

Sierra Club

Transportation Reform

POLICY GUIDE



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B&O Railroad Station Renovation and Rehabilitation in Oakland, Maryland

In 2003, Congress will reauthorize the federal transportation spending bill. This bill, authorized every six years, determines how federal transportation money can be spent. In 1991, Congress passed the Intermodal Surface Transportation Efficiency Act (ISTEA) and renewed it in 1998 through the Transportation Equity Act for the 21st Century (TEA-21). TEA-3, as the new bill is being called, should build on the progress made in the past two.

Despite the revolutionary steps forward in ISTEA and TEA-21, the current authorization bill (TEA-21), which totals \$217 billion dollars, spends almost *five* times more on highways than public transportation choices like rail and clean buses. By most estimates, the 2003 reauthorization (TEA-3) will be well over \$250 billion. How this large amount of money is spent will be instrumental in determining whether our nation focuses on smart growth, or whether we will continue to sprawl, pollute our air and water and degrade the natural environment.



Centerville Townscape in the city of Centerville, Iowa. \$67,911 in federal Enhancements investment greatly improved the town's walkability and streetscape.

In order to protect our communities and clean our air and water, the Sierra Club recommends transportation policies that:

- Make significantly greater investments in clean, public transportation such as trains, light rail, and clean buses.
- Use resources to maintain and make safety improvements to our existing roads before building new ones, and spend less tax dollars on new car-only transportation projects.
- Promote and support local, regional and statewide processes that combine transportation, land use and environmental planning instead of doing them separately.
- Improve neighborhood walking and bicycling conditions and access to shopping and parks.
- Support greater public involvement in the transportation and land use planning process.
- Focus future development, such as affordable housing, retail and commercial development, and office space, near transit centers.
- Fund innovative, incentive-based programs for encouraging alternative transportation use, such as tax credits for commuters who use public transit/walk/bike, parking cash-out and parking fees.

Specifically, Congress should:

Defend and enhance environmental protections for transportation projects.

This includes fighting off damaging “streamlining” bills that aim to limit the environmental review and public input processes, and protecting the existing clean air conformity regulations.



Silver Comet Trail in Cobb, Paulding, and Polk Counties, Georgia. Made possible by \$9,359,000 in federal Enhancements funds. (Georgia DOT)

Protect and enhance public transportation funding sources and the following programs. This includes safeguarding the transit guarantee (the funds in the transportation bill designated for public transportation projects) and increasing its amount, and strengthening:

- **Congestion Mitigation and Air Quality Improvement Program (CMAQ)** This program provides funds to areas that do not meet federal air quality standards for projects that will reduce transportation related emissions.
- **Transportation Enhancements** The transportation enhancements program provides funds for projects that strengthen the cultural, aesthetic, and environmental aspects of the nation’s inter-modal transportation system. Examples range from restoring historic transportation facilities, to bike-path and pedestrian facilities, to landscaping and scenic beautification, to mitigating water pollution from highway runoff.
- **Job Access and Reverse Commute Grants (JARC)** This program provides funds to develop transportation services to connect welfare recipients and low-income persons to employment and support services. It also provides funds for reverse commute programs that provide services to suburban employment centers from urban centers, rural areas and other suburban locations.
- **Transportation and Community and System Preservation Pilot Program (TCSP)** This program provides funding to investigate and address the relationships between transportation and community and system preservation and to identify private sector-based initiatives.



PATH’s Newark terminal in Penn Station, NJ

Encourage a “Fix-It-First” policy. This includes making sure funds are available for and are being spent on road and bridge maintenance (Interstate and Bridge Maintenance programs) before new capacity and expansion of the system occurs (programs like the National Highway System).

Encourage integrated transportation, land use and environmental planning. This includes a number of improvements such as doubling the set aside for planning, federal incentives for better planning at the state and community level such as a reduced local funding match, and the use of new technologies for improved planning.

Policy Recommendations

Defend and enhance environmental protections for transportation projects

Various legislative initiatives have recently threatened the integrity of the National Environmental Policy Act of 1969 (NEPA). For over 30 years, NEPA has protected America's natural heritage through two fundamental tenets: 1) requiring public participation in key environmental decisions, and 2) mandating the careful consideration of likely environmental consequences of federal actions that have potentially significant impacts. In effect, NEPA's safeguards help us make smarter transportation investments and serve the public's mobility needs while minimizing negative impacts on the environment.

Photo by Sean Robertson / Sierra Club



Our natural and scenic resources must be protected for use by future generations.

In 2002, some in Congress were promoting two bills – one in each house – that would impose a one-size-fits-all process with arbitrary, tight deadlines on state and local officials, one-sided authority to determine purpose and need and alternatives, and curtails to judicial review along with other adjustments that would weaken reviews under NEPA and similar protections. These bills – “Expediting Project Delivery to Improve Transportation and the Environment Act” ([ExPDITE, H.R. 5455](#)) and “Maximum Economic Growth for America Through Environmental Streamlining Act” ([MEGA Stream Act, S.3031](#)) – would limit long-honored safeguards under the guise of accelerating delivery of transportation projects.

In reality, these bills would hinder states' abilities to deliver timely, cost-effective transportation projects that serve communities by forcing states and localities to adhere to an inflexible, top-down review process. The fact is many states and localities are already making progress in improving their procedures under current law. Simplistic propositions to “streamline” reviews should be rejected, and Congress should look toward encouraging the best practices and stewardship efforts currently underway in several states.

Beyond NEPA, some in Congress are also talking about weakening the transportation conformity rule of the Clean Air Act that helps ensure transportation plans and programs are consistent with plans to achieve cleaner air. Transportation pollution contributes significantly to unhealthy air throughout America. New health studies and other data are showing how this pollution endangers public health even more than we thought, especially for the most vulnerable segments of the population like kids, seniors, and asthmatics¹. The transportation conformity process, coupled with important funding resources for clean air projects under the TEA-21 law, are the most meaningful tools available to combat unhealthy air from mobile sources in regions and communities struggling with the effects of mobile source pollution. Any efforts to lessen the frequency with which conformity demonstrations must be made or to shorten the time horizons that the analyses cover would be detrimental to this vital law.

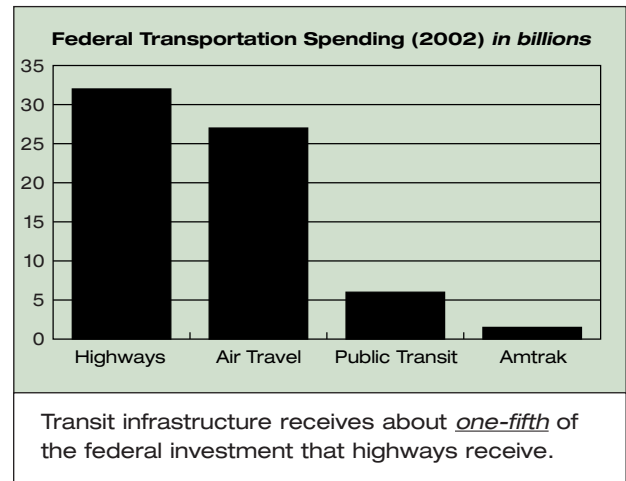
In short, crucial environmental protections must remain intact after reauthorization. The environmental community has pledged to help the states and Congress find ways to improve transportation project delivery without sacrificing environmental, historic, and other resource objectives and these efforts are already underway.

Protect and enhance good existing programs and public transportation funding sources

TEA-21 and its precursor, ISTEA, are valuable and effective laws that have helped make progress toward a more level playing field among different transportation modes, expanded eligibility of public transit projects for federal assistance, an improved process for metropolitan planning, and new targeted funding for environmental protection and community enhancements.

We must maintain strong funding for public transportation choices. In particular, under ISTEA and TEA-21, Congress recognized the need for more balance in our transportation system, and established a guaranteed account for transit. While transit funding is currently only about one-fifth as much as our federal investments in highway and bridge facilities, the yields are impressive. Public transportation ridership has surged in recent years, reaching levels not seen since the 1960s². Cities are expanding rail and bus systems to respond to growing demand — nearly 1,500 miles of new light rail and heavy rail lines were in proposal, planning, design or construction phases in 2000 — and many more are waiting in line for funding.³

These investments are helping to reduce transportation sector impacts on energy and the environment. In fact, according to the Federal Transit Administration, public transit saved the country upwards of 1.5 billion gallons of fuel annually in the 1990s. In order to build on this progress, we must safeguard the integrity of the transit fund in the reauthorization of TEA-21 and continue to grow its amount relative to other modes. Given our energy and environmental needs, as well as booming demand across the country, we urge significant increases in transit investments. Furthermore, the federal match for transit projects must remain at least equal to the match for highways. Requiring state and local entities to cover a larger share of the costs for a transit project than a highway creates a disincentive for investing in needed transit. These investments are crucial for achieving cleaner air, cleaner water, and a decent quality of life for millions of Americans.



There are currently two and a half times more requests for New Starts funds than there is money available.

The waiting list for new projects is approaching twenty years.

New Starts Working Group



We have also seen the value of the Congestion Mitigation and Air Quality Improvement program (CMAQ), which was created in 1991 under ISTEA. Congress created this pioneering initiative to help fund state and local efforts to reduce ozone and carbon monoxide pollution and to invest in transportation plans and programs to assist compliance with the Clean Air Act. More than \$9 billion in CMAQ funding has been invested over the past ten years, including more than \$4 billion on transit projects.

The state of California has dramatically reduced air pollution over the past decade, partly due to transit investments made with funds provided from the CMAQ program. Transit service grew by 24 percent from 1997-2001, spurring a 14 percent increase in annual passenger trips⁴. The combined effects of California's pollution control strategies, including cleaner vehicles and fuels⁵, establishment of a system of local air quality boards⁶, and investments in public transportation, resulted in significant air quality improvements since 1970. According to calculations made by the Surface Transportation Policy Project, between 1992 and 2001, there was a 60% drop in person-days of bad air quality (number of ozone alert days multiplied by the size of effected population).^{7,8}

In 2001, almost half of Americans lived in areas eligible for CMAQ funding to reduce air pollution. Given the growing air pollution challenges we face, we must maintain a strong CMAQ program, and significantly increase its dedicated funding. With the 8-hour ozone and PM 2.5 air quality standards about to take hold, we support a doubling of the CMAQ program in order to meet rising air pollution reduction demands.

Encourage a "Fix-It-First" policy

Despite substantial increases in transportation funding over the last ten years, many of America's existing roads and bridges are crumbling. Even as highways fall into disrepair and lack of maintenance jeopardizes the safety of some of our nation's bridges, many states continue to build new sprawl inducing highways on the fringes of communities. It is a poor investment of limited resources to expand our current network of roads and bridges when we are not even maintaining the ones we have already built.

Both public safety and are economic continuity are threatened by poor maintenance. Deferring needed bridge and road repairs simply adds to the nation's future transportation funding liabilities. Neglected roads and bridges can be rehabilitated now, avoiding much higher costs later. It costs five times less to keep a road in continuously good shape than it does to let it decay significantly before fixing it. That is because timely maintenance avoids severe repair problems and greatly extends the lifetime of a road.

The financial burden of deferred maintenance is incurred by motorists as well. For example, the American Society of Civil Engineers this year said the cost of damage from Michigan's highways averages \$260 per motorist, or \$1.8 billion, annually.⁹

To address this problem, Congress should provide adequate funding for road and bridge repair under the Interstate Maintenance and Bridge programs. At the same time, states should be required

to meet at least 95 percent of their road and bridge maintenance needs before new capacity road and bridge projects can be approved. It is imperative that Congress prioritize the maintenance and safety of our existing transportation infrastructure over new capacity and expansion.

Encourage integrated transportation, land use and environmental planning

Transportation planning which substantively and continuously involves the public, considers community needs, such as access to affordable housing, jobs and services, and protected resources such as public parks, wildlife habitat, historic sites and scenic areas will produce better projects that are less likely to incur opposition and delay. Taking protected resources into account at the beginning will protect resources, facilitate project approvals, and save money. Effective policy would support efforts to develop, harmonize, and coordinate state and local transportation, environmental, resource and land use planning.

For example, Florida's Efficient Transportation Decision Making Process (ETDM) provides planners, project managers, participating agencies and the public information on natural resources with which to evaluate the impacts of transportation projects at the earliest stages of the transportation planning process. ETDM was developed as a streamlining program, in which transportation plans, very early on in the process, are evaluated in terms of their environmental impacts, including impacts to the state's strategic habitat conservation areas. The ETDM process has enabled Florida to make better, faster transportation decisions while protecting their precious natural resources.

Transportation planning requirements of the federal law should instruct state, regional and local transportation plans to identify and avoid impacts of transportation facilities and systems on wildlife habitat, bio-diversity and ecological services of natural areas. It should also require the coordination of long and short-term transportation planning with local land use planning – including affordable housing and commercial development, and natural resource and conservation planning activities.

Congress should provide adequate resources for planning and public involvement that will improve communities' ability to assess transportation and land development alternatives and their impacts on communities and natural areas. Technologies such as visioning tools and Geographic Information Systems (GIS) mapping can identify flaws in a proposed project or alignment, and can help determine the best alternative.



A mix of transportation choices – walking, biking, transit, and automobiles – greatly increases quality of life.

Photo by Michael Replogle

In order to fund this new planning and other best practices for integrating transportation, land use and environmental planning, Congress should double the planning set-aside for states and metropolitan areas and create a new source of planning funds for local areas.

Conclusion

The reauthorization of TEA-21 offers tremendous opportunities for building on ten years' worth of successful investments and improvements to a more balanced transportation system. Results thus far have included plans, programs, and projects that enhance quality of life, reduce congestion, and improve environmental quality. But we have a long way to go. The reauthorization of TEA-21 must increase social, fiscal, and environmental benefits for all Americans.

■ ***It is absolutely crucial that the environmental regulations of transportation projects such as NEPA and air quality conformity are protected in the reauthorization.***

- Transit funding should be increased to meet the growing demand for federal transit support around the country.
- The existing, beneficial programs outlined above (CMAQ, TE, JARC, TCSP) should be strengthened to multiply the good results they have already yielded.
- Maintenance of our existing roads and bridges must be prioritized above building new capacity if we are to preserve the infrastructure we have already built.
- Finally, transportation, land use and environmental planning must be integrated with more public involvement if we are to deliver projects in timely, efficient and cost-effective ways that serve the community.

If these provisions are included, TEA-3 will be a much stronger bill that provides Americans more transportation choices and better reflects America's priorities on a clean environment, good health, and enhanced quality of life.

www.sierraclub.org/sprawl/tea3

i American Lung Association compilation of recent studies "KEY STUDIES ON AIR POLLUTION AND HEALTH EFFECTS NEAR HIGH TRAFFIC AREAS."

ii The American Public Transportation Association, <http://www.apta.com/>

iii Federal Transit Administration New Starts web pages, <http://www.fta.dot.gov/library/policy/ns/ns.htm>

iv Federal Transit Administration, National Transit Database, 1997 and 2001.

v "California's Air Quality History-Key Events" Jan. 16, 2002. California Air Resources Board. Retrieved Feb. 26, 2003 from < <http://www.arb.ca.gov/html/brochure/history.htm>>

vi "Local Control breeds local innovation" Surface Transportation and Policy Project.

vii Environmental Protection Agency: National Air Quality and Emissions Trends Report, 2000.

viii United States Census, 2000

ix Kelly Thayer, "Look Close: Flood of Money, Words Yield Scant Improvement in State Roads," Michigan Land Use Institute.