transportation systems.

They are well aware of the documented needs that exist relative to transportation at the national, state and local level. They are also well aware of the financial challenges that those needs present at all three of those levels. They know, for example, that as a nation, we are only providing approximately two-thirds of what is needed to maintain our existing system in its current condition. They also know that we need to basically double our investment in transportation if we hope to reduce the backlog and address emerging safety and mobility needs, as well as those of our growing economy.

In Wisconsin, numbers at the state, regional and local level are very similar to those at the national level.

At the same time, our members are realists. They know full well the challenges that exist in generating the dollars necessary just to maintain the transportation systems that we already have. And they know that, when it comes to making any improvements, we must realize the maximum return for every dollar invested.

In that light, we cannot stress strongly enough, the frustrations that we continue to hear from our members and others on the barrage of federal mandates that add both in time and dollars to their ability to build, operate and maintain our transportation systems.

And that concern runs the full spectrum of transportation. Our members, whether they are local government officials, airport managers, port/harbor managers, transit system managers, consultants, contractors, or others, express constant and continual concern in this area. And their comments are in no way critical of proper efforts to preserve and protect our environment.

More and more people are asking more and more questions with more and more frequency about the proliferation of regulations, permits, approvals and sign-offs required before work can even begin on a highway or airport project or a bus can leave the garage. And they know that a large percent of those requirements and mandates are federal in nature.

I could spend my entire time providing you with real world examples which are so bizarre that you would find them hard to believe. As entertaining as that would be, I will not take your time to do that, but will provide you with specifics if you would like.

Suffice it to say that their concern is significant and it is broad based. They feel that, in all to many cases, balance has been lost. They also feel that the costs are becoming extreme, while the benefits and payback from many of the federal mandates are questionable.

When viewed individually and in their own light, many of the mandates, required permits and approvals are based on valid issues and concerns. But they have proliferated to the point where they are often overlapping and duplicative. And totality, their impact is costly and exhaustive. Their cumulative impact is seldom viewed by their architects or administrators.

Sensing this, a few years ago, we prepared a graphic and titled it *The Long and Winding Road*. Our objective was to honestly and fairly understand, in totality, the myriad of mandates associated with building or improving a segment of road. Copies are included with this testimony. It should be noted that the graphic does not show every step and mandate, required permit or approval – just the most significant. And those involved in trying to undertake an airport or highway improvement tell us that the graphic is already outdated. The “road” is longer and steeper than it was just a few years ago.

It should be made clear that we intend to pass no judgment on the need for, or value of, each of these steps and mandates. The sole purpose of the graphic was to illustrate the magnitude of the issue and to point out that the mandate and approval process has:

- Extended the planning period. Currently, the time period between project beginning to completion is at least eight years — and that is for a project which is not controversial and where adequate funding is available. If either of these assumptions is not the case, the time period tends to be even longer.
- Increased the cost of doing business

Once we had clearly outlined the steps required before beginning to build or improve a highway, we tried to find answers to the next and logical question. That is, what are the associated costs? To our amazement, we could find no one at the state or federal level who had an answer, even in very general terms, to that question.

The concerns over this issue have reached the level that the Wisconsin State Legislature has established a special committee to address the problem, and a statewide Local Roads and Streets Council has established a special subcommittee to address it

Both of those groups have found that the mandates tend to fall into a few basic categories. They are:

- Wetlands issues
- The Clean Air Act provisions
- Endangered Species issues
- Americans With Disabilities Act provisions
- Water quality issues
- Hazardous materials issues
- Historic and archeological issues

I would like to make it very clear that those concerned about the provision and maintenance of a responsive transportation system in Wisconsin are not against the underlying concepts and objectives ingrained in various acts, provisions and administrative codes. In fact, they tend to be very understanding.

At the same time, they are pragmatists. They know the demands being placed on our state's and our nation's transportation system. And they know the fiscal constraints which that system and you as Congressional representatives face. They are simply asking that the federal government look closely at the mandates being placed on our transportation system providers, users and those that pay the bill.

Specifically, we ask that you:

- Review and assess current mandates for their cost and benefits along with their effectiveness in accomplishing stated objectives. This is definitely needed relative to the Clean Air Act and its amendments;
- undertake a comprehensive and objective assessment of the costs and benefits of prospective new mandates before turning them into law. These costs and benefits should be made readily available to public;
- carefully analyze current and prospective mandates to determine where overlap and duplication exists. Where it does exist, we ask that you take corrective action;
- where you feel that existing or new mandates are truly necessary, that you provide the dollars necessary to implement them;
- and finally, we ask that you develop steps to monitor current and future mandates and to evaluate their effectiveness as well as their extended costs.

The bottom line for all involved is that we, as a society, are becoming more and more mobile and our economy is becoming more and more dependent upon a good transportation system. At the same time, dollars are becoming more and more difficult to find. What that tells us is that we must find ways to maximize the return on every dollar invested in transportation. In the area of program delivery, it appears that increased efficiency could be achieved without sacrificing our environment or many of the objectives underlying *The Long and Winding Road*.

In conclusion, we want to thank you for taking the time to address this critical issue and for providing us with the opportunity to discuss it with you.





475

**STATEMENT BEFORE THE  
HOUSE SUBCOMMITTEE ON SURFACE TRANSPORTATION**

Relating to

**CONGESTION MITIGATION AND AIR QUALITY PROGRAM**

By

**Dick Smith  
Office of Planning and Programming  
Illinois Department of Transportation**

**September 26, 1996**

**Illinois Department of Transportation  
2300 S. Oirksen Parkway  
Springfield, Illinois 62764  
217-785-3205**

Mr. Chairman, my name is Dick Smith and I am the Assistant to the Director of the Office of Planning and Programming of the Illinois Department of Transportation (IDOT). I direct the policy and federal affairs activities of IDOT. On behalf of the department, I am pleased to accept your invitation to testify on issues related to the Congestion Mitigation and Air Quality Program (CMAQ) as a part of the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA).

IDOT believes that the CMAQ program has been beneficial and that it should be continued in the next federal surface transportation program. The goal of the CMAQ program is to assist metropolitan areas in reducing congestion on their highway systems and reduce mobile source emissions in order to help them achieve national air quality standards. This was an excellent goal for a federal program category when ISTEA was enacted and is just as relevant for the next reauthorization period. However, we believe that the program needs two changes to give states and metropolitan planning organizations (MPOs) the full degree of decision-making freedom that the program envisioned.

One key recommendation we have is for Congress to reinforce that reducing congestion is as important a part of the CMAQ program goal as improving air quality. The reauthorization needs to amend existing law to clarify this priority and give redirection to the federal implementing agencies.

A second key recommendation we have is to allow CMAQ funds to be used for operating Inspection and Maintenance (I/M) facilities beyond the existing three-year limitation. I/M is generally a very effective mechanism for reducing mobile source emissions and therefore the option to use CMAQ funds for continued operating costs is quite appropriate.

#### Priority for Congestion Mitigation

The ISTEA authorized the CMAQ program to assist states and metropolitan areas which are in nonattainment status to undertake projects to mitigate congestion and improve air quality with a key criterion that any project contribute to attainment of national air quality standards.

Unfortunately, the implementing regulations and administrative interpretation of those regulations have, we believe, greatly over-emphasized the air quality half of the equation. This has forced states and MPOs to create a very narrow basis for evaluating projects to be funded, which has practically eliminated reasonable consideration of highway congestion mitigation (traffic flow) projects. While reductions in vehicle trips and vehicle miles of travel are important, reductions in hours of delay and fuel use are also critical measures to the traveling public and to freight operations. Projects which effectively achieve the broader objective of reducing urban congestion and which still contribute to air quality improvement, are for all practical purposes dismissed in the CMAQ project selection process.

While the estimation of emissions reductions, now a key criterion for project selection, is much more art than science, it does show that congestion mitigation projects do substantially contribute to reducing emissions. In addition, transportation projects are widely recognized as providing economic and mobility benefits as well as air quality benefits. It is very short-sighted to summarily disregard highway congestion projects and it is just plain indefensible given the huge needs for reducing urban congestion and the major economic and mobility benefits to auto and transit users that can be achieved.

Therefore, we urge that Congress re-emphasize congestion reduction as a priority in the use of CMAQ funds. The program needs to be more flexible to allow states and MPOs to choose to use funds on more traditional congestion relief projects which can substantially improve the efficiency of the highway system for transit buses, autos and trucks as well as contribute to improved air quality.

The existing federal regulations place much emphasis on funding projects intended to reduce single occupant auto use. However, many of these projects are actually very ineffective in reducing emissions on a tons per dollar spent basis. For example, bike paths, sidewalks and transit station rehabilitation produce relatively small emissions reductions per dollar of cost.

IDOT also urges that federal oversight and regulations be scaled back. Rather, joint decisions by MPOs and states concerning the relative priority between congestion mitigation and emissions reduction should govern. Currently, federal officials overly scrutinize individual projects, causing delay and unproductive expense. Federal oversight should be only that - oversight that the programs of projects meet overall objectives. States and MPOs can employ a variety of techniques to reduce emissions under State Implementation Plans for achieving or maintaining clean air standards. The CMAQ program is a tool that can be used. However, individual metropolitan areas should not be forced to use CMAQ funds solely to help reduce emissions.

#### CMAQ Funds for Operating Inspection and Maintenance Programs

I/M programs - periodic vehicle inspections to test exhaust emissions - have proven to be a very cost beneficial way to reduce mobile source emissions in order to meet clean air standards. Since CMAQ projects are supposed to contribute to improved air quality, funding I/M facilities and their operation is a common and very effective use of CMAQ resources. I/M facilities and their operation are very expensive undertakings and CMAQ funds have played a crucial role in the financing.

Currently, the federal regulations arbitrarily limit use of CMAQ funds for I/M operating expenses to three years - for "startup" operating costs. We urge that this arbitrary limit be removed so that CMAQ funds can continue to support this effective means of air quality improvement. States and MPOs should be allowed to decide how best to use their CMAQ funds to achieve and maintain clean air standards. We support the condition that CMAQ funds used for I/M operations not substitute for existing nonfederal support.

Conclusion

IDOT supports the continuation of the federal CMAQ program - to assist in reducing highway congestion in ways that contribute to attainment and maintenance of clean air standards. We have two major recommendations. First, we urge that the current over-emphasis on air quality improvement - to the detriment of effective highway congestion reduction - be remedied through legislative clarification that congestion mitigation is a fundamental objective of the program. Second, we urge that CMAQ funds be allowed to be used for operating expenses of I/M programs without a time limit - letting states and MPOs decide.

Thank you for the opportunity to present our recommendations for changes to the CMAQ program as you consider issues to be addressed in the reauthorization of the federal surface transportation programs.

Testimony of Pete Wert  
On behalf of  
The Associated General Contractors of America  
Presented to the  
Subcommittee on Surface Transportation  
of the  
House Committee on Transportation & Infrastructure  
on the topic of

ISTEA Reauthorization: The Efficient Delivery of  
Transportation Improvements, and The Congestion Mitigation  
and Air Quality Program

THURSDAY, SEPTEMBER 26, 1996

9:30 AM

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The Associated General Contractors of America (AGC) is a national trade association of more than 33,000 firms, including 8,000 of America's leading general contracting firms. They are engaged in the construction of the nation's commercial buildings, shopping centers, factories, warehouses, highways, bridges, tunnels, airports, water works facilities, waste treatment facilities, dams, water conservation projects, defense facilities, multi-family housing projects and site preparation/utilities installation for housing development.

The Associated General Contractors of America  
1967 E Street N.W., Washington, D.C. 20006-5196, (202) 393-2040, Fax (202) 347-4004

Mr. Chairman and members of the Committee, I am Pete Wert of Haskell Lemon Construction Company in Oklahoma City. I appreciate having the opportunity to again testify before you on behalf of the Associated General Contractors of America (AGC). AGC is a national trade association of more than 33,000 firms including 8,000 of America's leading general contractors.

While today's focus is on the Congestion Mitigation and Air Quality Improvement Program (CMAQ) and the Efficient Delivery of Transportation Improvements, I will talk briefly about CMAQ and focus most of my comments on concerns we have over the delivery of product.

### **CMAQ**

As with much of ISTEA, the CMAQ program is designed to use highway funding for nonhighway purposes and to prioritize urban needs over the needs of rural areas. Under ISTEA's planning process the entire federal-aid highway program has this focus. This category of funding is redundant and therefore unnecessary. It does not create any eligibility not already allowed under the Surface Transportation Program (STP) and it creates no restriction not included in the section 134 and 135 planning process. It is simply a category of state transportation decisions that must be run through an additional layer of federal bureaucracy, the review of projects by the Environmental Protection Agency.

On this basis, it would appear that the CMAQ program is antithetical to the efficient delivery of transportation improvements.

Federal restrictions and oversight create resentment and inefficiencies. States recognize this and that is why you are facing a revolt from donor states. It is not just the money that bothers the donor states, it is also the heavy-handedness with which the fraction of their dollar is returned. Many of the nontraditional programs created by ISTEA have had slow obligation rates. This has happened because as a nation we underinvest in our nation's infrastructure. States are forced to focus on meeting current needs rather than funding new opportunities that even further dilute limited infrastructure investment.

### **Highway Needs**

Highway investment needs are staggering. Failure to make needed investments will have a detrimental impact on our economy, just as conversely investing in our infrastructure shaped our economic growth over the last 40 years. Every billion invested in highway construction creates 42,000 jobs. The highway system has been the catalyst for our nation's economic expansion over the last 40 years. Our nation's investment in the Interstate system has paid off six-to-one in increased economic growth and productivity. As highway usage has increased at an astounding pace, safety has kept pace through significant highway investment. But as we increase diversion of funds from the highway program, safety suffers. For instance, after years of declining highway fatalities, the fatality rate on our nation's highways increased 5.6% from 1992 to 1995. This increase in fatalities began with the enactment of ISTEA, which forced states to use needed highway money for non-highway purposes such as transportation enhancements. Also,

significant highway user fees were diverted to the general fund rather than the highway trust fund. During this period, states flexed over \$2 billion from the highway program, states were forced to set aside over \$1.5 billion for enhancements projects, and \$26 billion in highway user fees was lost when it was directed to the general fund rather than the highway trust fund.

Congress made a commitment to the nation with the designation of the National Highway System (NHS). The NHS should be the focus of most of the nation's highway funding. According to the Federal Highway Administration, the estimated cost just to maintain the NHS is \$21.5 billion annually. The cost to improve the system is estimated at nearly \$30 billion annually. Twenty-five percent of the bridges on the NHS are functionally obsolete or structurally deficient. This is a deplorable statistic for a nation whose economy relies so heavily on highways. Because of its critical importance, the NHS must be adequately maintained and hopefully improved to ensure safe, efficient travel for the sake of the system's users who pay at the pump for this great system.

Recognizing the extensive highway needs in our nation and our national underinvestment in critical infrastructure assets, the federal highway administration, the states and the highway construction community, along with its suppliers, have been working in cooperation to develop methods for improving our nation's highways.

### **National Quality Initiative**

In 1992, representatives from both public and private entities involved in the highway industry met to establish a national initiative to promote the quality of our highway system. This "National Quality Initiative" (NQI) represented a major commitment to listen to the customer and promote partnership of all involved in the funding, design and construction of our nation's highways. It is a voluntary initiative to improve quality and efficiency of highway delivery.

The NQI long range plan is to: disseminate information on quality; recognize quality achievements; promote continuous quality improvement; and, assess public satisfaction with the highway system. This is not a "feel good" advertising campaign, this is a tool we are using to move toward a truly improved program.

Professionals in the industry are making a personal, positive contribution to quality improvement. This is a redirection of highway contracting. We have surveyed the customers and are becoming more customer driven. By customers, I mean the motoring public. Late last year the NQI steering committee and the Federal Highway Administration conducted the first driver survey to measure satisfaction with the nation's highways. This study will serve as the baseline against which future achievements are measured. I am submitting a copy of the results of this survey for the record and the NQI steering committee is sending a copy of the study to each member of this subcommittee.

The results of our survey show the traveling public is concerned about safety and pavement conditions. It also shows the public understands the fairness of the user fee system and that the

majority of the public is willing to pay additional gas taxes if it will be used to repair highways.

Every state in the country has held NQI seminars. Well over 20,000 people have attended these seminars and heard the quality message. All this was done without any mandates. It was forced by the cooperative recognition that only true teamwork will help us deal with the critical infrastructure deficit and wring inefficiencies out of the current system.

The results of the NQI provide a flexible framework for improvement in quality now being used throughout the country. There is no "top down" prescriptive formula. States are free to create programs within an open system. Quality works when partners are free to select the tools that best fit their particular circumstance. States need to have the availability of all options to have a positive impact.

You can cause more problems than you solve when you create a program that is too prescriptive. Efforts to use design/-build or to force the use of warranties and guarantees creates an exclusionary environment. Opportunities are limited because smaller firms are kept out of the market. Competition suffers. Quality slips and costs increase.

#### **Competitive Bid System**

While some large construction firms are among our membership, about 95% of AGC's members describe themselves as small businesses. Our membership is solidly behind maintaining the open competitive bid system. This system is cost effective to administer, creates equal opportunities for large and small businesses, is flexible, promotes trust in the system by removing subjectivity from contract awards, and ensures the investment of public resources based on value, suitability and capability. It does not create a significant financial threshold that bars all firms from competing.

#### **Design/Build**

We are very concerned about the increased use or any encouragement of design/build procurement because of its adverse impact on the open competitive bid system. We do not want to see a system that bars smaller companies from entering the business by making the cost of bidding prohibitive. Bonding and insurance are much more expensive on design build projects and so is the overhead associated with assembling the bid. In addition, the design build process introduces subjectivity in the procurement process and removes the current system's value in having the design entity work for the state as a quality inspector of the contractor's work.

#### **Warranties and Guarantees**

Many of the adverse impacts on small businesses found in design/build also apply to increased use of warranties and guarantees on highway projects. While these may sound like an innocuous way to improve quality, remember that the vast majority of highway contracting is repair or maintenance of an existing structure. These patches are often only as reliable as the original structure they are repairing. For instance, if I am paid to apply a one-inch overlay on a road with



alligator cracking and a questionable subbase --- who is at fault when that project fails in one-year? Is it the state engineer who designed the asphalt mixture and its application who is at fault? Is the contractor who installed the subbase at fault? Is the state at fault for accepting the original project in the first place? Is the state at fault for only bidding an overlay project when they actually needed reconstruction work done? Is the federal government at fault because they did not return to the states enough money to maintain the road? Does the warranty open the contractor to liability for every accident on that roadway regardless of cause? In our over-litigious society warranties will do for the highway program what Superfund did for toxic clean-up.

#### **Disadvantaged Business Enterprises (DBE)**

AGC is committed to the goal of an open highway construction industry that provides full opportunity for all responsible businesses to compete in an open competitive environment. The DOT DBE program, however, has adversely impacted the federal-aid highway program, causing decisions about subcontracting, material suppliers and vendors to be based on factors other than quality and price. DOT's DBE program does not meet the strict scrutiny standard established by the Supreme Court in the *Adarand* decision for programs based on racial preference. Failure to address this issue in the reauthorization could result in the Congress affirming a fatally flawed program and without providing any help to those entities this program is intended to assist.

AGC is concerned about the continued application of special preference programs in highway contracting. It is often difficult to find enough qualified, competent DBE/WBE contractors to meet quotas. Though the program is designed to be implemented as a nationwide average, it is instead enforced as a hard, inflexible quota required from each state and each contract awarded. Good faith efforts are not accepted, even when qualified disadvantaged businesses do not exist. The current program is not an efficient use of taxpayer money, because it increases construction costs without improving quality. These racial and gender preferences should be sunsetted and other methods of promoting participation of small or disadvantaged businesses should be explored.

#### **Buy America**

An additional item of concern is the application of "Buy America" restrictions on highway contracting. I have enclosed a letter from one of our members as an example of how this statute can substantially increase the costs of a highway project. In this example the contractor could have saved the government almost 10% (over \$2 million) of the construction price had he been able to use Canadian steel. The current law allows a waiver of "Buy America" only if a state believes the requirements are not in the public interest, if the difference in the cost of the steel would save 25% on the total project cost, or if the products are unavailable from domestic manufacturers. There is no waiver available for smaller, yet significant savings or in the case where the domestic supplier can not deliver the project when it is needed.

While I understand that this issue is important to many members of this Committee, including

the Chairman, some accommodation should be made when significant savings can be made by using products manufactured elsewhere in North America. The continued increase in highway needs and the increasing pressure on federal and state budgets dictates that we use all tools at our disposal to produce the best possible highways for the least possible cost.

#### **Easing the Paperwork Burden**

An overriding burden of public works contracting is the paperwork. The fact is, our members spend nearly as much time working on compliance with governmental regulations as they do with construction of a project--and that should not be. The purpose of regulations should be to ensure that a quality project is built safely without undue cost to the taxpayer or the environment--goals which are universally agreed upon, I am sure. I am enclosing an editorial that outlines the litany of federal rules and regulations we must comply with when working on a federal-aid job.

#### **Conclusion**

AGC is firmly committed to the open competitive bid system. We strongly believe that this system provides the most efficient and effective method for public works procurement. Maximum flexibility should be given to contractors when they bid on contracts. They should not be told they have to subcontract, who they should subcontract to, or where materials should be procured. The optimal system is an open system that provides opportunities for all who are interested in competing for the work.

Each situation is different, and each state should be allowed to utilize all methods at its disposal to solve problems as they arise. A "top down," prescriptive approach may be effective in some areas but will not benefit the nation as a whole. The incentives already exist to improve the productivity and the value in the highway program. Both the private and public parties involved in this process are working toward these goals.

In the face of escalating highway needs, increasing fatalities and documented support for a user-fee system, we must eliminate the diversion and ensure the integrity of the user fee system. The 4.3 cents currently going to the general fund must be directed to the highway trust fund. Programs that do not meet demonstrated transportation needs should not be eligible for funding from the highway trust fund and the funding in the highway trust fund should be used to make needed infrastructure investment. Preserve the integrity of the user fee system--take the transportation trust funds off budget.

**CIANBRO**

ROBERT J. DESJARDINS  
VICE CHAIRMAN

June 13, 1995

The Honorable William S. Cohen  
United State Senate  
132 Hart Senate Office Bldg.  
Washington, DC 20510

Dear Senator Cohen:

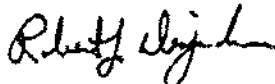
We were recently awarded another section of the new Portland Bridge - Bascule Superstructure, Contract 4, Project No. DPI-0068 (005). This contract is for the construction of the Bascule Superstructure from the floor of the counterweight pit to completion, and includes structural steel, bridge operating machinery, bridge electrical and control system, and other incidental work. We were pleased to be awarded this contract at our bid price of \$25,371,596.

Although we were low bidder by \$1,269,774, we could have saved the taxpayers an additional \$2,152,000 if we could have used a structural steel quote from Dominion Bridge, Inc. a fabricator located in Quebec, Canada. Dominion Bridge quoted us before the bid, but I was told by the Federal Highway Administration that steel fabricated in Canada would not be allowed. Apparently, NAFTA applies to direct federal contracts, but does not apply to federally assisted projects such as the Portland Bridge, at least in the opinion of FHA attorneys.

Can the law be changed to correct this inequity for future projects? The steel for the Portland Bridge will be fabricated in Florida, but future projects could see substantial savings if Canadian steel were allowed.

I would be pleased to supply any additional information you need as you consider this request.

Very truly yours,



Robert J. Desjardins



GENERAL CONTRACTORS • HUNNELL SQUARE, PITTSFIELD, MAINE 04967 • (207) 865-5111 • FAX (207) 865-7554

TOTAL P. 02

## CONSTRUCTOR

# GUEST EDITORIAL

### WE ACTUALLY BUILD BRIDGES TOO . . .

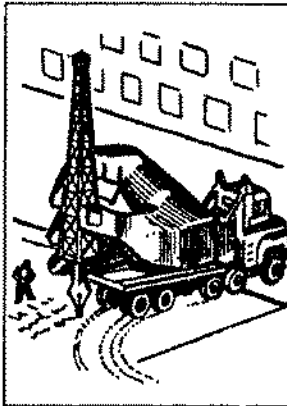
I recently received a letter from Rep. Jim Talent (R-Mo.), asking me if I wanted to testify before the House Small Business Committee's Subcommittee on Regulation and Paperwork.

The purpose of the hearing was to discuss regulatory issues of concern to business owners, testify about the burdens of government and tell Congress what specific regulations should be repealed.

In trying to decide if I had anything worth testifying about, I did a little research. By signing the contract and bond for our Route 47 Warren County Project, I agreed to:

1. be governed by the following 15 acts:

- Clean Water Act
- Endangered Species Act
- National Historic Preservation Act
- Farmland Protection Act
- Comprehensive Environmental Response, Compensation and Recovery Act
- Work Hours Act of 1962
- Surface Transportation and Uniform Relocation Assistance Act of 1987
- Public Works Employment Act of 1977
- Federal Aid Roads Act
- Clean Air Act
- Federal Water Pollution Control Act
- Contract Work Hours and Safety Standards Act
- Americans with Disabilities Act of 1990



- Copeland Act
- Davis-Bacon Act
- 2. abide by 16 sections in six titles of the Code of Federal Regulations;
- 3. be bound by three Executive Orders (11246, 11738 & 12549);
- 4. obey nine sections in six titles of the United States Code;
- 5. fill out Standard Form LLL (Disclosure Form to Report Lobbying) and Form PR-1391 (Federal Aid Highway Construction Contractors Annual EEO Report) and Form WH-347 (Certified Payroll);
- 6. comply with provisions of OSHA, Equal Employment Opportunity, Disadvantaged Business Enterprise, Unmarked Human Burial Sites, Missouri Solid Waste Management, Nationwide Permit (NWP) No. 26, Section 404 Permit, NWP No. 4, Standard Grading Rules for West Coast Lumber, Hometown Plan,

Non-Discrimination in Employment, Missouri Seed Law, Workman's Compensation Insurance, General Wage Order No. 38, and prevailing wage, community block grant development programs and other public laws and revised statutes of Missouri; and

7. deal with and meet the requirements of the following 12 agencies:

- National Register of Historic Places
- State Historic Preservation Office
- United States Fish and Wildlife Service
- National Marine Fisheries Service
- United States Army Corps of Engineers
- Office of Federal Contract Compliance, United States Department of Labor
- Federal Highway Administration
- Occupational Safety and Health Administration
- Wage and Hour Division, Employment Standards Administration
- Missouri Department of Labor and Industrial Relations, Division of Labor Standards
- Employment and Training Administration, Bureau of Apprenticeship and Training, United States Department of Labor
- Missouri Department of Natural Resources.

I'll let you know how my testimony goes. All I really wanted to do was build the bridge.

—by Tom McCrackin III, president, AGC of Missouri



**Statement of the Honorable Shirley J. Ybarra  
Deputy Secretary of Transportation  
Commonwealth of Virginia**

**House Transportation and Infrastructure Committee  
Subcommittee on Surface Transportation  
Hearing on ISTEA Reauthorization:  
the Efficient Delivery of Transportation Improvements,  
and the Congestion Mitigation and Air Quality Program**

**September 26, 1996**

Statement of  
Shirley J. Ybarra  
Deputy Secretary of Transportation, Commonwealth of Virginia  
before the  
Subcommittee on Surface Transportation  
Committee on Transportation and Infrastructure  
U.S. House of Representatives

September 26, 1996

Mr. Chairman, my name is Shirley Ybarra. I am Deputy Secretary of Transportation for the Commonwealth of Virginia. I would like to thank Chairman Petri and the Members of the Subcommittee for allowing me to speak this morning and share a few thoughts on streamlining the federal-aid surface transportation program.

ISTEA was premised on the notion that we needed a more responsive transportation program designed to meet a variety of national transportation needs by increasing state and local flexibility. ISTEA was supposed to give state and local governments additional authority to decide how federal funds are invested. The idea was to shift the decision-making authority to those most in tune with transportation needs and the solutions that would best address them. But, instead, we've actually seen a proliferation of narrow program categories that has resulted in an increased difficulty in matching funds to priorities identified through the very process the federal law has identified to establish those priorities. Although the Act provided a good foundation for transportation policy, some changes are essential as a result of excessive regulations and too many set-asides and categorical requirements.

Unfortunately, the federal role is reflected in prescriptive, process-oriented, burdensome requirements. Previous Congresses have imposed unnecessary controls and mandates on the states, assuming states do not have the ability to achieve the goals without explicit instructions. And then states have been further burdened with bureaucratic interpretations that far exceed what most members of Congress thought they were voting for. A common sense approach, setting goals, not prescribing solutions, is the type of direction I urge you to take with respect to the reauthorization of the federal surface transportation program.

The NHS Designation Act was a good first step in the effort to eliminate some burdensome regulations, but it was only a start. The next surface transportation bill should continue down that path. The federal transportation program must become more flexible and responsive to the needs of the states and their local partners because they reflect what the transportation customers want. Future legislation should encourage state and federal coordination with the role of federal agencies being one of partners rather than regulators.

We urge you to simplify and reduce the number of federal regulations and the multiple clearances needed for transportation program delivery. Overly prescriptive interpretations by federal agencies have led to overly restrictive and unworkable regulations. These matters are

further complicated by multi-agency approval requirements, financially constrained long-range planning provisions, and confusing language regarding the roles and responsibilities in delivering transportation programs.

For example, highway and transit planning regulations require a detailed alternative mode analysis known as a major investment study (MIS). An MIS can take years to complete and often costs millions of dollars. While ostensibly ensuring adequate consideration of viable alternatives, the current regulations foster endless analysis without ever narrowing the options to be studied. The requirements are applicable to too broad a spectrum of major investments and should be focused on a limited number of situations where true multimodal alternatives exist. As an example I'd like to recount one instance in which the MIS regulation resulted in unnecessary project delay. The Virginia Department of Transportation had planned a simple improvement on a small section of the I-495 Beltway here in the Washington area. We were not adding lanes. We were not building a new road. We were simply trying to improve the Capital Beltway which, as you know, is a snarl of congestion. Federal regulators required that VDOT undertake a study of the entire I-495 corridor, including alternate modal considerations, before the minor improvements could be made. Instead of progressing with project work, we have spent literally millions of dollars to justify a project I'm sure you would all agree was desperately needed.

The major investment studies are not required by ISTEA, but rather are required by regulators. In addition, the MIS requirement has been inconsistently interpreted and enforced, and it duplicates statutory requirements, such as the transportation planning process set forth in ISTEA and the environmental planning processes of the National Environmental Policy Act (NEPA).

This and other planning regulations promulgated following the passage of ISTEA must be revised and simplified. Each state has unique needs and its transportation plans will reflect that. But federal regulations do not vary according to geographic location; they spell out 23 specific required statewide planning considerations, and 15 specific required metropolitan planning considerations. Does it make sense to evaluate bicycle, carpooling, vanpooling and transit solutions to reduce single-occupant vehicle use on intercity routes in Southwestern Virginia? That's what the statewide planning regulations require.

The federal government should not ignore the fact that each state has a planning process that reflects the priorities of the Governor, the General Assembly and the citizens of each state through the public participation process. The federally mandated activities have proven to be ineffective. No consideration was given to geographic or political differences, funding abilities or responsibilities or existence of effective ongoing processes. The overly restrictive requirements increase costs, create potential for project delays and subject states to court challenges. The federal government should provide basic planning guidelines, illustrating best practices and provide individual states and MPOs the flexibility to establish their own criteria, elements to consider, level of detail, funding assumptions and update schedules.

Another aspect of the federal transportation program that hinders the effective delivery of programs is the earmarking of funds. We urge you to eliminate funding for demonstration projects and to reduce set-asides and suballocations. Funding that is set-aside or earmarked for special projects impedes states' planning and budgeting processes and limits their flexibility. Highway and transit funds should be spent where they will do the most good; state and local governments cannot afford to spend limited transportation funds on projects that will not yield significant improvements. Additional flexibility to the states would reward state efforts to develop more innovative and cost effective program services because states would not be tied in federally determined program structures.

State transportation agencies consider protecting the environment an important part of their mission. But in many cases, complex and often confusing environmental rules, regulations and laws have resulted in inefficient transportation actions and imposed needless additional costs.

The other topic included in today's agenda is the Congestion Mitigation and Air Quality Program, or CMAQ as it is called. Including this topic in an overall discussion of increasing the efficient delivery of transportation improvements is appropriate. The CMAQ program limits states' discretion in tailoring transportation investments to meet the needs of its businesses and citizens. As currently designed, a set-aside CMAQ program predetermines the appropriate level of investment in specific projects. Moreover, CMAQ includes a host of regulations and requirements that constrain the states' ability to meet the specific transportation needs and priorities of their transportation and air quality plans. This means that many CMAQ projects have a marginal impact on air quality and no significant impact on reducing congestion.

The CMAQ program was developed based on the faulty and expensive premise that air quality improvements could be addressed best through transportation demand measures. However, in metropolitan areas across the U.S. land uses are already well-developed. Most changes to the transportation system at this point are small, relative to the system as a whole, and thus have only a marginal impact. Research has shown that levels of travel are correlated more strongly with other variables, such as demographic factors, development patterns, and the state of the local economy. In a 1993 Joint Report to Congress prepared by the U.S. Department of Transportation and EPA, the agencies state: "Most nonattainment areas now have been through two rounds of transportation conformity determinations under the CAA. Taken together, they indicate that transportation infrastructure programs alone will make little difference in changing regionwide mobile source emissions."

In most decentralized American cities transit cannot compete effectively against the automobile for most trip purposes, unless disincentives to auto use are applied widely. There does not appear to be public support for across-the-board pricing measures to discourage auto travel.

Study after study shows that the greatest improvements in air quality have been caused not by demand management techniques, but by technological improvements. Cleaner fuels and cleaner cars, not forcing people out of their cars and into transit is the answer for clean air.



In addition, assumptions surrounding the development of the CMAQ program included the belief that ozone is a localized problem, and if areas that violate the federal standard reduced emissions enough, ozone would be greatly reduced. However, extensive monitoring have demonstrated that long-range movement of pollutants is beyond the scope envisioned by ISTEA and the Clean Air Act Amendments.

Congress can develop simple legislation with broad guidelines that give states the flexibility to make their own decisions -- without giving federal bureaucrats a blank check to run state programs. In fact, such a bill already has been introduced this Session. Virginia is here to state our very strongest support for the Streamlined Transportation Efficiency Program for the Twenty-First Century, STEP 21, legislation introduced earlier this summer by Representatives DeLay and Condit. Under the STEP 21 proposal, programs are simplified without repealing the advances made by ISTEA. STEP 21 does not rethink the advances in state and local planning relationships established by ISTEA. At the same time, STEP 21 would provide flexible funding to allow all states to respond to their specific state, regional and local surface transportation needs without unnecessary federal regulations. STEP 21 achieves program simplification in a way that continues the current relationships among the more heavily populated states and the large metropolitan areas within them.

I believe STEP 21 represents a fair and equitable surface transportation program. It also provides a compromise position between those favoring the turnback of fuel tax dollars to the states and those simply wishing continuation of ISTEA. Working together, we can respond to the needs of all states, guarantee the continued integrity of the National Highway System, and provide the necessary flexibility to allow all states to respond to their individual needs.

That concludes my prepared remarks. Mr. Chairman, again, I thank you and the Subcommittee for holding this hearing, for this opportunity to speak, and for your consideration.

ADDITIONS TO THE RECORD  
**AMERICAN HIGHWAY USERS ALLIANCE**

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**U.S. HOUSE OF REPRESENTATIVES**  
**TRANSPORTATION AND INFRASTRUCTURE**  
**SUBCOMMITTEE**  
on  
**SURFACE TRANSPORTATION**

September 26, 1996  
Washington, DC

Statement of the  
American Highway Users Alliance

William D. Fay  
President and CEO

*Better Highways Keep America Moving*

Good morning, Mr. Chairman and members of the subcommittee. I am Bill Fay, President and CEO of the American Highway Users Alliance. The Highway Users represents a broad cross-section of businesses and individuals who rely on good highways to carry them and their customers, employees, and products to their destination safely and on time. We appreciate this opportunity to testify during the subcommittee's review of the Congestion Mitigation and Air Quality Program (CMAQ).

There are several principal elements of my testimony. First, I will outline the Highway Users' proposal to fold certain CMAQ-eligible projects into a streamlined Surface Transportation Program (STP). Second, I will describe the factors upon which our recommendations are based. Finally, I will review the concerns we have with the CMAQ program as it is currently structured.

#### REAUTHORIZATION OF STP TO INCLUDE CMAQ

The Highway Users recommends that Congress eliminate the separate CMAQ funding category and make air quality and congestion projects eligible for funding under a streamlined Surface Transportation Program (STP). STP funds should be available for use on highway-related Clean Air Act projects that are currently eligible for CMAQ funding. In addition, the STP account should help finance other highway, bridge and safety projects; research and planning activities; and mass transit capital projects at the discretion of state and local officials.

Set-asides in the current federal highway program for CMAQ and "transportation enhancement activities" limit the ability of state and local officials to establish priorities for transportation improvements in their jurisdiction. While we believe it is appropriate for Congress to provide separate, categorical funding for projects involving an identified national interest (e.g., the National Highway System and bridges), highway funds that are intended to help meet local transportation and air quality needs should be as flexible as possible. We strongly recommend one STP account, without set-asides, to help state and local officials meet the local transportation and air quality needs in their jurisdiction.

As indicated in previous testimony before this subcommittee, we recommend the streamlined STP be funded at not more than 15 percent of the total highway program. While it is appropriate for the federal government to provide some assistance in meeting local transportation needs, federal funds should be targeted primarily at clearly identified national transportation interests. As stated in prior testimony, we recommend that at least 85 percent of federal highway funds be programmed in five "national" funding categories: the National Highway System, Bridges, Safety, Research and Development, and Roads on Federal Lands.

In a nutshell, we recommend that Congress eliminate the CMAQ funding category and make air quality-related highway and transit capital projects eligible for funding under a streamlined STP program. Now, let me discuss the considerations upon which these recommendations are based.

### THE CMAQ PROGRAM: ITS PURPOSE AND RESULTS

Congress established the Congestion Mitigation and Air Quality Program in ISTEA, primarily to help state and local governments meet the cost of implementing transportation control measures (TCMs) required by the Clean Air Act. CMAQ funds -- \$1 billion per year apportioned to the states from the Highway Trust Fund -- can be used for all but two of the TCMs listed in the Clean Air Act, plus any TCMs included in a State Implementation Plan approved by the Environmental Protection Agency (EPA) and any projects approved by both the Federal Highway Administration and the Federal Transit Administration in consultation with the EPA.

The specific transportation control measures listed in the Clean Air Act and eligible for CMAQ funding include:

- Programs for improved public transit
- Restricting road use or constructing certain roads or lanes for use by passenger buses or high occupancy vehicles.
- Trip reduction ordinances
- Traffic flow improvements that achieve emission reductions
- Fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit services.
- Programs that limit the use of vehicles in downtown areas.
- Programs for all forms of high occupancy, shared ride services.
- Programs that limit portions of road surfaces or certain sections of metropolitan area to use of non motorized vehicles or pedestrian use.
- Bicycle storage facilities
- Employer-sponsored programs to permit flexible work schedules
- Programs and ordinances to facilitate non-automobile travel
- Programs for new construction and major reconstruction of paths, tracks, or areas solely for the use by pedestrian or other non-motorized means of transportation.

Specifically excluded from CMAQ funding are two of the TCMs that show great promise for improving air quality: the reduction of vehicle emission during periods of cold-start conditions, and measures that encourage the owners of pre 1980 model year high-emitting cars and light-duty trucks to voluntarily remove them from the road. These TCMs are listed in the Clean Air Act but were excluded from the list of TCMs made eligible for CMAQ funding in ISTEA. They are cost effective, environmentally beneficial programs that should be eligible for funding under a streamlined STP program intended to give state and local officials greater authority to meet their local air quality and transportation needs.

Mr. Chairman, improving air quality is an important national goal and the transportation sector of our economy certainly has a role to play. That alone may be sufficient justification to make some federal highway funds available for air quality improvement projects. But meeting Clean Air Act requirements is not the only expensive transportation issue faced by state and local officials, and

in some areas with relatively good air quality, other concerns such as highway fatalities or the need for additional highway capacity may be a much higher priority. That is why we believe Congress should eliminate the separate CMAQ funding category and simply make air quality-related highway and transit projects eligible under the STP program.

I should also note that the transportation sector has already played a most significant role in attaining the air quality improvements realized in areas across the country over the past decade and is expected to do so in the future. Since 1980, technological improvements, resulting in cleaner combustion and reduced pollution emissions, have allowed cars and trucks to outpace reductions in emissions from other pollution sources. In fact, today's automobile is 96% cleaner than cars built in 1970 and tomorrow's new automobiles will be 99% cleaner.

EPA data indicates that virtually every major U.S. city has made significant progress toward meeting National Ambient Air Quality Standards in recent years. Yet, at this time the EPA is reevaluating National Ambient Air Quality Standards (NAAQS) for Ozone and Particulate Matters. In the event the NAAQS are tightened, it is quite possible that the number of nonattainment areas in this country could balloon from 75 to 214. This could be devastating to the nations' economy, the transportation industry and individual mobility. The demand for the use of highway funds for air quality projects will escalate and so must the scrutiny by which they are obligated. In this event further gains can be realized from mobile sources, particularly from programs to encourage the voluntary removal of high polluting, pre-1980 vehicles and to reduce cold start emissions. Achieving substantial air quality improvements in the long term, however, may depend on cooperation between government and the private sector toward reducing emissions from stationary sources, where progress has been somewhat slower than in transportation.

Now, Mr. Chairman, let me review some of the concerns we have with the CMAQ program as it currently exists.

#### CMAQ in ISTEA

First and foremost, we oppose setting aside a billion dollars of highway funds each year to meet transportation-related expenses imposed on state and local governments by the Clean Air Act. Those air quality projects may or may not be a top priority in a given area. By setting aside highway funds exclusively for such projects, Congress places a higher priority on them than on other transportation projects, such as safety improvements or additional highway capacity needed for economic development. We think those decisions should be made by state and local officials who know best what their top local transportation priorities are.

Second, a quick review of individual projects funded with CMAQ dollars over the first 4½ years of ISTEA yields some examples that would raise questions about the wise use of highway taxes. To illustrate this point, I picked a few projects financed with CMAQ funds in states across the country. This is not intended to be an inclusive list. I could have added many more.

- \$933,000 Purchase 210 bus radios at a total cost of \$1,165,920. The federal (CMAQ) share was \$933,000 or \$4,442 per radio
- \$67,000 Develop a golf cart transportation program
- \$5,890,000 Construct an esplanade and ferry pier
- \$146,000 Supplement transit fare-box revenues
- \$650,000 Purchase 48 bicycle storage lockers at 100 percent federal share, equaling \$13,542 per locker

While I am not familiar with any of these individual projects, I don't doubt that they have benefitted, and are appreciated by, certain local citizen groups. One wonders, however, how they compare in priority with any of the myriad safety or highway capacity needs faced by state and local officials. We won't ever know the answer to that question because those officials weren't allowed to spend CMAQ dollars on safety or capacity improvements. And finally, one wonders how many bicycle storage lockers, for example, would have been purchased at a price of \$13,542 each were it not for the fact that CMAQ funds paid the entire tab.

Through September 12, 1996, all 50 states, the District of Columbia, and Puerto Rico had obligated a total of \$3.57 billion in CMAQ funds, over 40 percent (\$1.54 billion) having been spent on transit projects. In fact, CMAQ and the Interstate Substitute programs accounted for nearly all of the \$2.2 billion in highway funds transferred for use on transit projects in FY 1992-1995.

Again, Mr. Chairman, many of these transit projects may be a high priority and have a salutary impact on the local economy. Unfortunately, we cannot truly gauge the priority of these or other CMAQ-funded projects relative to traditional road improvements because state and local officials are not allowed to weigh the CMAQ-eligible projects against other local projects to improve mobility or safety. ISTEA doesn't give them a choice. They must either spend or lose their CMAQ funds on the limited array of EPA-approved projects.

One last note about the existing CMAQ program: CMAQ funds are not and should not be available to subsidize Amtrak service within a state. This issue was raised recently in the conference report accompanying the FY 1997 transportation appropriations bill. A section of the conference report encourages Amtrak, the Department of Transportation, and the states to explore using CMAQ funds to subsidize the railroad.

We think that subsidizing passenger rail service with highway user fees is bad public policy and clearly contrary to law. We applaud the chairman of this committee, Congressman Shuster, for noticing that section of the appropriations conference report and speaking out against it when the bill was debated on the House floor.

Chairman Shuster's words on this subject were plain and unmistakable. I quote his statement here to emphasize that The Highway Users fully concurs with the chairman's view on this issue, both with respect to the law and the appropriateness of diverting highway funds to subsidize Amtrak. The chairman said:

There is report language accompanying this appropriations bill that encourages Amtrak, the Department of Transportation, and the States to explore using funds derived from the Congestion Mitigation and Air Quality Improvement (CMAQ) Program for Intercity rail service. The CMAQ program is part of the Federal-Aid Highway Program and is funded from the highway trust fund. Such a use of CMAQ funds is without statutory authority and is contrary to congressional intent.

The congressional intent in enacting the CMAQ Program was to assist nonattainment areas that do not meet the national ambient air quality standards (NAAQS) by funding projects that contribute to improving air quality. In order to be eligible, a project must either be listed as eligible under section 108 (1)(A) of the Clean Air Act of the EPA, in consultation with DOT, must publish information that it has determined that a project or program is likely to contribute to the attainment of the NAAQS. Intercity rail is not listed in section 108 (1)(A) of the Clean Air Act, and, according to the DOT, the EPA has not made any findings that intercity rail is likely to contribute to meeting NAAQS. It is therefore very clear that intercity rail may not be funded under the CMAQ Program.

Last year, the Secretary of Transportation wrote a letter to Members of Congress concerning an application by the State of Oregon to use CMAQ funding for certain Amtrak service. The letter stated that "since the service operates substantially outside the Portland nonattainment area, it would not normally be eligible for CMAQ funding." I fully agree with that statement.

That letter, however, goes on to state that "given its importance to the area, however, I believe that it could be funded as an 'experimental pilot'." I believe that this statement is in error. It is not within the Secretary's discretion to waive certain very specific statutory provisions because an area believes its Amtrak service is important.

I certainly understand the concern of communities that are losing Amtrak service. Diverting funds from the highway trust fund and from projects that improve air quality, however, is not the answer. The reason Amtrak is being forced to close routes, such as the Texas Eagle, is that Amtrak is badly in need of reform, without which its ability to continue operating a national route system is very much in question. The freedom to make good business decisions, not more Government subsidies, offers Amtrak the best chance at long-term survival. The reforms contained in H.R. 1788, which was passed by

the House by an overwhelming majority of 406 to 4 on November 30, 1995, would afford Amtrak the flexibility it needs to operate like a business and stretch scarce resources further.

These reforms include modifications to Amtrak's extremely costly severance benefits under which employees who are laid off due to a route elimination are eligible for up to 6 years full pay and benefits. H.R. 1788 would also allow for contracting out of work; which, except for food service, Amtrak is currently statutorily prohibited from doing. The bill also reforms Amtrak's liability arrangements. Without liability reform, the costs that Amtrak pays freight railroads for the use of their track are likely to rise substantially, leading to further cutbacks in passenger service. These reforms and others contained in H.R. 1788 are the key to improving and sustaining intercity rail service.

I wish to reiterate that the use of CMAQ funds for intercity rail service is not authorized under the law and language in the statement of managers in the transportation appropriations bill cannot authorize such use of CMAQ funds.

#### CONCLUSION

Again, The Highway Users recommends that Congress eliminate the CMAQ funding category and make air quality-related highway and transit capital projects eligible for funding under a streamlined STP program. The new STP account should constitute not more than 15 percent of total highway funding. And in addition to the air quality projects just mentioned, STP funds should be available to help finance other highway, bridge and safety projects; research and planning activities; and mass transit capital projects at the discretion of state and local officials. In order to maximize the authority of state and local officials to determine transportation priorities in their area, the STP program should not be encumbered with funding set-asides for particular types of eligible projects.

While it is appropriate for the federal government to provide some assistance in meeting local transportation needs through the STP program, federal funds should be targeted primarily at clearly identified national transportation interests. We recommend that at least 85 percent of federal highway funds be programmed in five "national" funding categories: the National Highway System, Bridges, Safety, Research and Development, and Roads on Federal Lands.

As the subcommittee considers reauthorization legislation, we urge you to keep in mind that 187,000 lives were saved and 12 million injuries avoided over the last 40 years because Congress targeted federal highway funds toward improvements to a system of roads that would carry the bulk of personal and commercial travel. You can replicate and even improve upon that success by



ensuring that most highway user fees are targeted toward NHS, bridge, and safety projects and that all federal highway funds are utilized for projects that will improve mobility, make travel safer and improve our quality of life..

Thank you for this opportunity to present The Highway Users' views. I would be pleased to answer any questions you may have.



# **Statement of Associated Builders and Contractors**

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On  
Reauthorization of the Intermodal Surface  
Transportation Efficiency Act (ISTEA)

Presented to the House Surface Transportation Subcommittee

October 2, 1996

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**Speaking for the Merit Shop**

1300 North Seventeenth Street  
Rosslyn, Virginia 22209  
(703) 818-8000

On behalf of Associated Builders and Contractors (ABC) and its more than 18,500 member firms, I appreciate this opportunity to submit our comments on the reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA).

ABC is a national trade association representing more than 18,500 contractors, subcontractors, material suppliers and related firms from across the country and from all specialties in the construction industry. Our diverse membership is bound by a shared commitment to the merit shop philosophy of awarding construction contracts to the lowest responsible bidder, regardless of labor affiliation, through open and competitive bidding. With 80 percent of construction today done by open shop contractors, ABC is proud to be their voice.

#### **FUNDING ISSUES**

Our nation's highways are in woeful disrepair. The U.S. Department of Transportation has pointed out that over 30 percent of our nation's bridges are deficient or obsolete, and 60 percent of our roads and highways need repair. Currently, approximately \$35 billion is invested in highway construction at all levels of government. More than \$50 billion will have to be invested per year at all levels of government, just to maintain current conditions. ABC supports funding highway spending at necessary levels and designating the 4.3 percent gas tax to the highway trust fund, with assurances that the revenue will be spent on much needed transportation infrastructure improvements.

ABC adamantly opposes the use of highway funding sanctions to force state compliance with safety or environmental goals. Reducing highway fatalities through safety belt usage, motorcycle safety or alcohol awareness programs should be a top priority for every state. However, our infrastructure needs are far too immense to be held hostage to penalize states for inaction.

#### **STATE/LOCAL FLEXIBILITY**

ABC supports the flexible funding structure of ISTEA, allowing states and localities to determine the best use of available federal funds. While the funding flexibility of ISTEA allows transfers between highway categories, it has also allowed hundreds of millions of dollars in transfers from highway categories for transit uses, as well as transfers from highways to transportation enhancements, such as acquisition of scenic, historic, or archaeological sites. While ABC supports the flexibility of ISTEA, we are concerned that in some cases funds are not being used for their intended purposes.

**DAVIS-BACON**

With the funding constraints we have experienced under ISTEA and the need to get the very most out of every transportation construction dollar, ABC supports repeal of the wasteful and antiquated Davis-Bacon Act. The Davis-Bacon Act, by mandating that prevailing wage rates be paid on federal or federally assisted projects, inflates the cost of construction by an average of 5 to 15 percent, and as much as 38 percent in rural areas. According to the Congressional Budget Office's most recent statistics, repeal of Davis-Bacon would save the Federal highway program \$721 million annually.

Studies have shown that the Davis-Bacon Act reduces the number of minority workers in the construction industry, and limits the number of small and emerging businesses who can bid on public projects. With immediate needs for highway and bridge construction and repair far outstripping the current and anticipated supply of available funds, repeal of the Davis-Bacon Act can provide millions of additional dollars to fund our nation's infrastructure needs.

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

ISTEA has continued the Disadvantaged Business Enterprise Program (DBE) whereby ten percent of federal-aid highway, highway safety and mass transit program funds are to be awarded to DBE contractors. This stringent DBE requirement fails to recognize the need for flexibility and cooperation which we believe Congress had originally intended in its minority provision. ABC supports free and open competition in all circumstances, and thus advocates eliminating these types of programs and mandates on federal-aid highway work.

Instead, ABC believes that partnering and mentoring programs that help emerging firms and their employees become more skilled at the craft and management levels are most successful. Training is an investment in the future and will better equip DBE firms with the skills necessary to successfully compete in the absence of preferential treatment. ABC has formed a standing committee to identify and implement private sector initiatives to facilitate the participation of women and minorities in the construction industry.

Additionally, ABC has focused a tremendous portion of its financial, membership and staff resources on craft and supervisory training. There is a crucial need for trained, skilled entrants into the construction field. ABC was the driving force behind the creation of the National Center for Construction Education and Research two years ago. The National Center is the largest sponsor of School-to-Work craft training programs in the United States, working with high schools, community colleges, universities and other training facilities in 35 states. ABC's multi-million dollar investment in training illustrates the commitment. ABC has developed a comprehensive craft training program for construction, the Wheels of Learning, which is used to provide School-to-Work training. The Wheels of Learning is a complete apprenticeship training curriculum developed by industry and education specialists, to meet the construction industry's need for a skilled work force.

**ETHANOL SUBSIDY**

Federal tax subsidies for ethanol use rob our nation's transportation infrastructure of critically needed funds. The sole funding sources for highway construction and safety programs are the proceeds of motor fuel and other highway related excise taxes that go into the federal Highway Trust Fund. From 1983 to 1995 ethanol tax subsidies have cost the Trust Fund \$5.9 billion. ABC does not oppose ethanol as a fuel but supports repeal of the ethanol tax subsidy.

**WARRANTIES/GUARANTEES**

ABC opposes incorporating warranty or guaranty provisions into federal-aid construction projects which would limit competition for the construction projects. We believe an additional layer of requirements are unnecessary and will be costly for government to administer. Additionally, pursuant to the Miller Act, contractors on federal projects are required to be bonded -- guaranteeing the government satisfactory project completion.

**CONCLUSION**

ABC believes that a strong, safe and reliable transportation infrastructure is vital to our nation's competitiveness in the global economy. As we look toward ISTEA reauthorization, we are at a critical juncture in the history of our nation's transportation systems. ABC is hopeful that ISTEA reauthorization will propel our nation on the path towards meeting our transportation needs of the future.

**Statement Prepared for the  
House Subcommittee on Surface Transportation  
House Transportation and Infrastructure Committee**

**Relating to**

**The Reauthorization of the Intermodal Surface Transportation  
Efficiency Act (ISTEA)**

**Streamlining Procedures**

**September 26, 1996**

**Submitted by**

**Honorable William Kaufman, Colorado State Representative**

**Honorable Ann Azari, Mayor, Fort Collins, Colorado**

**Honorable Kathy Gilliland, City Council Member, Loveland, Colorado**

**Honorable James Disney, Commissioner, Larimer County, Colorado;  
Chairman, North Front Range Transportation and Air Quality  
Planning Council**

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Mr. Chairman, my name is Bill Kaufman and I represent District 51 in the Colorado General Assembly. I am joined in presenting this testimony to the Subcommittee by Ann Azari, Mayor of Fort Collins, Colorado; Kathy Gilliland, City Council Member, Loveland, Colorado; Jim Disney, Larimer County Commissioner. Fort Collins and Loveland, two of the fastest growing communities in the country, are active members of the North Front Range Transportation and Air Quality Planning Council, which Mr. Disney chairs.

We are here representing the North Front Range Transportation Project, which is a public-private partnership of local municipalities, state and local elected leaders, and private businesses and industries. We are interested in finding the most cost effective and efficient transportation solution to environmental and growing traffic congestion problems of the region east along the Front Range of the Rocky Mountains from Denver 70 miles north to Fort Collins and Greeley, Colorado.

This Northern Front Range region, where the plains begin east of the Rockies and historically rural in character, is a highly productive agricultural center. Only now we are also home to high tech industry, higher education and research facilities. The trips to and from the Denver area grow in frequency. We are also the gateway to Rocky Mountain National Park, crown jewel of our National Park System. The park is experiencing rapid increase in visitors, now over three million per year, who reach the park by car and bus. We want to maintain if not improve the quality of the visitor experience and protect this national asset as well as the economic benefits it generates for Colorado.

As you review issues and projects prior to drafting a new ISTEA bill, we would like to present for Subcommittee consideration two major issues:

1. The need for a detailed comprehensive feasibility study addressing both air quality and transportation concerns facing our area of Colorado; and
2. Policy considerations for the Subcommittee on Surface Transportation to consider for streamlining the federal approval process for rail transportation projects.

**The Need For a Feasibility Study For The North Front Range**

We need a feasibility study to answer the threshold question of whether passenger rail linking northern Colorado urban and rural areas with the Denver metro area would be cost effective and environmentally sound.

The notorious "Brown Cloud" associated with the Denver area and extending into northeastern Colorado is one of Colorado's most persistent air quality problems. According to Brown Cloud studies done in the Denver metropolitan area in the 1980's, the motor vehicle is a major single source of primary and secondary particles creating the Brown Cloud. Colorado public and private entities now are funding the Northern Front Range Air Quality Study to determine the sources and movement of the Brown Cloud along the Northern Front Range.

The motor vehicle also is responsible for an astounding statistic along Colorado's North Front Range:

- highway and traffic accidents account for the greatest number of non-disease related deaths.



Therefore, the increase in traffic congestion and health and visibility affects on environmental quality are threatening the quality of life which Coloradoans enjoy. These facts are driving business leaders and state and local elected officials, such as ourselves, to seek assistance in solving this problem not in the next millennium, but as soon and as economically as possible.

A window of opportunity exists, as development continues to occur at a rapid pace along the Front Range Corridor, to design effective multi-modal transportation alternatives into land development. Recognizing this critical relationship between land use planning and transportation would help avoid costly retrofitting of transportation infrastructure in the future.

Considerable interest exists in our area to determine the most cost effective transportation alternatives, particularly the feasibility of implementing passenger rail and transportation which would serve cities along the I-25 and U.S. Highway 85 corridors from Fort Collins and Greeley to Denver. In 1996, the Colorado Department of Transportation (CDOT) reported to the public its review of eighteen potential passenger rail corridors and the results for our area revealed the following:

- a Fort Collins to Greeley to Denver rail corridor ranked number one; and
- a Fort Collins to Loveland to Longmont to Boulder to Denver rail corridor ranked number three.

The CDOT study was useful for targeting data that would be needed in the future, but it produced no new data or up-to-date detailed evaluations.

Public support has been enthusiastic and widespread, therefore we are pursuing the possibility of rail transportation on the North Front Range as a means for enticing free-spirited Westerners out of their vehicles with the attractive alternative of rail service. Some people understandably are skeptical that it can be done. All of us want more facts and we believe with enough information we can come to an informed conclusion as to whether it is possible.

For those reasons and others, we ask the Subcommittee to consider the fact this region needs a feasibility study to thoroughly examine passenger rail as a reasonable transportation alternative prior to requesting the additional funding for a Major Investment Study (MIS). Initially determining the feasibility adds another step, but it is a logical, much less expensive step than beginning with an MIS. The feasibility study would answer taxpayers' most pressing question: Could rail transportation really work in our area?

We believe the total cost of a thorough rail transportation feasibility analysis would be \$2,100,000 and we request the Subcommittee to designate \$1,575,000 (75% of project cost) of Section 8 Federal Transit Act planning funds for this study. Such a study would consist of, but not be limited to, the following elements:

1. Detailed evaluation of rail transportation options including demographics, transportation patterns, and potential rail riders in the context of alternative transportation modes;
2. Detailed passenger rail route evaluations which would include existing as well as new rights-of-way;

3. Updating the existing traffic counts and projections based on detailed demographic study and origin/destination surveys;
4. Employer surveys for interest among commuting employees;
5. Examination of air quality improvement tradeoffs among transportation alternatives; and
6. Detailed cost projections for rail alternatives compared to most likely highway alternatives.

Unlike some other "feasibility studies," we are emphasizing the need for this study to be absolutely objective with the specific emphasis given to obtaining "real" ridership numbers.

If there has been a major weakness in the justification of other rail projects in the United States it has been in the prediction of rail ridership compared to what has been the actual ridership when the project is up and running. The results have been in some areas of the country rapidly escalating operating deficits, which place a significant burden on local taxpayers. We do not want this to happen in our region.

Our feasibility study, in addressing the six elements listed above, would answer whether passenger rail service along Colorado's Northern Front Range would be:

- reasonably priced
- convenient
- attractive; and
- self supporting.

If the analysis does not fully justify a rail transportation option, we anticipate we would not pursue the MIS, saving the expenditure of another large amount of scarce transportation funds. If the rail option is feasible, we could save money and time by using the results of the feasibility study to satisfy elements of the MIS process.

**Streamlining the Federal Rail Transportation Approval Process**

One of the most major emphases of your hearing today is the need to streamline the federal system of regulations and processes impeding the efficient implementation of transportation projects. Should the North Front Range Transportation Project feasibility study recommend rail transportation, then as we have discussed, an MIS would commence.

The MIS process is part of what is called the Major Capital Investment Criteria (MCIC) process requiring no less than eight points of approval by the Federal Transit Administration (FTA). It is our understanding that, on the average, because of myriad federal requirements and sign-offs by the FTA for a rail project, it can easily take up to twelve years for a project to get over the hurdles and to the point it can begin to compete for federal funding. Twelve years is far too long for any jurisdiction to wait for funding approval, especially a jurisdiction looking at traffic gridlock and significant air quality deterioration in half that time. In addition, how can any responsible jurisdiction establish a project financing plan with any reasonable expectation of accuracy when looking at inflation and cost escalation over ten years in the future?

Therefore, we request the Subcommittee look at the potential to implement a procedure to streamline the MIS process that could be utilized by at least six pilot

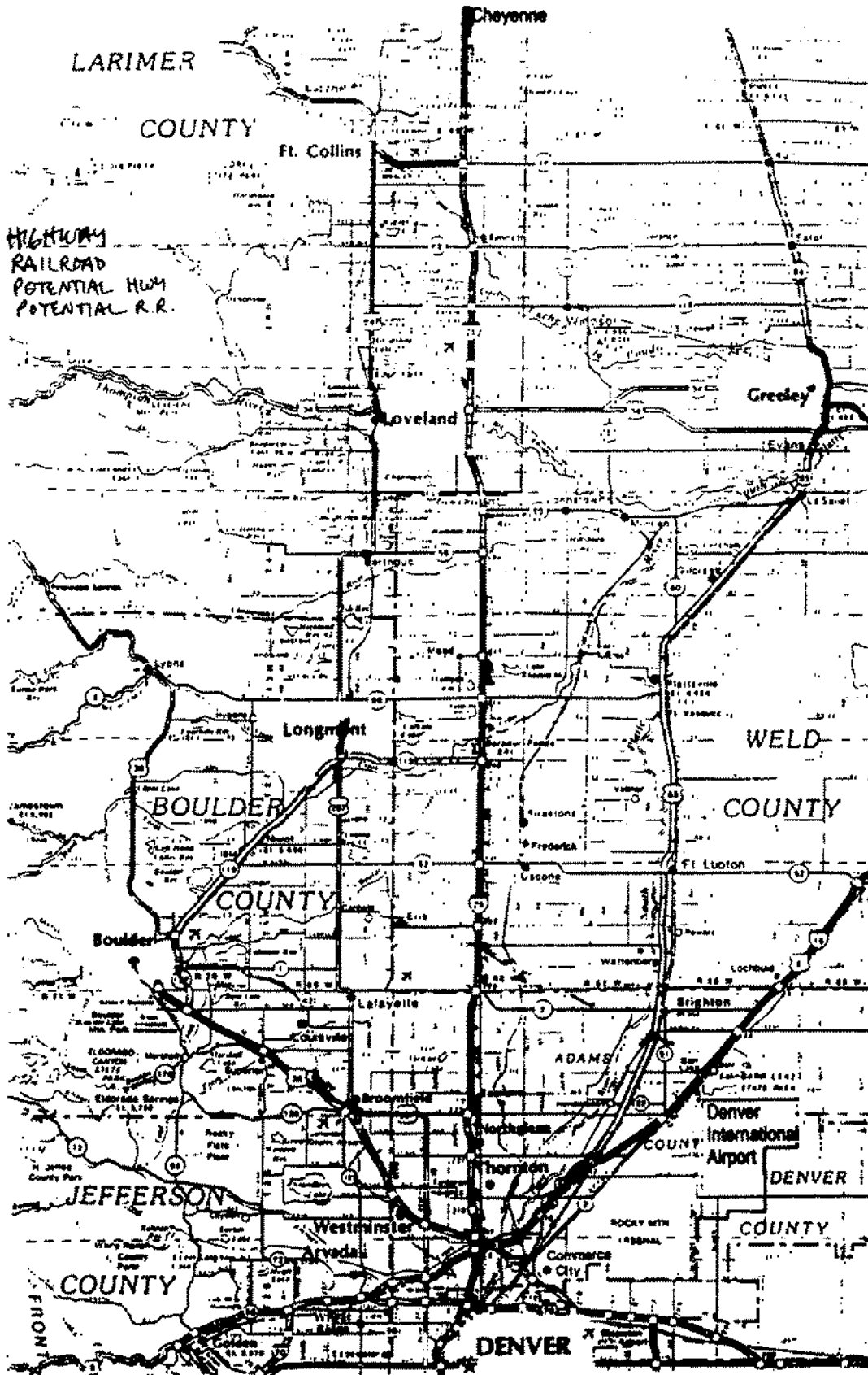
projects during the next authorization period. These projects would be specifically exempted from the MCIC process and would follow a streamlined, deadline oriented procedure totally consistent with all requirements of the National Environmental Policy Act (NEPA). The process could be as follows:

1. Conduct the MIS;
2. Impose a statutory mandate that, within a specific period of time after the MIS is concluded, the FTA will approve and publish a notice in the Federal Register of a decision announcing:
  - a. a finding of no significant impact; or
  - b. issuance of a draft environmental impact statement (EIS);
3. If an EIS is required, a complete and final EIS would have to be released within a statutory imposed period of time following that Federal Register notice;
4. No later than 60 days after the EIS is approved, the FTA will enter into a Full Funding Grant Agreement (FFGA); and
5. No later than 30 days after the FFGA is signed, the FTA shall issue a notice to proceed to construction.

If you assume the average MIS takes about two years, this streamlined approval process would significantly reduce project approval time. Such a streamlined process has the potential to save hundreds of millions of dollars in construction costs by reducing project delays.

We urge the Subcommittee to consider our request for funding of a rail feasibility study for Colorado's North Front Range, and also to consider our policy

recommendations for streamlining the federal rail project approval process. We appreciate very much the opportunity to present this testimony.



**SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS****WRITTEN STATEMENT ON THE CONGESTION MITIGATION AND AIR QUALITY  
PROGRAM UNDER ISTEA****PRESENTED TO THE HOUSE SUBCOMMITTEE ON SURFACE TRANSPORTATION****SUBMITTED BY RONALD BATES, Ph.D., CHAIR, SCAG TRANSPORTATION AND  
COMMUNICATIONS COMMITTEE****SEPTEMBER 26, 1996*****INTRODUCTION***

The Southern California Association of Governments (SCAG) is pleased to submit comments for inclusion in the record regarding the Congestion Mitigation and Air Quality Program in light of the pending reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA). SCAG is the Metropolitan Planning Organization (MPO) for the six counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial and the 184 cities therein. SCAG is the largest MPO in the nation, and includes the only extreme ozone nonattainment area designated under the Clean Air Act.

There are two main topics SCAG will address: 1) the principles that should govern the inclusion of CMAQ and related provisions in a reauthorized ISTEA; and 2) what we are accomplishing as a region under the current CMAQ provisions of ISTEA. The essence of SCAG's message is that CMAQ is working well and is beneficial to Southern California and other regions that face tough air quality and congestion problems. CMAQ funding should be retained in the reauthorization of ISTEA.

***REAUTHORIZATION PRINCIPLES***

In making recommendations for the reauthorization of ISTEA, SCAG is guided by a set of "Policies for Reauthorization of ISTEA" adopted by SCAG's Regional Council, which is attached to this statement. In addition, SCAG subscribes to the California



consensus principles for ISTEA reauthorization, already introduced into the hearing record. In these policies and principles, SCAG states its belief that Federal mandates such as Clean Air Act requirements, North America Free Trade Agreement burdens, and Americans with Disabilities Act requirements, should result in additional Federal funding for the States and local governments that must implement these mandates. Specifically, SCAG supports the reauthorization of the CMAQ program, which epitomizes this principle, at the original authorization level.

One of the great contributions of ISTEA was the concentration of Federal highway transportation programs into a few major categories (Interstate Maintenance, National Highway System (NHS), Surface Transportation Program (STP), CMAQ, Bridge, Public Lands), with enhanced funding flexibility. SCAG recommends that each of these programs have identical local matching requirements, and that FTA and FHWA programs also have identical local matching.

An important part of ISTEA reauthorization will be establishing an increased minimum rate of return in gas tax revenues to each State. Funding provided to States in response to Federal mandates, such as the CMAQ program, should not be included in the return to source ratio calculations.

SCAG supports removal of statutory barriers to innovative funding (e.g., congestion pricing, toll facilities, VMT emissions fees, etc.). Public/private partnership programs established to promote innovative and alternative transportation strategies should be eligible recipients of ISTEA funding, including CMAQ.

Linkages between the Clean Air Act and ISTEA should be expanded, not just through conformity determinations and the metropolitan and State planning requirements of sections 134 and 135, in such a way that other functional planning issues are considered in making transportation decisions and the related air quality implementation planning. Implementation of transportation programs and projects should contribute to improving

air quality (and never degrade it), but the transportation/air quality conformity process should not be the sole focus of transportation planning.

SCAG opposes continuing blanket eligibility for CMAQ funds for areas that come into attainment under the Clean Air Act. This issue has already been partially resolved, however, by a decision allowing maintenance areas to receive funding. SCAG supports this, but only for a short period, not for the lifetime of ISTEA reauthorization. Many areas are being redesignated to attainment status. Some areas, such as Southern California, still require major efforts to reach attainment, and need all the CMAQ funding that can be made available. Even maintenance areas have continuing responsibilities under the Clean Air Act, though, and perhaps an accommodation can be reached in which the weighting factors for allocation of CMAQ funding under section 104(b)(2) are adjusted to provide a higher level for extreme and severe nonattainment areas and a lower level for maintenance areas that is phased out over the period of maintenance responsibility.

#### *CMAQ PROJECTS AND SUCCESS STORIES*

In addition to being the only extreme nonattainment area for ozone, the SCAG area is also nonattainment for carbon monoxide and for particulate matter. Transportation-related sources are critical to moving toward all three health protective air quality standards. The needs are enormous, and the current CMAQ formula has recognized that by providing SCAG with a relatively large fraction of total CMAQ funding. This has been invaluable in addressing some of the most pressing needs for air quality and congestion-related transportation projects.

SCAG currently has programmed for the period FY1996 through FY2003 [the current transportation improvement program (TIP)] \$276 million in CMAQ funds for projects to reduce congestion and improve transportation-related air quality. These projects include:

- \$112 million for HOV lanes throughout the region.

- \$105 million for Metro Red Line extensions in the City of Los Angeles.
- \$4 million for PM-10 control projects (such as road paving to control fine particulate matter such as dust and sand) in Riverside County.
- \$1.7 million for a terminal and transfer point facility in San Bernardino County.
- A parking management program in the City of Glendale, Los Angeles County, which won an FHWA award for CMAQ program innovation.
- A bus connection program in Ventura County, which won an FTA award for CMAQ program innovation.
- \$636,000 for the Inglewood shuttle bus system.
- \$540,000 for the Sherman Oaks transit shuttle.
- \$275,000 for a City of Downey transit shuttle.
- Signal synchronization projects in Riverside County to improve traffic flow.

While it is hard to quantify the exact contribution any transportation project makes toward attainment of air quality standard, the projects funded with these CMAQ funds will result in the reduction of many tons of pollutants from the air of the SCAG region. The air quality mandates and the tight timetables of the Clean Air Act absolutely require all these projects, and more. It is imperative that CMAQ be reauthorized in the next ISTEA, and that a comparable portion of CMAQ funds be made available to Southern California, if we are to have any hope of attaining Clean Air Act standards.

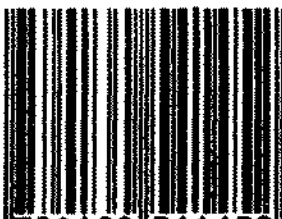
#### *CONCLUSION*

We recognize that there are varied experiences with the CMAQ program across the country. To that end, we hope that any changes during reauthorization would preserve the best of what some regions and States have accomplished. We look forward

to working with the Subcommittee during reauthorization of the next ISTEA to assure that needed programs such as CMAQ, responding to Federal mandates and critical transportation-related needs, are not only maintained but strengthened to better fulfill the spirit of ISTEA.



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