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The automobile is on the cusp of a technological transformation with the potential to both revolutionize personal mobility and provide immeasurable safety benefits. As vehicles that operate on public roads are subject to both state, federal and local jurisdiction, the National Conference of State Legislatures (NCSL) understands the need to clearly define state and federal roles as well as avoid unnecessary federal preemption and burdensome federal mandates.

State Authority to Regulate Autonomous Vehicle Testing

NCSL agrees that the National Highway Traffic Safety Administration (NHTSA) should be the sole entity setting federal motor vehicle safety standards (FMVSS) for autonomous vehicles, equivalent to their current role for conventional vehicles. However, NCSL strongly believes that states are the sole authority when it comes to vehicle use—which includes vehicle registration; driver licensing and education; traffic laws, regulations and enforcement; and insurance and liability. NCSL is opposed to congressional or administration proposals that would seek to preempt this authority from states by prohibiting states from prescribing certain standards or regulations related to autonomous vehicle testing, including requirements related to the presence of a human driver.

FMVSS Exemptions

NCSL recognizes, appreciates, and agrees that authority to issue exemptions of FMVSS remains solely in the realm of the Secretary of Transportation. However, NCSL strongly encourages the Secretary (or applicable designated agency) to ensure that any exemption of existing motor vehicle safety standards provides a safety level at least equal to the safety level of the standard. Further, as exemptions are granted, NCSL implores the department to provide such information to states, in a timely manner.
Advisory Councils
NCSL requests that state legislators be appointed to or included in any congressional or administration task force, council, or other advisory group related to the development of autonomous vehicles. NCSL encourages congressional and administration task forces to work with NCSL to help ensure the appropriate states are included.

Cybersecurity Information Sharing
Cybersecurity is a vital aspect of autonomous vehicles. As vehicles begin to communicate with each other (vehicle-to-vehicle or V2V) as well with infrastructure (vehicle-to-infrastructure, V2I, and V2X), the potential risk of cyberattacks and security breaches greatly increases. NCSL urges both the administration and Congress to both share any threat information with state governments and to work with states to ensure that such threats and affected vehicle populations do not become endemic. A collaborative effort is vital in ensuring such safety.
The National Conference of State Legislatures (NCSL) urges the federal government to consult with state elected officials, their national representative organizations and existing interstate partnerships in developing a federal program. As Congress and the administration examine proposals for reducing greenhouse gas emissions, NCSL encourages the federal government to always take the following principles into account:

- Federal action should be flexible, allowing for a range of complementary strategies at the state and federal level maintaining a strong role for state, local and tribal government in any federal action.
- Federal legislation should provide states the authority and flexibility to work within an overall framework; to apply the law effectively to all sources of emissions and ensure achievement of climate change goals in the most cost effective, timely and efficient manner for each state.
- Federal legislation should not preempt state or local governments from enacting policy options that differ from federal choices or from enacting stricter or stronger measures within their jurisdiction.
- Federal legislation should afford states the flexibility to form regional cooperatives and implement innovative policies that advance federal efforts to reduce the effects of climate change.
- Congress must authorize and appropriate sufficient funds for federal, state and local governments to implement any federal legislation. These funds should be newly authorized appropriations, not reprogrammed resources.
- Federal legislation should ensure state legislative authority in any federal climate change legislation and affirm the active role played by state legislatures in both fiscal and substantive aspects of state policymaking.
- Federal legislation providing for the allocation of greenhouse gas reduction programs to states should include language making decisions related to such allowances subject to state legislative approval.
NCSL urges the federal government, should it choose to act on this issue, to take into account the following principles regarding program design components:

- Any national system must include short, medium and long-term goals and incorporate a rigorous oversight program that provide for ongoing study and analysis of the system to ensure it is achieving intended goals.
- A new national program should serve to address uncertainties that are hampering investment in generation, transmission and distribution and enhance the likelihood that appropriate technologies will be developed and other solutions implemented so as to achieve the desired reductions in greenhouse gas (GHG) emissions in the most economical manner possible.
- Federal legislation should be designed appropriately to balance competing criteria, including, but not limited to, equity, economic efficiency and ease of administration.
- Revenue derived from a greenhouse gas reduction program should be directed to complementary policies focused on mitigating climate change consumer costs including but not limited to energy research & development, weatherization, conservation and energy efficiency activities.
- A national program to reduce GHG emissions must also address adaptation issues.
- Auctioning of allowances may be the most economically efficient mechanism for achieving a GHG emissions reductions goal. However, the allocation of emissions allowances at no cost can serve as an appropriate transition measure necessary to ensure continued reliability, minimize economic dislocation resulting from the carbon intensity of the existing infrastructure, and allow for development and deployment of needed new technologies and measures to reduce emissions.
- Priority distribution of allowances at no cost should be to those entities in affected sectors where existing regulatory structure provides the necessary oversight to ensure that the value of such allowances is accounted for in establishing price rates for consumers.
• The allocation of GHG reduction program to states under a federal GHG reduction program should include language making decisions related to such allowances subject to state legislative approval.
• The establishment of any new federal program should include provisions for transparent reporting and accountability and incorporate the use of third-party verification to ensure reported outcomes are verifiable.

Unintended Consequences

NCSL believes that federal legislation regarding the reduction of greenhouse gases should take into account the implications of actions and/or inactions on economic development, energy security, and those most vulnerable citizens. Evaluation should include the life cycle impacts of policy options including ancillary impacts.

NCSL believes that federal legislation should require continuing assessments of the potential impacts to the United States of climate change, by state or region including effects on water resources, agriculture, infrastructure, natural systems, environmental quality, public health, biodiversity and the cultures of our native peoples. Such an assessment will support the development of domestic and international adaptation-mitigation strategies. The Environmental Protection Agency (EPA) should provide funding and assist states in developing assessments and adaptation plans at the state and regional level.

NCSL also urges the federal government to fully consider how legislation will affect low-income households that already struggle to balance needs and expenses. NCSL encourages the federal government to expand and enhance long-term funding for the Department of Energy's Weatherization Assistance Program and to ensure that any new federal program does not undermine existing federal, state and private sector energy assistance and outreach programs that assist our most vulnerable citizens.

Research and Development
NCSL strongly urges the federal government to authorize and appropriate funding and provide other incentives to spur expanded research and development (R&D), as well as advance the demonstration and deployment of new and existing technologies to improve energy efficiency, advance mitigation strategies and reduce GHG emissions.

NCSL urges the federal government:

• To ensure that legislation not limit the diversity of technologies supported, as future advancements cannot be predicted.
• To take into account state and regional differences, and not limit or specify the technologies used in each state and ensure sufficient flexibility for each State to determine how to best achieve nationally-set goals.
• To promote current and future innovations and expand the use of such technology through R&D transfer agreements with other countries.
• To promote policies and procedures to increase natural carbon sequestration of CO2 that will include sustainable timber harvesting, control burns, reseeding and rehabilitation of natural and introduced grassland plants.
A resolution of the National Conference of State Legislatures, urging the federal government to fund research on microplastics in the environment.

WHEREAS, microplastics are pieces of plastic that are less than five millimeters in size which can result from the disposal and breakdown of products and industrial waste containing plastics; and

WHEREAS, the majority of plastics in the United States are not recycled; and

WHEREAS, recent studies have shown that microplastics are pervasive in the environment; and

WHEREAS, microplastics are easily ingested by plankton and filter feeding animals and are found in many species of wildlife including fish and shellfish; and

WHEREAS, microplastics have been found in bottled water and other consumer products intended for human consumption; and

WHEREAS, microplastics have been found in human stools; and

WHEREAS, scientists still know little about the effects of microplastics on the human body or on wildlife; and

WHEREAS, water resources, including drinking water, and soils and sediments are rarely tested or monitored for microplastics; and
WHEREAS, questions still remain as to the sources of microplastics in the environment, including the contributions from wastewater treatment facilities; and

WHEREAS, research is needed to understand the impacts of microplastics on the environment and human health and to develop testing and monitoring protocols.

NOW, THEREFORE, BE IT RESOLVED, by the National Conference of State Legislatures that it urges to the United State Environmental Protection Agency to increase research efforts on microplastics.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Attorney General William Barr, President Donald Trump, and all members of Congress.
WHEREAS, energy efficiency standards as promulgated by the U.S. Department of
Energy following enactment of the Energy Policy and Conservation Act of 1975,
of 2007, for appliances, equipment, and lighting protect consumers, are a cost-effective
means to reduce energy and water waste, lower utility bills and decrease pollutants and
atmospheric emissions including greenhouse gas emissions; and,

WHEREAS, an average U.S. household saves about $500 per year on utility bills
because of these existing standards; and,

WHEREAS, U.S. businesses save about $23 billion annually because of these existing
standards, money that can be invested in jobs or spent in local economies; and,

WHEREAS, efficiency standards stimulate innovative technologies, which are beneficial
to American manufacturers in a competitive global environment; and,

WHEREAS, lower energy and water use helps mitigate the need for new utility
infrastructure.

NOW, THEREFORE, BE IT RESOLVED, that the NCSL urges the Congress and the
Department of Energy (DOE) to fully fund and continue this highly successful program;
and,
BE IT FURTHER RESOLVED, that the NCSL strongly urges DOE to amend standards as stipulated by law and in accordance with the review schedule dictated by Congress; and,

BE IT FURTHER RESOLVED, that Congress continue to require DOE to regularly review standards for appropriate updates and to resist any attempt to repeal existing standards.
WHEREAS, habitat loss, wildlife diseases, invasive species, pollution, and the impacts of climate change pose significant threats to fish and wildlife species; and

WHEREAS, over 1,600 United States' native species are federally protected under the Endangered Species Act and estimates suggest one in five native species is at risk of extinction; and

WHEREAS, State Wildlife Action Plans have identified nearly 12,000 Species of Greatest Conservation Need (SGCN), including federal and state endangered and threatened species and other rare and at-risk fish and wildlife species; and

WHEREAS, current funding is far below what is necessary to conserve the species most at-risk; and

WHEREAS, the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources recommended that up to $1.3 billion a year of existing revenue from energy and mineral resources development on federal lands and waters be redirected to the Wildlife Conservation Restoration Program; and

WHEREAS, the Recovering America's Wildlife Act would provide the additional funding, providing state wildlife agencies the money necessary to accelerate implementation of State Wildlife Action Plans; and

WHEREAS, the additional funding will help states to address at-risk wildlife before they require protection under the federal Endangered Species Act which can be more costly and disruptive.
NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislators urges the President of the United States and Members of Congress to act to pass and sign into law the Recovering America’s Wildlife Act, and

BE IT FURTHER RESOLVED, that copies of this resolution be immediately transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress.
WHEREAS, farmers and ranchers, due to the nature of their work and a shortage of resources for rural mental health, suffer higher rates of depression and suicide than other professions – as described by the American Psychological Association’s Journal of Rural Mental Health; and

WHEREAS, difficult economic conditions are placing additional strain on our nation’s farmers and ranchers and their families. The United States Department of Agriculture projects that net farm income will fall once again in 2018, continuing a sustained downward trend that began in 2014; and

WHEREAS, the federal government can play a vital role in addressing this crisis by providing the states with additional resources for rural mental health services that are tailored to the unique needs of farmers, ranchers, and their families

NOW, THEREFORE, IT BE RESOLVED, that the National Conference of State Legislatures urges Congress to include in pending legislation, funding for states to address this urgent need and assist our nation’s farmers, ranchers, and their family members during this time of great financial stress in American agriculture.
The Clean Air Act Implementation

The National Conference of State Legislatures (NCSL) fully supports the goals embodied in the Clean Air Act Amendments of 1990 (CAAA) and urges the U.S. Environmental Protection Agency (EPA) to proceed diligently with full implementation of the law to achieve clean air for our citizens. It is essential that Congress and the EPA fulfill their responsibilities to facilitate implementation by the states.

NCSL makes the following recommendations:

- Implementation of the CAAA is the responsibility of the states. NCSL encourages Congress and the EPA to pay particular attention to the voices of that state expertise and experience.
- Communication with state legislators is of utmost importance because only state legislators can enact enabling legislation for state programs and appropriate state funds. Congress and the EPA should regularly and directly work with state legislators during federal action on air quality issues.
- EPA should work closely with states to assist them in developing all regulations, technical assistance and funding necessary for compliance. Furthermore, EPA should support any state regulation that enables that state to meet or exceed the CAAA standards.
- Federal grants authorized under the CAAA provide financial resources to the states for development and implementation of air quality programs and other clean air responsibilities. Congress and the EPA must ensure that states continue to receive adequate funding to cover all costs of program management including monitoring.
- Because the states have existing air pollution control programs to administer with current federal funding, any new air quality programs or responsibilities mandated by Congress or EPA should be accompanied by additional federal funding.
- NCSL urges EPA to provide as much administrative flexibility as the law allows in order to achieve clean air goals in the most cost effective and efficient manner.
• Cost-effectiveness should be permitted as a factor in state selection of transportation control measures and emissions control strategies.
• NCSL urges EPA to meet all deadlines for publication of documents required under the CAAA. NCSL urges Congress to amend the law to replace statutory deadlines for state action with language that provides a specific time period for state compliance after document publication.
• NCSL urges EPA to act expeditiously to enact the required regulations necessary to reduce emissions from federally preempted sources. Failure to act to require emission reductions from federally preempted sources can impede a state’s ability to achieve attainment in some areas despite any and all actions available to a state in development of their state implementation plans.
• NCSL urges Congress to develop and implement sustainable management policies which will reduce fuel loadings on federal lands, thereby reducing emissions from catastrophic wildfires and improving carbon sequestration on those lands.
• EPA should provide training opportunities for states to help develop the skills and understanding needed to properly implement the CAAA. In addition, EPA should provide informational resources to help the public understand its role in achieving CAAA goals.
• Congress and EPA should take maximum advantage of tools and strategies to reduce emissions from mobile sources including but not limited to promoting alternative fuels and encouraging strict exhaust standards for light duty vehicles.
• Federal highway legislation should be made consistent with CAAA objectives. The EPA and the Department of Transportation (DOT) should work together to ensure coordination of federal policy.
• NCSL urges the adoption of national energy, transportation and other policy that emphasizes energy conservation in order to help achieve the goals of the CAAA. This should include strengthening of emission standards for automobiles as technologies improve, more energy-efficient lighting, buildings, and transportation, and more research and use of alternative forms of energy.
• NCSL urges the federal government to expeditiously apply the same CAAA requirements to federal facilities and motor vehicle fleets that are required for state facilities and fleets.

Multi-Pollutant Legislation
NCSL further believes that national efforts to fully implement the CAAA, to maintain and enhance air quality at the local, state and national level requires Congressional action on multi-pollutant legislation.

NCSL urges Congress to act expeditiously on multi-pollutant legislation to provide certainty in a time of limited federal and state resources and to enhance the impact of this federal program which is implemented at the state level. New legislation enacted by Congress should ensure the ability of all stakeholders to move forward with air pollutant emission reductions, enhance the environment and protect public health while providing a stable planning environment for energy providers and consumers.

NCSL recommends that:

- New federal standards should maintain and renew the commitment to statutory authority for states to enact state environmental standards that are more stringent than their minimum federal counterparts.
- New federal standards should acknowledge the existence of state programs and agreements in accord with these standards and should not preempt their continued implementation.
- New federal standards should be accompanied by adequate federal funding and technical assistance that are essential to state efforts to implement complete and adequate state programs that fully comply with these standards.
- New federal standards should provide states with maximum flexibility to apply the law effectively to all sources of emissions and ensure achievement of clean air goals in the most cost effective, timely and efficient manner for each state.
- New federal standards should allow states to maintain all of the enforcement tools available to states under the CAA to ensure compliance with state implementation of federal regulations.
- New federal standards should permit states to allow sources to trade emissions reductions and protect state authority to restrict which emissions may or may not be traded within a state's borders.
- New federal standards should allow for regional air planning coordination among states whenever they agree to address and act on issues with regional air quality implications.

Sanctions
• States should not be sanctioned for non-compliance if state’s failure to comply was the result of EPA’s failure to adhere to CAAA deadlines for promulgation of regulations or technical guidance that provide details and requirements of state programs.

• EPA should have the authority to waive sanctions on states that EPA determines are making reasonable good faith efforts to comply with CAAA requirements and deadlines.

New Source Review Program

NCSL urges the Environmental Protection Agency (EPA) to reform the NSR program to achieve improvements that enhance the environment and increase production capacity, while encouraging efficiency, fuel diversity and the use of resources without weakening the requirements intended to reduce emissions from new or modified sources of air pollution. Routine maintenance, repair or replacement activities which are not major modifications should not trigger NSR requirements.

Motor Vehicle Inspection and Maintenance

NCSL believes that:

• States should be granted flexibility to design inspection and maintenance (I/M) programs that achieve air quality targets and should receive full credit for emissions reductions those programs achieve.

• Congress and EPA should not require the states to use specific I/M technologies. Such rigid federal requirements may fail to account for technological advances in emissions testing programs and equipment.

Alternative Fuels and Alternatively Fueled Vehicles

NCSL urges the federal government to encourage an increase in the research, development and promotion of alternative fuels derived from domestic sources and alternatively fueled vehicles, including their commercial production and use, and to devote federal funds to evaluate the environmental and economic impacts of alternative fuels and alternatively fueled vehicles. The primary purpose of these efforts should be reducing the level of air pollutants and other emissions, reducing U.S. dependence on foreign oil, and providing a low cost, reliable energy source. NCSL further urges Congress to develop policies to encourage domestic manufacture of the infrastructure and equipment necessary to produce alternative fuels.

NCSL recommends the exploration and evaluation of all forms of alternative domestic fuels and
alternatively fueled vehicles in order to reduce the incidence of toxic air emissions. NCSL recommends caution in promoting the replacement of traditional fuels with alternative fuels that could result in other pollution problems.

NCSL supports a federal Clean Alternative Fuels program that includes but is not necessarily limited to methanol, ethanol, or other alcohols, reformulated gasoline, ultra-low sulfur diesel, biodiesel, natural gas, liquefied petroleum gas, and hydrogen or other power source (including electricity). However, NCSL recommends that this program take into account other uses of source products, i.e. grains, when making recommendations for fuel usage or setting new national standards. Furthermore, NCSL urges Congress to improve the availability of source materials from our federal lands in accordance with multiple use mandates.

NCSL is concerned that the further development of alternative domestic fuels, alternatively fueled vehicles and conservation devices will depend, at least in the near future, upon the continued availability of tax credits designed to encourage investment in these technologies. While tax credits and exemptions are important to the creation of an alternative fuels market, NCSL recognizes their negative fiscal impact on the overall federal budget, as well as inequities in the Highway Trust Fund. Consequently, NCSL urges Congress to:

- Encourage the use of alternative fuels through incentives that will increase the production and development of new vehicles with alternative fuels capability and vehicle conversion, in lieu of alternative fuels tax exemptions.
- Make federal tax credits available to alternative fuel production facilities should be extended for a limited time.
- Phase out the tax credits for the research and development of alternative domestic fuels and alternatively fueled vehicles when the technology or changing policies relating to petroleum-based fuels makes the product competitive in the market place.
- Retain state taxing authority to ensure that alternative fuels are competitively priced in an effort to mitigate the state-specific impact of these and other federal policy changes.

NCSL believes that there should be no warranty invalidation incurred by a provider if ASTM standards are met for the fuel and the vehicle is approved for that fuel.
In areas required under CAAA to utilize reformulated gas (RFG) or oxygenated fuels, selection of alternative fuel additives should be left to the discretion of the affected state, where costs, safety, and economic and environmental impacts can be considered.

With regards to fuel additives, NCSL recommends the following:

- Prior to approval of fuel additives, U.S. EPA should examine public health benefits and cross-media implications.
- Any fuel requirements should be in the form of performance-based goals. No specific chemicals or other additives should be prescribed in order to maximize state flexibility to achieve the goals.
- Any fuel requirement should be based on anticipated air quality benefits.

**Low Emission Vehicles and Zero Emission Vehicles**

NCSL believes that:

- EPA should maintain national Low Emission Vehicle (LEV) standards, referred to as the 49-state car, that are stricter than the law requires. States should be allowed, but not required, to adopt Zero Emission Vehicles (ZEV) requirements.

**Clean Diesel**

The NCSL supports the priority given to diesel retrofit projects under the Congestion Mitigation and Air Quality Program. NCSL believes that, due to the cost-effectiveness of diesel retrofit projects, funding should be substantially increased and provided for the Diesel Emissions Reduction Program administered by the EPA and that this funding should not jeopardize the availability of retrofit funding through federal supplemental environmental projects. NCSL further believes that the EPA should maximize efforts to ensure that diesel-fueled vehicles entering the United States from bordering and other foreign countries should meet or exceed U.S. and state environmental standards.

**Transportation Conformity with State Air Quality Plans**

NCSL supports the principles underlying transportation conformity provisions of the Clean Air Act that requires new or revised state transportation implementation plans (TIPs) to conform to the purpose of state air quality plans, also referred to as state implementation plans (SIPs). Furthermore, NCSL believes that:
• Adequate funding should be made available to cover the cost of the resource-intensive requirements for development, revision and implementation of conforming TIPs.
• In evaluating the emissions budgets submitted by states, EPA should ensure state flexibility in balancing the burden of reduction among all air pollution sources.
• Conformity requirements should be limited to nonattainment areas and areas at risk of becoming nonattainment
In 2016 Congress passed the Frank R. Launtenberg Chemical Safety for the 21st Century Act (LCSA), updating the Toxic Substances Control Act (TSCA) of 1976, which provides the U.S. Environmental Protection Agency (EPA) with the authority to require reporting, record-keeping, and safety testing of chemical substances and/or mixtures. TSCA also gives EPA the power to restrict the use of chemicals. Certain substances are generally excluded from TSCA, including food, drugs, cosmetics, and pesticides, which are regulated under different federal laws.

**Ensure Statutory Implementation**

Amended TSCA now sets the global standard for the quality of scientific review of chemicals. Accordingly, NCSL strongly urges EPA to meet all statutory deadlines within LCSA in order to: maintain the public's confidence in the safety of consumer products containing toxic chemicals, implement new scientific standards and continue to keep pace with modern science, and to ensure that the United States continues to lead our trading partners in the quality of our public health and environmental reviews of all chemicals. EPA must assure that the nation's interest in a strong American business of chemistry is protected, and that the United States maintains its ability to produce products that save lives, protect our children, make our economy more energy efficient, and reduce greenhouse gas emissions.

**Appropriate Funding and Establish User Fees**

NCSL urges Congress to appropriate full funding for LCSA implementation and supports the requirement for EPA to collect fees for both new and existing chemicals. Section 26 of the Act provides EPA the authority to collect fees that help defray the costs of administering the provisions on collecting and managing information, implementing the new chemicals program, and evaluating and regulating existing...
chemicals. NCSL strongly urges EPA to implement the user fee program as expeditiously as possible, assuring that EPA can continue to manage its new chemicals review program efficiently, as well as undertake and complete risk evaluations on schedule, and provide states with resources and assistance as necessary to implement the program. Efficient implementation of LCSA will allow states to better target health and environmental programs to address matters of local and regional need and interest. Additionally, as many states do not have the staff nor the resources to sufficiently protect their citizens from harmful chemicals, NCSL urges Congress to appropriate targeted funding for state grant programs under TSCA, in recognition of the enhanced state-federal relationship, allowing states to fund compliance monitoring programs to prevent or eliminate risks to health or the environment associated with chemical substances or mixtures.

Preserve State Authority and Improve State-Federal Coordination

NCSL encourages EPA to interact regularly with states as it continues to build and deliver a strong national chemical regulatory system, while encouraging robust interstate commerce and domestic manufacturing that is globally competitive. NCSL urges EPA to continue a dialogue with states, providing outreach and education on LCSA, ensuring that states are aware their authorities concerning chemical safety and opportunities to leverage EPA implementation of LCSA to focus state resources for greater state benefit. Additionally, NCSL urges EPA to act in a timely and transparent manner on a state’s chemical regulatory waivers as EPA completes its review of chemicals, limiting the scope of pause-preemption. NCSL strongly urges EPA to not preempt states further than statutorily allowed.

Prompt and Effective Action on Harmful Chemicals in Products and Places that Could Harm People

NCSL urges EPA to expedite reviews and elimination of persistent, bioaccumulative and toxic chemicals (PBTs) as they are uniquely dangerous and should be phased out of commerce except for critical uses that lack viable alternatives. NCSL also supports statutory requirements directing EPA to complete risk evaluations based solely on

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human health and environmental considerations. The agency should also ensure that reviews of chemicals incorporate protection of vulnerable subpopulations, including children, low-income people, racial and ethnic minorities, workers, and pregnant women. Where vulnerable subpopulations are specific to geographic locations, whether local, state, or regional, NCSL urges EPA to make this identification early and seek state input, including from affected indigenous populations.

Ensure Access to Mandatory Safety Data on All Chemicals

Considering limitations on sharing confidential business information (CBI) with the public, NCSL urges EPA to provide unhindered access to mandatory safety data on all chemicals, and sharing of CBI data, with state governments, health and environmental professionals, and first responders in order for them to protect the public and those with potential exposure to chemicals. Further, to facilitate states’ ability to receive CBI information about chemicals from EPA, NCSL urges EPA to promptly complete its guidance document for states.

Additionally, NCSL urges EPA to continue to provide appropriate contextual materials to affected communities to accompany Toxics Release Inventory (TRI) reports to assure that emergency response agencies will understand and be able to respond safely to chemical releases to protect people who live in the vicinity of facilities required to file TRI reports. EPA and the reporting industries should continue working to ensure that reported TRI data is communicated to the public in an understandable manner that includes a description of the risk of release specific chemicals pose to the public and emergency response teams, how these materials are managed to control release, and an assessment of the risk to public health and welfare in the event of regulated or accidental release.
Federal Land Policy Management Act (FLPMA)

The Federal Land Policy Management Act (FLPMA) provides for perpetual federal retention of publics lands unless it is in the national interest to dispose of a particular parcel.

Ninety-three percent of all lands under federal jurisdiction in the United States are located in the West, and over sixty-three percent of the land area in the twelve western states is federally controlled. Further, many federal and non-federal lands are intermingled. This limits the western states' prerogatives in managing the uses of their own land and further limits the potential base of the states' economies. Units of governments whose property tax revenue bases have been reduced by large federal land holdings also require adequate funds to help make up the shortfall. With perpetual federal retention, Congress must assure state payments in lieu of taxes in perpetuity.

Federal-state relations regarding federal agency land planning vary widely and suffer from a lack of specificity on how and when cooperation should take place. No meaningful mechanism currently exists in the wilderness review process for the involvement of legislatures as the state policymaking bodies.

The National Conference of State Legislatures (NCSL) urges all federal agencies involved in the management of public lands to incorporate within their policies and regulations provisions for a continuous and cooperative involvement of state governments in public lands policy and public lands management. Furthermore, NCSL supports remedial legislation which will guarantee a state and tribal role in public lands management and establish procedures for designations, disposition, or use of certain public lands found to be excess property.
Federal agencies managing federal land should assure that uses, both on-site and off-site, do not cause adverse environmental impacts on the federal land or other adjacent lands or waters and provide special protection for wetland resources in light of the goal of no loss of wetlands.

As Congress considers funding for federal agencies with public land management responsibilities, NCSL recommends that Congress assure appropriations sufficient for the full and proper execution of the agencies' legislative mandates to process lease applications properly and expeditiously and protect the environment during increased energy development.

If a federal wilderness designation occurs, state and/or tribal "inholdings" in wilderness areas should be purchased, or exchanged with lands of equal or greater value outside of these areas as designated by FLPMA.

NCSL also urges the establishment of an interagency coordinator or coordination program to facilitate tribal governments, state agencies and communities to address all relevant agencies in a "one stop" manner.

**Takings and Land Use Authority**

NCSL strongly opposes any federal legislation or regulation that would: 1) attempt to define or categorize compensable "takings" under the Fifth Amendment to the United States Constitution; (2) interfere with a state's or tribe's ability to define and categorize regulatory takings requiring state or tribal compensation; (3) preempt state or tribal eminent domain constitutional provisions or statutes; or (4) infringe on state or tribal sovereignty under the Eleventh Amendment. NCSL supports collaborative examinations of state, tribal and federal use of eminent domain authority.

**Readiness and Environmental Protection Initiative**
The Department of Defense (DOD) Readiness and Environmental Protection Initiative (REPI) enables DOD to work with partners to protect valuable habitat and avoid land use conflicts in the vicinity of priority installations. Maintaining availability, accessibility and capability for realistic training, live fire testing and other operations is crucial to ensuring a trained and ready force to support the DOD mission to fight and win the nation's wars.

REPI provides significant and long term benefits to the people and the landscape in communities surrounding military installations. It enhances military readiness; protects high value habitat; strengthens military/community relations; and provides the opportunity for partnerships among key stakeholders, such as state, tribal and local governments and the military. NCSL supports REPI and believes there is a limited window of opportunity for REPI partnerships to protect land and habitat in support of military training and testing. In addition, the increasing numbers of willing sellers in the existing real estate market present significant near-term opportunities to leverage REPI funding with state, tribal and local partners.

NCSL applauds the United States Congress for recognizing the critical need to protect DoD bases and the limited window of opportunity to do so, and for continuing its strong bipartisan support for REPI.

State-Federal Partnerships in Land Management Around Federal Facilities
NCSL calls on Congress and the Administration to enable and encourage federal agencies to enter into formal partnerships with state or tribal governments to enable the better management of land in and around military and other federal facilities. Such partnerships will enable states, federally recognized tribes, local communities and the federal facilities, ranges, and training air/sea/land space they serve to work jointly on matters of importance to all stakeholders. The adoption of memorandums of understanding or other agreements between federal agencies, tribal governments, and/or state wildlife, parks, and environment agencies will establish a mechanism for the federal agencies to:
• assist tribal governments and state agencies to acquire landowner agreements around military facilities;
• assist tribal governments, communities and states to be better prepared for the next BRAC round by ensuring mission capabilities at military facilities; and
• identify within the federal agency the person or office to whom tribal governments, state agencies and communities may contact for assistance in coordinating conservation easement/contracts or other appropriate negotiated transaction.

In partnering with such agencies as the Department of Defense (DOD), the U.S. Department of Agriculture (USDA), the U.S. Department of Interior (Interior), and the U.S. Army Corps of Engineers (Corps) states, tribal governments and local communities will be able to:
• protect water resources benefiting tribal governments and local communities and federal facilities ranges, and training air/sea/land space;
• improve wildlife habitat around federal facilities, ranges, and training air/sea/land space and throughout the state;
• expand public understanding of how critical tribal and state land conservation actions are to protect the mission and economic welfare of federal entities;
• expand public support for federal assistance of state efforts to acquire permanent conservation easements, contracts or other appropriate negotiated transactions and long term leases with landowners to protect federal installations from civilian encroachment that will adversely impact mission capabilities and economic benefits to communities, and increase land for contract training;
• expand state agency, private landowners, and DoD facilities' ability to develop longitudinal training capabilities through partnerships that expand training opportunities in combination with preserving agricultural lands; and that permit federal and national guard training areas to be linked for expanded joint training; and
• encourage tourism to the conservation lands acquired by state agencies.
The National Conference of State Legislatures recognizes viable passenger and freight railroad systems are essential to achieving a balanced intermodal transportation system and ensuring personal mobility, the free flow of commerce and national security. Rail must have the same financial security provided the other modes of transportation, such as highways, transit, aviation and waterways. NCSL strongly supports a dedicated source of federal funding for passenger rail service.

The increasing mix of freight, commuter and intercity passenger rail on shared tracks and rights-of-way demands that concerns over liability and costs be rationally reviewed within the context of federal legislation. Fair and equitable standards for assessing costs, risks and priority usage are a necessary component of furthering the nation's rail network for passengers and freight.

Passenger rail progress should be complementary to—not in conflict with—freight rail development. Freight railroads should be fully compensated for the use of their property by passenger trains.

States should retain the ability to enact laws that govern railroad issues. NCSL encourages Congress to repeal provisions in federal law that exempt railroad companies from certain local and state laws.

Financing and Tax Issues

NCSL supports efforts by Congress to provide investment tax credits for railroad infrastructure investments that expand capacity for the movement of both passengers and freight. Without private sector rail investment in infrastructure to accommodate increasing demand for goods movement, freight increases will necessarily be diverted
to highways, further congesting and damaging America’s already challenged highway infrastructure. Anticipated future revenues will be inadequate to allow the railroads to privately finance all capacity improvements required even to maintain their current market share of freight traffic.

NCSL also urges the federal government to continue to support state flexibility in financing rail service in states. NCSL favors a range of options including grants, guaranteed loans, tax exempt bonds, public-private partnerships and targeted federal investment. The present state volume cap on bond financing with exemption from federal taxation imposes an artificial restraint on the use of such bonds for rail projects and should be eliminated.

NCSL further urges the federal government to allow states flexibility to use a portion of their allocation from the Highway Trust Fund to finance rail projects and service.

NCSL urges the federal government to continue the tax credit for short line and regional railroads as an important incentive for upgrading and modernizing inadequate track and bridge structures. This support is critical to aid states in maintaining essential branchline services that otherwise would be eliminated.

NCSL also urges the federal government to fund railroad infrastructure modernization grant programs such as “Capital Grants for Class II and Class III Railroads” program at 49 USC §22301 and the “Capital Grants for Rail Line Relocation” program at 49 USC §20154.

Federal laws that preempt the role of state courts by giving federal courts jurisdiction to establish the valuation of property for state and local tax purposes, or that give selected classes of state and local taxpayers procedural and substantive privileges unavailable to most taxpayers, offend principles both of federalism and equity.

NCSL urges the federal government to provide federal highway safety incentive grants
to states to advance innovative pilot programs. These programs would increase enforcement of grade crossing traffic laws at both active and passive crossings.

### Passenger Rail and High-Speed Rail

Successful evolution of an intercity passenger rail network throughout the United States, including dedicated high-speed corridors, will require cooperation among all levels of government. States will play a significant role in developing the high-speed and intercity passenger rail system, including developing state rail plans, providing funding and financing, conducting studies and analyses, securing rights-of-way, materials testing, construction, acquisition, inspections and determining where the train system interfaces with state transportation facilities.

NCSL urges the federal government to provide all possible assistance to increase the states’ capacity to meet their expanded role in rail planning and evaluation under the provisions of the federal Passenger Rail Investment and Improvement Act of 2008. NCSL especially urges the federal government to increase the availability of voluntary planning and evaluation tools and to provide ongoing, permanent and dedicated funding to assist states with the planning and development of high-speed and intercity passenger rail. States require assistance in establishing cost estimates for building and operating high-speed and intercity passenger rail systems; benchmarking to gauge proposed projects and improvements; and developing and implementing key performance measures.

State legislators should be included in developing any federal guidelines for state models for rail governance and oversight. Any federal guidelines should continue to provide the states maximum flexibility over rail issues.

- **Amtrak** – The continued economic viability of Amtrak and other passenger rail providers is in the national interest. Federal funding should account for existing revenue deficiencies for Amtrak and other passenger rail providers and provide adequate funding for a capital improvement program.
• Intercity passenger rail – State and local support of intercity passenger rail systems has been critical to alleviating congestion, mitigating environmental concerns, and providing a feeder system to Amtrak. Federal support for these efforts is imperative. The federal government should provide a funding source for the states to implement cost-effective, efficient passenger rail as it does for other modes of transportation—motor vehicle, transit, air and waterway.

• Commuter rail – Commuter rail facilities using track owned by private freight companies have become an important part of the transportation system in urban areas. Use of track by commuter rail on an appropriate priority basis should be negotiated with the owner of the railroad track.

• High-Speed Rail – NCSL urges the federal government to support the states in meeting their expanded role in high-speed and intercity passenger rail and to facilitate interstate coordination as well as relationships among diverse stakeholders. NCSL also urges the federal government to support and facilitate the efficient integration of the high-speed rail network with local transportation systems to ensure the success of both. NCSL further recognizes that railroads over whose rights-of-way many high-speed rail authorities will operate have a legitimate concern over increased exposure to liability as a result of high-speed rail operations. This liability issue must be addressed by Congress in the context of high-speed rail legislation. NCSL requests that state legislators be included in ongoing cooperative agreements to explore solutions to this problem. The long-term goal in certain corridors should be track that is dedicated to high-speed service exclusively, in accordance with the U.S. Department of Transportation’s definition of high-speed rail. The federal government should facilitate the steps to reach that goal over time.

• Research and Development – The federal government should continue to support research and development of advanced passenger rail technologies. Federal research should provide best practices and strategic assistance to states negotiating with freight-rail ownership of rights of way, in order to enhance on-time performance, frequency, speed and safety of passenger and freight facilities.
operating on the same track. Federal policy should encourage U.S. technology
development and production while incorporating all other technologies.

- Planning and Evaluation – The ongoing development by the Federal Railroad
Administration of the first National Rail Plan in the United States—in collaboration
with the states and consistent with state rail plans, under the provisions of the
federal Passenger Rail Investment and Improvement Act of 2008—is
encouraging. A comprehensive strategic plan establishing clear, long-range
national goals and defining stakeholders’ roles is necessary to build and
strengthen an integrated, cohesive, and optimized interstate high-speed and
intercity passenger rail network. NCSL urges the federal government to continue
work on this key policy document, and requests that state legislators be included
in its development.

Freight Rail
The states and the federal government have an interest in supporting an efficiently
managed and well-maintained national freight railroad. It is a federal responsibility to
ensure a competitive environment for the transport of freight. NCSL recognizes the
interest of the states in preserving rail lines that are essential to local and regional
commerce.

- Regulation – NCSL generally supports efforts designed to improve the regulatory
climate of the freight rail industry by reducing the number of regulatory restraints
that adversely affect the industry’s economic performance. The regulatory needs
of the railroad industry should be balanced with the captive shippers who have
no alternative means of transportation available. NCSL also supports efforts to
improve the regulatory climate of passenger rail.

- Other – The right of federal eminent domain should be granted only when there
is a compelling national need for an alternative means of freight transportation.

Safety and Security
NCSL supports a continued federal role in setting national performance and safety
goals. NCSL urges Congress to provide incentive funding to promote comprehensive rail safety programs in the states.

- NCSL urges the federal government to fully fund increased security measures needed in the passenger rail system, such as security checkpoints prior to boarding, luggage inspection and improved security of rail tunnels, rail bridges, rail switching areas and other areas identified by the Secretary of Homeland Security as posing significant risks to public safety and security and the movement of interstate commerce. This effort should take into account the impact that any proposed security measure might have on providing rail service, deploying chemical and biological weapon detection equipment, dealing with the immediate and long-term economic impact of measures that may be required to address those risks, and training employees in terrorism response activities.

- Trespassing – NCSL recognizes that the vast number of injuries and fatalities associated with the railroad industry are due to trespassing incidents. The role of the federal government in this arena is appropriately one of conducting research and facilitating public awareness of the danger and the illegality of trespassing under state law.

- Grade crossings – NCSL recognizes the inherent risks of highway-rail grade crossings where motorists disregard even active warning devices and gates. Federal funding through the Section 130 program should be continued and increased to adequately compensate states and to provide states with incentives for reaching federal standards for grade crossing warning devices. The Federal Railroad Administration (FRA) is encouraged to finance a long-term national grade crossing safety awareness campaign. Federal preemption has effectively limited the role and responsibility of states over most aspects of rail transportation. However, state law has been preserved in some areas related to tort liability in accidents involving railroads; responsibility of motorists and pedestrians in yielding to rail traffic; and overall decisions on grade warning devices or closings. NCSL strongly opposes efforts by the federal government to preempt traditional state authority in these areas, to replace state statutes governing violations by motor vehicles and penalties for failing to yield to an
oncoming train, or to establish numeric standards for crossing closings to be accomplished by states.

- Research – Additional grade crossing research should be conducted in such areas as driver response to existing warning devices, improved crossing warning devices, low-cost active warning devices, off-track train detection systems, train conspicuity (reflectorization), locomotive conspicuity (lights), and audible warning technology (whistles/horns).
NCSL urges Congress and the administration to continue to work with NCSL and its members on alternatives to the implementation of REAL ID that recognizes national security but does not impede the sovereignty of state licenses or place a federal agency or agent as permanent and ongoing authority for determining state license uses and requirements. NCSL supports efforts to extend existing deadlines until obstacles to implementation are addressed. In addition, NCSL supports the use of waivers by the Secretary of the Department of Homeland Security, for states that have adopted other forms of compatible identification.

NCSL urges Congress and the Administration to work with NCSL and its members to adjust Title II of the REAL ID Act and develop solutions in conjunction with NCSL that recognize national security but do not impede the sovereignty of state licenses or place a federal agency or agent as a permanent and ongoing authority for determining state license uses and requirements.
A State-Federal Partnership

NCSL believes a vibrant state-federal partnership to strengthen rural America is essential. Therefore, NCSL encourages Congress and the Administration to support programs that:

- Prioritize and institute high speed communications in rural areas.
- Build community capacity by strengthening state and regional programs to enhance the economic competitiveness and social viability of small-town and rural America.
- Leverage technology to overcome the obstacles to economic growth resulting from physical isolation of rural areas.
- Improve infrastructure by strengthening federal programs that support physical development, protect the environment and diversify rural economies.
- Provide job opportunities in small-town and rural America by increasing federal investment in revolving loan funds for small business development, making Small Business Administration loan programs and Economic Development Administration grants more accessible for rural businesses, and expanding programs that encourage the export of agricultural and other rural products.
- Improve rural living conditions by increasing residents’ job skills, improving existing housing, encouraging homeownership, protecting the environment, providing human services programs for all ages, and assuring adequate health care for all rural citizens.
- Assist communities in transition by providing federal technical assistance and financial aid to regions impacted by federal government policies that produce sudden and severe economic dislocation, base closures, natural disasters, emergencies, long term economic and population decline, and inordinate or unanticipated growth.
• Support coordination of programs by encouraging collaboration among all federal, state, and local service providers.

NCSL emphasizes that before any of the above programs can be implemented, high speed communication in rural areas must be prioritized. NCSL believes these goals are best accomplished in the context of an integrated regional framework encouraging innovation and collaboration across economic sectors, political boundaries and program lines. A regional approach recognizes the importance of regions in global competitiveness and of leadership within regions. Federal investments should build on existing regional assets and take into account the diverse economic, demographic, geographic, and cultural realities of different regions.

Principles for Rural Policy

In promoting these goals, Congress and the Administration should recognize the following values as fundamental to achieving success:

Balanced and Sustainable Growth: National policies should recognize and respect the special needs of rural, urban and suburban regions. As such, Federal programs must continue to encourage development in areas of the country that have experienced persistent poverty.

Use of Existing Programs and Institutions: Strengthening and reforming existing programs should take priority over the creation of new ones. NCSL supports the concept of the National Rural Development Partnership, Initiative on Rural America, and other efforts to achieve better coordination and collaboration among federal agencies. NCSL supports efforts to consolidate federal rural development and credit programs and provide states with greater flexibility in program administration. NCSL supports changes to the non-entitlement Community Development Block Grant (CDBG) program to permit broader discretion in the use of CDBG funds.
Strategic Planning: Priority should be given to federal programs, that help build
capacity in small-town and rural America by bringing together federal, state, local and
private resources for economic development.

Infrastructure Development: Modern infrastructure investments are essential for rural
communities to overcome geographic barriers and to spur economic growth in small
towns and rural America.

Job Creation and Small Business Assistance: Agriculture and natural resource
industries such as mining and forestry must be sustained as essential components of
strong rural economies. At the same time, a diversified economic base is the key to the
prosperity of small-town and rural America. NCSL believes that locally controlled
revolving loan funds have proven over time to be effective ways to bridge the gap
between the need and availability of credit for rural entrepreneurs.

Rural, Urban, Suburban Collaboration: NCSL endorses federal support of
convenings and initiatives that promote understanding and collaboration between rural,
urban, and suburban policymakers and their communities.

National Awareness: NCSL supports the creation of a White House level policy group,
which would allow stakeholders to give their input, that coordinates approaches to rural
issues across federal departmental lines.

The Federal Role in Rural Economic Development
All levels of government must join together immediately in a comprehensive national
effort to stem the tide of decline in rural communities. This objective can be
accomplished by continued federal efforts to revitalize the agricultural, mining and
forestry industries and by new initiatives to diversify the economies of these rural
communities. In seeking to achieve economic diversification, special focus must be
placed upon the search for an effective strategy incorporating economic development,
market diversification, venture capital, workforce development training, intercity
transportation, education, health and housing facilities, technical assistance and infrastructure components, at a minimum.

Maximum flexibility should be given to enable state government officials to maximize program resources by tailoring them to the needs of individual areas and directing them to the areas of highest priority. Whenever possible, federal agency service delivery points should be consolidated to facilitate easy utilization by rural residents.

Furthermore, a critical review of new and existing federal programs must be conducted to determine if statutory or regulatory requirements are placing an unnecessary or costly compliance burden upon rural communities or are contributing to the decline in the quality of life in rural areas. Unjustified, unreimbursed mandates or program requirements should be promptly eliminated.

The Extension Service and agricultural experiment stations are important components in the effort to restore economic vitality to rural America. The National Conference of State Legislatures, therefore, urges Congress and the Administration to support adequate funding for these vital organizations.

State legislators must be full and equal partners in all program development and implementation activities. Furthermore, the sanctity of state programs must be maintained; the federal government must work with the states and local governments to ensure that its investment decisions support state and local development priorities.

To facilitate the development of an effective rural economic development and diversification strategy, the National Conference of State Legislatures calls upon the federal government to join in the creation of:

- An agreement on roles and relationships among state and federal agencies and other participants;
  - A mechanism for identifying opportunities for joint investments targeted to rural development concerns and priorities;
• A forum for dealing with interagency and intergovernmental obstacles to timely use of resources;
• A vehicle for conducting assessments of rural conditions and progress toward accomplishment of rural development goals; and
• A vehicle for conducting assessments of the impact of federal farm policy on rural communities.

Rural Investment Programs
NCSL believes that locally driven approaches for rural investment that incorporate the participation of elected officials, businesses and non-profits, and include regional economic development strategies tailored to local needs and opportunities will best allow rural citizens to chart the future of their communities.

Rural Development Block Grants
NCSL supports efforts to consolidate federal rural development and credit programs and provide states with greater flexibility in program administration.

NCSL is committed to working with the federal government to develop carefully crafted programs and policies that promote and fund rural development while protecting rural America’s uniqueness.

Payments in Lieu of Taxes (PILT)
The National Conference of State Legislatures recognizes the shared responsibility of states, counties and the federal government for the management of public lands. The PILT program gives counties a small payment per acre of federally managed land, which only partially offsets county costs of supporting federally managed lands in the county. In many cases, payments are inadequate to support the growth of recreation, travel and tourism on federally managed lands. Inadequate payments have strained some county budgets and undermined the intergovernmental partnership between counties, states and the federal government.
The NCSL supports federal efforts to:

- reform the PILT program to create a more predictable, fair and flexible system that accurately reflects the fiscal effects of federally managed lands on state and local governments;
- provide full funding for the PILT program; and
- provide a more flexible payment system.

NCSL supports authorization for the transfer of land of equivalent value from the federal government to states or counties in lieu of monetary payment, consistent with state statutes and practice. Clearly, such payments would only be appropriate in cases where the federal government, states and counties have been in close consultation and are in agreement on the terms of transfer.
The National Conference of State Legislatures (NCSL) recognizes the substantial benefits to the nation of the U.S. system of waterways and ports by providing access to the world’s markets and the combined efforts of all levels of government and users in sharing the cost of port and waterway development and maintenance. NCSL further acknowledges the distinctive roles played by the states and the federal government in financing waterways and ports. The increase of state and local financial support in recent years should be concomitant with an increased planning authority, which is particularly important for the integration and support of other transportation systems for enhanced waterway and port activity.

**Ports**

NCSL believes that in order to sustain U.S. leadership in global trade:

- The nation’s ports must receive adequate federal funds to improve and maintain federal navigational channels.
- Congress should adequately fund deepening projects to modernize our ports and make full use of the Harbor Maintenance Trust Fund to maintain the nation’s harbors.
- NCSL opposes the accumulation of harbor tax receipts at the federal level, as it is a break in faith from the purpose of the Harbor Maintenance Tax and results in the imposition of a competitive burden without providing needed improvements necessary to achieve efficiencies to offset added taxes.

**Intermodal Connectors**

NCSL calls on Congress to significantly increase federal investment in highway, inland waterways, and rail infrastructure and provide states added flexibility to improve intermodal connectors and surface transportation systems near the nation’s ports.
Where feasible, NCSL also encourages and supports the deployment of ferry crossings.

**Maritime Security**

NCSL believes that port security is a state-federal partnership, critical to the nation’s homeland security strategy and that states need clear federal direction to ensure that resources are focused on the most needed security improvements.

As such, NCSL supports the Department of Homeland Security’s Port Security Grant Program, which is vital to ports’ abilities to make improvements quickly and comply with the Maritime Transportation Security Act of 2002. Federal assistance should fund federal directives and requirements regarding enhanced security of publicly operated ferries and the inspection of vehicles and freight in order to avoid unfunded federal mandates.

**Foreign Imports**

NCSL supports:

- Action by the Federal Maritime Commission to restrict foreign cargo shipments from nations that discriminate against U.S. carriers.
- Complying with the requirements, regarding the importation of hazardous materials, of the National Environmental Policy Act to insure proper notification and assessment of environmental impact.

**Inland Waterways**

NCSL supports the continued predominant federal role in inland waterway capital and operating expenditures due to the interstate commerce nature of this transportation system as well as the implementation of the 2014 Water Resources Reform and Development Act (WRRDA). NCSL also supports increased investment in the Inland Waterways Trust Fund to repair and modernize the existing infrastructure. The commercial barge and towing companies, joined by a diverse coalition of stakeholders, unanimously and voluntarily requested a 45 percent increase to the per gallon user fee to address the growing backlog of needed lock and dam construction. Congress
approved the increase in 2014, and should now increase the federal level of investment
to lock and dam infrastructure commensurate with the increasing revenue deposited
into the Inland Waterways Trust Fund, to ensure full use of these funds annually, based
on industry-endorsed capital investment strategy recommendations on priority
projects. NCSL supports the utilization of U.S. Department of Transportation
discretionary funds for emergency assistance to states for ports and waterways.

Waterways—General

NCSL believes that:

- The role of the U.S. Coast Guard in directing waterborne traffic should be
  enhanced. As such, adequate emergency response plans should be developed
  with a review of existing contingency plans. Additionally, Congress should
  continue to fund the Coast Guard's Integrated Deepwater Systems program while
  maintaining existing funding for other transportation programs.

- The user fee method of financing expenses incurred primarily for the user's
  benefit is an appropriate mechanism. However, the effect of such charges in a
  competitive worldwide environment should be carefully scrutinized. Any
  assessed fees should be equitable and nondiscriminatory and should be
  protected in trust fund accounts with their expenditure limited to the purposes for
  which they were collected. As such, commercial barge and towing should be
  directed solely to the Inland Waterways Trust Fund. Recreational boat user fees
  should be directed solely to boating safety programs. Additionally, user fees
  should not be assessed on commercial traffic to recover uncompensated benefits
  to civilian navigation and search and rescue activities.

- A comprehensive liability and compensation system on marine environment
  should be maintained at the federal level to provide vulnerable states with a
  means of environmental restoration in the event of a shipping accident, or as a
  result of invasive species.

It should be the policy of the United States to require that domestic oil producers and
common carriers develop the capability to safely transport crude oil and other liquefied
petroleum products and to quickly and effectively contain and clean up oil spills that occur.