

NCSL STANDING COMMITTEE ON TRANSPORTATION POLICY DIRECTIVES AND RESOLUTIONS

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1 **COMMITTEE: TRANSPORTATION**

2 **POLICY: AUTONOMOUS VEHICLES**

3 **TYPE: EXISTING RESOLUTION**

4 **WHEREAS**, the automobile is undergoing a technological evolution with the potential to
5 revolutionize personal mobility, transform commercial trucking and provide
6 immeasurable safety benefits. As vehicles that operate on public roads are subject to
7 state, federal and local jurisdiction, the need to clearly define state and federal roles is
8 paramount.

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

13 **WHEREAS**, NCSL strongly believes that states have clearly defined authorities when it
14 comes to vehicle use—which include vehicle registration; driver licensing and
15 education; traffic laws, regulations and enforcement; and insurance and liability.

16 **WHEREAS**, NCSL recognizes, appreciates and agrees that authority to issue
17 exemptions of FMVSS remains solely in the realm of the Secretary of Transportation.

18 **WHEREAS**, NCSL recognizes that states and the federal government have a vital
19 interest in increasing road safety for all road users and have a shared interest in
20 reducing traffic crashes and fatalities, particularly to vulnerable road users such as
21 pedestrians.

22 **WHEREAS**, Cybersecurity is a vital aspect of autonomous vehicles and as vehicles
23 begin to communicate with each other (vehicle-to-vehicle or V2V), as well as with
24 infrastructure (vehicle-to-infrastructure, V2I, and V2X), the potential risk of cyberattacks
25 and security breaches increases greatly.

26 **WHEREAS**, approximately 20% of Americans do not have a driver's license or access
27 to a vehicle and many Americans with disabilities could benefit from autonomous
28 vehicles with appropriate accessibility features to increase mobility options.

29 **NOW BE IT RESOLVED**, NCSL urges Congress and the administration to remain in
30 constant consultation with states when devising potential regulations of autonomous
31 vehicles and to consider the following positions when making policy determinations:

- 32 1. NCSL is opposed to congressional or administration proposals that would seek to
33 preempt state authority by prohibiting states from prescribing certain standards or
34 regulations related to autonomous vehicle testing or operation, including
35 requirements related to the presence of a human operator that are more
36 restrictive than those required by the federal government.
- 37 2. NCSL strongly encourages the Secretary of Transportation, or any applicable
38 designated agency, to ensure that any exemption of existing motor vehicle safety
39 standards provides a safety level at least equal to the safety level of the existing
40 standard. As exemptions are granted, NCSL implores the department to provide
41 such information to states in a timely manner.
- 42 3. NCSL requests that state legislators be appointed to or included in any
43 congressional or administration task force, council or other advisory group
44 related to the development or regulation of autonomous vehicles. NCSL
45 encourages congressional and administration task forces to work with NCSL to
46 help ensure the appropriate states are included.
- 47 4. NCSL urges both the administration and Congress to share any physical or cyber
48 threat information with state governments and to work with states to ensure that
49 such threats and affected vehicle populations do not become endemic. A
50 collaborative effort is vital in ensuring such safety.

1 **COMMITTEE: TRANSPORTATION**

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

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

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

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

COMMITTEE: TRANSPORTATION

**POLICY: DISTRIBUTION OF FEDERAL SURFACE
TRANSPORTATION FUNDING TO STATES**

TYPE: EXISTING RESOLUTION

WHEREAS, states receive funding from the federal government for surface transportation projects in myriad ways, including traditional formula-based funding and directed discretionary programs that focus on certain outcomes or goals.

WHEREAS, formula-based funding allows federal monies to be distributed through a predictable and stable process, thus allowing for better project and multi-year program delivery by states wherein the most needed transportation problems and infrastructure projects are identified and prioritized by states, metropolitan planning organizations and local elected officials for funding.

WHEREAS, shifting a greater share of federal surface transportation funding to formula-based distribution and away from more discretionary project-specific awards allows states—which are more cognizant of the day-to-day needs of their residents and infrastructure—to prioritize projects in an efficient and cost-effective manner.

WHEREAS, states recognize the need for discretionary, project-specific federal funding in the case of interstate or large-scale projects, but too much focus on this type of funding restricts the ability of states to properly direct funding where it is needed most.

WHEREAS, states need as few restrictions as prudent and possible on how surface transportation formula funding can be spent within their borders to allow the quickest and best possible project outcomes for the greatest amount of people.

WHEREAS, the time, staffing and expertise required to apply for and successfully receive and disburse funds places considerable strain on state and local governments and cause significant capacity and expertise issues.

NOW BE IT RESOLVED, that the National Conference of State Legislatures urges Congress to appropriate a greater amount of funds to formula-based funding and away from more restrictive project-based awards in the next iteration of surface transportation

29 legislation—while maintaining necessary funding for larger bridge and multi-state
30 projects—so that states may have a greater amount of freedom and flexibility to
31 prioritize critical and beneficial projects.

COMMITTEE: TRANSPORTATION

POLICY: FUNDING THE HIGHWAY TRUST FUND

TYPE: EXISTING RESOLUTION

WHEREAS, the Highway Trust Fund is a user-pay, user-benefit system that, since its creation via the Federal Aid Highway Act of 1956, has helped fund the nation’s road construction, mass transit and other surface transportation programs via federal gas taxes.

WHEREAS, the federal gas tax was last raised in 1993 to a level of 18.4 cents per gallon of gasoline and 24.4 cents per gallon of diesel.

WHEREAS, revenues from the federal gas tax stopped growing faster than federal expenditures in 2001 due in large part to increased fuel efficiency levels and the proliferation of hybrid and electric vehicles. Since 2008, Congress has provided more than \$275 billion from the general fund to cover the annual shortfall in the Highway Trust Fund according to the Congressional Budget Office.

WHEREAS, NCSL believes that a federal trust fund, financed by user fees, should be retained as the primary method of federal-aid surface transportation program funding and that such a fund must provide states a sustained, consistent and reliable source of transportation funding.

WHEREAS, the U.S. Department of Transportation established the National Motor Vehicle Per-Mile User Fee Pilot as required by Congress in the Infrastructure Investment and Jobs Act and the Federal System Funding Alternatives Advisory Board, which is tasked with leading the national pilot program, was created in December 2024.

WHEREAS, numerous additional funding sources, such as up-front fees and taxes on electric vehicle purchases, mileage-based user fees, electric and hybrid vehicle enhanced registration fees, electric vehicle charging fees and other user fees have been studied, piloted and implemented by states and are being studied to determine their viability.

28 **NOW BE IT RESOLVED**, that the National Conference of State Legislatures urges
29 Congress, the Department of Transportation and all other applicable agencies to
30 continue their study of all available alternate funding sources while making necessary
31 general fund transfers to maintain the solvency of the Highway Trust Fund.

32 **NOW BE IT FURTHER RESOLVED**, that Congress, the Department of Transportation
33 and all other applicable agencies should work closely with states to learn from state
34 success stories regarding additional or alternate funding sources and to ensure the
35 transportation funding needs of states continue to be met.

1 **COMMITTEE: TRANSPORTATION**

2 **POLICY: PRESERVATION OF SUCCESSFUL IJA PROGRAMS**

3 **TYPE: EXISTING RESOLUTION**

4 **WHEREAS**, the Infrastructure Investment and Jobs Act contained approximately \$1.2
5 trillion in infrastructure spending, including \$550 billion in new spending, and included
6 provisions for federal highway aid, transit, highway safety, rail programs, and hazardous
7 materials transportation.

8 **WHEREAS**, many of these programs have funded significant investments in
9 infrastructure in all 50 states and the territories, including airport improvements, bridge
10 repairs, mass transit projects and highway improvements, benefiting residents and
11 visitors alike, and should be continued in future legislation.

12 **WHEREAS**, by contrast, some programs have been unsuccessful and should be
13 dropped from inclusion in future surface transportation legislation.

14 **WHEREAS**, states are the best and most efficient judges of what programs and
15 sections of the Infrastructure Investment and Jobs Act have and have not been
16 successful.

17 **NOW BE IT RESOLVED**, that the National Conference of State Legislatures urges
18 Congress to closely consult with states and territories to identify successful projects
19 funded through the Infrastructure Investment and Jobs Act and continue these
20 programs in the next iteration of surface transportation reauthorization legislation.

COMMITTEE: TRANSPORTATION

POLICY: REFORMING PERMIT PROCESSES AND RIGHT-SIZING PROJECT REQUIREMENTS

TYPE: EXISTING RESOLUTION

WHEREAS, according to a 2020 White House study, the average federal National Environmental Policy Act (NEPA) permitting process takes between 3.5 and 6 years to complete.

WHEREAS, the nation’s infrastructure received a C in the 2025 American Society of Civil Engineers’ American Infrastructure Report Card, underscoring the continued need for investment in America’s roads, bridges and more.

WHEREAS, that same report noted that “39% of major roads in the U.S. are in poor or mediocre condition,” “51% of Americans report inadequate bus, subway, or commuter bus service,” and almost 56% of the nation’s bridges are in “fair” or “poor” condition.

WHEREAS, multiple Congresses and presidential administrations, as well as state and local governments and private sector partners have noted the need to reform the permitting process for large-scale infrastructure projects.

WHEREAS, contrasting federal, state and local regulations and requirements, along with unclear lines of communication between and among state and federal entities can complicate and extend processes and timelines for applying for, permitting and completing infrastructure projects.

WHEREAS, smaller, city, county and state transportation departments or offices can often lack sufficient staffing, expertise, capacity or resources to handle the complex and expensive project application and documentation requirements imposed by the federal government for every project that received federal funds.

NOW BE IT RESOLVED, that NCSL urges Congress and the administration to, in direct consultation with states, expedite the reform and streamlining of the nation’s federal infrastructure permitting processes and work with states to ensure project application

28 and documentation costs and requirements do not exceed the capacity and expertise of
29 state or local offices being solicited.

COMMITTEE: TRANSPORTATION

**POLICY: STATE SUPPORT GRADE CROSSING ELIMINATION
AND SEPARATION PROGRAMS**

TYPE: EXISTING RESOLUTION

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; and

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.

1 **COMMITTEE: TRANSPORTATION AND LAW AND PUBLIC SAFETY**

2 **POLICY: SECURING NATIONAL SUPPLY CHAINS THROUGH**
3 **THE COMBATING ORGANIZED RETAIL CRIME ACT**

4 **TYPE: NEW RESOLUTION (REP. JAKE FEY AND REP. KAY**
5 **CHRISTOFFERSON)**

6 **WHEREAS**, organized retail and supply chain crime has escalated in both scale and
7 sophistication, threatening the integrity of the national supply chain by targeting freight
8 systems, including rail, leading to costly delays and heightened safety concerns; and

9 **WHEREAS**, the *Combating Organized Retail Crime Act* (CORCA) is a bipartisan effort
10 in Congress seeking to strengthen the federal response to organized cargo theft
11 through improved coordination, data-sharing, and enforcement; and

12 **WHEREAS**, a healthy and resilient logistics network, powered by freight rail, is vital to
13 U.S. economic competitiveness, job growth, industrial productivity, and ensuring
14 affordable goods for consumers; and

15 **WHEREAS**, America’s extensive freight system, anchored by 600 privately owned
16 railroads spanning nearly 140,000 miles, delivers 59 tons of goods for every American
17 annually, underscoring the importance of affordable and efficient transportation; and

18 **WHEREAS**, freight rail is a powerful economic engine, moving 40% of U.S. long-
19 distance freight and supporting a diverse workforce while generating activity in every
20 sector of the economy, from small farms to large-scale manufacturing facilities, and
21 contributing over \$230 billion annually to the U.S. economy; and

22 **WHEREAS**, trains are essential to international trade and cross-border goods
23 movement, with nearly 40% of rail traffic attributable to trade, without which supply
24 chains would be strained and the cost of goods would rise; and

25 **WHEREAS**, freight railroads fund their own infrastructure, spending \$23 billion annually
26 on average to maintain and upgrade tracks, equipment, and safety systems, and this
27 private investment provides public benefits like reduced traffic, emissions, and damage
28 to taxpayer-funded highways; and

29 **WHEREAS**, railroads are a major tax contributor, paying nearly \$16.7 billion in state and
30 federal taxes in 2023—supporting essential public services such as schools, emergency
31 services, and public infrastructure; and

32 **WHEREAS**, organized retail and supply chain crime incidents have surged nationwide,
33 with a 93% increase since 2019 and estimated losses reaching \$121.6 billion in 2023.
34 Intermodal rail containers—carrying high-value goods like electronics, toys, and
35 clothing—have become prime targets, with rail thefts rising 40% in 2024 alone, resulting
36 in over 65,000 incidents and \$100 million in losses; and

37 **WHEREAS**, this is not isolated or petty theft but a systemic, coordinated, effort by tech-
38 savvy, often transnational criminal networks targeting every link in the supply chain—
39 from rail yards and trucks to warehouses and retail centers; and

40 **WHEREAS**, the Combating Organized Retail Crime Act (CORCA) directly addresses
41 these challenges by improving cross-agency coordination, establishing a centralized
42 coordination center, expanding data-sharing, and strengthening legal authority across
43 jurisdictions; and

44 **WHEREAS**, that the legislation would create an Organized Retail and Supply Chain
45 Coordination Center to bring together federal law enforcement agencies with state and
46 local partners as well as railroad police to counter and dismantle domestic and
47 transnational organized theft operations; and

48 **WHEREAS**, that with strong bipartisan support and endorsement from law enforcement,
49 the retail industry, and freight carriers, CORCA will strengthen the resilience of our
50 state’s logistics and transportation systems and protect the economic lifelines of the
51 communities we represent; and

52 **NOW, THEREFORE, BE IT RESOLVED**, NCSL recognizes this bipartisan bill would
53 modernize the federal response to international organized cargo and retail theft – and
54 urges Congress to pass the Combating Organized Retail Crime Act (CORCA), H.R.
55 2853 and S.1404.

1 **COMMITTEE: TRANSPORTATION**

2 **POLICY: REAL ID**

3 **TYPE: DIRECTIVE (COMMITTEE IS PROPOSING TO**
4 **SUNSET)**

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