

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

**POLICY DIRECTIVES AND RESOLUTIONS**

**2023 Legislative Summit**

**TABLE OF CONTENTS**

**POLICY RESOLUTIONS:**

**AUTONOMOUS VEHICLES ..... 2**

**MICROPLASTICS RESEARCH..... 4**

**NATIONAL APPLIANCE EFFICIENCY STANDARDS..... 6**

**RECOVERING AMERICA’S WILDLIFE ..... 8**

**STATE SUPPORTED GRADE CROSSING ELIMINATION AND SEPARATION PROGRAM.. 10**

**POLICY DIRECTIVES:**

**AVIATION ..... 13**

**ENERGY SECURITY ..... 18**

**NATIONAL ENERGY..... 21**

**SURFACE TRANSPORTATION FEDERALISM..... 36**

**PROPOSED POLICY RESOLUTIONS:**

**BEYOND VISUAL LINE OF SIGHT OPERATIONS FOR UNMANNED AIRCRAFT SYSTEMS..  
..... 46**

**CHRONIC WASTING DISEASE ..... 47**

**THE NATIONAL INFRASTRUCTURE BANK ACT, H.R. 4052..... 48**

**SUPPORT FOR HYDROFLUOROOLEFINS (HFOS) ..... 50**

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

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

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

4

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

11

### 12 **State Authority to Regulate Autonomous Vehicle Testing**

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

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

23

### 24 **FMVSS Exemptions**

25 NCSL recognizes, appreciates, and agrees that authority to issue exemptions of  
26 FMVSS remains solely in the realm of the Secretary of Transportation. However, NCSL  
27 strongly encourages the Secretary (or applicable designated agency) to ensure that any  
28 exemption of existing motor vehicle safety standards provides a safety level at least

29 equal to the safety level of the standard. Further, as exemptions are granted, NCSL  
30 implores the department to provide such information to states, in a timely manner.

31

### 32 **Advisory Councils**

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

37

### 38 **Cybersecurity Information Sharing**

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

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

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

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

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

6

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

10

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

12

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

15

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

18

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

21

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

23

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

26

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

29

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

32

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

35

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

39

40 **BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Attorney General  
41 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

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

34

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

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

2 **POLICY:** **STATE SUPPORTED GRADE CROSSING**  
3 **ELIMINATION AND SEPARATION PROGRAM**

4 **TYPE:** **RESOLUTION**

5 **WHEREAS**, the National Conference of State Legislatures wishes to support sound  
6 public policies that encourage states to take matters into their own control to protect  
7 human life, preserve mobility and enhance economic development by creating state-  
8 funded, highway-railroad grade crossing safety enhancements, including roadway  
9 separations and eliminations; and

10

11 **WHEREAS**, there are more than 200,000 at-grade, public railroad crossings throughout  
12 the country; and

13

14 **WHEREAS**, thanks to billions of dollars of upgrades to grade crossing warning features  
15 including gates, lights and bells, since 1981 grade crossing collisions have decreased  
16 from 9,461 collisions, down 443%, to 2,131 collisions in 2021; and

17

18 **WHEREAS**, since 1981, grade crossing collisions have decreased from 728 fatalities,  
19 down 307%, to 237 fatalities in 2021; and

20

21 **WHEREAS**, since 1981 grade crossing collisions have decreased from 3,293 injuries,  
22 down 504%, to 653 injuries; and

23

24 **WHEREAS**, the National Association of County Officials (NACo), National League of  
25 Cities (NLC), and American Association of State Highway and Transportation Officials  
26 (AASHTO) have previously urged Congress to support improved rail safety programs,  
27 including supporting additional founding to local governments, state, and railroads to  
28 further improve grade crossings and separations allowing for safer interactions between  
29 road and rail traffic; and

30

31 **WHEREAS**, rail interstate networks between cities and regions provide essential  
32 transportation flow for American goods and passengers; and

33

34 **WHEREAS**, these rail interstate networks are essential to the American economy but in  
35 cities, towns, villages, and states throughout the country, their localized presence can  
36 cause negative externalities including road congestion for extended periods of time at  
37 rail crossings; and

38

39 **WHEREAS**, the federal Infrastructure Investment and Jobs Act includes approximately  
40 \$3 billion in funding to be administered by the Federal Railroad Administration over the  
41 next 5 years to build new grade separations and eliminate more road-rail crossings  
42 throughout the nation; and

43

44 **WHEREAS**, some state legislatures have created their own, dedicated state grade  
45 crossing separation, elimination, and safety enhancement program to leverage those  
46 federal dollars in order to unlock new economic development, safety enhancements,  
47 and railroad fluidity opportunities throughout each state; and

48

49 **WHEREAS**, 23 U.S.C. Section 130's Railway Highway Crossing Program was  
50 introduced in 1987 and over the past 35 years has annually funded several hundred  
51 million dollars of federal match for at-grade crossing enhancements, eliminations, and  
52 separations that have driven down vehicular and pedestrian fatalities, injuries, and  
53 collisions; and

54

55 **WHEREAS**, as part of IIJA, Congress increased incentive payments for grade crossing  
56 closures from the previous cap of \$7,500 to the new level of \$100,000 within the federal  
57 Section 130 Grade Crossing Safety Fund; and

58

59 **WHEREAS**, also as part of IIJA, Congress expanded the eligible activities under the  
60 Section 130 Program to now cover replacement of functionally obsolete warning

61 devices that were improved once before in the early years using Section 130 Program  
62 funds.

63

64 **NOW THEREFORE BE IT RESOLVED**, the National Conference of State Legislatures  
65 encourages Congress to continue to create, expand, and enhance state and local grade  
66 crossing protection funds which have the effect of improving safety, mobility and  
67 economic development potential for both the railroads and motoring public throughout  
68 the country.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: AVIATION**

3 **TYPE: DIRECTIVE**

4 Aviation is a key component of a balanced transportation system and is vitally linked to  
5 regional growth and economic development efforts. The development and preservation  
6 of a balanced system of airports, which is responsive to the needs of all sectors of the  
7 nation, is the mutual responsibility of federal, state and local governments. Given this  
8 mutual responsibility, the National Conference of State Legislatures (NCSL) urges  
9 Congress and the administration to actively engage state legislatures in discussions on  
10 the development and preservation of our system of airports and to avoid federal  
11 mandates, preemption of state authority and where possible provide states maximum  
12 flexibility.

13

#### 14 **Finance**

15 The following recommendations regarding aviation financing are to be viewed as a  
16 comprehensive package and not as individual parts to be implemented piecemeal.  
17 Recognizing the safety, security, economic, and other broad public benefits of the  
18 services provided by the Federal Aviation Administration (FAA), NCSL supports efforts  
19 to:

- 20 • continue a General Fund contribution, due to military and federal usage of airport  
21 facilities and services. Maintain the Airport and Airway Trust Fund, financed by  
22 existing dedicated user taxes and charges, as the primary method of funding  
23 federal-aid aviation projects. Any federal aviation fees collected from airline ticket  
24 taxes that are diverted to non-aviation purposes should be rededicated or  
25 repealed. NCSL supports federal grant assurance provisions barring diversion of  
26 airport revenue to non-airport purposes;
- 27 • maintain the current structure of federal aviation taxes which equitably distributes  
28 the financial burden on all users;

- 29 • continue to fully fund the Airport Improvement Program (AIP) at authorized levels  
30 annually on a multi-year basis to help support needed safety, security, capacity  
31 and noise projects;
- 32 • authorize states to use AIP funds for increased security measures required by  
33 federal law at a 100-percent federal share;
- 34 • provide states maximum flexibility in the prioritization and administration of trust  
35 fund allocations, this includes aviation-related planning activities being an  
36 allowable expense;
- 37 • remove the Trust Fund from the federal unified budget;
- 38 • create a mechanism to guarantee that all revenue dedicated to the Trust Fund is  
39 spent each year for its intended purpose and that Trust Fund revenue is  
40 classified as "mandatory" spending and operate as a "pay-as-you-go" program;
- 41 • remove statutory or regulatory barriers to state and locally-generated revenues  
42 that support airport activities;
- 43 • reduce aircraft noise and a continued set-aside of AIP funds for noise abatement  
44 projects;
- 45 • continue the Passenger Facility Charges (PFCs) as a supplementary revenue  
46 source to finance airport needs;
- 47 • exempt from federal tax laws airport municipal bonds; and
- 48 • allow the use of innovative financing methods, such as state infrastructure banks  
49 and revolving loans, whenever possible to enable states to meet the funding  
50 needs of smaller airports.

51

## 52 **State Block Grant Program**

53 The state block grant program should be extended and expanded so that all states are  
54 eligible to participate. NCSL believes that the program should be structured to allow  
55 states the maximum flexibility in the administration of grants.

56

## 57 **Development**

58 NCSL supports a coordinated national plan of development as long as state plans for  
59 investment are included. As part of the development of the National Airspace System

60 Architecture, the FAA should make every effort to consider state input. The economies  
61 of many parts of the country are dependent on the modernization of the nation's aviation  
62 system. Federal policies should support state efforts to address capacity problems  
63 through expansion. NCSL supports the increased use of former and current military  
64 airports to provide immediate capacity relief for the aviation system.

65

## 66 **Regulation**

67 NCSL supports efforts to increase airport capacity and competition within the airline  
68 industry. However, NCSL remains concerned over the preservation of state authority  
69 over certain airline actions and practices. An examination should be made of other  
70 provisions of law that pertain to the ability of the state to regulate or enforce airport  
71 safety standards and practice.

72

## 73 **Federal-Aid Program**

74 NCSL supports the Essential Air Service (EAS) program and urges the federal  
75 government to honor its commitment to EAS. Where EAS is terminated, proper and  
76 adequate notification to the affected community should be required and transition plans  
77 implemented.

78

## 79 **Organized Deployment of Unmanned Aerial Systems (UAS)**

80 Registrations of unmanned aircraft already outnumber manned aircraft which highlights  
81 the exponential growth of this technology. Although FAA has issued operational rules  
82 for commercial operators (Part 107) and is studying the potential expansion of  
83 operational rules through the drone Integration Pilot Program, they have yet to finalize  
84 formal operational rules and regulations pertaining to the use of UAS by hobbyists. This  
85 has resulted in a type of frontier mentality for use and judgment in that air space.

86

87 As the agency continues its work to integrate UAS rules and laws, NCSL recognizes  
88 FAA's general authority over the national airspace but believes it is imperative to  
89 preserve the authority of state governments to issue reasonable restrictions on the time,  
90 manner and place of UAS operations as they relate to states' traditional police powers,

91 including to protect public safety and security, personal privacy, property rights and  
92 manage land use. In response to Congress imposing a nationwide registration  
93 requirement for UAS operators, NCSL supports the delegation of this authority to states  
94 in order to more effectively and efficiently capture all users. Further, NCSL strongly  
95 believes in the need for federal and state governments to work together to manage the  
96 organized deployment of recreational and commercial UAS and that states should be  
97 allowed to conduct enforcement of federal UAS rules if they so choose and that the  
98 federal government should ensure adequate resources be available to states for proper  
99 enforcement.

100

### 101 **Other**

102 Federal support for research and development of facilities and equipment is critical to  
103 meet the demands of the next century's air travelers. Reforms in the FAA technology  
104 procurement process should be considered.

105

106 NCSL urges Congress to act expeditiously on program reauthorizations so as to ensure  
107 continuity and to minimize negative effects bred by short-term extensions of critical  
108 programs.

109

### 110 **Airport Infrastructure Funding**

111 The National Conference of State Legislatures (NCSL) fully supports the goal of ensuring  
112 that airports have sufficient funding to meet their infrastructure needs, both to restore or  
113 replace critical facilities that are coming to the end of their useful lives and to build new  
114 infrastructure to enhance safety, security, and capacity to allow for expansion of air  
115 service and increased opportunities for competition among airlines. To achieve this goal,  
116 it is essential that Congress maintain existing levels of federal grant funding, and raise  
117 the federal cap on Passenger Facility Charge (PFC) user fees, which are locally imposed  
118 and dedicated to capital improvements within the local airport system. Therefore, NCSL  
119 believes that Congress should continue to fully fund the Airport Improvement Program  
120 (AIP) at authorized levels annually on a multi-year basis and increase the federal limit on  
121 individual Passenger Facility Charge (PFC) user fee to keep up with inflation, to help



122 ensure that airport operators have sufficient funding to implement needed safety,  
123 security, capacity and noise projects at their airports.

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

2 **POLICY:** **ENERGY SECURITY**

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

4

5 In order to fully secure the further benefits that only a national energy policy can ensure,  
6 NCSL urges Congress to direct the U.S. Department of Energy through the national  
7 laboratories and technology centers to develop a national energy strategy for moving  
8 the United States toward independence from non-North American energy sources. The  
9 development of this strategy should be done in partnership with state governments and  
10 universities to leverage the work which has already been done and should encompass  
11 short, medium and long-term goals designed to help transition the nation to a more  
12 secure and financially stable future configuration that is drastically more independent of  
13 non-North American energy sources

14

15 The NCSL believes a considerable effort needs to be undertaken at the federal level in  
16 partnership with state, local and tribal governments to help bring about a more secure  
17 and sustainable energy future. To that end NCSL urges action by Congress and the  
18 administration to:

- 19 • Promote enhanced efficiency and conservation in the use of our energy  
20 resources.
- 21 • Establish a diversified national energy.
- 22 • Encourage and assist in the development of enhanced oil and gas refining  
23 capacity and technology.
- 24 • Support domestic energy production and reduce imports.
- 25 • Regularly reviews and updates CAFE standards.
- 26 • Accelerate research and development of advanced clean energy technologies.
- 27 • Promote the development of an infrastructure to support the distribution of clean  
28 energy technologies.

- 29 • Ensure energy resources are used in a sustainable and environmentally sound  
30 manner.
- 31 • Support investment in the national academic and job training systems to advance  
32 science and engineering curricula for the purpose of creating a highly skilled and  
33 trained workforce.
- 34 • Address the limitations of the visa system that restricts entry to the United States  
35 of leading scientists and engineers from around the world.
- 36 • Address the capital, material and labor deficiencies affecting our ability to  
37 manufacture and deploy advanced clean energy technologies.
- 38 • Accelerate the deployment and use of alternative transportation fuels to begin to  
39 eliminate the nation's dependence on foreign sources of oil.

40

41 The U.S. Department of Energy and the U.S. Environmental Protection Agency should  
42 work in partnership with states to:

- 43 1. Develop and implement state and federal energy policy planning processes.
- 44 2. Deploy new energy efficiency and other demand-side options, as well as  
45 deploying new and conventional supply-side technologies.
- 46 3. Provide sufficient funding to states as they develop energy policies on an  
47 individual or regional basis.
- 48 4. Provide assistance, when requested, as states attempt to solve their energy  
49 problems.

50

### 51 **NCSL Believes**

52 States should have the option and authority of being represented in Regional  
53 Transmission Organizations (RTOs) on a voluntary basis. Such participation should not  
54 supersede nor alter state jurisdiction, unless agreed to by the state.

55

56 Congress should facilitate the development of state-created regional mechanisms like  
57 interstate compacts and regional reliability boards designed to address transmission  
58 reliability, problems related to the interconnectedness of the energy grid, environmental  
59 impact of generating electricity, and other regional energy.

60

61 Energy facility siting should remain under state jurisdiction devoid of federal mandates  
62 and preemption; Electric facility siting authority should remain under state authority.

63

64 The federal government should not exercise its power of eminent domain in its pursuit  
65 of constructing energy facilities or related purposes.

66

67 To the extent to which federal activity has restricted state authority over electric facility  
68 siting, specifically electricity transmission lines, the federal government should work  
69 together with the states to ensure a seamless system of regulatory action and minimize  
70 the necessity for the federal backstop to be used.

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

2 **POLICY:** **NATIONAL ENERGY**

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

4

5 The National Conference of State Legislatures urges the federal government to  
6 continue working cooperatively with state, local, and tribal governments to develop,  
7 implement and maintain an expansive, integrated, environmentally-sensitive and cost-  
8 effective national energy policy.

9

### 10 **Principles**

11 NCSL believes the following principles should guide the federal government's  
12 development and implementation of a national energy policy:

- 13 • Promotion of the most efficient and economical use of all energy resources.
- 14 • Promotion of energy conservation and efficiency and the development and use of  
15 alternative and renewable energy supplies.
- 16 • Promotion and provision of incentives for the development and optimal use of all  
17 energy resources and new facility infrastructure.
- 18 • Assurance that various domestic energy sources are continually developed,  
19 maintained and stored to prevent supply emergencies and promote energy  
20 independence.
- 21 • Consideration and assessment of environmental costs and benefits for all energy  
22 resources, fuels and technologies in rendering legislative, regulatory and market  
23 decisions regarding energy production and use.
- 24 • Provision of an affordable and reliable energy supply for all citizens.
- 25 • Examine the feasibility of, and where feasible, promote statewide or regional  
26 minimum storage level requirements for heating oil for states dependent on this  
27 fuel.
- 28 • Specification and balancing of clear lines of local, state and federal regulatory  
29 authority.

- 30 • Promotion of continued investments in electric power grid infrastructure to make  
31 it more efficient and resilient and recognize the value of the electric power grid as  
32 an asset that must be maintained, improved and supported by all of those who  
33 use and operate the grid.
- 34 • Development of both short- and long-term strategies to provide adequate energy  
35 supplies, efficient utilization of those supplies and optimum cost effectiveness.
- 36 • Promotion of the education of school-age children regarding energy resources,  
37 consumption, conservation, and production and regarding environmental  
38 protection, safety and risks in energy production.
- 39 • Assurance of expanded energy research and development and broadening of the  
40 citizenry's access to energy-related information.
- 41 • Assurance of participation of state and local officials in the development and  
42 implementation of a national energy plan and strategy.
- 43 • Avoidance of mandates, particularly unfunded mandates, upon state and local  
44 governments as well as avoidance of pre-emptive federal laws in developing a  
45 national energy policy.

46

## 47 **Implementation**

48 NCSL believes development of a national energy strategy by the federal government  
49 should contain at a minimum these components:

- 50 • An assessment and forecast of our nation's energy future and its impacts.
- 51 • An evaluation and ranking of short and long-term energy options available to the  
52 nation.
- 53 • An evaluation of possible energy futures which provide greater benefits to our  
54 citizens.
- 55 • The development of recommendations for energy options and energy futures that  
56 the nation should pursue, with the establishment of national targets or goals.
- 57 • An evaluation and recommendation of implementation mechanisms including, but  
58 not limited to, incentives, technical assistance, educational programs, regulatory  
59 standards or guidelines to achieve the targets or goals.

- 60 • Considers energy sources based on the lowest cost, cost benefit analysis,  
61 revenue loss, cost to consumers, reliability, and environmental or other impacts.  
62 Additionally, energy policy alternatives that would improve our energy security  
63 without imposing significant new costs, while balancing the need for  
64 environmental protection, should be implemented.
- 65 • A coordinated effort between state and federal government in the development of  
66 producing a national energy policy where the federal government consults  
67 closely with state legislatures, devising mechanisms to bring state legislatures  
68 into the energy decision-making process as full participants on a continuing basis  
69 and ensuring the inclusion of representatives of the legislative branch of state  
70 government in all state-federal working groups dealing with energy policy.

71

## 72 **Conservation and Energy Efficiency**

73 NCSL supports a national energy policy that promotes energy efficiency in a variety of  
74 ways including both setting and strengthening policies as technologies improve while  
75 recognizing the significance of economic costs on various segments of the population  
76 including rural areas. NCSL supports the use of:

- 77 • Corporate Average Fuel Economy Standards for automobiles and light duty  
78 trucks, including sport utility vehicles and minivans.
- 79 • Energy efficiency provisions in model building codes (including lighting efficiency  
80 standards and weatherization).
- 81 • "Whole-building" and life cycle costing approaches to construction and retrofitting  
82 that integrate energy efficiency technologies and practices.
- 83 • Home appliance and heating and cooling unit efficiency standards.
- 84 • Waste recycling and reduction standards for industrial manufacturing.
- 85 • Standards for conservation in electrical production and supply including  
86 cogeneration.
- 87 • Use of alternative energy.
- 88 • A national transportation policy that emphasizes various modes of transportation,  
89 including passenger rail and transit, as well as promoting energy efficiency.

90

91 **New Source Review Program (NSR)**

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

98

99 **Government Support for Renewable Energy and Energy Efficient Products and**  
100 **Industries**

101 NCSL believes that the federal governments' leadership role in the purchase and use of  
102 new energy efficient and renewable energy technologies and products should be  
103 expanded and supports federal incentives for consumers to purchase energy efficient  
104 products. The federal government should continue to establish incentives for energy  
105 efficient fleet procurement industries and manufacturers of energy efficient products as  
106 well as continue to encourage the use of innovative financing technologies to increase  
107 energy efficiency in buildings such as performance contracting and long-term leasing  
108 and purchase agreements for energy efficient products. All government-owned buildings  
109 should make use of economical energy conservation programs, demonstrating state of  
110 the art efficiencies whenever possible.

111

112 **Renewable Energy**

113 NCSL believes that as part of a national energy policy the federal government should  
114 recognize a spectrum of renewable energy resources including, but not limited to  
115 geothermal, hydropower, biomass, wind, photovoltaics and solar. Further, the federal  
116 government should institute a long-range, stable Renewable Energy Development  
117 Program which identifies and supports development of renewable energy sources from  
118 research and development through demonstration projects and commercialization in a  
119 cooperative effort among industry, higher education, and national laboratories.

120

121 NCSL recommends that:



- 122 • Federal action should be flexible, allowing for a range of complementary  
123 strategies at the state and federal level maintaining a strong role for state  
124 government in any federal action.
- 125 • Federal legislation should provide states the authority and flexibility to work within  
126 an overall framework that affords states the ability to choose from a range of  
127 options & apply the law effectively in the most cost effective, timely and efficient  
128 manner for each state.
- 129 • Federal legislation should not pre-empt state governments from enacting stricter  
130 or stronger measures within their jurisdiction.
- 131 • Congress must authorize and appropriate sufficient funds for state and federal  
132 governments to implement any federal legislation. These funds should be newly  
133 authorized appropriations, not reprogrammed resources.
- 134

### 135 **Energy Emergency Preparedness**

136 NCSL believes that the federal government should support and enhance energy  
137 emergency preparedness in order to reduce the potential impact of petroleum supply  
138 disruptions.

139

140 A national energy emergency preparedness program should include the following  
141 principles:

- 142 • Initial efforts should focus on strategies to reduce the nation's dependence on  
143 foreign oil to avoid future emergencies.
- 144 • Voluntary conservation is preferred to mandatory measures, wherever possible.
- 145 • When any mandatory responses are required, they should be phased in,  
146 beginning with the least stringent measures, with gasoline rationing reserved for  
147 only the most severe shortage.
- 148 • Minimize undue hardships on states and regions heavily dependent on motor  
149 vehicle transportation with rationing allotments and allocation plans based on  
150 state and regional needs and strategies rather than national averages.
- 151 • Priority shall be given to home heating needs including home heating oil and  
152 propane, provided homes are adequately insulated.

153 NCSL believes changes need to be made at the national level by the federal  
154 government to ensure that the country has sufficient, affordable supplies of energy, by  
155 encouraging more efficient use of energy to reduce U.S. reliance on foreign oil. As such,  
156 federal investments in both energy efficiency and research in developing new and  
157 alternative energy technologies should figure significantly in a national energy policy.

158

## 159 **Coal**

160 NCSL believes the federal government should support the efficient, responsible  
161 production and utilization of the United States vast resources of coal, as the largest  
162 reserves of any nation in the world, and the strategic global economic advantage it  
163 provides.

- 164 • Provide continued support for Clean Coal Technology research, in partnership  
165 with the private sector. Such support, through additional research and technology  
166 development in clean coal usage, should include work in pre-combustion,  
167 combustion, post-combustion, and coal conversion areas with desulfurization  
168 efforts a top priority.
- 169 • Jointly address transboundary environmental issues with Canada and Mexico.
- 170 • Continue to support the acid rain program of the Clean Air Act of 1990 that  
171 phases in reductions in emissions from coal burning power plants.
- 172 • Seriously consider coal gasification as an alternative to the use of coal in a  
173 conventional manner.
- 174 • Concurrently reclaim and restore mined lands to an environmentally appropriate  
175 condition.
- 176 • Consider the effects on local infrastructure needs and the costs of prime  
177 farmland protection and land reclamation in the development of a national coal  
178 program.
- 179 • Accelerate the financing of activities under the abandoned mine reclamation fund  
180 and a federal commitment to reclamation should be strengthened.
- 181 • Avoid adopting federal policy that has implications for land development or  
182 management without accommodating the laws and policies of affected states.

183

184 **Crude Oil**

185 NCSL believes the federal government should promote and encourage domestic  
186 production of crude oil in an efficient and environmentally sound manner in order to both  
187 supply United States consumers with a secure source of petroleum as well as provide a  
188 stabilizing influence on the global price of crude oil. As such, the extraction and  
189 transportation of crude oil must be done only with safeguards for the protection of the  
190 environment. The federal government should consider incentives for domestic  
191 exploration, maintenance of stripper wells, but excluding other extractions, and  
192 technological research for methods of enhanced oil and gas recovery that are  
193 environmentally safe and in accordance with state policy as well as an increase in  
194 research and development in the area of new energy generating technologies including  
195 but not limited to biofuels, electric cars, fuel cells, hybrid engines, and alternative fuels  
196 particularly for transportation.

197  
198 The federal government should manage United States imports by diversifying import  
199 suppliers, pursuing a Pan American Energy Alliance with Western Hemisphere  
200 producing nations, and expanding a dialogue with suppliers worldwide.

201  
202 **Natural Gas**

203 NCSL believes the United States should encourage domestic production of natural gas  
204 in an environmentally sound manner. The federal government should adopt legislation  
205 that funds and authorizes states to assume a more prominent role in the regulation of  
206 pipeline safety. A partnership with the federal government will enhance the safety of  
207 pipelines and the protection of residents by decreasing the risk of pipeline accidents.

208  
209 **State Primacy in Regulation of Oil and Gas and Production Wastes**

210 Since oil and gas exploration and production occur in several different states in distinct  
211 regions, NCSL believes that primary responsibility for the regulation of used oil and of  
212 oil and gas exploration and production wastes is best handled by the affected state to  
213 accommodate site-specific conditions and environmental considerations should not be  
214 preempted by federal legislation or regulation. As such, NCSL supports the continuation

215 of exempting used oil and waste generated in oil and gas exploration and production  
216 from classification as hazardous waste under the Resource Conservation and Recovery  
217 Act (RCRA).

218

### 219 **Revenues from On-Shore and Outer Continental Shelf Drilling**

220 The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et. seq.),  
221 requires 50 percent of the revenues from federal on-shore drilling is paid to the state in  
222 which the lease is located and ensures that state legislatures shall direct the use of  
223 these funds.

- 224 • NCSL supports the state legislatures' role in the appropriation of these funds.
- 225 • NCSL opposes any effort by Congress or the Administration to reduce the  
226 revenue share paid to states in an effort to off-set federal expenditures on a  
227 temporary or permanent basis.

228

229 NCSL does not support or oppose additional exploration or production on the Outer  
230 Continental Shelf (OCS). However, to the extent that mineral extraction occurs,  
231 Congress is urged to:

- 232 • Authorize and appropriate 50 percent of the Outer Continental Shelf (OCS)  
233 revenues to the states.
- 234 • Ensure the state legislatures' participation in the appropriation of these funds.
- 235 • Provide state lawmakers the flexibility to target these funds to their respective  
236 state's natural resource priorities.
- 237 • OCS revenue sharing with the states should be in addition to and not replace  
238 other Federal funding programs.
- 239 • Preserve state authority to impose moratoriums on or allow for mineral  
240 exploration, development and production activities on the OCS.
- 241 • Lift federal fees charged to states for use of sand, gravel and shell resources  
242 taken from the OCS for use in beach nourishment and other coastal erosion  
243 mitigation activities.
- 244 • Give states full review of development and production of mineral resources on  
245 the OCS.

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**Nuclear**

NCSL believes that,

- The federal government should recognize that nuclear energy generates an essential share of the nation’s clean, non-emitting, zero carbon baseload electricity.
- The Nuclear Regulatory Commission (NRC) should provide strong, independent oversight of all commercial nuclear plant operations, including plant licensing (both license extensions, where appropriate, and over the ongoing construction of new reactors) and used fuel and radioactive waste management, transportation and disposal, to ensure public health and safety. The rigorous NRC safety review process already employed in certifying new reactor designs should be maintained as additional designs are considered.
- The federally-supported public-private partnership that is pursuing the design, development and licensing of Small Modular Reactors should focus on maximizing the economic development and positive trade balance potential of this emerging technology. The federal government should assist the ongoing efforts of various states to establish U.S. leadership in this promising market.
- A federal government program for the long-term treatment and disposal of used nuclear fuel and high-level radioactive waste, already funded by nuclear utility ratepayers, should be pursued with the highest priority given to the safe reprocessing or transportation of waste and to the safety and technical suitability of storage or disposal sites. Such a program should be developed in full consultation with all of the affected states.
- Meaningful and effective state participation is necessary in public safety planning and transportation of commercial used nuclear fuel and high-level waste.
- The recommendations of the Blue Ribbon Commission on America’s Nuclear Future appropriately comport with the longstanding position of NCSL in favor of a path forward for used fuel. In particular, NCSL favors: creation of a public-private partnership to manage the back end of the nuclear fuel cycle; assurance that ratepayer contributions to the Nuclear Waste Fund be available solely for their

- 277 intended purpose; establishment of one or more NRC-licensed centralized  
278 interim used fuel storage facilities in willing host communities and states (with  
279 consultation of all state, local and tribal officials and other interested parties).
- 280 • States must continue to have the right to monitor operating conditions at nuclear  
281 power plants, waste storage and disposal facilities, and to exercise regulatory  
282 authority where consistent with federal law.
  - 283 • Federal funding should complement private sector investments in the areas of  
284 waste management technologies, nuclear fusion, and plant retrofit and life  
285 extension.
  - 286 • The tax treatment of federal decommissioning funds should be updated to ensure  
287 that existing funds are treated in the manner intended by the tax laws and to  
288 reflect new business conditions.

289

## 290 **The Electric Power Grid**

291 NCSL believes that the federal government should promote policies which recognize  
292 that:

- 293 • Reliable electricity supply depends in part upon modernization of the electric  
294 power grid, and that in order to meet current and future demands for electricity,  
295 investments in the electric power grid will need to be made.
- 296 • Electric power grid investments funded wholly or in part by retail ratepayer dollars  
297 should be just and reasonable, and properly balance the needs of all consumers,  
298 as well as the needs of electric utilities and grid operators.
- 299 • Electric power grid investments provide benefits to consumers. NCSL recognizes  
300 the potential for electric power grid investments to provide for a more resilient  
301 power system, increase operational efficiencies, increase electric grid reliability,  
302 reduce outages, reduce outage restoration time, improve power quality, reduce  
303 peak demand, improve overall system efficiency, provide consumers with new  
304 information and tools to voluntarily control their own energy costs, integrate an  
305 increasingly diverse set of energy resources and enable economic growth and  
306 innovation.

- 307       • Electric utilities are responsible for ensuring that electric power grid technologies  
308       are deployed in a manner consistent with reasonable and effective cyber and  
309       physical security best practices. Systems should be designed to mitigate risks  
310       and enhance the resiliency of the electric power grid, and preserve the accuracy,  
311       integrity and privacy of data.

312

### 313 **Electricity**

314 NCSL believes that the federal government should promote

- 315       • Energy efficiency and conservation to lower the demand for electricity.
- 316       • The development of sources of electric energy that are sufficient to meet national  
317       needs, secure from external threat, reliable in availability and delivery, safe  
318       relative to people and the environment, and efficient for use in homes,  
319       businesses, industries, and as an alternative vehicular fuel.
- 320       • The implementation of aggressive efficiency and conservation programs are  
321       implemented.
- 322       • Legislation that recognizes the tremendous regional diversity, especially with  
323       regard to capacity of the electricity sector

324

### 325 **Public Benefits/Environment:**

326 NCSL believes that:

- 327       • States should maintain the authority to require public benefits programs on a  
328       nondiscriminatory basis, including those that support reliable and universal  
329       service, energy efficiency, renewable technologies, research and development,  
330       and low-income assistance. Additionally, existing federally sponsored public  
331       benefits programs should be maintained in a restructured market and electric  
332       industry restructuring should be consistent with any federal environmental laws,  
333       including the Clean Air Act.
- 334       • Implementation of federal legislation that fails to recognize market mechanisms  
335       inevitably penalizes one region or state or another and that mandate programs  
336       are counter to the concept of restructuring, which encourages the efficiencies of  
337       market competition.

- 338 • As states are in the best position to evaluate market force considerations,  
339 Congressional legislation should not limit, through the use of mandates or  
340 otherwise, state flexibility in addressing market mechanisms in electric  
341 restructuring plans.
- 342 • The federal government should encourage nontraditional energy production and  
343 the federal government must maintain and increase its commitment to cost  
344 effective energy conservation and efficiency while maintaining adequate and  
345 reliable energy. As such, power providers, equipment and appliance  
346 manufacturers, and consumers should be given legislative and regulatory  
347 incentives to promote these goals.

348

349 **Consumer Protection and Education:**

350 NCSL believes that:

- 351 • The federal government should assist states to ensure the safety, reliability,  
352 quality, and sustainability of services be maintained or improved, and that all  
353 consumers have access to adequate, safe, reliable, and efficient energy services  
354 at fair and reasonable prices, as a result of competition.
- 355 • States should retain the authority, with the assistance of the federal government  
356 as needed, to protect consumers from anticompetitive behavior, undue  
357 discrimination, poor service, market power abuses, and unfair service practices.
- 358 • States should maintain their authority to establish or require comprehensive  
359 consumer education and outreach programs to minimize public confusion and  
360 provide information so consumers are able to make informed choices and  
361 participate effectively in a restructured market.

362

363 **Regulatory Authority**

364 As state regulatory bodies are close to consumers, utilities, industries, and concerned  
365 for state environmental and economic well being they are in the best position to  
366 evaluate consumer needs, and address questions relative to fuel choice, economic  
367 development implications, and system reliability.

368



369 NCSL strongly supports and urges the continuation of the state legislative oversight for  
370 the approval and siting of all major energy conversion facilities, subject to minimum  
371 federal standards established only after the fullest consultation with state governments,  
372 both executive and legislative branch. State authority over the siting of energy facilities  
373 should not be preempted by federal law.

374  
375 NCSL acknowledges the need for a robust national transmission system that can  
376 support new technology and allow for additional power production to be brought onto  
377 the grid. NCSL urges Congress to allow provisions included in the 2005 Energy Policy  
378 Act relating to state authority of liquefied natural gas terminal siting to be implemented  
379 and studied before any attempt is made to expand the preemption to further limit the  
380 state role in siting of these energy infrastructure components. NCSL opposes any such  
381 expansion of these provision but urges Congress at a minimum to allow for the  
382 complete implementation of the new standards before re-addressing the issue.

383

#### 384 **Research and Development**

385 NCSL believes that the cornerstone of a national energy policy should include a broad  
386 research and development component. Specifically, federal government research and  
387 development funds for clean coal, nuclear research, basic science and related efforts  
388 ought to be continued. However, these efforts should be supplemented with increased  
389 long-term incentives and federal funding for research and development projects  
390 emphasizing emerging technologies, including, but not limited to, renewable resources,  
391 energy conservation, efficient use of energy, alternative fuels, oil and gas recovery,  
392 superconductivity, and fuel cell technology and should be designed to encourage  
393 private sector participation with federal and state representatives. NCSL urges  
394 Congress to provide explicit recognition in the Internal Revenue Code that sustainable  
395 energy (conservation, efficiency and customer sited renewable) is a private activity  
396 serving a public good.

397  
398 NCSL encourages federal development of alternative technologies that improve  
399 renewable energy efficiencies, cut costs, and assist in integrating renewable energy into

400 existing energy systems. The implementation of federal standards for the deployment of  
401 these new technologies should not undermine established programs at the state level to  
402 integrate these resources into existing energy systems. NCSL also believes in the need  
403 for a translation and distribution system for international technical and marketing papers  
404 on renewable energy and that the U.S. should strive for excellence in the use,  
405 manufacturing and marketing of renewable energy resources and technologies.

406

### 407 **Wave Energy and Tidal Energy**

408 NCSL strongly believes that the federal government should increasingly encourage all  
409 forms of renewable energy, including avenues of renewable energy that are not  
410 currently in the forefront; specifically wave energy, wave farms, and tidal energy.

411

412 NCSL requests that the federal government demonstrate global leadership and:

- 413 • Recognize the importance of wave energy and tidal energy to the future of the  
414 United States;
- 415 • Support the research and development of advances in wave energy and tidal  
416 energy technology, including the ability to tow and set up the equipment in the  
417 oceans through loan guarantees, grants and tax incentives;
- 418 • Research and create a “Wave Hub,” or similar infrastructure necessary for  
419 integrating wave- and tidal-energy production facilities into the national grid; and
- 420 • Encourage the demonstration and deployment of wave energy and tidal energy  
421 beyond the limited scope of R&D to ensure competitive and equitable access for  
422 wave- and tidal-energy projects and provide a fair opportunity to supply the  
423 nation with a reliable and renewable energy.

424

### 425 **Education and Information**

426 NCSL believes that it is essential that the federal government work to ensure that the  
427 nation, including its elementary and secondary school-age children, are fully aware of  
428 energy use and costs, production processes, alternative energy resources, the  
429 importance of energy efficiency and conservation and the impact energy usage has on

430 our environment. NCSL recommends that the federal government initiate, expand and  
431 appropriately fund public and private sector education efforts.

432  
433 The federal government should promote both energy conservation education and fund  
434 research into conservation technologies while federal funding of energy conservation  
435 programs, including grants to states, should be enhanced. Such efforts should  
436 emphasize that significant economic and environmental benefits can be achieved  
437 through increased efficiency and conservation.

438  
439 NCSL also believes that an essential step in formulating a balanced energy policy is to  
440 develop the necessary data and employ analytical methods and models to assess the  
441 efficiency, productivity costs and risks of the various energy choices available to the  
442 nation. As such, NCSL recommends the development of this analytic base by the  
443 Department of Energy, with assistance from the Departments of Defense, Treasury and  
444 State, and the Office of Management and Budget, in conjunction with the states.

#### 445 446 **Transportation**

447 NCSL believes that national transportation strategies must include public policy  
448 initiatives directed at broadening the efficient use of our energy resources. As such,  
449 federal policy initiatives should include, but not necessarily be limited to:

- 450 • Incentives and adequate funding for mass transit, high speed rail, magnetic  
451 levitation and other emerging transportation technologies.
- 452 • Fuel economy standards; and other market incentives for improving the energy  
453 efficiency of automobiles and light trucks.
- 454 • Procurement policies favoring efficient vehicles.
- 455 • The encouragement of public-private partnerships.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: SURFACE TRANSPORTATION FEDERALISM**

3 **TYPE: AMENDED DIRECTIVE**

4 The National Conference of State Legislatures (NCSL) calls on Congress to work  
5 closely with states to develop a shared, long-term vision for financing and funding  
6 surface transportation systems that will enhance the nation’s prosperity and the quality  
7 of life of all Americans.

8

9 The federal government plays a vital role in supporting a national surface transportation  
10 system that meets national defense needs, addresses fairly and equally the mobility  
11 needs of all Americans and facilitates interstate commerce. NCSL supports the  
12 continuation and preservation of a federal-aid surface transportation program. The  
13 federal program should direct spending to national priorities while allowing for state and  
14 insular area flexibility in local and regional variations. It is also essential that the federal-  
15 aid surface transportation program incorporate requirements and foster goals of other  
16 national policies that impact transportation decision-making.

17

18 Recent federal reauthorizations have recognized the unique contributions of each  
19 transportation mode to the productivity of the states and the nation, and to the ability of  
20 this nation to compete globally in the emerging and existing international  
21 economies. These laws contemplate an integrated transportation system for the  
22 movement of both goods and people, with increased emphasis on adopting  
23 technologies that improve productivity. NCSL urges Congress to provide states  
24 enhanced programming flexibility to meet a multitude of national goals. States should  
25 have maximum flexibility in deciding how to generate and leverage transportation  
26 revenues and how to use state and federal dollars. The ability of states to maintain  
27 flexibility in decision making and comply with environmental and other mandates is  
28 dependent upon regulatory flexibility as well as adequate and reliable funding. Such

29 flexibility to move funds among programs allows states to better align limited federal  
30 dollars to individual state needs.

31

## 32 **National Vision**

33 The surface transportation system in the United States needs a new vision to guide it  
34 beyond the Interstate Highway era into the 21st century and the needs and challenges  
35 that lie ahead. Congress should look at surface transportation anew, authorizing a new  
36 program that better meets current and future needs for interstate mobility.

37

38 Congress must clearly articulate this new national vision for surface transportation. In  
39 doing so, Congress should consider the following as federal objectives:

- 40 • Interstate commerce and freight mobility,
- 41 • Interstate movement of people,
- 42 • National defense and homeland security,
- 43 • Safety,
- 44 • Environmental and air quality preservation and improvements,
- 45 • Research and innovation, and
- 46 • Economic productivity.

47

48 Congress should focus federal programs and funds on these interstate goals. In doing  
49 so, Congress should heed the Tenth Amendment and not intervene in or interfere with  
50 state-specific transportation priorities.

51

## 52 **Funding and Financing**

53 A federal trust fund, financed by user fees, should be retained as the primary method of  
54 funding federal-aid surface transportation programs. It must provide states a sustained,  
55 reliable source of transportation funding. It is critical that the Highway Trust Fund (HTF)  
56 retain spending firewalls that ensure that user fees will be deposited in the HTF to be  
57 used on surface transportation and will not be subject to non-transportation federal  
58 discretionary spending. NCSL supports states having maximum flexibility in the use of

59 funds they receive from the HTF. Additional surface transportation financing and  
60 investment priorities include the following:

- 61 • User fees previously collected and diverted from the HTF must be reclaimed.
- 62 • Transit agencies, including commuter rail operations, should be exempt from  
63 federal fuel or energy taxes.
- 64 • Unobligated revenues should not be allowed to accumulate in the  
65 HTF. Moreover, federal highway spending should not be artificially reduced so  
66 that HTF revenues will accumulate unspent, thereby appearing to lower the  
67 federal deficit.
- 68 • Annual appropriations should equal authorized spending levels. Obligation  
69 ceilings should be set and maintained to reflect gross receipts, plus interest  
70 earned.
- 71 • Any federal user fee or container fee assessed for transportation security or  
72 infrastructure should provide for state flexibility in project selection and may  
73 include private sector input when programming projects funded by a security or  
74 infrastructure user fee or container fee.
- 75 • User fees designated for deposit in the HTF should be made available for flexible  
76 transportation usage by states. States should have flexibility in the use of funds  
77 for intercity passenger rail service, including Amtrak. The federal match should  
78 encourage state efforts in specific programs of national significance, but not  
79 discourage flexibility in state or insular area transference of categorical  
80 funds. Despite separate federal authorizing legislation for Amtrak, Congress must  
81 ensure that surface transportation authorizing legislation acknowledges and fully  
82 supports the role of passenger rail for ensuring interstate mobility. States that  
83 invest in or otherwise support passenger rail services to complement highway  
84 mobility options should be rewarded and encouraged.
- 85 • Any examination undertaken on the advisability and feasibility of establishing a  
86 federal capital budgeting program should preserve the ability of states to set  
87 surface transportation infrastructure priorities.
- 88 • Prioritize formula-based funding which allows federal funds to be distributed  
89 through a predictable and stable manner, allowing for efficient project and multi-

90 year program delivery wherein transportation needs and projects are identified by  
91 states, metropolitan planning organizations and local elected officials for funding  
92 prioritization.

- 93 • Federal formulas designed to distribute discretionary highway funds should  
94 consider all state, insular area, and local efforts to fund highways and not be  
95 limited to fuel taxes raised.
- 96 • An increase in federal highway transportation funding is needed in the short-term  
97 to provide sufficient funding for the next authorization to meet the new vision and  
98 until a new, more stable long-term funding mechanism for surface transportation  
99 can be put in place. Any fees or taxes imposed on carbon-based fuels used by  
100 vehicles should be recognized as a traditional source for transportation funding  
101 and should remain dedicated to the Highway Trust Fund. Congress must migrate  
102 the Highway Trust Fund from a gas tax to a new national funding stream. In order  
103 to accomplish this, Congress must examine innovative ways that capture all  
104 system users. Congress should encourage pilot programs in states for  
105 experimentation with approaches, methods and mechanisms. Any system should  
106 ensure the privacy of users.
- 107 • As the U.S. Department of Transportation (DOT) establishes the National Motor  
108 Vehicle Per-Mile User Fee Pilot as required by Congress in the Infrastructure  
109 Investment and Jobs Act, NCSL encourages the following:
  - 110 ○ DOT should ensure that state legislators are represented on the Federal  
111 System Funding Advisory Board. Since the early 2000s, state legislatures  
112 have been at the forefront of discussions to explore possible replacements  
113 for the motor fuel tax, often leading the call for studies and demonstration  
114 projects.
  - 115 •○ The framework of the National User Fee Pilot Program should rely heavily  
116 upon existing state expertise and in coordination with states who are  
117 considering, and who have established alternative transportation funding  
118 mechanisms.
- 119 • Apart from the existing Highway Trust Fund flows for transit, NCSL discourages  
120 expansion of federal-local funding streams without appropriate coordination with state

- 121 legislatures as these complicate state-local relationships, financial arrangements, and  
122 state match expectations for transportation programs. States possess expertise with  
123 federal regulatory and statutory requirements, providing for efficient delivery of projects  
124 and ensuring that federal requirements are followed.
- 125 • Congress should continue to encourage and expand incentive-based programs,  
126 such as the Urban Partnerships program, to spur local and regional  
127 transportation innovation in full coordination with state authorities and to promote  
128 the use of tolling, congestion pricing, public transit, telecommuting, real-time  
129 traffic and other advanced technologies (also known as intelligent transportation  
130 systems), and other strategies in a comprehensive approach to achieve  
131 interstate mobility goals through urban congestion reduction.
  - 132 • All funding and financing options must be available to state legislatures for state  
133 and federal-aid programs. All current federal restrictions on states' authority to toll  
134 should be removed so that states can optimize resources for capacity expansion,  
135 operations and maintenance while ensuring free flow of goods and  
136 people. Tolling, value-pricing and public-private partnerships (PPPs) should  
137 remain state provinces and are not appropriate federal funding and financing  
138 mechanisms.
  - 139 • Federal guidelines should be designed to accommodate private sector support.  
140 The level of private sector participation is best determined by state and local  
141 authorities, and private participation should not be a prerequisite for receiving  
142 federal funds. Statutory or regulatory barriers to state and locally-granted  
143 revenues should be removed. States should continue to have flexibility in  
144 creating legislative and programmatic frameworks for public-private partnerships  
145 (PPPs), and full authority to select and engage in PPP projects.
  - 146 • Congress should not mandate or prescribe state use of toll revenues or tolling  
147 mechanisms, though Congress may seek to incentivize states to avoid  
148 redirection of toll revenues to non-transportation uses.
  - 149 • Congress should continue Transportation Infrastructure Finance and Innovation  
150 Act (TIFIA), Grant Anticipation Revenue Vehicles (GARVEE), private activity  
151 bond, and State Infrastructure Bank (SIB) programs. Congress should expand



152 credit-based and loan guarantee programs to incentivize private sector  
153 investment—particularly for freight mobility by rail, highway and waterway—in  
154 projects sponsored by the public sector.

- 155 • Congressional earmarks on transportation spending or for transportation projects  
156 should represent additional funding, should be distributed from non-formula  
157 funds, and should not redirect base funding. Earmarks should fit within a national  
158 objective as defined in the surface transportation program's new vision and must  
159 appear in a state DOT's plan.

160

## 161 **Technology**

162 NCSL endorses the U.S. Department of Transportation's goal of deploying advanced  
163 technologies known as intelligent transportation systems for consumers of passenger  
164 and freight transportation across the nation. Intelligent Transportation Systems are  
165 advanced wireless technologies that maximize the safety, mobility and environmental  
166 performance of the surface transportation system. These services should be integrated,  
167 interoperable, intermodal and voluntary.

168

169 NCSL recognizes that the private sector and the federal government should lead in the  
170 development and bringing to market of reliable and affordable ITS. The federal  
171 government should also set national standards for original equipment manufacturers to  
172 install the necessary technology so that states can take full advantage of the efficiencies  
173 and safety benefits of intelligent transportation systems. Congress should require the  
174 Secretary of Transportation to initiate a rulemaking proceeding that new motor vehicles  
175 be equipped with platforms for interoperable systems that enable vehicle-to-vehicle and  
176 vehicle-to-roadside communications for the purposes of active safety and electronic  
177 tolling and tax collection and to provide a means of accelerating the deployment of this  
178 equipment in existing vehicles.

179

180 Congress should incentivize states to explore and deploy technology for intelligent  
181 infrastructure, making it a high priority and performance measurement benchmark in the  
182 restructured federal surface transportation program. Privacy protections must be

183 developed and incorporated into all policies and practices governing use of intelligent  
184 transportation systems and technologies. ITS should not be mandated except for  
185 legitimate governmental purposes. Any information collected with such technology  
186 should be governed by state laws.

187  
188 The federal government should encourage states to cooperate with the private sector in  
189 the development of real-time traffic information systems.

190  
191 **Planning**  
192 Congress must work with state legislators to establish in the next authorization a robust  
193 and cooperative state-federal system to set system plans and priorities for federal  
194 investment. Transportation program plans developed by entities other than those  
195 created by the states must be coordinated with state legislatures to ensure that  
196 proposals fit into state programmatic and funding plans.

197  
198 The federal government is uniquely situated to identify and collect data of importance to  
199 the development of, maintenance of, and planning for a national transportation  
200 system. Congress should incentivize states to share data with the federal government  
201 and not use mandates to elicit participation in data collection and analysis.

202  
203 NCSL supports a negotiated rule-making led by U.S. Department of Transportation  
204 (USDOT), or another collaborative process congressionally mandated and facilitated by  
205 the Transportation Research Board or American Association of State Highway and  
206 Transportation Officials (AASHTO), in which NCSL and state legislatures are fully  
207 represented to determine the necessary level of and standards for uniformity among  
208 states in data collection efforts.

209  
210 **Performance Measures**  
211 NCSL encourages the federal government to establish a cooperative process through  
212 which performance measures can be crafted for gauging the success of  
213 programs. Federal funding should not be directly linked to performance measures;

214 instead, a pilot program should be established in which states can voluntarily participate  
215 to gain incentives such as additional funding or reduced regulatory burdens upon  
216 successful deployment and use of performance measures. Performance measures  
217 should be framed as goals for which states may determine the specific measures and  
218 benchmarks.

219  
220 Federal monitoring and compliance standards should accurately reflect compliance  
221 effort and unique state circumstances.

222

### 223 **Freight and Interstate Commerce**

224 Ensuring the safe and timely movement of goods across the nation is an appropriate  
225 federal transportation priority. Robust state-federal consultation should evaluate freight  
226 flows and collaboratively plan the routes and development necessary to maintain and  
227 expand the highway freight corridors.

228

229 Rail capacity expansion should be coordinated with the states to ensure intermodal  
230 cooperation and maximum public benefit.

231

232 The federal government should incentivize states to explore methods of separating  
233 highway freight traffic from passenger traffic for the purposes of efficiently moving  
234 interstate commerce and public safety.

235

236 Federal engagement with, and investment through, the states to ensure effective and  
237 efficient movement of freight through ports or other commerce choke-points is  
238 appropriate.

239

### 240 **Environmental Issues**

241 The federal government has a role to play in ensuring that national environmental policy  
242 meshes with national transportation policy while assuring efficient and cost-effective  
243 approaches to both goals.

- 244       • Efforts to streamline regulatory review processes must continue so that  
245       construction projects can again be realized on-time and on-budget. Congress  
246       should allow and enhance states' programmatic permitting.
- 247       • Incentives to states to achieve environmental quality standards through  
248       transportation projects should replace prescriptive federal regulation and punitive  
249       funding actions.

250

## 251 **Safety**

252 NCSL supports a continued federal role in helping to set national performance and  
253 safety goals. Safety programs should be expanded to incorporate emerging safety  
254 issues while respecting state sovereignty. Due to current prescriptive federal  
255 restrictions, many states are prevented from accessing certain federal funding for  
256 transportation safety. We urge Congress and USDOT to provide additional flexibility to  
257 states so as to ensure all states gain full access to federal funding for transportation  
258 safety.

259

260 Federal transportation safety programs should promote comprehensive safety programs  
261 in the states. NCSL opposes the use of federal sanctions or redirection penalties to  
262 enforce federal safety standards. Federal mandates that are enforced through the use  
263 of "reprogramming" sanctions should be repealed. Any existing federal compliance  
264 standards should reflect overall state effort to promote safety.

265

## 266 **Research and Innovation**

267 NCSL acknowledges that federal leadership and investment in transportation related  
268 research and innovation is needed and appropriate. In particular, NCSL supports  
269 federal research that promotes fuel efficiency, alternative fuels, high-mileage vehicles,  
270 safety and technology. Findings and best practices identified through federal research  
271 should be shared fully with states in an unbiased, nonpartisan and scientific manner.

272

## 273 **Indian Programs**

274 Transportation is an important service program that provides the infrastructure upon  
275 which American Indian tribes' initiatives can be achieved. NCSL recognizes the unique  
276 and extensive transportation funding needs on Indian lands. In an effort to ensure that  
277 these needs are adequately addressed, NCSL supports a direct planning relationship  
278 between Indian Nations and state departments of transportation. NCSL further supports  
279 the continuation of the Federal Lands Program and its work with Indian reservations.

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

2 **POLICY:** **BEYOND VISUAL LINE OF SIGHT OPERATIONS**  
3 **FOR UNMANNED AIRCRAFT SYSTEMS**

4 **TYPE:** **PROPOSED RESOLUTION**

5 **WHEREAS**, Drones as First Responders (DFR) is a program whereby first responders'  
6 drones are pre-positioned in a service area, ready to be launched immediately in  
7 response to an emergency call for service; and

8

9 **WHEREAS**, once overhead, the drone live-streams the video to responding first  
10 responders and communications centers; and

11

12 **WHEREAS**, DFR has proven to be an efficient and effective way of providing public  
13 safety with critical information increasing situational awareness and providing de-  
14 escalation strategies keeping both first responders and the community safe; and

15

16 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State  
17 Legislatures urges Congress to require the Federal Aviation Administration (FAA) to  
18 establish a regulatory pathway for certification or approval of Beyond Visual Line of  
19 Sight Operations (BVLOS) for Unmanned Aircraft Systems for first responders to  
20 support DFR programs around the country.

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

2 **POLICY:** **CHRONIC WASTING DISEASE**

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

4 **WHEREAS**, Chronic Wasting Disease (CWD) affects cervids such as deer, elk, and  
5 moose and has been detected in at least 29 states, according to the Center for Disease  
6 Control’s (CDC) March 2023 survey; and

7  
8 **WHEREAS**, the states currently grappling with CWD are incurring significant costs to  
9 respond to the disease, often requiring the wildlife management agencies and research  
10 universities to divert limited resources from other vital activities; and

11  
12 **WHEREAS**, these diseases create great suffering and death of wildlife and threaten to  
13 infect more animals and impact ecosystems and economies; and

14  
15 **WHEREAS**, recent research indicates CWD may be spread by ticks, and has the  
16 potential to jump into human populations; and

17  
18 **WHEREAS**, the CDC recommends not eating CWD infected deer; and

19  
20 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State  
21 Legislatures urges Congress to provide states with additional flexible federal funds for  
22 research and response to emerging wildlife diseases, in order to effectively address this  
23 multi-state wildlife disease crisis and enable states to assure their wildlife populations  
24 are healthy. These funds must be provided without federal mandates on state wildlife  
25 management; and

26  
27 **BE IT FURTHER RESOLVED**, the National Conference of State Legislatures supports  
28 National Institutes of Health funding to examine human health impacts from CWD.

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

2 **POLICY:** **THE NATIONAL INFRASTRUCTURE BANK ACT,**  
3 **H.R. 4052**

4 **TYPE:** **PROPOSED RESOLUTION**

5 **WHEREAS**, The American Society of Civil Engineers (ASCE) stated in its 2021 report  
6 card that the United States received a grade of C- regarding the current state of  
7 infrastructure and that more than six trillion dollars would be needed to restore the  
8 nation's infrastructure to a state of good repair. Over two trillion dollars is currently not  
9 funded and necessary new, 21<sup>st</sup> Century projects are unfunded;

10

11 **WHEREAS**, the infrastructure crisis is well documented. Every two minutes there is a  
12 water line break causing a loss of 6 billion gallons of treated water a day. 43% of our  
13 roadways are in poor or mediocre condition, and 46,000 bridges are in urgent need of  
14 repair;

15

16 **WHEREAS**, Congress introduced HR 4052, The National Infrastructure Bank Act to  
17 create a \$5 trillion National Infrastructure Bank. This bank will require no new federal  
18 spending and no new federal taxes, and has been done successfully many times in U.S.  
19 history;

20

21 **WHEREAS**, the National Infrastructure Bank will be a commercial bank created by  
22 Congress with a federal mandate to invest in all hard infrastructure needs of the nation;

23

24 **WHEREAS**, the \$5 Trillion National Infrastructure Bank will complement the Bipartisan  
25 Infrastructure Law (BIL), which will spend only \$550 billion of new money. The need is  
26 \$5 trillion, and the BIL falls short on every category outlined by the civil engineers;

27



28 **WHEREAS**, only a National Infrastructure Bank is capable of fixing everything.  
29 Congress plans no more spending, and states and cities do not have the resources to  
30 address the need; and,  
31

32 **WHEREAS**, the National Infrastructure Bank will create millions of new high-paying  
33 jobs, mandate Buy America policies, and increase GDP by 5% per annum. The bill  
34 includes strong labor protections for the workers who design, build, operate and  
35 maintain the nation's infrastructure. The bill will generate a resurgence of small and  
36 medium-sized businesses and expand American industry. All states and jurisdictions,  
37 rural and urban, will benefit equally; and  
38

39 **WHEREAS**, at least twenty-five state legislatures have introduced resolutions urging  
40 congress to create this \$5 trillion National Infrastructure Bank. Four passed one  
41 chamber and four have passed both chambers. The National Black Caucus of State  
42 Legislators and the National Asian-Pacific American Caucus of State Legislators  
43 endorsed the legislation. There are many national endorsements, and dozens of county  
44 and city councils have endorsed.  
45

46 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures  
47 hereby calls upon Congress to pass H.R. 4052 to create the National Infrastructure  
48 Bank; and,  
49

50 **BE IT FURTHER RESOLVED**, that NCSL will send copies of this resolution to all  
51 members of Congress and to the President of the United States.

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

2 **POLICY:** **SUPPORT FOR HYDROFLUOROOLEFINS**  
3 **(HFOS)**

4 **TYPE:** **PROPOSED RESOLUTION**

5 **WHEREAS**, the National Conference of State Legislatures wishes to support sound,  
6 science-based public policies that protect human and environmental health, preserve air  
7 quality, and support national greenhouse gas emissions reduction and ozone protection  
8 goals; and

9

10 **WHEREAS**, hydrofluoroolefins (HFOs) are a class of sustainable lower global warming  
11 potential (GWP) compounds that have emerged as an effective alternative to higher  
12 global warming hydrofluorocarbons (HFCs) used in various applications including air  
13 conditioning, refrigeration, and commercial and residential building foam insulation; and

14

15 **WHEREAS**, HFOs have been heavily studied and are rigorously regulated, pursuant the  
16 U.S. Clean Air Act, other U.S. EPA programs including Significant New alternatives  
17 Programs (SNAP), TSCA and FIFRA, and California CARB; and

18

19 **WHEREAS**, more than 75 third party studies, including Good Laboratory Practice-  
20 compliant OECD in vitro, acute and chronic toxicology reports, and environmental  
21 properties research that evaluates persistence and global warming potential, have been  
22 conducted on HFOs to ensure they are non-PBT (non-persistent, non-bioaccumulate,  
23 and non-toxic) and safe for human and environmental health; and

24

25 **WHEREAS**, HFOs are characterized by their negligible ozone depletion potential (ODP)  
26 and low global warming potential (GWP), which is significantly lower than that of HFCs  
27 and other traditional substances; and

28

29 **WHEREAS**, the phase-out of high-GWP hydrochlorofluorocarbons (HCFCs) and the  
30 gradual reduction of HFCs are critical steps towards meeting international climate goals,  
31 such as those outlined in the Kigali Amendment to the Montreal Protocol; and  
32

33 **WHEREAS**, the American Innovation and Manufacturing (AIM) Act authorizes EPA to  
34 address HFCs by phasing down their production and consumption, maximizing  
35 reclamation and minimizing releases from equipment, and facilitating the transition to  
36 next-generation technologies through sector-based restrictions on HFCs; and  
37

38 **WHEREAS**, several individual U.S. States have enacted additional HFC prohibitions  
39 and accelerated phasedown schedules; and  
40

41 **WHEREAS**, the development and use of HFOs have received support from scientific  
42 communities, industry stakeholders, and governments worldwide as a sustainable and  
43 efficient alternative to high-GWP alternatives; and  
44

45 **WHEREAS**, HFOs offer a viable solution to reduce greenhouse gas emissions while  
46 maintaining the desired performance in various industries, including refrigeration, air  
47 conditioning, foam blowing, heat pumps, pharmaceutical-grade meter dose inhalers,  
48 and other applications; and  
49

50 **WHEREAS**, use of HFO technology has helped avoid the potential release of the  
51 equivalent of more than 326 million metric tons of carbon dioxide into the atmosphere to  
52 date; and  
53

54 **WHEREAS**, the continued research and innovation in HFO technology can lead to  
55 further advancements, including the enhancement of energy efficiency, cost-  
56 effectiveness, and safety; and  
57

58 **WHEREAS**, the U.S. EPA’s Significant New Alternatives Program (SNAP) has  
59 continuously designated HFOs as an acceptable alternative to higher global warming  
60 gasses; and

61  
62 **WHEREAS**, the U.S. EPA’s structural definitions under TSCA programs addressing  
63 PFAS do not include HFOs or their degradation products; and

64  
65 **WHEREAS**, overly broad definitions of PFAS risk the transition to next generation  
66 refrigerants, building insulation, and respiratory medicines while creating significant  
67 uncertainty for manufacturers, builders, grocers, cold chain and other supply chains,  
68 healthcare professionals and people living with respiratory diseases;

69  
70 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures  
71 encourages Congress to craft balanced and science-supported PFAS legislation, where  
72 policy definitions should not apply to products that contain intentionally added PFAS  
73 with uses that are currently listed as acceptable, acceptable subject to use conditions,  
74 or acceptable subject to narrowed use limits in the Environmental Protection Agency’s  
75 rules under the U.S. EPA’s Significant New Alternatives Policy (SNAP) program, as long  
76 as the product containing PFAS are being used as substitutes for ozone-depleting  
77 substances under the conditions specified in the rule, and to consider and support  
78 policies that do not disrupt the adoption of HFOs and the development of a robust  
79 market for low-GWP refrigerants.