



NACTO 2022-2023 Policy Platform

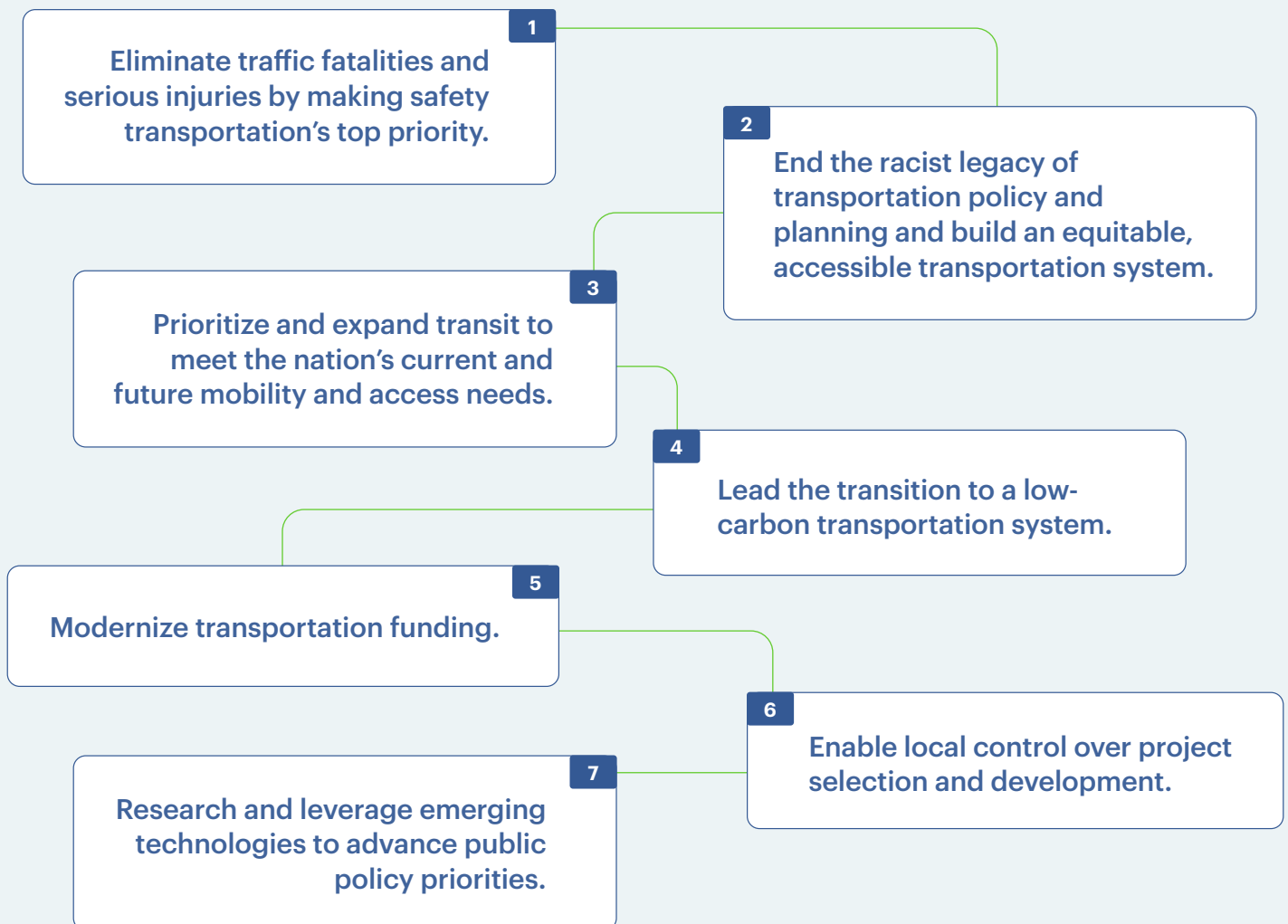
Creating safe, sustainable, multimodal transportation

The National Association of City Transportation Officials (NACTO) is a coalition of 89 cities and transit agencies across North America—hubs of economic activity and innovation, diversity and opportunity, and the sites of our greatest transportation challenges and solutions. NACTO’s mission is to build cities as places for people, with safe, sustainable, accessible, and equitable transportation choices that connect people to their communities, support a strong economy, and contribute to a high quality of life.

North American cities and the people who live and work in them are struggling with three intertwined crises: a global pandemic, systemic racism, and accelerating climate change. For the past 70 years, transportation policy has exacerbated these problems rather than mitigated them. This has resulted in patterns of sprawl, automobile dependence, and design practices that are unsustainable, unjust, and vulnerable to external shocks. While cities have long led efforts to make transportation safe, equitable, and sustainable, they cannot succeed alone. It remains critical that governments at all levels work with cities and transit agencies to formulate a legislative and regulatory environment that truly supports growth and prosperity for all.

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 connect people to opportunity, disrupt historical harm, and work to address the deep sustainability, safety, and racial justice crises defining our time. 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 while reimagining public space and putting mitigation measures in place to avoid the displacement of communities.

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



PRINCIPLE 1**Eliminate traffic fatalities and serious injuries 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 cycling, 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 governments at the city, state, and federal levels. Thoughtful policy and design choices, alongside implementation of safe and secure technologies, can reduce excess speeds, 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.

1A Adopt a national goal to eliminate fatalities on the nation's roadways. The U.S. has slid backwards on road safety for decades, with pedestrians dying on American streets twice as often as our European and Canadian counterparts. These deaths also reflect existing patterns of racial injustice, with Black, Indigenous, and brown people dying at much higher rates than White people on our streets. Traffic fatalities reached a 13-year high in 2020 despite a pandemic-induced reduction in driving. This troubling trend continues, with over 20,000 traffic deaths in the first half of 2021 alone. The federal government must lead the effort to reverse this trend. NACTO supports the dedication of federal resources towards USDOT's [National Roadway Safety Strategy](#) and new Safe Streets and Roads for All grant program. We urge USDOT and its state and local partners to adopt a national Vision Zero goal and integrate strategies to eliminate traffic fatalities and serious injuries across all its programs to make Vision Zero a reality nationwide.

1B Overhaul federal standards and design guidance to prioritize safety and access for all people walking, rolling, taking transit, and biking—rather than maximizing speed and motor vehicle throughput. Following the lead of states such as Massachusetts, California, Washington, Tennessee, and Illinois, FHWA should enact stronger design standards requiring multimodal facilities for all NHS and federal-aid projects in urban or developing areas. Adding a sidewalk requirement, a contextual all-ages bikeway mandate, and transit facility upgrades to every new project—and requiring a design exception for excluding these elements—is within USDOT's authority. The NHS Controlling Criteria, grant eligibility rules, the MUTCD, and other tools have the potential to dramatically shift the safety, equity, and climate outcomes of the once-in-a-generation roadway investment of the Infrastructure Investment and Jobs Act (IIJA).

1C Expedite life-saving changes and common-sense updates as FHWA responds to comments on the 11th Edition of the MUTCD. Specific, immediate actions include:

- Embedding a “safe systems” approach throughout the document, elevating the goal of eliminating serious injuries and deaths as a guiding principle of the Manual.
- Eliminating the guidance to use free-flow speeds in speed limit setting, and instead require an injury-minimization approach to speed limit setting, such as the method described in *City Limits*.
- Adopting access-based pedestrian signal warrants, called for by NACTO and ITE and supported by FHWA’s research, to eliminate the deadly Catch-22 of too few pedestrians to meet a signal warrant, but too many lanes or too much traffic for a crosswalk alone.
- Removing restrictions that apply to complete street elements—such as red transit lanes, green bike lanes, and artistic crosswalks—but that do not apply to car infrastructure.
- Postponing adoption of AV-related street guidance in the MUTCD until the vehicles themselves are roadworthy.
- Enacting stronger design standards requiring multimodal facilities for all NHS and federal-aid projects in urban or developing areas.
- Developing a flexible ‘beta testing’ process for broad implementation of new traffic control devices or for new applications of existing devices to ensure continuing improvement in the Manual.

FHWA should also lead an open MUTCD development process consulting an array of stakeholders who can speak to the diversity of needs on American streets, ironing out details before the behind-closed-doors rulemaking process begins.

1D 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 U.S. instructs traffic engineers to set speeds based on the speed of free-flowing motor vehicle traffic. This approach was originally recommended in the 1940s based on the assumptions that drivers choose their travel speeds according to roadway and weather conditions, that nearly all drivers choose reasonable speeds, and that speed limits cannot influence speed significantly. 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 free-flow speeds, such as the 85th percentile methodology, with analysis of common-sense factors such as crash history, the likelihood and frequency of interactions between people and vehicles on the street, and the protection of vulnerable road users from deadly speeds.

1E Allow cities to set their own speed limits, using best practices for urban areas as detailed in *City Limits*, NACTO’s speed limit setting guidance. States should permit cities to set their own speed limits, recognizing that default speed limits create predictable conditions for all users while lower speed limits deliver improved safety outcomes. High speed corridors are unfriendly to walking and biking, as well as other on-street 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- and people-first engineering and planning (e.g., through traffic calming interventions, signal retiming, etc.) when speeds in excess of 25 mph are present, or 20 mph in some cities.

1F Scale up resources for Complete Streets implementation nationwide. Federal support for bike and pedestrian projects greatly expanded following the passage of 2021’s Infrastructure Investment and Jobs Act. The bill requires states and MPOs to reserve 2.5 percent of their overall funding to develop and adopt Complete Streets policies, active transportation plans, transit access plans, transit-oriented development plans, or regional intercity rail plans. This marks the first-ever dedicated funding source for Complete Streets. However, the total share of federal and state transportation funding directed to infrastructure and design features protecting pedestrians, cyclists, and transit riders remains low and Complete Streets features remain optional. To build upon recent progress, Congress should require states’ and local entities’ road and transit projects funded with federal money to meet Complete Streets criteria. States should rebalance funding priorities to ensure Complete Streets standards are met.

1G 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.

1H Adopt a visibility standard, modeled off the United Kingdom’s Direct Vision Standards , to reduce fatalities by mandating minimum visibility from the driver’s seat, especially for trucks, SUVs, and other larger vehicles. 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 and high-visibility truck cabs, can complement other vehicle safety features. USDOT should create a nationwide program modeled after existing standards, such as the UK’s direct vision standards for heavy goods vehicles, to end the deployment of increasingly large, heavy, dangerous light trucks and SUVs and improve driver visibility for the protection of all road users. NACTO also encourages federal, state, and local governments 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.

1I 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 side impact guards and cross-over mirrors on all trucks to prevent underride and increase protections for other road users.

1J Enhance vehicle safety, especially for people outside of vehicles, through research, vehicle design, and consumer information. NACTO encourages NHTSA to use its regulatory, research, and consumer protection/consumer information powers to enhance vehicle safety, especially for people outside of vehicles. In particular, NACTO urges NHTSA to focus research and regulation on vehicle size and minimum visibility from the driver's seat; explore driver visibility tools and standards, such as the USDOT Volpe Center's BlindZone Calculator; revise the Model Minimum Uniform Crash Criteria (MMUCC); and enhance data collection requirements for law enforcement agencies who receive NHTSA funding to improve public access to data and trends on traffic enforcement. The IIJA made some progress towards improving vehicle safety, initiating the process to add automatic emergency braking technology to all new vehicles and incorporate crash avoidance ratings into the New Car Assessment Program (NCAP). NACTO urges NHTSA to quickly implement these new requirements to maximize safety for all road users. NACTO also recommends referencing Euro NCAP and ANCAP to update the NCAP program to include consideration of safety for people outside the vehicle so that consumers are fully informed about full safety risks and benefits.

1K Allow cities to use automated traffic enforcement technology. NTSB's "Reducing Speeding-Related Crashes Involving Passenger Vehicles" study closely links U.S. 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 traffic safety 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.

1L To keep people safe on U.S. streets, eliminate most traffic stops and transportation-based interactions with law enforcement, and shift traffic safety resources to the most effective and equitable strategies. To do so:

- Prioritize non-police interventions, beginning with engineering and operations supplemented with incentive and disincentive programs when necessary. Traffic engineering is the most effective and lasting tool that transportation agencies have to address crashes that result in severe injury or death. Streets that are well-engineered create safe default conditions; they result in slower

vehicular speeds, while providing safe and comfortable spaces for people to walk and bike. Where design does not produce the intended effect, agencies should prioritize non-police interventions such as incentive programs or community-based programs to promote the adoption of safe behaviors, and carefully consider the benefits and drawbacks of disincentive / penalty programs that are camera-based, automated, or rely on unarmed city employees.

- Repeal laws, regulations, and standard operating procedures that penalize walking, biking, and using public space, as well as those that enable pretextual motor vehicle stops for vehicle violations and behaviors that have not been shown to cause serious injury or death. In all cities and states, there exist some traffic laws, regulations, and standard operating procedures that have not been correlated to meaningful reductions in serious injuries and fatalities from traffic crashes. These include laws that criminalize walking and biking (including jaywalking, missing bike bells, sidewalk biking, helmet laws, and others) as well as laws and procedures that enable vehicle violations to be used for pretextual stops (including broken tail light, tinted windows, rear-view mirror obstructions, and others). Enforcement agencies regularly rely on these laws and rules to stop, search, ticket, and arrest people, sometimes with fatal consequences. People of color—and Black people specifically—are disproportionately stopped when walking, biking, and driving, are disproportionately searched and arrested, and are disproportionately killed in traffic stops unrelated to the driving behaviors or vehicle violations highly correlated to serious and fatal traffic crashes. These stops undermine public trust and create negative downstream effects when drivers are unable to pay fines and fees, including loss of livelihood, housing, and custodianship of children.
- Transportation agencies and their partners (including community partners) should assess traffic laws, regulations, and standard operating procedures to determine their actual benefit in reducing serious injuries and deaths from traffic crashes. This analysis should include a detailed demographic disparity analysis of traffic stops, stop procedures, and stop outcomes to improve decision-making about police enforcement as well as design and implementation of non-police alternatives. State legislatures should repeal laws, regulations, and standard procedures that cause harm and do not result in positive safety outcomes.

1M **Reject legislative efforts to criminalize protests in public roadways or indemnify drivers who attack protesters.** Intentional vehicle attacks on peaceful protests and gatherings is on the rise in the United States, with over 91 vehicle ramming incidents reported between May 2020 and April 2021 alone. Many of these attacks have been aimed at non-violent Black Lives Matter protests, making it more dangerous for people protesting the dangers that Black people face for existing in public spaces to be in public spaces. Instead of acting to protect the First Amendment right to protest, lawmakers in 24 states have introduced bills to limit demonstrations on streets and sidewalks since January 2017

with some going as far as to shield drivers from liability if they strike a protester. NACTO condemns these efforts and urges state legislators to repeal or vote against these anti-democratic pieces of legislation.

1N Update funding eligibility requirements for agencies / jurisdictions that receive NHTSA funding for traffic enforcement. Each year, NHTSA provides more than \$500 million in Highway Safety Grants to local enforcement agencies for traffic enforcement. NHTSA should update their grant requirements, stipulating that when funds are used for policing, they are only used to enforce behaviors with known safety impacts (e.g., driving while intoxicated vs. tinted windows); when used for education/engagement, all education must be targeted at drivers and designed to curb reckless driving behaviors, such as speeding, red light running, failure to yield, and impaired driving. Furthermore, NHTSA should require all agencies that receive funding to collect and report on data for all stops, including demographic data and reason for the stop, the disposition of the stop, whether a search was conducted and, if so, what type of search. To support this, NHTSA should also develop consistent data collection and reporting standards and procedures across all States and jurisdictions. NHTSA should further allocate funds for enhanced crash data collection and analysis, especially speed analysis and event data recorders (“EDRs”) in all fatal and serious injury crashes. Finally, NHTSA should require all agencies that receive funding to conduct mandatory officer training on the principles of a Safe Systems approach, which places the responsibility of keeping road users safe on street designers, operators, and managers, rather than on individual users.

1O 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.

1P Allow jurisdictions to prohibit right turns on red as a default condition. Research conducted since right turns on red became common across the U.S. 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.

1Q Improve safety and transparency around freight 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. Hundreds of miles of long out-of-service railroad tracks litter the public right-of-way nationwide. City plans for rehabilitation of

these parcels into parks, multimodal trails or other public space development are limited by the costly and lengthy abandonment process that only the railroad owner can enter into and is managed solely by the Surface Transportation Board (STB).

The Federal Railroad Administration (FRA) can address safety issues by simplifying the process for approving quiet zones in urban areas, improving the transparency around the transport of hazardous or volatile materials through dense urban areas, and limiting the length of time a train or locomotive may block any at-grade crossing. 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. Additionally, the STB should consider local agency requests related to rail abandonments and change the demonstrative economic requirements of the abandonment process by railroad companies.

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 the 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 summonses for infractions. All transportation projects and programs have equity dimensions and impacts. Decisions about them should focus on racial and economic equity, recognize the historical degradation of communities through transportation decisions, and plan and build communities with those who live there.

2A 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 U.S. 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 in cities, neighborhoods, and communities that are home to the people most harmed by past and ongoing transportation decisions. NACTO applauds the creation and passage of the Reconnecting Communities program, the first-ever dedicated funding source to remove highways or other infrastructure that create a barrier to community connectivity. Projects funded through this program 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.

2B Measure access to jobs and services. Transportation is a major factor in the ability to access jobs, housing, education, parks, 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 access. New transportation projects and investments should strive to improve access to key destinations, regardless of mode. NACTO urges Congress and USDOT to develop an access performance measure, based on the newly available and vast quantities of travel data, to evaluate new projects and hold agencies accountable accordingly.

2C 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 paint, 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.

2D 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. In a positive development for equitable economic growth, the IJJA authorizes recipients of federal grants to implement a local hiring preference. NACTO also encourages recipients of federal funding to prioritize

projects proven to create high-quality, local jobs and generate economic activity. City transportation projects such as adding safety treatments to an intersection or changing a curblin generate local jobs and economic activity. In contrast, highway construction is highly mechanized, relies on large multi-state companies, and provides fewer local jobs with no guarantees that any money will be reinvested in the community.

2E 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 U.S. 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 providing efficient public services such as transit and stormwater drainage impossible. The federal government should incentivize equitable zoning practices by rewarding communities that prioritize multifamily housing, intersperse commercial uses throughout residential neighborhoods, and remove exclusionary zoning.

2F Tax benefits for transit and active transportation. Congress should reduce and phase out federal pre-tax benefit for personal vehicle expenses while maintaining or increasing the pre-tax benefit for public transit, bikeshare, and personal bike or electric bike ownership. Private ride-hailing companies should not be eligible for public transit pre-tax benefits.

2G Encourage low-income fare options in cities and provide funding to study and support their implementation. Federal and state governments should provide resources to transit agencies and cities to upgrade fare and payment infrastructure, implement free or reduced fare programs, and explore alternative payment methods to improve ridership and enhance equity in their systems. States that set mandatory fare recovery ratios should remove them to make fare reductions possible. Existing transit pricing systems around the world provide a model for how U.S. 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 efficient

and connecting people to essential amenities. In enabling car-free travel, transit supports the dense, walkable land use patterns necessary to improve sustainability outcomes. 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. Transit received an unprecedented infusion of federal funding in 2021—funding that blunted the worst impacts of the pandemic and will be essential for maintaining and expanding the country’s transit infrastructure. However, transit still receives less than one dollar for every four going to highways and frequent, accessible transit remains scarce nationwide. States and the federal government must commit to dedicating the resources needed to transform transit into a high-quality service for all people.

3A Modernize transit operations by providing federal funding for operations. Expanding transit service hours, increasing frequency, and improving reliability are all proven, effective strategies for increasing ridership—yet many of these actions are ineligible for federal funding. At a time when fewer than ten percent of Americans are served by a system operating at least once every fifteen minutes, federal transit funding is almost entirely focused on expanding or building new transit systems. As revenue from fares and local tax measures evaporated virtually overnight, the pandemic demonstrated the need for a stable source of funding for transit service in emergencies. Yet many transit agencies were in dire need of investment long before the pandemic struck, with unreliable, infrequent, and underfunded service leading to ridership and revenue declines since 2014. At the same time, transit lines serving low-income or transit-dependent communities are often overcrowded and remained so throughout the pandemic. Long-term federal support for transit operations will help agencies deliver more frequent, reliable service and ensure that many more people in the U.S. have access to the high quality, safe, and affordable public transit service they need and deserve.

3B Expand and reform the Capital Investment Grant program (CIG) to accelerate and scale up project delivery while prioritizing criteria proven to improve transit quality. 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:

- Legislative Reforms:
 - Extend the project development (PD) phase beyond the current two-year time limit.
 - 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.
 - Consider accessibility components, railyard expansions, and bus terminals as eligible expenses in Core Capacity projects.

- Retire the Congestion Relief criteria for evaluating CIG projects.
- Require that 85 percent of CIG funds are obligated within an 18-month period and increase the typical annual payout beyond \$100 million.
- Administrative Reforms:
 - End the practice of requiring agencies to enter Project Development in order to count the expenditures toward its local match. FTA should offer pre-award authority for NEPA activities upon formal initiation of the environmental review process.
 - Allow entry into Engineering based on sponsors' demonstration of local financial commitment, project justification, and NEPA completion. Locking in the total CIG amount is not a legislative requirement, and should not be an administrative one.
 - End the practice of evaluating only weekday transit trips and adopt an "access to opportunity" metric to evaluate a project's potential to improve connections across the transit network, not just a specific corridor or route, to amenities and opportunities including but not limited to jobs and employment.
 - Deduct safety improvements from the total project cost as part of the Cost Effectiveness criteria. Cost deductions should also be applied to Core Capacity and Small Starts projects.
 - End the practice of calculating safety benefits by evaluating VMT and focus instead on roadway changes that are proven to reduce crashes by measuring bicycle and pedestrian injuries and fatalities around a project's route.

3C 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 U.S., 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.

3D 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.

3E 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 U.S., 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.

3F Dedicate resources for transit agencies to study and implement new strategies to improve transit service and systems. 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. Funding should prioritize equity and comprehensive stakeholder engagement when evaluating transit networks or making related changes.

PRINCIPLE 4

Lead the transition to a low-carbon transportation system.

The transportation sector is the largest emitter of greenhouse gases in the U.S. 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.

4A 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, create greenhouse gas reduction targets, incentivize

activities that reduce emissions while establishing consequences for missing targets, and report on progress toward those goals. Where applicable, these agencies should provide funding for cities to track and report emissions resulting from their systems.

4B 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.

4C Support cities pursuing congestion pricing as well as other pricing policies that reduce congestion. Over the past several years, congestion and productivity lost to traffic have hit an all-time high in the U.S. While the pandemic may have initially reduced the total amount of driving on city streets, congestion and vehicular traffic quickly returned to regular levels as more people retreated from public transit into private vehicles. The IJJA's new Congestion Relief Program enables cities to proactively address this issue by providing \$50 million per year to advance innovative, integrated, and multimodal solutions to congestion in the country's largest metro areas. To fulfill policy objectives around sustainability, safety, and equity, it is essential for cities participating in this program to conduct thorough community engagement, retain control over revenues, and have the flexibility to fund improvements to transit and active transportation. As tools that can help move more people on our roadways, NACTO urges FHWA to encourage such projects by providing technical assistance, transparent procedures around environmental assessments (including consideration of induced and latent demand from roadway capacity expansion), and facilitating cooperation between implementing agencies. Similarly, states should authorize cities to implement congestion pricing policies and programs to enable improved mobility and climate outcomes.

4D 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 VMT, improve quality of life and reduce the long-term environmental footprint of the transportation sector. In addition to making the FTA Transit-Oriented Development pilot program permanent, Congress and USDOT should expand eligibility beyond capacity-increasing projects and new fixed guideways, to include single station areas and improvements to existing guideways. The program should also fund TOD demonstration projects with an equity focus.

4E 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 55.3 miles per gallon for cars and 39.9 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.

4F Encourage the electrification of municipal and transit vehicle fleets by reducing costs and barriers around electric vehicle (EV) charging and purchasing. The IIJA provides \$5.6 billion for transit agencies and municipalities to purchase low- or no-emissions vehicles, an exponential increase in funding for the Low and No-Emissions Bus Grants program. The bill also provides \$7.5 billion for installing electric vehicle charging stations across the country, through a combination of competitive grants and formula funding. To fulfill the program's full potential and accelerate the adoption of electric transit and municipal vehicles, USDOT should ease restrictions around charging infrastructure installation and award funding to projects proven to reduce emissions over those that rely on or expand natural gas facilities.

4G Incorporate city concerns into the National Cooperative Freight Research Program. The IIJA tasks USDOT with creating an intergovernmental freight research program administered in partnership with the National Academy of Sciences (NAS). The legislation charges NAS with creating a public advisory group, made up of representatives from the private and public sectors including local governments, to create a research agenda and strategic plan for the program. NACTO calls on USDOT to include cities as stakeholders in the advisory group, as metropolitan areas and key ports represent some of the most complex and important links in the national freight network. The research program should address 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. Additionally, this program should study the impacts of drone delivery and expand last-mile freight options such as cargo e-bikes in cities.

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 U.S., where the majority of trips take place. However, city governments have little control over transportation funding; the current mechanisms through which transportation and infrastructure funding moves are flawed. Of the \$50 billion spent by the federal government on transportation every year, the majority goes to highways, instead of to the local streets that make up the vast majority of routes that people take every day. Even the amount of funding that is designated for urban areas is often misspent; any project within a city's boundaries count, even if that project was fully conceived of by a state or MPO with no input from community members of the designated city. In the worst cases, the projects that are built—like widening arterial roads—are detrimental to city goals and mandates of safety, sustainability, and equity. With over half of traffic fatalities in urban areas occurring on state-owned roads, cities need a greater say, or direct control, in how streets within their jurisdictions are designed.

5A 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 that are 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. Furthermore, 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 that are 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 should 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) currently follow. USDOT should offer prospective participants technical assistance and capacity-building support to better take advantage of the program's benefits.

5B 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 are often invested in ways that disregard, or clash against, the needs of cities. In addition to increasing the percentage of funds that are sub-allocated to urbanized areas to at least 60 percent, Congress should not only require sub-allocated funds to be spent on projects, but also spent in a manner that meets specific performance requirements around safety, carbon emissions reductions, and VMT reduction. Additionally, USDOT should provide cities with technical assistance to build their capacity to directly receive and manage federal funds upon request.

5C **Revise the NEPA process by streamlining projects that require multiple agency review and create listed categorical exclusions for bikeway, pedestrian, and transit projects in existing public rights of way.** Most bike, pedestrian, and transit projects do not widen roadbeds, expand the public right of way, or increase VMT, yet they often face a more onerous environmental review process compared to highway projects proven to induce demand and increase emissions. These projects should be categorically exempt from NEPA review, as well as any traffic study requirements. Additionally, project reviews by multiple agencies create exponential delays in project delivery, resulting in increased project costs, often without significantly changing the underlying project. In some cases, multimodal project elements that come with environmental benefits are cut from the project scope. States and the federal government should eliminate duplicative reviews, especially those requiring formal or informal ESA and Section 106 consultation, and 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, affordable housing, 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 and the Highway Trust Fund has relied on General Fund transfers to remain solvent. Congress should reorient the way transportation funds are raised and spent in order to meet concrete policy goals concerning safety, equity, and sustainability.

6A **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 U.S., 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 worsen. 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.

6B **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.

6C Secure a reliable funding source for transportation. The Highway Trust Fund has been on an unsustainable trajectory for decades, following repeated failures to index the gas tax to inflation. As a result, it has been over 13 years since the Trust Fund covered the cost of the surface transportation program, instead relying on tens of billions of dollars worth of infusions from the General Fund. Alternative revenue sources, such as Vehicle Miles Traveled (VMT) and Zero Occupancy User fees have been proposed or are currently in the pilot stage. While user fees will continue to play a key role in transportation funding, they come with limitations from debates about whether states receive more funding than they contribute to entrenched divisions between modes. NACTO urges Congress to commit to a funding solution that accounts for the improvements in fuel economy and adoption of electric vehicles, while resolving recurring debates over financing national transportation programs.

6D 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, build in-house expertise for major projects, 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. Technologies such as ride-hailing apps, bike share, scooter share, and other on-demand mobility services have dramatically altered the landscape of urban transportation. Some of these services offered a critical lifeline to essential workers during the Covid-19 pandemic, while others ceased providing services. Strong P3s and regulation are needed to ensure new mobility services help achieve city goals, particularly with

respect to safety, equity, public health, accessibility, and sustainability. Policies at the state and national level should assist city governments in managing and regulating services that utilize the public right-of-way and make 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.

7A Issue strong safety performance standards for autonomous vehicles (AVs). 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, 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, AV companies have touted the technology's potential 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.

7B 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. Regulators must also take into consideration the broader workforce development implications, congestion and transportation network impacts, and increased carbon emissions associated with shifting large fleets of vehicles from manual to automated operation.

7C Reject attempts to shift the costs of adopting new transportation technologies onto the public. 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. AVs and other newly introduced technologies seeking to use public infrastructure must work on the roads we already have; cities should not be required to redesign, restripe, or re-sign their roads to accommodate them. Similarly, cities should not be required to pay for the installation of 5G cells, transmitters, or other connected vehicle technology—these responsibilities should remain with manufacturers.

7D 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.

7E Implement robust data-sharing requirements for all automated vehicle technology and private mobility services. 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 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.

7F 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 which compromises safety. Comprehensively addressing this threat will require the federal government to create strong cybersecurity standards and hold manufacturers accountable for breaches.

7G 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).

7H Authorize cities to regulate ride-hailing services. 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 for drivers, requiring background checks, or levying trip fees to support transit. Additionally, federal laws limit a city's abilities to require ride-hail companies to shift their high-VMT fleets to zero emission vehicles. These laws hamper progress to reduce carbon emissions, eliminate any meaningful regulation, and even outright prohibit cities from 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, vehicle requirements, per-ride fees, fleet caps, and data sharing mandates.

7I Authorize cities to regulate shared micromobility devices such as shared bikes, electric scooters, and mopeds. NACTO supports shared micro-mobility transportation systems that help cities meet their goals of increasing mobility, reducing transportation emissions, encouraging bike and scooter use, and providing safer, more equitable transportation networks. Shared systems must provide people with access to a reliable network of safe, high-quality equipment, and program goals should be determined by the public sector in coordination with the system operator. Thorough public engagement is necessary to provide equitable service to the public, enforceable commitments to

coverage and service, and pursue related policies such as affordable pricing, accessible payment and booking options, and local and diverse hiring commitments. City regulations should 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.

7J 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, thus leading to a 40 percent roadway capacity increase and cutting 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).