

May 15, 2009

Hon. Henry A. Waxman, Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

Hon. James L. Oberstar, Chairman  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
2165 Rayburn House Office Building  
Washington, D.C. 20515

Re: Climate Change Legislation and Transportation

Dear Chairman Waxman and Chairman Oberstar:

As Congress considers and develops climate change legislation, it is important to effectively coordinate efforts to address climate change with efforts to improve the nation's surface transportation system. As you know, the federal transportation planning process is very detailed and includes numerous opportunities for public comment on environmental issues. Moreover, at the project level there is comprehensive environmental analysis through the National Environmental Policy Act (NEPA) and other laws. Given the wide-ranging nature of planning and environmental review governing federally-assisted transportation investment, we and others have long believed that a critical goal for transportation program improvement must be to find ways to expedite the project development and review process while continuing substantive environmental protections and a thorough review process.

It is from that perspective, as well as out of our concern that climate change issues be appropriately considered in transportation planning, that we have reviewed the discussion draft bill recently released by Energy and Commerce Chair Henry Waxman and Subcommittee Chair Edward Markey (i.e., the American Clean Energy and Security Act, or ACESA).

Under ACESA, states would establish goals for reducing greenhouse gas (GHG) emissions from the transportation sector based on models and methodologies produced by the U.S. Environmental Protection Agency (EPA), not by the U.S. Department of Transportation (USDOT). In addition, states would submit to EPA a 10- to 20-year plan with transportation strategies to reduce GHGs. While we believe that the most promising way to reduce surface transportation GHG emissions is through improvements in technology, ACESA's provisions focus on other approaches. Specifically, ACESA lays out at least 13 approaches for strategies to be considered by states and program implementation by EPA could bring forth additions to that list.

Beyond concerns over the wording of these many approaches and considerations, we are greatly concerned that confusion and needless delay will ensue when the transportation planning process for which State departments of transportation and Metropolitan Planning Organizations (MPOs) are responsible will have to be accountable to EPA as well as to USDOT. We are also concerned

that EPA rather than USDOT would be making determinations regarding modeling and methodologies to be used in the development of strategies.

Accordingly, to the extent that Congress chooses to add climate change features to the transportation planning process, it should do so through changes to existing transportation planning statutes administered by USDOT. EPA certainly can have a consultative role, but within the framework of a single USDOT-administered process. In sum, if changes to the transportation planning process are pursued, they should be carefully crafted and structured as part of federal transportation laws, not as part of a new regime administered by a separate agency.

We request that the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce take action to ensure that USDOT retains full federal authority over transportation planning. Without your leadership in advancing a course correction, we are concerned that the discussion draft would reverse recent bipartisan efforts to streamline the planning and project delivery processes.

Before closing, we further note that the debate on climate change legislation also has featured extensive discussion of a "cap-and-trade" system or similar program that could produce funds for activities that address climate change. Should Congress pursue that approach, we would support provisions for a meaningful portion of such funds to be used for any surface transportation investments that are consistent with efforts to address climate change. These options should be mode-neutral and include a variety of transportation improvement options, including public transportation investments that reduce carbon dioxide emissions, as well as activities such as traffic light synchronization, turning lanes and other means of reducing congestion and easing air pollution from highways, including at highway bottlenecks.

We respectfully look forward to working with both the Energy and Commerce Committee and the Committee on Transportation and Infrastructure to strike an improved balance between the important goals of addressing climate change, achieving an improved surface transportation system, and developing a streamlined yet thorough transportation planning and project delivery process. We thank you for your consideration of our views.

Sincerely,

AAA

American Association of State Highway and Transportation Officials

American Highway Users Alliance

American Moving and Storage Association

American Road and Transportation Builders Association

Associated General Contractors of America

National Stone, Sand, and Gravel Association

Owner-Operator Independent Drivers Associations