

FAST Act Discussion with CTSO

August 29, 2018

CTO Annual Meeting

Atlanta, Georgia

TEMPLATE:

Issue # (in
order of
priority)

- *Current Federal Policy:* Name the existing policy, or state if a policy doesn't exist.
- *Issue:* What we specifically like or don't like about the current policy, or lack thereof.
- *Recommendation:* What we would specifically like to change or want to keep about the current policy. Or what we would like to see in a new policy.

Issue #1: Strengthen Eligibility for Investments in Transportation System Management and Operations (TSMO) and Related Technology (1/3)

- *Current Federal Policy:* Eligibility for funding TSMO and related technology from National Highway Performance Program (NHPP), Surface Transportation Program (STP), Surface Transportation Block Grant (STBG) Program, Congestion Mitigation and Air Quality Improvement (CMAQ) Program, and Highway Safety Improvement Program (HSIP)
- *Issue:* Operations doesn't have dedicated funding and creating a new funding silo within each state's apportioned funds to be used for operations-related capital investments would limit state funding flexibility. So, it is important to ensure flexibility to use funds from existing program elements. States currently perceive that funding for capital outlays to enhance operations can come from funding sources such as CMAQ and HSIP. This puts a lot of strain on these funding sources.
- Funding is split by planning partner region when states would like to use it statewide.

Issue #1: Strengthen Eligibility for Investments in Transportation System Management and Operations (TSMO) and Related Technology (2/3)

Issue (continued):

- To the extent that additional funding is desired, states can transfer funds from other program elements (e.g., STBG and NHP) to safety, for example, to achieve eligibility. Allowing direct eligibility for capital equipment to improve operations in other accounts would further enhance State flexibility, including flexibility to make operations investments that a State considers appropriate (e.g., using NHP funds for message signs on NHS routes).

**Issue #1:
Strengthen
Eligibility for
Investments in
Transportation
System
Management and
Operations
(TSMO) and
Related
Technology (3/3)**

- *Recommendation:* To assist State efforts to improve highway and transportation system operations, there should be broad eligibility in Federal highway program elements for capital investments to help improve traffic flow, improve safety, and otherwise improve highway and transportation system operations.
 - Costs remain eligible under NHP and STBG
 - Costs of ITS and TSMO-related work elements be eligible under discretionary grants like INFRA
 - Funding can be used statewide.

Issue #2: Communications Technology for Highway Operations

- *Current Federal Policy:* None
- *Issue:* There is little federal direction regarding communications between vehicle-to-vehicle (V2V) and vehicle-to-infrastructure (V2I) communication. Some States are unsure if they should invest in Dedicated Short-Range Communications (DSRC) or 5G, or both for V2I communications, which slows the advancement of this technology. Nationwide interoperability, including further deployment of DSRC, is essential.
- The Security Credential Management System (SCMS) is currently a proof-of-concept message security solution for V2V and V2I communication. SCMS involves significant cost, which can discourage State investment into CAV technologies.
- *Recommendation:* A universal, seamless approach to security management and CAV communication is essential for the widespread deployment of connected vehicles. The Federal government should quickly lead this development through standardization and appropriate research and technology demonstration programs. This will help state better understand when and how to make investments that they consider appropriate.⁶

Issue #3: Establish a Permanent Transportation Operations Program Budget Line Item within USDOT Funding to help Ensure Better Sharing of Quality Practices and Accelerate Development of Solutions for Consideration by the States (1/2)

- *Current Federal Policy:* None
- *Issue:* States need help determining when to apply their scarce apportioned funds to investments that facilitate effective, efficient, and safe operations on the highways and transportation system.

Issue #3: Establish a Permanent Transportation Operations Program Budget Line Item within USDOT Funding to help Ensure Better Sharing of Quality Practices and Accelerate Development of Solutions for Consideration by the States (2/2)

- *Recommendation:*
 - Congress should **appropriate additional money to** fund such a permanent transportation operations discipline and program at USDOT to assist states in determining when to apply their scarce apportioned funds to investments that facilitate effective, efficient, and safe operations on the highways and transportation system. Such a program could focus on supporting private and public sector integration of operations technologies, interstate operations management solutions, and a leadership forum and clearinghouse for operations best practices. It could also continue funding for the National Operations Center of Excellence and provide research funding for operations technology development and data utilization, including the Collaborative Automated Transportation (CAT) Coalition
 - **Establish a structured advisory and deployment coordination program** between automakers, original equipment manufacturers and government that would support the development and deployment of vehicle and infrastructure innovation to support mobility, goods movement and safety. Utilize groups to design future federal funding requests and proposed federal policy changes within Congress.

Issue #4: Expand Eligible Activities under National Highway Freight Program

- *Current Federal Policy:*
 - FAST Act § 1116; 23 U.S.C. 167 establishes a National Highway Freight Program (NHFP) that funds activities that “must contribute to the efficient movement of freight on the NHFN and be identified in a freight investment plan included in the State’s freight plan.”
 - FAST Act § 1105; 23 U.S.C. 117 establishes “the Nationally Significant Freight and Highway Projects (NSFHP) program to provide financial assistance—competitive grants, known as INFRA grants, or credit assistance—to nationally and regionally significant freight and highway projects.”

Issue #4: Expand Eligible Activities under National Highway Freight Program

- *Issue:* The use of the nation's highway system for freight is increasing, and the need for integrated solutions to better move freight throughout the country is increasing. Integrated freight management solutions and freight safety programs do not currently qualify as eligible activities for NHFP or INFRA funds.
- *Recommendation:* Reform the National Highway Freight Program, both formula program to States and the discretionary program (INFRA), to include eligibility for investment in **integrated freight management solutions (intermodal systems, freight lanes on interstates, parking and staging areas) and freight safety programs (platooning, remote sensing technology, etc.), including for emergency responders.** Eligibility should include multi-state proposals, such as for regions and corridors.

Issue #5: Improve Buy America Requirements

- *Current Federal Policy:* 23 U.S.C. § 313 – Buy America; 23 C.F.R. § 635.410 states “The Secretary of Transportation shall not obligate any funds unless steel, iron, and manufactured products used in such project are produced in the United States.”
- *Issue:* AASHTO supports investment in America and use of American-made products. However, at times U.S. made products are difficult to find, whether due to scarcity or notable cost differential.
- Buy America was originally intended for products made primarily of steel (like steel poles). It is extremely difficult to try to apply this law to signal controllers, utility equipment, vehicles, etc.
- *Recommendation:* **Buy America should only apply to products made primarily of steel.** Waivers for TSMO/ITS shouldn't be needed with this change, but USDOT should improve the waiver application, policies, and processes to ensure timely consideration and determinations that reduce schedule and cost burdens to state transportation agencies.

Issue #6: National ITS Architecture Rule 940

- *Current Federal Policy:* the 17-year old National ITS Architecture Rule 940:
<https://www.fhwa.dot.gov/legsregs/directives/fapg/cfro940.htm>.
- *Issue:* Florida DOT has mainstreamed systems engineering into our ITS project process:
http://www.fdot.gov/traffic/ITS/Projects_Deploy/SEMP.shtm.
We will continue to use good systems engineering processes in our ITS projects; however, keeping up with the National ITS Architecture requirements unnecessarily increases the costs of our projects and in some cases can delay or add time to our projects. We are about to advertise another contract to update our ITS Architecture at a cost of \$500,000 - \$800,000 and don't see any value in this time, effort, and expense (http://www.fdot.gov/traffic/ITS/Projects_Arch/SITSA.shtm).
- *Recommendation:* Eliminate this policy.

Issue #7: Commercial Driver's License Requirements

- *Current Federal Policy:* 49 U.S. Code § 31308 establishes minimum commercial driver's license (CDL) requirements.
- *Issue:* Drivers are able to obtain CDLs and drive commercial freight vehicles even though they are unable to read all road signs (e.g. height restrictions) or are unable to physically operate a vehicle for an extended period of time. This causes crashes when drivers run into bridges or other low objects, or otherwise lose control of the vehicle.
- *Recommendation:* Raise CDL requirements to ensure drivers can comprehend all road signs and physically operate vehicles for extended periods of time.

Issue #8: Overweight Milk

- *Current Federal Policy:* For the purpose of Federal Interstate System weight limits, the FAST Act defines a vehicle carrying fluid milk to be a “non-divisible load”. Consequently, a State may issue a permit that allows such a vehicle to exceed Federal Interstate weight limits. [FAST Act §1409; 23 U.S.C. 127(a)]
- *Issue:* States could issue permits for extremely large, heavy loads of non-divisible milk on the interstates.
- *Recommendation:*

Issue #9: Federal Performance Management Requirements

- *Current Federal Policy:* National Performance Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program—Implementation of MAP-21 and FAST Act (PL 114-94) performance management requirements
- *Issue:* These have is no redeeming value whatsoever
- *Recommendation:* They should all be rescinded.

Prioritization

- Issue #1: Strengthen Eligibility for Investments in Transportation System Management and Operations (TSMO) and Related Technology
- Issue #2: Communications Technology for Highway Operations
- Issue #3: Establish a Permanent Transportation Operations Program Budget Line Item within USDOT Funding to help Ensure Better Sharing of Quality Practices and Accelerate Development of Solutions for Consideration by the States
- **Issue #4: Expand Eligible Activities under National Highway Freight Program**
- **Issue #5: Improve Buy America Requirements**
- **Issue #6: National ITS Architecture Rule 940**
- **Issue #7: Commercial Driver's License Requirements**
- **Issue #8: Overweight milk**
- **Issue #9: Federal Performance Management Requirements**