



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

WATERWAYS AND PORTS

NCSL Energy, Transportation and Agriculture Standing Committee

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 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. While NCSL does not support the application of user fees to finance the inland waterway system, NCSL does support 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, recreational boat user fees should be redirected 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.