

**NCSL Standing Committee on
Natural Resources and Infrastructure**

POLICY DIRECTIVES AND RESOLUTIONS

**2021 Policy Week Review Call
Friday, September 24 – 3 PM ET**

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1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **AUTONOMOUS VEHICLES**

3 **TYPE:** **RESOLUTION**

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

10

11 **State Authority to Regulate Autonomous Vehicle Testing**

12 NCSL agrees that the National Highway Traffic Safety Administration (NHTSA) should
13 be the sole entity setting federal motor vehicle safety standards (FMVSS) for
14 autonomous vehicles, equivalent to their current role for conventional vehicles.

15 However, NCSL strongly believes that states are the sole authority when it comes to
16 vehicle use—which includes vehicle registration; driver licensing and education; traffic
17 laws, regulations and enforcement; and insurance and liability. NCSL is opposed to
18 congressional or administration proposals that would seek to preempt this authority from
19 states by prohibiting states from prescribing certain standards or regulations related to
20 autonomous vehicle testing, including requirements related to the presence of a human
21 driver.

22

23 **FMVSS Exemptions**

24 NCSL recognizes, appreciates, and agrees that authority to issue exemptions of
25 FMVSS remains solely in the realm of the Secretary of Transportation. However, NCSL
26 strongly encourages the Secretary (or applicable designated agency) to ensure that any
27 exemption of existing motor vehicle safety standards provides a safety level at least
28 equal to the safety level of the standard. Further, as exemptions are granted, NCSL
29 implores the department to provide such information to states, in a timely manner.

30

31 **Advisory Councils**

32 NCSL requests that state legislators be appointed to or included in any congressional or
33 administration task force, council, or other advisory group related to the development of
34 autonomous vehicles. NCSL encourages congressional and administration task forces
35 to work with NCSL to help ensure the appropriate states are included.

36

37 **Cybersecurity Information Sharing**

38 Cybersecurity is a vital aspect of autonomous vehicles. As vehicles begin to
39 communicate with each other (vehicle-to-vehicle or V2V) as well with infrastructure
40 (vehicle-to-infrastructure, V2I, and V2X), the potential risk of cyberattacks and security
41 breaches greatly increases. NCSL urges both the administration and Congress to both
42 share any threat information with state governments and to work with states to ensure
43 that such threats and affected vehicle populations do not become endemic. A
44 collaborative effort is vital in ensuring such safety.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **CLIMATE CHANGE**

3 **TYPE:** **RESOLUTION**

4 The National Conference of State Legislatures (NCSL) urges the federal government to
5 consult with state elected officials, their national representative organizations and
6 existing interstate partnerships in developing a federal program. As Congress and the
7 administration examine proposals for reducing greenhouse gas emissions, NCSL
8 encourages the federal government to always take the following principles into account:

- 9 • Federal action should be flexible, allowing for a range of complementary
10 strategies at the state and federal level maintaining a strong role for state, local
11 and tribal government in any federal action.
- 12 • Federal legislation should provide states the authority and flexibility to work within
13 an overall framework; to apply the law effectively to all sources of emissions and
14 ensure achievement of climate change goals in the most cost effective, timely
15 and efficient manner for each state.
- 16 • Federal legislation should not preempt state or local governments from enacting
17 policy options that differ from federal choices or from enacting stricter or stronger
18 measures within their jurisdiction.
- 19 • Federal legislation should afford states the flexibility to form regional
20 cooperatives and implement innovative policies that advance federal efforts to
21 reduce the effects of climate change.
- 22 • Congress must authorize and appropriate sufficient funds for federal, state and
23 local governments to implement any federal legislation. These funds should be
24 newly authorized appropriations, not reprogrammed resources.
- 25 • Federal legislation should ensure state legislative authority in any federal climate
26 change legislation and affirm the active role played by state legislatures in both
27 fiscal and substantive aspects of state policymaking.
- 28 • Federal legislation providing for the allocation of greenhouse gas reduction
29 programs to states should include language making decisions related to such
30 allowances subject to state legislative approval.

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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.

- 62
- The allocation of GHG reduction program to states under a federal GHG
- 63 reduction program should include language making decisions related to such
- 64 allowances subject to state legislative approval.
- The establishment of any new federal program should include provisions for
- 65 transparent reporting and accountability and incorporate the use of third-party
- 66 verification to ensure reported outcomes are verifiable.
- 67

68

69 **Unintended Consequences**

70 NCSL believes that federal legislation regarding the reduction of greenhouse gases

71 should take into account the implications of actions and/or inactions on economic

72 development, energy security, and those most vulnerable citizens. Evaluation should

73 include the life cycle impacts of policy options including ancillary impacts.

74

75 NCSL believes that federal legislation should require continuing assessments of the

76 potential impacts to the United States of climate change, by state or region including

77 effects on water resources, agriculture, infrastructure, natural systems, environmental

78 quality, public health, biodiversity and the cultures of our native peoples. Such an

79 assessment will support the development of domestic and international adaptation-

80 mitigation strategies. The Environmental Protection Agency (EPA) should provide

81 funding and assist states in developing assessments and adaptation plans at the state

82 and regional level.

83

84 NCSL also urges the federal government to fully consider how legislation will affect low-

85 income households that already struggle to balance needs and expenses. NCSL

86 encourages the federal government to expand and enhance long-term funding for the

87 Department of Energy's Weatherization Assistance Program and to ensure that any new

88 federal program does not undermine existing federal, state and private sector energy

89 assistance and outreach programs that assist our most vulnerable citizens.

90

91 **Research and Development**

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

96

97 NCSL urges the federal government:

- 98 • To ensure that legislation not limit the diversity of technologies supported, as
99 future advancements cannot be predicted.
- 100 • To take into account state and regional differences, and not limit or specify the
101 technologies used in each state and ensure sufficient flexibility for each State to
102 determine how to best achieve nationally-set goals.
- 103 • To promote current and future innovations and expand the use of such
104 technology through R&D transfer agreements with other countries.
- 105 • To promote policies and procedures to increase natural carbon sequestration of
106 CO₂ that will include sustainable timber harvesting, control burns, reseeded and
107 rehabilitation of natural and introduced grassland plants.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **MICROPLASTICS RESEARCH**

3 **TYPE:** **RESOLUTION**

4

5 A resolution of the National Conference of State Legislatures, urging the federal
6 government to fund research on microplastics in the environment.

7

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

11

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

13

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

16

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

19

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

22

23 **WHEREAS**, microplastics have been found in human stools; and

24

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

27

28 **WHEREAS**, water resources, including drinking water, and soils and sediments are
29 rarely tested or monitored for microplastics; and

30

31 **WHEREAS**, questions still remain as to the sources of microplastics in the environment,
32 including the contributions from wastewater treatment facilities; and

33

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

36

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

40

41 **BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Attorney General
42 William Barr, President Donald Trump, and all members of Congress.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: NATIONAL APPLIANCE EFFICIENCY**

3 **STANDARDS**

4 **TYPE: RESOLUTION**

5 **WHEREAS**, energy efficiency standards as promulgated by the U.S. Department of
6 Energy following enactment of the Energy Policy and Conservation Act of 1975,
7 National Appliance Energy Conservation Act of 1987 and 1988 (NAECA), Energy Policy
8 Act of 1992, Energy Policy Act of 2005 and the Energy Independence and Security Act
9 of 2007, for appliances, equipment, and lighting protect consumers, are a cost-effective
10 means to reduce energy and water waste, lower utility bills and decrease pollutants and
11 atmospheric emissions including greenhouse gas emissions; and,

12
13 **WHEREAS**, an average U.S. household saves about \$500 per year on utility bills
14 because of these existing standards; and,

15
16 **WHEREAS**, U.S. businesses save about \$23 billion annually because of these existing
17 standards, money that can be invested in jobs or spent in local economies; and,

18
19 **WHEREAS**, efficiency standards stimulate innovative technologies, which are beneficial
20 to American manufacturers in a competitive global environment; and,

21
22 **WHEREAS**, lower energy and water use helps mitigate the need for new utility
23 infrastructure.

24
25 **NOW, THEREFORE, BE IT RESOLVED**, that the NCSL urges the Congress and the
26 Department of Energy (DOE) to fully fund and continue this highly successful program;
27 and,

28

29 **BE IT FURTHER RESOLVED**, that the NCSL strongly urges DOE to amend standards
30 as stipulated by law and in accordance with the review schedule dictated by Congress;
31 and,

32

33 **BE IT FURTHER RESOLVED**, that Congress continue to require DOE to regularly
34 review standards for appropriate updates and to resist any attempt to repeal existing
35 standards.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: RECOVERING AMERICA’S WILDLIFE**

3 **TYPE: RESOLUTION**

4 **WHEREAS**, habitat loss, wildlife diseases, invasive species, pollution, and the impacts
5 of climate change pose significant threats to fish and wildlife species; and

6

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

10

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

14

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

17

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

22

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

26

27 **WHEREAS**, the additional funding will help states to address at-risk wildlife before they
28 require protection under the federal Endangered Species Act which can be more costly
29 and disruptive.

30 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
31 Legislators urges the President of the United States and Members of Congress to act to
32 pass and sign into law the Recovering America's Wildlife Act, and

33

34 **BE IT FURTHER RESOLVED**, that copies of this resolution be immediately transmitted
35 to the President of the United States, the President of the United States Senate, the
36 Speaker of the House of Representatives, and each member of Congress.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: RURAL MENTAL HEALTH**

3 **TYPE: RESOLUTION**

4 **WHEREAS**, farmers and ranchers, due to the nature of their work and a shortage of
5 resources for rural mental health, suffer higher rates of depression and suicide than
6 other professions – as described by the American Psychological Association’s Journal
7 of Rural Mental Health; and

8
9 **WHEREAS**, difficult economic conditions are placing additional strain on our nation’s
10 farmers and ranchers and their families. The United States Department of Agriculture
11 projects that net farm income will fall once again in 2018, continuing a sustained
12 downward trend that began in 2014; and

13
14 **WHEREAS**, the federal government can play a vital role in addressing this crisis by
15 providing the states with additional resources for rural mental health services that are
16 tailored to the unique needs of farmers, ranchers, and their families

17
18 **NOW, THEREFORE, IT BE RESOLVED**, that the National Conference of State
19 Legislatures urges Congress to include in pending legislation, funding for states to
20 address this urgent need and assist our nation’s farmers, ranchers, and their family
21 members during this time of great financial stress in American agriculture.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: AIR POLICY**

3 **TYPE: DIRECTIVE**

4 **The Clean Air Act Implementation**

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

10

11 NCSL makes the following recommendations:

- 12 • Implementation of the CAAA is the responsibility of the states. NCSL encourages
13 Congress and the EPA to pay particular attention to the voices of that state expertise
14 and experience.
- 15 • Communication with state legislators is of utmost importance because only state
16 legislators can enact enabling legislation for state programs and appropriate state funds.
17 Congress and the EPA should regularly and directly work with state legislators during
18 federal action on air quality issues.
- 19 • EPA should work closely with states to assist them in developing all regulations,
20 technical assistance and funding necessary for compliance. Furthermore, EPA should
21 support any state regulation that enables that state to meet or exceed the CAAA
22 standards.
- 23 • Federal grants authorized under the CAAA provide financial resources to the states for
24 development and implementation of air quality programs and other clean air
25 responsibilities. Congress and the EPA must ensure that states continue to receive
26 adequate funding to cover all costs of program management including monitoring.
- 27 • Because the states have existing air pollution control programs to administer with current
28 federal funding, any new air quality programs or responsibilities mandated by Congress
29 or EPA should be accompanied by additional federal funding.
- 30 • NCSL urges EPA to provide as much administrative flexibility as the law allows in order
31 to achieve clean air goals in the most cost effective and efficient manner.

- 32 • Cost-effectiveness should be permitted as a factor in state selection of transportation
33 control measures and emissions control strategies.
- 34 • NCSL urges EPA to meet all deadlines for publication of documents required under the
35 CAAA. NCSL urges Congress to amend the law to replace statutory deadlines for state
36 action with language that provides a specific time period for state compliance after
37 document publication.
- 38 • NCSL urges EPA to act expeditiously to enact the required regulations necessary to
39 reduce emissions from federally preempted sources. Failure to act to require emission
40 reductions from federally preempted sources can impede a state's ability to achieve
41 attainment in some areas despite any and all actions available to a state in development
42 of their state implementation plans.
- 43 • NCSL urges Congress to develop and implement sustainable management policies
44 which will reduce fuel loadings on federal lands, thereby reducing emissions from
45 catastrophic wildfires and improving carbon sequestration on those lands.
- 46 • EPA should provide training opportunities for states to help develop the skills and
47 understanding needed to properly implement the CAAA. In addition, EPA should provide
48 informational resources to help the public understand its role in achieving CAAA goals.
- 49 • Congress and EPA should take maximum advantage of tools and strategies to reduce
50 emissions from mobile sources including but not limited to promoting alternative fuels
51 and encouraging strict exhaust standards for light duty vehicles.
- 52 • Federal highway legislation should be made consistent with CAAA objectives. The EPA
53 and the Department of Transportation (DOT) should work together to ensure
54 coordination of federal policy.
- 55 • NCSL urges the adoption of national energy, transportation and other policy that
56 emphasizes energy conservation in order to help achieve the goals of the CAAA. This
57 should include strengthening of emission standards for automobiles as technologies
58 improve, more energy-efficient lighting, buildings, and transportation, and more research
59 and use of alternative forms of energy.
- 60 • NCSL urges the federal government to expeditiously apply the same CAAA
61 requirements to federal facilities and motor vehicle fleets that are required for state
62 facilities and fleets.

63

64 **Multi-Pollutant Legislation**

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

68

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

75

76 NCSL recommends that:

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

97

98 **Sanctions**

- 99 • States should not be sanctioned for non-compliance if state's failure to comply was the
100 result of EPA's failure to adhere to CAAA deadlines for promulgation of regulations or
101 technical guidance that provide details and requirements of state programs.
- 102 • EPA should have the authority to waive sanctions on states that EPA determines are
103 making reasonable good faith efforts to comply with CAAA requirements and deadlines.

104

105 **New Source Review Program**

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

112

113 **Motor Vehicle Inspection and Maintenance**

114 NCSL believes that:

- 115 • States should be granted flexibility to design inspection and maintenance (I/M) programs
116 that achieve air quality targets and should receive full credit for emissions reductions
117 those programs achieve.
- 118 • Congress and EPA should not require the states to use specific I/M technologies. Such
119 rigid federal requirements may fail to account for technological advances in emissions
120 testing programs and equipment.

121

122 **Alternative Fuels and Alternatively Fueled Vehicles**

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

131

132 NCSL recommends the exploration and evaluation of all forms of alternative domestic fuels and

133 alternatively fueled vehicles in order to reduce the incidence of toxic air emissions. NCSL
134 recommends caution in promoting the replacement of traditional fuels with alternative fuels that
135 could result in other pollution problems.

136
137 NCSL supports a federal Clean Alternative Fuels program that includes but is not necessarily
138 limited to methanol, ethanol, or other alcohols, reformulated gasoline, ultra-low sulfur diesel,
139 biodiesel, natural gas, liquefied petroleum gas, and hydrogen or other power source (including
140 electricity). However, NCSL recommends that this program take into account other uses of
141 source products, i.e. grains, when making recommendations for fuel usage or setting new
142 national standards. Furthermore, NCSL urges Congress to improve the availability of source
143 materials from our federal lands in accordance with multiple use mandates.

144
145 NCSL is concerned that the further development of alternative domestic fuels, alternatively
146 fueled vehicles and conservation devices will depend, at least in the near future, upon the
147 continued availability of tax credits designed to encourage investment in these technologies.
148 While tax credits and exemptions are important to the creation of an alternative fuels market,
149 NCSL recognizes their negative fiscal impact on the overall federal budget, as well as inequities
150 in the Highway Trust Fund. Consequently, NCSL urges Congress to:

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

161
162 NCSL believes that there should be no warranty invalidation incurred by a provider if ASTM
163 standards are met for the fuel and the vehicle is approved for that fuel.

164

165 In areas required under CAAA to utilize reformulated gas (RFG) or oxygenated fuels, selection
166 of alternative fuel additives should be left to the discretion of the affected state, where costs,
167 safety, and economic and environmental impacts can be considered.

168

169 With regards to fuel additives, NCSL recommends the following:

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

176

177 **Low Emission Vehicles and Zero Emission Vehicles**

178 NCSL believes that:

- 179 • EPA should maintain national Low Emission Vehicle (LEV) standards, referred to as the
180 49-state car, that are stricter than the law requires. States should be allowed, but not
181 required, to adopt Zero Emission Vehicles (ZEV) requirements.

182

183 **Clean Diesel**

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

192

193 **Transportation Conformity with State Air Quality Plans**

194 NCSL supports the principles underlying transportation conformity provisions of the Clean Air
195 Act that requires new or revised state transportation implementation plans (TIPs) to conform to
196 the purpose of state air quality plans, also referred to as state implementation plans (SIPs).
197 Furthermore, NCSL believes that:

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- 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

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **FEDERAL CHEMICAL POLICY**

3 **TYPE:** **DIRECTIVE**

4 In 2016 Congress passed the Frank R. Lautenberg Chemical Safety for the 21st
5 Century Act (LCSA), updating the Toxic Substances Control Act (TSCA) of 1976, which
6 provides the U.S. Environmental Protection Agency (EPA) with the authority to require
7 reporting, record-keeping, and safety testing of chemical substances and/or mixtures.
8 TSCA also gives EPA the power to restrict the use of chemicals. Certain substances are
9 generally excluded from TSCA, including food, drugs, cosmetics, and pesticides, which
10 are regulated under different federal laws.

11

12 **Ensure Statutory Implementation**

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

23

24 **Appropriate Funding and Establish User Fees**

25 NCSL urges Congress to appropriate full funding for LCSA implementation and
26 supports the requirement for EPA to collect fees for both new and existing chemicals.
27 Section 26 of the Act provides EPA the authority to collect fees that help defray the
28 costs of administering the provisions on collecting and managing information,
29 implementing the new chemicals program, and evaluating and regulating existing

30 chemicals. NCSL strongly urges EPA to implement the user fee program as
31 expeditiously as possible, assuring that EPA can continue to manage its new chemicals
32 review program efficiently, as well as undertake and complete risk evaluations on
33 schedule, and provide states with resources and assistance as necessary to implement
34 the program. Efficient implementation of LCSEA will allow states to better target health
35 and environmental programs to address matters of local and regional need and interest
36 Additionally, as many states do not have the staff nor the resources to sufficiently
37 protect their citizens from harmful chemicals, NCSL urges Congress to appropriate
38 targeted funding for state grant programs under TSCA, in recognition of the enhanced
39 state-federal relationship, allowing states to fund compliance monitoring programs to
40 prevent or eliminate risks to health or the environment associated with chemical
41 substances or mixtures.

42

43 **Preserve State Authority and Improve State-Federal Coordination**

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

54

55 **Prompt and Effective Action on Harmful Chemicals in Products and Places that** 56 **Could Harm People**

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

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

67

68 **Ensure Access to Mandatory Safety Data on All Chemicals**

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

76

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

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: LAND MANAGEMENT DIRECTIVE**

3 **TYPE: DIRECTIVE**

4 **Federal Land Policy Management Act (FLPMA)**

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

8
9 Ninety-three percent of all lands under federal jurisdiction in the United States are
10 located in the West, and over sixty-three percent of the land area in the twelve western
11 states is federally controlled. Further, many federal and non-federal lands are
12 intermingled. This limits the western states' prerogatives in managing the uses of their
13 own land and further limits the potential base of the states' economies. Units of
14 governments whose property tax revenue bases have been reduced by large federal
15 land holdings also require adequate funds to help make up the shortfall. With perpetual
16 federal retention, Congress must assure state payments in lieu of taxes in perpetuity.

17
18 Federal-state relations regarding federal agency land planning vary widely and suffer
19 from a lack of specificity on how and when cooperation should take place. No
20 meaningful mechanism currently exists in the wilderness review process for the
21 involvement of legislatures as the state policymaking bodies.

22
23 The National Conference of State Legislatures (NCSL) urges all federal agencies
24 involved in the management of public lands to incorporate within their policies and
25 regulations provisions for a continuous and cooperative involvement of state
26 governments in public lands policy and public lands management. Furthermore, NCSL
27 supports remedial legislation which will guarantee a state and tribal role in public lands
28 management and establish procedures for designations, disposition, or use of certain
29 public lands found to be excess property.

30

31 Federal agencies managing federal land should assure that uses, both on-site and off-
32 site, do not cause adverse environmental impacts on the federal land or other adjacent
33 lands or waters and provide special protection for wetland resources in light of the goal
34 of no loss of wetlands.

35

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

41

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

45

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

49

50 **Takings and Land Use Authority**

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

58

59 **Readiness and Environmental Protection Initiative**

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

66
67 REPI provides significant and long term benefits to the people and the landscape in
68 communities surrounding military installations. It enhances military readiness; protects
69 high value habitat; strengthens military/community relations; and provides the
70 opportunity for partnerships among key stakeholders, such as state, tribal and local
71 governments and the military. NCSL supports REPI and believes there is a limited
72 window of opportunity for REPI partnerships to protect land and habitat in support of
73 military training and testing. In addition, the increasing numbers of willing sellers in the
74 existing real estate market present significant near-term opportunities to leverage REPI
75 funding with state, tribal and local partners.

76
77 NCSL applauds the United States Congress for recognizing the critical need to protect
78 DoD bases and the limited window of opportunity to do so, and for continuing its strong
79 bipartisan support for REPI.

80

81 **State-Federal Partnerships in Land Management Around Federal Facilities**

82 NCSL calls on Congress and the Administration to enable and encourage federal
83 agencies to enter into formal partnerships with state or tribal governments to enable the
84 better management of land in and around military and other federal facilities. Such
85 partnerships will enable states, federally recognized tribes, local communities and the
86 federal facilities, ranges, and training air/sea/land space they serve to work jointly on
87 matters of importance to all stakeholders. The adoption of memorandums of
88 understanding or other agreements between federal agencies, tribal governments,
89 and/or state wildlife, parks, and environment agencies will establish a mechanism for
90 the federal agencies to:

- 91 • assist tribal governments and state agencies to acquire landowner agreements
92 around military facilities;
- 93 • assist tribal governments, communities and states to be better prepared for the
94 next BRAC round by ensuring mission capabilities at military facilities; and
- 95 • identify within the federal agency the person or office to whom tribal
96 governments, state agencies and communities may contact for assistance in
97 coordinating conservation easement/contracts or other appropriate negotiated
98 transaction.

99

100 In partnering with such agencies as the Department of Defense (DOD), the U.S.
101 Department of Agriculture (USDA), the U.S. Department of Interior (Interior), and the
102 U.S. Army Corps of Engineers (Corps) states, tribal governments and local communities
103 will be able to:

- 104 • protect water resources benefiting tribal governments and local communities and
105 federal facilities ranges, and training air/sea/land space;
- 106 • improve wildlife habitat around federal facilities, ranges, and training air/sea/land
107 space and throughout the state;
- 108 • expand public understanding of how critical tribal and state land conservation
109 actions are to protect the mission and economic welfare of federal entities;
- 110 • expand public support for federal assistance of state efforts to acquire permanent
111 conservation easements, contracts or other appropriate negotiated transactions
112 and long term leases with landowners to protect federal installations from civilian
113 encroachment that will adversely impact mission capabilities and economic
114 benefits to communities, and increase land for contract training;
- 115 • expand state agency, private landowners, and DoD facilities' ability to develop
116 longitudinal training capabilities through partnerships that expand training
117 opportunities in combination with preserving agricultural lands; and that permit
118 federal and national guard training areas to be linked for expanded joint training;
119 and
- 120 • encourage tourism to the conservation lands acquired by state agencies.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **OUR NATION'S RAIL**

3 **TYPE:** **DIRECTIVE**

4 The National Conference of State Legislatures recognizes viable passenger and freight
5 railroad systems are essential to achieving a balanced intermodal transportation system
6 and ensuring personal mobility, the free flow of commerce and national security. Rail
7 must have the same financial security provided the other modes of transportation, such
8 as highways, transit, aviation and waterways. NCSL strongly supports a dedicated
9 source of federal funding for passenger rail service.

10

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

16

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

20

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

24

25 **Financing and Tax Issues**

26 NCSL supports efforts by Congress to provide investment tax credits for railroad
27 infrastructure investments that expand capacity for the movement of both passengers
28 and freight. Without private sector rail investment in infrastructure to accommodate
29 increasing demand for goods movement, freight increases will necessarily be diverted

30 to highways, further congesting and damaging America's already challenged highway
31 infrastructure. Anticipated future revenues will be inadequate to allow the railroads to
32 privately finance all capacity improvements required even to maintain their current
33 market share of freight traffic.

34

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

41

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

44

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

49

50 NCSL also urges the federal government to fund railroad infrastructure modernization
51 grant programs such as "Capital Grants for Class II and Class III Railroads" program at
52 49 USC §22301 and the "Capital Grants for Rail Line Relocation" program at 49 USC
53 §20154.

54

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

59

60 NCSL urges the federal government to provide federal highway safety incentive grants

61 to states to advance innovative pilot programs. These programs would increase
62 enforcement of grade crossing traffic laws at both active and passive crossings.

63

64 **Passenger Rail and High-Speed Rail**

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

72

73 NCSL urges the federal government to provide all possible assistance to increase the
74 states' capacity to meet their expanded role in rail planning and evaluation under the
75 provisions of the federal Passenger Rail Investment and Improvement Act of 2008.

76 NCSL especially urges the federal government to increase the availability of voluntary
77 planning and evaluation tools and to provide ongoing, permanent and dedicated funding
78 to assist states with the planning and development of high-speed and intercity
79 passenger rail. States require assistance in establishing cost estimates for building and
80 operating high-speed and intercity passenger rail systems; benchmarking to gauge
81 proposed projects and improvements; and developing and implementing key
82 performance measures.

83

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

- 87 • Amtrak – The continued economic viability of Amtrak and other passenger rail
88 providers is in the national interest. Federal funding should account for existing
89 revenue deficiencies for Amtrak and other passenger rail providers and provide
90 adequate funding for a capital improvement program.

- 91 • Intercity passenger rail – State and local support of intercity passenger rail
92 systems has been critical to alleviating congestion, mitigating environmental
93 concerns, and providing a feeder system to Amtrak. Federal support for these
94 efforts is imperative. The federal government should provide a funding source for
95 the states to implement cost-effective, efficient passenger rail as it does for other
96 modes of transportation—motor vehicle, transit, air and waterway.
- 97 • Commuter rail – Commuter rail facilities using track owned by private freight
98 companies have become an important part of the transportation system in urban
99 areas. Use of track by commuter rail on an appropriate priority basis should be
100 negotiated with the owner of the railroad track.
- 101 • High-Speed Rail – NCSL urges the federal government to support the states in
102 meeting their expanded role in high-speed and intercity passenger rail and to
103 facilitate interstate coordination as well as relationships among diverse
104 stakeholders. NCSL also urges the federal government to support and facilitate
105 the efficient integration of the high-speed rail network with local transportation
106 systems to ensure the success of both. NCSL further recognizes that railroads
107 over whose rights-of-way many high-speed rail authorities will operate have a
108 legitimate concern over increased exposure to liability as a result of high-speed
109 rail operations. This liability issue must be addressed by Congress in the context
110 of high-speed rail legislation. NCSL requests that state legislators be included in
111 ongoing cooperative agreements to explore solutions to this problem. The long-
112 term goal in certain corridors should be track that is dedicated to high-speed
113 service exclusively, in accordance with the U.S. Department of Transportation’s
114 definition of high-speed rail. The federal government should facilitate the steps to
115 reach that goal over time.
- 116 • Research and Development – The federal government should continue to
117 support research and development of advanced passenger rail technologies.
118 Federal research should provide best practices and strategic assistance to states
119 negotiating with freight-rail ownership of rights of way, in order to enhance on-
120 time performance, frequency, speed and safety of passenger and freight facilities

121 operating on the same track. Federal policy should encourage U.S. technology
122 development and production while incorporating all other technologies.

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

133

134 **Freight Rail**

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

- 140 • Regulation – NCSL generally supports efforts designed to improve the regulatory
141 climate of the freight rail industry by reducing the number of regulatory restraints
142 that adversely affect the industry’s economic performance. The regulatory needs
143 of the railroad industry should be balanced with the captive shippers who have
144 no alternative means of transportation available. NCSL also supports efforts to
145 improve the regulatory climate of passenger rail.
- 146 • Other – The right of federal eminent domain should be granted only when there
147 is a compelling national need for an alternative means of freight transportation.

148

149 **Safety and Security**

150 NCSL supports a continued federal role in setting national performance and safety

151 goals. NCSL urges Congress to provide incentive funding to promote comprehensive
152 rail safety programs in the states.

- 153 • NCSL urges the federal government to fully fund increased security measures
154 needed in the passenger rail system, such as security checkpoints prior to
155 boarding, luggage inspection and improved security of rail tunnels, rail bridges,
156 rail switching areas and other areas identified by the Secretary of Homeland
157 Security as posing significant risks to public safety and security and the
158 movement of interstate commerce. This effort should take into account the
159 impact that any proposed security measure might have on providing rail service,
160 deploying chemical and biological weapon detection equipment, dealing with the
161 immediate and long-term economic impact of measures that may be required to
162 address those risks, and training employees in terrorism response activities.
- 163 • Trespassing – NCSL recognizes that the vast number of injuries and fatalities
164 associated with the railroad industry are due to trespassing incidents. The role of
165 the federal government in this arena is appropriately one of conducting research
166 and facilitating public awareness of the danger and the illegality of trespassing
167 under state law.
- 168 • Grade crossings – NCSL recognizes the inherent risks of highway-rail grade
169 crossings where motorists disregard even active warning devices and gates.
170 Federal funding through the Section 130 program should be continued and
171 increased to adequately compensate states and to provide states with incentives
172 for reaching federal standards for grade crossing warning devices. The Federal
173 Railroad Administration (FRA) is encouraged to finance a long-term national
174 grade crossing safety awareness campaign. Federal preemption has effectively
175 limited the role and responsibility of states over most aspects of rail
176 transportation. However, state law has been preserved in some areas related to
177 tort liability in accidents involving railroads; responsibility of motorists and
178 pedestrians in yielding to rail traffic; and overall decisions on grade warning
179 devices or closings. NCSL strongly opposes efforts by the federal government to
180 preempt traditional state authority in these areas, to replace state statutes
181 governing violations by motor vehicles and penalties for failing to yield to an

182 oncoming train, or to establish numeric standards for crossing closings to be
183 accomplished by states.

- 184 • Research – Additional grade crossing research should be conducted in such
185 areas as driver response to existing warning devices, improved crossing warning
186 devices, low-cost active warning devices, off-track train detection systems, train
187 conspicuity (reflectorization), locomotive conspicuity (lights), and audible warning
188 technology (whistles/horns).

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **REAL ID**

3 **TYPE:** **DIRECTIVE**

4 NCSL urges Congress and the administration to continue to work with NCSL and its
5 members on alternatives to the implementation of REAL ID that recognizes national
6 security but does not impede the sovereignty of state licenses or place a federal agency
7 or agent as permanent and ongoing authority for determining state license uses and
8 requirements. NCSL supports efforts to extend existing deadlines until obstacles to
9 implementation are addressed. In addition, NCSL supports the use of waivers by the
10 Secretary of the Department of Homeland Security, for states that have adopted other
11 forms of compatible identification.

12 -

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

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **RURAL POLICY**

3 **TYPE:** **DIRECTIVE**

4 **A State-Federal Partnership**

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

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

- 30 • Support coordination of programs by encouraging collaboration among all
31 federal, state, and local service providers.

32
33 NCSL emphasizes that before any of the above programs can be implemented, high
34 speed communication in rural areas must be prioritized. NCSL believes these goals are
35 best accomplished in the context of an integrated regional framework encouraging
36 innovation and collaboration across economic sectors, political boundaries and program
37 lines. A regional approach recognizes the importance of regions in global
38 competitiveness and of leadership within regions. Federal investments should build on
39 existing regional assets and take into account the diverse economic, demographic,
40 geographic, and cultural realities of different regions.

41

42 **Principles for Rural Policy**

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

45

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

50

51 **Use of Existing Programs and Institutions:** Strengthening and reforming existing
52 programs should take priority over the creation of new ones. NCSL supports the
53 concept of the National Rural Development Partnership, Initiative on Rural America, and
54 other efforts to achieve better coordination and collaboration among federal
55 agencies. NCSL supports efforts to consolidate federal rural development and credit
56 programs and provide states with greater flexibility in program administration. NCSL
57 supports changes to the non-entitlement Community Development Block Grant (CDBG)
58 program to permit broader discretion in the use of CDBG funds.

59

60 **Strategic Planning:** Priority should be given to federal programs, that help build
61 capacity in small-town and rural America by bringing together federal, state, local and
62 private resources for economic development.

63

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

67

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

74

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

78

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

82

83 **The Federal Role in Rural Economic Development**

84 All levels of government must join together immediately in a comprehensive national
85 effort to stem the tide of decline in rural communities. This objective can be
86 accomplished by continued federal efforts to revitalize the agricultural, mining and
87 forestry industries and by new initiatives to diversify the economies of these rural
88 communities. In seeking to achieve economic diversification, special focus must be
89 placed upon the search for an effective strategy incorporating economic development,
90 market diversification, venture capital, workforce development training, intercity

91 transportation, education, health and housing facilities, technical assistance and
92 infrastructure components, at a minimum.

93

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

98

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

104

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

109

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

114

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

118 An agreement on roles and relationships among state and federal agencies and other
119 participants;

- 120 • A mechanism for identifying opportunities for joint investments targeted to rural
121 development concerns and priorities;

- 122 • A forum for dealing with interagency and intergovernmental obstacles to timely
123 use of resources;
- 124 • A vehicle for conducting assessments of rural conditions and progress toward
125 accomplishment of rural development goals; and
- 126 • A vehicle for conducting assessments of the impact of federal farm policy on rural
127 communities.

128

129 **Rural Investment Programs**

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

134

135 **Rural Development Block Grants**

136 NCSL supports efforts to consolidate federal rural development and credit programs
137 and provide states with greater flexibility in program administration.

138

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

142

143 **Payments in Lieu of Taxes (PILT)**

144 The National Conference of State Legislatures recognizes the shared responsibility of
145 states, counties and the federal government for the management of public lands. The
146 PILT program gives counties a small payment per acre of federally managed land,
147 which only partially offsets county costs of supporting federally managed lands in the
148 county. In many cases, payments are inadequate to support the growth of recreation,
149 travel and tourism on federally managed lands. Inadequate payments have strained
150 some county budgets and undermined the intergovernmental partnership between
151 counties, states and the federal government.

152

153 The NCSL supports federal efforts to:

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

159
160 NCSL supports authorization for the transfer of land of equivalent value from the federal
161 government to states or counties in lieu of monetary payment, consistent with state
162 statutes and practice. Clearly, such payments would only be appropriate in cases where
163 the federal government, states and counties have been in close consultation and are in
164 agreement on the terms of transfer.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: WATERWAYS AND PORTS**

3 **TYPE: DIRECTIVE**

4 The National Conference of State Legislatures (NCSL) recognizes the substantial
5 benefits to the nation of the U.S. system of waterways and ports by providing access to
6 the world's markets and the combined efforts of all levels of government and users in
7 sharing the cost of port and waterway development and maintenance. NCSL further
8 acknowledges the distinctive roles played by the states and the federal government in
9 financing waterways and ports. The increase of state and local financial support in
10 recent years should be concomitant with an increased planning authority, which is
11 particularly important for the integration and support of other transportation systems for
12 enhanced waterway and port activity.

13

14 **Ports**

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

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

25

26 **Intermodal Connectors**

27 NCSL calls on Congress to significantly increase federal investment in highway, inland
28 waterways, and rail infrastructure and provide states added flexibility to improve
29 intermodal connectors and surface transportation systems near the nation's ports.

30 Where feasible, NCSL also encourages and supports the deployment of ferry crossings.

31

32 **Maritime Security**

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

36

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

43

44 **Foreign Imports**

45 NCSL supports:

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

51

52 **Inland Waterways**

53 NCSL supports the continued predominant federal role in inland waterway capital and
54 operating expenditures due to the interstate commerce nature of this transportation
55 system as well as the implementation of the 2014 Water Resources Reform and
56 Development Act (WRRDA). NCSL also supports increased investment in the Inland
57 Waterways Trust Fund to repair and modernize the existing infrastructure. The
58 commercial barge and towing companies, joined by a diverse coalition of stakeholders,
59 unanimously and voluntarily requested a 45 percent increase to the per gallon user fee
60 to address the growing backlog of needed lock and dam construction. Congress

61 approved the increase in 2014, and should now increase the federal level of investment
62 to lock and dam infrastructure commensurate with the increasing revenue deposited
63 into the Inland Waterways Trust Fund, to ensure full use of these funds annually, based
64 on industry-endorsed capital investment strategy recommendations on priority
65 projects. NCSL supports the utilization of U.S. Department of Transportation
66 discretionary funds for emergency assistance to states for ports and waterways.

67

68 **Waterways—General**

69 NCSL believes that:

- 70 • The role of the U.S. Coast Guard in directing waterborne traffic should be
71 enhanced. As such, adequate emergency response plans should be developed
72 with a review of existing contingency plans. Additionally, Congress should
73 continue to fund the Coast Guard's Integrated Deepwater Systems program while
74 maintaining existing funding for other transportation programs.
- 75 • The user fee method of financing expenses incurred primarily for the user's
76 benefit is an appropriate mechanism. However, the effect of such charges in a
77 competitive worldwide environment should be carefully scrutinized. Any
78 assessed fees should be equitable and nondiscriminatory and should be
79 protected in trust fund accounts with their expenditure limited to the purposes for
80 which they were collected. As such, commercial barge and towing should be
81 directed solely to the Inland Waterways Trust Fund. Recreational boat user fees
82 should be directed solely to boating safety programs. Additionally, user fees
83 should not be assessed on commercial traffic to recover uncompensated benefits
84 to civilian navigation and search and rescue activities.
- 85 • A comprehensive liability and compensation system on marine environment
86 should be maintained at the federal level to provide vulnerable states with a
87 means of environmental restoration in the event of a shipping accident, or as a
88 result of invasive species.

89

90 It should be the policy of the United States to require that domestic oil producers and
91 common carriers develop the capability to safely transport crude oil and other liquefied

92 petroleum products and to quickly and effectively contain and clean up oil spills that
93 occur.