



National Association of
City Transportation Officials

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Dear Speaker Pelosi, Leader Schumer, Chair DeFazio, Ranking Member Graves,
Chair Carper, and Ranking Member Capito

Our nation stands in a pivotal moment. Our basic transportation infrastructure - the streets, roads, and rails on which our economy is built - is in dire need of repair and upgrade. But, as COVID-19 cases finally start to fall and we look to recovery, we must rethink the tools and systems we use to prioritize and fund transportation and infrastructure projects. Historically, these have exacerbated climate change, codified economic and racial injustice, and driven poor health outcomes and increases in traffic fatalities. **This Congress has both a mandate and a unique opportunity to make transformative investments in infrastructure, in a manner that brings about monumental economic, environmental, and public health benefits.**

In March, NACTO wrote to your offices to express gratitude for the inclusion of \$45.5 billion in funding for metropolitan cities in the American Rescue Plan Act. **The provision allowing for the direct distribution of this aid was crucial**

in allowing cities to fill budget gaps and deliver essential services to residents. This seamless funding model should be a feature of future legislation, especially for the transportation and infrastructure projects we will rely on to revive the national economy and which will remain in place for decades to come.

For decades, cities have had to rely largely on limited, local resources to implement transportation projects designed to enhance safety, sustainability, and equity—the exact outcomes a future infrastructure package and surface transportation reauthorization bill need to deliver. To do so, while generating high-quality employment and updating our outdated infrastructure for the benefit of all Americans, NACTO and our 82 US member cities and transit agencies **urge Congress to ensure federal investments support key local priorities.**

Cities are the sites of transportation innovation and the government entities closest to the people, voters, and taxpayers they serve. In election after election, and in cities across the country, voters routinely support transit and safety projects by wide margins but the current mechanisms by which cities can receive federal funding for these projects limits cities' ability to deliver for their constituents. The current funding model—typically from the USDOT to State DOTs to MPOs and finally to city DOTs—is characterized by costly and onerous state-level reviews of city projects, a lack of jurisdiction over dangerous state-controlled roads, and little to no input on the selection, design, and construction of state-administered projects within city borders. All too often, federal dollars end up paying for highly mechanized transportation and infrastructure projects that create few jobs and generate little local economic activity. **The resulting diversion of federal funds away from local-level safety, transit, and climate priorities, towards status-quo highway projects, effectively subverts both the will of the voters and efforts to meet the existential climate, safety, and equity challenges of our time.**

With your leadership, Congress has the power to correct these entrenched obstacles by giving cities and local governments the authority to direct funding to their priorities, the ability to meaningfully weigh in on projects occurring within their borders, and access to context-appropriate accelerated project delivery processes. As a coalition of city transportation agencies responsible for building and maintaining the roads, sidewalks, bike lanes, and transit routes that serve more than half of the American public, we call on Congress to craft infrastructure and reauthorization legislation that include the following solutions:

1. **Grant cities control over design and construction approval for projects within city limits.** City-initiated projects often undergo excessive, time-consuming reviews from state DOTs that often apply standards more appropriate for major highways than small-scale pedestrian, bicycle safety, or transit prioritization projects. For cities looking to

take advantage of federal funding and grants to pay for smaller projects, these reviews can add hundreds of thousands of dollars and months or even years to a project. Despite costing the parties involved significant time and resources, these reviews usually do not change the underlying project in any significant or positive way.

To accelerate the implementation of local, small-scale projects with climate, accessibility, or safety benefits, Congress should delegate design and construction approval authority to qualified cities for projects over \$100,000 within their jurisdiction, and create a program for states to provide technical assistance to cities to build their capacity to directly receive and manage design and construction upon request. To prevent burdensome and unevenly applied design reviews, NACTO also asks Congress to clarify that a state's statutory responsibility to do design review on FHWA-State-City pass-through projects can be met by having the City use an approved design guide.

2. **Improve suballocation for all cities.** While suballocation is a well intentioned policy to direct federal investments to cities and urbanized areas, these dollars are controlled by states and often invested in ways that go against or over the needs of cities. States' transportation departments often withhold a significant portion of metro area formula funding for their own state projects, leading to a resource struggle among local jurisdictions over a much reduced portion of the total funding originally allocated. To ensure suballocated funds support local needs and national goals, Congress should eliminate states' practice of commandeering this funding. This funding should instead be spent in metro areas on projects and in a manner that meets specific performance requirements around safety, carbon emissions reductions, and VMT reduction, with input from relevant jurisdictions. To maximize the impact of these reforms and increase investment to local areas, NACTO supports the provision included in the 2020 INVEST Act to raise the percentage of suballocated STBGP funding to at least 60 percent.

3. **Grant federal funding directly to qualified, "high capacity" cities.** Cities cannot move a federally-funded project forward without state DOT approval, even after meeting all FHWA requirements. As described above, concurrence involves duplicative design and environmental reviews at multiple stages, adding months or years to project timelines. This is an acute problem for the nation's largest cities, almost all of which maintain more roadway miles and complete more annual projects than many state DOTs. To maximize economic gains while cutting project delivery times, Congress should create an opt-in program for USDOT to provide direct funding to cities that meet certain minimum technical, engineering, and financial capacity necessary to manage federal funds. Cities of all sizes should be eligible to opt-in as long as they meet the minimum

capacity requirements to be identified by the Secretary. Funds provided under such a program must be in addition to any suballocated funds under other programs.

By improving and streamlining the mechanisms through which local governments can receive federal transportation funds and deliver key projects for their constituents, Congress can help ensure that the United States meets its climate, safety, equity, and economic recovery goals. As city transportation officials, we have dedicated years and substantial local resources towards these priorities. We call on Congress to seize the current moment to support our efforts and grant local jurisdictions the tools and resources needed to better connect people to opportunity, end the epidemic of traffic deaths on our streets, and create vibrant, resilient communities.

Sincerely,

Patrick Montoya
Director, Department of Municipal
Development
City of Albuquerque

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City of Alexandria

Josh Rowan
Commissioner, Atlanta Department of
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cc:

Members of the Senate Committee on Environment and Public Works

Members of the House Committee on Transportation and Infrastructure