

CREATING SAFE, MULTIMODAL URBAN TRANSPORTATION

NACTO 2021 Policy Platform

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.

The importance of the services cities and transit agencies provide came into focus during the ongoing coronavirus pandemic. Cities across the world are working to respond to the health and economic consequences of COVID-19 in real time, even as municipal budgets contract and recovery timelines remain uncertain. Transit agencies are in an especially vulnerable position, losing billions in revenue while continuing to transport millions of riders to essential destinations every day. The pandemic also exposed the deep and longstanding inequities built into our transportation systems along the lines of race and class. Ensuring a just recovery means investing in streets and transit that allow all people to access opportunity and reach their destinations in a safe and reliable manner.

In order to emerge from the crisis stronger than we entered it, it remains critical that states, Congress, and the Administration work with cities and transit agencies to formulate a legislative and regulatory environment that truly supports growth and prosperity for all. The upcoming FAST Act reauthorization is a key opportunity to repurpose the federal surface transportation program to prioritize safety, sustainability, equity, and accessibility for people of all ages, abilities, and backgrounds. NACTO is committed to supporting 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 empower cities and advance justice. We believe that transportation infrastructure and policy should serve the public good and that the public sector should ensure the wise use of public funds 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 End the racist legacy of transportation policy and planning and build an equitable, accessible transportation system.**
- 3 Prioritize and expand transit to meet the nation’s current and future mobility needs.**
- 4 Lead the transition to a low-carbon transportation system.**
- 5 Modernize transportation funding.**
- 6 Enable local control over project selection and development.**
- 7 Research and leverage emerging technologies to advance public policy priorities.**

PRINCIPLE 1**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, design choices, and an implementation of safe and secure technologies, 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. An estimated 38,800 people were killed in motor vehicle crashes in the US in 2019, with pedestrian deaths numbering 6,590—a five percent increase from 2018's 30-year high. 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 and make Vision Zero a reality nationwide.

Overhaul federal design guidance to prioritize pedestrians, cyclists, and others outside personal automobiles. Specific, immediate actions include replacing signal warrants in the MUTCD with a signal prioritization process along with contextual guidance for intersections/crossings focusing on providing safe access for all modes. FHWA should also develop a flexible 'beta testing' process for broad implementation of new traffic control devices or for new applications of existing devices. Ultimately, FHWA should reform the MUTCD process by splitting its core standards into a minimally prescriptive standards rule on traffic control devices, and a separate, more easily updatable guidance document that would not need to be under the federal rulemaking process.

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. FHWA should replace guidance that makes use of the 85th percentile methodology with consideration of factors such as crash history, adjacent land use, and pedestrian and bicyclist safety when setting speed limits.

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. High speed corridors are unfriendly to walking and biking, as well as pandemic-related interventions such as outdoor dining. 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.

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. 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 percent. 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 safe speed camera technology, with a focus on reducing armed enforcement and the reinvestment of revenue into safe infrastructure. NACTO also urges Congress to authorize the use of HSIP funds to implement these programs.

Prohibit states from setting regressive safety performance targets. Some states have set annual safety goals 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 states from setting regressive 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 additional safety features 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 and cross-over mirrors 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 nonmotorized 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.

Improve safety and transparency around rail operations and heavy freight movement in cities. Cities increasingly face significant challenges related to freight movement including but not limited to traffic safety related to trucks and heavy vehicles, heavy vehicle impacts on city streets, the environmental impacts of freight transport, and rail infrastructure modernization. The Federal Railroad Administration (FRA) can address some of these issues by simplifying the process for approving quiet zones in urban areas, completing the implementation of Positive Train Control measures in and around cities, and improving the transparency around the transport of hazardous or volatile materials through dense urban areas. FRA should also incentivize railbanking to preserve and convert former rail corridors for transportation and recreational purposes. Recreational trails built along these corridors can restore vibrancy to abandoned areas while fulfilling a growing need for safe, multi-use public spaces. Congress should also authorize cities to regulate freight operations on their streets by repealing or revising the preemption clause on commonly controlled motor vehicle carriers in the FAA Authorization Act.

Set a national maximum allowable BAC of 0.05 percent for operators of motor vehicles. Currently, the federal limit to legally drive in the United States is a blood alcohol content (BAC) of 0.08 percent. Following NTSB's 2013 recommendation, the federal government should lower this limit to 0.05 percent to reduce crashes, injuries, and deaths due to impaired driving.

PRINCIPLE 2**End the racist legacy of transportation policy and planning by building an equitable, accessible transportation system.**

Today's transportation system is deeply inequitable. Historical and ongoing inequities in infrastructure investment patterns have contributed significantly to the barriers to opportunities, lack of mobility, and higher burden of traffic violence in low-income and communities of color. Racist transportation and land use policies are responsible for the underinvestment in alternatives to single-occupancy driving in most of the United States. Inequity also extends to the enforcement of transportation-related laws, with people of color receiving a disproportionate number of summons for infractions. All transportation projects and programs have equity dimensions and impacts. Decisions about them should focus on improving racial and economic equity, recognize the historical degradation of communities through transportation decisions, and plan and build communities with those who live there.

Invest resources in neglected communities and communities harmed by past infrastructure projects.

Race, transportation, and inequity have been closely connected for decades. The construction of federally funded interstates fragmented and destroyed Black communities in every major US city. Air pollution and asthma rates are higher in communities of color due to their proximity to busy highways and the gas-powered vehicles traveling on them. At the same time, car ownership is effectively a requirement for participating in the economy and accessing basic services in almost every community in the country. This arrangement continues to lock cities and households into transportation systems that are unsustainable, unsafe, and unaffordable. Automobile dependence and the infrastructure that enables it also marginalize public transit systems. Underfunded, infrequent transit disproportionately harms people of color, low-income individuals, and people with disabilities.

To end the racist, ableist legacy of transportation policy and planning, government at all levels must dedicate resources to cities, neighborhoods, and communities that are home to the people most harmed by past and ongoing transportation decisions. These investments should focus on improving safety and environmental quality, expanding transit and bus service, and removing or capping highways that cut through urban neighborhoods. USDOT should also dedicate time and resources towards investigating Title VI complaints against federally funded projects and require thorough community involvement in developing and implementing new projects.

Measure access 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 access performance measure, based on the newly available, vast quantities of travel data, to evaluate new projects and hold agencies accountable accordingly.

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. These laws have also been disproportionately enforced against unhoused individuals and in low-to-moderate income communities of color, a discriminatory practice that exposes its targets to major physical and financial threats. States should strike down any laws that criminalize walking, biking, or spending time in public space.

Prioritize Universal Design and access in Federal and state design guidance and funding. Federal and state design guidance should incorporate the needs of all user groups and create detailed guidance and principles to ensure practices that incorporate the needs of disabled individuals are default practice. 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. New projects should be required to incorporate Universal Design features from the onset. Cities and transit agencies responsible for maintaining infrastructure built prior to the passage of the Americans with Disabilities Act in 1990 need significant capital funding to make their systems fully accessible. To enact these improvements, Congress should create a federal capital funding program dedicated to accessibility improvements for both transit and roadways.

Ensure transportation projects and investments generate local job growth. Transportation is both a major factor in attracting employers to cities, and a job creator for cities. To ensure economic growth is equitably distributed, NACTO urges Congress to bolster local hiring efforts and place-based economic development. 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 should be a first step towards ultimately overturning federal prohibitions on local hiring.

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.

Encourage 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.

PRINCIPLE 3**Prioritize and expand transit to meet the nation's current and future mobility needs in a scalable, sustainable manner.**

Transit is the backbone of city transportation. A frequent, reliable transit system provides access to jobs, school, services, errands, and recreation in an affordable, efficient, and low-carbon manner. Investments in public transit are investments in communities' vitality, making roadways more valuable and connecting people to essential amenities. The pandemic has pushed our mass transit systems, many of which were already in crisis, to the verge of collapse. With the transit manufacturing and operations industries directly supporting tens of thousands of jobs, recovery hinges on its availability. High-quality transit is also critical for racial and economic equity in cities. Low-income individuals rely on transit, especially bus systems, to provide mobility and access. Service cuts will doubly harm the communities already most impacted by the pandemic in the form of lost access and mobility, longer travel and wait times, and unsafe travel conditions due to crowding. Strong support from the Federal and state governments is critical for avoiding a collapse of the nation's transit systems and the associated economic and equity impacts.

Fully fund transit operations and make expanding and maintaining transit systems and assets a centerpiece of future economic recovery efforts. Since the pandemic began, transit agencies and their workers have stepped up to continue providing frequent service and ensure riders can reach essential jobs and amenities. These efforts have come at a great cost: hundreds of transit workers have died of covid-19 as cities work to keep systems running. Agencies have taken on millions of dollars in new expenses to procure PPE for staff and implement extensive cleaning protocols to keep riders safe on-board. At the same time, lost revenues from fares and local taxes have agencies facing multibillion-dollar deficits and significant service cuts even as millions of people ride transit every day. Without an infusion of federal aid, many agencies will have to scale back service, lay off thousands of workers, and cancel plans to improve or expand their systems. Given the immediate and long-term benefits transit provides to communities across the country, we cannot afford to let these systems collapse. Investment in transit service at a will be critical to enabling fast and reliable movement without congestion, for the duration of the pandemic and in its aftermath. Congress must act to support transit operations in the immediate future while expanding capital funding in the long term to upgrade and expand transit systems while realizing a stimulus impact.

End the 80-20 funding split between highways and transit in favor of a new funding approach that prioritizes transit operations, maintenance, and expansion. For nearly 40 years, USDOT has been legally barred from spending more than 20 percent of Highway Trust Fund revenues on transit projects. This rule has enabled decades of unsustainable highway expansion while the nation's bus and rail systems struggle to expand service and infrastructure at the scale necessary to achieve reductions in transportation emissions or provide viable alternatives to driving. Following the precedent set by the CARES Act in 2020, Congress should repeal the 80-20 split in favor of meeting the present and long-term needs facing transit.

Expand and reform the Capital Investment Grant program (CIG) to accelerate and scale up project delivery. In addition to increasing funding, there are a number of reforms Congress and 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. 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.
- Reduce the Federal oversight where non-CIG contribution is below 50 percent or where the project sponsor has successfully implemented one or more CIG projects 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.
- Consider accessibility components as eligible expenses in Core Capacity projects, rather than State of Good Repair and general station elements.
- Require that 85 percent of CIG funds are obligated within an 18-month period.

Reform and expand the BUILD program to better support transit and multimodal projects. NACTO urges the federal government to expand the Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant program and to make this popular program more available to transit projects that support urban economies. To achieve BUILD's full potential, the Administration should prioritize projects that address climate change, incentivize multimodal transportation and transit-oriented development, and improve safe access to jobs and services. The BUILD program should also prioritize investments in historically neglected low-income communities and communities of color, remove the \$25 million cap on individual awards, and lower matching requirements to allow communities of all resource levels to take advantage of the program, particularly during the COVID-19 economic crisis.

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 percent 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, especially as a means of economic recovery. 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 radial bus networks that facilitate rush-hour trips to a city's central business district but are inconvenient for other trip types. 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 dedicate resources for transit agencies to study and implement a wider range of initiatives including bus network redesigns, integrated fare payment systems, and off-board fare collection to enable all-door boarding.

PRINCIPLE 4**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. In order to be truly transformative, 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. Over the past several years, congestion and productivity lost to traffic hit an all-time high in the US. While the pandemic may have reduced the total amount of driving happening on city streets, congestion and vehicle traffic quickly returned to regular levels as more people retreated from public transit into private vehicles. At the same time, the reduction in transportation funding available through traditional user fees such as gas taxes and transit fares has drained the coffers of public agencies working to maintain existing roadways and bus and rail systems. 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. Strengthening alternatives to driving alone is key to ensuring that congestion pricing delivers equitable outcomes. In order to fulfill policy objectives around sustainability, safety, and equity, 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. 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 and install charging infrastructure. 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. In addition to making this pilot program permanent, Congress and USDOT should expand eligibility beyond capacity-increasing projects, to include single station areas and fixed guideways. The program should also fund TOD demonstration projects with an equity focus.

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 by easing restrictions around charging infrastructure installation, reinstating waivers for the Buy America program, and funding enabling infrastructure to support EVs.

Fund a national multimodal freight research program. The volume of freight in urban areas is rapidly growing. 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.

PRINCIPLE 5**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. Currently, city projects funded and approved by FHWA are administered by their state's Department of Transportation. Under this model, cities face onerous regulations that diminish their ability to efficiently deliver projects: in addition to paying the state for administrative costs associated with project management, NEPA process management, and design review, cities are often forced to repeat project reviews and meet design standards inappropriate for densely developed multimodal areas. A federal direct aid program for cities should focus on investments in safety, state-of-good-repair, transit, multimodal, walking, cycling, and resilience. To achieve this vision, Congress and the administration should support the distribution of funding to cities via direct grants or required sub-allocation through the states. Congress should also create a new opt-in program for cities to enter into a direct recipient relationship with FHWA, modeled off the existing, successful model cities and the Federal Transit Administration (FTA) follow.

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 listed categorical exclusion 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, as well as any LOS requirements. 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.

PRINCIPLE 6**Modernize transportation funding.**

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 25 years, funding has dwindled, the Highway Trust Fund has relied on General Fund transfers to remain solvent. Congress should reorient the way transportation funds are raised and spent to meet concrete policy goals concerning 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 should require State DOTs to create a maintenance plan for highways, bridges, pavements, and other assets, similar to what is already required of transit agencies. The maintenance plan should reach a state of good repair in the lifetime of the 12-year TIP as a condition of spending any funds on new single occupancy vehicle capacity.

Raise fuel taxes to support safety, equity, and sustainability goals. The federal Highway Trust Fund’s unsustainable trajectory is 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. Federal fuel tax rates have not been raised since 1993 and their purchasing power has 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. 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.

Support Public-Private Partnerships that work for the public. NACTO supports Public-Private Partnerships (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.

PRINCIPLE 7

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. Some of these services grew in popularity during the life-altering covid-19 pandemic while others struggled. 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, and resilient transportation system.

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. Laws in almost every state preempt cities from collecting trip-data from ride-hail companies, instituting a minimum wage or background checks for drivers, or levying trip fees to support transit. These laws eliminate any meaningful regulation and outright prohibit cities from even getting information about activities on the streets they oversee. As managers of the public right-of-way, cities should secure or 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, high-quality equipment and should be implemented in coordination with the public sector. In order to provide equitable service to the public, enforceable commitments to coverage and service, maintaining an accessible path of travel, connections to other transit options, and the creation of related programming such as affordable pricing, accessible payment and booking options, local and diverse hiring commitments, and thorough public engagement are necessary. This coordination should also include requirements for data sharing and 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, connected mobility devices and their applications generate crucial information about how vehicles operate in the public right of way. Granular data points such as vehicle speed, travel time, start and end points, and volumes can help cities improve safety, manage the quality of life and accessibility of devices, and track important sustainability and equity metrics. When paired with strong and responsible privacy and data handling rules, accurate mobility data will help transform cities' ability to manage the public right of way. NACTO urges the federal government to protect cities' and regulatory 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. Vehicles operating on city streets raise unique local concerns. This demands that states and the federal government consult with city transportation experts to develop rules and regulations governing how AVs obey common traffic laws to ensure safe operations as well as on the broader workforce development implications of shifting large fleets of vehicles from manual to automated operation.

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, provide passenger service, or deploy commercially on public streets in any capacity. Without compromising state and local authority to adopt and enforce traffic regulations, 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 deliver safety improvements, 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 of all races and ethnicities in complex urban environments. Studies have shown that AV and other similar detection technology does not detect darker skin pedestrians at the same rate as lighter skinned pedestrians. 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.

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. 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.

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. 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.

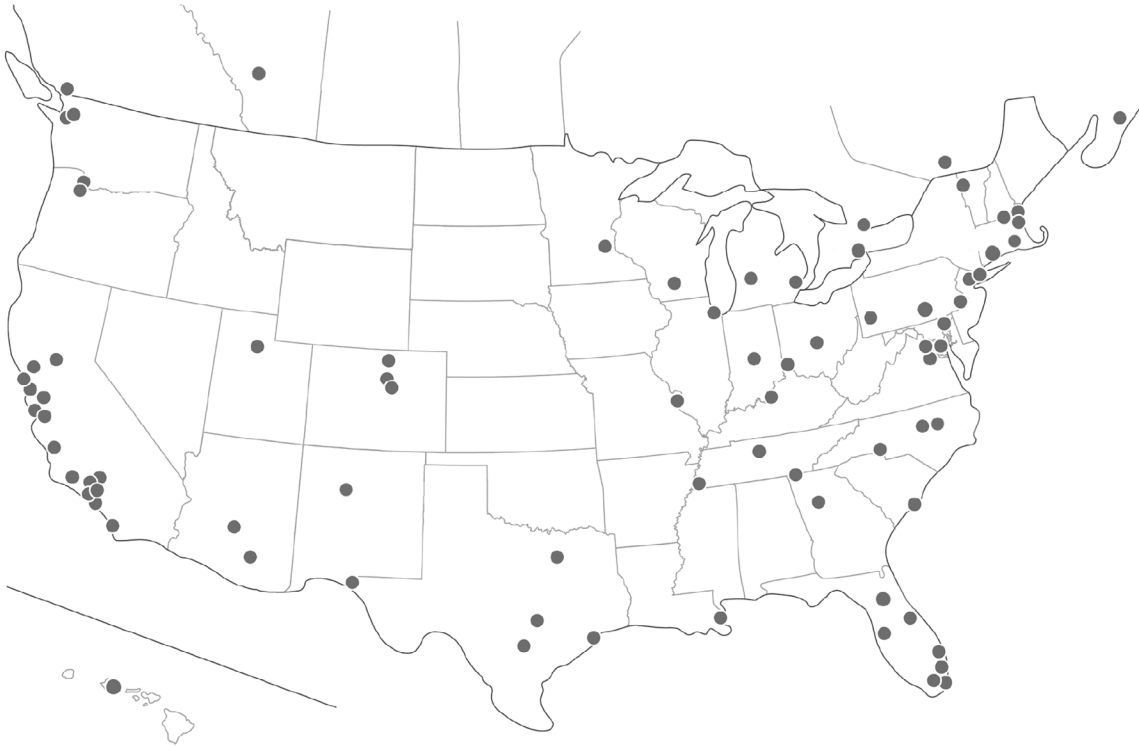
Implement strong cybersecurity protections for automated vehicle technology and other emerging modes. As adoption of autonomous vehicles and modes using similar technology increases, so does the risk of cyber-attacks. AVs are vulnerable to cyber-attacks in more ways than traditional vehicles as hackers 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 and other driverless modes complicate this dynamic as the vehicle becomes the driver. New 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. 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.

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 percent; lead to a 40 percent roadway capacity increase, and cut emissions and fuel waste by 10 percent. 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).

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 projected funding from dedicated transportation funds. Funds to support such infrastructure should go directly to the cities implementing projects rather than relying on state DOTs as pass-throughs. 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.

Renew USDOT's Smart City Challenge and expand grant eligibility to multiple winners. USDOT's 2015 Smart City Challenge asked 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. NACTO encourages USDOT to reestablish the Smart City Challenge and award funding to multiple cities to implement their proposals.



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