

1 **POLICY: WATERWAYS AND PORTS**
2 **COMMITTEE: TRANSPORTATION**
3 **TYPE: DRAFT POLICY DIRECTIVE**
4 **STATUS: REQUIRES FORMAL APPROVAL; UPDATED TO**
5 **REFELCT INITIAL EDITS**
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8 ~~The U.S. system of waterways and ports provides substantial benefits to the nation by providing~~
9 ~~access to the world's markets. The National Conference of State Legislatures (NCSL) recognizes~~
10 **the substantial benefits to the nation of the U.S. system of waterways and ports by**
11 **providing access to the world's markets and** the combined efforts of all levels of government
12 and users in sharing the cost of port and waterway development and maintenance. NCSL further
13 acknowledges the distinctive roles played by the states and the federal government in financing
14 waterways and ports. The increase of state and local financial support in recent years should be
15 concomitant with an increased planning authority, which is particularly important for the
16 integration and support of other transportation systems for enhanced waterway and port activity.

17 18 **Ports**

19 ~~Investment in the U.S. water transportation system is a partnership between state and local~~
20 ~~governments and the federal government. State and local authorities significantly invest~~
21 ~~resources to enhance marine terminal capacity and efficiency, dredge berths and approach~~
22 ~~channels, and share the cost of new dredging projects to widen and deepen navigation channels.~~
23 ~~The federal government traditionally had supported dredging expenses through the General~~
24 ~~Treasury. In 1986, Congress established the Harbor Maintenance Tax, which is paid on imports~~
25 ~~and the domestic coastwise movement of goods, to support increased federal operations, and to~~
26 ~~finance the maintenance dredging of navigable channels and harbors. These taxes are deposited~~
27 ~~into the Harbor Maintenance Trust Fund.~~

28
29 **NCSL believes that, in** order to sustain U.S. leadership in global trade:

- 30 • ~~T~~he nation's ports must receive adequate federal funds to improve and maintain federal
31 navigational channels

- 32 • **Congress should adequately fund deepening projects to modernize our ports and**
33 **make** NCSL supports the full use of the Harbor Maintenance Trust Fund to maintain the
34 nation's harbors and ~~calls on Congress to adequately fund deepening projects to~~
35 ~~modernize our ports.~~

36
37 **NCSL opposes t**The accumulation of harbor tax receipts at the federal level, **as it** is a break in
38 faith from the purpose of the Harbor Maintenance Tax and results in the imposition of a
39 competitive burden without providing needed improvements necessary to achieve efficiencies to
40 offset added taxes.

41 42 **Intermodal Connectors**

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

47 48 **Maritime Security**

49 **NCSL believes that p**Port security is a state-federal partnership, ~~that~~ is critical to the nation's
50 homeland security strategy **and that** The states need clear federal direction to ensure that
51 resources are focused on the most needed security improvements. ~~Ninety-five percent of~~
52 ~~overseas cargo and millions of cruise and ferry passengers transit through ports each year. Ports~~
53 ~~are spending enormous sums to harden these vulnerable targets and need federal assistance.~~

54 **As such,** NCSL supports the Department of Homeland Security's Port Security Grant Program,
55 which is vital to ports' abilities to make improvements quickly and comply with the Maritime
56 Transportation Security Act of 2002. ~~States have been directed to enhance the security of~~
57 ~~publicly operated ferries and provide for the inspection of vehicles and freight. In some cases,~~
58 ~~federal directives have preempted state laws and policies to the extent of superseding state~~
59 ~~constitutional provisions.~~ Federal assistance should fund these **federal** directives **and**
60 **requirements** regarding enhanced security of publicly operated ferries and the inspection of
61 vehicles and freight **in order** to avoid unfunded **federal** mandates.

62

63 **Foreign Imports**

64 NCSL supports:

- 65 • ~~A~~action by the Federal Maritime Commission to restrict foreign cargo shipments from
66 nations that discriminate against U.S. carriers. ~~In addition, any importation of hazardous~~
67 ~~materials should~~
- 68 • Complying with the requirements, **regarding the importation of hazardous materials,**
69 of the National Environmental Policy Act to insure proper notification and assessment of
70 environmental impact.

71

72 **Cargo Preference**

73 ~~The cargo preference requirements of the Food Security Act should be repealed. These~~
74 ~~provisions unjustifiably increase costs to taxpayers through increased federal shipping costs and~~
75 ~~are of questionable benefit to national security.~~

76

77 **Inland Waterways**

78 **NCSL supports the continued predominant** ~~The federal role in inland waterway capital and~~
79 ~~operating expenditures has been predominant. D~~due to the interstate commerce nature of this
80 transportation system, ~~this is an appropriate responsibility for the federal government.~~ **While,**
81 NCSL does not support the application of user fees to finance this system, ~~The inland waterway~~
82 ~~system is of national importance as an alternative mode of commerce and a facilitator of regional~~
83 ~~economic development.~~ NCSL **does** supports the utilization of U.S. Department of
84 Transportation discretionary funds for emergency assistance to states for ports and waterways
85 adversely affected by severe flooding.

86

87 **Waterways—General**

88 ~~Coast Guard.~~ **NCSL believes that**

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

- 94 • ~~User Fees.~~ The **user fee** method of financing expenses incurred primarily for the user's
95 benefit is an appropriate mechanism. However, the effect of such charges in a competitive
96 worldwide environment should be carefully scrutinized. **Any assessed** ~~f~~Fees ~~assessed~~ should
97 be equitable and nondiscriminatory and ~~Those fees collected~~ should be protected in trust
98 fund accounts ~~and~~ **with** their expenditure limited to the purposes for which they were
99 collected. As such, ~~r~~Recreational boat user fees, ~~which are collected but not available for~~
100 ~~related boat safety activities,~~ should be redirected to boating safety programs. **Additionally,**
101 **u**User fees should not be assessed on commercial traffic to recover uncompensated benefits
102 to civilian navigation and search and rescue activities.
- 103 • ~~Marine Environment.~~ A comprehensive liability and compensation system **on marine**
104 **environment** should be maintained at the federal level to provide vulnerable states with a
105 means of environmental restoration in the event of a shipping accident, or as a result of
106 invasive species.
- 107 • It should be the policy of the United States to require that domestic oil producers and
108 common carriers develop the capability to safely transport crude oil and other liquefied
109 petroleum products and to quickly and effectively contain and clean up oil spills that occur.