NCSL Standing Committee on
Natural Resources and Infrastructure

POLICY DIRECTIVES AND RESOLUTIONS
2023 Legislative Summit

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

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

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

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

Cybersecurity Information Sharing
Cybersecurity is a vital aspect of autonomous vehicles. As vehicles begin to communicate with each other (vehicle-to-vehicle or V2V) as well with infrastructure (vehicle-to-infrastructure, V2I, and V2X), the potential risk of cyberattacks and security breaches greatly increases. NCSL urges both the administration and Congress to both share any threat information with state governments and to work with states to ensure that such threats and affected vehicle populations do not become endemic. A collaborative effort is vital in ensuring such safety.
A resolution of the National Conference of State Legislatures, urging the federal government to fund research on microplastics in the environment.

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

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

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

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

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

WHEREAS, microplastics have been found in human stools; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, that copies of this resolution be immediately transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress.
WHEREAS, the National Conference of State Legislatures wishes to support sound public policies that encourage states to take matters into their own control to protect human life, preserve mobility and enhance economic development by creating state-funded, highway-railroad grade crossing safety enhancements, including roadway separations and eliminations; and

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

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

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

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

WHEREAS, the National Association of County Officials (NACo), National League of Cities (NLC), and American Association of State Highway and Transportation Officials (AASHTO) have previously urged Congress to support improved rail safety programs, including supporting additional founding to local governments, state, and railroads to further improve grade crossings and separations allowing for safer interactions between road and rail traffic; and
WHEREAS, rail interstate networks between cities and regions provide essential transportation flow for American goods and passengers; and

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

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

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

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

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

WHEREAS, also as part of IIJA, Congress expanded the eligible activities under the Section 130 Program to now cover replacement of functionally obsolete warning
devices that were improved once before in the early years using Section 130 Program
funds.

NOW THEREFORE BE IT RESOLVED, the National Conference of State Legislatures
encourages Congress to continue to create, expand, and enhance state and local grade
crossing protection funds which have the effect of improving safety, mobility and
economic development potential for both the railroads and motoring public throughout
the country.
Aviation is a key component of a balanced transportation system and is vitally linked to regional growth and economic development efforts. The development and preservation of a balanced system of airports, which is responsive to the needs of all sectors of the nation, is the mutual responsibility of federal, state and local governments. Given this mutual responsibility, the National Conference of State Legislatures (NCSL) urges Congress and the administration to actively engage state legislatures in discussions on the development and preservation of our system of airports and to avoid federal mandates, preemption of state authority and where possible provide states maximum flexibility.

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

- continue a General Fund contribution, due to military and federal usage of airport facilities and services. Maintain the Airport and Airway Trust Fund, financed by existing dedicated user taxes and charges, as the primary method of funding federal-aid aviation projects. Any federal aviation fees collected from airline ticket taxes that are diverted to non-aviation purposes should be rededicated or repealed. NCSL supports federal grant assurance provisions barring diversion of airport revenue to non-airport purposes;
- maintain the current structure of federal aviation taxes which equitably distributes the financial burden on all users;
continue to fully fund the Airport Improvement Program (AIP) at authorized levels annually on a multi-year basis to help support needed safety, security, capacity and noise projects;

- authorize states to use AIP funds for increased security measures required by federal law at a 100-percent federal share;

- provide states maximum flexibility in the prioritization and administration of trust fund allocations, this includes aviation-related planning activities being an allowable expense;

- remove the Trust Fund from the federal unified budget;

- create a mechanism to guarantee that all revenue dedicated to the Trust Fund is spent each year for its intended purpose and that Trust Fund revenue is classified as "mandatory" spending and operate as a "pay-as-you-go" program;

- remove statutory or regulatory barriers to state and locally-generated revenues that support airport activities;

- reduce aircraft noise and a continued set-aside of AIP funds for noise abatement projects;

- continue the Passenger Facility Charges (PFCs) as a supplementary revenue source to finance airport needs;

- exempt from federal tax laws airport municipal bonds; and

- allow the use of innovative financing methods, such as state infrastructure banks and revolving loans, whenever possible to enable states to meet the funding needs of smaller airports.

State Block Grant Program

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

Development

NCSL supports a coordinated national plan of development as long as state plans for investment are included. As part of the development of the National Airspace System
Architecture, the FAA should make every effort to consider state input. The economies of many parts of the country are dependent on the modernization of the nation's aviation system. Federal policies should support state efforts to address capacity problems through expansion. NCSL supports the increased use of former and current military airports to provide immediate capacity relief for the aviation system.

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

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

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

As the agency continues its work to integrate UAS rules and laws, NCSL recognizes FAA’s general authority over the national airspace but believes it is imperative to preserve the authority of state governments to issue reasonable restrictions on the time, manner and place of UAS operations as they relate to states’ traditional police powers,
including to protect public safety and security, personal privacy, property rights and
manage land use. In response to Congress imposing a nationwide registration
requirement for UAS operators, NCSL supports the delegation of this authority to states
in order to more effectively and efficiently capture all users. Further, NCSL strongly
believes in the need for federal and state governments to work together to manage the
organized deployment of recreational and commercial UAS and that states should be
allowed to conduct enforcement of federal UAS rules if they so choose and that the
federal government should ensure adequate resources be available to states for proper
enforcement.

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

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

Airport Infrastructure Funding
The National Conference of State Legislatures (NCSL) fully supports the goal of ensuring
that airports have sufficient funding to meet their infrastructure needs, both to restore or
replace critical facilities that are coming to the end of their useful lives and to build new
infrastructure to enhance safety, security, and capacity to allow for expansion of air
service and increased opportunities for competition among airlines. To achieve this goal,
it is essential that Congress maintain existing levels of federal grant funding, and raise
the federal cap on Passenger Facility Charge (PFC) user fees, which are locally imposed
and dedicated to capital improvements within the local airport system. Therefore, NCSL
believes that Congress should continue to fully fund the Airport Improvement Program
(AIP) at authorized levels annually on a multi-year basis and increase the federal limit on
individual Passenger Facility Charge (PFC) user fee to keep up with inflation, to help
ensure that airport operators have sufficient funding to implement needed safety, security, capacity and noise projects at their airports.
In order to fully secure the further benefits that only a national energy policy can ensure, NCSL urges Congress to direct the U.S. Department of Energy through the national laboratories and technology centers to develop a national energy strategy for moving the United States toward independence from non-North American energy sources. The development of this strategy should be done in partnership with state governments and universities to leverage the work which has already been done and should encompass short, medium and long-term goals designed to help transition the nation to a more secure and financially stable future configuration that is drastically more independent of non-North American energy sources.

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

- Promote enhanced efficiency and conservation in the use of our energy resources.
- Establish a diversified national energy.
- Encourage and assist in the development of enhanced oil and gas refining capacity and technology.
- Support domestic energy production and reduce imports.
- Regularly reviews and updates CAFE standards.
- Accelerate research and development of advanced clean energy technologies.
- Promote the development of an infrastructure to support the distribution of clean energy technologies.
• Ensure energy resources are used in a sustainable and environmentally sound manner.
• Support investment in the national academic and job training systems to advance science and engineering curricula for the purpose of creating a highly skilled and trained workforce.
• Address the limitations of the visa system that restricts entry to the United States of leading scientists and engineers from around the world.
• Address the capital, material and labor deficiencies affecting our ability to manufacture and deploy advanced clean energy technologies.
• Accelerate the deployment and use of alternative transportation fuels to begin to eliminate the nation’s dependence on foreign sources of oil.

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

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

**NCSL Believes**

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

Congress should facilitate the development of state-created regional mechanisms like interstate compacts and regional reliability boards designed to address transmission reliability, problems related to the interconnectedness of the energy grid, environmental impact of generating electricity, and other regional energy.
Energy facility siting should remain under state jurisdiction devoid of federal mandates and preemption; Electric facility siting authority should remain under state authority.

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

To the extent to which federal activity has restricted state authority over electric facility siting, specifically electricity transmission lines, the federal government should work together with the states to ensure a seamless system of regulatory action and minimize the necessity for the federal backstop to be used.
The National Conference of State Legislatures urges the federal government to continue working cooperatively with state, local, and tribal governments to develop, implement and maintain an expansive, integrated, environmentally-sensitive and cost-effective national energy policy.

**Principles**

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

- Promotion of the most efficient and economical use of all energy resources.
- Promotion of energy conservation and efficiency and the development and use of alternative and renewable energy supplies.
- Promotion and provision of incentives for the development and optimal use of all energy resources and new facility infrastructure.
- Assurance that various domestic energy sources are continually developed, maintained and stored to prevent supply emergencies and promote energy independence.
- Consideration and assessment of environmental costs and benefits for all energy resources, fuels and technologies in rendering legislative, regulatory and market decisions regarding energy production and use.
- Provision of an affordable and reliable energy supply for all citizens.
- Examine the feasibility of, and where feasible, promote statewide or regional minimum storage level requirements for heating oil for states dependent on this fuel.
- Specification and balancing of clear lines of local, state and federal regulatory authority.
• Promotion of continued investments in electric power grid infrastructure to make it more efficient and resilient and recognize the value of the electric power grid as an asset that must be maintained, improved and supported by all of those who use and operate the grid.

• Development of both short- and long-term strategies to provide adequate energy supplies, efficient utilization of those supplies and optimum cost effectiveness.

• Promotion of the education of school-age children regarding energy resources, consumption, conservation, and production and regarding environmental protection, safety and risks in energy production.

• Assurance of expanded energy research and development and broadening of the citizenry’s access to energy-related information.

• Assurance of participation of state and local officials in the development and implementation of a national energy plan and strategy.

• Avoidance of mandates, particularly unfunded mandates, upon state and local governments as well as avoidance of pre-emptive federal laws in developing a national energy policy.

Implementation

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

• An assessment and forecast of our nation’s energy future and its impacts.

• An evaluation and ranking of short and long-term energy options available to the nation.

• An evaluation of possible energy futures which provide greater benefits to our citizens.

• The development of recommendations for energy options and energy futures that the nation should pursue, with the establishment of national targets or goals.

• An evaluation and recommendation of implementation mechanisms including, but not limited to, incentives, technical assistance, educational programs, regulatory standards or guidelines to achieve the targets or goals.
• Considers energy sources based on the lowest cost, cost benefit analysis, revenue loss, cost to consumers, reliability, and environmental or other impacts. Additionally, energy policy alternatives that would improve our energy security without imposing significant new costs, while balancing the need for environmental protection, should be implemented.

• A coordinated effort between state and federal government in the development of producing a national energy policy where the federal government consults closely with state legislatures, devising mechanisms to bring state legislatures into the energy decision-making process as full participants on a continuing basis and ensuring the inclusion of representatives of the legislative branch of state government in all state-federal working groups dealing with energy policy.

Conservation and Energy Efficiency

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

• Corporate Average Fuel Economy Standards for automobiles and light duty trucks, including sport utility vehicles and minivans.

• Energy efficiency provisions in model building codes (including lighting efficiency standards and weatherization).

• "Whole-building" and life cycle costing approaches to construction and retrofitting that integrate energy efficiency technologies and practices.

• Home appliance and heating and cooling unit efficiency standards.

• Waste recycling and reduction standards for industrial manufacturing.

• Standards for conservation in electrical production and supply including cogeneration.

• Use of alternative energy.

• A national transportation policy that emphasizes various modes of transportation, including passenger rail and transit, as well as promoting energy efficiency.
New Source Review Program (NSR)
NCSL urges the Environmental Protection Agency (EPA) to reform the NSR program to achieve improvements that enhance the environment and increase production capacity, while encouraging efficiency, fuel diversity and the use of resources without weakening the requirements intended to reduce emissions from new or modified sources of air pollution. Routine maintenance, repair or replacement activities which are not major modifications should not trigger NSR requirements.

Government Support for Renewable Energy and Energy Efficient Products and Industries
NCSL believes that the federal governments' leadership role in the purchase and use of new energy efficient and renewable energy technologies and products should be expanded and supports federal incentives for consumers to purchase energy efficient products. The federal government should continue to establish incentives for energy efficient fleet procurement industries and manufacturers of energy efficient products as well as continue to encourage the use of innovative financing technologies to increase energy efficiency in buildings such as performance contracting and long-term leasing and purchase agreements for energy efficient products. All government-owned buildings should make use of economical energy conservation programs, demonstrating state of the art efficiencies whenever possible.

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

NCSL recommends that:
• Federal action should be flexible, allowing for a range of complementary strategies at the state and federal level maintaining a strong role for state government in any federal action.

• Federal legislation should provide states the authority and flexibility to work within an overall framework that affords states the ability to choose from a range of options & apply the law effectively in the most cost effective, timely and efficient manner for each state.

• Federal legislation should not pre-empt state governments from enacting stricter or stronger measures within their jurisdiction.

• Congress must authorize and appropriate sufficient funds for state and federal governments to implement any federal legislation. These funds should be newly authorized appropriations, not reprogrammed resources.

Energy Emergency Preparedness

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

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

• Initial efforts should focus on strategies to reduce the nation’s dependence on foreign oil to avoid future emergencies.

• Voluntary conservation is preferred to mandatory measures, wherever possible.

• When any mandatory responses are required, they should be phased in, beginning with the least stringent measures, with gasoline rationing reserved for only the most severe shortage.

• Minimize undue hardships on states and regions heavily dependent on motor vehicle transportation with rationing allotments and allocation plans based on state and regional needs and strategies rather than national averages.

• Priority shall be given to home heating needs including home heating oil and propane, provided homes are adequately insulated.
NCSL believes changes need to be made at the national level by the federal government to ensure that the country has sufficient, affordable supplies of energy, by encouraging more efficient use of energy to reduce U.S. reliance on foreign oil. As such, federal investments in both energy efficiency and research in developing new and alternative energy technologies should figure significantly in a national energy policy.

**Coal**

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

- Provide continued support for Clean Coal Technology research, in partnership with the private sector. Such support, through additional research and technology development in clean coal usage, should include work in pre-combustion, combustion, post-combustion, and coal conversion areas with desulfurization efforts a top priority.
- Jointly address transboundary environmental issues with Canada and Mexico.
- Continue to support the acid rain program of the Clean Air Act of 1990 that phases in reductions in emissions from coal burning power plants.
- Seriously consider coal gasification as an alternative to the use of coal in a conventional manner.
- Concurrently reclaim and restore mined lands to an environmentally appropriate condition.
- Consider the effects on local infrastructure needs and the costs of prime farmland protection and land reclamation in the development of a national coal program.
- Accelerate the financing of activities under the abandoned mine reclamation fund and a federal commitment to reclamation should be strengthened.
- Avoid adopting federal policy that has implications for land development or management without accommodating the laws and policies of affected states.
Crude Oil
NCSL believes the federal government should promote and encourage domestic production of crude oil in an efficient and environmentally sound manner in order to both supply United States consumers with a secure source of petroleum as well as provide a stabilizing influence on the global price of crude oil. As such, the extraction and transportation of crude oil must be done only with safeguards for the protection of the environment. The federal government should consider incentives for domestic exploration, maintenance of stripper wells, but excluding other extractions, and technological research for methods of enhanced oil and gas recovery that are environmentally safe and in accordance with state policy as well as an increase in research and development in the area of new energy generating technologies including but not limited to biofuels, electric cars, fuel cells, hybrid engines, and alternative fuels particularly for transportation.

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

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

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

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

Revenues from On-Shore and Outer Continental Shelf Drilling

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

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

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

- Authorize and appropriate 50 percent of the Outer Continental Shelf (OCS) revenues to the states.
- Ensure the state legislatures' participation in the appropriation of these funds.
- Provide state lawmakers the flexibility to target these funds to their respective state's natural resource priorities.
- OCS revenue sharing with the states should be in addition to and not replace other Federal funding programs.
- Preserve state authority to impose moratoriums on or allow for mineral exploration, development and production activities on the OCS.
- Lift federal fees charged to states for use of sand, gravel and shell resources taken from the OCS for use in beach nourishment and other coastal erosion mitigation activities.
- Give states full review of development and production of mineral resources on the OCS.
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
intended purpose; establishment of one or more NRC-licensed centralized interim used fuel storage facilities in willing host communities and states (with consultation of all state, local and tribal officials and other interested parties).

- States must continue to have the right to monitor operating conditions at nuclear power plants, waste storage and disposal facilities, and to exercise regulatory authority where consistent with federal law.
- Federal funding should complement private sector investments in the areas of waste management technologies, nuclear fusion, and plant retrofit and life extension.
- The tax treatment of federal decommissioning funds should be updated to ensure that existing funds are treated in the manner intended by the tax laws and to reflect new business conditions.

The Electric Power Grid

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

- Reliable electricity supply depends in part upon modernization of the electric power grid, and that in order to meet current and future demands for electricity, investments in the electric power grid will need to be made.
- Electric power grid investments funded wholly or in part by retail ratepayer dollars should be just and reasonable, and properly balance the needs of all consumers, as well as the needs of electric utilities and grid operators.
- Electric power grid investments provide benefits to consumers. NCSL recognizes the potential for electric power grid investments to provide for a more resilient power system, increase operational efficiencies, increase electric grid reliability, reduce outages, reduce outage restoration time, improve power quality, reduce peak demand, improve overall system efficiency, provide consumers with new information and tools to voluntarily control their own energy costs, integrate an increasingly diverse set of energy resources and enable economic growth and innovation.
Electric utilities are responsible for ensuring that electric power grid technologies are deployed in a manner consistent with reasonable and effective cyber and physical security best practices. Systems should be designed to mitigate risks and enhance the resiliency of the electric power grid, and preserve the accuracy, integrity and privacy of data.

**Electricity**

NCSL believes that the federal government should promote

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

**Public Benefits/Environment:**

NCSL believes that:

- States should maintain the authority to require public benefits programs on a nondiscriminatory basis, including those that support reliable and universal service, energy efficiency, renewable technologies, research and development, and low-income assistance. Additionally, existing federally sponsored public benefits programs should be maintained in a restructured market and electric industry restructuring should be consistent with any federal environmental laws, including the Clean Air Act.
- Implementation of federal legislation that fails to recognize market mechanisms inevitably penalizes one region or state or another and that mandate programs are counter to the concept of restructuring, which encourages the efficiencies of market competition.
As states are in the best position to evaluate market force considerations, Congressional legislation should not limit, through the use of mandates or otherwise, state flexibility in addressing market mechanisms in electric restructuring plans.

The federal government should encourage nontraditional energy production and the federal government must maintain and increase its commitment to cost effective energy conservation and efficiency while maintaining adequate and reliable energy. As such, power providers, equipment and appliance manufacturers, and consumers should be given legislative and regulatory incentives to promote these goals.

**Consumer Protection and Education:**

NCSL believes that:

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

**Regulatory Authority**

As state regulatory bodies are close to consumers, utilities, industries, and concerned for state environmental and economic well being they are in the best position to evaluate consumer needs, and address questions relative to fuel choice, economic development implications, and system reliability.
NCSL strongly supports and urges the continuation of the state legislative oversight for the approval and siting of all major energy conversion facilities, subject to minimum federal standards established only after the fullest consultation with state governments, both executive and legislative branch. State authority over the siting of energy facilities should not be preempted by federal law.

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

**Research and Development**

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

NCSL encourages federal development of alternative technologies that improve renewable energy efficiencies, cut costs, and assist in integrating renewable energy into
The implementation of federal standards for the deployment of these new technologies should not undermine established programs at the state level to integrate these resources into existing energy systems. NCSL also believes in the need for a translation and distribution system for international technical and marketing papers on renewable energy and that the U.S. should strive for excellence in the use, manufacturing and marketing of renewable energy resources and technologies.

Wave Energy and Tidal Energy

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

NCSL requests that the federal government demonstrate global leadership and:

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

Education and Information

NCSL believes that it is essential that the federal government work to ensure that the nation, including its elementary and secondary school-age children, are fully aware of energy use and costs, production processes, alternative energy resources, the importance of energy efficiency and conservation and the impact energy usage has on
our environment. NCSL recommends that the federal government initiate, expand and
appropriately fund public and private sector education efforts.

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

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

**Transportation**

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

- Incentives and adequate funding for mass transit, high speed rail, magnetic
  levitation and other emerging transportation technologies.
- Fuel economy standards; and other market incentives for improving the energy
  efficiency of automobiles and light trucks.
- Procurement policies favoring efficient vehicles.
- The encouragement of public-private partnerships.
The National Conference of State Legislatures (NCSL) calls on Congress to work closely with states to develop a shared, long-term vision for financing and funding surface transportation systems that will enhance the nation’s prosperity and the quality of life of all Americans.

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

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

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

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

- Interstate commerce and freight mobility,
- Interstate movement of people,
- National defense and homeland security,
- Safety,
- Environmental and air quality preservation and improvements,
- Research and innovation, and
- Economic productivity.

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

**Funding and Financing**
A federal trust fund, financed by user fees, should be retained as the primary method of
funding federal-aid surface transportation programs. It must provide states a sustained,
reliable source of transportation funding. It is critical that the Highway Trust Fund (HTF)
retain spending firewalls that ensure that user fees will be deposited in the HTF to be
used on surface transportation and will not be subject to non-transportation federal
discretionary spending. NCSL supports states having maximum flexibility in the use of
funds they receive from the HTF. Additional surface transportation financing and investment priorities include the following:

- User fees previously collected and diverted from the HTF must be reclaimed.
- Transit agencies, including commuter rail operations, should be exempt from federal fuel or energy taxes.
- Unobligated revenues should not be allowed to accumulate in the HTF. Moreover, federal highway spending should not be artificially reduced so that HTF revenues will accumulate unspent, thereby appearing to lower the federal deficit.
- Annual appropriations should equal authorized spending levels. Obligation ceilings should be set and maintained to reflect gross receipts, plus interest earned.
- Any federal user fee or container fee assessed for transportation security or infrastructure should provide for state flexibility in project selection and may include private sector input when programming projects funded by a security or infrastructure user fee or container fee.
- User fees designated for deposit in the HTF should be made available for flexible transportation usage by states. States should have flexibility in the use of funds for intercity passenger rail service, including Amtrak. The federal match should encourage state efforts in specific programs of national significance, but not discourage flexibility in state or insular area transference of categorical funds. Despite separate federal authorizing legislation for Amtrak, Congress must ensure that surface transportation authorizing legislation acknowledges and fully supports the role of passenger rail for ensuring interstate mobility. States that invest in or otherwise support passenger rail services to complement highway mobility options should be rewarded and encouraged.
- Any examination undertaken on the advisability and feasibility of establishing a federal capital budgeting program should preserve the ability of states to set surface transportation infrastructure priorities.
- Prioritize formula-based funding which allows federal funds to be distributed through a predictable and stable manner, allowing for efficient project and multi-
year program delivery wherein transportation needs and projects are identified by states, metropolitan planning organizations and local elected officials for funding prioritization.

- Federal formulas designed to distribute discretionary highway funds should consider all state, insular area, and local efforts to fund highways and not be limited to fuel taxes raised.

- An increase in federal highway transportation funding is needed in the short-term to provide sufficient funding for the next authorization to meet the new vision and until a new, more stable long-term funding mechanism for surface transportation can be put in place. Any fees or taxes imposed on carbon-based fuels used by vehicles should be recognized as a traditional source for transportation funding and should remain dedicated to the Highway Trust Fund. Congress must migrate the Highway Trust Fund from a gas tax to a new national funding stream. In order to accomplish this, Congress must examine innovative ways that capture all system users. Congress should encourage pilot programs in states for experimentation with approaches, methods and mechanisms. Any system should ensure the privacy of users.

- As the U.S. Department of Transportation (DOT) establishes the National Motor Vehicle Per-Mile User Fee Pilot as required by Congress in the Infrastructure Investment and Jobs Act, NCSL encourages the following:
  - DOT should ensure that state legislators are represented on the Federal System Funding Advisory Board. Since the early 2000s, state legislatures have been at the forefront of discussions to explore possible replacements for the motor fuel tax, often leading the call for studies and demonstration projects.
  - The framework of the National User Fee Pilot Program should rely heavily upon existing state expertise and in coordination with states who are considering, and who have established alternative transportation funding mechanisms.

- Apart from the existing Highway Trust Fund flows for transit, NCSL discourages expansion of federal-local funding streams without appropriate coordination with state
legislatures as these complicate state-local relationships, financial arrangements, and state match expectations for transportation programs. States possess expertise with federal regulatory and statutory requirements, providing for efficient delivery of projects and ensuring that federal requirements are followed.

- Congress should continue to encourage and expand incentive-based programs, such as the Urban Partnerships program, to spur local and regional transportation innovation in full coordination with state authorities and to promote the use of tolling, congestion pricing, public transit, telecommuting, real-time traffic and other advanced technologies (also known as intelligent transportation systems), and other strategies in a comprehensive approach to achieve interstate mobility goals through urban congestion reduction.

- All funding and financing options must be available to state legislatures for state and federal-aid programs. All current federal restrictions on states' authority to toll should be removed so that states can optimize resources for capacity expansion, operations and maintenance while ensuring free flow of goods and people. Tolling, value-pricing and public-private partnerships (PPPs) should remain state provinces and are not appropriate federal funding and financing mechanisms.

- Federal guidelines should be designed to accommodate private sector support. The level of private sector participation is best determined by state and local authorities, and private participation should not be a prerequisite for receiving federal funds. Statutory or regulatory barriers to state and locally-granted revenues should be removed. States should continue to have flexibility in creating legislative and programmatic frameworks for public-private partnerships (PPPs), and full authority to select and engage in PPP projects.

- Congress should not mandate or prescribe state use of toll revenues or tolling mechanisms, though Congress may seek to incentivize states to avoid redirection of toll revenues to non-transportation uses.

- Congress should continue Transportation Infrastructure Finance and Innovation Act (TIFIA), Grant Anticipation Revenue Vehicles (GARVEE), private activity bond, and State Infrastructure Bank (SIB) programs. Congress should expand...
credit-based and loan guarantee programs to incentivize private sector investment—particularly for freight mobility by rail, highway and waterway—in projects sponsored by the public sector.

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

**Technology**

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

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

Congress should incentivize states to explore and deploy technology for intelligent infrastructure, making it a high priority and performance measurement benchmark in the restructured federal surface transportation program. Privacy protections must be
developed and incorporated into all policies and practices governing use of intelligent transportation systems and technologies. ITS should not be mandated except for legitimate governmental purposes. Any information collected with such technology should be governed by state laws.

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

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

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

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

**Performance Measures**
NCSL encourages the federal government to establish a cooperative process through which performance measures can be crafted for gauging the success of programs. Federal funding should not be directly linked to performance measures;
instead, a pilot program should be established in which states can voluntarily participate to gain incentives such as additional funding or reduced regulatory burdens upon successful deployment and use of performance measures. Performance measures should be framed as goals for which states may determine the specific measures and benchmarks.

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

**Freight and Interstate Commerce**

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

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

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

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

**Environmental Issues**

The federal government has a role to play in ensuring that national environmental policy meshes with national transportation policy while assuring efficient and cost-effective approaches to both goals.
• Efforts to streamline regulatory review processes must continue so that construction projects can again be realized on-time and on-budget. Congress should allow and enhance states’ programmatic permitting.

• Incentives to states to achieve environmental quality standards through transportation projects should replace prescriptive federal regulation and punitive funding actions.

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

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

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

Indian Programs
Transportation is an important service program that provides the infrastructure upon which American Indian tribes' initiatives can be achieved. NCSL recognizes the unique and extensive transportation funding needs on Indian lands. In an effort to ensure that these needs are adequately addressed, NCSL supports a direct planning relationship between Indian Nations and state departments of transportation. NCSL further supports the continuation of the Federal Lands Program and its work with Indian reservations.
WHEREAS, Drones as First Responders (DFR) is a program whereby first responders’ drones are pre-positioned in a service area, ready to be launched immediately in response to an emergency call for service; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures urges Congress to require the Federal Aviation Administration (FAA) to establish a regulatory pathway for certification or approval of Beyond Visual Line of Sight Operations (BVLOS) for Unmanned Aircraft Systems for first responders to support DFR programs around the country.
WHEREAS, Chronic Wasting Disease (CWD) affects cervids such as deer, elk, and moose and has been detected in at least 29 states, according to the Center for Disease Control’s (CDC) March 2023 survey; and

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

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

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

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

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

BE IT FURTHER RESOLVED, the National Conference of State Legislatures supports National Institutes of Health funding to examine human health impacts from CWD.
WHEREAS, The American Society of Civil Engineers (ASCE) stated in its 2021 report card that the United States received a grade of C- regarding the current state of infrastructure and that more than six trillion dollars would be needed to restore the nation’s infrastructure to a state of good repair. Over two trillion dollars is currently not funded and necessary new, 21st Century projects are unfunded;

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

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

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

WHEREAS, the $5 Trillion National Infrastructure Bank will complement the Bipartisan Infrastructure Law (BIL), which will spend only $550 billion of new money. The need is $5 trillion, and the BIL falls short on every category outlined by the civil engineers;
WHEREAS, only a National Infrastructure Bank is capable of fixing everything. Congress plans no more spending, and states and cities do not have the resources to address the need; and,

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

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

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

BE IT FURTHER RESOLVED, that NCSL will send copies of this resolution to all members of Congress and to the President of the United States.
COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE

POLICY: SUPPORT FOR HYDROFLUOROOLEFINs (HFOS)

TYPE: PROPOSED RESOLUTION

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

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

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

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

WHEREAS, HFOs are characterized by their negligible ozone depletion potential (ODP) and low global warming potential (GWP), which is significantly lower than that of HFCs and other traditional substances; and
WHEREAS, the phase-out of high-GWP hydrochlorofluorocarbons (HCFCs) and the gradual reduction of HFCs are critical steps towards meeting international climate goals, such as those outlined in the Kigali Amendment to the Montreal Protocol; and

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

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

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

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

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

WHEREAS, the continued research and innovation in HFO technology can lead to further advancements, including the enhancement of energy efficiency, cost-effectiveness, and safety; and
WHEREAS, the U.S. EPA’s Significant New Alternatives Program (SNAP) has continuously designated HFOs as an acceptable alternative to higher global warming gases; and

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

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

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