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Surface Transportation Policy Project's Electronic Update

IN THIS ISSUE

- [▶ Highways Agreement Announced](#)
- [▶ Senate Completes Work](#)
- [▶ New Brookings Study](#)
- [▶ Advisory Council Propositions](#)
- [▶ Safe Routes Support Growing](#)
- [▶ EPA School Location Findings](#)

[Subscribe to Transfer](#)
[Transfer Archives](#)

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Senate EPW Committee Leaders Announce Agreement on TEA-21 Extension, Set November 5 for Action on Package

Leaders of the Senate Environment and Public Works (EPW) Committee have slated November 5 as the target date for action on a legislative proposal renewing key portions (e.g. highway and research programs) of the nation's surface transportation law, known as TEA-21.



The October 24 release on the panel's intention to act on a TEA-21 renewal plan next month also announced an agreement among the top bipartisan leadership of the Committee on a legislative package. The Committee leadership proposal sets forth how the lion's share of TEA-21 program resources are to be allocated among states and within the states, including key policies and rules governing how federally-assisted projects at the state and local level move forward.

Little information on the agreement has been available, since negotiations were confined to staff of the four top panel leaders – Senators Jim Inhofe (R-OK), Jim Jeffords (I-VT), Kit Bond (R-MO) and Harry Reid (D-NV). Staffs of the other 15 members on the Committee were briefed afterwards on the details of the leadership's agreement.

Key details of the package have yet to be finalized, including specific funding levels for the states. The agreement appears to draw extensively from recommendations made by the Bush Administration in its "SAFETEA" proposal released earlier this year. Many STPP coalition partners have expressed reservations about various aspects of the SAFETEA proposal, indicating opposition to provisions that weaken existing Clean Air procedures, Section 4(f) protection for historic and other assets, and the NEPA process for environmental and public review.

Stinging from criticism leveled by highway industry leaders, state transportation departments and others that Congressional panels had failed to move forward with bills providing for a multi-year renewal of TEA-21, leaders of the Senate panel, as well as the House Transportation and Infrastructure Committee, have recently stepped up their efforts to get specific renewal proposals moving, particularly as the November 7 adjournment date for this Session of the 108th Congress fast approaches.

During debate last month on the 5-month extension law, House and Senate transportation leaders publicly pledged prompt action on Committee proposals renewing TEA-21, although funding constraints, which stalled earlier action, are very much the same today as they were last month when the extension was debated.

The EPW Committee has an ambitious schedule, announcing the leadership agreement with the November 5 date for "markup" of the proposal. This schedule is intended to support moving a comprehensive renewal package to the Senate floor when Congress reconvenes early next year. Other Senate Committees must also act on various elements of the package before it can come to the Senate floor, including the Senate Committee on Banking, Housing, and Urban Affairs, which principally considers transit issues, and the Senate Committee on Finance, which must address the revenue title and any necessary revenue raising proposals.

On the House side, leaders of the House Transportation and Infrastructure Committee are continuing their work on their renewal plan and expect to have details to release before the Congress adjourns next month. 

Senate Completes Work on the FY'04 Transportation Appropriations Bill

The full Senate acted on the Fiscal Year 2004 Transportation, Treasury and Independent Agencies bill, approving the legislation October 24 on a 91 to 3 vote.

With the Senate action, the bill now heads to a conference committee, where leaders of the Senate and House Appropriations Committees will meet to reconcile differences between the bills passed by each chamber. Negotiations are expected to occur during the week of October 27.

In addition to serving as the lead Senate negotiator of the bill in his capacity as chair of the Senate Appropriations Transportation-Treasury Subcommittee, Senator Richard C. Shelby (R-AL) also chairs the Senate Banking, Housing and Urban Affairs Committee that oversees transit issues in TEA-21. As such, Sen. Shelby has considerable influence over both transit policy matters and annual transportation funding issues, including transit.

A number of STPP's partner organizations recently wrote to Senator Shelby and Senator Patty Murray (D-WA), the senior Democrat on the Transportation Appropriations Subcommittee, to convey the coalition's priorities in the Senate bill and to address upcoming conference committee negotiations. The key issues raised in the October 17 STPP partners letter were: Amtrak, the Jobs Access and Reverse Commute Program (JARC), New Starts, Scenic Byways and funding for the Federal Transit Administration.

The final Senate bill provides overall funding of \$59 billion for transportation programs, with \$33.8 billion in obligation authority for highway programs and \$7.31 billion for transit. Like the House bill, highway funding is up substantially from the FY'03 level, with the Senate bill recommending higher transit spending than the House provided but at a level that is somewhat above FY'03 funding.

Among the other issues in the debate on the renewal bill, the Senate's position on Amtrak funding held at the \$1.346 billion level, well above the House level of \$900 million. While an amendment to reduce Amtrak's funding was expected, it was never offered due to strong opposition in the Senate.

To view a copy of the STPP Coalition letter, go to: http://www.transact.org/PDFs/Senate_Appropriations_letter.pdf



Brookings Study Supports Local Transportation Decision-Making

A Brookings Institution paper released October 24 recommends increasing local control of federal transportation funds. The paper documents metropolitan decision-makers' responsiveness to local needs such as transit, showing that funds controlled by local governments through their metropolitan planning organizations (MPOs) are flexed to transit at over three times the rate of state-controlled federal funds. Because of their higher rate of transit support, MPOs were a bigger funder of transit than their state counterparts, even though states directly control 94 percent of federal transportation funds.

The paper tells the story of mayors, county officials, and other local elected officials facing an increasingly complex transportation problem, but with very little influence on how federal highway dollars – now approaching \$34 billion each year – are spent. The metropolitan planning organizations, through which locals control about 6 percent of federal transportation funds, are often hampered in their work by a lack of federal and state support. The report documents the interest of many metropolitan areas in a "more balanced and holistic transportation network" to help combat congestion and other problems that can stifle metropolitan economic growth.

Transit is emphasized as an integral part of creating a more balanced transportation network at the metropolitan level. The study finds that the top 25 metropolitan agencies across the country have been investing the funds they could in building better transit systems, including larger regions like Minneapolis-St. Paul and Atlanta as well as smaller areas like Chattanooga, TN and Allentown, PA.

For more on the study, see www.brookings.edu. View STPP's statement on the study at <http://www.transact.org/news.asp?id=40>



The Advisory Council on Historic Preservation Proposes Weakening Section 106 Protections for Historic and Cultural Resources

The Advisory Council on Historic Preservation (ACHP) September 25 proposed amendments to the regulations Federal agencies use to consider the effects their actions may have on historic properties and enable the ACHP a reasonable time to comment. The changes would weaken the consultative process afforded by Section 106 of the National Historic Preservation Act of 1966 at a time when the Administration and some lawmakers would allow state transportation departments to replace or weaken Section 4 (f)'s substantive protections for historic properties, parklands, and wildlife refuges with Section 106 as part of TEA-21 reauthorization.

If the amendments are approved, the ACHP could no longer force a Federal agency to change its determinations that its undertakings affected or adversely affected historic properties. In addition, the amendments would allow State or local regulations to substitute for Section 106 if approved or delegated by a Federal agency. Moreover, if state, tribal or national historic preservation officers have not responded within 30 days of receipt of an agency's finding of "no adverse impact", the agency official may assume concurrence and proceed accordingly without considering "less harmful" alternatives as afforded by Section 106's consultative process. The deadline to comment on 106 regulations has been extended to 11/26/03.

For more information, visit the ACHP website at <http://www.achp.gov/news->

[regsamends.html](#). For details on efforts to preserve Section 4(f) protections, visit <http://www.nationaltrust.org/issues/transportation/>



Grassroots Support for National Safe Routes to School Program Grows

International Walk to School Day on October 8 was marked by events in thousands of communities in all 50 states and 30 countries involving more than 3 million walkers. President Bush issued a statement commending the Partnership for a Walkable America and all organizations involved in local events, saying, "Our Nation has a responsibility to build a secure and nurturing society so that our children can grow, learn, work, and succeed. By encouraging walking or biking to school, this Day challenges students to reach their potential and helps them establish a foundation for a lifetime of health and fitness."

Over the past seven years, the event has been a key part of a grassroots movement for walkable communities and pedestrian safety. This interest has coalesced around H.R. 2568, "The Pedestrian and Cycling Equity Act" (PACE), which was introduced by Representative Jim Oberstar (D-MN) and has already attracted 34 cosponsors. PACE would create a national Safe Routes to School program, with \$250 million annually in funding for improvements to make schools safe destinations for walking and biking.

To learn more and take action, visit http://www.antic.net/campaign/pace_bill_alert.asp. For more information on International Walk to School Day visit <http://www.walktoschool.org>



EPA Finds School Location Deters Children from Walking to School, Contributing to Congestion and Air Pollution

The U.S. EPA celebrated Walk-to-School Day by launching Children's Health Month at a Washington DC event. The celebration focused on the air quality benefits of walking to school, and highlighted the EPA's children's health protection activities such as the Clean School Bus Initiative. Acting EPA Administrator Marianne Horinko stated, "By choosing to walk to and from school, children and parents can help reduce the amount of air pollution emitted by vehicles - and thus improve the respiratory health of our children, especially those with asthma."

The EPA also released a new report looking at the transportation and environmental implications of school location. "Travel and Environmental Implications of School Siting" is the first study to empirically examine the relationship between school siting, the built environment around schools, how kids get to school, and the impact of those travel choices on air quality. The report finds that school location and the walkability and bikeability of the surrounding neighborhood (elements that are often dictated by state and local regulations) greatly influence student travel behavior. In turn, this travel behavior has the potential to worsen traffic congestion, air pollution, and even school transportation budgets.

To read the EPA's new report, visit http://www.epa.gov/smartgrowth/school_travel.htm





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