



1ST QUARTER U.S. FEDERAL POLICY BRIEFING

JANUARY 26, 2022

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APBP Staff

UPCOMING WEBINARS FROM APBP

2022 Monthly Series:

- **February 16:** Accommodating Active Transportation Through Work Zones
- **March 16:** Lane Diets and Doughnuts: Making Social and Sustainable Mobility for All People Palatable
- **April 20:** Transforming the Experience for People on Bikes: How Two North American Communities Have Successfully Implemented Low Stress Networks, Quickly

APBP Policy Statements can be found at:
[apbp.org > Resources > Policy Statements](https://apbp.org/resources/policy-statements)

apbp.org/policy-statements

Visit the NEW Member
Education Center

APBP.MCLMS.NET

to view more information about
the 2022 series

TODAY'S WEBINAR PRESENTER



Caron Whitaker

- Caron works both as APBP's Policy Specialist and does government relations for the League of American Bicyclists.
- Prior to these positions, she served as the Campaign Director for America Bikes where she coordinated and implemented America Bikes federal policy agenda. Before that, she worked for the National Wildlife Federation on smart growth, international policy, and community engagement.
- In addition, Caron served as a Community Land Use Planner for the State of North Carolina Division of Coastal Management, providing technical assistance to local governments and staffing a stakeholders' council responsible for revising state planning regulations. She has a Masters in Environmental Management from Duke University, Nicolas School of the Environment and a Bachelors of Arts from Williams College.



National Roadway Safety Strategy, Discretionary Grants and BIL Guidance

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AGENDA

National Roadway Safety Strategy

Discretionary Grants

Guidance

- FHWA 'Fix-it- Right' memo
- Bridges

APBP comments - Safe Streets

Build Back Better?



Charleston, SC- NACTO photo gallery



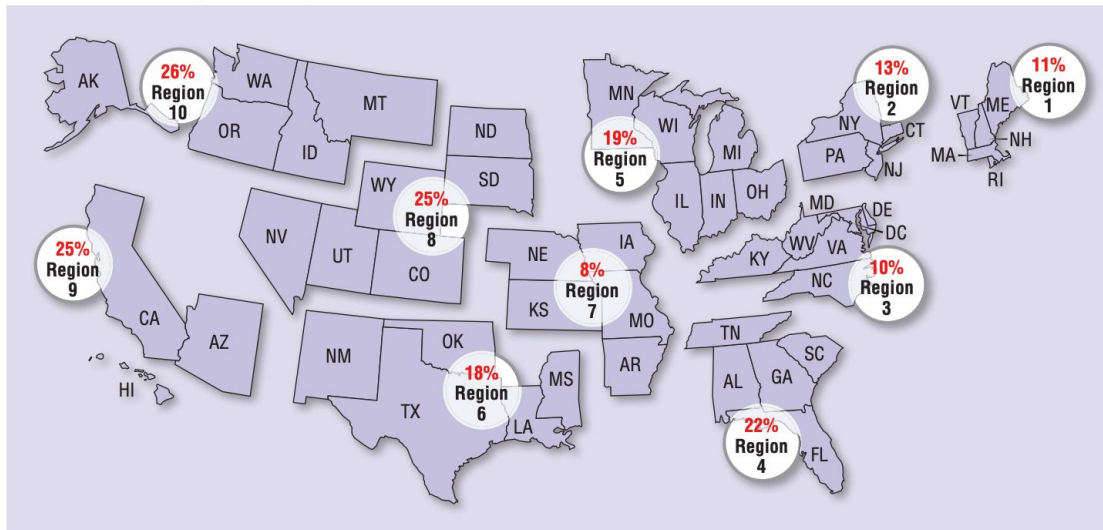
NATIONAL ROADWAY SAFETY STRATEGY

2021 MORE DANGEROUS THAN 2020

In November, NHTSA Released fatalities for the first 6 months of 2021

- 20,160 people died in traffic violence
- 18.4% increase in fatalities over 2020 numbers
- Highest increase ever

Figure 2: Percentage Change in Estimated Fatalities in the First Half of 2021 From Estimated Fatalities in the Same Half of 2020, by NHTSA Region



“THIS IS A CRISIS”

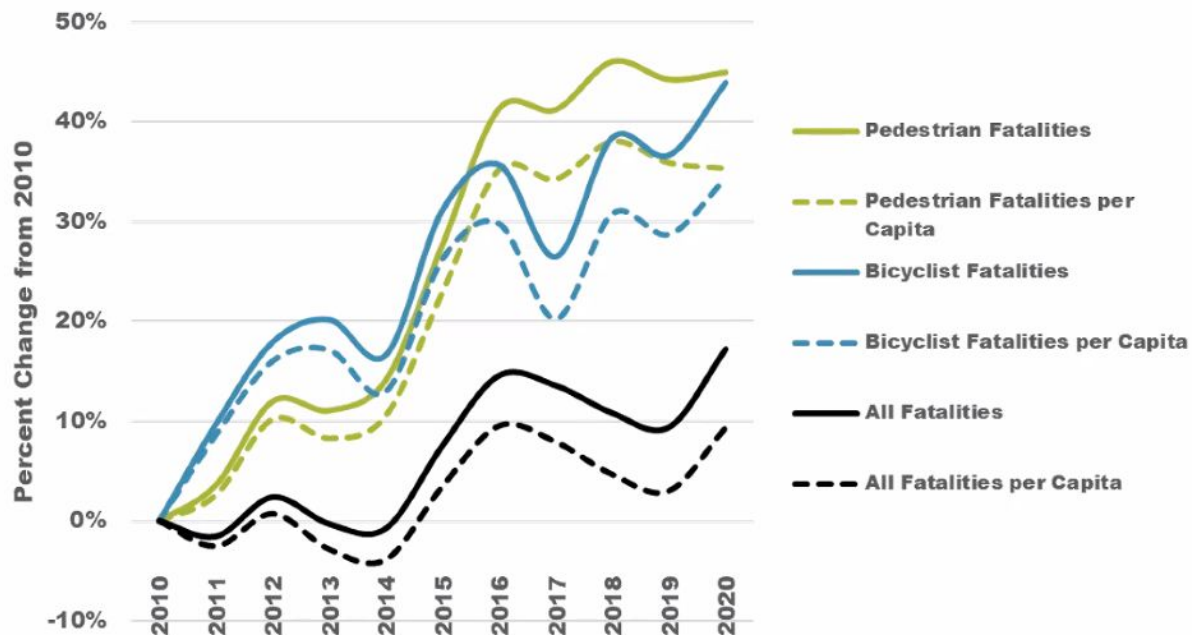


"We cannot and should not accept these fatalities as simply a part of everyday life in America."

"Today we are announcing that we will produce the Department's first ever **National Roadway Safety Strategy** to identify action steps for everyone working to save lives on the road."

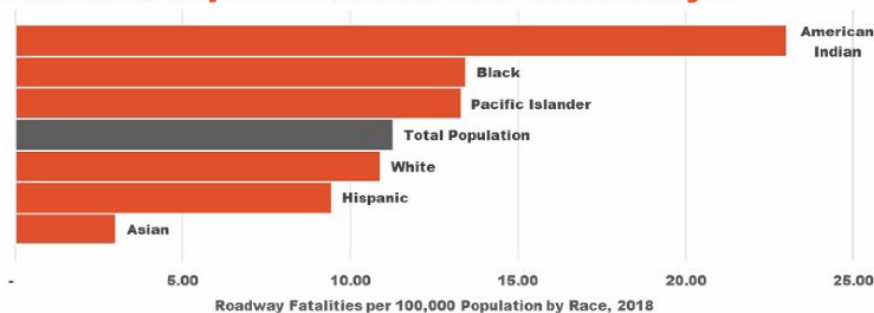
FROM 2020

Fatalities among all users have been growing.
Fatalities among pedestrians and bicyclists have
been growing faster.



FATALITIES 2018

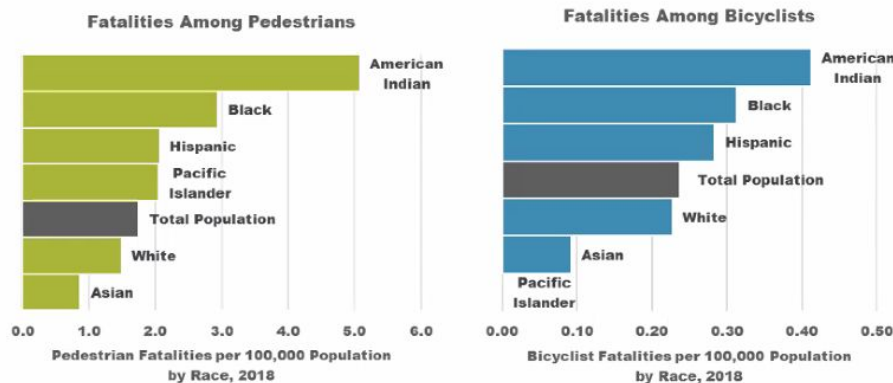
Fatalities impact communities differently...



Need for policy to address inequities

Especially among people biking, walking and rolling

...particularly for people not in a vehicle.



NATIONAL ROADWAY SAFETY STRATEGY

January 14th- VP Harris gave preview

- Highlighted \$6 billion in Safe Streets and Roads for All

What else?

- How will it encompass Safe System Approach?
- Will it include MUTCD changes?
- Focus on active transportation complete networks?
- Will it include guidance on other safety programs?
- How will safety be incorporated into other discretionary programs?

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DISCRETIONARY GRANTS

RAISE GRANTS (2021 AWARDS)

Breakdown

Roads - \$500 million or 50% (includes CS and SOGR projects)

Transit - \$246 million or 24.6%

Biking and Walking - \$180 million or 18%

Maritime and ports- \$77 million or 7.7 %

How does that compare to BUILD and TIGER grants?

RAISE GRANTS (SAME AS BUILD)

Criteria:

- Safety
- Environmental Sustainability
- **Quality of Life**
- Economic Competitiveness
- State of Good Repair

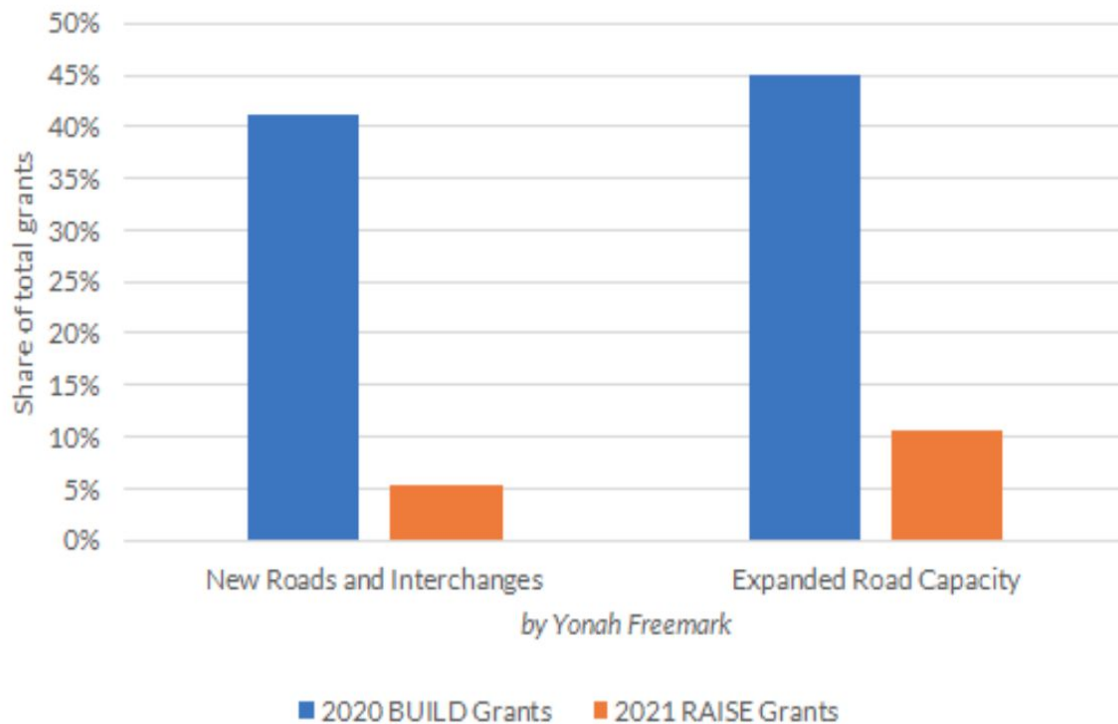
Quality of Life

(1) Incorporating planning and adopting policies related to racial equity and reducing barriers to opportunity; and

(2) investing in projects that either proactively address racial equity and barriers to opportunity, including automobile dependence as a form of barrier, or redress prior inequities and barriers to opportunity

ANALYSIS @YFreemakr

2021 RAISE Grants Provide Far Fewer Funds to New Roads, Interchanges, and Expanded Road Capacity



Majority of road funding went to repair and complete streets projects

UPCOMING DISCRETIONARY GRANTS

First quarter of 2022

- RAISE Grants- \$1.5 billion a year
- Rural Surface Transportation Grant - \$400 million/year, \$40m set aside small projects

Second quarter

- Safe Streets and Roads for All- (May) \$1.2 billion/year
- Reconnecting Communities- \$200 million a year



BIL FUNDING

WHERE'S THE \$1.2 TRILLION IN THE BIL?

US DOT does not have full access to the funding promised in the Bipartisan Infrastructure law.

- Federal transportation funding generally comes through the Highway Trust Fund. In the past this has kept it protected from budget debates in Congress

This time it is different

- B/c it is a New Bill it needs the authorizers to take action
 - Up the obligation limits for existing programs
 - Add language to all new programs to begin.

WHAT IS EFFECTED

New programs

\$6.4 Billion Carbon Reduction Program

\$8.7 Billion PROTECT (Resiliency) program

\$6 Billion Safe Streets for All

Spending levels/ Apportionments

- While DOT has released authorization levels, Action in Appropriations is necessary to increase obligation limits.

Staffing

- DOT's operating budget is also in limbo.
- Need new staff to spend new \$\$

PROSPECTS FOR A BUDGET BILL

Current bill runs out in February 18th

- Talks are heating up
- Real debate is much larger than transportation

Common Wisdom- we'll get another short term extension

A Continuing Resolution could make changes to transportation and not other programs

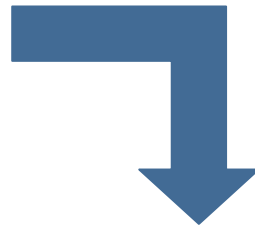
- But that could remove leverage



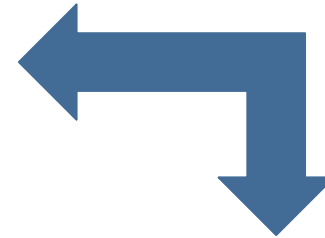
Bipartisan Infrastructure Law (BIL) Implementation

THE LAW GETS INTERPRETED

Congress writes bill



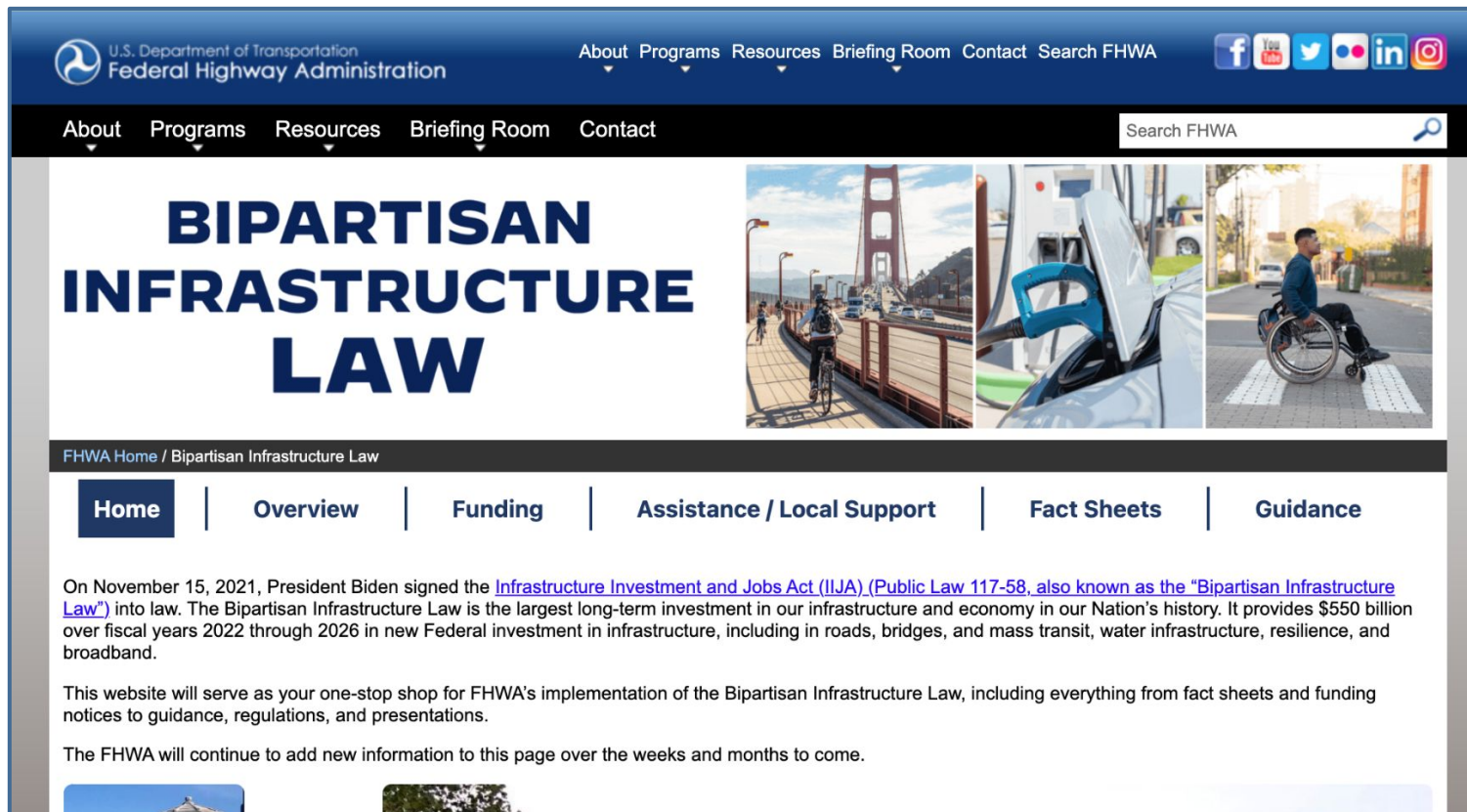
US DOT writes guidance



States follow guidance to ensure reimbursement



FHWA BIL WEBSITE



<https://www.fhwa.dot.gov/bipartisan-infrastructure-law/>

FHWA's POLICY MEMO (FIX IT RIGHT)

FHWA will work with partners to:

- Promote- repair and maintenance over new capacity
- prioritize projects that improve micromobility, access, safety, connectivity and resiliency.

Encourage MPOs, State DOTs and others to, before building new SOV capacity consider:

- Progress towards state of good repair
- Performance targets
- Cost effectiveness vs. operational or transit options

RESPONSE TO FHWA MEMO

*“AASHTO also appreciates FHWA’s acknowledgement that this guidance does not suggest that the agency has the authority to require states to invest federal formula funds in certain types of projects nor restrict them from investing in other types of projects. - **AASHTO letter***

*A clear example of federal overreach would be an attempt by the Federal Highway Administration to limit state widening projects. .. Such a policy fails to recognize the differences in state priorities, funding levels, and transportation networks across the 50 states. - **Letter by 19 Republican Governors***

Rep.Sam Graves, Ranking Member of the Transportation & Infrastructure Committee has requested a briefing from the Administration concerned that the federal directives (and this memo) will conflict with states' preferred use of federal transportation funding

BRIDGE FUNDING IN BIL

BIL Bridge Funding

- \$27.5 Billion in formula funding
 - 15% to off-system bridges, funded at 100% federal funding
- \$20 Billion in discretionary grants

Bike/Ped access in BIL

Any time a bridge deck is replaced or rehabilitated it must include bike/ped access

Two exceptions:

1. If the roads leading to the bridge on both sides do not allow bicycling or walking (such as an interstate) or
2. If it can't be done within a reasonable cost.

FHWA BRIDGE FP GUIDANCE

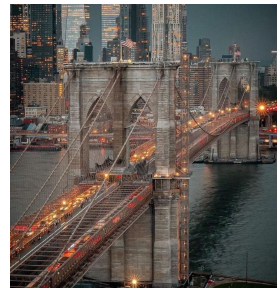
Repair/ Bike/Ped Access

- FHWA interprets reasonable cost as more than 20% of the cost of the bridge deck.
- Acting Administrator Pollack said will only issue exemptions in those 2 cases.

FHWA guidance on bridges

- promote and encourage repair and maintenance
- If a state wants to build a new bridge, FHWA will require they address:
 - removing barriers to opportunity
 - reducing GHG emissions
 - Improving multi-modal access.

Discretionary program?





SAFE STREETS AND ROADS FOR ALL

APBP COMMENTS ON SAFE STREETS AND ROADS FOR ALL

\$6 Billion discretionary grant program to fund:

- Safety Action Plans (description sounds like Vision Zero plans)
 - Engineering, Education and Enforcement
 - Uses “may” not “shall” giving DOT even more discretion.
- Projects and programs that improve safety

Comments- 3 buckets

- Prioritize street design (not nec. ‘low-cost’ solutions)
- Do not fund officer-led enforcement or at least put safeguards around it.
- Recognize existing plans

PRIORITIZE STREET DESIGN

Prioritize Engineering solutions

- Overall (vs. Education or enforcement)
- The bill criteria suggests prioritizing 'low-cost' solutions
-

Suggestion

“Cost-Effective” over low- cost

- Low-cost and fast often = enforcement
- Transformative change = engineering changes

LIMIT FUNDING FOR ENFORCEMENT

Equity Concerns

- Suggest no funding for “officer-led” enforcement
- Only fund automated enforcement
- At least provide safeguards

Safeguards

- Requiring that applicant to have:
 - Have a law or policy prohibiting racial profiling
 - A plan for ensuring enforcement is equitable.
 - Requiring the grantee to report demographic data in aggregate
 - Those stopped and given citations
 - Neighborhood demographics

SAFETY ACTION PLANS

Program written to fund new plans

Suggestions

- Make plan updates and addendums eligible
- Create option for applicant to apply for plan update and a project/program in the same round



BUILD BACK BETTER?

QUIET NEGOTIATIONS

A couple potential options:

- Congress sets \$\$ amount that all Dems can agree to.
- Congress agrees to do a climate bill

Climate bill option

- more likely to include things like
 - E bike tax rebate
 - Bicycle Commuter Benefit
- Other Transportation programs?





QUESTIONS?

THANK YOU FOR ATTENDING

Thank You!