



November 16, 2015

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The Honorable Barbara Boxer, Ranking Member  
Committee on Environment & Public Works  
410 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Jeff Denham  
1730 Longworth House Office Building  
Washington, DC 20515

The Honorable Grace Napolitano  
1610 Longworth House Office Building  
Washington, DC 20515

Dear Senator Boxer, Congressman Denham, and Congresswoman Napolitano:

On behalf of the California State Association of Counties (CSAC), I am writing to thank you for your strong leadership in advancing a long-term surface transportation reauthorization bill. As the conference committee to HR 22 works to finalize the legislation, CSAC would like to draw your attention to several key issues. While both the House and Senate reauthorization measures (the STRR Act and DRIVE Act, respectively) address a number of matters that are of direct interest to California's counties, the following items are of particular importance to our diverse membership.

#### **Funding for Local Bridges**

CSAC greatly appreciates that both chambers' transportation bills would place an emphasis on providing critically needed funding for local bridges. As you know, bridges are a unique component of our nation's transportation system and, unlike a variety of road and pavement projects, entail complex design processes, necessitate long-term planning and procurement, and present unique construction challenges. Moreover, there is little or no room for error when it comes to bridge safety, as they must remain structurally sound in order to ensure that vehicles and motorists are secure. For these and other reasons, it is essential that Congress direct adequate federal resources for bridge repair and replacement projects.

Pursuant to Section 11004 (g) of the Senate bill, 15 percent of Surface Transportation Program (STP) funds – or an average of roughly \$1.6 billion annually – would be set-aside for non-National Highway System (NHS) bridges. Of that amount, which represents a significant increase over current law, States would be required to spend *at least half* of the funds on local bridges that are off of the Federal-aid highway system; the balance of the set-aside would be reserved for bridges that are located on Federal-aid highways. With regard to California, the state's total non-NHS bridge set-aside would equal approximately \$132 million beginning in fiscal year 2016, of which at least \$66 million would need to be spent on local off-system bridges. By comparison, under current law, roughly \$75 million is required to be set-aside for California's local off-system bridges.

It should be noted that CSAC strongly supports the intent behind Section 11004 (g), which is to ensure that both *on and off* Federal-aid highway system bridges receive dedicated federal resources. As you know, this would help to address the fact that current law *only* includes a set-aside for local off-system bridges. It has come to our attention, however, that tying the non-NHS bridge set-aside to funds allocated to a State under STP, as called for in the DRIVE Act, would, in a number of states, result in a dramatically reduced off-system set-aside. Although California would not be as heavily impacted as other states (California's off-system set-aside would drop from \$75 million to a minimum of \$66 million while some states would see a 50 percent reduction in their off-system set-aside), CSAC recommends that conferees explore the option of basing the

new non-NHS bridge set-aside on 30 percent of each State's fiscal year 2009 Highway Bridge Program (HBP) apportionment. Based on our calculations, this approach would yield a roughly commensurate top-line funding figure for non-NHS bridges (roughly \$1.6 billion annually), but would not result in dramatic reductions to each state's off-system set-aside.

With regard to the House bill, CSAC strongly supports provisions of Section 1105 (i) that would provide States with flexibility to spend National Highway Performance Program (NHPP) funds on non-NHS bridges that are located on the Federal-aid highway system. This important reform would allow States to tap into the NHPP – which is by far and away the single largest source of federal highway program dollars – to help support important bridge projects that are otherwise currently ineligible for such funding. This added flexibility would be especially important in California where *over 50 percent* of local bridges are on-system, a significant percentage of which are structurally deficient or functionally obsolete.

Again, and in short, CSAC supports ensuring that STP funds are directed to both on and off-system bridges as provided for in the DRIVE Act (with the caveat that conferees should strongly consider modifying the formula, as recommended above). In addition, CSAC *also* supports the provisions of the STRR Act, which would provide States with additional flexibility to direct NHPP funds to non-NHS, on-system bridge projects.

#### **CEQA-NEPA Reciprocity**

CSAC strongly supports provisions of the House bill that would authorize the creation of a federal-state environmental reciprocity program. Specifically, Section 1313 of the legislation would require the Secretary of Transportation to establish a pilot program whereby States would be allowed to conduct environmental reviews and make approvals for projects under State environmental laws and regulations instead of Federal laws and regulations. Such an environmental "reciprocity" program has been a long-standing priority for CSAC.

It should be noted that the House bill would allow an approved-State to exercise program authority on behalf of up to 25 local governments for locally administered projects. In California, where local governments serve as lead agencies under the *California Environmental Quality Act (CEQA)* – meaning they have principal authority to prepare and certify CEQA documents for local projects and have primary responsibility for carrying out or approving such projects – local participation in the proposed reciprocity program is essential.

Because the State of California and its local governments have a long history of environmental stewardship under CEQA, Caltrans and local transportation agencies are ideally positioned and fully capable of demonstrating the immense value that a reciprocity program can deliver. Accordingly, CSAC strongly urges conferees to retain Section 1313 of the House bill, including the aforementioned provisions that would allow local governments to participate in the initiative.

#### **Surface Transportation Project Delivery Program**

CSAC supports Section 1312 of the House legislation, which would expand participation under the Surface Transportation Project Delivery Program (NEPA assignment program). Specifically, the bill would allow the State of California to exercise program authority on behalf of local governments for locally administered projects or to provide guidance and training on consolidating and minimizing the documentation and analyses necessary for local agencies to comply with NEPA and comparable requirements of State law.

As you know, Congress first authorized the Surface Transportation Project Delivery Program as a pilot initiative back in 2005. The program allowed Caltrans to assume Federal environmental review responsibilities under NEPA and other Federal environmental laws and has resulted in a simplified and expedited environmental process for transportation projects on State-owned facilities. Notably, under the

now-permanent program, Caltrans has demonstrated the same level of protection for environmental resources while achieving median time savings of over 10 months in approving draft Environmental Assessments (EAs); 11 months for final EAs; nearly 23 months for Draft Environmental Impact Statements (EISs); and, over 130 months for Final EISs.

Given the State-level success of the NEPA delegation program, the next logical step is allowing California's local governments to realize the same program benefits in the interest of expediting important local transportation projects. Again, CSAC urges you to retain Section 1312 of the House bill in the final transportation package.

### **Heavier and Longer Trucks**

CSAC supports language recently adopted by the Senate instructing conferees to authorize the Secretary of Transportation to promulgate rules allowing States to increase minimum truck length limitations *only if* the Secretary determines that such an increase would not have a negative impact on public safety. Pursuant to the Senate language, the Secretary's findings would need to be based on the results of the pending Comprehensive Truck Size and Weight Limit Study.

As you know, CSAC opposes mandates that would force States to increase truck size and weight limitations due to concerns that heavier trucks are dangerous, cause tremendous amounts of damage to our roads and bridges, and add to the cost of maintaining our infrastructure. Furthermore, operators of heavier trucks do not pay their fair share of costs for needed road repairs and maintenance. According to the U.S. Department of Transportation's Highway Cost Allocation Study, a typical truck on the road today (an 80,000 pound, five-axle single-trailer truck) pays for 80 percent of the damage it does to our roads and bridges. Even worse, a six-axle truck only pays half its share of highway maintenance.

In California, our roads see a significant amount of commercial vehicles and commercial-vehicle damage due to the state's large manufacturing base and international port system. Putting larger trucks on our roads would compromise safety and require that more be spent on highway and bridge reconstruction. Given the current budget situation, every possible effort should be made to maintain and improve the condition of our roads and bridges.

Thank you again for your leadership and hard work in developing a new long-term transportation bill and for your consideration of these important requests. If you have any questions or if you need any additional information, please feel free to contact Joe Krahn, CSAC Federal Representative, Waterman and Associates at (202) 898-1444, or Kiana Buss, CSAC Legislative Representative at (916) 327-7500 ext. 566.

Sincerely,

A handwritten signature in blue ink that reads "Matthew Z. Cate". The signature is written in a cursive, flowing style.

Matt Cate  
CSAC Executive Director

cc: Senator Dianne Feinstein  
California Congressional Delegation