# Transportation Bill Updates

### Solves Jobs / Competitiveness

#### Solves jobs and competitiveness

Free Enterprise 6/29/12 (Bobby Maldonado, Manager of Media Relations, US Chamber of “Transportation Bill is Good for America's Economy” http://www.freeenterprise.com/infrastructure/transportation-bill-good-americas-economy) //CG

The bipartisan highway and transit bill will create jobs, enhance America’s competitiveness, bring needed reforms to transportation spending, and should be immediately signed by the president, according to U.S. Chamber of Commerce President and CEO Thomas J. Donohue. “In the near term, this legislation will save thousands of jobs in construction and related industries,” said Donohue. “In the long term, it will strengthen the nation’s economy and global competitiveness. The president should sign it immediately.” The legislation overwhelmingly passed both the House and Senate containing a number of reforms long supported by the U.S. Chamber, including: consolidating overlapping and duplicative federal programs; streamlining the project delivery process; giving states the flexibility to target federal funds where they are most needed; and helping to draw more private investment into infrastructure. The bill also includes the RESTORE Act, a Chamber-supported economic and ecological restoration project that will create badly needed private sector jobs in the hard-hit Gulf Coast region. “While we would have preferred a bill covering a period longer than 27 months and with greater funding, this is a major step in the right direction,” said Donohue. “The bigger challenge lies ahead—devising a predictable, sustainable, and growing source of dedicated, user-fee based funding to ensure we have adequate resources to maintain the world’s greatest infrastructure system for decades to come. We promise to work with members of Congress to pursue that important goal.”

### Solves Jobs

#### Transportation bill solves jobs

Herald News 7/8 (“National transportation bill expected to fund Meridian Street repairs”<http://www.heraldnews.com/news/x478687073/National-transportation-bill-expected-to-fund-Meridian-Street-repairs#ixzz20KMdDtE8>) //CG

Lt. Gov. Timothy Murray joined President Barack Obama on Friday at the White House for the Surface Transportation Extension Act of 2012. The legislation will create jobs in Massachusetts and across the country repairing the nations roads and bridges. The new law will authorize $105 billion in funding for highway and transit programs through Fiscal 2014. Massachusetts is slated to receive $1.2 billion over the next two years earmarked for highway and bridge repairs plus an additional $345 million in transit funding. Locally, one of the projects expected to move forward as a result of the funding is the replacement of the superstructure on Meridian Street in Fall River. Word of the bill’s signing comes one day after the state announced Fall River will receive $1.9 million in Chapter 90 funds for local bridge and road repairs.

#### Boosts jobs

LaHood 7/2-United States Secretary of Transportation, previous Republican House member from Illinois, BA in education and sociology from Canton Junior College and Bradley University (Ray, “Transportation Bill Heading to President Obama’s Desk”, United States Department of Transportation, 7/2/12, http://fastlane.dot.gov/2012/07/transportation-bill-passes.html#.UAWLPubfIr9)//RP

More than 1000 days ago, the law that guided federal investments in transportation expired. Congress extended that law several times while legislators discussed and debated what would replace it. I'm happy to say that last Friday, 373 Members of the House of Representatives and 74 Senators voted in favor of a new law that will fund federal surface transportation policy through September 2014. This is a good bill that will create jobs, strengthen our transportation system, and grow our economy. Transportation moves our economy, so legislation that keeps America's transportation network operating safely and reliably is a national priority. And it's no secret that I have pressed steadily for our legislators to set aside politics and pass a bipartisan bill that puts America first. So, it is welcome news that Congress has done that. At DOT, where safety is our number one priority, we're excited to see a transportation plan that builds on our aggressive safety efforts, including our fight against distracted driving and our push to improve transit and motor carrier safety. Whether you ride transit, travel by inter-city buses, or enjoy driving, you deserve to know that we're doing everything we can to ensure your safety and the safety of your neighbors and loved ones on America's busy transportation network. The new law helps DOT and the States continue that effort. The bill also provides states and communities with two years of steady funding to build the roads, bridges and transit systems they need. That means jobs. With a series of extensions during the past three years, state departments of transportation were unable to plan beyond the short term. That means contractors and construction companies were unable to plan for big projects and unable to make the kind of employment decisions that put hard-working Americans back on the job. With a 27-month horizon of infrastructure planning, men and women can get back to work building the roads, bridges, tunnels, and transit our economy needs to stay competitive. Fashioning a national transportation law in the current political environment is no easy task. We all agree that efforts to move people and goods safely and effectively are critical to our economic security. But we don't always agree on how best to do that. Last Friday, Congress completed the hard work of crafting a bill that garnered bipartisan support. Now, for the good of the nation, for the good of our states, and the good of our communities, it's time to put this bill to work.

### Expanded TIFIA

#### The transportation compromise expands TIFIA

National Journal 7/9(“Lender's Remorse in the Highway Deal?” July 9, 2012 8:30 a.m. http://transportation.nationaljournal.com/2012/07/lenders-remorse-in-the-highway.php) //CG

After months of congressional wrangling, **President Obama signed the $105 billion compromise transportation bill on Friday**. And while the road to reauthorization was long and winding, there was one provision that was never really at risk. It was in the Senate bill and some form would have made it into the House version, too. It extends loan financing for infrastructure projects and was championed by Los Angeles Mayor Antonio Villaraigosa and Sen. Barbara Boxer, D-Calif., who both pushed for the provision and was a key architect of the bill. **The measure--America Fast Forward--expands the Transportation Infrastructure Finance and Innovation Act funding from $122 million a year to $750 million in fiscal year 2013 and $1 billion in fiscal year 2014.** **That's more than double the amount proposed by the Bipartisan Policy Center last year**. It's been touted as letting a handful of major projects move forward, including New York's Tappan Zee Bridge replacement project and a set of projects in Los Angeles. But even the expanded TIFIA program has its critics. Steven Higashide at the Tri-State Transportation Campaign, for example, criticized lawmakers for having "removed most of the criteria for judging applications to the program (these criteria had included environmental sustainability, project significance, use of public-private partnerships, and more), turning it into a rolling application program instead." The main remaining criterion would be creditworthiness, Streetsblog reported. It may be easy for big cities like New York and L.A. to prove their good for it, but many (smaller) cities have lately faced the threat of credit downgrades. Is TIFIA a gift only for cities with good credit? Or is it, as its champions like to characterize it, a perfect short-term solution for a system in dire need of reform? Did the compromise hurt its effectiveness? Or is it an example of Congress actually getting something right?

#### MAP-21 improves TIFIA

[Ray LaHood](http://www.whitehouse.gov/blog/author/Secretary%20Ray%20LaHood) 7/09/12- Secretary of Transportation (President Obama Signs Bill to Create Jobs, Restore America's Transportation System)

<http://www.opposingviews.com/i/politics/president-obama-signs-bill-create-jobs-restore-americas-transportation-system>

**Last Friday afternoon, [President Obama signed legislation](http://www.whitehouse.gov/blog/2012/07/06/president-obama-signs-transportation-and-student-loan-bill-0" \o "President Obama Signs the Transportation and Student Loan Bill" \t "_blank) that will put thousands of construction workers on job sites across the country and supports our commitment to restoring America's infrastructure.** This transportation bill, **Moving Ahead for Progress in the 21st Century ([MAP-21](http://www.dot.gov/affairs/2012/dot7512.html" \o "Statement of U.S. Transportation Secretary Ray LaHood on Passage of the Surface Transportation Bill" \t "_blank)), will sustain our Highway Trust Fund and provide states and communities with two years of steady funding to build needed roads, bridges, and transit systems.** It also builds on DOT's efforts to improve safety across all forms of transportation and to make progress on transportation alternatives as we have done during the last three years. It's a good, bipartisan bill that will strengthen America's transportation system and grow our economy. As the President said: "The construction industry, for example, was hit brutally hard when the housing bubble burst**.** So it's not enough to just keep construction workers on the job doing projects that were already underway. For months I've been calling on Congress to take half the money we're no longer spending on war and use it to do some nation-building here at home." Many people are going to go to work as a result of this, building roads and bridges. As Maryland Governor Martin O'Malley noted, in that state alone, more than 10,000 men and women will be on the job thanks to the projects this legislation will support. Now, of course, we have more hard work ahead of us. We look forward to putting this bill to work quickly and effectively in communities across the nation. We're committed to working closely with our stakeholders to make progress on transportation alternatives as we have done over the last three years. We want to ensure that local communities are able to build the multimodal, sustainable projects they want–options ranging from passenger rail and transit to bicycle and pedestrian paths. Additionally, we will also: **Take the $1.75 billion Congress has made available for our TIFIA loan program and leverage it into $34 billion in private sector and other investments for needed transportation projects.** Develop a new transit safety program, a long overdue step that will provide Americans with the confidence that the buses, subways, streetcar, and light-rail systems they ride every day are the safest in the world. Step up our safety efforts, including our fight against distracted driving and our push to improve truck and motorcoach safety. **And we will consolidate our highway and transit programs, eliminating duplicate or outdated programs and saving taxpayers' hard-earned money.** These are the kinds of challenges transportation professionals look forward to; at DOT we call them *opportunities*. Opportunities to help folks get back to work building a thriving 21st century American transportation system that supports a thriving 21st century American economy. Opportunities to keep all users of our transportation network as safe as we can. Opportunities to keep this great nation moving forward. That's the task ahead, and that is what this DOT will do.

#### That expands competitiveness

Chicago Metropolitan Agency for Planning 7/5/12- CMAP is the official regional planning organization for the northeastern Illinois counties region's addressing transportation, housing, economic development, open space, the environment, and other quality-of-life (Policy Analysis of MAP-21 Highway Reauthorization Bill, Part 2)<http://www.cmap.illinois.gov/policy-updates/-/blogs/policy-analysis-of-map-21-highway-reauthorization-bill-part-2>

**MAP-21 partially implements this CMAP recommendation.** The performance measures referenced throughout the bill are largely unidentified; only safety metrics are referred to in any detail**. While transportation benefits will likely comprise the bulk of any measures identified by the Secretary, broader factors are likely to be included for certain programs. For example, CMAQ will likely contain performance measures related to air quality for various pollutants**. Additionally, the **PNRS program’s stated purpose is to "generate national and regional economic benefits and increase global economic competitiveness." As such, MAP-21 defines basic selection criteria for the PNRS program, including a project’s ability to generate national economic benefits, achieve a favorable benefit-cost ratio, and increase access to critical economic inputs.** Similar to PNRS, the **TIFIA supports large, complex projects of regional and national significance**. The TIFIA Joint Program Office [selects](http://www.fhwa.dot.gov/ipd/finance/resources/general/index.htm) projects using a variety of criteria, including measures of environmental impact, use of new technology, and innovative project organization and delivery. In addition to meeting these criteria, proposed TIFIA projects must repay loans using dedicated revenue sources, they must be included in their state’s TIP and long-term transportation plans, and their debt must have the potential to achieve investment-grade rating. **MAP-21 seeks to expand TIFIA funding to $1 billion annually.** Additionally, **MAP-21 greatly consolidates federal surface transportation programs from about 90 to less than 30**; core programs are reduced from seven to five**. The reduced number of programs in MAP-21 should provide states and metropolitan areas with greater flexibility in programming federal funds.** To the extent that greater flexibility allows states to choose projects in a more comprehensive manner, MAP-21 could further implement this CMAP recommendation.

### Increased Spending

#### Transportation bill increased spending

Chicago Metropolitan Agency for Planning 7/5/12- CMAP is the official regional planning organization for the northeastern Illinois counties region's addressing transportation, housing, economic development, open space, the environment, and other quality-of-life (MAP-21 -- Major Programmatic and Policy Changes) <http://www.cmap.illinois.gov/policy-updates/-/blogs/map-21-major-programmatic-and-policy-changes>

Total Funding Levels and the Highway Trust FundMAP-21 authorizes federal transportation funding through September 2014, at an annual level of $52.6 billion.  This represents a total increase of close to 5 percent over the SAFETEA-LU annual average from FY 2006-09.  Much of this increase is driven by federal transit spending, which will rise 13 percent on an average annual basis, compared to an inflation-indexed 3.13-percent increase for the federal highway obligation limitation**.** The bill contains no earmarks, which is a major departure from SAFETEA-LU.  As such, MAP-21 apportions 92.6 percent of its funds by formula, compared to 83 percent under SAFETEA-LU.

### Solves Freight Competitiveness

#### Solves freight competitiveness

PRWEB 7/3/12 -journal distribution leader in online news distribution and online publicity (Surface Transportation Reauthorization Bill Focuses Needed Attention on Infrastructure) <http://www.timesunion.com/business/press-releases/article/Surface-Transportation-Reauthorization-Bill-3681570.php#ixzz20SQWSLnQ>

Late last week, Congress gave final approval to a 27-month surface transportation reauthorization bill. The following statement is from [Pete Rahn](http://www.timesunion.com/?controllerName=search&action=search&channel=business%2Fpress-releases&search=1&inlineLink=1&query=%22Pete+Rahn%22), HNTB leader national transportation practice: We in the industry recognize the tremendous effort put forth by members of Congress to overcome political differences and find common ground to pass this important legislation. **While state departments of transportation and related industries are applauding Congressional adoption of a 27-month transportation authorization and funding program that moves the nation’s transportation policy in the right direction, the real question that still remains unanswered is how will our nation pay for transportation in the future?** After almost three years of wrangling and multiple extensions “Moving Ahead for Progress in the 21st Century Act,” or MAP-21, uses 10 years of savings and new revenues to pay for essentially a two-year bill. Clearly, this is not sustainable. **MAP-21, given the poor outlook for gas tax collections, is a remarkable bi-partisan effort between the House and Senate that provides more than $120 billion to fund the two-year transportation bill**. This is a positive indication that Congress understands the importance of transportation to our economy and the daily lives of all Americans. A $120 billion investment sounds huge, however, it is an actual decline from Fiscal Year 2009. Beyond the funding levels, there are numerous positive elements to MAP-21. They are: States get more flexibility in administering the program **The bill consolidates the existing interstate maintenance,** [**National Highway System**](http://www.timesunion.com/?controllerName=search&action=search&channel=business%2Fpress-releases&search=1&inlineLink=1&query=%22National+Highway+System%22) **and highway bridge programs, while increasing the percentage of federal transportation funding apportioned to these programs**. This gives states more flexibility to choose where to spend limited dollars, including projects that fall outside the NHS. **TIFIA funding is increased The bill significantly increases funding for Transportation Infrastructure Finance and Innovation Act programs and allows TIFIA to fund up to 49 percent of a project. These changes will quickly convert dozens of state projects from “on-hold” to “full-steam-ahead” status. And, it makes many previously thwarted P3 and tolling projects financially viable—critical components of any longer-term solution.** A streamlined review process The bill establishes a coordinated process for federal agency review of the planning process to deliver projects faster. It sets deadlines for approvals and lays out an efficient arbitration process for resolving disputes. **Renewed interest in freight movement It recognizes that freight movements are critical to our economic competitiveness and requires freight routes be designated and calls for a national strategic plan for these corridors; the bill adds freight movement to the NHS, ensuring that freight movement is on the table when important funding decisions are made.**

#### Makes necessary changes to water infrastructure – solves freight

Maritime Reporter and MarineNews [magazines](http://www.marinelink.com/magazines/default.aspx) 7/02/12 -serving the maritime industry since 1999, with breaking business news and information (AAPA: MAP-21 Passage is Forward Progress) <http://www.marinelink.com/news/progress-passage-forward345927.aspx>

**With congressional passage today of MAP-21** (Moving Ahead for Progress in the 21st Century), **the American Association of Port Authorities (AAPA) says elements in the two-year, $105 billion surface transportation reauthorization bill elevate the priority of freight movement in a way that constitutes major progress in recognizing the value of America’s seaports and freight network to the economy, jobs creation and business development. The bill**, which **includes** important language in support **of maintaining federal navigation channels and creating a national freight plan, authorizes and funds transportation programs at current levels through the end of fiscal 2014.** AAPA Executive Vice President Jean Godwin said the association and its member ports have fought “long and hard” for many of the provisions agreed to in this bill. “**For the first time, a surface transportation reauthorization includes consideration of the water transportation mode** and elevates goods movement priorities that have traditionally been ignored in previous surface transportation bills,” said Ms. Godwin. “**This legislation demonstrates meaningful progress toward creation of a national freight policy and highlights the critical importance of fully funding the costs of maintaining America’s federal navigation channels**.” Freight Mobility Among the provisions in the bill of most interest to ports and the freight community is establishment of a National Freight Policy that includes development of a National Freight Strategic Plan. **The National Freight Strategic Plan, along with state freight plans and advisory committees, will enable freight projects that improve cargo movement, reduce congestion, increase productivity and improve the safety, security and resilience of freight transportation.** Among the types of projects being addressed are freight intermodal connectors, railway/highway grade separations and geometric improvements to interchanges and ramps – all of which are often sought by the seaport industry. Also, by continuing the Projects of National and Regional Significance **(PNRS) program, the bill authorizes funds for large, multimodal projects that bolster freight mobility in locations that generate national or regional economic benefits**. AAPA has supported this program since its inception.

### Solves Private Sector

#### MAP-21 expands private sector investment

ARTBA 12- American road and transportation builders association, ( no specific month and day, “ Senate Two-Year Reauthorization Bill: MAP-21 Overview and Analysis”, <http://www.artba.org/mediafiles/artba-summary-of-map-21.pdf>).

MAP-21 would make strategic investments to attract private infrastructure investment. Specifically, the proposal would increase funding for the TIFIA program from $122 million per year to $1 billion annually. The financial leverage reflected in TIFIA’s statutory formula demonstrates that $1 billion in program loans has the potential to support more than $20 billion in project activity. This outcome, however, would require full utilization of the program’s capacity. Of the $1 billion annual allocation for TIFIA, 10 percent would be set aside for rural infrastructure improvements, defined as projects of $25 million or more in non-urbanized areas with populations of less than 200,000 individuals. TIFIA credit assistance to rural infrastructure projects would also include loans at rates more preferable than TIFIA projects in large metropolitan areas. MAP-21 would increase the maximum potential TIFIA share of total project costs from 33 percent to 49 percent of total project costs. This change would make finding sources of financing for the remaining project costs less burdensome—currently, project sponsors must find 67 percent of project costs from non-TIFIA sources whereas the proposed law would lower that burden to 51 percent. MAP-21 would also allow a group of related transportation improvements to apply together as a unified program for TIFIA assistance rather than limiting credit assistance to individual projects. This change will enable state and local governments to potentially use a revenue-generating infrastructure project, such as a popular toll road, to finance other improvements that cannot feasibly generate its own revenues. MAP-21 does not make changes affecting the establishment or funding of state infrastructure banks and does not include language establishing a National Infrastructure Bank.

### Solves Congestion

#### Map-21 creates a framework of prioritizing port dredging and other freight projects

Dredging Today 7/2-expert coverage of markets, projects, vessels, equipment, research, and contractors in port dredging construction (“America’s Seaport Recognize MAP-21 Surface Transportation Bill Reauthorization”, Dredging Today, 7/2/12, http://www.dredgingtoday.com/2012/07/02/americas-seaports-recognized-in-map-21-surface-transportation-bill-reauthorization/)

With congressional passage last week of MAP-21 (Moving Ahead for Progress in the 21st Century), the American Association of Port Authorities (AAPA) says elements in the two-year, $105 billion surface transportation reauthorization bill elevate the priority of freight movement in a way that constitutes major progress in recognizing the value of America’s seaports and freight network to the economy, jobs creation and business development. The bill, which includes important language in support of maintaining federal navigation channels and creating a national freight plan, authorizes and funds transportation programs at current levels through the end of fiscal 2014. AAPA Executive Vice President Jean Godwin said the association and its member ports have fought “long and hard” for many of the provisions agreed to in this bill. “For the first time, a surface transportation reauthorization includes consideration of the water transportation mode and elevates goods movement priorities that have traditionally been ignored in previous surface transportation bills,” said Ms. Godwin. “This legislation demonstrates meaningful progress toward creation of a national freight policy and highlights the critical importance of fully funding the costs of maintaining America’s federal navigation channels.” Freight Mobility. Among the provisions in the bill of most interest to ports and the freight community is establishment of a National Freight Policy that includes development of a National Freight Strategic Plan. The National Freight Strategic Plan, along with state freight plans and advisory committees, will enable freight projects that improve cargo movement, reduce congestion, increase productivity and improve the safety, security and resilience of freight transportation. Among the types of projects being addressed are eight intermodal connectors, railway/highway grade separations and geometric improvements to interchanges and ramps – all of which are often sought by the seaport industry. Also, by continuing the Projects of National and Regional Significance (PNRS) program, the bill authorizes funds for large, multimodal projects that bolster freight mobility in locations that generate national or regional economic benefits. AAPA has supported this program since its inception. Harbor Maintenance. For the first time in a surface transportation bill, Congress acknowledges the need for and economic importance of maintaining federal navigation channels to their constructed dimensions. This legislation points out the disparity between the money collected from shippers through the federal Harbor Maintenance Tax (HMT) and the funds requested and appropriated for the purpose of maintaining America’s federal navigation channels. In “Sense of Congress” language, the bill acknowledges the shortfall in spending for federal channel maintenance and calls on the administration to request full funding consistent with revenue collected from harbor users for the purpose of maintenance dredging and associated projects. “The ‘Sense of Congress’ language represents an important first step in considering federal channel maintenance needs,” said Ms. Godwin. “Overall,” she continued, “while this bill falls short of dedicating needed funding specifically for freight projects, it does create a framework upon which we can prioritize freight mobility needs and address congestion and capacity demands on America’s freight network going forward.”

### Solves Ports

#### Port deepening projects are being expedited now

White House 7-19

“We Can’t Wait: Obama Administration Announces 5 Major Port Projects to Be Expedited,” http://www.whitehouse.gov/the-press-office/2012/07/19/we-can-t-wait-obama-administration-announces-5-major-port-projects-be-ex?utm\_source=wh.gov&utm\_medium=shorturl&utm\_campaign=shorturl

Today, as part of its We Can’t Wait initiative, the Administration announced that 7 nationally and regionally significant infrastructure projects will be expedited to help modernize and expand 5 major ports in the United States, including the Port of Jacksonville, the Port of Miami, the Port of Savannah, the Port of New York and New Jersey, and the Port of Charleston. As part of a Presidential Executive Order issued in March of this year, the Office of Management and Budget is charged with overseeing a government-wide effort to make the permitting and review process for infrastructure projects more efficient and effective, saving time while driving better outcomes for local communities. These are the first 7 of the initial 43 projects that will be expedited by the Executive Order – additional expedited infrastructure projects will be announced in the coming weeks. “One way to help American businesses grow and hire is to modernize our infrastructure,” said President Obama. “That’s why in March I asked my Administration to identify important projects across the country where Federal review could be expedited. Today’s commitment to move these port projects forward faster will help drive job growth and strengthen the economy.” The Obama Administration is also announcing the establishment of a White House-led Task Force that will consist of senior officials from various White House offices, the Army Corps of Engineers, and the Departments of Transportation, Commerce, Homeland Security, and the Treasury. The Task Force will develop a Federal strategy and coordinated decision making principles that focus on the economic return of investments into coastal ports and related infrastructure to support the movement of commerce throughout the Nation. For more information on the Task Force, please click HERE. Port of Jacksonville One of the critical steps in modernizing and expanding the Port of Jacksonville is to finalize the federal feasibility study examining the costs and benefits of deepening the harbor. Nationally, feasibility studies take an average of 10 years and the expedited process announced today will shave 7 years off of that timeline, committing the federal government to finalize the study by April of 2013, years ahead of previous projections. Today, the Administration also announced that it will commit to completing all permits for the Jacksonville Port Intermodal Container Facility by July of 2013. Jacksonville Harbor Coordinating Agency: US Army Corps of Engineers Target date for completing all Federal permit and review decisions: April 2013 The Army Corps is completing a feasibility study to examine the benefits and costs of deepening the Federal navigation channel at the port from its existing authorized project depth of 40 feet up to maximum project depth of 50 feet to accommodate larger cargo vessels and other ships. The Army Corps is applying its modernized planning process for potential long-term infrastructure investments to this ongoing study, and expects to complete its recommendations for improvements several years earlier than originally anticipated. The Port of Jacksonville plans to construct a new Intermodal Container Facility concurrently with the navigation improvements that will vastly improve the efficient movement of goods. Jacksonville Intermodal Container Facility Coordinating Agency: US Department of Transportation Target date for completing all Federal permit and review decisions: July 2013 A new Intermodal Container Facility (ICTF) at the Port of Jacksonville will increase the capacity of the port to handle containers that arrive or depart by rail, and thereby will reduce truck traffic on local and regional roads. The ICTF will include a five-track rail yard, two wide-span electric cranes, and a paved area for stacking containers and several support uses, including a road a gate for truck movement of cargo, a parking area, and storm water retention facilities. The facility will also use zero-emission, wide-span electric cranes for all lift operations. This $45 million project is being financed through a public-private partnership, including US Department of Transportation TIGER grant funding of $10 million serving as an example of the expanded outreach and coordination by DOT to help non-traditional grantees navigate the environmental review process, from start to finish, in an efficient manner to meet the aggressive timelines associated with an innovative funding program. This port-side investment compliments the ongoing work by the Corps of Engineers helping maintain and increase the economic competitiveness of the port as expansion of the Panama Canal commences in the coming years. Port of Miami The Administration today committed to completing all federal reviews for the Port of Miami by August of 2012, and expects to complete the deepening of the channel this year. Miami Harbor Coordinating Agency: US Army Corps of Engineers Target date for completion of all Federal permit and review decisions: August 2012 The Army Corps is working with the Port of Miami to construct an authorized project that involves deepening the Federal navigation at the port from its current depth of 42 feet to a depth of 50 feet. The project would enable the port to accommodate larger cargo vessels and other ships, ultimately facilitating a more efficient movement of goods. Through a progressive partnership with the State of Florida, which has provided all of the funds needed to construct this project, the time frame for its construction has been advanced by years. The Corps expects to complete the deepening of the Federal navigation channel by late 2012. Related infrastructure improvements include landside investments funded in part by the Department of Transportation. Port of Savannah The Administration today committed to completing all federal reviews for the Port of Savannah by November of 2012. Savannah Harbor Coordinating Agency: US Army Corps of Engineers Target date for completing all Federal permit and review decisions: November 2012 The Army Corps has completed a feasibility report that examined the benefits and costs of deepening the existing channel at Savannah Harbor from its current depth of 42 feet to a depth of 47 feet. The proposed project would enable the Port of Savannah to accommodate larger cargo vessels and other ships, ultimately facilitating more efficient movement of goods. The study involved a multiyear collaborative effort with the Environmental Protection Agency, the Department of Interior and the Department of Commerce, all of whom must also approve the final report. As a result of this collaboration, the project includes an extensive mitigation plan, which is an integral part of the recommended improvements and are intended to restore, preserve, and adaptively manage the surrounding ecosystem, which includes the Savannah National Wildlife Refuge. Port of New York and New Jersey The Administration today committed to completing all federal permit and review decisions for the Bayonne Bridge by April of 2013, shaving months from the schedule. In addition, the Administration will complete all remaining federal reviews for the New York and New Jersey Harbor by May of 2013. New York and New Jersey Harbor Coordinating Agency: US Army Corps of Engineers Target date for completing all Federal permit and review decisions: May 2013 The Port of New York and New Jersey is the largest port on the East Coast. Through the port’s major container terminals, waterborne cargo moves to all parts of the United States and throughout the world. The Army Corps is in the final stages of constructing an authorized project that will deepen existing Federal channels that provide access to four container terminals to a depth of 50 feet, enabling the navigation channel to accommodate larger cargo vessels and other ships, ultimately facilitating a more efficient movement of goods. The Corps expects to complete this $1.6 billion project in 2014. In order to fully realize the potential economic returns from this improvement to the navigation channel, the Port also plans to raise the Bayonne Bridge. Bayonne Bridge Raising Coordinating Agency: US Coast Guard Target date for completing all Federal permit and review decisions: April 2013 The Port of New York and New Jersey plans to raise the height of the Bayonne Bridge by 2016 in order to provide enough vertical clearance to allow access to the Port's main container terminals by larger container vessels able to transit to the Port of New York/New Jersey due to deepening of the New York Harbor's navigation channels by the Army Corps of Engineers. This project, which is estimated to cost $1 billion paid with the Port Authority funding, involves raising the roadway from 151 feet to 215 feet above mean high water, while preserving the bridge's historic arch. Effective coordination between the Port Authority and the Coast Guard (the federal coordinating agency) and with other Federal agencies, is anticipated to reduce the overall permit decision-making and review timelines by several months. Port of Charleston The Administration today committed to completing all federal reviews for the Port of Charleston by September of 2015. Charleston Harbor Coordinating Agency: US Army Corps of Engineers Target date for completing all Federal permit and review decisions: September 2015 Under its planning modernization process, the Army Corps is implementing an aggressive planning schedule for the Charleston Harbor Feasibility Study that will examine the benefits and costs of deepening the Federal navigation channel for Charleston Harbor from its existing depth of 45 feet to a maximum of 50 feet to accommodate larger cargo vessels and other ships, ultimately facilitating a more efficient movement of goods. The study is expected to be complete within 3 years – much earlier than the over 10 year average.

### Doesn’t Solve HSR

#### Doesn’t solve HSR

**CMAP 7/13/12- Chicago Metropolitan Agency for Planning ( “MAP-21 and CMAP Reauthorization Principles”,** <http://www.cmap.illinois.gov/policy-updates/-/blogs/372873>). Ee

**Despite these positive reforms, MAP-21 still represents a missed opportunity for federal transportation policy.** Perhaps the law’s greatest failing is that it lacks meaningful reforms of how the federal transportation program is financed. It does not provide new sustainable resources based on transportation user fees, nor does it substantially expand state and local governments’ ability to raise revenues through tolling. MAP-21 does not increase funding levels beyond a modest inflation adjustment, relying on a number of totally unrelated revenue sources to patch together sufficient funding to keep the Highway Trust Fund solvent. MAP-21 does increase innovative financing opportunities, primarily through an expanded Transportation Infrastructure Finance and Innovation Act (TIFIA) federal credit assistance program. While lower financing costs can catalyze state and local investment, increased federal funding for TIFIA crowds out resources for the traditional core programs. CMAP is also concerned that MAP-21 fails to include a comprehensive freight program. Rather than providing a robust, multimodal national program, MAP-21 is overly highway-focused and provides no support for high-speed rail. Though it encourages state freight plans and advisory councils, the legislation does not provide for MPOs to have a meaningful voice in those state venues. Further, CMAP is concerned with some changes to the metropolitan planning process. While MPOs will be responsible for programming a slightly larger share of federal transportation funds, MAP-21’s consolidation of programs expands the projects eligible for this funding. As such, metropolitan regions may find it difficult to maintain adequate levels of support for core program areas while meeting emerging transportation needs. Additionally, MAP-21’s emphasis on performance measurement falls short of the new direction envisioned in CMAP’s reauthorization principles. It appears that performance targets will be somewhat narrow in scope and will not be tied to funding allocations. MAP-21 should improve the transparency of federal transportation spending through reporting requirements, but it is unclear whether the bill will meaningfully affect transportation outcomes.

### Doesn’t Solve Car-Centrism

#### Doesn’t solve car-centrism

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On a macro level, though, the bill does not appropriately align available resources with the needs of constituents. The bill gives the vast majority of funding to highways and roads, modes of transportation that are becoming increasingly antiquated due to demographic shifts -- for the first time since the 1920s, urban growth is outpacing suburban growth. Given that urban dwellers are more likely to use public transit and alternative transportation infrastructure, a strong transportation bill should increase dedicated funding to those modes of transit as more people choose to live in cities. Yet, the exact opposite happened. Since the last transportation bill, funding for alternative transportation decreased significantly. Bike/ped funding suffered a 33 percent decrease, and states can choose to reallocate much of that funding to roads, decreasing it by an additional 33 percent. Given that 2011 had one of the highest levels of mass transit ridership in decades (10.4 billion trips), and between 2001 and 2009 the average annual vehicle miles traveled (VMT) by Americans ages 16 to 34 fell by close to a quarter while transit ridership, biking, and walking increased, transit should receive a greater share of the funding. In this regard, MAP-21 fails to meet current transportation demands. Under this type of allocation scheme, cities cannot keep up with the same breadth of transportation that is found in many suburban areas. While transit must compete for funding, highway funding is guaranteed, and the government is further incentivizing driving by offering a $240/month tax cut for parking and only a $125/month tax cut for using public transit. These numbers should be, at minimum, re-equalized (as they were in the Stimulus) to reward urban dwellers as well. The United States is not a car-dependent country any more. An ever-growing portion of the population now lives in cities and is choosing to live without private automobiles. To create transportation options for this changing demographic, Congress should allocate funding to support public transit, biking, and walking in the same manner it has been supporting driving for decades. The good news is that it is already time to start thinking about the next surface transportation bill. This time, though, America needs a bill for the 21st century that strongly supports alternative transportation and recognizes that urban density is an increasingly important priority for many Americans, young and old.

### Non-Unique’s HTF Tradeoff

#### Funding comes from HTF

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The bill spends too much, and to pay for this overspending, it contains transfers from the general fund, which are themselves paid for through new revenue streams. Some of the policy changes that yield new revenues are unacceptable, but beyond that, new revenue should not be used for new spending. The bill also continues diverting HTF funds to costly and wasteful transit programs. Spending Is Too High. To fund transportation programs through 2014, the bill would spend $120 billion, or $60 billion per year. Though consistent with current spending levels, it is well above what the HTF will collect: According to the Congressional Budget Office, the trust fund will run out of money in 2013, meaning spending is clearly outpacing revenues.[3] Keeping spending within the limit of the trust fund puts pressure on lawmakers to return control of transportation programs and their funding to the states. Transfers from the general fund to pay for the bill would be offset mostly by pension and flood insurance changes. One pension-related reform would allow private businesses to invest less money in their employees’ defined-benefit pension plans. This is terrible policy that would harm the position of many under-funded plans. It also increases taxpayer risk of a pension bailout through the Pension Benefit Guaranty Corporation (PBGC).[4] The other increases the premiums that an employer must pay to the PBGC for insurance. This change is good policy, but revenues should shore up PBGC instead of paying for additional spending. Similarly, revenue gained from higher premiums to the National Flood Insurance Program (NFIP) should begin to repay the $17.5 billion the program owes to taxpayers—not to pay for more spending.[5] A different change to the NFIP would require that homes located near a levee or similar structure must have NFIP coverage. This would protect both homeowners and taxpayers. However, new revenues generated by sound policy reforms should go toward reducing the country’s unsustainable deficits—not new spending. Continues Transit Diversion. The HTF is in an unhealthy state due to declining gas tax revenues, caused in part by changes in motorist habits, gas prices, and increasingly fuel-efficient cars. The diversion of up to 35 percent of funds to non-general-purpose road projects exacerbates this problem. Transit programs are the most egregious recipient, siphoning off 20 percent of revenues. They are incredibly costly, do not deliver on promises to reduce congestion or improve air quality, and commit state taxpayers to paying operating subsidies for years to come that they cannot afford. Continues Subsidizing Student Loans. The bill would extend the 3.4 percent interest rate on subsidized Stafford student loans, saving the average student about $7 per month.[6] However, keeping these college loan rates artificially low and saddling taxpayers with the $6 billion price tag fails to fundamentally drive down the cost of college in the long term. Ever-increasing federal higher education subsidies have exacerbated the college cost problem, and maintaining the 3.4 percent rate on Stafford loans is yet another federal subsidy. Part of the pension reform described above would offset the cost of extending the loan rates, but this amounts to one bad policy on top of another. Get Serious. The federal government’s overreach into transportation program and funding decisions has increased, fueled by the misguided premise that Washington must have a say in how every transportation dollar is spent. With this has come more regulation—as well as funds being spent on programs that have little to do with general purpose roads. Some of the reforms in this bill that give states more flexibility over their money and reduce the burden of red tape are positive steps toward reversing those trends. Lawmakers are responsible for changing course, and that means cutting spending to live within the federal government’s means—in this case, within the limits of the HTF. This bill does not meet that goal. The use of new revenues—from both good and bad policy changes—to pay for the overspending is particularly unacceptable. Congress should demonstrate that it is serious about curbing its overspending habit.

### Non-Unique’s Politics

The Senate and the House were in gridlock over the Transportation Bill

Holeywell 6/26-Senior Staff writer at Governing, published in the Washington Post, and USA Today, appeared on CNN, BA from George Washington University (Ryan, “Deadline for Transportation Bill Nears”, Governing, 6/26/12 http://www.governing.com/blogs/fedwatch/gov-deadline-transportation-bill-nears.html)//RP

It's crunch time for Congress: The latest extension on the country's transportation legislation is set to expire Saturday. SAFETEA-LU, the law that authorizes federal spending on highways and transit, expired exactly 1,000 days ago today. Since then, Congress has passed a series of stopgap extensions to prevent its expiration. As it stands, Congress is the closest it's ever been to passing a new long-term extension of the law, though that term is relative, since the long-term extension would actually last less than two years. The Senate has passed a new transportation bill, known as MAP-21. But the House failed to pass a long-term extension, and is now in conference committee negotiations with the Senate. Those negotiations haven't gone smoothly. House Republicans have said Senate Democrats are relying on accounting gimmicks to fund the transportation program. Meanwhile Senate Democrats aren't happy that House Republicans are attaching controversial add-ons to the legislation, like approval of the Keystone XL Pipeline.

Transportation Bill proves gridlock over transportation

Capuano 6/20-US Representative from Massachusetts, served as chief legal council for Massachusetts General Court, AB degree from Dartmouth College, law degree from Boston College Law School (Michael, “It should not be this difficult”, The Hill, 6/20/12, http://thehill.com/blogs/congress-blog/economy-a-budget/233851-it-should-not-be-this-difficult)//RP

It shouldn’t be this difficult to pass a bill that everyone agrees will create jobs. But nothing in Washington is easy these days. So what seems to be the problem? Some Members are insisting that language directing the Administration to take action on the Keystone XL pipeline must be included – even though it doesn’t really belong in a transportation bill. Others are insisting on limiting funding for the bill and on limiting its scope to a year or two. Previous transportation bills have provided enough funding and covered multiple years, giving states and municipalities some long-term certainty when it comes to planning projects. None of these issues should prevent progress on the most important transportation legislation that Congress considers. So what’s really going on here? In short – we have the latest example of the complete unwillingness of some Members to compromise on anything. House leadership would not even put the Republican version of a transportation bill on the floor because they couldn’t get enough of their own Members to support it. You hear a lot of talk in Washington about improving the economy and creating jobs. If that is really the goal, then the transportation bill should pass quickly and it should pass easily. Of course, that’s not happening. By way of reminder, the last time Congress reauthorized transportation spending, which was in 2005, the Conference Report passed the House by a vote of 412-8. I don’t think anyone would dispute the fact that infrastructure spending creates jobs and a comprehensive transportation network is a benefit to a strong economy. A 2007 Federal Highway Administration study concluded that for every $1.25 billion in federal spending on transportation infrastructure, 35,000 jobs are supported. There is broad agreement that if the Senate-passed transportation reauthorization bill were put to a vote in the House, it would pass with overwhelming bipartisan support. It passed in the Senate with a vote of 74-22. That’s not because it is a perfect bill, it isn’t. The Senate bill is, however, an acceptable compromise in the current climate. So why not put it up for a vote? There is really only one reason - a small group of uncompromising extremists in the House Republican Caucus is putting enormous pressure on a majority of Republicans, and that majority won’t stand up to the extremists in their own party and seek reasonable compromise. This type of politics is a recipe for disaster. If Congress cannot deal with what has historically been bipartisan legislation, how can anyone expect action on the more controversial issues that we all know will be coming up in the months ahead? The gridlock over the transportation bill is emblematic of what I believe is a fundamental question that is playing out in almost everything that Congress debates lately.

### Popular

#### Transportation bill proves that the plan escapes political backlash

HD 6/30 (Hickory Daily Record “Congress proves bipartisan effort does work” June 30, 2012 <http://www2.hickoryrecord.com/news/2012/jun/30/congress-proves-bipartisan-effort-does-work-ar-2398892/>) // CG

Independence Day is time to celebrate freedom and wave the flag. The flag is a symbol of unity, yet there is more discord than harmony under the flags that fly over Washington, DC. After the bitterness expressed in recent days over the Supreme Court decision on the Affordable Care Act and the tug of war over the US attorney general and a gun-tracking scheme that went all wrong, it was good to see a bipartisan effort bear fruit. Friday, Congress showed what working together can accomplish by easily passing a federal transportation bill. President Barack Obama’s is expected to quickly sign the bill that appropriates more than $100 billion for highway, mass transit and other transportation programs over the next two years. The money goes for projects that would have expired Saturday without congressional action. More good news is that the bill contains a separate provision to freeze interest rates on student loans. Now, interest rates of 3.4 percent for subsidized Stafford loans for undergraduates will continue for another year, instead of doubling for new loans. Today was the day the rates would have zoomed upward, so Congress squeaked by another dramatic deadline. Had the transportation/college loan package failed, the 7.4 million students expected to get the loans over the coming year would have had to pay more to finance their education. Representatives and senators surely were aware of the ill will that would have created only four months from Election Day. Both sides will try to get political mileage from the bill, but this legislation is an example of a lot of congressional business: It’s good for America. The transportation money will save and create jobs. It will help maintain the nation’s critical infrastructure. Maintaining low interest rates on college loans will provide welcome assistance for students and their families trying to finance a good education in the midst of a still-stumbling economy. Friday’s congressional action is something everyone can crow about, including the people who are the beneficiaries of a refreshing bipartisan effort. How significant were the votes from a political standpoint? The Democratic-led Senate passed the bill 74-19. Minutes earlier, the Republican-dominated House approved it 373-52. That’s a study in unity, in cooperation, and in doing what’s right for the nation. Let that be a lesson to Congress and the administration that it’s possible, necessary and critical to put partisan gamesmanship aside at times for the overall good of our citizens. That thought and their actions are worth some extra flag-waving this Independence Day.

#### It overwhelmingly passed and avoided Congressional bickering – will spill over to the plan

The Hill 7/6 (“League of Cities: Highway bill shows the possibilities of bipartisanship” 07/06/12 02:24 PM ET http://thehill.com/blogs/transportation-report/highways-bridges-and-roads/236477-league-of-cities-highway-bill-shows-the-possibilities-of-bipartisanship) //CG

The lobbying group for the city governments said Friday that the $105 billion transportation bill that will be signed by President Obama is proof that bipartisanship is still possible in a very divided Congress. Lawmakers in both chambers voted by large margins last week to approve the transportation bill, which provides funding for road and transit projects for the next two years. The measure is the first new transportation spending bill approved by Congress since 2005. The Washington, D.C.-based National League of Cities said the bill could be a harbinger of things to come in the legislative process if Congress continues working together. “This bill is an excellent example of what can happen when individuals set aside differences and move past political point making to work on a bipartisan basis to get things done," NLC President Ted Ellis said in a statement. "It is often said that potholes do not have a party affiliation. The same can be said for many other issues as well," Ellis continued. "Our national economy needs, and our residents have a right to expect, Congress and the administration to work together and give cities the tools, like the transportation bill, to drive economic growth.” Ellis said the transportation bill was "long overdue," but he said the new measure would give cities "the certainty to move forward and implement long-term transportation projects that our nation desperately needs." The highway bill was part of a legislative burst of activity before the July 4 holiday that also included deals between Democrats and Republicans on student loan interest rates and the National Flood Insurance Program. Obama is scheduled to sign the transportation bill on Friday afternoon after he returns to Washington from a campaign trip to Ohio and Pennsylvania. Obama has made clear he plans to run against Congress, accusing it of inactivity since Republicans took control of the House in 2010. But the broad, bipartisan legislation that Obama will sign Friday could complicate that message.

### New Spending Unpopular

#### Post-transportation bill spending triggers the link

Investor Politics 7/12/12 (Benjamin Nanamaker, InvestorPlace Money & Politics Editor “Reid: New Spending Bills Unlikely In 2012

Election year politics, squabble with House Republicans to blame” Jul 12, 2012, 3:30 pm EDT [http://www.investorplace.com/investorpolitics/reid-new-spending-bills-unlikely-in-2012/) //](http://www.investorplace.com/investorpolitics/reid-new-spending-bills-unlikely-in-2012/)%20%20//)CG

Those hoping that the passage of a bipartisan transportation and student loan bill signaled a shift away from partisan bickering in Congress, prepare to be disappointed. Senate Majority Leader Harry Reid, D-Nev., indicated Tuesday that he does not believe the Senate will move forward on any more spending bills this year. What’s the hold-up? Reid blames House Republicans and a difference in opinion over the total level of spending the government should engage in. Democrats want to stick with a $1.047 trillion level that was set by last year’s Budget Control Act, while Republicans want a $1.028 trillion budget for the coming year. These squabbles have made it difficult for spending bills to get out of the Senate. So far this year, the Senate Appropriations Committee has passed nine spending bills, none of which has made it onto the Senate floor for voting. Again, this is likely a case of Republicans biding their time until the fall election shakes out, after which they hope to have Romney in the White House and a majority in the Senate to match their House majority. Until then, all Reid and the rest of American can do is wait.

#### Passing *any other* transportation bills will be politically impossible

Yonah Freemark 7/1/12- urbanist and journalist who has worked in architecture, planning, and transportation (the transport politic, Congress Passes Major Transportation Bill, Preserving the Status Quo)<http://www.thetransportpolitic.com/2012/07/01/congress-passes-major-transportation-bill-preserving-the-status-quo/>

MAP-21 replaces SAFETEA-LU, the last long-term federal transportation bill, which expired in 2009; in the meantime, we have seen extension after extension of that law and a seemingly never-ending set of grueling disagreements about the future of mobility policy in the U.S. that revealed stark partisan differences about the role of the federal government in directing the construction and maintenance of the nation’s road and transit systems. There have been points in this debate when the chances of a bill passing — any bill other than an extension — seemed close to nil. Democrats have demonstrated a sincere interest in expanding the amount spent on new transportation capital, especially in high-speed rail and transit, as illustrated by [President Obama’s proposal in early 2011 for a $556 billion, six-year bill](http://www.thetransportpolitic.com/2011/02/14/president-obama-proposes-major-funding-increases-reorganization-for-nations-transport/). Republicans, meanwhile, have argued for constraining 1the amount spent on highways to revenues collected from fuel taxes — and [abandoning efforts to expand funding for sustainable mobility](http://www.thetransportpolitic.com/2012/02/06/time-to-fight/). But ultimately the two sides have similar goals: [To maintain existing transportation funding without increasing taxes to pay for them](http://www.thetransportpolitic.com/2012/06/10/in-which-the-rhetoric-of-fiscal-conservatism-ceases-to-convince/); in other words, to preserve the status quo.

### Includes NEPA

#### Map- 21 can be coupled with NEPA- provisions say all transportation must be eco- friendly.

**ARTBA 12**- American road and transportation builders association, ( no specific month and day, “ Senate Two-Year Reauthorization Bill: MAP-21 Overview and Analysis”, <http://www.artba.org/mediafiles/artba-summary-of-map-21.pdf>).

MAP-21 would make significant improvements to the project delivery process in an effort to shorten the amount of time involved in the review and approval process. The legislation establishes a “project delivery initiative” which directs the secretary of transportation to advance methods of accelerating project delivery. It establishes a clearinghouse for collecting different approaches to accelerating project delivery and directs the secretary to engage stakeholders, disseminate information and provide technical assistance in order to improve project delivery time. In terms of specific changes to the project delivery process, project sponsors may acquire property necessary for a project prior to the completion of NEPA reviews. There are, however, qualifications placed on this type of acquisition, including that it must not cause any “significant adverse environmental impact” and does not prevent the lead agency from making an impartial decision on alternatives to be considered

### Expanding CE’s

#### Categorical exclusions expanding now

**ARTBA 12**- American road and transportation builders association, ( no specific month and day, “ Senate Two-Year Reauthorization Bill: MAP-21 Overview and Analysis”, <http://www.artba.org/mediafiles/artba-summary-of-map-21.pdf>).

The legislation also expands the use of categorical exclusions (CEs) as part of the environmental review and approval process required for transportation projects under the National Environmental Policy Act (NEPA). CEs are the least burdensome form of environmental review required under NEPA and are reserved for projects with minimal environmental impacts. Projects with greater impacts are required to undergo more time consuming environmental assessments (EAs) or environmental impact statements (EISs). The diﬀerence between a CE and an EIS can be multiple years in additional time spent on project review. MAP-21 would attempt to expand the use of CEs by adding new classes of transportation improvements which would automatically qualify for CE status. Speciﬁcally, MAP-21 would allow multi-modal projects and projects within an existing right-of-way to qualify for CE status. Further, the secretary is directed to promulgate regulations which will also grant CE status to highway modernization projects (resurfacing, restoration, rehabilitation, reconstruction and adding shoulders or auxiliary lanes), highway safety projects and bridge rehabilitation projects.

#### MAP-21 expanded categorical exclusions to NEPA

**ARTBA 12**- American road and transportation builders association, ( no specific month and day, “ Senate Two-Year Reauthorization Bill: MAP-21 Overview and Analysis”, <http://www.artba.org/mediafiles/artba-summary-of-map-21.pdf>).

The concept of delegating the responsibility for environmental reviews to the states, started in SAFETEA-LU, is continued and expanded upon in MAP-21. Under SAFETEA-LU, a pilot program was established allowing ﬁve states (Calif., Alaska, Ohio, Texas and Okla.) to assume the role of the federal government during the NEPA process. This, in essence would allow the states to conduct environmental reviews, potentially saving time as a result of not having to go through multiple federal agencies. Of the ﬁve states allowed to participate in the delegation pilot program under SAFETEA-LU, only California chose to do so. While the reason for non-participation by the other states varied, potential liability and litigation costs were an overriding issue, as the state would also be assuming federal responsibilities for litigation over any project where delegation was used. MAP-21 expands upon the SAFETEA-LU program by allowing all states the option of assuming federal environmental responsibilities. MAP-21 would also extend SAFETEA-LU’s option for all states of assuming responsibilities for just CEs as opposed to the entire NEPA process. Further, MAP-21 would authorize states to use CMAQ funding for litigation costs associated with delegation of either the entire NEPA program or just CEs.