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April 27, 2012

The Honorable Barbara Boxer  
Chairman  
Senate Committee on Environment  
and Public Works  
410 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable James Inhofe  
Ranking Member  
Senate Committee on Environment and  
Public Works  
456 Dirksen Senate Office Building  
Washington, DC 20510

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 Chairman Boxer and Mica and Ranking Members Inhofe and Rahall:

As the House and Senate begin conference discussions on federal surface transportation reauthorization, I am writing on behalf of the League of California Cities (League), which represents California's 482 cities, to urge your support for several key provisions that will ensure that California cities get the resources and the input that they need to implement critical transportation projects to improve their communities. These provisions are as follows:

**Preserving MPO Structure and Maintaining Equitable Funding Distribution**

California incorporates a significant amount of local involvement in its transportation planning through MPOs. 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 regulatory and funding responsibilities. However, the population requirements contained in MAP-21 will not only create uncertainty for California planning processes, but will make it more difficult for local officials to participate in many areas of the state. For these reasons we respectfully request your support for maintaining current law with regard to the population thresholds required for MPOs, as well as for the 62.5 percent funding share distributed to MPOs under STP (renamed the Transportation Mobility Program or TMP under MAP-21).

**Streamlining of Environmental Reviews**

California cities have long supported the streamlining of review processes to expedite project delivery, and urge you to maintain the provisions included in both MAP-21 and HR 4348, the Surface Transportation Extension Act of 2012 Part II, which would permanently extend the surface transportation project delivery demonstration program, as well as expand the scope of the original pilot beyond highways to include public

transportation and multi-modal projects. The League also urges you to provide language in the conference report, such as language included in Title III of the committee report to HR 7, which indicates that local governments may be included in the implementation of the project delivery demonstration program. Finally, the League urges you to include the language provided in Title VI, Section 615 of HR 4348, which would permit states to substitute their environmental laws for NEPA if the Secretary deems such laws to be substantially equivalent to NEPA. In California, the California Environmental Quality Act (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.

### **Maintaining Essential Transportation Programs**

The League strongly urges you to maintain current law and continue to provide dedicated funding for the transportation enhancements (TE) and Safe Routes to Schools (SRTS) programs. MAP-21's consolidation of these programs reduces overall funding for them and removes the requirement that states dedicate a portion of their total formula allocation for these purposes. 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 our sidewalks and crosswalks for this population.

We also urge you to maintain the requirement for off-system bridges under the Highway Bridge Program (HBP). As approved by the Senate Environment and Public Works Committee, MAP-21 would have eliminated the requirement that states allocate a portion of their HBP allocation to assist with the repair, maintenance and rehabilitation of local, non federal-aid highway bridges. While this set-aside was restored during floor consideration of S 1813, the League would like to reiterate the great need for maintaining this provision in the final House-Senate conference agreement. 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 bridges. The needs assessment found that the needs for local bridges alone are \$2.6 billion. The importance of this off-system bridge set-aside should be recognized and included in the Highway Bridge Program funding structure.

### **Expanding Transit Oriented Development (TOD)**

California cities also urge you to include the TOD provisions of MAP-21, which will improve federal public transportation regulations with respect to transportation system planning, and provide competitive grant funding to deserving projects to implement successful TOD strategies. Following the adoption of SB 375, California's cutting edge regional transportation planning law, California cities are at the forefront of implementing land use and building policies that link housing, transportation and expansion of

community access. These policies are designed to channel future growth into designated areas, maximize resources in achieving local and regional economic and community development goals and enhance multi-modal and pedestrian mobility. Continued momentum in these efforts requires sufficient planning funding followed by the necessary infrastructure investments to make those plans a reality. While this has become more difficult with the loss of local redevelopment agencies, MAP-21's TOD provisions would assist California cities in both of these areas.

**Providing Flexible Use of Congestion Mitigation and Air Quality Funding**

The League appreciates Congress' continued support 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 current law be maintained in the program as opposed to MAP-21's requirement that 30 percent of CMAQ funding for nonattainment and maintenance areas be spent on diesel-powered equipment retrofits. Transportation funding for projects to reduce congestion and improve air quality in these areas is already scarce, and states and regions may be able to identify other funding sources for diesel retrofit needs.

**Improving Transportation Infrastructure Finance and Innovation (TIFIA)**

The League also urges you to include MAP-21's TIFIA provisions, which would authorize \$1 billion per year for the program as well as increase the federal share for the program from 33 percent to 49 percent. With scarce federal resources available to support the full breadth of national transportation maintenance and improvement projects, innovative financing options like the TIFIA program are crucial. Local governments that raise revenues to implement large-scale local and regional transportation improvement projects should be able to access federal funding instruments like TIFIA to complete these projects in a more condensed timeframe. Expanded financing options of this nature would allow these entities to provide more immediate transportation solutions to local and regional congestion issues utilizing a federal-local partnership. Augmenting this local commitment with TIFIA funding would go a long way toward implementing the priority projects of cities across California.

Thank you for your consideration of these suggested policy requests. California's cities are grateful for your partnership on our transportation priorities, and we commend you on the tireless work you are doing to enact a new, more efficient and effective national surface transportation law. 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 Senator Richard Durbin  
The Honorable Senator Charles Schumer  
The Honorable Senator Tim Johnson  
The Honorable Senator Richard Shelby  
The Honorable Senator Max Baucus

The Honorable Senator Orrin Hatch  
The Honorable Senator John Rockefeller  
The Honorable Senator Kay Bailey Hutchison  
The Honorable Senator Robert Menendez  
The Honorable Senator David Vitter  
The Honorable Senator Bill Nelson  
The Honorable Senator John Hoeven  
The Honorable Representative Dave Camp  
The Honorable Representative Ralph Hall  
The Honorable Representative Eddie Bernice Johnson  
The Honorable Representative Doc Hastings  
The Honorable Representative Edward Markey  
The Honorable Representative Fred Upton  
The Honorable Representative Henry Waxman  
The Honorable Representative John Duncan  
The Honorable Representative Peter DeFazio  
The Honorable Representative Bill Shuster  
The Honorable Representative Corrine Brown  
The Honorable Representative Richard Hanna  
The Honorable Representative Jerrold Nadler  
The Honorable Representative Shelley Moore Capito  
The Honorable Representative Eleanor Holmes Norton  
The Honorable Representative Jaime Herrera Beutler  
The Honorable Representative Timothy Bishop  
The Honorable Representative Larry Bucshon  
The Honorable Representative Leonard Boswell  
The Honorable Representative Rick Crawford  
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The Honorable Representative Don Young  
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The Honorable Representative Earl Blumenauer  
The Honorable Representative Pat Tiberi