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February 21, 2012

The Honorable David Dreier
Chairman
House Committee on Rules
H-312 U.S. Capitol Building
Washington, DC 20515

The Honorable Louise Slaughter
Ranking Member
House Committee on Rules
1627 Longworth House Office Building
Washington, DC 20515

The Honorable John Mica
Chairman
House Committee on Transportation
and Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Nick Rahall
Ranking Member
House Committee on Transportation
and Infrastructure
2163 Rayburn House Office Building
Washington, DC 20515

Dear Chairmen Dreier and Mica and Ranking Members Slaughter and Rahall:

I am writing on behalf of the League of California Cities (League), which represents California's 482 cities, to comment on the proposed transportation reauthorization legislation HR 7 - American Energy and Infrastructure Jobs Act (AEIJA) and urge you to allow several key amendments to be considered during the House's floor consideration of AEIJA and its related financing component HR 3864 - the American Energy and Infrastructure Jobs Financing Act of 2012. These amendments provide a needed balance to the House's SAFETEA-LU reauthorization package, and they would ensure that California cities get the resources and the input that they need to implement critical transportation projects to improve their communities. The full list of these requested amendments is attached.

We join our fellow transportation stakeholders from California in requesting reliable and sustained funding levels for transportation and a focus on existing infrastructure maintenance and preservation. California recently completed a statewide transportation system needs assessment that identified a $294 billion shortfall over the next ten years. Preservation and maintenance of California's local street and road system alone is facing a $79 billion shortfall over the next ten years. Now is not the time to reduce funding or rely on unstable revenue sources. In fact, it is time for everyone to have a serious discussion about sustainable funding sources for future transportation investment. We look forward to partnering with you in that discussion in the future. In the interim we would like to share with you our priorities and concerns on the House's surface transportation reauthorization package.

MPO Structure and Funding Levels

The League appreciates the approach taken in AEIJA on the structure of Metropolitan Planning Organizations (MPOs). More than any other state, California incorporates more local involvement into transportation planning. More than 75 percent of the Surface Transportation Program (STP) funding has been programmed by MPOs and smaller Regional Transportation Planning Agencies (RTPAs) for over 20 years. In addition, California has charged these

agencies with additional regulatory and funding responsibilities. However, the League must oppose provisions in AEIJA that would allow a Governor to override MPO decisions on National Highway System projects in the event of a dispute. Local self-governance is the cornerstone of democracy, and this is especially true with transportation planning decisions. It is essential that local governments retain decision-making authority over transportation projects that impact their communities.

- For these reasons the League requests that the Rules Committee permit floor consideration of amendment #25 submitted by Representatives Nadler (NY), Carnahan (MO), Hank Johnson (GA) and Capps (CA), which would strike Sec. 5203(h)(3)(E) (pages 447-448), the provision of the bill that allows a Governor to modify a metropolitan TIP and add a project without the approval or endorsement of the MPO.

In addition, the League respectfully requests that you maintain the current STP funding formulas. As noted above, regions in California have a strong record of successfully programming federal funding for projects of national, state, regional and local significance. The proposed change in funding formulas will result in decreased local decision making opportunities.

- For these reasons we request that you allow floor consideration of amendment #6 offered by Representative Eddie Bernice Johnson (TX) which would maintain the current allocation percentages in the STP program.

Public Transit Funding

The League must oppose the proposed changes to the public transit funding mechanism included in HR 3864. These changes would leave public transit without a dedicated funding source resulting in decreased service and transportation options. We encourage you to restore the Mass Transit Account (MTA) into the Highway Trust Fund, and maintain the current structure for the MTA until a more secure and long-term funding mechanism can be identified. Regarding the funding sources utilized by the House reauthorization package to fund transportation over the life of AEIJA, the League has long supported federal prohibition of offshore development. In addition, there are large discrepancies between the House's revenue projections and the Congressional Budget Office's revenue projections that would be obtained through these energy exploration projects, which make California cities uneasy with the reliability of this funding stream.

- For these reasons we urge you to allow House floor consideration of amendment #27 submitted by Representatives Nadler (NY), LaTourette (OH), Blumenauer (OR), Gibson (NY), Crowley (NY), Turner (NY), Grimm (NY), John Lewis (GA), Fitzpatrick (PA), Norton (DC), Hayworth (NY), Rangel (NY), Lipinksi (IL) and Dold (IL). This amendment would restore the dedicated guaranteed funding stream for public transportation programs, as well as eliminate the Alternative Transportation Account, restore the Mass Transit Account of the Highway Trust Fund and its 2.86 cent funding mechanism, and redirect the $40 billion appropriation in HR 7 to the Highway Trust Fund to ensure there is enough funding for both highways and transit. It would also move CMAQ, Ferries, Puerto Rico and Territorial Highways, and Research back into the Highway Trust Fund consistent with current law.

The League opposes the prohibition of funds from being used for high-speed rail in California. Regardless of your position on high-speed rail, it is wrong for California to be the one state that cannot compete for this funding.

Project Streamlining
California cities have long supported streamlined project delivery, and have been pleased by the results of California's involvement in the NEPA delegation pilot program as provided for in SAFETEA-LU. We encourage you to take this program one step further by creating reciprocity for NEPA and the California Environmental Quality Act (CEQA). In California, CEQA provides equal or greater protection than federal requirements, and we are confident that environmental stewardship would continue under what would be a more centralized and efficient system of implementing transportation projects utilizing CEQA independently.

Funding for Essential Components of the System
The League must oppose the elimination of dedicated funding for transportation enhancements (TE) and Safe Routes to Schools (SRTS). These programs have long been an integral part of transportation funding, and should remain so. Since 1992, TE projects have added economic and safety value to city transportation systems, and worked to reduce local congestion through expansion of bicycle and pedestrian transportation corridors and facilities. Removing the set-aside requirement for TE would discourage states from distributing funding for these much-needed projects. SRTS is also an important program, which benefits the most vulnerable of our transportation system users by providing safe routes for our schoolchildren. Nearly a quarter of traffic related fatalities for children occur while they are walking or bicycling, and there is a serious need for us to continue to improve on sidewalks and crosswalks. Eliminating this program would reduce awareness for the safe transportation needs of this population.

- For these reasons we urge to allow House floor consideration of amendment #103 submitted by Representatives Petri (WI), Blumenauer (OR), LaTourette (OH), Lipinski (IL), Timothy Johnson (IL), and Eddie Bernice Johnson (TX), which would preserve dedicated funding, based on 2009 levels, for TE and SRTS activities in a consolidated Transportation Improvements Program. The amendment would also allow States to choose the source of funds from apportionments, and funds remaining after eligible projects have been funded could be used by the State for any purpose eligible under the STP.

AEIJA would also eliminate the Highway Bridge Program (HBP), which currently requires states to set-aside 15 percent of their annual apportionment for bridges located on public roads. HBP funding is often the only source for maintenance for bridges in both urban and rural areas. Without eligibility for funding or a dedicated federal funding source, local bridges will continue to deteriorate, threatening public safety, and the efficient movement of goods. Currently, California has 4,428 bridges that have been determined to be structurally deficient or functionally obsolete, 2,776 of which are local brides. The statewide transportation system needs assessment found that the needs for local bridges alone are $2.6 billion. The importance of this resource should be recognized in the funding structure of the House's surface transportation reauthorization package.

- For these reasons we urge you to allow House floor consideration of amendment #124 submitted by California Representatives Thompson and Capps, which would maintain funding for local off-system bridges by continuing the current law of a 15% set-aside for replacement of these bridges, and holding harmless off-system bridge funding in each state at FY2009 levels.

Congestion Mitigation and Air Quality
The League appreciates the need for the Congestion Mitigation and Air Quality (CMAQ) program. This funding is especially important for California cities, many of which have high populations in natural air basins that trap pollutants. The League requests that local

governments continue to be allowed to use a portion of this funding for diesel-powered equipment retrofits.

Thank you for this opportunity to provide comments on AEIJA. California's cities are eager to partner with you as you continue work on this important legislation. In the spirit of this partnership, the League is asking for your support in voting to approve the list of attached amendments, which are expected to be offered to AEIJA during floor consideration when the House returns from recess on February 27. Please let me know if you have any questions or need any additional information, or contact our Washington representatives, Eve M. O'Toole and Dustin McDonald at (202) 419-2505 and (202) 419-2511 respectively.

Sincerely,

Chris McKenzie
Executive Director

Cc: The Honorable Representative Mike Thompson
The Honorable Representative Wally Herger
The Honorable Representative Daniel Lungren
The Honorable Representative Tom McClintock
The Honorable Representative Doris Matsui
The Honorable Representative Lynn Woolsey
The Honorable Representative George Miller
The Honorable Representative Nancy Pelosi
The Honorable Representative Barbara Lee
The Honorable Representative John Garamendi
The Honorable Representative Jerry McNerney
The Honorable Representative Jackie Speier
The Honorable Representative Pete Stark
The Honorable Representative Anna Eshoo
The Honorable Representative Mike Honda
The Honorable Representative Zoe Lofgren
The Honorable Representative Sam Farr
The Honorable Representative Denis Cardoza
The Honorable Representative Jeff Denham
The Honorable Representative Jim Costa
The Honorable Representative Devin Nunes
The Honorable Representative Kevin McCarthy
The Honorable Representative Lois Caps
The Honorable Representative Elton Gallegly
The Honorable Representative Howard "Buck" McKeon
The Honorable Representative Brad Sherman
The Honorable Representative Howard Berman
The Honorable Representative Adam Schiff
The Honorable Representative Henry Waxman

The Honorable Representative Xavier Becerra
The Honorable Representative Judy Chu
The Honorable Representative Karen Bass
The Honorable Representative Lucille Roybal-Allard
The Honorable Representative Maxine Waters
The Honorable Representative Janice Hahn
The Honorable Representative Laura Richardson
The Honorable Representative Grace Napolitano
The Honorable Representative Linda Sanchez
The Honorable Representative Edward Royce
The Honorable Representative Jerry Lewis
The Honorable Representative Gary Miller
The Honorable Representative Joe Baca
The Honorable Representative Ken Calvert
The Honorable Representative Mary Bono Mack
The Honorable Representative Dana Rohrabacher
The Honorable Representative Loretta Sanchez
The Honorable Representative John Campbell
The Honorable Representative Darrel Issa
The Honorable Representative Brian Bilbray
The Honorable Representative Bob Filner
The Honorable Representative Duncan Hunter
The Honorable Representative Susan Davis

LEAGUE OF CALIFORNIA CITIES ENDORSED AMENDMENTS		
Submitted By	**Number**	**Description**
Johnson, Eddie Bernice (TX)	6	Would maintain the current allocation percentages in the Surface Transportation Program.
Nadler (NY), Carnahan (MO), Johnson, Hank (GA), Capps (CA)	25	Would strike Sec. 5203(h)(3)(E) (pages 447-448), the provision of the bill that allows a Governor to modify a metropolitan TIP and add a project without the approval or endorsement of the Metropolitan Planning Organization (MPO).
Nadler (NY), LaTourette (OH), Blumenauer (OR), Gibson (NY), Crowley (NY), Turner (NY), Grimm (NY), Lewis, John (GA), Fitzpatrick (PA), Norton (DC), Hayworth (NY), Rangel (NY), Lipinksi (IL), Dold (IL)	27	Would restore the dedicated guaranteed funding stream for public transportation programs. Would eliminate the Alternative Transportation Account, restore the Mass Transit Account of the Highway Trust Fund and its 2.86 cent funding mechanism, and redirect the $40 billion appropriation in HR 7 to the Highway Trust Fund to ensure there is enough funding for both highways and transit. It would also move CMAQ, Ferries, Puerto Rico and Territorial Highways, and Research back into the Highway Trust Fund consistent with current law.
Petri (WI), Blumenauer (OR), LaTourette (OH), Lipinski (IL), Johnson, Timothy (IL), Johnson, Eddie Bernice (TX)	103	Would preserve dedicated funding, based on 2009 levels, for transportation enhancement and safe routes to school activities in a consolidated Transportation Improvements Program. Would allow States to choose the source of funds from apportionments, and funds remaining after eligible projects have been funded could be used by the State for any purpose eligible under the Surface Transportation Program. Would amend the definition of transportation enhancement to remove transportation museums and other references, and state coordinators and a competitively selected clearinghouse would be funded.
Thompson, Mike (CA), Capps (CA)	124	Would maintain funding for local Off-System bridges by continuing the current law of a 15% set-aside for replacement of these bridges, and holding harmless off-system bridge funding in each state at FY2009 levels.