

National Highway System Designation Act of 1995 (NHS)

The importance of major intermodal marine linkages or connections to surface transportation was recognized in the National Highway System Designation Act of 1995 (Pub. L. 104-59), signed by President Clinton on November 28, 1995. This Act directed the Secretary, not later than 180 days after the date of enactment, to submit for approval to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives modifications to the NHS. These modifications consisted of connections to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, and rail and other intermodal transportation facilities. The Act also established interim eligibility for improvements to proposed connections with NHS funds if they are consistent with the criteria being used for identifying connections for submission to Congress. These interim guidelines will remain in effect until Congress approves the connection modifications and additions.

On May 24, 1996, the Secretary of Transportation forwarded to Congress for approval the Department's recommendations on the NHS connections to major intermodal terminals. They were developed in consultation with the USDOT operating administrations, State transportation agencies, national organizations, and public interest groups. The identification process was based on criteria with two major components, i.e., volumes or activity levels by terminal type and a more subjective approach relative to the importance of the terminal to the State. The package submitted to Congress identified nearly 1,407 major intermodal passenger and freight terminal connections, which included links to 247 major port facilities that handle 99 percent of total waterborne cargo.

Improving highway access to major intermodal terminals became a priority objective for the Federal Highway Administration in 1998. FHWA is directing a USDOT study to evaluate the condition and performance of 1,407 terminals identified in the National Highway System. The initial focus of the study will be on the 500 freight terminals (port, rail, and pipeline facilities). MARAD's updated landside access impediments initiative complimented the study and provided background information to screen major port access impediment issues.

Transportation Equity Act for the 21st Century (TEA-21) - ISTEA Reauthorization

On June 9, 1998, President Clinton signed the \$217.5 billion Transportation Equity Act for the 21st Century (Pub. L. 105-178), which authorizes highway, highway safety, transit, and other surface transportation programs for the next 6 years. TEA-21 builds on the initiatives established in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which was the last major authorizing legislation for surface transportation. This new Act combines the continuation and improvement of current programs with new initiatives to meet the challenges of improving safety, protecting and enhancing communities and the natural

environment, and advancing America's economic growth and competitiveness domestically and internationally through efficient and flexible transportation.

Within TEA-21, there are a number of programs that could potentially benefit port industry access concerns. While these programs do not earmark specific funds for port related projects, these projects may meet the program eligibility requirements. Since the decision process is driven at the local and state level, it is critical that port agencies become more involved in the local and state transportation planning processes through their metropolitan planning organizations and state DOTs.

The following highlights some of the TEA-21 programs and studies of interest to the port industry:

- o Construction of Ferry Boats and Ferry Terminal Facilities (Section 1207) - authorizes \$220 million over the 6-year period of the Act for construction of ferry boats and ferry terminal facilities. Of this amount, for each year from FYs 1999-2003, \$10 million shall be made available to Alaska, \$5 million to New Jersey, and \$5 million to Washington. In addition, the Act calls for the Secretary to conduct a study of ferry transportation in the United States and its possessions. Under the transit portion of the Act (Section 3009 (g)), \$14 million for FYs 1999-2003 is available to Alaska and Hawaii for ferry boats and facilities.
- o The Congestion Mitigation and Air Quality Improvement Program (Section 1110) - provides a flexible funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. Funding is available for areas that do not meet the National Ambient Air Quality Standards (nonattainment areas), as well as former nonattainment areas that are now in compliance (maintenance areas). Under ISTEA, only nonattainment areas were included in the funding formula. Further, greater weight is given to carbon monoxide nonattainment and maintenance areas.
- o National Corridor Planning and Development Program (Section 1118) - establishes a program to make allocations to States and metropolitan planning organizations for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. A State or metropolitan planning organization may apply to the Secretary for allocations under this section.
- o Coordinated Border Infrastructure Program (Section 1119) - establishes a coordinated border infrastructure program under which the Secretary may make allocations to border States and metropolitan planning organizations for areas within the boundaries of one or more border States for projects to improve the safe movement of people and goods at or across the border between the United States and Canada and the border between the United States and Mexico.

- o State Infrastructure Banks (Section 1511) - establishes a new State Infrastructure Bank (SIB) pilot program under which four States--California, Florida, Missouri, and Rhode Island--are authorized to enter into cooperative agreements with the Secretary to set up infrastructure revolving funds eligible to be capitalized with Federal transportation funds authorized for the FY 1998-2003 period.

This new SIB program gives States the capacity to increase the efficiency of their transportation investment and significantly leverage Federal resources by attracting non-Federal public and private investment. The program provides greater flexibility to the States by allowing other types of project assistance in addition to the traditional reimbursable grant.

- o Railroad Rehabilitation and Improvement Financing Program (Section 7203) - authorizes a new program to provide credit assistance, in the form of direct loans and loan guarantees, to public or private sponsors of intermodal and rail projects. The Act does not provide budget authority, but authorizes future appropriations and contributions from potential borrowers and other non-Federal sources to fund the credit assistance. The aggregate amount of outstanding loans and guarantees made under this program is limited to \$3.5 billion, with \$1 billion reserved for projects primarily benefiting freight railroads other than Class I carriers. Eligible projects include the acquisition, development, improvement, or rehabilitation of intermodal or rail equipment or facilities, including track, bridges, yards, buildings, and shops.
- o The Railway-Highway Crossing Program (Section 1103 (c)(2)) - continues a program initiated in ISTEA for eliminating hazards of railway-highway crossings in certain designated high speed rail corridors. The funds will be expended on improvements in five existing corridors and six new corridors (three specified in the Act and three to be selected by the Secretary in accordance with specific criteria).
- o Bridge Replacement and Rehabilitation (Section 1109) - provides funds to assist the States in their programs to replace or rehabilitate deficient highway bridges and to seismic retrofit bridges located on any public road.
- o Intermodal Freight Connectors Study (Section 1106 (d)) - Not later than 2 years after the date of enactment of this Act, the Secretary shall review the condition of and improvements made, since the designation of the National Highway System, to connectors on the National Highway System that serve seaports, airports, and other intermodal freight transportation facilities, and report to Congress on the results of such review. If the Secretary determines on the basis of the review that there are impediments to improving the connectors serving intermodal facilities, the Secretary shall identify such impediments and make any appropriate recommendations as part of the Secretary's report to Congress.

- o Vehicle Weight Enforcement Study (Section 1213 (h)) - Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct a study of State laws (including regulations) relating to penalties for violation of State commercial motor vehicle weight laws. The purpose of the study shall be to determine the effectiveness of State penalties as a deterrent to illegally overweight trucking operations. The study shall evaluate fine structures, innovative roadside enforcement techniques, and a State's ability to penalize shippers and carriers as well as drivers and shall examine the effectiveness of administrative and judicial procedures utilized to enforce vehicle weight laws.