

NACE LEGISLATIVE COMMITTEE REPORT

2019-2020 COMMITTEE YEAR

The NACE Legislative Committee consisted of thirty-three members from a large cross section of our membership. The Committee was co-chaired by Josh Harvill (Chambers Co, AL) and Richie Beyer (Elmore Co, AL). Committee business and outreach through the year was accomplished by emails and interaction with the NACE Executive Committee, NACE Executive Director, NACE Board of Directors, and our membership along with various NACo, Administration and Congressional staff.

The NACE Legislative Committee actively participated in the following major initiatives:

1. Continued focus on streamlining the delivery of federal aid projects, both from an administrative and a regulatory approach:
 - a. Compiling data for submission of real life examples of projects whose costs and delivery timeline suffered due to federal requirements/ delays;
 - b. Discussing the trend of federal aid exchanges to remove the burden of smaller local governments to meet the one size fits all approach;
 - c. Continue to expand the use of Categorical Exclusions with in FHWA projects and expand to all federal agencies (similar to One Federal Decision approach);
 - d. Received approval from the NACo Transportation Steering Committee on resolutions related to project delivery streamlining and direct federal funding opportunities for local government for maintenance, rehabilitation and improvement projects;
2. Continued efforts to rewrite the Waters of the United States (WOTUS) rules:
 - a. Worked with NACo staff to review final rule and develop guidance document for county/ local governments;
3. Worked with Administration to develop examples supporting the rewrite/ updating of the NEPA process;
4. Worked with GAO to provide data related to questions from the Committee on Transportation and Infrastructure to examine “fund swapping”—or arrangements where local governments trade their federal-aid highway dollars to the state in return for state dollars to complete their local highway projects. Specifically, GAO was asked to examine:
 - a. (1) To what extent and for what reasons do states and localities engage in federal fund swapping;
 - b. (2) What categories of federal funds and types of projects (e.g. urban vs. rural) tend to be involved when fund swapping occurs; and
 - c. (3) What impact does fund swapping have on: the number of projects subject to federal requirements, project delivery, procurement requirements, wages, and the use of local contractors;
5. Continued work to advocate for a long term solvency of the Highway Trust Fund;
6. Reauthorization of the FAST Act Provisions to include provisions to ensure off-system bridge set asides and provisions to allow larger, longer trucks are not enacted without resources provided to counties to address the consequences to local infrastructure;
7. Inclusion of county governments in any Infrastructure Package moved forward by the Administration and Congress.