

# CREATING SAFE, SUSTAINABLE, MULTI-MODAL URBAN TRANSPORTATION



The National Association of City Transportation Officials (NACTO) is a coalition of cities and transit agencies of all sizes across North America—hubs of economic activity, home to the majority of people, and the sites of our greatest transportation challenges and solutions. Cities, with their promise of diversity, inclusion, and opportunity for all, are the lifeblood of our country, our democracy, and our economy. NACTO’s mission is to build cities as places for people, with safe, sustainable, accessible, and equitable transportation choices that connect people with opportunities, support a strong economy, and contribute to a high quality of life.

A connected transportation system makes our metropolitan economies possible, and we look to states, the US Congress, and the Administration to work with cities and transit agencies in formulating a legislative and regulatory environment that truly supports growth and prosperity for all. NACTO is committed to empowering cities to realize their goals for stronger, safer, and fairer transportation and communities, and we look forward to working with others who share this commitment. NACTO supports infrastructure policies and transportation projects that align with our core values, which include safety, sustainability, equity, and accessibility for people of all ages, abilities, and backgrounds. We believe that transportation infrastructure should serve the public good and that the public sector should ensure the wise use of taxpayer dollars in building roadways, bridges, and transit.

NACTO’s core principles and priorities for city transportation in state and federal legislation and regulation are:

- 1 Eliminate traffic fatalities by making safety transportation’s top priority.
- 2 Build an equitable, complete transportation system that connects all people to their destinations.
- 3 Lead the transition to a low-carbon transportation system.
- 4 Secure funding and ensure responsible use of transportation dollars.
- 5 Enable local control over project selection and development.
- 6 Prioritize and expand transit to meet the nation’s current and future mobility needs.
- 7 Research and leverage emerging technologies to advance public policy priorities.

## Eliminate traffic fatalities by making safety transportation's top priority.

Policies and legislation at all levels of government should prioritize safety for all modes, encourage urban street designs that are safe for people walking and bicycling, and promote an approach to urban transportation that aims to eliminate fatalities and serious injuries on streets and highways. A future where no one is killed or severely injured by statistically predictable, preventable motor vehicle crashes is possible with coordination between government at the city, state, and federal levels. Thoughtful policy and design choices can reduce excess speeds and reckless driving and improve protections for people walking, biking, and taking transit. NACTO urges USDOT, FHWA, and their state-level partners to dedicate programmatic resources to bringing traffic fatalities and serious injuries to zero.

**Adopt a national goal to eliminate fatalities on the nation's roadways.** 36,560 people were killed in motor vehicle crashes in the US in 2018, with pedestrian deaths numbering 6,283—the highest level in 30 years. The US has the dubious honor of having the worst per capita fatality rate in the industrialized world; double the rate of our Canadian neighbors and quadruple that of our European counterparts. The Federal government must lead the effort to reverse this trend. NACTO urges the dedication of federal resources to plan and implement a program to eliminate traffic fatalities as proposed in the Vision Zero Act of 2019, and make Vision Zero a reality nationwide.

**Allow cities to set their own speed limits.** States should permit cities to set their own speed limits, recognizing that default speed limits create predictable conditions for all users. Instead of requiring engineering studies to create lower spot speed limits, city and state standards and practices should focus on the need for safety-first engineering and planning when speeds in excess of 25 mph are present, or 20 mph in some cities.

**Adopt the NCUTCD's recommendation to reform speed limit setting standards and guidance in the MUTCD and other Federal documents.** FHWA and USDOT should take prompt action to expedite the Manual on Uniform Traffic Control Devices (MUTCD) update. The prevailing speed limit setting method in the US instructs traffic engineers to set speeds based on the 85th percentile speed of free flowing traffic. This approach was originally recommended in the 1940s based on the engineering assumption that drivers choose their travel speeds according to roadway and weather conditions, and that they always drive at reasonable speeds. Additionally, these supporting studies relied on self-reported crash data and were conducted on two-lane rural highways, devoid of any multimodal activity. The National Committee on Uniform Traffic Control Devices,

a practitioner organization of which AASHTO and ITE are founding members, advises a change in practice. FHWA should replace guidance that makes use of the 85th percentile methodology with consideration of factors such as crash history and pedestrian and bicyclist safety when setting speed limits.

**Scale up resources for Complete Streets implementation nationwide.** The majority of federal funding goes towards building and expanding roads while almost none goes to support bike and pedestrian projects. The amount of funding dedicated to these projects is about 7 percent of the Surface Transportation Program's funding and less than 1 percent of overall transportation funding. This means that infrastructure and design features protecting pedestrians, cyclists, and transit riders are largely neglected. To correct this imbalance, Congress should require states' and other entities' road projects funded with Federal money to meet Complete Streets criteria as proposed in the Complete Streets Act of 2019. State-level resources must supplement Federal funding to ensure Complete Streets standards are met.

**Allow cities to use automated traffic enforcement technology.** NTSB's "Reducing Speeding-Related Crashes Involving Passenger Vehicles" study closely links US traffic fatalities to excess vehicle speeds. Data shows that speed camera enforcement is one of the most effective forms of traffic enforcement, reducing unlawful, dangerous speeding by over 60% while reducing the burden on law enforcement. Camera enforcement of red lights, bus lanes, and clear intersections ("blocking the box") is also critical for maintaining safe streets. In future legislation, NACTO urges Congress to direct states to allow cities to use automated traffic enforcement technology and authorize the use of Highway Safety Improvement Program (HSIP) funds to implement these programs.

**Prohibit states from setting negative safety performance targets.** Some states have set annual safety goals using formulae that perversely allow the state to meet its targets by increasing the number of people killed in motor vehicle crashes. Others have specifically set target numbers for fatalities and serious injuries (KSI) among people walking or biking, that are higher from year-to-year, not lower. Congress and the Administration must hold states accountable by prohibiting negative safety performance targets and denying funding for plans that do not contain a strategy for improving road safety.

**Adopt an equivalent of the United Kingdom's Direct Vision Standards to reduce fatalities by regulating vehicle weight and height.** Since 2010, NHTSA has documented that high-front vehicles present increased risks to people walking and biking. Vehicle design features such as cab-over design, high-visibility "peeper-window" doors, and enhanced mirrors can complement other vehicle safety features. USDOT should create a nationwide program modeled after the UK's direct vision standards for heavy goods

vehicles to end the deployment of increasingly large, heavy, dangerous light trucks and passenger vehicles and improve driver visibility for the protection of all road users. NACTO also encourages government at all levels to take advantage of opportunities to “right-size” vehicle fleets to meet urban contexts, and use planned fleet purchases to strengthen the market for appropriately sized, high-quality, high-visibility, and high-performance vehicles.

**Adopt and strengthen requirements for side guard protections on trucks.** NACTO commends the National Highway Traffic Safety Administration (NHTSA) for advancing rules that will require rear impact guards and other safety features in single-unit trucks and tractor trailers. Following recent product testing by the IIHS, NACTO calls on NHTSA to adopt requirements for Angel Wing-style side impact guards on all trucks to prevent underride and increase protections for other road users.

**USDOT and Congress should explore promising new vehicle design technologies to improve safety.** NACTO encourages NHTSA and city and state governments to explore promising new safety technologies such as intelligent speed assistance, automatic emergency braking (AEB), and forward collision warning (FCW) and to require that all such sensors are designed to accurately detect, identify, and respond to moving cyclists, pedestrians, and other non-vehicular road users. In the interim period before federal rules are finalized, states must have the authority to set their own standards. Additionally, manufacturers should be required to test their systems using the existing European Union’s New Car Assessment Programme (NCAP) rules and post the results in a form that is available and easily understood by the public.

**Establish legal protections for vulnerable road users.** At least eight states and a number of cities have passed “Vulnerable Road User” laws that deter dangerous driving behavior and hold dangerous drivers accountable, and provide legal protection to people who are injured or killed while walking or using a bicycle, wheelchair, or other non-motorized transportation. Without such laws, there are often no criminal charges or legal consequences for people operating motor vehicles who injure or kill people walking, biking, or rolling – even while the driver is breaking other traffic laws. NACTO urges the passage of “Vulnerable Road User” laws at every level around the country and nationally.

**Direct states to allocate Highway Safety Improvement Program (HSIP) funds to roadway owners within states based on the share of deaths and serious injuries (KSI) occurring on their roadway mileage.** HSIP funds should target the highest-need areas, prioritizing safety improvements on the nation’s most dangerous roadways. Congress should allow for greater freedom in funding flexibility by authorizing the use of highway dollars to new and existing state and local traffic safety initiatives.

For instance, the 2019-2020 SAFE Streets Act allocates HSIP dollars to MPOs with above average rates of vulnerable user fatalities to carry out safety improvement projects. Improvements in safety performance should be tied to rewards for jurisdictions.

**Allow jurisdictions to prohibit right turns on red as a default condition.** Research conducted since right turns on red became common across the US in the 1970s shows this maneuver disproportionately endangers pedestrians and cyclists. With pedestrian fatalities on the rise, cities should have the authority to ban right turns on red, particularly in densely populated urban areas. In 2019, the Institute of Transportation Engineers (ITE) revoked of its own long-standing guidance that had encouraged the use of right turns on red.

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## Build an equitable transportation system that connects all people to their destinations.

Today's transportation system is deeply inequitable. Chronic neglect of alternatives to single-occupancy driving as well as historical inequities in investment patterns across the United States have contributed significantly to the barriers to opportunities, lack of mobility, and the higher burden of traffic violence in low-income and communities of color. Project and programming decisions should prioritize a focus on racial and economic equity, take into account historical degradation of communities through transportation decisions, and plan and build communities with those who live there. Further, investments in transportation should be evaluated as part of multisector investments in cities.

**Measure accessibility to jobs and services.** Transportation is a major factor in the ability to access jobs, housing, education, and other necessities for people in low-income communities and people of color who have been historically disenfranchised, as well as for attracting employers to cities. The success of a transportation system depends on how well it connects people to jobs and services and governments should prioritize projects that improve accessibility. NACTO urges Congress and USDOT to develop an accessibility measure, based on the newly available, vast quantities of travel data, to evaluate new projects and hold agencies accountable accordingly. The 2019 COMMUTE Act pilots accessibility as a metric by creating a program that would require USDOT to provide access data to five states, five large MPOs, five small MPOs, and five regional planning organizations and improve their transportation networks accordingly.

**Prioritize Universal Design and access in Federal and state design guidance and funding.** Universal design elements are those that allow street users of all ages and abilities to travel to their destination safely and comfortably. Design features such as color, lighting, and tactile cues can facilitate ease of movement and access to transit stations for all users, especially people using wheelchairs or mobility devices, the elderly, people with children and strollers, and people carrying groceries or packages. Federal and state design guidance should incorporate the needs of all user groups and make practices that incorporate the needs of disabled individuals default practice.

**Generate local job growth through the creation of additional “local hire pilots.”** Transportation is both a major factor in attracting employers to cities, and a job creator for cities. To ensure the economic growth is equitably distributed, NACTO urges Congress to bolster local hiring efforts and place-based economic development through the creation of a pilot program where projects receiving federal money can require contractors to hire from the area where the project is taking place.

**Discourage exclusionary zoning and burdensome parking regulations.** Equitable mobility outcomes are tied deeply to zoning and land use decisions made at the local level. Exclusionary zoning has been one of the foremost tools through which racial injustice is perpetuated from generation to generation. The de facto segregation of American metropolitan areas enforced through bans on the construction of multifamily housing, strict parking minimums, or minimum lot sizes, effectively price out low-income households and generate low-density land use patterns that make efficient transit service impossible. The Federal government should incentivize equitable zoning practices by rewarding communities that enact such policies, or withholding transportation funds from communities that retain exclusionary zoning.

**Tax benefits for transit and active transportation.** Congress should reduce and phase out federal pretax benefit for personal vehicle expenses while maintaining or increasing the pretax benefit for public transit, bikeshare, and personal bike ownership. Private ride-hailing companies should not be eligible for public transit pretax benefits.

**Ensure a fair, accurate decennial Census count.** Statistically valid public census data is critical to government transparency and policy formation, especially in the urban and transportation planning fields. An accurate count is essential for policymaking at the local level as well as for the federal government to determine funding levels for communities. The Administration should fully fund the Census Bureau's testing, outreach, and operations work to maximize response rates and gather accurate data to ensure that urban and rural communities alike receive funding tailored to their specific needs and characteristics. This must also cover a mandatory annual American Community Survey, and a more frequently conducted National Household Travel Survey.

**Encourage fare caps and alternative low-income fare options in cities for low-income riders and provide funding to study their implementation.** Federal and state governments should provide resources to transit agencies and cities to upgrade fare and payment infrastructure and explore alternative payment methods to improve ridership and enhance equity in their systems. Existing transit pricing systems around the world provide a model for how US cities can ease financial barriers to taking transit for low-income people. By capping fares, or tracking monthly fare payments and no longer charging a customer once they have paid the equivalent of a monthly pass, public agencies can make transit more financially accessible for users with lower incomes.

**Decriminalize walking, biking, and using public space.** Many jurisdictions have laws that target people walking and bicycling with significantly higher penalties than those levied on motor vehicle drivers who exhibit dangerous behaviors and put the safety of all roadway users at risk. When combined with insufficient infrastructure, these laws effectively prevent the practical use of the roadway by people walking and bicycling. Any laws that further restrict the use of the right of way by people walking or biking should be opposed to prevent discouragement of sustainable, legal modes of transportation and the exacerbation of the unequal legal burden placed on people walking and biking in the traffic system. These laws have also been disproportionately enforced in low-to-moderate income communities of color, a discriminatory practice that places people of color at significant risk and exposes people in communities that may lack financial resources to the negative impacts of mounting fees and fines. States should strike down laws that criminalize biking or walking for unproven safety benefits such as “Texting While Walking” or “Distracted Pedestrian” laws, obstruction of traffic, helmet requirements, and bicycle registration requirements.

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## Lead the transition to a low-carbon transportation system.

The transportation sector is the largest emitter of greenhouse gases in the US. This is the result of several decades of transportation policy structured to move large numbers of automobiles at high speeds over long distances above all other goals. In addition to killing tens of thousands per year and splintering countless urban communities, this system and the policies enabling it have devastating climate impacts. Transportation accounts for 29 percent of total GHG emissions, 83 percent of which come from driving. Reducing driving and expanding other modes of travel are essential for decarbonizing the transportation sector.

NACTO commends the Future of Transportation Caucus for centering sustainability in transportation policy and calls on transformative proposals like the Green New Deal to pay special attention to the surface transportation program. Policies at the state and national level must promote reductions in greenhouse gas emissions from transportation by reducing car use, supporting low-carbon modes, and incentivizing walkable land use patterns.

**Remove the prohibition on currently free roadways and allow road operators to institute user fees without federal approval.** Congestion and productivity lost to traffic has hit an all-time high in the US. Drivers spend an average of 97 hours per year stuck in traffic; the total cost of lost productivity and fuel waste reached over \$300 billion in 2017 alone. Annual vehicle miles traveled (VMT) also continues to climb, at a time when the transportation sector must dramatically reduce driving and emissions to prevent the worst impacts of climate change. At the same time, the reduction in funding available through traditional user fees such as gas taxes has drained the coffers of public agencies working to maintain existing roadways and bridges. With no gas tax increase since 1993, the federal Highway Trust Fund is running on fumes. NACTO calls on Congress and states to give localities the authority to price corridors and zones to raise the revenue to improve transit, maintain critical infrastructure, and manage demand on their most congested roadways. In order to fulfill the policy objectives pricing can deliver, it is essential municipalities retain control over revenues and have the flexibility to fund improvements to transit and active transportation.

**Adopt vehicle miles traveled (VMT) reduction goals in project rating and environmental review, and remove the level of service (LOS) metric.** States should adopt reforms to environmental review rules to remove vehicular LOS from the environmental review process and the project rating process. Reforms to the State of California's CEQA process allow VMT generated by projects to be reported as an environmental impact in place of motor vehicle delay, or LOS. Other jurisdictions should follow suit by removing LOS entirely from environmental review, and by adopting project rating systems that prioritize public and private investments that reduce VMT and increase the share of low impact travel modes such as public transit, walking, and cycling.

**Include greenhouse gas emissions as a transportation performance measure.** NACTO recommends that federal and state agencies track greenhouse gas emissions as part of performance measures for transportation, as proposed in the 2019 Green Streets Act. Federal, state, and metropolitan planning agencies should measure greenhouse gas emissions from transportation, establish greenhouse gas reduction targets, and assess and report on progress toward those goals.

**Expand funding for the Low and No-Emission Grant Program (“LowNo”) and other programs enabling transit agencies to upgrade their fleets.** With recent advances in battery technology and vehicle efficiency, transitioning urban transit fleets to electrification is the low-hanging fruit of reducing greenhouse gas emissions. However, higher up-front costs of procuring all-electric buses remains a barrier to many cities and agencies, even when cost savings justify investments. Created through the FAST Act in 2015, “LowNo” is a competitive grant program open to state and local authorities to help purchase electric transit buses and other emission-reducing vehicles. In the past four years, this program has disbursed \$277 million in small grants and enabled hundreds of transit agencies to partially upgrade their fleets. Congress and USDOT should expand funding for this program to scale up the transition to clean vehicles and enabling infrastructure among transit agencies.

**Expand opportunities at the state and Federal level to integrate land use and access to low-carbon transportation.** States should work closely with cities to select and prioritize projects that will work in harmony with land use plans to reduce congestion, improve quality of life and reduce the long-term environmental footprint of the transportation sector. The Pilot Program for Transit-Oriented Development Planning is one such program, supporting comprehensive planning to improve transit access at the local level through competitive federal grants. Congress and USDOT should make this pilot program permanent and scale up efforts to fund planning for projects that make transit, walking, and biking viable and attractive across the country.

**Maintain Corporate Average Fuel Economy (CAFE) and tailpipe emissions standards for passenger vehicles and light-duty trucks while developing stricter standards for future model years.** Cities rely on federal emissions standards to improve local air quality while mitigating the future impacts of climate change. The transportation sector is responsible for the largest share of greenhouse gas emissions in cities and federal standards such as CAFE are critical towards achieving reduction targets. NACTO recommends the Administration preserve a fuel economy goal of 54.5 miles per gallon for cars and eliminate the exemption for light trucks by model year 2025 to cut carbon emissions and other pollutants associated with fuel combustion. NACTO also urges preserved authority for states to adopt more stringent air pollution standards for motor vehicles than the federal government in order to meet their own climate and air quality goals.

**Encourage the electrification of municipal and for-hire vehicle fleets by reducing costs and barriers around electric vehicle (EV) purchasing.** The collective purchasing power of municipal governments can be leveraged to reduce the costs of EVs and charging stations

across the country to ultimately enable fleet transition. The Federal government can accelerate this process through the implementation of a transparent waiver process for the Buy America program and by funding enabling infrastructure to support EVs.

**Fund a national multimodal freight research program.** The volume of freight in urban areas is rapidly growing, with an estimated 16 billion package deliveries in 2020. In order to manage this growth, NACTO calls on the federal government to fully fund a national multimodal freight research program to study urban freight solutions. USDOT should lead a planning and research effort for a national freight system that supports economic development while also addressing and mitigating the negative impacts of freight movement, including local air and noise pollution and the safety risks of trains and heavy truck traffic on neighborhoods and local communities. Metropolitan areas and key ports should be a focus for the national freight system, as they represent some of the most complex and important links. This program should also study the impacts of drone delivery and expand last-mile freight options such as cargo e-bikes. Cities must be stakeholders in decision-making around freight policy and retain control over land use, airspace management, and noise mitigation.

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## **Raise funding and ensure responsible, equitable use of transportation dollars.**

Wise fiscal stewardship of the federal transportation program is necessary to maintain precious public goodwill and the resources needed to support a strong transportation system. Current federal transportation funding is dominated by formula programs that are applicable for a defined set of project types and, in the case of highway funds, administered by the states. These funds have historically been supported by user fees, through fuel taxes and other recurring sources. Since the gas tax has not been raised in 24 years, funding has dwindled, and Congress has increasingly looked to one-time support from the General Fund and other sources. In addition to securing a reliable funding source for maintaining and repairing transportation assets, Congress should invest funds to meet concrete policy goals and reward progress on safety, equity, and sustainability.

### **Decouple road mileage and vehicle miles traveled (VMT) from formula funding.**

Federal highway “formula” funding distributes money based on the amount of driving and number of road miles in each state, among other factors. This effectively rewards building new lane miles over priorities such as maintenance and safety improvements. NACTO urges Congress to reconsider the distribution of formula funds in order to

reward states for progress on raising existing road assets to a state of good repair, implementing complete streets, and improving road safety.

**Prioritize maintenance and complete streets over new roadways and major expansion projects.** Despite near-universal awareness of the deteriorating state of roads and bridges in the US, Federal and state policies do not require or prioritize the use of funds for maintaining or repairing infrastructure. In fact, many states continue to build new projects and expand road miles while the condition of existing assets worsens. Congress must strengthen performance measures and require states and other public agencies to raise existing road assets to a state of good repair and complete streets standards before spending limited public funds on capital construction.

**Raise fuel taxes to support safety, equity, and sustainability goals.** The federal Highway Trust Fund is currently on an unsustainable trajectory for future funding, undermining long-term transportation planning at all levels. Congress and the Administration should take every opportunity to create a stable funding source for roadways and transit. The Highway Trust Fund is primarily funded through taxes on fuel, both for diesel and gasoline. Federal fuel tax rates have not been raised since 1993, and their purchasing power has since declined significantly. Current spending levels cannot be supported beyond 2020 without new funding shifted to the Highway Trust Fund. NACTO urges Congress to index the gas tax to inflation in order to ensure the Highway Trust Fund remains solvent.

**Begin the transition to Vehicle Miles Traveled (VMT) and Zero Occupancy User fees to create new transportation revenue streams.** As gas tax revenues decline due to improvements in fuel economy and adoption of electric vehicles, Congress must seek alternative funding models for transportation. NACTO supports alternative road use fees, such as VMT or “pay-per-mile” fees for trucks and motor vehicles to supplement fuel taxes. Alternative pricing models will become increasingly important with the introduction of autonomous vehicles, where zero occupancy fees will be necessary to discourage trips without passengers. Policymakers at the state and federal levels should create pricing policies in anticipation of the potential increase in congestion posed by AVs and precursor technologies.

**Annually publish a user-friendly “report card” on how funds are spent.** Transparency must be a core principle of transportation funding. To this end, NACTO urges USDOT and state departments of transportation to create publicly available reports detailing how federal transportation funding is distributed and spent. These resources should be easily accessible online and present information in a clear, user-friendly manner.

**Support Public-Private Partnerships that work for the public.** Public-Private Partnerships (P3s) offer an opportunity to improve project delivery and operations for public services through lower costs and a greater focus on the customer. NACTO supports P3s where risk and reward are paired on each side of the partnership, and where the public benefits from the project match the public's investment via tax credits or other mechanisms. This means avoiding P3s that simply offload difficult public policy decisions, and embracing P3s that provide a lower total cost of ownership for the taxpayer. NACTO also opposes P3s that limit the government's ability to address future needs through contract terms that restrict future investments. Poorly formulated and executed P3s often lead to higher borrowing costs, and higher total costs over the lifetime of the project. Best practices in P3s align incentives with the private sector to speed project delivery, reduce costs (operating and capital), support multimodal investments, and protect the public's long-term interest.

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## **Enable local control over project selection and development.**

Cities and municipal governments build, own, and maintain the majority of roadway mileage in the US, and most activity happens on locally owned streets. Moreover, context-based design can only emerge from deep knowledge of local conditions. Street and highway transportation projects should be selected based on municipally defined needs and priorities, rather than a one-size-fits-all approach defined at the state or federal level. Federal policy can promote this by giving cities the authority, funding, and flexibility to select and build transportation projects suited to their unique conditions and context. NACTO calls for the alignment of responsibility, experience, and funding at the city level to promote the efficient use of taxpayer dollars. State departments of transportation should support city initiatives to implement projects within the NACTO Urban Street Design Guide, and cities should have the flexibility to use federal funds in accordance with local objectives.

**Authorize direct aid agreements between cities and FHWA to cut project delivery times and streamline funding transfers.** NACTO supports a direct-aid relationship between the Federal Highway Administration and cities, a move that could significantly reduce red tape and speed project delivery. NACTO urges that such relationships be modeled on the successful direct recipient relationship that cities already have with the Federal Transit Administration. Many NACTO member agencies have the same or greater staff capacities

and technical expertise as many state departments of transportation, yet are subject to arduous pass-through rules and regulations. These processes generally add little or no value to city projects, but invariably add months or years to project delivery.

**Establish that when states administer Federal funds to cities, they are neither required nor permitted to require cities to comply with state design standards or safety policy.** NACTO applauds USDOT and the nine states that have endorsed the Urban Street Design Guide to date. The Federal government should make explicit that states can and should endorse, use, and support cities in using the NACTO design guides to create safer, more inviting streets that encourage walking, biking, transit use, and public space. Cities should also have the authority to determine safety policy and interventions that are consistent with the local environment and context.

**Provide a NEPA categorical exemption for bikeway, pedestrian, and transit projects in existing public rights of way.** Most bike, pedestrian, and transit projects do not widen roadbeds, decrease or do not change motor vehicle travel, and do not expand the public right of way. These projects should be exempt from NEPA and state environmental review, since they *decrease* the impacts of motor vehicles. Project reviews by multiple agencies create exponential delays in project delivery and increased costs, often without changing the underlying project in any significant or positive way. States and the federal government should eliminate duplicative reviews, specifically for bicycle and pedestrian facilities in the existing right-of-way and for transit improvements that do not widen highways or roadbeds. Additional reviews based on critical environmental and labor protections should be streamlined, while maintaining their essential functions.

## **Prioritize and expand transit to meet the nation's current and future mobility needs in a scalable, sustainable manner.**

Transit is the lifeblood of city transportation, providing spatially-efficient mobility and freeing up street space for biking and walking, public space, freight delivery, emergency vehicles, and other critical transportation uses. In metropolitan areas, most expressways cannot be widened without negative impacts on businesses and residents, while transit investments can dramatically improve mobility while saving commuters money. Investments in public transit are investments in communities' vitality, making roadways more valuable and connecting people to employment, education, and amenities.

Despite these benefits, many of our mass transit systems are in crisis. Decaying transit infrastructure across the country is failing riders while undermining local and regional economies. Cities and transit agencies will need supportive state and federal partners to restore and expand good transit service by increasing funding for transit projects, honoring funding agreements in a timely manner, and reforming the federal transit program to fully serve all Americans.

**Reform the Capital Investment Grant program (CIG) to accelerate and scale up project delivery.** There are a number of reforms USDOT can make to CIG to strengthen the program's successful record of expanding mass transit across the country.

- Extend the project development (PD) phase beyond the current two year time limit. Two years is often insufficient to complete requirements under NEPA, preliminary engineering, and develop a reliable cost, scope, and schedule for large fixed guideway projects. Alternatively, pre-award authority should be extended to all expenses that are part of the scope of the project that are expended prior to FTA approval for entry into PD. This would allow project-related work to be completed prior to entry into PD and ensure the funding expended is eligible as local match.
- Index Small Starts thresholds to inflation and adjust grant amounts to reflect the increase in project construction costs since 2015.
- Ease the Local Financial Commitment criteria used to evaluate CIG projects for older transit systems. One of the Local Financial Commitment criteria considered is "Adequacy of meeting State of Good Repair (SGR) needs." Older transit systems often have SGR needs, but the transit system may also have a need for expanding service to underserved areas that would evaluate well on project evaluation criteria. This consideration of SGR needs currently favors newer transit systems and a revision would even the playing field.
- Reduce the Federal oversight where non-CIG contribution is below 50 percent or where the project sponsor has successfully implemented one or more CIG project of similar complexity in the past five years.
- Continue to include and/or strengthen existing practices to coordinate transit, affordable housing, and community development investments in the CIG evaluation criteria and ratings process.
- Require that 85 percent of CIG funds are obligated within an 18 month period.

**Expand the BUILD grant program to support transit projects by removing eligibility restrictions and caps on individual awards.** NACTO urges the federal government to expand the Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant program, which replaced the TIGER program in 2018, and to make this popular program more available to transit projects that support urban economies. BUILD provided \$1.5 billion in funding for important and innovative transportation projects in cities and towns last year. However, eligibility restrictions for this competitive funding pool are constraining the program's efficacy and leaving municipalities across the country unable to make necessary investments in their communities. To achieve BUILD's full potential, the Administration should remove the \$25 million cap on individual awards in favor of a holistic cost-benefit analysis to determine grant amounts and increase program funding for transit. Funding for transit projects leverages broader economic benefits than almost any other infrastructure initiatives, including generating manufacturing and construction jobs and long-term operations and maintenance opportunities across diverse skill and education levels. Furthermore, communities that stand to benefit most from programs such as BUILD and CIG are often least able to leverage new funding matches for critical investments. NACTO encourages the Administration to lower local match requirements for grant approval to accommodate communities at all resource levels.

**Expand and support mechanisms to increase private investment in infrastructure, through the Railroad Rehabilitation and Improvement Financing (RRIF) and the Transportation Infrastructure Financing and Investment Act (TIFIA).** NACTO urges the federal government to encourage more private sector investment in transportation through mechanisms such as a national infrastructure bank and Build America Bonds, to complement the federal government's commitment to public investment in infrastructure. The Transportation Infrastructure Finance and Innovation Act (TIFIA) program has been instrumental in bringing many visionary projects to fruition around the US, and should be expanded. Additionally, Congress should clarify that TIFIA and RRIF financing should be considered loans not grants, and therefore not count towards the federal portion of project funding. Instead, TIFIA funds should be considered towards a project's local match since the debt is repaid with money from non-federal sources.

**Reduce barriers to participation in the Pilot Program for Expedited Delivery.** The Pilot Program for Expedited Delivery allows the FTA to select up to eight projects for expedited grants, provided federal funding accounts for no more than 25% of the project's total cost. Congress should expand eligibility for participation in this program by increasing the federal funding share for this program from 25 to 50 percent to better leverage local investment through a public-private partnership. The program should also differentiate between newer and older transit systems, with an ease in eligibility requirements for legacy systems.

**Connect America's cities with world-class high-speed intercity passenger rail.** A federal commitment to improving rail infrastructure is critical to encouraging a growing market for medium-distance travel in the US, while alleviating traffic at hub airports. NACTO urges the federal government to place high-speed intercity passenger rail on equal footing with other surface transportation programs by providing dedicated federal funding for intercity passenger rail. The Federal government can also use the process of creating the Interstate Highway system as a blueprint for building a high-speed rail network by convening multiple state DOTs to plan and fund lines.

**Dedicate resources for transit agencies to study and implement new strategies to modernize service and provide mobility-on-demand.** Today, many metro areas are served by bus networks designed to take passengers to a central location. These radial systems facilitate rush-hour trips to a city's central business district but are inconvenient for the majority of trips people rely on transit to make. Most bus systems are also burdened with antiquated fare payment systems, where the time it takes riders to pay fares dramatically delays service. Federal and state governments should take an active role in improving transit service through the dedication of resources for transit agencies to study and implement changes such as bus network redesigns, integrated fare payment systems, and off-board fare collection to enable all-door boarding. Federal and state-level governments should also provide a broader definition of projects eligible for public investment.

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## **Research and leverage emerging technologies to advance public policy priorities.**

Mobility options in today's cities are rapidly evolving. New technologies such as ride-hailing apps, scooter share, and other on-demand mobility services have dramatically altered the landscape of urban transportation. Policies at the state and national level should assist city government in managing and regulating services utilizing the public right-of-way and making use of the data they generate. Thoughtful public policy should encourage innovation and use new mobility services as tools towards building a safe, equitable, multimodal, urban transportation system.

**Renew USDOT's Smart City Challenge and expand grant eligibility to multiple winners.** USDOT's 2015 Smart City Challenge asked mid-size cities to propose strategies for using emerging technology to meet a range of policy goals around transportation, sustainability, and economic development. The Administration awarded a \$40 million grant to the

city with the winning application. 78 cities participated in the Challenge and generated dozens of proposals designed to meet the program's goals. This level of interest from cities warrants continued investment from the Federal government to encourage innovation in public policy that integrates advanced technology. NACTO encourages USDOT to reestablish the Smart City Challenge and award funding to multiple cities to implement their proposals, as described in the 2019-2020 Moving FIRST Act.

**Authorize cities to regulate ride-sharing services and ride-hailing companies.** Ride-hailing apps such as Uber and Lyft have drastically changed the landscape of urban transportation, worsening congestion and siphoning riders off of transit. As managers of the public right-of-way, cities should retain the authority to regulate ride-hail services through mechanisms including but not limited to per-ride fees, fleet caps, and data sharing mandates.

**Authorize cities to regulate shared micromobility devices such as e-bikes and electric scooters.** NACTO supports shared active transportation systems that help cities meet their goals of increasing mobility, encouraging bike and scooter use, and providing safer, more equitable transportation networks. Shared systems must provide people with access to a network of safe, routinely maintained, street-legal vehicles and other reliable, high-quality equipment. Shared active mobility systems should be implemented in coordination with the public sector in order to provide equitable service to the public through enforceable commitments to coverage and service, connections to other transit options, and the creation of related programming such as affordable pricing, non-credit card and non-smart phone based access options, local and diverse hiring commitments, and dynamic public engagement. This coordination should also include requirements for data sharing, which allows the public sector to take a holistic approach to mobility management in their cities. Public coordination must also allow for a means through which to address any issues that may arise around access, siting, distribution, public space allocation, and damaged or abandoned equipment in a cooperative and timely manner.

**Ensure cities' access to asset and travel data.** In the past, governments had to rely on expensive surveys to collect information about travel patterns. Today, but smartphones and new mobility services generate unprecedented amounts of data about what happens in the public right-of-way. Information reflected in this data such as vehicle speed, travel time, and volume data at the corridor level is invaluable for city efforts improve safety and make regulatory decisions. Vehicle movement data can inform speed limits, identify areas prone to speeding, and evaluate the success of street redesigns, among other outcomes.

Increasingly, an important source of real-time data about operations on city streets comes from technology companies, such as new mobility providers and cell phone companies.

NACTO urges the federal government to increase public agencies' access to this data as it pertains to the public interest. The federal government should also actively strengthen privacy protections for individuals, starting with a requirement that actors in the public and private sectors treat geospatial trip data as personally identifiable information (PII).

**Include city transportation leaders in the development of new regulations and rules governing autonomous vehicles.** While most regulations governing autonomous vehicles will be written by state and federal agencies, city transportation leaders should be part of drafting such rules before implementation. The unique concerns and needs for operation of vehicles on city streets demand that states and the federal government work closely with city transportation experts as they develop rules and regulations governing how these vehicles obey common traffic laws, such as speed limits, requirements to yield to pedestrians in crosswalks, and (in some states) 3' passing laws for driving near bicyclists. Further, city officials should be consulted on the broader workforce development implications of shifting large fleets of vehicles from manual to automated operation, and should be engaged in conversations about how to address these changes.

**Preserve the Safety Band.** Since 1999, 75 MHz of spectrum in the 5.9 GHz band has been allocated for Dedicated Short-Range Communications (DSRC) services that would be used for road safety through technologies that allow vehicles to communicate with other things (V2X), including vehicles, infrastructure, and pedestrians. These technologies provide drivers and vehicles with instant and accurate alerts to help avoid crashes or curtail injuries or damage. V2X is deployed in over half the states and in dozens of cities and relies on the now well-tested 5.9 GHz safety spectrum. Tests show V2X could reduce the number and severity of unimpaired motor vehicle crashes by up to 80%; lead to a 40% roadway capacity increase, and cut emissions and fuel waste by 10%. NACTO supports preserving the safety band for V2X safety communications over unlicensed uses such as WiFi or untested technologies such as Cellular Vehicle-to-Everything (C-V2X).

**Issue strong safety performance standards for autonomous vehicles.** Safety must be the foundation of any new legislation concerning AVs. Comprehensive, NHTSA-issued performance standards must be a prerequisite for AVs to test on public roads without safety drivers or to deploy commercially on public streets. Without compromising state and local authority to adopt and enforce traffic regulations, new federal AV legislation should define a credible path towards setting minimum standards that ensure automated driving systems are proven to improve road safety for all users. Rather than relying on voluntary safety evaluation reports from developers to ensure that AVs actually fulfill their stated goal of achieving dramatic safety improvements on the nation's roads,

Congress should appropriate funds to support a significant increase in NHTSA's capacity to develop automated driving safety metrics and performance standards, including funding to support state and local collaboration with specific testing pilots.

These standards must include testing to verify vehicles' ability to protect passengers and detect and respond appropriately to pedestrians and cyclists in complex urban environments. NACTO suggests that the path toward safety metrics and performance standards should start with mandatory reporting to local, state, and federal agencies of all AV-involved collisions and safety incidents on public roadways. Guided by this data and independent research facilitated by it, the next step on the path may be to develop interim safety metrics and performance standards. To enhance overall safety levels, proven technologies such as automatic emergency braking, pedestrian and cyclist recognition, and intelligent speed assistance should be required during testing operations.

In the absence of federally-defined safety standards and during any rulemaking process, states must be authorized to enact their own standards and regulations. At the same time, manufacturers must follow an existing testing routine, such as those defined by Consumer Reports, IIHS, or the EU's NCAP.

As AV technology continues to evolve, new legislation must empower NHTSA to account for uncertainty and dynamically update safety standards. AVs must demonstrate an ability to safely operate within existing infrastructure in the varied operational design domains in which developers hope to operate. Additionally, AVs hold great promise as a tool to improve accessibility for visually and mobility impaired individuals. It is essential that safety standards address the needs of these communities to guarantee enhanced mobility as an outcome of this technology.

**Implement robust data-sharing requirements for all automated vehicle technology.**

Transparency between AV companies and the jurisdictions in which they test and operate their vehicles is critical to improving traffic safety and management and infrastructure planning. As enforcers of local traffic laws, local governments should have access to key safety data to determine the extent to which AVs are actually complying with speed limits and other traffic laws. Federal law must protect local authority over access to this data.

**Implement strong cybersecurity protections for automated vehicle technology.**

As adoption of autonomous vehicle technology increases, so does the risk of cyber-attacks. AVs are vulnerable to cyber-attacks in more ways than traditional vehicles as hackers can not only target AVs' internal software but all vehicle connection capabilities to compromise safety. Comprehensively addressing this threat will require the Federal government to create strong cybersecurity standards and hold manufacturers accountable for breaches.

**Preserve local control over traffic enforcement.** State and local governments currently regulate driver performance and enforce traffic safety rules while the Federal government sets standards for vehicle design, construction, and performance; AVs complicate this dynamic as the vehicle becomes the driver. New AV legislation must preserve the existing relationship between levels of government, leaving cities and states with the ability to manage the local right-of-way.

AVs must be able to operate within existing infrastructure and in accordance with local transportation policy objectives, as determined by the community. This means AVs must be programmed to follow local traffic laws and cooperate with law enforcement. Cities are the largest markets for AV technology and any costs or benefits arising from it will first be felt locally. City and state transportation departments must have a range of policy tools at their disposal to leverage opportunities and mitigate adverse impacts that are local in nature.

**Assess costs and plan for future transportation infrastructure funding.** Autonomous vehicles using visual cues such as traffic signals, markings, and signs require higher levels of maintenance than currently supported by federal and state policies. Smart signal equipment and controllers, in addition to other vehicle-to-infrastructure (V2I) needs are also future unfunded or underfunded mandates. The costs of these higher standards should be assessed and compared to the disposition of funding from dedicated transportation funds. Furthermore, the potential of a major shift in use patterns for the roadway system should be accounted for in planning for future funding sources, including pricing of specific roadway use and dedication of revenues to support that infrastructure.

