

MEMO

To: The Joint Policy Advisory Committee on Transportation (JPACT)
From: TriMet and Metro Staff
Re: JPACT Federal Policy Agenda
Date: April 5, 2019

On May 1-2nd, 2019, the Joint Policy Advisory Committee on Transportation (JPACT) will visit members of Congress and federal agency staff in Washington DC. As we have done in the past, TriMet and Metro staff worked with our local partners and staff of JPACT members to prepare a federal policy agenda. Attached is the staff recommendation regarding federal policy and project proposals for the 2019 JPACT trip to Washington D.C.

In developing these recommendations staff considered policy and project proposals that provide opportunities to maximize the region's leverage of federal funds and, at the same time, advance established regional policy, including the Regional Transportation Plan and Climate Smart Strategy.

It is unclear at this time whether federal transportation legislation will move forward and, if it does, what form it will take. Members of Congress who are influential on transportation issues, such as House Transportation and Infrastructure chairman Peter DeFazio, have expressed interest in a wide-ranging infrastructure investment package that might include highways, transit, aviation, marine and even technology sectors. If such a package were to move forward it could focus primarily on increasing funding rather than rewriting policy as a way to facilitate quick consideration and passage.

Other members of Congress have suggested that any congressional effort will take a more traditional approach of reauthorizing programs mode by mode (with highways and transit still joined in a single surface transportation bill). The FAST Act does not expire until 2020, which reduces somewhat the impetus for a wholesale rewrite of surface transportation law.

Both approaches will require increases in federal taxes or fees to generate additional spending, which will require the active support of both the House Ways and Means and Senate Finance committees. So far, neither committee has expressed a strong desire to tackle the funding question, although the House Ways and Means committee has held two hearings on infrastructure finance issues.

A further unknown is whether there will be an opportunity for congressionally directed project spending if either a funding or policy bill moves forward. Members from both parties and both chambers have expressed a cautious interest in reinserting congressional authority over project selection, but no clear direction has yet emerged on this issue. (However, the Senate has announced that they will not consider congressionally directed projects as part of the FY2019 appropriations process).

Despite the current uncertainty, staff believe it is important to present the delegation with both policy and project priorities now to be prepared in the event that legislation does begin to move forward. It is often the case that unsuccessful legislation in one session becomes the framework for successful legislation in a subsequent session. Because the highway and transit titles of the surface transportation act are handled jointly on the House side but by separate committees on the Senate side, we have organized the project and policy priorities as separate sections, however the intent is for the region to advocate for the top priorities as a package rather than as stand-alone requests.

Bringing federal money back to the region is not a given, and requires hard work on both our part and the part of our congressional delegation. At our most successful, the region has embraced a set of principles to guide its work in setting priorities for reauthorization. Those principles were:

1. Maximize federal funding to the region. Support those projects and policies that maximize the amount of federal funding that will flow into the region rather than looking for projects that are located in specific geographic or political boundaries.
2. Projects must be achievable within the timeframe of the authorization. Any project that is included in an earmark request must be in the RTP and have a regionally acknowledge plan for matching funds. There is nothing worse than expending political capital to achieve an earmark, only to have the authority go unused because matching funds weren't available or environmental work couldn't be completed.
3. Communication is key. We work best when we share information and communicate with the delegation through one or two representatives. It's important that we all agree on the messages we're sending to the delegation before contacts are made.
4. Don't put the delegation in the position of picking favorites. If we take our differences of opinion back to DC and ask the delegation to solve them, it diverts their attention away from advocating for us and it pits them against each other. One of the things that has distinguished the region from others over the decades is this deceptively simple ideas – we do the hard work for them and bring a unified position.
5. Support regional policy goals. On policy, we've typically supported policies that increase the formula allocation to Oregon. In addition, we've supported policies that increase the level of sub-allocation to the MPOs to get the funding as close to the ground as possible. Finally, we've supported policies that increase the flexibility for both ODOT and the MPOs in how they spend funds, providing us the broadest opportunity to direct federal funds to those projects that the region believes will provide the greatest benefit – rather than being constrained to do only those projects that fit within narrow federal policy guidelines.

The policies and project priorities proposed were developed with this principle in mind, with the hopes of helping our region put our best foot forward with our congressional delegation, Congress in general, and the Administration.