



Committee on Transportation and Infrastructure
U.S. House of Representatives

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June 19, 2015

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Highways and Transit
FROM: Staff, Subcommittee on Highways and Transit
RE: Subcommittee Hearing on “Meeting the Transportation Needs of Rural America”

PURPOSE

The Subcommittee on Highways and Transit will meet on Wednesday, June 24, 2015, at 2:00 p.m. in 2167 Rayburn House Office Building to receive testimony related to rural transportation needs. The Subcommittee will hear from representatives of the American Association of State Transportation Officials; the National Association of Counties; the Agricultural Retailers Association; the Soy Transportation Coalition; and the American Bus Association.

BACKGROUND

Rural roads connect rural communities to urban centers; farms to markets across the Nation and internationally; and rural communities to an interconnected highway and multimodal transportation system. While only 20 percent of the U.S. population resides in rural areas according to the most recent census¹, one-third of all vehicle-miles traveled (VMT) and over half of all truck VMT in 2012 occurred in rural areas². Even more striking, 71 percent of all lane-miles of public road³ and 74 percent of all bridges are in rural areas⁴.

Rural states face unique transportation challenges because long stretches of road are lightly traveled or used predominately by cars and trucks passing through the state. Because of the extent of rural roads, including significant mileage on federal and tribal lands, rural states tend to depend more on the federal-aid program for funding to build and maintain roads and

¹ <https://ask.census.gov/faq.php?id=5000&faqId=5971>. Urban areas include urbanized areas of 50,000 or more people and urban clusters of at least 2,500 and less than 50,000 people.

² Federal Highway Administration, Highway Statistics 2012, table VM-1.

³ Ibid, table HM-260.

⁴ Bureau of Transportation Statistics, National Transportation Statistics, table 1-28.

bridges. Farming, dairy, energy, and natural resources industries in rural states rely on a strong federal-aid program to move their products to market, while families, tourists, and business travelers use rural roads across America to connect to schools, jobs, and vacation destinations.

Currently, the surface transportation program includes a number of programs and provisions that benefit rural areas and agricultural interests.

Highways

MAP-21 made changes that benefit rural areas by eliminating earmarks and set-asides and distributing over 90 percent of highway funding by formula, thereby guaranteeing each state a fair share of funding. The Act also expanded the Highway Safety Improvement Program (HSIP), a federally-funded, state-administered program that provides funding to address traffic fatalities and serious injuries on all public roads, including non-state-owned public roads and roads on tribal land. Over half of all fatalities occur on rural roads, and the fatality rate on rural roads is nearly two and half times that in urban areas⁵. MAP-21 replaced a set-aside for rural roads with a trigger under HSIP. If the fatality rate on rural roads increases over the most recent two year period, states must dedicate a specified amount of funding toward high risk rural road safety projects in the next fiscal year. In fiscal year 2015, seven states triggered the requirement for higher investment levels, with a total obligation limitation of \$12.4 million through July 31, 2015.

The Federal Lands Transportation program and the Federal Lands Access Program provide funding for transportation access to and within federal lands, including national forests, national parks, national wildlife refuges, and national recreation areas, which are often, but not exclusively, located in rural areas. Economic activity from federal lands adds significantly to local economies. In 2013, visitors to National Parks spent \$14.6 billion in local communities within 60 miles of a park. MAP-21 authorizes \$300 million per year for the Federal Lands Transportation program⁶. The Federal Highway Administration (FHWA) provides financial resources as well as technical assistance in delivering these transportation projects with the appropriate federal agency. The Tribal Transportation program provides access to and within Indian reservations, Indian lands, and Alaska Native Village communities.

A high-performing freight transportation system is critical for rural America, given that farming, forestry, fishing, mining, and manufacturing accounted for 22 percent of earnings in rural areas in 2010, a significantly higher share than in urban areas.⁷ MAP-21 recognizes the importance of efficient goods movement by requiring the U.S. Department of Transportation (DOT) to designate a national freight network and develop a national freight strategic plan. Both initiatives are ongoing. MAP-21 also established a new national freight policy with the goals of reducing congestion, increasing productivity, improving safety, and improving the condition of

⁵ National Highway Traffic Safety Administration, "Traffic Safety Facts, Rural/Urban Comparison", July 2014, <http://www-nrd.nhtsa.dot.gov/Pubs/812050.pdf>

⁶ National Park Service, "2013 National Park Visitor Spending Effects", http://www.nature.nps.gov/socialscience/docs/NPSVSE2013_final_nrss.pdf

⁷ United States Department of Agriculture, Recent Industrial Trends, <http://www.ers.usda.gov/topics/rural-economy-population/business-industry/recent-industrial-trends.aspx>.

the national freight network. Finally, to encourage states to undertake freight projects, MAP-21 increased the federal share for freight projects from 90 percent to 95 percent on the Interstate System, and from 80 percent to 90 percent on other federal-aid highways.

MAP-21 includes a number of provisions, beneficial to rural and urban projects, aimed at streamlining and accelerating reviews under the National Environmental Policy Act (NEPA). These include establishing categorical exclusions for projects within the right of way and for projects of limited federal assistance (less than \$5 million of federal aid, or a total cost of \$30 million or less with federal funds comprising less than 15 percent of the total project cost). In addition, MAP-21 allowed states to assume authority for NEPA from FHWA. To date, Texas and California have assumed this responsibility, and Idaho and Utah have applied for this authority.

MAP-21 created a new performance management system aimed at making the federal highway program an outcome-based program. The objective is for states to invest resources in projects that collectively will make progress toward the achievement of national goals, including maintaining highways and bridges in a state of good repair, and reducing congestion on the National Highway System. However, in implementing the program, FHWA has proposed requiring states to collect extensive data on all public roads, including gravel and dirt roads. State and local interests in rural areas have expressed concern that such a requirement will be extremely burdensome without a commensurate benefit for safety.

MAP-21 folded the bridge program into the National Highway Performance Program (NHPP) and the Surface Transportation Program (STP), retaining a set-aside under STP for off-system bridges. Nationwide, 73 percent of all bridges are located in rural areas, and 22 percent of the bridges in rural areas are structurally deficient or functionally obsolete.

Transit

Rural transit is supported by the Federal Transit Administration's grants for rural areas, found in section 5311 of Title 49, United States Code. This program provides capital, planning and operating assistance to states to support public transportation in rural areas with populations less than 50,000. This program also supports tribal transit programs, a program to develop transit for residents within the Appalachian region, and rural transit assistance programs that fund training, research and support activities. The most recent full year authorization of these programs, for fiscal year 2014, was \$607,800,000.

Many rural communities are served by bus transit systems. Additional funding for bus capital purchases is provided by the Bus and Bus Facilities Program, which is found in section 5339 of Title 49, United States Code. The most recent full year authorization for this program was \$427,800,000.

Intercity bus operations provide feeder service to and from rural communities. MAP-21 continues the requirement that states spend at least 15 percent of these formula funds to develop and support intercity bus transportation, and allows for the costs of private intercity bus operations to be treated as an in-kind match for the operating costs of connecting rural intercity bus feeder service, if a written agreement with the private operator is reached.

Commercial Motor Vehicle Regulations

Truck size and weight. Section 31111 of title 49, United States Code, prohibits states from imposing limits on the lengths of buses, truck trailers, and trailer combinations operating on the national network of highways⁸ below the federal minimum. Under section 127 of title 23, United States Code, FHWA may withhold up to 50 percent of a state's apportionment of federal highway funds if such state permits the use of vehicles on the interstate system that exceed certain gross weight, axle weight, and bridge formula weight maximums⁹.

Many states with a large agricultural and forestry presence have truck trailer length and weight laws and regulations in place that exceed the federal standards to address the movement of agricultural commodities and forestry products. These size and weight limits were grandfathered into federal law or added through statutory exemptions.

MAP-21 requires FHWA to conduct a study on the impacts of increasing truck size and weight. On June 5, 2015, FHWA released its preliminary Comprehensive Truck Size and Weight Limits Study, concluding that due to severe data limitations, including a lack of crash data on truck configuration and weight, no changes are recommended in truck size and weight limits. FHWA is accepting public comment on the study and submitting it to the Transportation Research Board of the National Research Council for peer review. The agency expects to provide a final report to Congress by the end of 2015.

Safety Regulations. Federal motor carrier safety regulations govern the commercial activities of interstate motor carriers, the safety of commercial motor vehicles operating in interstate commerce, and the licensing and fitness of the drivers of such commercial motor vehicles. Several farm related exemptions have been put in place by Congress. Exemptions include:

- *Hours of Service:* Federal hours of service regulations generally limit the number of hours drivers operating commercial motor vehicles in interstate commerce may drive and be on duty during a work week. Section 229(a)(1) of the Motor Carrier Safety Improvement Act 1999 established an exemption from hours of service regulations for drivers hauling agricultural commodities or farm supplies within a 150 air mile radius of its source during planting and harvest periods.
- *Intrastate Farm Vehicles:* Section 32934(a) of MAP-21 exempts certain farm vehicles and their drivers operating entirely within the boundary of a state from compliance with federal motor carrier safety regulations governing commercial driver's licenses, drug-testing and medical fitness requirements for drivers, hours of service, and any requirement relating to vehicle inspection, repair, and maintenance. Section 32934(b) clarifies that states that exempt farm vehicles from "any State requirement relating to the operation of that vehicle" will not lose "federal transportation funding".

⁸ The "national network of highways" includes the interstate system and other designated highway which were part of the Federal-Aid Primary System in effect on June 1, 1991.

⁹ The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (P.L. 102-240) generally froze the length and weights limits on trucks carrying more than one trailer to that which was in effect in each state on June 2, 1991.

WITNESS LIST

The Honorable Paul Trombino III
Director
Iowa Department of Transportation
On behalf of the American Association of State Highway and Transportation Officials

Mr. Bob Fox
Commissioner
Renville County, Minnesota
On behalf of the National Association of Counties

Mr. Michael Steenhoek
Executive Director
Soy Transportation Coalition

Mr. Steve Woelfel
President
Jefferson Lines
On behalf of the American Bus Association

Mr. Charles L. "Shorty" Whittington
President
Grammer Industries, Inc.
On behalf of The Fertilizer Institute