

WASHINGTON NEEDS TO HEAR FROM BYWAYS LEADERS

The National Scenic Byways Program is fast approaching the twentieth anniversary of its creation – in December 1991 – and it is almost certain that this fall will shape the future of this important program. In less than 20 years, the program has gained a broad and important network of supporters. The array of 150 nationally-designated scenic byways and All American Roads is impressive, and the routes are contributors to the economic vitality of communities, regions and the nation. Byways have connected communities, organizations and agencies in new and positive ways. And byways will undoubtedly be an important tool for the Corporation for Travel Promotion, a new quasi-public agency established to last year to help the United States compete for tourists internationally.

Yet our successes are rarely visible in Washington policy circles. While byways enjoy general support in Washington, active champions are few in the Congress and the Administration. And that is of concern during a time when both political parties are aggressively moving to reduce federal spending and tame deficits.

Our first real lesson came in mid-April, when the Congress and the Administration agreed to a Fiscal Year 2011 budget more than six months after the year began – and marked by nearly \$40 billion in spending cuts. Transportation programs will be funded at FY 2010 levels, except that there will be two significant rescissions totaling about \$3 billion. FHWA has circulated its assessment, saying “States will have complete flexibility in how to take the rescission within the programs subject to the rescission.”

What does this mean for scenic byways? We aren't sure. It appears that funding available for most discretionary national programs will remain the same in FY2011 as was available in FY2010, minus 0.2% in across-the-board cuts. The real pain being felt in some other federal programs is not hitting FHWA because surface transportation programs are taking a big cut – about 10% of traditional funding – through the elimination of “demonstration programs” and “priority projects” that were Member of Congress directed. But the “sweep” of unspent funds at the state level will be intense and could impact some byways projects. Beware if you have delayed byways projects. And to the extent that byways projects benefitted from other FHWA programs, including supplemental funding from state TE and STP monies, prospects for more of these funds are not good.

The real issue will be Congressional and Administration actions this summer and fall on a successor to SAFETEA-LU and on the FY2012 budget – which begins October 1, 2011. The three key forces at work – Republican leaders in the House, Democrats in the Senate and the Administration all subscribe to program simplification – reducing the number of federal programs. How that would be accomplished is far from agreed to, though. House Republican leaders (and Senate Republicans who, while in a majority position, will still have an impact) have publicly supported a return to a focus on highway projects, and to reducing overall surface transportation program funding to anticipated Highway Trust Fund revenues. Senate Democratic leaders have joined Administration

leaders in calling for a lumping of many programs, including byways and recreational trails, into a new “Livability Initiative.” That concept is poorly defined, but many of us have fears that this concept involves an urban, non-auto focus – not one especially good for scenic byways. And as for funds – the Administration and Senate versions of a new surface transportation program might reflect higher funding expectations, but the higher funding would likely be achieved through counting new private funds attracted into surface transportation projects that require tolls and other revenues to repay the investors. We don’t anticipate much private investment in byways.

Will there be a new national surface transportation program enacted by Congress in 2011? Chances are slightly above 50%, in our opinion, and are driven by several factors. First, House Transportation and Infrastructure Committee Chair John Mica (R-FL) will not be chairman of the committee in 2013 because of Republican leadership term limits – and he wants to act. The Administration wants action in 2011 because it sees a predictable surface transportation program as a boost to employment and the economy. And third, the states want action, to allow them to plan projects for the next five years.

Can a bill big enough in funding to satisfy most of the interests be developed and passed in 2011? Probably not. SAFETEA-LU annual spending was in the \$43 billion range, and most revenue projections for the next five years are at \$32-34 billion annually – and perhaps less in fuel prices remain at or above \$4.00 per gallon. But eliminating earmarks helps. And there can be some private funding attracted through a new Infrastructure Bank, or another vehicle. There is some carry-over of unspent funds in the Highway Trust Fund. So knowledgeable folks have told me that a \$38 billion per annum fund could be achieved for two years – and that perhaps the Congress would approve a 6 year program that has higher spending for two years and then has a sharp drop – unless Congress acts post-2012-elections to increase federal fuel taxes, as the Deficit Reduction Commission proposed.

With this situation facing byways and other programs created since 1991, many program supporters have undertaken active efforts to build and activate support among communities, state agencies and the Congress. The Coalition for Recreational Trails (CRT), for example, represents more than 30 national organizations who support the Recreational Trails Program, now supplying some \$90 million annually to motorized and non-motorized trail projects through states. The CRT has added more than 500 organizations, including local governments, to its Council of Advisors and has written to Congressional leaders and the Administration about the program, highlighting its economic impact, the leveraging of dollars and the “user-pay” nature of its funding – the program is funded based upon federal tax collections on fuel used for off-road recreation. Customized copies of the letters also went to each member of the House and Senate transportation committees, containing information on specific projects accomplished within that member’s state. CRT has also worked with its Congressional supporters to generate a “Dear Colleague letter” – a letter signed by nearly 50 U.S. Representatives to Congressional leaders making clear their support. CRT has also worked with supportive Members of Congress to have questions about the Recreational

Trails Program's future asked of the Secretary of Transportation at hearings, and is working on "op ed" pieces by trail community leaders in local papers.

And similar efforts to demonstrate support are underway by the boating and fishing industry – which relies on some \$500 million in annual federal motorboat fuel taxes which get transferred out of the Highway Trust Fund and into a grant program which underwrites state boating safety, fisheries enhancement and boating and fishing access improvements. Bike/ped groups are holding Washington Fly-Ins. The point is clear. Proponents of the good programs funded through the federal surface transportation program have all decided that being visible and proactive offers the best chance for survival in a volatile time in Washington. And they also have concluded that it represents the right time for discussing new goals and new needs for these programs – tying into everything from the fight against childhood obesity to climate change.

Byways boosters are beginning discussions about how to engage in the Washington policy discussions. Fortunately, we have great grassroots resources and the ability to look at what is working in the programs of other key transportation program advocates. The price of delaying too long – or not acting at all – seems awfully steep.

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