



# TRANSPORTATION GOVERNANCE AND FINANCE

## A 50-STATE REVIEW OF STATE LEGISLATURES AND DEPARTMENTS OF TRANSPORTATION



A JOINT PROJECT OF  
THE NATIONAL CONFERENCE OF STATE LEGISLATURES AND  
THE AASHTO CENTER FOR EXCELLENCE IN PROJECT FINANCE



# TRANSPORTATION GOVERNANCE AND FINANCE

## A 50-STATE REVIEW OF STATE LEGISLATURES AND DEPARTMENTS OF TRANSPORTATION

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The National Conference of State Legislatures is the bipartisan organization that serves the legislators and staffs of the states, commonwealths and territories.

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- To ensure state legislatures a strong, cohesive voice in the federal system.

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Established by the American Association of State Highway and Transportation Officials (AASHTO) and the U.S. Department of Transportation (USDOT) through Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the mission of the AASHTO Center for Excellence in Project Finance is to provide support to State Departments of Transportation in the development of finance plans and project oversight tools and to develop and offer training and state-of-the-art finance methods to advance transportation projects and leverage funding.

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- Professional Education
- Research Services
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# CONTENTS

List of Tables and Figures .....	iv
Acknowledgments .....	v
Acronyms .....	vi
Note on Usage.....	vi
Executive Summary.....	vii
1. Introduction.....	1
2. Participants in Transportation Governance and Finance .....	4
3. Legislature-DOT Communication and Collaboration.....	8
4. Transportation Governance .....	10
Legislation.....	10
Drafting and Presenting Legislation.....	10
Lobbying.....	11
Fiscal Notes and Policy Analyses.....	11
Legislative Oversight .....	11
Committee Oversight.....	12
DOT Leadership Appointments.....	14
Review of Administrative Rules and Regulations .....	15
Performance Goals .....	16
Program Evaluation and Sunset Reviews .....	17
Reporting Requirements .....	18
Other Tools that Support Legislative Oversight .....	19
Resources to Support DOT Compliance with Legislative Oversight Requirements .....	19
5. Transportation Funding and Finance .....	20
State Budget and Appropriations Processes.....	20
Federal, State and Local Transportation Funding.....	22
Federal Transportation Funding .....	22
State Transportation Funding.....	24
Local Transportation Funding .....	30
Innovative Finance .....	31
Transportation Planning.....	35
Other Legislative and Executive Interactions in Transportation Funding and Finance .....	38
Retention of Surplus or Excess Funds.....	38
Controlling DOT Costs.....	38
State Profiles.....	39

Appendices

A. NCSL-AASHTO Joint Project Oversight Committee Members..... 165  
 B. NCSL-AASHTO Survey Instruments ..... 167  
 C. NCSL-AASHTO Survey Respondents ..... 181  
 D. Appointments of DOT Leadership..... 185  
 E. Legislative Committees that Addressed Transportation Issues as of April 2011 ..... 199

Notes ..... 205

Selected Bibliography ..... 209

List of Tables and Figures

Tables

1. NCSL Categorization of “Red,” “White” and “Blue” Legislatures ..... 4  
 2. Major Stakeholders in Transportation Governance and Finance ..... 6  
 3. General Recommendations from State Legislators and DOT Executives ..... 8  
 4. Recommendations for Communication and Collaboration  
 from State Legislators and DOT Executives ..... 9  
 5. Federal-Aid Highway and Transit Programs ..... 23  
 6. State-by-State Revenue Sources for Roads, Bridges, Rail and Transit ..... 24  
 7. Transportation Finance Mechanisms ..... 31  
 8. State-By-State Transportation Finance Mechanisms..... 32  
 9. Federal Laws that Influence the Transportation Planning Process ..... 35

Figures

1. Continuum of Legislature-DOT Interactions ..... 9  
 2. DOT Leadership Structures ..... 14  
 3. Review of Administrative Rules and Regulations ..... 16  
 4. Typical State Budget Process ..... 21  
 5. State Uses of Fuel Tax Revenues ..... 29  
 6. PPP Enabling Statutes and Legislative Approval Requirements ..... 34  
 7. Participants in the Transportation Planning Process..... 36

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# ACRONYMS

AAR	Association of American Railroads
AASHTO	American Association of State Highway and Transportation Officials
ASLCS	American Society of Legislative Clerks and Secretaries
BAB(s)	Build America Bond(s)
CLEAR	Council on Licensure, Enforcement and Regulation
CSG	The Council of State Governments
CY	calendar year
DOT(s)	department(s) of transportation
FAA	Federal Aviation Administration
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
FY	fiscal year
GARVEE	grant anticipation revenue vehicle
HTF	Highway Trust Fund
LRP	long-range plan
MPO(s)	metropolitan planning organization(s)
NASAO	National Association of State Aviation Officials
NCSL	National Conference of State Legislatures
NGA	National Governors Association
NLPES	National Legislative Program Evaluation Society
PAB(s)	private activity bond(s)
PPP(s) or P3(s)	public-private partnership(s)
R(T)PO(s)	regional (transportation) planning organization(s)
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SIB(s)	state infrastructure bank(s)
STIP	Statewide Transportation Improvement Program
TIFIA	Transportation Infrastructure Finance and Innovation Act
TIGER	Transportation Investment Generating Economic Recovery
U.S. DOT	U.S. Department of Transportation

## Note on Usage

The terms “legislature” and “DOT” are used generically in the synthesis portion of this report to identify the government branch or entity being discussed. Thus, “legislature” is consistently written in lower-case throughout, to refer to state legislative branches in general rather than to any specific state legislative body. Capitalized, proper names for the legislatures and DOTs in each state are identified and used in the State Profiles section.

# EXECUTIVE SUMMARY

In recent years, states have faced challenges in providing a safe, reliable, effective and efficient transportation network. These challenges are characterized by an aging system and growing transportation needs, coupled with declining abilities to pay for needed maintenance and capacity expansion. How each state meets these challenges is necessarily shaped by its distinctive approach to governing and paying for its transportation system, within a unique balance of power among its branches of government. Yet, until now, little nationwide, comparative information has been available about how state government entities work together in practice to address transportation governance and finance.

From 2010 to 2011, the National Conference of State Legislatures (NCSL) and the American Association of State Highway and Transportation Officials (AASHTO) partnered to produce an unprecedented, 50-state review of transportation governance and finance, based largely on in-depth, original survey research. The project focused on transportation finance and on the roles of, and relationships between, those state government entities that are most active in transportation issues: state legislatures and, under the authority of governors, state departments of transportation (DOTs). The resulting groundbreaking report is intended to benefit DOTs and legislatures by offering a rich diversity of approaches to consider as they seek to address their states' transportation challenges and effectively serve the public good within what often are complex intergovernmental arrangements. The report provides an overview of state transportation governance and finance as well as detailed profiles and other information for each state, the District of Columbia and Puerto Rico.

## Participants in Transportation Governance and Finance

A complex network of public and private organizations finances, plans, builds and operates the U.S. transportation system. Every U.S. jurisdiction has an elected legislative body that is broadly responsible for policies, programs and, to some extent, appropriations and program oversight, and an agency or department within the executive branch that is responsible for highway functions under the authority of a governor or other lead executive. The organizational structures and functions of these entities, however, vary widely across jurisdictions.

Every U.S. jurisdiction has an elected legislative body and an executive department that is responsible for highway functions under the authority of a governor or other lead executive.

Legislatures vary from those with year-round sessions, full-time legislators and large staffs (such as those in California, Michigan, New York and Pennsylvania) to those with limited or biennial sessions, part-time legislators and smaller staffs (such as those in Georgia, Idaho, Indiana, Kansas, Maine, Mississippi, Nevada, New Mexico, Rhode Island, Vermont and West Virginia). A legislature's overall characteristics

Most state DOTs are organized by divisions or organizational units based on functional activities such as administration, finance, planning, engineering, operations or construction.

and capacity will affect, but not necessarily dictate, the extent of its involvement in transportation governance. Vermont, for example—a state that has a part-time legislature with limited staff and compensation—has high legislative involvement in transportation issues.

State DOTs vary by organizational structure, modes served, balance between state and local roles, and general roles and responsibilities. They also vary by the practical division of roles and responsibilities between the gov-



ernor and the DOT. In some states—including Michigan and Oklahoma—governors have chosen to delegate much of the responsibility to the DOTs. In others—such as Nevada, North Carolina, Oregon and Pennsylvania—the governor’s office is more actively involved in transportation policy and budgeting.

Other major stakeholders in transportation governance and finance include federal entities; state transportation commissions and boards; state-level non-highway modal agencies; tolling and turnpike agencies; airport and port authorities; tribal, regional, metropolitan and local entities; and voters, interest groups and the general public.

## Legislature-DOT Communication and Collaboration

In anonymous survey responses, legislators and DOT executives overwhelmingly agreed that maintaining regular, open, honest and transparent communication is one of the most vital elements of effective transportation governance, and that intergovernmental relationships should be made a priority. In practice, engagement between legislatures and DOTs differ significantly across jurisdictions, including states with limited, ad hoc interactions; those with formal, structured engagements focused on reporting requirements and the budget process; and those with extensive, proactive, collaborative communication that extends beyond the legislative session and pervades all levels of both organizations. Most states have a combination of formal and informal mechanisms that are more active at certain times of year, particularly in relation to budgeting and appropriations.

Most states have a combination of formal and informal communications between their legislatures and DOTs that are more active at certain times of year, especially in relation to the budget process.

Most state DOTs have a government relations office or legislative liaison that acts as the primary point of contact with the legislature.

One recommendation from survey respondents for promoting effective interactions is to have a strong DOT government relations office that includes a state legislative liaison. At least 38 states and the District of Columbia have such offices or liaisons that act as primary points of contact for legislators and legislative staff, provide requested information to the legislature, and sometimes lobby on behalf of the DOT. Most other states incorporate some of the functions of a legislative liaison under another division or position, such as a communications or legal services office. Wisconsin also has a legislative committee within the DOT that meets regularly to discuss

pending legislation. New Mexico is one of three states that have no such entity; the state reports direct, frequent communication between multiple levels of each organization instead.

## Transportation Governance

The separation of powers between legislatures and DOTs necessarily results in many areas of overlap—and therefore possible tensions and opportunities for collaboration—in state transportation governance. Several ways in which state legislatures and DOTs share the complex task of governing the nation’s transportation system are outlined below.

In about half the states, DOTs can draft, introduce or request transportation-related legislation.

### Legislation

Legislatures must authorize the activities of the executive branch through legislation, and they also enact many laws that affect state DOTs and the nation’s transportation system. This power generally is balanced on the executive side by governors’ veto authority. In many states, DOTs also can participate actively in the legislative process.

For example, DOTs can draft, introduce or request transportation-related legislation in at least 22 states and the District of Columbia; in Wyoming, the process of drafting transportation-related legislation is fully collaborative. In Florida, Georgia, Iowa and Missouri, DOT lobbyists formally present DOT positions on legislative measures, but in some other states—including Louisiana and Texas—the DOT does not lobby the legislature. In Texas, however, although state agency employees may not influence legislation, the Texas Transportation Commission has statutory authority to provide recommendations to the governor and the Legislature on DOT operations and efficiencies.

In addition, some state DOTs provide information about the implications of proposed transportation-related legislation. All state legislatures have a process by which some or all proposed bills are accompanied by details of their fiscal implications, although the frequency of providing this information varies. In almost all states, these fiscal notes are prepared by a legislative fiscal office, sometimes—as in Missouri, Oregon and Texas—informed by data or impact statements solicited from affected agencies such as DOTs. In Alaska, Minnesota, North Dakota, West Virginia and Wisconsin, however, DOTs and other executive departments prepare fiscal notes. DOTs in Virginia and Wisconsin also provide analyses of policy implications. These activities can add to an agency’s workload, but also offer another opportunity for legislative-executive communication and collaboration.

Some state DOTs lobby the legislature or provide information about the policy or fiscal implications of proposed transportation-related legislation.

DOTs also track and monitor transportation-related bills, testify at legislative hearings, provide requested information to legislators and legislative staff, or make recommendations concerning proposed legislation.

## Legislative Oversight

Legislative oversight refers to the review and evaluation of selected executive branch programs and activities. During the past three decades, legislatures have assumed more active oversight of executive branch operations. Nevertheless, only about half of DOT executives as well as state legislators who responded to an NCSL-AAS-HTO survey agreed that a legislature has a fundamental responsibility to oversee DOT operations. More than 40 percent of legislators, however, thought the DOT should be subject to additional independent oversight and accountability, while no DOT officials did.

Most state legislatures use a blend of most or all of the mechanisms for DOT oversight described in this report.

Oversight takes place through many mechanisms described below; most states use a blend of most or all of these tools. Typically, the budget and appropriations process also includes oversight activities, and in many cases is seen as the main forum for legislative oversight of the DOT. Several survey respondents remarked that knowledge and investment on the part of both DOTs and legislatures are necessary to ensure that oversight tools are effective and meaningful in practice.

## Committee Oversight

Forty-seven states and the District of Columbia reported ongoing oversight of their DOTs by one or more legislative committees or commissions. In many states, several committees share oversight responsibilities for a DOT. Tennessee’s DOT, for example, is overseen by seven legislative committees.

Almost all states and the District of Columbia report ongoing oversight of their DOTs by one or more legislative committees or commissions.

## *DOT Leadership Appointments*

In most states, legislatures participate in appointing DOT executives or other transportation leaders within the executive branch that influence a DOT's activities. In most cases, these leaders are appointed by the governor with approval of the Senate. At least some appointments in 19 states, however, are made by the executive branch with no legislative approval required. In contrast, some DOT leaders in California, Georgia and South Carolina are directly selected by legislators. In Pennsylvania, legislative leaders serve on the Transportation Commission by virtue of their office, creating an unusually direct interaction between the legislature and the DOT in transportation governance. Mississippi's unique three-member Transportation Commission is elected by the people and is the only selection process of DOT leadership in the nation that involves neither the legislature nor the executive branch. Legislatures also may set statutory guidelines for appointments or share the authority to remove DOT leaders.

Most state DOT leaders are appointed by the governor with approval of the Senate. Many, however, are appointed by the executive branch alone, and a few are selected by legislators or by a vote of the people.

## *Review of Administrative Rules and Regulations*

Most states have a process for legislative review of administrative rules and regulations.

Although legislatures have generally delegated the responsibility to executive agencies to promulgate administrative rules and regulations, in 43 states they retain authority to review such rules to ensure their compliance with statutory authority and legislative intent. In more than half of these states, the legislature or a designated committee has the power to suspend or supersede a rule; in the rest, the review committee's role is mainly advisory. Mississippi, Rhode Island and Puerto Rico have no review process, while California, Delaware, Massachusetts, New Mexico and North Carolina have executive branch review only.

## *Performance Goals*

State DOTs nationwide now have goals and objectives against which their performance is measured. In most states, the executive branch develops performance goals and measures DOT progress toward them, in accordance with existing law. In Maryland, Minnesota, Nevada and Washington, a legislative directive has encouraged or required a move toward DOT performance management. The legislatures in at least eight states and the District of Columbia more actively develop or approve specific DOT performance goals.

In addition, as of 2008, 22 legislatures reported using performance information for executive agencies at some point in the budget process. In Utah, the legislature assesses first whether goals have been met before determining funding levels; in Montana, a legislative committee is developing ways to consider performance goals in the budgeting process for all agencies, including the DOT.

In most states, the executive branch develops performance goals and measures DOT progress toward them, in accordance with existing law.

About half of state legislatures use performance information for executive agencies at some point in the budget process.

## *Program Evaluation and Sunset Reviews*

Currently, 48 states have specialized legislative program evaluation offices charged with carrying out research and oversight studies of executive agencies; only Ohio and Oregon do not. Texas has three such offices. Washington had a legislatively created, separate transportation audit unit from 2003 to 2006, the Transportation Performance Audit Board. These offices generally review the effectiveness, efficiency and legality of state executive agencies, as well as the extent to which those agencies are following legislative intent. Further, at least 26 legislatures review non-legislative program evaluations or performance audits—such as those performed by an executive branch state auditor—in addition to performing their own.

Almost all states have specialized legislative program evaluation offices.

Five states perform regular sunset reviews of the DOT.

Some states also conduct sunset reviews, which evaluate the functions of a state entity to assess whether it should continue to exist. Arizona, Florida, Louisiana, Tennessee and Texas perform regular sunset reviews of the DOT; in Texas, the DOT will expire on Sept. 1, 2011, unless affirmatively continued by the Legislature.

## *Reporting Requirements*

Forty-five states and the District of Columbia identified using reporting requirements to the full legislature or a legislative committee as a mechanism for legislative oversight of their DOTs. Common reporting requirements include reviews of expenditures, obligations, projects, performance or other agency activities. Some requirements may be instituted due to lack of information about or past concern with a program. Others may be required only for a limited time to facilitate oversight of a particular activity. For example, the Massachusetts DOT—newly created in 2009—has many current reporting requirements to the legislature, some of which will end when the transition to the new organization is complete.

Almost all states have reporting requirements by the DOT to the legislature.

## *Other Tools that Support Legislative Oversight*

Other tools that support legislative oversight include legislative requests for information from the DOT as well as use of other independent sources of transportation-related data such as legislative research staff, universities, diverse interest groups, NCSL and legislative fiscal offices.

## *Resources to Support DOT Compliance with Legislative Oversight Requirements*

In general, few or no resources are provided to DOTs specifically to help meet legislative oversight requirements, but most have access to other resources that can aid compliance.

State DOTs devote significant resources to complying with legislative oversight requirements but, in general, few or no resources are provided specifically to help them meet these requirements. Exceptions include Hawaii, Minnesota, New Hampshire, New Jersey, New Mexico, Oregon, Vermont, Washington and Wisconsin, where resources for meeting these requirements have been included in the DOT budget or in ongoing or separate appropriations. In addition, most DOTs have other resources at their disposal to aid compliance, including DOT legislative liaisons and legal staff, legislatures' fiscal and legislative analysis offices, and—in some states such as Texas—transportation research programs at state universities.

## Transportation Funding and Finance

Transportation funding decisions are becoming increasingly critical as system needs continue to overwhelm available resources. Governments face the insolvency of the federal Highway Trust Fund, the declining value of the fuel tax and delayed federal surface transportation authorization, making current resources insufficient to meet the demands of aging infrastructure, growing populations, evolving technologies and changing travel patterns. State legislative and executive branches share responsibilities and interactions in transportation funding and finance, including in the planning process.

### State Budget and Appropriations Processes

Few, if any, bills on which the legislature acts are as vital as those that authorize the expenditure of public funds for specific purposes of state government. The budget process also serves as a key legislative oversight activity—especially in states where the legislature approves program- or project-specific appropriations.

In all but eight states and Puerto Rico, executive agencies such as DOTs submit budget requests both to the governor's office and to a legislative committee or office.

The executive and legislative branches generally participate in different stages of the budgeting process. Typically, the governor formulates a budget proposal; in seven states, however, the legislature either produces a comprehensive alternative budget or contributes significantly to the budget proposal. DOTs and other executive agencies typically participate in the process first by submitting budget requests to the governor's office for consideration; in all but eight states and Puerto Rico, agencies also submit requests directly to a legislative committee or office. In some cases—Colorado, for example—a transportation commission or other body must approve the DOT budget proposal. DOTs also participate by appearing at budget hearings.

In practice, although some legislatures can significantly influence DOT spending levels, others have only a limited ability to do so. In many states, legislatures have little or no influence over federal transportation funding; many states also have dedicated transportation funds or revenues that allow little room for budgeting flexibility. States also may have specific limits on legislative power.

### Federal, State and Local Transportation Funding

Responsibilities for funding and delivering services on the nation's transportation network are shared by federal, state and local governments.

In most states, the legislature appropriates or sets expenditure limits on federal transportation funds. Fifteen states, however, allow at least some of these funds to flow directly to the state DOT without legislative appropriation.

#### *Federal Transportation Funding*

Federal funding—provided by the federal-aid highway and transit programs, grant programs, congressional earmarks and one-time expenditures—accounts for approximately 20 percent of highway and transit funding nationwide. At least 15 states have minimal legislative involvement with federal transportation funds, allowing at least some funds to flow directly to the state DOT without legislative appropriation. In Illinois, Minnesota and South Dakota, federal funds are reviewed and reflected in budget documents but do not require legislative action in order to be spent. In most states, however, the legislature has a more substantial role by appropriating federal

funds or setting expenditure limits. Legislatures also may require additional approvals before a DOT can spend certain federal funds. Ohio law, for example, requires a form of legislative approval before the DOT or other entity can spend capital funds—including federal grant funds—for passenger rail development.

## *State Transportation Funding*

States provide nearly half of all surface transportation funding. The main source of highway funds in about half the states is the state motor vehicle fuel tax, which in seven states is indexed to the consumer price index, average wholesale price or another index. States also provide about 20 percent of the funding for transit systems nationwide and help fund aviation, ports and other elements of the transportation network.

State legislatures exercise significant power over state revenue sources and appropriations. Only five states and the District of Columbia reported that any state funds flow directly from a revenue source to the DOT without legislative appropriation. The real power of legislatures—or DOTs—to allocate state funds, however, is bounded by restrictions on the use of transportation revenues. For example, 23 states have constitutional provisions—and three have statutory provisions—that restrict use of state fuel tax revenues exclusively to highway and road purposes. Most other states dedicate these and other transportation-related revenues to general or multimodal transportation purposes, with a few limited exceptions. In addition, 35 states reported they have provisions that direct use of the funds or accounts to which transportation revenues are deposited. At least six states also explicitly prohibit diversion or transfer of transportation revenues to other purposes.

In about half the states, state fuel tax revenues are restricted exclusively to highway and road purposes; most other states dedicate these and other transportation-related revenues to general or multimodal transportation purposes.

Dedications, restrictions and prohibitions are not always effective, however. At least seven states reported recent legislative diversions of transportation funds to other uses, despite existing restrictions. In New Jersey, for example, the appropriation act has precedence over statutory dedications, but not over the constitution; the Legislature has chosen not to fully appropriate statutory transportation revenues eight times since 1985.

## *Local Transportation Funding*

Local governments—including counties, townships and municipalities—provide approximately 30 percent of total surface transportation funding and own 77 percent of the nation's roadway miles. Both legislatures and DOTs participate in local aid programs that allocate a portion of state transportation revenues to local entities for transportation projects. At least 27 states distribute funds primarily by statutory formulas based on equal distribution, population, road mileage or other criteria. Nineteen other states report distributing funds using a blend of statutory formulas and state legislative appropriations; of these, 11 also provide grants or other funds at the discretion of a DOT or transportation commission. Discretionary programs, especially when combined with appropriations, can facilitate substantial involvement of both the executive branch and the legislature in local aid.

Almost all states allocate transportation funds to local governments either primarily by statutory formulas or by a blend of statutory formulas and state legislative appropriations.

## **Innovative Finance**

A variety of factors have negatively affected the ability of traditional transportation revenues to provide needed transportation infrastructure and maintenance. In this environment, states are turning to a host of innovative finance mechanisms—such as bonding and debt instruments; federal debt financing, credit assistance and fund management tools; and public-private partnerships—to help leverage traditional funding sources. Some of these tools require state authorizing legislation before a DOT can use them; this gives the legislature an ongoing role in—and additional oversight of—transportation finance.

Some transportation finance mechanisms require state legislatures to enact authorizing legislation before a DOT can use them, and some states require further legislative approvals for the use of certain innovative financing tools.

Some states also require further legislative approvals of the use of certain innovative financing tools. For example, of the 31 states and Puerto Rico that had enabling statutes for public-private partnerships (PPPs) as of April 2011, nine states required a form of legislative approval for at least some PPP projects; in addition, Utah and Puerto Rico required legislative approval to convert existing facilities to privately operated toll roads. Likewise, at least four states require further legislative approval or appropriation before grant anticipation revenue vehicle (GARVEE) debt can be issued. Colorado law explicitly delegates this authority to the executive branch, but authorizes GARVEE debt only up to a specified level and requires additional legislative approval for the DOT to exceed the cap; California also statutorily limits GARVEE issuance.

## Transportation Planning

States determine their transportation investment priorities through structured planning processes. A key theme in the NCSL-AASHTO survey data was the tension between legislatures and DOTs about the appropriate level of legislative involvement or oversight in transportation planning. DOTs generally take the lead in conducting transportation planning activities and ensuring compliance with federal and state requirements, while legislative involvement and authority in planning varies greatly across states. At one end are Nebraska and Wyoming, which constitutionally prohibit the legislature from prioritizing specific road projects. At the other end are: Delaware, where legislators each determine the use of an annual authorization for transportation projects in their districts; Pennsylvania, where legislative leaders serve on the state Transportation Commission; and Wisconsin, where the Legislature is required by law to review and approve major highway projects. In at least 15 other states, the legislature actively reviews or approves DOT plans or programs, often as part of the budget process.

State DOTs generally take the lead in transportation planning activities; the extent of legislative authority and involvement in the process varies greatly across states.

In at least 14 states, legislatures are actively involved in managing and overseeing surplus DOT funds.

## Retention of Surplus or Excess Funds

In most states, unspent transportation dollars revert to a DOT-administered transportation fund at the end of the fiscal year or biennium. In at least 14 states, legislatures are actively involved in management and oversight of these surplus funds, for example by requiring additional legislative appropriation or expenditure authority before a DOT can spend the money.

## Controlling DOT Costs

Across jurisdictions, state legislatures have enacted provisions—beyond expenditure limits in budget and appropriations acts—intended to control DOT costs; the most common include low bid requirements or other statutory procurement guidelines. Some legislatures have taken further action. In Ohio, the legislative Controlling Board must approve waivers of competitive selection for purchases or leases over certain amounts, as well as requests for appropriation increases. Virginia's 2009 Appropriation Act downsized the DOT and directed use of private contracts for at least 70 percent of annual expenditures. Nevada statute limits the use of highway fund revenues for administrative costs. In Vermont, the DOT must prepare reports detailing bids versus cost estimates for distribution to a legislative oversight committee. These activities permit additional legislative controls and oversight over DOT costs.

Common provisions by which legislatures control DOT costs—besides those in budget and appropriations acts—include low bid requirements or other statutory procurement guidelines.

# 1. INTRODUCTION

A safe, reliable, effective and efficient transportation network that moves both people and freight using diverse modes is vital to our society's well-being. In the United States, state governments are primarily responsible for owning, developing financing mechanisms for, and operating transportation assets. In recent years, states have faced challenges in meeting these responsibilities. These challenges are characterized by an aging system and growing transportation needs, coupled with declining abilities to pay for needed maintenance and capacity expansion. The ways in which states approach transportation governance and finance therefore must play a key role in meeting these challenges, ensuring a functioning transportation system that will continue to serve the nation's needs.

Each state has a distinctive approach to governing and paying for its transportation system that is shaped by the unique balance of power among its executive, legislative and judicial branches of government. The most active players are the legislature and, under the authority of the governor, those executive agencies or departments of transportation (DOTs) in which reside the official transportation responsibilities for each state. In concept, the branches are intended to function without intermingling of authority. In practice, however, a certain overlap of powers and responsibilities must exist due to the complexity and interrelatedness of governmental activities.<sup>1</sup> This overlap not only results in necessary, dynamic tensions and conflicts, but also offers rich opportunities for collaboration and cooperation.

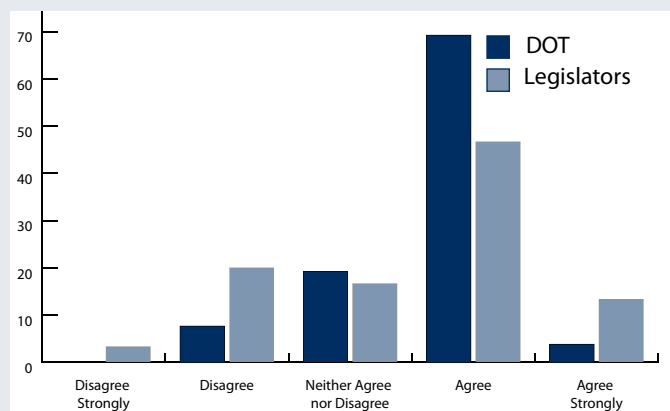
This report aims to provide a broad, 50-state review of the roles of, and the relationships between, state legislatures and DOTs. Although the emphasis is on transportation funding and finance, the report also examines other areas of transportation governance. This report is intended to benefit DOTs, legislators and legislative staff by offering a rich diversity of approaches to consider as they seek to address their states' transportation challenges and effectively serve the public good within what are often complex intergovernmental arrangements.

## The NCSL-AASHTO Project and Joint Project Oversight Committee

Both the National Conference of State Legislatures (NCSL) and the American Association of State Highway and Transportation Officials (AASHTO) have tracked the trends in transportation governance and finance for many years. From 2010 to 2011, NCSL and the AASHTO

**Key Survey Finding: Seventy-three percent of DOT officials and 60 percent of legislators surveyed agreed or strongly agreed that the legislature and DOT work together effectively in their state.** Note: See page 2 for a description of this survey's methodology and data limitations.

*The legislature and DOT in my state work together effectively.*



Data expressed in percentage of legislator or DOT respondents.



Center for Excellence in Project Finance partnered to collaboratively produce this resource.

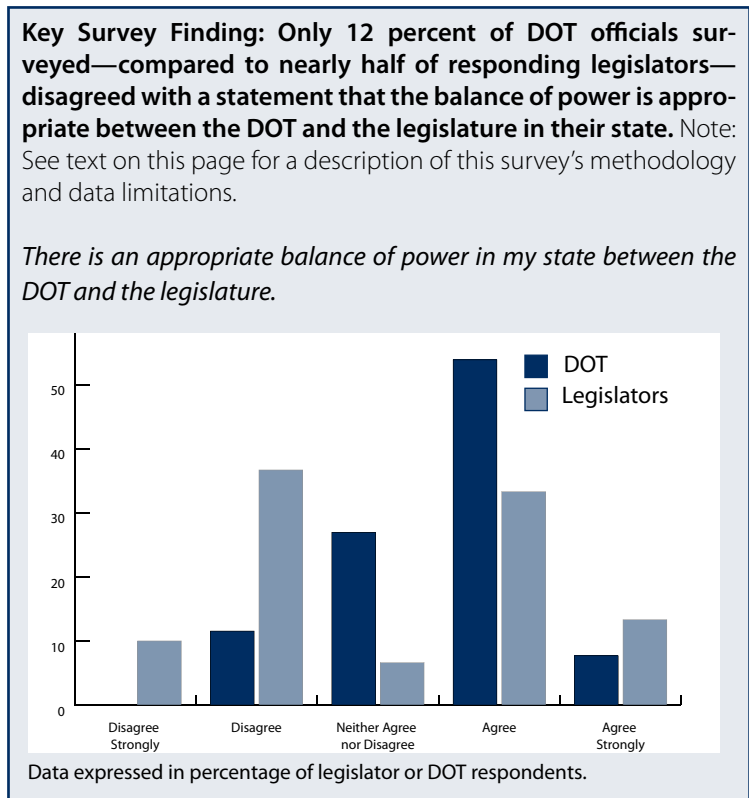
To contribute an informed, on-the-ground, state-level perspective, NCSL and AASHTO also formed a joint task force to serve as an oversight committee for this project (Appendix A contains a list of members). The NCSL-AASHTO Joint Project Oversight Committee (also known as the NCSL-AASHTO Task Force)—composed of members of the NCSL Transportation Standing Committee and the AASHTO Standing Committee on Finance and Administration—worked for more than a year to ensure the usefulness of this report.

## Methodology

This report is based on original survey research; legal and legislative research; a literature review; and expert interviews, including a conference call with the National League of Cities and select constituents.

The methodology included four surveys (Appendix B contains the full text of the survey instruments). Surveys 1 and 2 were distributed to DOT personnel and legislative staff members in the 50 states, the District of Columbia and Puerto Rico to gather factual information about transportation finance and governance in each jurisdiction. After extensive, targeted follow-up by NCSL staff, responses to Survey 1 (on transportation funding and finance) were received from all 50 states, the District of Columbia and Puerto Rico. Responses to Survey 2 (on executive-legislative roles) were received from all 50 states and the District of Columbia.

Survey 3 allowed state legislators and DOT executives to anonymously share their experiences and thoughts about interactions between the DOT and the legislature in their respective states. After follow-up from NCSL and AASHTO staff, 30 legislators and 26 DOT officials responded. Key findings from this survey are incorporated throughout the report to provide added perspective on how DOT-legislative interactions are perceived in practice. Although the small sample size limits the ability to draw conclusions from—or engage in broader interpretation of—the results of this survey, the data are at least suggestive of underlying trends and opinions and may be worthy of further examination.



Survey 4 was a short set of questions distributed through the National Legislative Program Evaluation Society (NLPES) list-serve, asking for information about legislative program evaluations and audits of state DOTs. Eight states—Connecticut, Florida, Pennsylvania, South Carolina, Tennessee, Washington, Wisconsin and West Virginia—responded to this survey.

The resulting data from all four surveys and in-depth supplemental research is summarized in this synthesis and detailed in the state profiles that follow. An earlier draft was sent to several stakeholder groups—including all survey respondents—for review and fact-checking. Substantive feedback was received from 34 states, which was used to improve the report’s accuracy. (Appendix C contains a list of organizations that responded to surveys 1, 2 and 4, including those that offered substantive reviews of the earlier draft of the findings.)

## 2. PARTICIPANTS IN TRANSPORTATION GOVERNANCE AND FINANCE

Each state’s distinctive approach to transportation governance and finance relies on its balance of governmental powers that, in turn, is heavily influenced by the organizational structures and functions of its legislative and executive entities. These structures and functions vary widely across jurisdictions. This report focuses on the most active participants in state-level transportation governance and finance: state legislatures and, under the authority of governors, state departments of transportation.

### State Legislatures

Every U.S. jurisdiction has a legislative body—composed of elected representatives of legislative districts—that is broadly responsible for policies, programs and, to some extent, appropriations and program oversight. The jobs of the legislature have been alternatively typified by Alan Rosenthal as representing constituent interests, lawmaking and balancing the power of the executive branch.<sup>2</sup> The legislative role also includes the often forgotten but vital function of convening stakeholders to develop ideas and aid the decision-making process. Each legislature, however, approaches these functions differently. NCSL groups the states’ legislatures into three major categories, ranging from states with year-round legislative sessions, full-time legislators and large legislative staffs to those with limited or biennial sessions, part-time legislators and smaller staffs (Table 1).<sup>3</sup>

**Table 1. NCSL Categorization of “Red,” “White” and “Blue” Legislatures**

Type of Legislature	Characteristics	States
“Red” Legislatures	<ul style="list-style-type: none"> <li>Legislators spend 80 percent or more of a full-time job doing legislative work</li> <li>Compensation enough to make a living without outside sources of income</li> <li>Largest legislative staffs</li> <li>Tend to be in states with large populations</li> </ul>	<p><b>Red</b> California, Michigan, New York, Pennsylvania</p> <p><b>Red Light</b> Illinois, Florida, Ohio, Massachusetts, New Jersey, Wisconsin</p>
“White” Legislatures	<ul style="list-style-type: none"> <li>Hybrids of red and blue models</li> <li>Legislators spend more than two-thirds of a full-time job doing legislative work</li> <li>Compensation higher than blue states, but not enough to make a living without outside sources of income</li> <li>Intermediate-sized legislative staffs</li> <li>Tend to be in states with medium-sized populations</li> </ul>	Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Louisiana, Maryland, Minnesota, Missouri, Nebraska, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia, Washington
“Blue” Legislatures	<ul style="list-style-type: none"> <li>“Traditional” or “citizen” legislatures</li> <li>Legislators spend equivalent of half of a full-time job doing legislative work</li> <li>Low compensation that requires outside sources of income to make a living</li> <li>Relatively small legislative staffs</li> <li>Tend to be in small population, rural states</li> </ul>	<p><b>Blue</b> Georgia, Idaho, Indiana, Kansas, Maine, Mississippi, Nevada, New Mexico, Rhode Island, Vermont, West Virginia</p> <p><b>Blue Light</b> Montana, New Hampshire, North Dakota, South Dakota, Utah, Wyoming</p>

Source: NCSL, 2009.

A legislature's overall characteristics and capacity will affect the manner in which it engages in policymaking, appropriations, and interactions with and oversight of the executive branch, but do not necessarily dictate the extent of the legislature's involvement in transportation governance. Vermont, for example—a state that has a part-time legislature with limited staff and compensation—has high legislative involvement in transportation issues. In this state, the legislature reviews and approves the DOT transportation plan, reviews progress on all active projects, evaluates DOT performance, compares bids to cost estimates, and participates in developing formulas for project prioritization.

## State Executives: Governors and Departments of Transportation (DOTs)

In theory, the executive branch is broadly responsible for carrying out the programs and policies that have been authorized and funded by the legislature. In addition, governors typically prepare state budgets, initiate legislative measures and have discretion to create programs and initiatives in some areas. Every U.S. state or territory has an agency or department within the executive branch that is responsible for highway functions, under the authority of the governor or other lead executive. The roles and responsibilities of these departments of transportation vary widely, however, by organizational structure, modes served, balance between state and local roles, and general roles and responsibilities.

### Organization and Modes Served

Most state DOTs are organized by divisions or organizational units based on functional activities such as administration, finance, planning, engineering, operations or construction. Some, however, are organized to include distinct bureaus or divisions that serve non-highway modes such as rail, public transit, aviation, ferries and ports. In Delaware, New Jersey, Ohio, Rhode Island and Virginia, non-highway modes are handled by entities that are at least partially independent of the DOT.<sup>4</sup>

### State-Local Balance

Although all DOTs share responsibilities with regional and local entities to some extent, they also vary in terms of the balance between state and local roles. Michigan provides an example of a highly devolved transportation system: 616 separate local road agencies have jurisdiction over 92 percent of the states road miles. North Carolina, at the other end of the spectrum, has a highly centralized transportation system in which the state DOT builds and maintains secondary roads and there are no county road departments.

### Roles and Responsibilities

DOTs are placed under the authority of the lead executive in each jurisdiction. In the states, governors therefore play a significant role in transportation governance and oversight. Governors typically prepare state budgets; can initiate, approve or veto legislative initiatives; can create some programs or initiatives without legislative approval; often (but not always) appoint and can remove the leadership of state executive agencies, including DOTs; and ordinarily have direct authority and oversight over these agencies.

The practical division of active roles and responsibilities between the governor and the DOT, however, varies across states. In some states—including Michigan and Oklahoma—governors have chosen to delegate much of the responsibility to the DOTs. In others, the governor's office is more actively involved in transportation policy and budgeting. In North Carolina, the governor recently enacted DOT reforms through an executive order (Executive Order No. 2, 2009); in some states, such as Oregon and Pennsylvania, the governor employs a

liaison who maintains active communication with the DOT on transportation issues. In Nevada, the governor acts as an ex officio member of the board of directors that oversees the DOT.

## Other Stakeholders

A complex network of public and private organizations finances, plans, builds and operates the U.S. transportation system. Some of the other key stakeholders in state transportation governance and finance are described below and listed in Table 2.

**Table 2. Major Stakeholders in Transportation Governance and Finance**

Federal	State	Regional Transportation Planning Organizations	Local Governments	Transit Agencies	Other
<ul style="list-style-type: none"> <li>• Congress</li> <li>• U.S. Department of Transportation (U.S. DOT)</li> <li>• Six major federal land management agencies</li> <li>• Three primary environmental protection agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Governors</li> <li>• Legislatures</li> <li>• Departments of transportation (DOTs) in states and other jurisdictions</li> <li>• State transportation commissions or boards</li> <li>• Other state agencies with related responsibilities, including non-highway modal agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Urban: 383 metropolitan planning organizations (MPOs), ranging from one to 26 per state</li> <li>• Rural: 180 regional [transportation] planning organizations (RTPOs or RPOs)</li> </ul>	<ul style="list-style-type: none"> <li>• 3,043 counties</li> <li>• 19,431 municipalities</li> <li>• 16,504 townships</li> <li>• 767 highway special districts</li> </ul>	<ul style="list-style-type: none"> <li>• 640 urban operating systems, including 600 public agencies</li> <li>• 2,000 rural operating systems</li> </ul>	<ul style="list-style-type: none"> <li>• 85 bridge, tunnel and turnpike authorities</li> <li>• 561 federally recognized tribal governments</li> <li>• Private operators and owners of transportation assets</li> <li>• Regional and county toll authorities</li> <li>• Regional mobility authorities (8, Texas only)</li> <li>• Operators and users, and their representative interest groups</li> <li>• Voters</li> <li>• General public</li> </ul>

Source: Intergovernmental Forum on Transportation Finance, 2008.

## Federal Entities

Fuel tax and other highway-user revenues collected by the federal government are placed in the federal Highway Trust Fund. Congress allocates these funds to states according to provisions in federal surface transportation legislation—currently the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), passed in 2005—and annual appropriations bills. Within the executive branch, the U.S. Department of Transportation (U.S. DOT) administers federal funding and programs. Currently, federal funding accounts for about 20 percent of total surface transportation funding in the United States.<sup>5</sup> Congress and the U.S. DOT also deal with aviation, ports and other modes of transportation. Other federal stakeholders include land management agencies and environmental protection agencies.

## State Transportation Commissions and Boards

Several state DOTs are governed or advised by a state transportation commission or board that exists either within the DOT (e.g., Kansas) or as a separate entity (e.g., Washington). Some are bodies with real decision-making authority; others are advisory only (see DOT Leadership Appointments on pages 14 and 15).

## State-Level Non-Highway Modal Agencies

In Delaware, New Jersey, Ohio, Rhode Island and Virginia, non-highway modes are handled at the state level by entities that are at least partially independent of the DOT.<sup>6</sup>

## Tolling and Turnpike Agencies

Many states have bridge, tunnel or turnpike authorities that are responsible for financing, planning, operating and maintaining certain tolled facilities. These entities often operate or are financed and budgeted independently of the DOT. In many cases, however, the DOT director serves on the authority board as an ex officio member, in some cases as its chair. Examples of this include the Kansas Turnpike Authority, the Turnpike Authority of Kentucky, the Maine Turnpike Authority, the Maryland Transportation Authority, the New Jersey Turnpike Authority, the Ohio Turnpike Commission, the Pennsylvania Turnpike Commission, the Rhode Island Turnpike and Bridge Authority and the West Virginia Parkways Authority. In other cases such as the Oklahoma Turnpike Authority, certain turnpike projects must be approved by the DOT.

## Airport and Port Authorities

Several states have regional, interstate or state-level authorities that are responsible for airports or ports. As with tolling and turnpike authorities, in some of these cases—such as the Massachusetts Port Authority—the DOT director is an ex officio member of the board.

## Tribal, Regional, Metropolitan and Local Entities

Other entities that have responsibilities for the transportation system include federally recognized tribal governments; metropolitan and regional planning organizations, sometimes known as councils of governments; counties, townships and municipalities; regional or county toll authorities; and local transit agencies. Texas also has “regional mobility authorities” that are political subdivisions formed by one or more counties to finance, acquire, design, construct, operate, maintain, expand or extend transportation projects. Local dollars account for close to 30 percent of highway funding and more than 60 percent of transit funding in the United States.<sup>7</sup>

## Voters, Interest Groups and the General Public

The public typically is involved in transportation planning, finance and governance in several ways. Transportation planning processes involve citizens through public hearings and other opportunities for feedback. Certain tax and bond initiatives that support transportation projects must be approved by the voters and in Mississippi, the Transportation Commission is elected directly by the people. Innumerable interest groups represent diverse operators as well as freight and passenger transportation users.

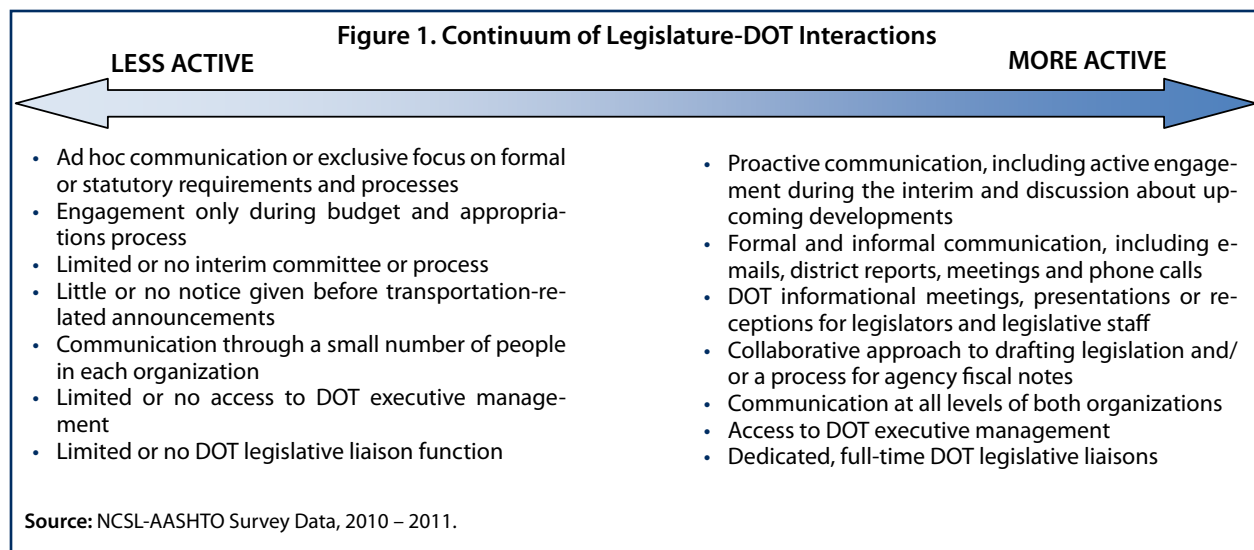
### 3. LEGISLATURE-DOT COMMUNICATION AND COLLABORATION

In their responses to the anonymous NCSL-AASHTO survey, legislators and DOT executives overwhelmingly agreed that maintaining regular, open, honest and transparent communication between the legislature and the DOT is one of the most vital elements of effective transportation governance (Table 3 contains a list of all recommendations). In practice, the ways in which legislatures and DOTs engage in communication and collaboration differ significantly across jurisdictions, including states with limited, ad hoc interactions; those with formal, structured engagements focused on reporting requirements and the budgeting process; and those with extensive, proactive, collaborative communication that extends beyond the legislative session and pervades all levels of both organizations (Figure 1). Most states have a combination of formal and informal mechanisms that are more active at certain times of year, particularly in relation to the annual or biennial budget and appropriations process. State-by-state descriptions of communication and collaboration are included in the State Profiles section of this report.

**Table 3. General Recommendations from State Legislators and DOT Executives**

<b>What to Do</b>	
<b>State Legislators Say...</b>	<b>DOT Executives Say...</b>
<ul style="list-style-type: none"> <li>✓ Engage in planned interactions and collaboration.</li> <li>✓ Work side-by-side on transportation policy decisions.</li> <li>✓ Have strong leaders in both organizations, including outstanding professionals in top DOT positions.</li> <li>✓ Effectively communicate the potential impacts of legislative decisions.</li> <li>✓ Work out new or complex issues before sessions.</li> <li>✓ Have regular interactions among leadership on both sides.</li> <li>✓ Be accurate and responsive with information.</li> <li>✓ Keep legislators advised about issues in their districts.</li> <li>✓ Use third parties and outside experts to bridge gaps.</li> <li>✓ Facilitate responsible, informed budget decisions by providing long-range plans or detailed project lists.</li> <li>✓ Understand the legislative process and oversight role.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Always treat relationships as a top priority.</li> <li>✓ Maintain open, frequent, honest communication.</li> <li>✓ Balance the power.</li> <li>✓ Use DOT legislative liaisons to help keep both groups involved with decision making.</li> <li>✓ Take the politics out of planning by allowing for project prioritization based on legislatively set criteria.</li> <li>✓ Involve local officials and the public in the process.</li> <li>✓ Build trust and mutual respect.</li> <li>✓ Collaborate with each other and with other stakeholders.</li> <li>✓ Work together as allies.</li> <li>✓ Understand each other's interests and roles.</li> <li>✓ Keep the message simple and consistent.</li> <li>✓ Understand statewide needs and project proposals.</li> </ul>
<b>What Not to Do</b>	
<b>State Legislators Say...</b>	<b>DOT Executives Say...</b>
<ul style="list-style-type: none"> <li>✗ Don't slow down the process with your own agenda.</li> <li>✗ Don't fail to respond to requests for information.</li> <li>✗ Don't review transportation plans without discussing them with the legislature—this keeps important issues from being passed.</li> <li>✗ Don't forget to communicate with the minority party.</li> <li>✗ Don't keep important information from legislators.</li> <li>✗ Don't focus on pet projects to the neglect of others.</li> </ul>	<ul style="list-style-type: none"> <li>✗ Don't make funding decisions based on considerations other than need.</li> <li>✗ Don't dictate projects based on political priorities.</li> <li>✗ Don't be swayed by public opinion over information and communication from the DOT.</li> <li>✗ Don't expect the same or better level of service from the DOT as new mandates are added or resources cut.</li> <li>✗ Don't micromanage.</li> </ul>

Source: NCSL-AASHTO Survey Data, 2010 – 2011.



One recommendation from survey respondents for promoting effective interaction between legislatures and DOTs is to have a strong government relations office in the DOT that includes a state legislative liaison. At least 38 states and the District of Columbia employ dedicated legislative liaisons or governmental affairs offices that act as primary points of contact for legislators and legislative staff, provide requested information to the legislature, and sometimes lobby on behalf of the DOT (see page 11 for more about lobbying).

Most other states—including Hawaii, Montana, Nevada, New Hampshire, New York, North Dakota, South Dakota, Vermont and Wisconsin—incorporate some of the functions of a legislative liaison under another division or position, such as a communications or legal services office. Wisconsin also has a legislative committee within the DOT—chaired by the Executive Assistant, who has legislative liaison responsibilities—that meets regularly to discuss pending legislation. The DOTs in Alabama, Arkansas and New Mexico do not report having any dedicated legislative liaisons. New Mexico reports direct, frequent communication between multiple levels of the DOT and the legislature instead.

Key recommendations related specifically to communication and collaboration are listed in Table 4.

**Table 4. Recommendations for Communication and Collaboration from State Legislators and DOT Executives**

State Legislators Say...	DOT Executives Say...
<ul style="list-style-type: none"> <li>✓ You can never have too much communication between the DOT and legislators.</li> <li>✓ Engage in planned interaction and collaboration.</li> <li>✓ Produce briefings or updates to both chambers whenever either party indicates a need for clarity.</li> <li>✓ Have frequent outreach meetings and regular meetings of leadership on both sides.</li> <li>✓ Reach out with timely information to the full legislature—not just to the Transportation Committee.</li> <li>✓ Communicate with the minority party, too.</li> <li>✓ Effectively communicate the potential impacts of legislative decisions.</li> <li>✓ Work out new or complex issues before sessions.</li> <li>✓ Be accurate and responsive with information.</li> <li>✓ Keep legislators advised about issues in their districts.</li> <li>✓ Ask questions and listen before drawing conclusions.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Communicate early and often, without fear.</li> <li>✓ Be straightforward, on point, positive and accurate.</li> <li>✓ Say “yes” when you can to legislative requests or concerns, but don’t sugar-coat a “no.”</li> <li>✓ Participate in early discussions, legislative briefings and workshops, and one-on-one and small group meetings.</li> <li>✓ Keep legislative committees informed.</li> <li>✓ Use a DOT legislative liaison and legislative fiscal offices to build credibility and facilitate communication.</li> <li>✓ Encourage dialogue between local legislators and district DOT staff.</li> <li>✓ Establish positive relationships with both parties.</li> <li>✓ Educate—keeping the effects of term limits in mind.</li> <li>✓ Present problems as they arise—and give legislators time to digest bad news.</li> <li>✓ Keep the message simple and consistent.</li> </ul>

Source: NCSL-AASHTO Survey Data, 2010 – 2011.



## 4. TRANSPORTATION GOVERNANCE

Legislatures and DOTs have several areas of overlap—and therefore possibilities for both tension and collaboration—in state transportation governance. The legislature is responsible for overseeing executive activities generally, and both legislatures and DOTs exercise some authority in developing policies and programs, defining expectations and measuring performance, and, in some states, engaging in the transportation planning process. This chapter explores several ways in which state legislatures and DOTs share the complex task of governing the nation’s transportation system. The next chapter looks specifically at how they interact in relation to funding and financing decisions.

### Legislation

One main power of the legislative branch is to enact the laws of the state. Legislatures must authorize the activities of the executive branch through legislation, and they also pass many laws that affect state DOTs and the nation’s transportation system. Relevant laws include those that concern DOT establishment, leadership and organizational structure; legislative oversight mechanisms; performance goals and reporting requirements; revenue sources—including bonds and taxes—and allowable use of these revenues; procurement and financing methods; transportation planning processes; and budget and appropriations bills. The legislature also may choose to enact statutory sunset provisions that cause DOT programs or authorizations to expire after a certain period of time. Arizona, California, Missouri, North Dakota, Texas and Utah, for example, have sunset provisions on certain DOT design-build authorizations.<sup>8</sup>

Generally, the legislature’s lawmaking power is balanced by constitutionally granting veto authority to the chief officer of the executive branch, the governor. Governors in all states are authorized to veto entire bills; many states also allow the governor to use partial veto methods, including line item or amendatory vetoes.<sup>9</sup> In some cases, an executive agency such as a DOT may request that the governor exercise this power if the agency has concerns about a particular piece of legislation. Many states also have other means by which DOTs can participate more actively in the legislative process. These include drafting and presenting legislation; lobbying; and providing fiscal notes or policy analyses for proposed bills.

### Drafting and Presenting Legislation

In many states, DOTs can draft, introduce or request transportation-related legislation. DOTs in California, Connecticut, Idaho, Indiana, Maine, Maryland, Massachusetts, Michigan, Montana, Nebraska, Nevada, New York, South Dakota, Tennessee, Utah, Virginia, Washington and the District of Columbia can introduce legislation either through the office of the governor or other lead executive or at that executive’s discretion, or by a direct request to a legislator or legislative committee (see State Profiles). Hawaii, North Dakota, Oklahoma, Vermont and West Virginia report their DOTs can draft or present bills for legislative consideration.

In Wyoming, the process of drafting transportation-related legislation is collaborative. The DOT executive team generally is given a full day to present its concerns and issues at each of the three meetings of the Joint Transportation, Highways and Military Affairs Committee during the interim between legislative sessions. Be-

tween those meetings, legislative attorneys work directly with the DOT to draft legislation for the committee to consider. Typically, DOT personnel can comment and suggest revisions to legislative drafts before the drafts are presented to the committee. The DOT also is given the opportunity to suggest topics for the committee to consider and study during the interim.

## Lobbying

DOTs track and monitor transportation-related bills, testify at legislative hearings, provide requested information to legislators and legislative staff, or develop recommendations concerning proposed legislation. In some states, the DOT formally presents its position on legislative measures through the work of one or more registered lobbyists. Florida, Georgia, Iowa and Missouri report lobbying the legislature (see State Profiles); in other states—including Louisiana and Texas—however, the DOT does not engage in lobbying. In Texas, state agency employees are prohibited from influencing legislation, but the Texas Transportation Commission has been statutorily granted the authority to provide recommendations to the governor and the legislature on DOT operations and efficiencies.<sup>10</sup>

## Fiscal Notes and Policy Analyses

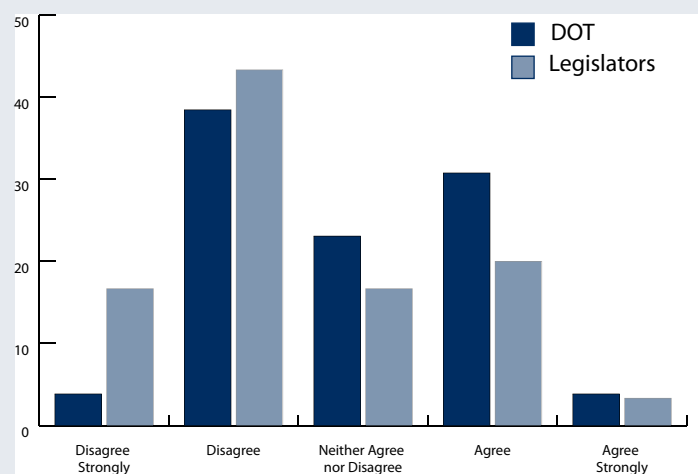
All state legislatures have a process by which some or all proposed bills are accompanied by detailed descriptions of their fiscal implications; in some states, all bills must have this information, and in others, it is provided rarely or only upon request. In almost all states, fiscal notes are prepared by a legislative fiscal office, sometimes—as in Missouri, Oregon and Texas—informed by data or fiscal impact statements solicited from affected agencies such as DOTs (see State Profiles). In Alaska, Minnesota, North Dakota, West Virginia and Wisconsin, however, DOTs and other executive departments that ultimately would administer proposed programs or be affected by enacted legislation are asked to prepare fiscal notes themselves.<sup>11</sup> These notes are intended to convey objective fiscal data, not the DOT’s position on a bill. In addition, DOTs in Virginia and Wisconsin provide analyses that outline the policy implications of proposed legislation; the Virginia DOT prepares legislative impact statements that include fiscal analyses and policy implications of proposed legislation. These activities can add significantly to an agency’s workload, but also offer another opportunity for legislative-executive communication and collaboration in the area of transportation governance.

## Legislative Oversight

Legislative oversight refers to the review and evaluation of selected executive branch programs and activities. According to the Ohio Legislative Service Commission, “The legislative branch conducts oversight activities because it not only enacts new

**Key Survey Finding: Fewer than half of DOT officials surveyed—compared to 60 percent of legislators—disagreed with a statement that the legislative process introduces unnecessary bureaucracy or delay into transportation-related activities in their state.** Note: See page 2 for a description of this survey’s methodology and data limitations.

*The legislative process in my state introduces unnecessary bureaucracy or delay into transportation-related activities.*



Data expressed in percentage of legislator or DOT respondents.

programs for the state, but also has a duty to ensure that existing programs are implemented and administered efficiently, effectively and in a manner consistent with legislative intent.”<sup>12</sup> During the past three decades, legislatures have assumed more active oversight of executive branch operations.<sup>13</sup>

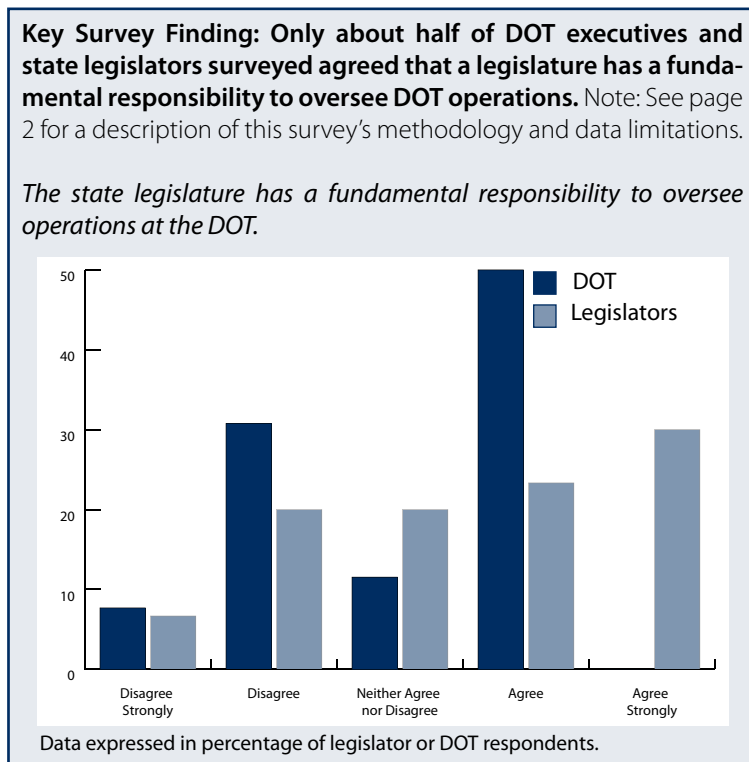
Oversight takes place through many mechanisms described in the remainder of this chapter, including the work of certain select and standing committees; legislative approval of leadership appointments; review of administrative rules and regulations; adoption of performance goals and measures; evaluation of programs, agencies and activities; and reporting requirements. Most states use a blend of most or all of these tools. Typically, the budget and appropriations process—discussed in the next chapter—also includes oversight activities, and in many cases is seen as the main mechanism for legislative oversight of the DOT. As several survey respondents remarked, knowledge and investment on the part of both DOTs and legislatures are necessary to ensure that oversight tools are effective and meaningful in practice.

The literature on separation of powers typically considers oversight of executive entities to be one of the key roles of the legislative branch. According to NCSL, “Legislative oversight is a fundamental check and balance. As states have assumed greater responsibilities for government programs and services, the importance of legislative oversight has increased.”<sup>14</sup> Nevertheless, only about half of DOT executives as well as state legislators who responded to the NCSL-AASHTO survey agreed that a legislature has a fundamental responsibility to oversee DOT operations. More than 40 percent of legislators, however, thought the DOT should be subject to additional independent oversight and accountability, while no DOT officials did (see Key Survey Findings on this and the following page). “More active legislative involvement, however,” cautions NCSL, “may increase frictions [between the legislative and] the executive branch.”<sup>15</sup>

### Committee Oversight

Forty-seven states and the District of Columbia reported ongoing oversight of their DOTs by one or more legislative committees or commissions in their responses to the NCSL-AASHTO survey, making it one of the most common forms of legislative oversight of DOTs. Standing committees that address transportation-related topics, special oversight committees, interim committees, task forces or commissions, and fiscal committees or subcommittees all may carry out some oversight functions. These entities may consist entirely of legislators or they may include legislators among others; many are supported either by committee-specific or legislative agency staff members. (Appendix E contains a list of legislative committees that addressed transportation issues as of April 2011.)

In many states, several committees share



oversight responsibilities for a DOT. Tennessee’s DOT, for example, is overseen by seven committees: Senate and House Transportation Committees for general oversight; Senate and House Finance, Ways and Means committees on budget and expenditure issues; Senate and House Government Operations Committees on rules and regulations; and the joint Fiscal Review Committee for contracts.

### Standing Committees and Interim Charges

Most often, standing committees that cover transportation-related issues are responsible for continuous review of the DOT. Standing committees or subcommittees also may be charged by legislative leadership to examine and review a specific topic during the interim, in preparation for the next legislative session. For example, a study on federal highway appropriations and state matching requirements was assigned to the North Dakota Transportation Committee during the 2005–2006 interim. In some cases, requests for interim studies may come from individual legislators.

### Special Oversight Committees

The most direct and formal oversight functions are performed by special or select committees that are created to review narrowly defined issues or to specifically provide oversight of a given agency. The use of such oversight committees has increased in recent years. Louisiana, Missouri, North Carolina and Vermont have special committees dedicated to transportation oversight (see Appendix E).

### Interim Committees

In some states, committees that operate solely during the interim between legislative sessions have significant oversight authority. Kentucky, for example, has no standardized, ongoing oversight of its DOT through a permanent oversight committee; during the interim, however, the legislature has both an Interim Joint Committee on Transportation and a Budget Review Subcommittee on Transportation of the Appropriations Committee, each of which holds monthly meetings in which DOT activities are discussed and examined. In Nevada, the Interim Finance Committee reviews executive branch fiscal and programmatic operations during each interim and considers modifications to the DOT’s biennial work program when necessary.

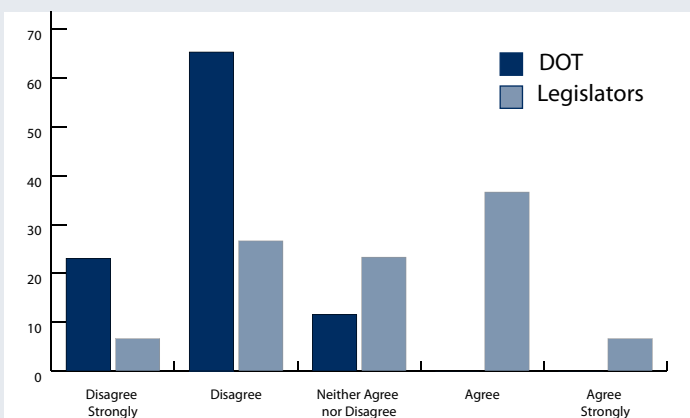
The DOTs in Texas and Wyoming meet regularly with interim committees to address issues and, in Wyoming, to develop legislation. Indiana’s permanent interim study committee—the Joint Study Committee on Mass Transit and Transportation Alternatives—was established in statute; it is composed of the members of the House and Senate transportation committees.<sup>16</sup> Strong interim committees and processes may be especially important in states that have long interims between legislative sessions.

### Task Forces or Commissions

A legislature also may create commissions or task forces to provide additional oversight or carry out discrete tasks. For example, the Arkansas Blue Ribbon Committee on Highway Finance, for example, was created by Act 374 of 2009 to involve the public in determining adequate financing of the present and future needs of state

**Key Survey Finding: More than 40 percent of legislators and no DOT officials surveyed believed the DOT should be subject to additional oversight and accountability.** Note: See page 2 for a description of this survey’s methodology and data limitations.

*The DOT in my state should be subject to additional independent oversight and accountability.*

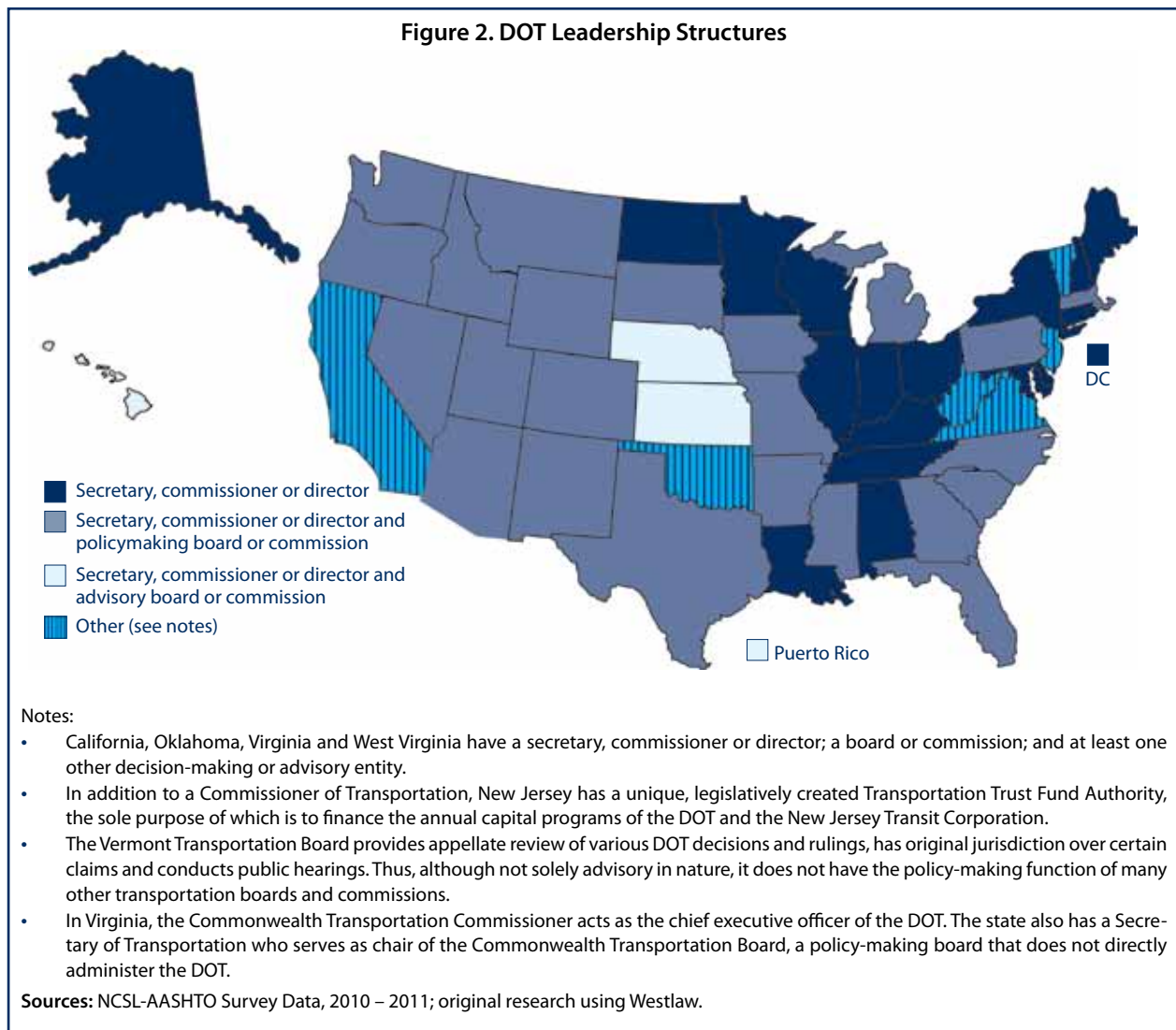


Data expressed in percentage of legislator or DOT respondents.

highways, county roads and city streets in the state; define an equitable and adequate system to properly finance transportation improvements; and propose and recommend legislation in 2011. The Texas House Select Committee on Transportation Funding was established in 2010 to examine and make recommendations about state transportation funding prior to the 2011 session. The ongoing Virginia Joint Commission on Transportation Accountability exists to ascertain that sums appropriated have been or are being expended by transportation agencies for the purposes for which they were made, and to evaluate the effectiveness of transportation programs in accomplishing legislative intent.

## DOT Leadership Appointments

In most states, legislatures participate in appointing DOT leadership (defined here as both executives within a DOT and other transportation leaders within the executive branch that influence a DOT’s activities). Leadership structures for DOTs vary, but most fall into one of four categories: those that are led by a secretary, commissioner or director; those that have one of these officials and a policy-making board or commission, either within the DOT (e.g., Kansas) or as a separate entity (e.g., Washington); those that have one of these officials and an advisory board or commission; and those that use another model (Figure 2; see also State Profiles and Appendix D).



Of these DOT leaders, the majority are appointed by an executive entity—typically the governor—with approval of the Senate. Selection of certain leaders in Mississippi and Utah is performed by a commission or board with Senate approval; New Mexico’s secretary of transportation is appointed by the governor with the approval of both the Senate and the Transportation Commission.

Some DOT leaders, however, are appointed by the executive branch alone. At least some appointments in Alabama, Hawaii, Indiana, Kansas, Kentucky, Massachusetts, Nevada, New Hampshire, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee and Wyoming are made by the governor with no legislative approval required. In New Hampshire, approval is required instead from an elected executive agency. Arkansas, Georgia, Idaho, Nevada, Oklahoma and Texas have leaders who are appointed solely by a commission or board.

At the other end of the spectrum are DOT leaders who are directly appointed or elected by legislators, including in California, Georgia and South Carolina. Pennsylvania provides an unusual example: Four legislative leaders serve on the Transportation Commission by virtue of their office. This commission reportedly provides greater oversight of the DOT than any legislative body in the state and creates a venue for an unusually direct interaction between the legislature and the DOT in the area of transportation governance.

Mississippi’s unique three-member Transportation Commission is elected by the people and does not report to the governor. This is the only selection process of DOT leadership in the nation that involves neither the legislature nor the executive branch. The commission appoints the DOT executive director, however, with the advice and consent of the Senate.

Legislatures also may provide statutory guidelines for the appointment process and appointee requirements. Many states set statutory requirements pertaining to citizenship, residency, taxpayer status, party affiliation, geographic representation, experience, education or specific credentials. Colorado law encourages the governor to consider including at least one commissioner who is a person with a disability, has a family member with a disability, or is a member of an advocacy group for people with disabilities. Montana requires the governor to select one commissioner who has specific knowledge of Indian culture and tribal transportation needs, after consultation with the Montana members of the Montana-Wyoming tribal leaders council. Several states also have statutory prohibitions concerning conflicts of interest.

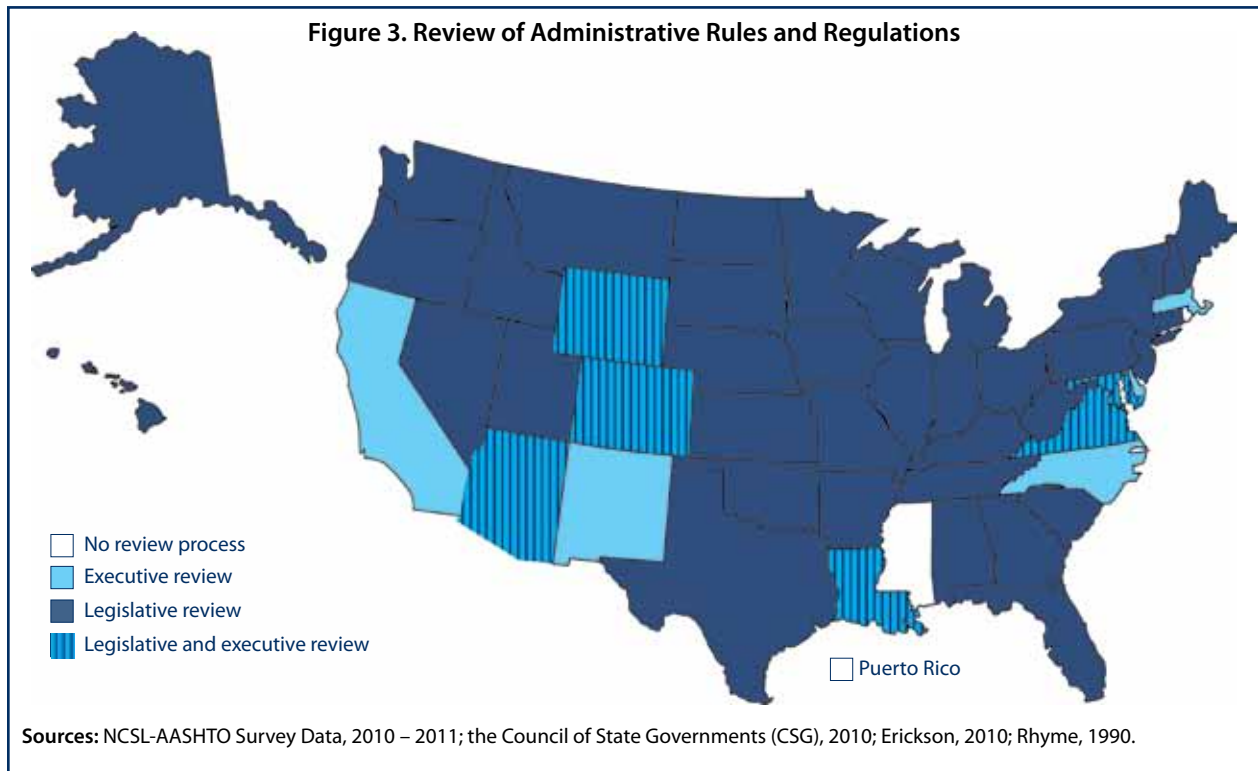
Legislatures also sometimes share the authority to remove DOT leaders. Although most serve at the pleasure of the governor or other appointing executive entity, at least Arkansas, California, Maine, New Mexico and Ohio provide for some involvement by the legislature in a removal process.

## Review of Administrative Rules and Regulations

Legislative review of administrative rules and regulations provides another mechanism for oversight of DOTs. According to NCSL, an administrative rule “... is typically a regulation, standard or policy issued by an executive agency to implement statutory provisions administered by the agency. In many states, the number of regulations promulgated by executive agencies exceeds the number of statutes enacted by the legislature.”<sup>17</sup> Legislatures have delegated the responsibility to executive agencies to promulgate administrative rules, but in most cases retain authority to review and approve those rules so as to ensure that they comply with statutory authority and legislative intent.

Forty-three states now have some form of legislative review of administrative rules (Figure 3), although legislative review is optional in Virginia. Mississippi, Rhode Island and Puerto Rico have no review process, while California, Delaware, Massachusetts, New Mexico and North Carolina have review by the executive branch

only. At least six states—Arizona, Colorado, Louisiana, Maryland, Virginia and Wyoming—have review by both the legislative and executive branches. North Carolina’s rules are reviewed by an executive entity, the Rules Review Commission, members of which are appointed by the legislature.



In most states with legislative review of administrative rules, the legislature or a designated legislative committee has the power to suspend or supersede a rule. In Utah, all rules expire annually unless reauthorized by the legislature (see State Profiles). Several states limit the legislative review committee to a mainly advisory role, with the power to make recommendations but not to enforce changes. These states are Alaska, Arizona, Arkansas, Florida, Hawaii, Indiana, Kansas, Maryland, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Texas, Washington, West Virginia and Wyoming. In several of these states, a committee can object to or temporarily suspend a rule, but only a resolution or bill passed by the full legislature can veto one. In Vermont, if the Joint Legislative Committee on Rules votes to oppose a rule, it does not prohibit the rule’s adoption but, rather, assigns the burden of proof in any legal challenge to the executive agency.<sup>18</sup>

## Performance Goals

“The broad effort frequently referred to as performance management,” states NCSL, “is occurring at all levels of government. The hallmarks of performance management include establishing strategic plans, setting agency goals and objectives, identifying ways to meet them, and measuring how well they are accomplished over time.”<sup>19</sup> As part of this effort, state DOTs nationwide now have goals and objectives against which their performance is measured.

In most states, the responsibility to develop performance goals and measure DOT progress toward them rests with the executive branch, in accordance with existing law. Performance reports may be submitted to the legislature, which can respond in the form of further reporting requirements, legislation or directives. Some

DOTs—those in Missouri, North Dakota, Texas, Virginia and the District of Columbia among them—make at least some performance data publicly available. The DOTs in Missouri and Texas, for example, each offer an online “Tracker” that measures progress on key performance indicators. The Texas DOT also hosts an online “Project Tracker” that gives progress and budget data for all DOT projects in the state.<sup>20</sup> The information thus is easily accessible to the legislature, the general public and other interested parties.

In some states, a legislative directive has encouraged or required a move toward DOT performance management. In 2007, for example, the Nevada legislature directed the Transportation Board of Directors to adopt a plan for measuring DOT performance, including separate sets of performance measurements for each division and for the department as a whole.<sup>21</sup> In 2000, Maryland legislatively created the DOT’s Advisory Committee on Transportation Goals, Benchmarks and Indicators to advise the DOT on developing long-term performance goals and intermediate benchmarks,<sup>22</sup> and in 2010, the Minnesota legislature required the DOT to “identify performance targets or indicators for measuring progress and achievement of transportation system goals, objectives, or policies” in the statewide multimodal transportation plan.<sup>23</sup> In 2005, Washington enacted a law to require all state agencies, within available funds, to develop and implement a quality management, accountability and performance system, and to have that system independently assessed at least once every three years; in 2009, the legislature delayed this requirement until 2012.<sup>24</sup>

Florida, Hawaii, Illinois, Iowa, Kansas, New Mexico, Texas, Washington and the District of Columbia report a more active legislative role in the development or approval of specific DOT performance goals. In Hawaii, Iowa, Washington and the District of Columbia, the executive branch typically has set most goals; the legislature establishes others on a case-by-case basis. In Florida and Illinois, the DOT sets its goals subject to legislative review and approval. In Kansas and New Mexico, development of goals is a cooperative exercise between the legislature and the executive branch, driven by the secretary of transportation in Kansas and the legislature in New Mexico. In Texas, the state Transportation Commission approves and oversees DOT goals in the strategic plan, then the legislature sets forth key performance measures and targets in the state General Appropriations Act.

As of 2008, 22 state legislatures reported using performance information for executive agencies at some point in the budget process, but performance budgeting—directly linking results to legislative decisions—was rare. A number of states required measures to be used to develop agency budget requests, and some also included the information in agency budgets or appropriations bills.<sup>25</sup> In their NCSL-AASHTO survey responses, Arizona, Florida, Georgia, Idaho, Kansas, Louisiana, Maryland, New York, Oklahoma, Oregon, Pennsylvania, Utah, Wisconsin and Wyoming reported the use of DOT performance data in the budget and appropriations process. In Utah’s annual appropriations process, the legislature assesses first whether goals have been met before determining funding levels; in Montana, the Legislative Financing Committee now is developing ways to consider performance goals in the budgeting process for all agencies, including the DOT.

## Program Evaluation and Sunset Reviews

Most legislatures have enhanced their capacity for oversight of the executive branch and participation in performance management by creating special legislative offices to carry out program evaluation and performance audit activities. Currently, 48 states have specialized legislative program evaluation offices charged with carrying out research and oversight studies of executive agencies; only Ohio and Oregon do not.<sup>26</sup> Texas has three such offices: the Legislative Budget Board, the Sunset Advisory Commission and the State Auditor’s Office. In addition, Washington had a legislatively created, separate transportation audit unit from 2003 to 2006, the Transportation Performance Audit Board.<sup>27</sup>



Legislative program evaluation offices vary widely in size and responsibilities, but typically are bipartisan research units that are intended to act as independent, impartial sources of information about executive agencies and to provide recommendations to improve their operations.<sup>28</sup> They generally review the effectiveness, efficiency and legality of state executive agencies, as well as the extent to which those agencies are following legislative intent. Their evaluations can greatly affect transportation governance and DOT operations. For example, the South Carolina Legislative Audit Council published a highly publicized audit of the DOT in 2006. This audit resulted in a restructuring of the DOT that placed it in the governor's cabinet, created a legislative oversight committee and allowed for periodic audits.<sup>29</sup>

Some legislative program evaluation offices also conduct sunset reviews. Such reviews evaluate the functions of a state entity to assess whether it should continue to exist. In a true sunset process, an entity is automatically abolished unless the legislature or responsible legislative committee chooses to affirmatively continue it. Most states with sunset provisions in state law focus the process on smaller boards, commissions and regulatory agencies rather than on large executive departments. Arizona, Florida, Louisiana, Tennessee and Texas, however, perform regular sunset reviews of the DOT.<sup>30</sup> In Arizona and Florida,<sup>31</sup> the process occurs every 10 years, in Louisiana every five years, in Tennessee every eight years and in Texas every 12 years. In most cases, when the sunset process is applied to large, ongoing executive departments, it is used primarily to add another layer of accountability for those entities rather than to seriously consider their discontinuation. In 2009, however, the Texas DOT was reviewed, but the bill to continue it was not enacted. Instead, a special session was called in which the DOT was granted an extension until another, limited-scope review in 2011. Unless continued, the Texas DOT will now expire on Sept. 1, 2011.<sup>32</sup>

Legislatures also sometimes review non-legislative program evaluations or performance audits—such as those performed by an executive branch state auditor—in addition to performing their own. In California, for example, when a non-legislative program review is released, the legislature often holds an oversight hearing to understand the findings of the report. In Washington, the legislature must consider performance audits conducted by the state auditor and submit an annual report detailing legislative implementation of the auditor's recommendations.<sup>33</sup> Twenty-six states<sup>34</sup> reported legislative review of non-legislative evaluations as a mechanism for oversight of their DOTs.

## Reporting Requirements

Forty-five states and the District of Columbia identified reporting requirements in their survey responses as a mechanism for legislative oversight of their DOTs. Legislatures commonly require in statute that a DOT submit certain reports to the full legislature or a legislative committee. Often, these reports must be concurrently submitted to an executive oversight authority such as the governor or transportation commission. Commonly required reports include reviews of expenditures and obligations; descriptions of agency objectives and strategies; details of planned, ongoing or future projects; updates on certain mandated processes; fiscal forecasts; reports on new or controversial initiatives, such as public-private partnerships or design-build contracting; reviews of progress on performance goals; and reports on other agency activities. Some reporting requirements may be instituted due to lack of information about or past concern with a program. In other cases, DOT reports to the legislature are required only for a limited time in order to facilitate legislative oversight of a particular task or activity. For example, the Massachusetts DOT—newly created in 2009—has many current reporting requirements to the legislature, some of which will end when the transition to the new organization is complete.

## Other Tools that Support Legislative Oversight

Other tools that support legislative oversight, as reported by NCSL-AASHTO survey respondents, include legislative requests for information from the DOT, as well as use of other independent sources of transportation-related data. Legislative research staff, universities, diverse interest groups, NCSL and legislative fiscal offices can provide meaningful information that may help the legislature oversee the DOT and transportation system performance. The Ohio Legislative Service Commission, for example, continuously monitors DOT revenues and expenditures and reports on significant developments in a monthly newsletter to legislators and legislative staff; this gives the legislature another window into the DOT's financial activities.

## Resources for DOT Compliance with Legislative Oversight Requirements

State DOTs devote significant resources to complying with legislative oversight requirements. DOTs must draft and submit numerous reports, participate in legislative hearings, respond to requests for information, and engage in the budget and appropriations process as required. Generally, few or no resources are provided to DOTs specifically to help them meet these requirements. Numerous exceptions to this general rule exist, however. In New Hampshire, New Jersey, New Mexico, Oregon, Vermont, Washington and Wisconsin, resources for compliance requirements have been included in the DOT budget or ongoing appropriations, while in Hawaii and Minnesota, required reports or other legislative mandates in some cases have received separate appropriations.

In addition, most DOTs have other resources at their disposal to aid compliance. In many cases, DOT legislative liaisons and legal staff can assist with legislative oversight requirements, as can legislatures' fiscal and legislative analysis offices. Further, in some states such as Texas, the DOT benefits from transportation research programs at state universities that can help to provide transportation-related analytical data.

## 5. TRANSPORTATION FUNDING AND FINANCE

**T**ransportation funding decisions are becoming increasingly critical as system needs continue to overwhelm the available resources. Governments face the insolvency of the federal Highway Trust Fund, the declining value of the fuel tax and delayed federal surface transportation authorization, making current resources insufficient to meet the demands of aging infrastructure, growing populations, evolving technologies and changing travel patterns.

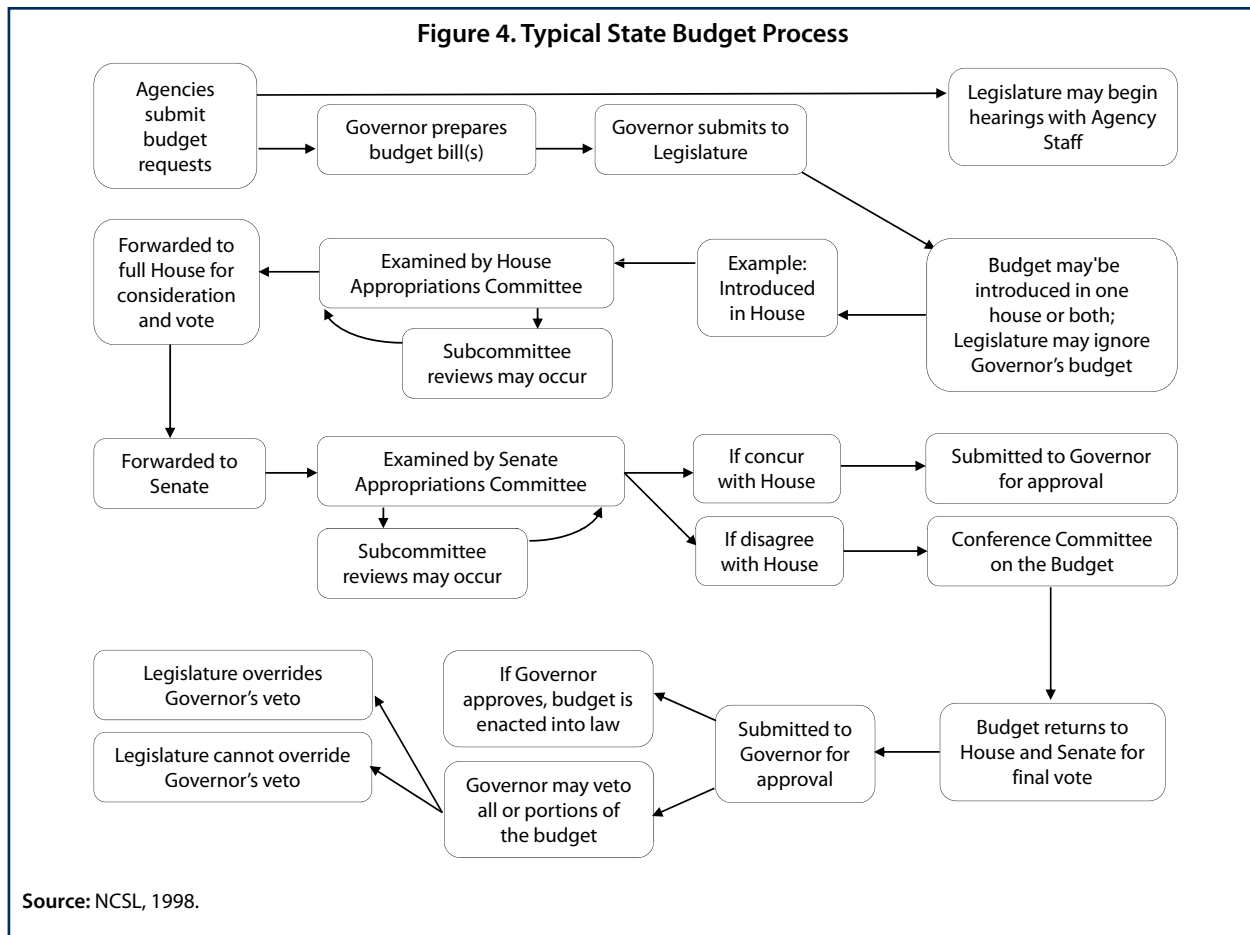
Each state must address the transportation funding crisis within its unique balance of governmental powers. Overlap and tension between the executive branch and the legislature are nowhere more apparent than in the power of the purse, and each state has a distinctive, dynamic approach to funding and finance issues. In transportation, both legislatures and DOTs (the latter under the direction of governors) have key roles in budgeting and appropriations, selecting investment priorities, and deciding whether to use diverse or innovative financing approaches. This chapter reviews shared responsibilities and interactions between the legislative and executive branches in transportation funding and finance, including in the planning process.

### State Budget and Appropriations Processes

A key power of the legislative branch is over budgeting and appropriations. Few if any bills on which the legislature acts are as vital as those that authorize the expenditure of public funds for specific purposes of state government. State budget processes require continuous executive-legislative interaction to maintain balance of power; this balance, however, differs from state to state.

The executive and legislative branches generally participate in different stages of the budgeting process (Figure 4). Typically, the governor formulates a budget proposal based on executive agency requests and submits it to the legislature; this tends to give the executive branch the power to set the terms of the discussion. In some states, however—including Arizona, Colorado, New Mexico, Oklahoma and Texas—the legislature produces a comprehensive budget as an alternative to the governor’s proposal. In other states such as Arkansas and South Carolina, both branches contribute significantly to the budget proposal. The legislature reviews and then adopts the budget as one or more appropriations bills. The enacted budget is returned to the governor, who may veto the budget in its entirety or in part. The legislature then may vote to override gubernatorial vetoes. After the budget becomes law, executing it is generally an administrative function, and overseeing it is a legislative one.<sup>35</sup>

DOTs and other executive agencies participate in the budgeting process first by submitting budget requests to the office of the governor for consideration and incorporation into the executive budget request. In all but eight states and Puerto Rico, executive agencies also submit budget requests directly to a legislative committee or office.<sup>36</sup> DOTs may be given more or less discretion at this stage of the process. In some cases—Colorado, for example—a transportation commission or other body must approve the DOT budget proposal. DOTs also interact directly with the legislature by appearing at budget hearings that involve substantial interaction between legislators and agency representatives. These hearings allow legislative appropriations committees to learn about executive program objectives and budget requests. They also afford agencies an opportunity to present their achievements and defend their programs to both the legislature and the public.



The budget process not only provides for a review of past appropriations and an examination of budget requests, but also serves as a key legislative oversight activity—especially in states where the legislature approves program- or project-specific appropriations. In many cases, state law requires the DOT to provide reports to the legislature to inform the process (see Reporting Requirements on page 18). Some legislatures base funding levels at least partly on performance data or other information received from DOT officials in budget hearings. Further, states may establish future performance goals and objectives as well as new reporting requirements in the budget bill. In some cases, funds may be withheld contingent upon submission of a specified report or DOT action. In many states, the appropriation process is therefore seen as the main mechanism for legislative oversight of the DOT. One survey respondent warned, however, that a focus on the year-to-year budget process can detract from a legislature’s capacity for broader, long-term DOT oversight.

In practice, although some legislatures can significantly influence DOT spending levels, others have only a limited ability to do so. In many states, federal transportation funding flows directly to the DOT, with little or no legislative involvement (see Federal Transportation Funding, starting on page 22). In addition, state funds for transportation often are provided through dedicated funds or revenues that allow little room for budgeting flexibility (see State Transportation Funding, starting on page 24). States also may have specific limits on legislative power. In Maryland, for example, the legislature can reduce but not add appropriations for specific projects in the governor’s budget; expenditures can be added only through a supplementary appropriations bill if matched with new revenues (see State Profiles). Across the board, expenditures that derive from bonding typically are dealt with separately from the overall budget and are not subject to the same types of controls.

Many other differences exist among the states in terms of interactions between the legislature and the executive branch in the appropriations process. States vary in their budgeting approaches and assumptions, the amount of time agencies have to prepare proposals and other entities have to review them, the entity that writes the appropriation bill that is introduced in the legislature, procedures for making supplemental appropriations when the legislature is not in session, control over federal funds, and gubernatorial veto authority, among others. These variations—detailed in NCSL’s Budget Procedures online resources<sup>37</sup>—further contribute to each state’s unique separation of governmental powers concerning state budgets and expenditures.

## Federal, State and Local Transportation Funding

Responsibilities for funding and delivering services on the nation’s transportation network are shared by federal, state and local governments. State and local governments own, operate and maintain most of the infrastructure and also provide most of the funding for surface transportation systems; federal funding accounts for approximately 20 percent of both transit and highway funding.<sup>38</sup> State legislatures and DOTs participate in allocating federal funds to state transportation programs, generating and determining the use of state transportation revenues, and distributing transportation funds to local governments through local aid.

### Federal Transportation Funding

The federal government provides funding to states for surface transportation projects mainly through the federal-aid highway and transit programs (Table 5). These programs are established by federal surface transportation authorization legislation—now the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), passed in 2005. Federal highway and transit programs are funded by the federal fuel tax, federal heavy vehicle use tax, and federal motor carrier excise taxes, which are collected in the federal Highway Trust Fund (HTF) and the Mass Transit Account within the HTF. Although the federal government provides the funding for these programs, state, local and tribal governments maintain control over project selection and implementation. Most projects also require a 20 percent non-federal match; some federal-aid highway programs require a smaller match. In addition, federal grant programs, congressional earmarks and one-time expenditures such as the American Recovery and Reinvestment Act of 2009 can provide additional federal funding to states for transportation projects.

Some state legislatures have minimal involvement with federal transportation funds. Many states—including Arizona, Colorado, Connecticut, Iowa, Kansas, Maryland, Massachusetts, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, Washington and Wyoming—and the District of Columbia allow at least some federal funds to flow directly to the state DOT without legislative appropriation. In Illinois, Minnesota and South Dakota, federal funds are reviewed and reflected in budget documents but do not require legislative action in order to be spent.

In other states, however, the legislature has a more substantial role in allocating federal funds to the DOT. Most states report that they allocate federal funds to the DOT through legislative appropriations at the agency, program, category or project-specific level. Notable examples of legislative involvement include the following:

- Alabama, Delaware, Florida, Kentucky and Louisiana allocate federal funds to the DOT through legislative approval of a transportation plan, budget or work program that details use of these funds. In Florida, legislative provisions occasionally direct how federal funding may be used; Kentucky’s budget guides expenditures.
- In California, federal transportation funds flow directly to the DOT, but a budget appropriation provides the authority to spend the funds. Appropriation authority is given in the budget under broad categories.

**Table 5. Federal-Aid Highway and Transit Programs**

<b>Federal-Aid Highway Programs</b>	<b>Federal-Aid Transit Programs</b>
<p><b>Major Formula Programs</b></p> <ul style="list-style-type: none"> <li>• National Highway System (NHS) Program</li> <li>• Interstate Maintenance (IM) Program</li> <li>• Bridge Program</li> <li>• Surface Transportation Program (STP)</li> <li>• Congestion Mitigation and Air Quality Improvement (CMAQ) Program</li> <li>• Highway Safety Improvement Program</li> </ul> <p><b>Targeted Infrastructure Programs</b></p> <ul style="list-style-type: none"> <li>• Federal Lands Highways</li> <li>• Other Geographic Locations (including the Appalachian Development Highway System Program, the Delta Region Transportation Development Program, and others)</li> <li>• Specific Purposes and Needs (including the Projects of National and Regional Significance program)</li> </ul> <p><b>Special Programs</b></p> <ul style="list-style-type: none"> <li>• Special Highway Assistance Programs</li> <li>• Other Programs (including innovative financing, multimodal coordination, studies, research and pilot programs)</li> </ul>	<p><b>Urban and Rural Area Programs</b></p> <ul style="list-style-type: none"> <li>• Urbanized Area Formula Program</li> <li>• Non-Urbanized Area Formula Program</li> </ul> <p><b>Capital Programs</b></p> <ul style="list-style-type: none"> <li>• Bus and Bus Facilities Grants</li> <li>• Fixed Guideway Modernization (also known as Rail Modernization or “Rail Mod”)</li> <li>• New Starts</li> </ul> <p><b>Special Programs</b></p> <ul style="list-style-type: none"> <li>• Formula Program for Elderly Persons and Persons with Disabilities</li> <li>• New Freedom Program</li> <li>• Alternative Transportation on Federal Lands</li> <li>• Job Access and Reverse Commute Program (JARC)</li> <li>• Clean Fuels Formula Program</li> </ul>
<b>Shared Programs</b>	
<p><b>Programs that Allow Flexing of Highway Funds into Transit Programs</b></p> <ul style="list-style-type: none"> <li>• National Highway System (NHS) Program</li> <li>• Interstate Maintenance (IM) Program</li> <li>• Bridge Program</li> <li>• Surface Transportation Program (STP)*</li> <li>• Congestion Mitigation and Air Quality Improvement (CMAQ) Program*</li> </ul> <p><b>Support Programs</b></p> <ul style="list-style-type: none"> <li>• Planning</li> <li>• Research and Technical Assistance</li> <li>• Training</li> </ul>	

\*These programs provide the most funding for transit programs through the flex process.

Sources: Intergovernmental Forum on Transportation Finance, 2008; various U.S. Department of Transportation Web sites.

- The Hawaii DOT is authorized to expend federal funds through legislative appropriations. A budget proviso, however, allows the DOT to increase federal appropriation ceilings when the legislature is not in session, thus allowing expenditure of federal funds beyond those authorized under legislative appropriations. This, in effect, permits direct transfer of federal funds to the DOT. All actions to raise appropriation ceilings must be reported to the legislature with details of why the appropriation was not sought during the normal legislative budgeting cycle.
- In Maine and Michigan, any funding received from the federal government must be allocated or appropriated to specific programs by the legislature before it can be spent.
- In Missouri and Pennsylvania, highway funds flow directly to the DOT without legislative involvement, but funds for other modes sometimes require appropriation.
- In New Jersey, federal funds must be appropriated by law or approved by the Joint Budget Oversight Committee and the state treasurer before being spent.

- In Oregon, federal formula funds for transportation flow directly to the DOT with no state legislative appropriation. The DOT, however, is subject to an expenditure limit on those funds that is set biennially by the legislature. Legislative approval also is required for the DOT to apply for federal grants that are not allocated by formula.<sup>39</sup>
- In Washington, if federal funding is received for operating purposes and is outside current appropriation authority, the DOT must seek approval through the governor’s budget office using the unanticipated receipts process, which includes feedback from legislative staff.
- In Wisconsin, if the amount of federal highway funds received differs from the estimate provided in the legislative appropriation by more than 5 percent, the legislature’s Joint Committee on Finance must approve an adjustment to the appropriation.

State legislatures also may require additional approvals before a DOT can spend certain federal funds. The Ohio legislature, for example, amended state law to require supermajority approval by the state legislative Controlling Board before the DOT or other entity could spend capital funds—including federal grant funds—for development of passenger rail.<sup>40</sup>

## State Transportation Funding

States provide nearly half of all surface transportation funding.<sup>41</sup> The main source of highway funds in about half the states is the state motor vehicle fuel tax, which in seven states is indexed to the consumer price index, average wholesale price or another index (see Table 6 and State Profiles). The rest of the states rely on federal funds, motor vehicle and motor carrier taxes, or bond proceeds (for more about debt financing, see the section on Innovative Finance starting on page 31).<sup>42</sup> States also provide about 20 percent of the funding for transit systems nationwide, largely from general funds, fuel taxes, the general sales tax and other sources.<sup>43</sup> Other revenues for surface transportation are drawn from additional sales taxes on gasoline or diesel, sales taxes on vehicles or rental cars, registration and other fees, vehicle or truck weight fees, and tolls, among others (see Table 6). States also help fund aviation, ports and other elements of the transportation network.

**Table 6. State-by-State Revenue Sources for Roads, Bridges, Rail and Transit**

State/ Jurisdiction	Fuel Taxes	Sales Taxes on Gasoline or Diesel	Motor Vehicle or Rental Car Sales Taxes	Vehicle Registration, License or Title Fees	Vehicle or Truck Weight Fees	Traffic Camera Fees	Tolls	General Funds	Interest Income	Other
Alabama	•			•	•			•		Vehicle inspection fees; advertising revenue; impact fees; misc. revenues
Alaska	•		•	•	•		•	•	•	Licenses, permits or fees
Arizona	•		•	•	•			SP	•	State lottery/gaming; transportation excise tax in Maricopa County; impact fees; board funding obligations
Arkansas	•		•	•	•			•	•	Ad valorem tax; impact fees

State/ Jurisdiction	Fuel Taxes	Sales Taxes on Gasoline or Diesel	Motor Vehicle or Rental Car Sales Taxes	Vehicle Registration, License or Title Fees	Vehicle or Truck Weight Fees	Traffic Camera Fees	Tolls	General Funds	Interest Income	Other
California	•	SP			•	SP	SP		•	Locally imple- mented sales tax; impact fees (local level only)
Colorado	•			•	•	•	•	SP	•	Sales tax; state lottery/gaming; congestion pric- ing; impact fees
Connecticut	•	•	•	•	•			•	•	Vehicle inspec- tion fees; oil company taxes
Delaware	•			•		•	•	•	•	Fares
Florida	V/I		•	•		•	•		•	Documentary stamp revenue; congestion pric- ing; impact fees
Georgia	•	•			•	•	•	•	•	Impact fees
Hawaii	•	•	•	•	•					Vehicle inspec- tion fees; impact fees
Idaho	•		•	•						Impact fees
Illinois	•			•	•	•	SP	•	•	Licenses, permits or fees; logo signing; impact fees
Indiana	•	•		•			•			Sales tax; situs tax; rail service funds; railroad property tax; In- diana Toll Road lease proceeds; impact fees
Iowa	V/I		•	•		SP			•	Use tax on mo- bile homes and other vehicles; casino taxes; licenses, permits or fees
Kansas	•			•	•		•	•		Sales tax; compensating use tax
Kentucky	V/I		•	•	•			•	•	Licenses, permits or fees; weight-distance tax
Louisiana	•			•	•	•	•	•	•	Licenses, per- mits or fees
Maine	V/I		•	•	•		•		•	Off-road fuel tax; licenses, permits or fees; fines; impact fees



State/ Jurisdiction	Fuel Taxes	Sales Taxes on Gasoline or Diesel	Motor Vehicle or Rental Car Sales Taxes	Vehicle Registration, License or Title Fees	Vehicle or Truck Weight Fees	Traffic Camera Fees	Tolls	General Funds	Interest Income	Other
Maryland	•		•	•	•	SP	•		•	Licenses, permits or fees; sales tax; corporate income tax; fares and operating revenues; congestion pricing (Maryland Transportation Authority only); container fees
Massachusetts	•			•		•	•	•		Sale of excess land; advertising revenue; sales tax; service city and town payments; fares and operating revenues
Michigan	•	•		•			SP			Sales tax on auto-related products (includes gasoline and diesel)
Minnesota	•		SP	•	•			•	•	Licenses, permits or fees; fines; congestion pricing
Mississippi	•			•	•				•	Contractors' tax; lubricating oil tax; locomotive fuel tax
Missouri	•		SP	•	•	SP		•	•	Rail regulation fees
Montana	•		•	•	•				•	Impact fees
Nebraska	V/I		•	•				•	•	Licenses, permits or fees; investment income; train-mile tax for grade separation projects
Nevada	•		•	•	•	•		•	•	Ad valorem taxes; recovery surcharge fees
New Hampshire	•			•	•		•	•	•	Surcharge on registration fees (2011 sunset)
New Jersey	•	•	•	•	•	•	•	•	•	Sales tax; petroleum products tax; contractual contributions; state lottery/gaming
New Mexico	•	•	•	•	•	•			•	Impact fees; weight-distance tax

State/ Jurisdiction	Fuel Taxes	Sales Taxes on Gasoline or Diesel	Motor Vehicle or Rental Car Sales Taxes	Vehicle Registration, License or Title Fees	Vehicle or Truck Weight Fees	Traffic Camera Fees	Tolls	General Funds	Interest Income	Other
New York	•	•	•	•	•	•	SP	SP		Oil company taxes; regional payroll tax; weight-distance tax
North Carolina	V/I		•	•	•	•	SP		•	
North Dakota	•		•	•	•			•	•	Net obligated balance
Ohio	•			•	SP	•	SP	•	•	Right-of-way; logo signing; service concessions (turnpike only); tax on fuel sold at turnpike gas stations (turnpike only); loan repayments; loan servicing fees; private contributions; licenses, permits or fees
Oklahoma	•			•			•	•		
Oregon	•			•	•	•		•	•	State lottery/gaming; tobacco tax revenue; the mass transit tax; safety inspection and rail regulation fees; licenses, permits or fees; weight-distance tax; vehicle-miles traveled fees (pilot project); container fees; impact fees
Pennsylvania	V/I	•	•	•		•	SP	•	•	Sales tax; state lottery/gaming; tire tax; impact fees
Rhode Island	•			•		•	•	•		Impact fees
South Carolina	•			•			•	•		Impact fees
South Dakota	•	•	•	•	•			•	•	Licenses, permits or fees; Railroad Board fund
Tennessee	•	•		•	•					

State/ Jurisdiction	Fuel Taxes	Sales Taxes on Gasoline or Diesel	Motor Vehicle or Rental Car Sales Taxes	Vehicle Registration, License or Title Fees	Vehicle or Truck Weight Fees	Traffic Camera Fees	Tolls	General Funds	Interest Income	Other
Texas	•			•	•	SP	•	•	•	Sales tax on lubricants; vehicle inspection fees; licenses, permits or fees; impact fees
Utah	•		•	•	•		•	•	•	Sales tax; impact fees
Vermont	•	•	•	•	•			SP	•	Impact fees
Virginia	•	•	•	•	SP	SP	•	•	•	Sales tax; congestion pricing; impact fees
Washington	•		•	•	•	SP	•		•	Licenses, permits or fees; sale of DOT property and other business-related revenues; congestion variable tolling; photo tolling (beginning 2011); impact fees (local level only)
West Virginia	•	•	•	•			•	•		Highway litter control fund; impact fees
Wisconsin	•		•	•	•			SP	•	Licenses, permits or fees; taxes on other modes
Wyoming	•			•	•			•	•	State-distributed mineral royalties and mineral severance taxes; container fees
District of Columbia	•							•	•	Rights-of-way; master equipment lease/ short-term borrowing; public space revenue; parking meter revenues
Puerto Rico	•	•		•			•		•	Excise taxes on petroleum products; impact fees

**Key:**

SP - See State Profiles for clarification or more information

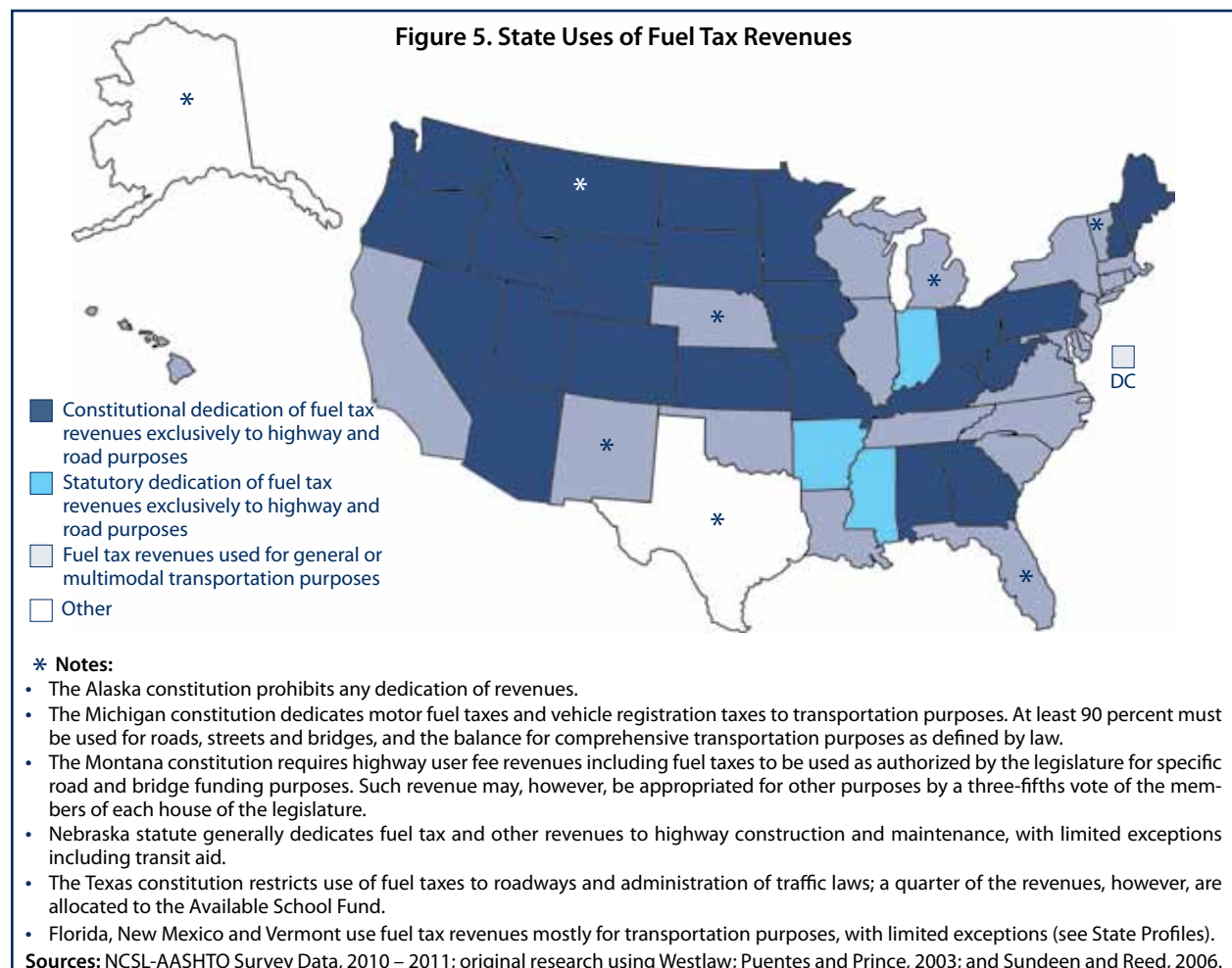
V/I - Variable or indexed fuel tax rate

**Note:** This chart includes all state-level revenue sources for roads, bridges, rail and transit, not just those revenues that are administered by DOTs.

**Sources:** NCSL-AASHTO Survey Data, 2010 – 2011, supplemented by AASHTO, 2010; Dierkers and Mattingly, 2009; FHWA, 2011; and Puentes and Prince, 2003.

State legislatures have significant power over determining state revenue sources by enacting laws that address taxation, fee schedules and appropriations. Legislatures also tend to have more influence over the allocation and appropriation of state funds compared to federal funds, given the legislature’s general powers over state taxation and expenditures. Only Colorado, Hawaii, Missouri, Pennsylvania, Wyoming and the District of Columbia reported that any state funds flowed directly from a revenue source to the DOT without being subject to legislative appropriation. Even in states such as Michigan where distribution of state transportation funds is determined by statutory formula, the legislature still appropriates the funds. Almost all legislatures appropriate state transportation funds either at the agency, program, category or project-specific level or through approval of a DOT transportation plan.

The real power of legislatures—or DOTs—to allocate state funds, however, is bounded by constitutional and statutory restrictions on the use of transportation revenues. For example, 23 states now have provisions in the constitution—and three in statute—that restrict use of state fuel tax revenues exclusively to highway and road purposes (Figure 5). Most other states restrict or dedicate use of fuel tax receipts and other transportation-related revenues to general or multimodal transportation purposes, with a few limited exceptions. Texas is unique in that it allocates one-fourth of its gas tax revenues to schools. Only Alaska constitutionally prohibits dedicating state revenues, unless federally required or dedicated prior to statehood.<sup>44</sup> Other common provisions that limit use of transportation-related revenues are those that restrict their use to the same modes from which they were



collected; for example, by dedicating use of aviation fuel tax proceeds to airport projects (see State Profiles). In all states except Alaska, transportation-related revenues are deposited into funds that often are subject to additional requirements. Thus, many states restrict both transportation-related revenues and the funds to which they are deposited. This provides protection for transportation revenues and programs but also can constrain funding and finance decisions of both the executive branch and the legislature. At least 19 states and the District of Columbia deposit transportation revenues into a trust fund for highways, mass transit, aviation or transportation generally;<sup>45</sup> otherwise, states—except Alaska—use designated accounts that are not called trust funds for these purposes. Maryland and Wisconsin place all transportation revenues from all modes into one consolidated, dedicated multimodal fund. At least 35 states<sup>46</sup> report constitutional or statutory provisions that direct the use of transportation funds or accounts.

Constitutional or statutory restrictions on the use of state transportation funds and revenue can include explicit prohibitions on the diversion or transfer of this money to other purposes. States with such restrictions include California, Delaware, New Hampshire, Pennsylvania, Tennessee and Wisconsin. In 2010, California's Proposition 22 strengthened the state's prohibitions on diversions and transfers of transportation funds and revenues by eliminating the state's authority to borrow state fuel tax revenues for cash flow or budget-balancing purposes. In contrast, the Montana constitution outlines a process to appropriate restricted highway funds for other purposes, by three-fifths vote of the members of each house of the legislature.<sup>47</sup> Virginia law allows diversion by the legislature or the governor in the budget bill if language is inserted that sets out a plan for repayment of the diverted funds within three years.<sup>48</sup>

Dedications, restrictions and prohibitions on the transfer of funds are not always effective. Arizona, Florida, Kentucky, Minnesota, New Jersey, North Carolina and Wisconsin report recent legislative diversions of transportation funds to other purposes, notwithstanding existing constitutional or statutory restrictions. In New Jersey, the annual appropriation act has precedence over any other dedication language found in general statute, but not over the constitution; the legislature has chosen not to fully appropriate statutorily dedicated transportation revenues eight times since 1985.

## Local Transportation Funding

Local governments—including counties, townships and municipalities<sup>49</sup>—provide approximately 30 percent of total surface transportation funding and own 77 percent of the nation's roadway miles.<sup>50</sup> Both legislatures and DOTs participate in supporting local governments in their responsibilities for transportation infrastructure through local aid programs. Through these programs, states typically allocate a portion of state fuel tax proceeds or other state transportation revenues to local entities for transportation projects. States also suballocate federal funds to local entities.

The most common model, reported by 27 states,<sup>51</sup> is to distribute funds primarily by statutory formulas based on equal distribution, population, road mileage or other criteria (see State Profiles). Nineteen other states<sup>52</sup> report distributing funds using a blend of statutory formulas and state legislative appropriations; of these, 11 also provide grants or other funds at the discretion of the DOT or a transportation commission. These discretionary programs, particularly when combined with appropriations, can provide for substantial involvement of both the executive branch and the legislature in distributing funds to local entities.

- In New Jersey, local aid is allocated by the commissioner of transportation, pursuant to annual legislative appropriations and subject to statutory minimums. Aid is allocated based on statutory formulas, then the commissioner determines the priority for funding projects based on certain criteria.

- The New Mexico DOT distributes most local aid by statutory formula, but has discretion over some allocations to local governments in financial hardship.
- The South Carolina DOT allocates a portion of federal funds received each year to metropolitan planning organizations and councils of government; this allocation is not required by statute. The commission of the DOT determines the funding amount and has established the distribution formula. A portion of state motor fuel tax revenue also is distributed to counties according to a statutory formula.
- Washington distributes a portion of certain transportation revenues to cities and counties by statutory formula. In addition, the DOT awards certain public transportation grants to local entities through a regional mobility grant program—funded by the multimodal transportation account and subject to appropriation—for cost-effective projects that reduce delay and improve connectivity.

## Innovative Finance

**Table 7. Transportation Finance Mechanisms**

**State Bonding and Debt Instruments**

- Revenue Bonds
- General Obligation Bonds
- Hybrid Bonds

**Public-Private Partnerships**

- Pass-Through Tolls/Shadow Tolling
- Availability Payments
- Design-Build-Finance-[Operate]-[Maintain] Delivery Models
- Build-[Own]-Operate-Transfer and Build-Transfer-Operate Delivery Models
- Long-Term Lease Concessions

**Federal Debt Financing Tools**

- Grant Anticipation Revenue Vehicles (GARVEEs)
- Private Activity Bonds (PABs)
- Build America Bonds (BABs)

**Federal Credit Assistance Tools**

- Transportation Infrastructure Finance and Innovation Act (TIFIA)
- State Infrastructure Banks (SIBs)
- Section 129 Loans

**Federal-Aid Fund Management Tools**

- Advance Construction (AC) and Partial Conversion of Advance Construction (PCAC)
- Federal-Aid Matching Strategies
  - Flexible Match
  - Tapered Match
  - Toll Credits (Soft Match)
  - Program Match
  - Third-Party Donations
  - Using Other Federal Funds as Match

**Other Innovative Finance Mechanisms**

- Non-Federal Bonding and Debt Instruments
- Value Capture Arrangements such as Tax Increment Financing (TIF)

**Sources:** AASHTO Center for Excellence in Project Finance, 2008; Federal Highway Administration (FHWA) Office of Innovative Program Delivery, 2010; and Rall, Reed and Farber, 2010.

A variety of factors have negatively affected the ability of traditional transportation revenues—federal-aid funds, state fuel taxes and other related taxes and fees—to provide needed transportation infrastructure and maintenance. In this environment, states are turning to a host of innovative finance mechanisms to help leverage traditional funding sources (Table 7 and Table 8; see also State Profiles).<sup>53</sup>

Table 8. State-By-State Transportation Finance Mechanisms

State/ Jurisdiction	General Obligation or Revenue Bonds	GARVEE Bonds	Private Activity Bonds (PABs)	Build America Bonds (BABs)	TIFIA Fed- eral Credit Assistance	State Infra- structure Bank (SIB)	PPPs	Design- Build	Other
Alabama	.	.					SP	SP	
Alaska	.	.	SP	.		.	SP	SP	
Arizona	.	.				.	SP	SP	
Arkansas	.	.				.	SP	SP	
California	.	.		.	.	.	SP	SP	
Colorado	.	.	.	.	.	.	SP	SP	Creation of non- profit, quasi-public entities
Connecticut	.	.						SP	
Delaware	.	.		.		.	SP	SP	
Florida	.	SP		.	.	.	SP	SP	
Georgia	.	.		.		.	SP	SP	
Hawaii	.							SP	
Idaho	.	.						SP	
Illinois	.		.	.			SP	SP	
Indiana	.					.	SP		
Iowa	.					.			
Kansas	.			.		.		SP	Special tax dis- tricts
Kentucky	.	.		.				SP	
Louisiana	.			.	.		SP	SP	Creation of non- profit, quasi-public entities
Maine	.	.				.	SP	SP	
Maryland	.	SP		.	SP		SP	SP	
Massachu- setts	.	.					SP	SP	Creation of non- profit, quasi-public entities
Michigan	.	SP		.		.		SP	
Minnesota	.					.	SP	SP	
Mississippi	.	.	.	.			SP	SP	
Missouri	.	.		.		.	SP	SP	Creation of non- profit, quasi-public entities
Montana	.	.						SP	
Nebraska	.					.			
Nevada	.	SP			.		SP	SP	
New Hampshire	SP	SP		.				SP	
New Jersey	.	.		.			SP	SP	
New Mexico	.	.				.		SP	
New York	.				.	.	SP	SP	

State/ Jurisdiction	General Obligation or Revenue Bonds	GARVEE Bonds	Private Activity Bonds (PABs)	Build America Bonds (BABs)	TIFIA Fed- eral Credit Assistance	State Infra- structure Bank (SIB)	PPPs	Design- Build	Other
North Carolina	•	•			•	•	SP	SP	
North Dakota	•	•				•		SP	
Ohio	•	•		•		•		SP	
Oklahoma	•	•							
Oregon	•	•		•		•	SP	SP	
Pennsylvania	SP			•		•		SP	
Rhode Island	•	•			•	•	SP	SP	Creation of non-profit, quasi-public entities
South Carolina	•				•	•	SP	SP	
South Dakota				•		•			
Tennessee						•	SP	SP	
Texas	•	SP	•	•	•	•	SP	SP	Creation of non-profit, quasi-public entities; other
Utah	•			•		•	SP	SP	
Vermont	•					•		SP	
Virginia	•	•	•	•	•	•	SP	SP	Creation of non-profit, quasi-public entities
Washington	•	SP		•		•	SP	SP	State-funded rail bank
West Virginia	•	•					SP	SP	
Wisconsin	•			•		•	SP	SP	
Wyoming						•		SP	
District of Columbia	•	SP					SP	SP	
Puerto Rico	•	•			•	•	SP	SP	

**Key:**

SP - See State Profiles for clarification or more information.

**Sources:** NCSL-AASHTO Survey Data, 2010 – 2011, supplemented by original research using Westlaw; AASHTO Center for Excellence in Project Finance, 2010; Dierkers and Mattingly, 2009; and Rall, Reed and Farber, 2010.

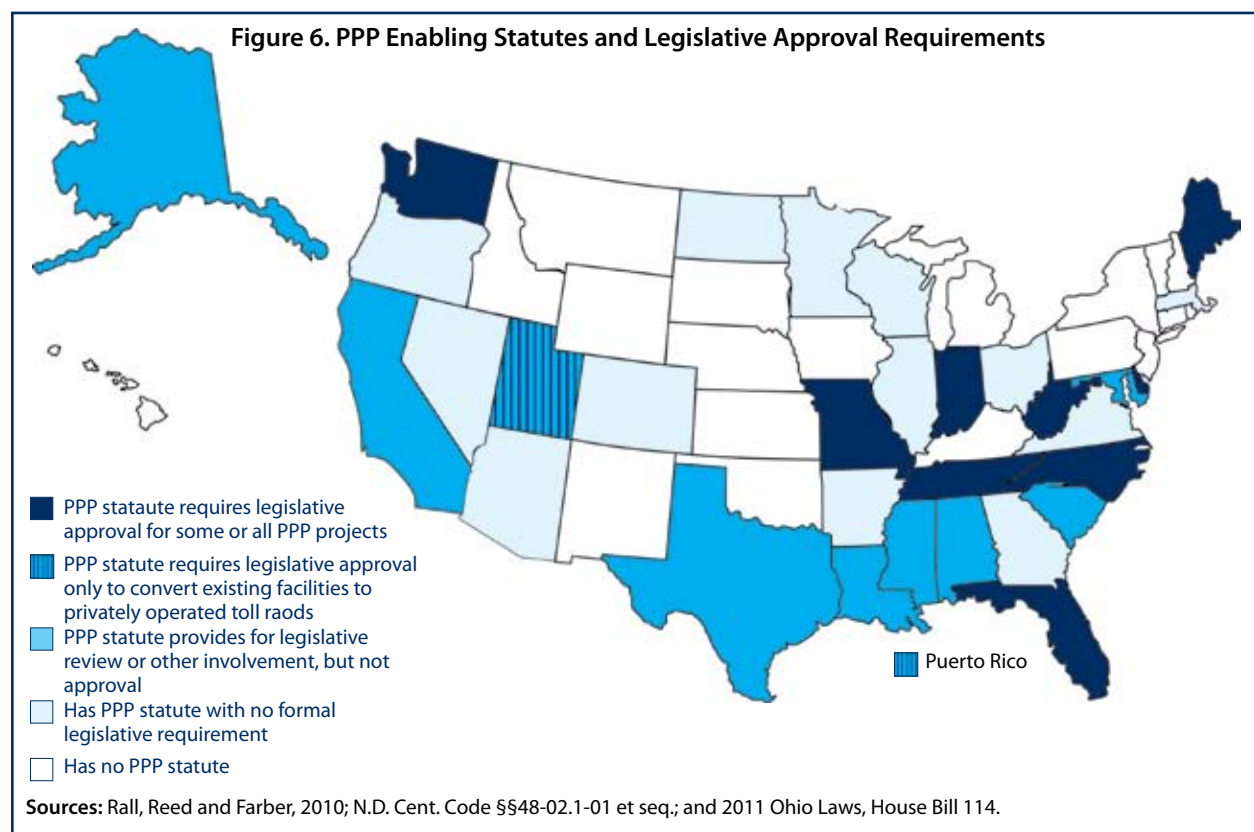
Some of these mechanisms—such as state infrastructure banks and debt financing instruments—require enactment of state authorizing legislation before a state agency such as a DOT can use them. Enabling legislation grants and defines the legal authority of an executive entity to use a given tool or program and also can address restrictions that exist in current law or policy. Debt financing mechanisms that are available to states and may require enabling legislation include general obligation, revenue, special tax and private activity bonds (PABs), among others. Most states rely on debt to finance projects; only Iowa, Montana, Nebraska and North Dakota reported relying solely on pay-as-you-go financing.<sup>54</sup> Other states—including Illinois, Maine, Oklahoma and Vermont—specifically noted legislative approval requirements for bonding or other financing (see State Profiles). Requiring enabling legislation before a DOT can use these options gives the legislature an ongoing role in—and additional means for oversight of—transportation finance.



Other innovative financing tools can entail ongoing involvement of both state legislatures and DOTs beyond passage of enabling statutes. One such mechanism is public-private partnerships (PPPs or P3s). According to a widely adopted definition from the U.S. Department of Transportation, PPPs are contractual agreements between public and private sector partners that allow more private sector participation than is traditional in infrastructure delivery; in some, the private sector also finances some or all of a project.<sup>55</sup> PPPs cover more than a dozen project delivery and finance models, ranging from minimal to substantial private sector involvement. The enhanced private role in public infrastructure that characterizes PPPs has made these agreements controversial, but they also are seen as an opportunity to help leverage increasingly limited public sector resources.

Both state legislatures and DOTs are involved in the PPP decision-making and implementation process. Legislatures are primarily responsible for deciding whether a state is to engage in PPPs and for enacting enabling statutes that permit them; as of April 2011, 31 states and Puerto Rico<sup>56</sup> had enacted such statutes. Executive agencies such as DOTs generally are responsible for implementing PPP programs and projects within statutory guidelines.

Laws in Delaware, Florida, Indiana, Maine, Missouri, North Carolina, Tennessee, Washington and West Virginia, however, give the legislature a more active and ongoing role by requiring some form of legislative approval for at least some PPP projects (Figure 6).<sup>57</sup> (In addition, Utah and Puerto Rico require legislative approval only to convert existing facilities to privately operated toll roads.) Legislative approval requirements vary widely. Some require approval by the full legislature and others—such as those in Delaware and Missouri—only by certain committees or committee chairs. They also differ in the projects for which approval is required, the procedures for acquiring approval and the stage of project development at which approval must be given.



PPP legislative approval provisions have been heavily debated. On the one hand, they create a means for elected officials to review and be held accountable for PPP projects that may have a significant impact on the public interest. They also introduce political uncertainty into the PPP process, however, which can discourage private investors. Other options for legislative involvement in PPPs include provisions that require legislative review but not approval of PPP projects—now the model in eight states—and strong enabling legislation that addresses key policy issues in depth.<sup>58</sup>

Grant anticipation revenue vehicles, or GARVEEs, are another innovative finance tool that can require ongoing involvement of the legislature through approval provisions in enabling statutes. A GARVEE is a federal debt financing instrument that enables a state, political subdivision or public authority to pledge future federal-aid highway apportionments to support costs related to bonds and other debt financing. Essentially, GARVEEs allow debt-related expenses to be paid with future federal-aid funds, thus accelerating project design and construction. Twenty-nine states and Puerto Rico have issued GARVEE debt; Florida, Nevada, New Hampshire, Texas, Washington and the District of Columbia had authorized but not yet issued GARVEEs as of 2009.<sup>59</sup>

As with PPPs, in some states—including Idaho, Louisiana, Maine and Washington—the enabling statutes require further legislative approval or appropriation before GARVEE debt can be issued. In contrast, Colorado’s statute explicitly delegates this authority to the executive branch.<sup>60</sup> However, Colorado law authorizes GARVEE debt only up to a specified level and would require additional legislative approval for the DOT to exceed the cap; California also limits GARVEE issuance in statute.<sup>61</sup>

## Transportation Planning

States determine their investment priorities for state and federal transportation dollars through structured planning processes that include project identification, selection, prioritization and approval. Both DOTs and legislatures can play a role in this important activity, and the balance of legislative and executive authority varies widely across states, as do the processes themselves.

In all states, DOTs generally take the lead in conducting transportation planning activities and ensuring compliance with federal and state requirements. To receive federal transportation funding, each state must organize its planning process to comply with federal laws, regulations and executive orders that require or influence many elements of the planning process (Table 9). The federal government requires each state to produce a statewide, intermodal long-range transportation plan (LRP). The plan provides a vision and a framework over a horizon of at least 20 years. Each state also must produce a State-

<b>Table 9. Federal Laws that Influence the Transportation Planning Process</b>	
<b>Federal Surface Transportation Authorization Legislation</b>	
•	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)
•	Transportation Equity Act for the 21 <sup>st</sup> Century (TEA-21)
•	Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)
<b>Other Federal Laws</b>	
•	Clean Air Act (CAA) and Clean Air Act Amendments of 1990 (CAAA)
•	Vision 100: The Century of Aviation Act (Vision 100)
•	Wendall H. Ford Investment and Reform Act for the 21 <sup>st</sup> Century (AIR-21)
•	National Environmental Policy Act (NEPA)
•	Americans with Disabilities Act (ADA)
•	Title VI of the Civil Rights Act of 1964
•	Environmental Justice Orders
	– Executive Order 1298
	– DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations (DOT Order 5610.2)
	– FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (DOT Order 6640.23)
•	23 U.S.C. §109(h)
•	The Uniform Relocation Assistance and Real Property Acquisition Policies of 1970
<b>Source:</b> Connecticut Department of Transportation, 2007.	

wide Transportation Improvement Program (STIP) that lists all projects a state expects to be funded with federal participation over a period of not less than four years. The process for these plans must include coordination with metropolitan planning areas and multi-state efforts; consideration of concerns of regional, local, tribal and federal land management entities (Figure 7); compliance with environmental standards; public involvement; and other requirements. States also must develop federally mandated environmental plans and reports, planning work programs, and highway safety plans and reports.<sup>62</sup>

**Figure 7. Participants in the Transportation Planning Process**

General Policy, Planning Requirements and Funding	Cooperative State and Local Planning Efforts	Coordination with Other Entities
<ul style="list-style-type: none"> <li>• Federal Highway Administration (FHWA)</li> <li>• Federal Transit Administration (FTA)</li> <li>• National Highway Traffic Safety Administration (NHTSA)</li> <li>• Federal Aviation Administration (FAA)</li> </ul>	<ul style="list-style-type: none"> <li>• State DOT</li> <li>• Other state agencies</li> <li>• Partners in multi-state efforts</li> <li>• Transit operators</li> <li>• Metropolitan Planning Organizations (MPOs)</li> <li>• Regional [Transportation] Planning Organizations (RTPOs or RPOs)</li> <li>• Local governments</li> <li>• Local community organizations and agencies</li> </ul>	<ul style="list-style-type: none"> <li>• Citizens</li> <li>• Affected public agencies</li> <li>• Representatives of public transportation employees</li> <li>• Freight shippers</li> <li>• Private providers of transportation</li> <li>• Representatives of public transportation users</li> <li>• Representatives of users of pedestrian walkways and bicycle facilities</li> <li>• Representatives of persons with disabilities</li> <li>• Federally recognized Indian tribes and the Secretary of the Interior</li> <li>• Other interested parties</li> </ul>

Source: Adapted from Connecticut Department of Transportation, 2007.

Transportation planning processes are further defined at the state level. Thus, in addition to federal requirements, DOTs must meet state-specific mandates concerning transportation plans and capital programs. In many states, DOTs must prepare one or more state plans in addition to those that are federally required. In New Jersey, for example, the DOT must annually prepare and submit to the legislature a proposed transportation capital program for the ensuing fiscal year, and must also separately update the federally required STIP. DOTs also may be required by state law to prepare other mode-specific plans—for example, for rail, aviation, or bicycles and pedestrians.

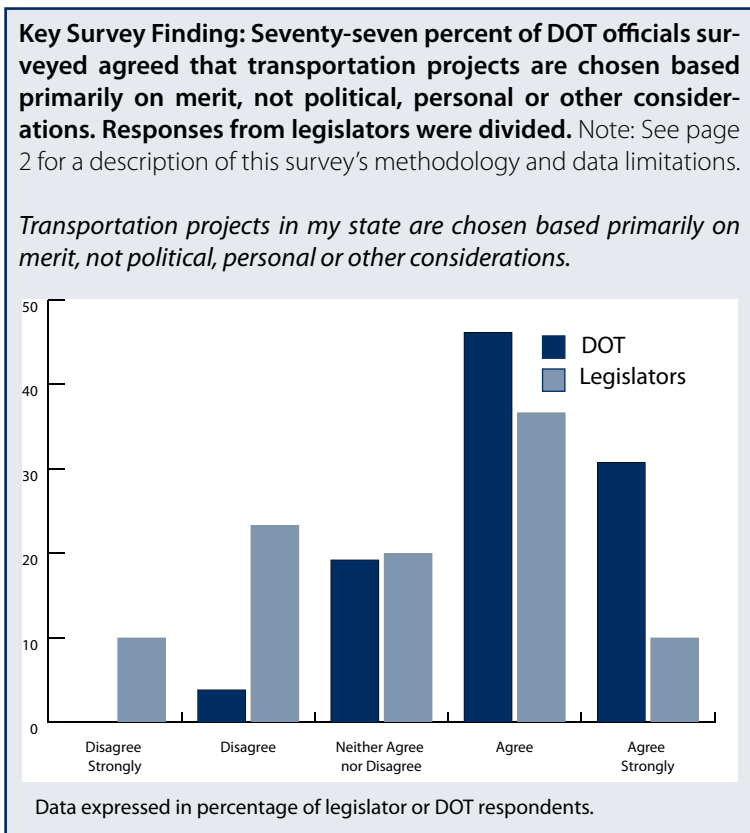
The extent of legislative involvement and authority in the process of selecting and approving projects differs greatly across states. At one end of the continuum are Nebraska and Wyoming, which constitutionally prohibit the legislature from prioritizing specific road projects.<sup>63</sup> At the other end are: Delaware, where legislators each determine the use of an annual authorization of the state’s Community Transportation Fund for transportation-related projects in their respective districts; Pennsylvania, where legislative leaders serve on the state Transportation Commission that approves all projects; and Wisconsin, where the legislature is required by statute to review and approve major highway projects.<sup>64</sup> In other states—including Alabama, Florida, Georgia, Hawaii, Illinois, Louisiana, Maryland, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Rhode Island, Tennessee and Vermont—the legislature actively reviews or approves DOT plans or programs, often as part of the budget process (see State Profiles).

Between these poles are many other ways in which legislatures are involved in transportation planning. Arizona, Connecticut, Florida, Kansas, Maryland, South Carolina, Texas, Utah and Vermont have set forth in statute general planning priorities or processes. The Kansas legislature also approves the state’s comprehensive transportation plan, which provides only general priorities rather than specific projects. Legislatures in Arizona, Colorado, Connecticut, Georgia, Idaho, Iowa, Massachusetts, Minnesota,<sup>65</sup> Montana,<sup>66</sup> Nevada, Tennessee, Oregon, Utah, Virginia, Washington and West Virginia have sometimes prioritized projects by enacting project-specific earmarks or bond bills, whereas those in Ohio, Oklahoma, Kansas and South Dakota have generally chosen not to legislate in this way. In California, Indiana, Missouri, Montana, North Dakota, South Carolina and South Dakota, there is generally little or no direct legislative role, beyond the opportunity for legislators to participate in hearings or meetings as members of the public. In these states, because funds flow directly to DOTs without legislative involvement or are appropriated at the agency or program level rather than to specific projects, the legislative role in project prioritization is further limited.

Other notable models for involving state legislatures in transportation planning include the following.

- In Louisiana, the legislature holds hearings around the state and reviews the proposed construction program. Committee feedback is used to modify proposed programs or to develop future ones. The legislature can delete but not add or substitute projects in the approval process.
- The Connecticut legislature created a Transportation Strategy Board in 2001. This board includes legislatively appointed members and proposes a transportation strategy for legislative approval every four years.
- In North Carolina and Oklahoma, the DOT selects highway projects, but the legislature directs funds to other modes such as transit and rail as part of the appropriation process.
- The Rhode Island legislature does not have an active role in prioritizing federally funded projects, but does when state capital funds are used.
- Legislators in some states, including Pennsylvania and Virginia, have been appointed to the boards of metropolitan planning organizations and so have participated in the planning process in that way.

A key theme in the NCSL-AASHTO survey data was the particular tension between legislatures and DOTs about what constitutes an appropriate level of legislative involvement or oversight in the critical task of transportation planning. State legislators and DOT officials identified a desire to have appropriate checks and balances in place to depoliticize the process and to prevent promotion of “pet projects” at the expense of the entire system. Despite these concerns, 77 percent of DOT



executives agreed that transportation projects are chosen based primarily on merit, not political, personal or other considerations; responses from legislators, however, were divided (see Key Survey Finding on the previous page).

## Other Legislative and Executive Interactions in Transportation Funding and Finance

In most states, legislatures and DOTs also may experience tension or overlap in the areas of retention of surplus or excess funds and cost-controlling measures.

### Retention of Surplus or Excess Funds<sup>67</sup>

In most states, unspent transportation dollars revert to a DOT-administered dedicated transportation fund at the end of the fiscal year or biennium (see State Profiles). In some states, such as Virginia, these funds are retained by the DOT with no restrictions; in Hawaii, Utah and Vermont, at least some funds are retained, but must be used for the same purpose for which they were originally appropriated. In Oklahoma and Oregon, funds are retained, but the DOT is subject to an expenditure limit; and in Missouri and Oregon, certain funds are retained but others expire.

In some states, legislatures have assumed a more substantial role in managing excess transportation funds. In Alaska, Florida, Illinois, Kentucky, New Jersey, Texas and Washington, funds lapse and the DOT must seek new appropriations or expenditure authority from the legislature. Similarly, in California, Minnesota, Nebraska, North Dakota and Wisconsin, funds are retained in transportation funds but must be legislatively reappropriated before the DOT can spend the money. In Minnesota, specific language accompanying an appropriation is needed to grant carry-forward authority across biennia. In Vermont, revenues in excess of appropriations are credited to the Transportation Fund, although the annual transportation bill may provide for their expenditure on a contingent basis. In West Virginia, although surplus funds are retained in the State Road Fund at the end of the fiscal year, the DOT must request additional spending authority from the legislature to spend more than the amount appropriated for the next year. In all these cases, the legislature is actively involved in management and oversight of surplus DOT funds.

### Controlling DOT Costs

Across jurisdictions, state legislatures have enacted provisions—beyond expenditure limits in budget and appropriations acts—that are intended to control DOT costs. NCSL-AASHTO survey respondents identified low bid requirements and other guidelines in state procurement codes or other statutes as the most common legislative controls on DOT costs.

Some legislatures also have taken further action. In Ohio, the legislative Controlling Board must approve waivers of competitive selection when the agency's non-competitively bid purchases or leases exceed certain amounts; the Controlling Board also must approve any requested increase in appropriation. Virginia's 2009 Appropriation Act directed downsizing the agency to no more than 7,500 employees and use of private contracts for at least 70 percent of annual expenditures. Nevada statute limits the use of highway fund revenues for administrative costs. In Vermont, the DOT must prepare reports detailing bids versus cost estimates for distribution to a legislative oversight committee.<sup>68</sup> These activities permit additional legislative controls and oversight over DOT costs.

## STATE PROFILES<sup>69</sup>

# State Profile Example

The main source of information for these state-by-state profiles is the responses from the states, the District of Columbia and Puerto Rico to NCSL-AASHTO surveys 1, 2 and 4. NCSL-AASHTO survey data was supplemented by many other resources, listed in endnote 69 and in the Selected Bibliography, and detailed below. All data is current (2010 – 2011) unless otherwise noted.

## Organizational Facts

Legislature	Name Structure Chambers Session Estimated no. of bills	Department of Transportation	Name
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This section outlines basic organizational facts for the state's legislature and its DOT, including the size and structure of each. The size of the DOT is expressed by the number of full-time equivalents (FTEs) it employs. Sources: NCSL-AASHTO survey data, original research using Westlaw, various NCSL and state legislative Web pages, Fazzalero (2007), StateNet (2010) and Washington State Department of Transportation (n.d.).

## Statewide Transportation System Statistics

Roads and bridges	
Transit	
Rail	Freight
Aviation	Airports Enplanements
Marine	Ports

This section provides statistics about the state's entire transportation system, not just those elements managed by the DOT. Sources: Roads and bridges data is drawn from Federal Highway Administration *Highway Statistics* tables HM-60 (2009 data), BR-5 (2010 data) and HM-25 (2009 data) and Federal Highway Administration (2009). Transit trips include unlinked passenger trips made by all modes—including rail, bus, vanpools, ferries and others—as reported to the National Transit Database (Federal Transit Administration, 2008 data). Freight rail route-miles are provided by the Association of American Railroads (2008 data) and exclude trackage rights. Aviation data is from the Federal Aviation Administration (2009 data), the National Association of State Aviation Officials (years as noted) and various state Web sites. Marine data is from the Federal Highway Administration (2009) and U.S. Army Corps of Engineers (2009 data). In certain identified cases, information is from NCSL-AASHTO survey data or state DOT communications.

## Legislative-DOT Collaboration and Communication

Mainly formal. The legislature and the DOT...	This section describes the collaboration and communication between the state legislature and the DOT, as described in the NCSL-AASHTO survey data. It includes information about whether the DOT employs a legislative liaison or an office of governmental relations or affairs. Sources: NCSL-AASHTO survey data and various state DOT Web pages.
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## DOT Leadership Appointments and Requirements

The Director of Transportation is appointed by...	This section describes the appointment process, authority and statutory requirements for DOT leadership, with citations. Sources: Original research using Westlaw and NCSL-AASHTO survey data. See Appendix D for more information.
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## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	
Legislative Program Evaluation Office	Program evaluation
Sunset Review	The state conducts

This section describes other mechanisms for legislative oversight of the DOT. It includes a list of all mechanisms identified by the state in its survey data. It also identifies the legislative program evaluation office and whether the state DOT is subject to a sunset review process (see pages 17 and 18). Sources: Data is primarily from the NCSL-AASHTO survey data, supplemented by information from the National Legislative Program Evaluation Society (NLPEs), the Council of State Governments (2010), Council on Licensure, Enforcement and Regulation (n.d.), and NCSL and the Florida Office of Program Policy Analysis and Governmental Accountability (2008).

## Legislation and Regulation

Transportation Governance Statutes	[State]
Administrative Rules Review	Legislative review

This section provides citations for the state's transportation governance statutes and describes the procedure for reviewing administrative rules (see pages 15 and 16). Sources: NCSL-AASHTO survey data, the Council of State Governments (2010), Rhyme (1990) and original research using Westlaw.

# State Profile Example

## Transportation Planning and Capital Program Management

Transportation Planning Process	This section describes the state's approach to transportation planning and capital program management, including a specific description of the legislative role in the process. Sources: NCSL-AASHTO survey data and original research using Westlaw, supplemented by various state DOT Web sites and planning documents.
Legislative Role in Transportation Planning	

## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins... This item describes the state's general approach to budgeting and appropriations, including whether the budget is annual or biennial and when the fiscal year begins. Source: Various NCSL Web pages.
Bonding or Pay-as-You-Go	The state mainly uses... This lists the amount of state-level funding provided for DOT budgets, including for operating and capital expenses in all modes as well as for debt service and administrative costs. It includes funding from state sources only and excludes federal funding of all kinds. This describes funding for the state DOT only and not for other transportation entities or projects in the state. Source: NCSL-AASHTO survey data.
State-Level Funding Provided for DOT Budgets	2009: \$## million 2008: \$## million
Allocation of Federal Transportation Funds to the DOT	The legislature appropriates federal funds ...
Allocation of State Transportation Funds to the DOT	These sections describe state-level funding and finance for highways, transit, passenger and freight rail, aviation, ports, bridges and other modes of transportation. Sources: NCSL-AASHTO survey data, supplemented by AASHTO (2010), Dierkers and Mattingly (2009), Farber (2010), Federal Highway Administration (2011) and Rall (2009).
Traditional State Funding and Finance for Highways	
State Funding and Finance for Other Modes	This section describes innovative funding and financing mechanisms used by the state, including public-private partnerships (PPPs or P3s); design-build; federal debt financing tools such as grant anticipation revenue vehicles (GARVEEs); federal credit assistance tools such as state infrastructure banks; federal-aid fund management tools such as advance construction; and other options such as weight-distance taxes and traffic camera fees. Sources: NCSL-AASHTO survey data, supplemented by American Association of State Highway and Transportation Officials (AASHTO) Center for Excellence in Project Finance (2010), Dierkers and Mattingly (2009), Federal Highway Administration (FHWA) Office of Innovative Program Delivery (2010), Rall, Reed and Farber (2010) and "U.S. & Canadian Transportation Projects Scorecard" (May 2010).
Innovative Transportation Funding and Finance	
Dedicated/Restricted State Funds and Revenues	
DOT Authorized to Retain Surplus Funds	
Legislative Approval Required to Move Funds Between Projects	No legislative approval required.
Transportation Funding Allocations through Local Aid	This section details how the state allocates transportation funds to counties, townships or municipalities through local aid programs (with citations). The focus is on allocation of state funds, but information is included about federal funds if that data was provided on a survey response. Sources: NCSL-AASHTO survey data and original research using Westlaw.



# Alabama

## Organizational Facts

Legislature	Alabama Legislature Structure: Bicameral, partisan Chambers: Senate (35 members) House (105 members) Session: Annual, approximately February – May Estimated no. of bills in 2011: 2,900	Department of Transportation	Alabama Department of Transportation (ALDOT) FTE: 9,355 Leadership: Director Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 194,126 (2009); miles of tolled roadway: 1 (2009); bridges: 16,018 (2010); toll bridges and tunnels: 3 (2009)
Transit	Trips per year (all transit modes): Approximately 2.8 million (2008)
Rail	Freight rail route-miles: 3,271 (2008)
Aviation	Airports (total): 202; public-use: 85; state-owned: 3 (2008) Enplanements per year: 2,513,150 (2009)
Marine	Port traffic per year (20-foot equivalent units): 86,050 (2009); waterborne tonnage per year: 66.2 million (2009); state-operated ferries: 2 (2009)

## Legislative-DOT Collaboration and Communication

**Mainly formal.** The Legislature's permanent, 14-member Joint Transportation Committee, among other statutory duties, reviews and concurs in a long-range highway plan that is updated annually; annually reviews the budget for highway construction, maintenance and operation as well as ALDOT administration; issues annual reports about ALDOT performance; and makes recommendations (Ala. Code §29-2-4). ALDOT must recommend to the governor and Legislature such legislation as it deems advisable and to furnish any other information concerning road and bridge improvements as may be deemed expedient by the governor and the Legislature (Ala. Code §23-1-35). ALDOT has no dedicated legislative liaison or governmental affairs office.

## DOT Leadership Appointments and Requirements

The director of transportation is appointed by, and serves at the pleasure of, the governor (Ala. Code §23-1-21).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s). Oversight is provided by the permanent Joint Transportation Committee (Ala. Code §§29-2-1 to 8).
Legislative Program Evaluation Office	Department of Examiners of Public Accounts, Operational Division
Sunset Review	The state conducts sunset reviews, but not of ALDOT.

## Legislation and Regulation

Transportation Governance Statutes	Ala. Code §§23-1-20 to 166
Administrative Rules Review	Legislative review of proposed rules by a joint bipartisan standing committee; committee may suspend rule.

## Transportation Planning and Capital Program Management

Transportation Planning Process	ALDOT develops a five-year highway plan and is primarily responsible for determining investment priorities and selecting projects.
Legislative Role in Transportation Planning	The Legislature's permanent Joint Transportation Committee reviews and concurs in a long-range (five-year) highway plan, and must review and concur in any deviation from the intent of that plan.

## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins October 1. ALDOT spending levels are set by the Legislature in the annual appropriation act.
Bonding or Pay-as-You-Go	The state mainly uses pay-as-you-go financing, but has done a small amount of bonding over the years.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$484 million FY 2010: \$501 million FY 2009: \$523 million FY 2008: \$433 million
Allocation of Federal Transportation Funds to the DOT	The Legislature appropriates federal funds in the annual appropriation act as a lump sum appropriation at the department level. The Joint Transportation Committee also approves the long-range highway plan, including the use of federal funds.
Allocation of State Transportation Funds to the DOT	The Legislature appropriates state transportation funds in the annual appropriation act as a lump sum appropriation at the agency level.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; truck weight fees; outdoor advertising permit fees. The state has done a small amount of bonding over the years.
State Funding and Finance for Other Modes	Constitutional limits on use of vehicle taxes and fees prohibit use of any currently levied state taxes for transit. Attempts to change the constitution to allow funds to be used for transit have been unsuccessful. Aviation: Aviation fuel tax. Ports: Alabama State Docks fees and self-generated revenue. Bridges: The Public Road and Bridge Fund, including state fuel tax, vehicle registration and other miscellaneous ALDOT revenues.
Innovative Transportation Funding and Finance	GARVEE bonds; PPPs (authorized in statute, used for Foley Beach Express); design-build (authorized in statute); impact fees; advance construction.
Dedicated/Restricted State Funds and Revenues	The state constitution limits the use of any state revenues from fees or taxes on registration, operation or use of vehicles or on motor fuel to the construction, maintenance and repair of roads and bridges and enforcement of the state's traffic laws (Ala. Const. art. IV, §111.06). State highway bond proceeds and revenues appropriated to ALDOT are deposited in the State Highway Fund, use of which is restricted to transportation purposes (Ala. Code §23-1-62).
DOT Authorized to Retain Surplus Funds	Yes.
Legislative Approval Required to Move Funds Between Projects	No legislative approval required.
Transportation Funding Allocations through Local Aid	Transportation funds are distributed to counties, towns and municipalities based on statutory formulas. The gasoline tax is the biggest contributor of local transportation funding. Fifty-five percent of net gasoline tax proceeds and a portion of the supplemental net tax proceeds on gasoline are allocated to counties and municipalities to be used for highway purposes. These funds are distributed among the counties by a statutory formula based on equal distribution and population, and 10 percent of the amount allocated to each county must be distributed among its municipalities based on population (Ala. Code §§40-17-73 et seq.). A small portion of the diesel and motor carrier fuel tax is also distributed to counties and municipalities for public road and bridge purposes by statutory formulas based on equal distribution and population (Ala. Code §40-17-222). These allocations to local governments are subject to constitutional restrictions on the use of revenues from fees or taxes on registration, operation or use of vehicles or on vehicle fuel (Ala. Const. art. IV, §111.06).

# Alaska

## Organizational Facts

Legislature	Alaska Legislature Structure: Bicameral, partisan Chambers: Senate (20 members) House (40 members) Session: Annual, approximately January – April Estimated no. of bills in 2011: 650	Department of Transportation	Alaska Department of Transportation and Public Facilities (DOT&PF) FTE: 3,500 Leadership: Commissioner Organizational structure: Mainly by transportation mode
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 31,945 (2009); bridges: 1,134 (2010); toll bridges and tunnels: 1 (2009)
Transit	Trips per year (all transit modes): Approximately 5.0 million (2008)
Rail	Freight rail route-miles: 506 (2008)
Aviation	Airports (total): 292; public-use: 264; state-owned: 267 (2003) Enplanements per year: 4,413,919 (2009)
Marine	Port traffic per year (20-foot equivalent units): 465,845 (2009); waterborne tonnage per year: 46.2 million (2009); state-operated ferries: 11 (2009)

## Legislative-DOT Collaboration and Communication

**Proactive.** The DOT&PF provides briefings to groups of legislators before construction season and before the legislative session. The DOT&PF also responds to legislative requests for information and provides educational sessions to House and Senate transportation committees. The DOT&PF employs a dedicated legislative liaison.

## DOT Leadership Appointments and Requirements

Department heads—including the Commissioner of Transportation and Public Facilities—are appointed by the governor, subject to confirmation by the majority of the members of the Legislature in joint session, and serve at the pleasure of the governor. Each is constitutionally required to be a U.S. citizen (Alaska Const. art. III, §25).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Division of Legislative Audit
Sunset Review	The state conducts sunset reviews, but not of the DOT&PF.

## Legislation and Regulation

Transportation Governance Statutes	Alaska Stat. §§19.05 to 75 and §44.42
Administrative Rules Review	Legislative review of proposed and existing rules by a joint bipartisan standing committee and the Legislative Affairs Agency; committee role is mainly advisory.

## Transportation Planning and Capital Program Management

Transportation Planning Process	The DOT&PF develops regional and long-range transportation plans, using the Statewide Transportation Improvement Program (STIP) process for federally funded projects. All entities are eligible to submit projects and comment on the STIP. For state-funded projects, the DOT&PF works with the governor's office to prepare the capital budget that the governor then submits to the Legislature; the Legislature makes numerous changes. Local governments have a significant voice and influence legislative priorities.
Legislative Role in Transportation Planning	There are opportunities for informal, individual legislator participation; the Legislature also can change the capital budget submitted by the governor.

**Funding and Finance**

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$554 million FY 2010: \$619 million FY 2009: \$893 million FY 2008: \$634 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to the DOT&PF through state legislative appropriations at the program/category and project-specific levels.
Allocation of State Transportation Funds to the DOT	As with federal funds, state transportation funds are allocated to the DOT&PF through state legislative appropriations at the program/category and project-specific levels.
Traditional State Funding and Finance for Highways	Fuel taxes; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; truck weight fees; general funds; interest income; general obligation bonds.
State Funding and Finance for Other Modes	Transit (Alaska Marine Highway, the state ferry program): General funds. Rail: The Alaska Railroad Corporation is a separate, self-sustaining state agency.
Innovative Transportation Funding and Finance	GARVEE bonds; private activity bonds (PABs) (allocated); Build America Bonds; state infrastructure bank (federally capitalized); PPPs (authorized in statute for the Knik Arm Bridge only); design-build (authorized in statute, used for the Anton Anderson Tunnel).
Dedicated/Restricted State Funds and Revenues	The state constitution prohibits dedication of state revenues to any special purpose, unless federally required or dedicated prior to statehood (Alaska Const. art. IX, §7). Thus, all state revenues are available for appropriation. The Legislature has tried to dedicate state revenues or funds for transportation, but has been unsuccessful. In 2010, for example, the Legislature considered but ultimately did not pass House Joint Resolution 42 and House Bill 329. These bills sought to establish and define a new, dedicated Transportation Infrastructure Fund that would have been fed by state fuel taxes and registration fees. The Legislature is considering similar bills—House Bill 30, House Bill 31, Senate Bill 37 and House Joint Resolution 4—in 2011.
DOT Authorized to Retain Surplus Funds	No. Funds are authorized for expenditure until a project is deemed complete; any unexpended funding upon project completion is administratively lapsed or reappropriated by the Legislature.
Legislative Approval Required to Move Funds Between Projects	Legislative action is required to move funds between project appropriations; movement between project allocations requires DOT&PF commissioner approval only.
Transportation Funding Allocations through Local Aid	Federal funds for MPOs flow through the DOT&PF and must be appropriated. The Legislature appropriates state funding to local governments as project-specific grants; there is no specific state-funded program for local transportation.

# Arizona

## Organizational Facts

Legislature	Arizona Legislature Structure: Bicameral, partisan Chambers: Senate (30 members) House (60 members) Session: Annual, approximately January – April Estimated no. of bills in 2011: 1,500	Department of Transportation	Arizona Department of Transportation (ADOT) FTE: 4,548 Leadership: Director; Transportation Board Organizational structure: Mainly by transportation mode
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 131,356 (2009); bridges: 7,572 (2010)
Transit	Trips per year (all transit modes): Approximately 92.7 million (2008)
Rail	Freight rail route-miles: 1,679 (2008)
Aviation	Airports (total): 327; public-use: 81; state-owned: 1 (2008) Enplanements per year: 21,311,026 (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, ongoing.** Legislative research staff and ADOT communicate about transportation-related legislation before, during and after it is introduced. ADOT gives formal testimony to committees about relevant legislation, and also participates in formal meetings with legislators and staff. Legislators and ADOT also have ongoing, informal interactions. ADOT employs a dedicated government relations official.

## DOT Leadership Appointments and Requirements

The ADOT director is nominated and appointed by the governor, with the consent of the Senate (Ariz. Rev. Stat. Ann. §28-361 and §38-211). The members of the Transportation Board are appointed to six-year terms by the governor, with the consent of the Senate, within statutory requirements for residency and taxpayer status. Each member of the board represents one of the state's transportation districts (Ariz. Rev. Stat. Ann. §28-302 and §38-211).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Office of the Auditor General, Performance Audit Division
Sunset Review	Yes. State agencies are scheduled for termination at least every 10 years unless affirmatively continued by the Legislature after a sunset review process. ADOT will terminate on July 1, 2016, unless continued (Ariz. Rev. Stat. Ann. §§41-2951 et seq. and §41-3016.27).

## Legislation and Regulation

Transportation Governance Statutes	Ariz. Rev. Stat. Ann. tit. 28
Administrative Rules Review	Legislative and executive review of proposed and existing rules; legislative review by joint bipartisan committee; committee role is mainly advisory.

## Transportation Planning and Capital Program Management

Transportation Planning Process	ADOT administers the state highway system and coordinates transportation planning. ADOT develops an annual priority program of capital improvements for highway and aviation and a Five-Year Highway Construction Program based on extensive public participation and technical evaluation, which are approved by the State Transportation Board. The Multimodal Planning Division facilitates multimodal planning in cooperation with MPOs, federal agencies, tribes, counties, cities, the public and other stakeholders.
Legislative Role in Transportation Planning	The Legislature has the power to appropriate funds for transportation projects in the state. It also can amend statutes that pertain to transportation planning, e.g., to conform to federal requirements. Otherwise, the legislative role is limited.

**Funding and Finance**

Budgeting and Appropriations	Annual budget for large state agencies (such as ADOT), biennial enactment of two 12-month budgets for all others; fiscal year begins July 1.
Bonding or Pay-as-You-Go	The State Transportation Board has exclusive authority to issue revenue bonds for financing needed transportation improvements in the state.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$440 million FY 2010: \$460 million FY 2009: \$643 million FY 2008: \$581 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds flow directly to ADOT from the U.S. DOT with no state legislative involvement.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated to ADOT as a legislative appropriation at the agency level.
Traditional State Funding and Finance for Highways	Fuel taxes; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; truck weight fees; interest income; transportation excise tax in Maricopa County, some of the proceeds of which are deposited to the ADOT-administered Maricopa County Regional Area Road Fund; revenue bonds.
State Funding and Finance for Other Modes	Aviation: Aviation fuel tax; flight property tax; aircraft registration fees; interest income; miscellaneous other income. Bridges: Highway User Revenue Fund (HURF) funds to match federal funds. Transit: General funds; lottery. ADOT receives only very limited general funds for transit (around \$50,000 per year) and none for other transportation purposes.
Innovative Transportation Funding and Finance	GARVEE bonds; state infrastructure bank (federally capitalized); PPPs (authorized in statute); design-build (authorized in statute through Dec. 31, 2025; used as a component of at least two projects); impact fees; advance construction; board funding obligations. Traffic camera fees were eliminated in 2010.
Dedicated/Restricted State Funds and Revenues	The state constitution dedicates revenues from vehicle-related or fuel taxes and fees—but not the automobile license tax—to highway and street purposes, including state enforcement of traffic laws, state administration of traffic safety programs and publication of <i>Arizona Highways</i> magazine (Ariz. Const. art. IX, §14). These revenues are deposited into the Highway User Revenue Fund (HURF) (Ariz. Rev. Stat. Ann. §28-6533). In recent years, however, HURF funds have been diverted to the general fund. ADOT receives its main state highway funding from the HURF via the State Highway Fund, distribution of which is governed by Ariz. Rev. Stat. Ann. §§28-6534 et seq. Use of the Aviation Fund is restricted to publicly owned and operated airports (Ariz. Rev. Stat. Ann. §28-8202). Maricopa County transportation excise tax revenues are dedicated to freeways, arterials and transit (Ariz. Rev. Stat. Ann. §42-6105(E)).
DOT Authorized to Retain Surplus Funds	Yes. Unspent operating budget appropriations revert to the State Highway Fund or Aviation Fund, each of which is administered by ADOT.
Legislative Approval Required to Move Funds Between Projects	No legislative approval required.
Transportation Funding Allocations through Local Aid	ADOT allocates State Highway Fund discretionary funds (state and federal) to counties based on established percentages. The state treasurer distributes a portion of the Highway User Revenue Fund (HURF) to counties, cities and towns by statutory formulas based on population and fuel sales (Ariz. Rev. Stat. Ann. §§28-6534 et seq.). The ADOT director distributes a portion of the Vehicle License Tax to cities, counties and towns by a statutory formula based on population (Ariz. Rev. Stat. Ann. §28-5808). The state also distributes slightly more than \$10 million per year to cities, towns and counties for public or special needs transit.

# Arkansas

## Organizational Facts

Legislature	Arkansas General Assembly Structure: Bicameral, partisan Chambers: Senate (35 members) House (100 members) Session: Annual, approximately January – March (odd years), approximately February –March (even years) Estimated no. of bills in 2011: 2,500	Department of Transportation	Arkansas State Highway and Transportation Department (AHTD) FTE: 3,605 Leadership: Director; Highway Commission Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 204,710 (2009); bridges: 12,587 (2010)
Transit	Trips per year (all transit modes): Approximately 4.3 million (2008)
Rail	Freight rail route-miles: 2,780 (2008)
Aviation	Airports (total): 101; public-use: 91; state-owned: 2 (2008) Enplanements per year: 1,744,567 (2009)
Marine	Waterborne tonnage per year: 10.4 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, ongoing.** The AHTD administration and the General Assembly interact in person at transportation committee meetings. They also meet or communicate directly by phone or e-mail as needed. The AHTD administration and State Highway Commission consult with legislators on policy issues and appropriate legislative staff about bill drafting or meeting issues. The AHTD has no dedicated legislative liaison or governmental affairs office.

## DOT Leadership Appointments and Requirements

The State Highway Commission is, unusually, constitutionally created. Commissioners are appointed by the governor, by and with the advice and consent of the Senate and within constitutional and statutory requirements (Ark. Const. Am. 42, §2; Ark. Stat. Ann. §27-65-104). The governor may remove a commissioner only for the same causes as apply to other constitutional officers and after a hearing; the Senate also can remove a commissioner by majority vote, following a written request from at least five senators and a hearing. The commission appoints and can remove the AHTD director, who must be “a practical business or professional person” (Ark. Stat. Ann. §27-65-122).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); reporting requirements (Ark. Stat. Ann. §27-65-110 and §27-65-144); legislative requests for information. The Blue Ribbon Committee on Highway Finance does not provide direct oversight of the AHTD, but will propose and recommend legislation in 2011 (2009 Ark. Acts, Act 374).
Legislative Program Evaluation Office	Division of Legislative Audit
Sunset Review	No sunset review of state agencies or programs.

## Legislation and Regulation

Transportation Governance Statutes	Ark. Const. Am. 42, Ark. Stat. Ann. §§27-65-102 et seq. and §§27-70-201 et seq.
Administrative Rules Review	Legislative review of proposed and existing rules by a joint bipartisan committee; committee role is mainly advisory.

## Transportation Planning and Capital Program Management

Transportation Planning Process	The AHTD is responsible for all transportation planning processes and develops the Statewide Long-Range Intermodal Transportation Plan. The Highway Commission has final approval over the plan and projects to be funded, and solicits comments from other stakeholders. Projects are identified by various means, including by MPO plans and transit providers. Projects are selected based on an AHTD review of proposed needs and available funding.
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Legislative Role in Transportation Planning	The General Assembly plays a minimal role other than to identify projects it believes are needed and at times to “earmark” state funds for those projects.
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**Funding and Finance**

Budgeting and Appropriations	Annual budget; fiscal year begins July 1. The General Assembly holds detailed biennial and summary annual budget hearings. Special language in the AHTD’s annual appropriation act requires quarterly reporting of the agency’s financial activities.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$498.4 million FY 2010: \$447.6 million FY 2009: \$423.9 million FY 2008: \$424.8 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to the AHTD through a state legislative line-item appropriation.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated to the AHTD through a state legislative line-item appropriation.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; truck weight fees; interest income; revenue bonds.
State Funding and Finance for Other Modes	Transit: 75 percent of rental vehicle sales taxes are deposited into a trust fund to be used for public transit programs. Transit also is funded by general funds (around 10 percent) and interest income. Rail: Ad valorem tax. Aviation: Sales and use tax on aviation fuel, services and parts.
Innovative Transportation Funding and Finance	GARVEE bonds; state infrastructure bank (federally capitalized); PPPs (authorized for counties in statute); design-build (authorized in statute); impact fees.
Dedicated/Restricted State Funds and Revenues	State statute dedicates fuel tax revenues to the purposes of constructing, widening, reconstructing, maintaining, resurfacing and repairing the public highways, and retiring highway indebtedness (Ark. Stat. Ann. §26-55-206). The State Highway and Transportation Department Fund, Department of Aeronautics Fund and Public Transit Trust Fund are designated special revenues to be used for the purposes collected (Ark. Stat. Ann. §19-5-1126, §27-70-207 and §27-115-110).
DOT Authorized to Retain Surplus Funds	Yes. Fund balances remain in most AHTD funds, since they are special revenues to be used for the purpose authorized.
Legislative Approval Required to Move Funds Between Projects	No.
Transportation Funding Allocations through Local Aid	State funds are distributed 70 percent to the AHTD and 15 percent each to the counties and cities. Funds are distributed to counties by a statutory formula based on area, population, license fees proportion and an equal distribution; funds are distributed to cities by a statutory formula based on population only (Ark. Stat. Ann. §§27-70-206 et seq.).



# California

## Organizational Facts

Legislature	California Legislature Structure: Bicameral, partisan Chambers: Senate (40 members) Assembly (80 members) Session: Annual, approximately January – September (odd years), approximately January – August (even years) Estimated no. of bills in 2011: 2,900	Department of Transportation	California Department of Transportation (Caltrans) FTE: 18,406* Leadership: Director; Commission; Secretary (of overarching agency) Organizational structure: Mainly by functional activity <i>* Number of FTEs as of June 30, 2010, as reported by Caltrans.</i>
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 385,860 (2009); miles of tolled roadway: 96 (2009); bridges: 24,549 (2010); toll bridges and tunnels: 8 (2009)
Transit	Trips per year (all transit modes): Approximately 1.45 billion (2008)
Rail	Freight rail route-miles: 5,200 (2008)
Aviation	Airports (total): 249; public-use: 249; state-owned: 0 (2008) Enplanements per year: 80,602,051 (2009)
Marine	Port traffic per year (20-foot equivalent units): 10,594,794 (2009); waterborne tonnage per year: 201.8 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal.** The Legislature and Caltrans communicate in various ways. Through the budget process, legislators and legislative staff make formal requests for information and discuss budget issues in committee hearings. The Legislative Analyst’s Office works with Caltrans to understand its budget each year; a written report then is published with budget recommendations for the Legislature. Policy committee and individual members communicate directly with Caltrans about specific issues of interest. Caltrans has a dedicated legislative affairs office that analyzes bills and can request to propose specific legislation through the administration.

## DOT Leadership Appointments and Requirements

Nine of the 13 members of the California Transportation Commission are appointed by the governor, with the advice and consent of the Senate. One is appointed by the Speaker of the Assembly and one by the Senate Committee on Rules, with neither subject to Senate confirmation. Two are ex officio, one a member of the Senate appointed by the Senate Committee on Rules and one a member of the Assembly appointed by the Speaker of the Assembly. All but ex officio members are appointed to staggered four-year terms. All but ex officio members are prohibited from simultaneously holding elected public office or serving on any local or regional public board or commission with business before the commission; for governor-appointed members, the governor must “make every effort to assure a geographic balance of representation.” Each member of the commission, however, represents the state at-large (Cal. Government Code §§14500 et seq.). The Caltrans director is appointed by the governor, subject to confirmation by the Senate, and holds office at the pleasure of the governor (Cal. Government Code §14003). Caltrans is one of 14 departments as well as several economic development programs and commissions under the secretary of the Business, Transportation and Housing Agency. The secretary is appointed by the governor, subject to confirmation by the Senate, and holds office at the pleasure of the governor (Cal. Government Code §13976).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements. Oversight occurs mainly through the budget committee process, which includes public hearings and a legislative analyst budget review. In addition, policy committees frequently will hold oversight hearings related to specific issues. Reporting requirements usually stem from a lack of information or past problem with a program. The California Transportation Commission also publishes an annual report to the Legislature on transportation programs and financing. When a non-legislative program review is released, the Legislature typically holds an oversight hearing to understand the findings of the report.
Legislative Program Evaluation Office	State Auditor, Bureau of State Audits. The Legislative Analyst’s Office also periodically reviews Caltrans programs in depth, informs the Legislature of concerns and makes recommendations.

Sunset Review	The state conducts sunset reviews, but not of Caltrans.
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**Legislation and Regulation**

Transportation Governance Statutes	Cal. Government Code §§14000 et seq.; Cal. Streets and Highways Code; various other state statutes and portions of the state constitution
Administrative Rules Review	Executive review of proposed and existing rules.

**Transportation Planning and Capital Program Management**

Transportation Planning Process	Caltrans develops the long-range plan for state highway repairs and expansion of the state’s inter-regional network—and selects projects for the State Highway Operation Protection Program (SHOPP) and interregional projects for the State Transportation Improvement Program (STIP)—with input from local agencies (counties and MPOs). Local agencies develop long-range plans for their regions and select projects for the regional portion of the STIP with input from transit operators, other local governments and sometimes Caltrans. Caltrans selects all state highway repair and rehabilitation projects and 25 percent of capacity expanding projects; county transportation agencies select 75 percent of capacity expanding projects. The state transportation commission is responsible for approving an entire program of projects, but cannot approve or reject individual projects. The governor’s office or the secretary of the Business, Transportation and Housing Agency occasionally will request that Caltrans select certain projects.
Legislative Role in Transportation Planning	The Legislature has no direct role in transportation planning activities. Funds are appropriated on a program rather than project basis. In some cases, the Legislature has had an indirect role by enacting policies to guide the transportation planning process.

**Funding and Finance**

Budgeting and Appropriations	Annual budget; fiscal year begins July 1. Transportation programs receive state funding from several dedicated revenue sources. The Legislature can make some changes to the mix of transportation programs that are funded, but within various formulas, requirements and restrictions on funding certain programs or the uses of certain revenues.
Bonding or Pay-as-You-Go	California mostly uses pay-as-you-go, but voters have approved several general obligation bonds over the years, including \$20 billion for transportation in 2006 and \$10 billion for rail and transit in 2008.
State-Level Funding Provided for DOT Budgets	FY 2011: \$7.1 billion* FY 2010: \$5.5 billion* FY 2009: \$4.9 billion* FY 2008: \$6.4 billion* <i>*All numbers listed here refer to actual expenditures, not appropriations.</i>
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds flow directly to Caltrans, but Caltrans needs a budget appropriation in order to have the authority to spend the funds. Appropriation authority is given in the budget under broad categories (e.g., support, local assistance, capital outlay and others).
Allocation of State Transportation Funds to the DOT	As with federal funds, state transportation funds essentially flow directly to Caltrans, but authority to spend the funds is given in the budget under broad categories. The governor and Legislature typically include some more specific budget bill language each year regarding the use of some funds.
Traditional State Funding and Finance for Highways	Excise tax on fuel; truck weight fees; interest income; general obligation bonds. Toll revenues generally go to local transportation agencies or private entities, not the state, but are used to fund some work on highways and bridges.
State Funding and Finance for Other Modes	Transit and rail: Sales tax on diesel; general obligation bonds; locally implemented general sales tax; weight fees; interest income; excise tax on fuel. Most diesel sales taxes are deposited into a trust fund that can be used only for transit; these also are used to subsidize Amtrak passenger service. Aviation: Excise tax on aviation fuel; excise tax on jet fuel.
Innovative Transportation Funding and Finance	GARVEE bonds; Build America Bonds; federal credit assistance (TIFIA); state infrastructure bank (federally capitalized); PPPs (authorized in statute, used for at least two projects); design-build (authorized in statute, used as a component of at least 10 projects); advance construction. Traffic camera fees are used only at the local level and fee revenues are not dedicated to transportation uses. Developer impact fees also are collected only at the local level, and in some cases are dedicated to transportation.

# California

Dedicated/Restricted State Funds and Revenues	Restrictions are tied to both revenue sources and accounts. Many complex restrictions on the use of transportation revenues appear in the constitution, statute and case law. The constitution restricts the use of fuel excise tax revenues to public streets and highways and fixed guideway mass transit projects (Cal. Const. art. XIX §2). The constitution also dedicates the use of vehicle-related fees and taxes to the same purposes as fuel taxes, as well as to the administration and enforcement of laws regulating use, operation or registration of vehicles—including traffic and vehicle laws—and mitigation of the environmental effects of motor vehicle operation (Cal. Const. art. XIX §3). The constitution also dedicates to certain transportation purposes the use of the Highway Users Tax Account (trust fund) (Cal. Const. art. XIX §2); the Public Transportation Account (trust fund) (Cal. Const. art. XIXa); and the multimodal Transportation Investment Fund (trust fund) (Cal. Const. art. XIXb). The constitution, as amended by Proposition 22 (2010), prohibits the state from borrowing most fuel tax revenues or funds in the accounts listed above. Proposition 22 also restricts the state's ability to use fuel tax revenues to pay debt service on transportation bonds. Other special accounts exist for aeronautics, bicycle, pedestrian and other purposes. Excise taxes and truck weight fees can be used mainly for highways and local roads. General obligation bonds are restricted as described in the ballot measures needed to authorize them.
DOT Authorized to Retain Surplus Funds	Yes and no, depending on the type of appropriation. Support appropriations expire after one year. The budget bill specifies how long Caltrans has to encumber and then liquidate capital appropriations. Caltrans cannot spend appropriations for which the budget authority has expired and the designated project has been de-obligated unless additional authority is granted in the state budget act. Unspent dedicated transportation funds remain in state transportation accounts and are available for future transportation purposes.
Legislative Approval Required to Move Funds Between Projects	No legislative approval is required. However, approval within the executive branch is required for certain changes. Specifically, for capital allocations and project development work performed by an agency other than Caltrans, the California Transportation Commission is required to deprogram funds on one project and reprogram them on another. For support allocations for project development work performed by Caltrans, the department has authority to move funds between projects without any approval.
Transportation Funding Allocations through Local Aid	State and federal funds are allocated to local agencies based on existing formulas, such as the federal STP formula, and other formulas related to population, lane miles, snow removal needs, etc. The Legislature must annually approve appropriation of these funds.

**Organizational Facts**

Legislature	Colorado General Assembly Structure: Bicameral, partisan Chambers: Senate (35 members) House (65 members) Session: Annual, approximately January – May Estimated no. of bills in 2011: 800	Department of Transportation	Colorado Department of Transportation (CDOT) FTE: Approximately 3,000 Leadership: Director; Transportation Commission Organizational structure: Mainly by functional activity
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 183,587 (2009); miles of tolled roadway: 84 (2009); bridges: 8,506 (2010)
Transit	Trips per year (all transit modes): Approximately 109.7 million (2008)
Rail	Freight rail route-miles: 2,663 (2008)
Aviation	Airports (total): 444; public-use: 76; state-owned: 0 (2008) Enplanements per year: 26,035,706 (2009)

**Legislative-DOT Collaboration and Communication**

**Mainly formal.** The General Assembly has formal, statutorily mandated interactions with CDOT through required presentations and reports before House and Senate transportation committees and before the Transportation Legislation Review Committee during interim sessions, as well as several other statutorily required CDOT reports to the General Assembly. CDOT employs a full-time legislative liaison who communicates CDOT’s legislative needs to legislators, serves as an information resource for legislators, coordinates statutorily required reports to legislative committees, and formally communicates CDOT’s positions on legislation. CDOT also responds to research and information requests submitted by legislators or legislative staff.

**DOT Leadership Appointments and Requirements**

The 11 members of the Transportation Commission are appointed to four-year terms by the governor with the consent of the Senate, subject to statutory requirements relating to geographic representation and residency (Colo. Rev. Stat. §43-1-106). The governor must consider appointment of one or more individuals with knowledge or experience in transit and at least one individual with knowledge or experience in engineering. The governor is encouraged to include at least one member who is a person with a disability, has a family member with a disability, or is a member of an advocacy group for people with disabilities. The CDOT executive director also is appointed by the governor with the consent of the Senate and serves at the pleasure of the governor (Colo. Rev. Stat. §43-1-103).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. Annually required reports include the Statewide Bridge Enterprise Report, the High Performance Transportation Enterprise Report and the Transportation Deficit Report.
Legislative Program Evaluation Office	Office of the State Auditor. This office conducts financial or performance audits at the request of legislative committees or individual legislators.
Sunset Review	The state conducts sunset reviews, but not of CDOT.

**Legislation and Regulation**

Transportation Governance Statutes	Colo. Rev. Stat. §24-1-128.7, §§43-1-101 et seq.
Administrative Rules Review	Legislative and executive review of existing rules; legislative review by joint bipartisan committee; no legislative objection constitutes approval of proposed rule.

# Colorado

## Transportation Planning and Capital Program Management

Transportation Planning Process	The Transportation Commission (appointed by the governor and approved by the General Assembly), in coordination with the CDOT executive director, is charged with allocation of funds and project identification, selection, prioritization and approval. CDOT provides the commission with reports, statistics, information and assistance. The CDOT executive director is required by state law to plan, develop, construct, coordinate and promote an integrated transportation system and initiate such comprehensive planning measures as he or she deems necessary. CDOT has an extensive planning process that includes local governments and other stakeholders in project selection and planning. Key priority decisions, however, rest with the Transportation Commission.
Legislative Role in Transportation Planning	Limited. The General Assembly determines statutory funding formulas and overall authority, gives some direction regarding priorities, and enacts some specific appropriations. Specific project planning and approval are delegated to the Transportation Commission.

## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1. The Transportation Commission develops the CDOT budget, subject to review and comment from legislative committees and approval by the governor. Only a few items in the budget are legislatively appropriated in the state budget bill. The entire CDOT budget is reflected in the budget bill for informational purposes.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$1.0 billion FY 2010: \$970 million FY 2009: \$1.6 billion FY 2008: \$1.1 billion
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds flow directly to CDOT from the U.S. DOT with no state legislative involvement.
Allocation of State Transportation Funds to the DOT	Most state transportation funds flow directly to CDOT with no legislative involvement, besides being reflected in state appropriations for informational purposes only. The General Assembly makes category-level appropriations for CDOT administration and other limited uses.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; truck weight fees; tolls; interest income; general fund revenues for FY 2012–2016 (2009 Colo. Sess. Laws, Chap. 228); revenue bonds.
State Funding and Finance for Other Modes	Aviation: Aviation fuel taxes. Bridges: Dedicated portion of registration fee revenues. No funding for ports or rail. Transit: General sales tax.
Innovative Transportation Funding and Finance	GARVEE bonds; private activity bonds (PABs) (issued); Build America Bonds; federal credit assistance (TIFIA and TIGER); state infrastructure bank (federally capitalized); congestion pricing; PPPs (authorized in statute, used for at least two projects); design-build (authorized in statute, used as a component of at least six projects); traffic camera fees; impact fees; creation of nonprofit, quasi-public entities; tapered matching; advance construction; toll credits or “soft match.” The state has collected a weight-distance tax on commercial vehicles in the past, but that tax has been repealed.
Dedicated/Restricted State Funds and Revenues	The state constitution restricts the use of fuel taxes and other vehicle-related fees or charges to the construction, maintenance and supervision of public highways (Colo. Const. art. X, §18). These revenues are deposited into the Highway Users Tax Fund (HUTF) (Colo. Rev. Stat. §§43-4-201 et seq.), from which statutorily formula-based distributions are made to the State Highway Fund, the State Patrol, motor vehicle regulatory operations in the state Department of Revenue, and local governments. The constitution also requires all aviation fuel taxes to be used for aviation purposes (Colo. Const. art. X, §18).
DOT Authorized to Retain Surplus Funds	Yes.
Legislative Approval Required to Move Funds Between Projects	No, except for some legislatively controlled fund sources and uses that are very limited in the context of CDOT’s total budget.

<p>Transportation Funding Allocations through Local Aid</p>	<p>Highway User Tax Fund (HUTF) revenues are distributed to the State Highway Fund (65 percent), counties (26 percent), and cities and towns (9 percent). Revenues for counties are distributed by a statutory formula based on historical allocation ratios, specified percentages, rural motor vehicle registration, countywide motor vehicle registration, lane miles and square feet of bridge deck (Colo. Rev. Stat. §43-4-207). Revenues for cities and towns are distributed by a statutory formula based on adjusted urban motor vehicle registration and street miles (Colo. Rev. Stat. §43-4-208). CDOT makes discretionary grants to local governments for airport improvements; other grants are made, within statutory requirements, for enhanced drunk driving enforcement. The state infrastructure bank makes loans for highway and aviation purposes.</p>
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# Connecticut

## Organizational Facts

Legislature	Connecticut General Assembly Structure: Bicameral, partisan Chambers: Senate (36 members) House (151 members) Session: Annual, approximately January – June (odd years), approximately February – May (even years) Estimated no. of bills in 2011: 3,200	Department of Transportation	Connecticut Department of Transportation (ConnDOT) FTE: 3,396 authorized; 2,959 filled Leadership: Commissioner Organizational structure: Mainly by transportation mode
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 45,638 (2009); bridges: 4,191 (2010)
Transit	Trips per year (all transit modes): Approximately 42.0 million (2008)
Rail	Freight rail route-miles: 330 (2008)
Aviation	Airports (total): 119; public-use: 54; state-owned: 6 (2008) Enplanements per year: 2,660,132 (2009)
Marine	Waterborne tonnage per year: 16.8 million (2009); state-operated ferries: 2 (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal.** State statutes require ConnDOT and transportation-related commissions to submit several regular reports to the General Assembly. Executive branch procedures and legislative rules determine how ConnDOT influences legislation. ConnDOT annually submits bill proposals to the state Office of Policy Management for approval; approved bills are presented to the General Assembly. ConnDOT staff brief transportation committee members about ConnDOT proposals early in the session and testify on these and other bills at public hearings. ConnDOT employs a full-time legislative liaison who advances ConnDOT initiatives and answers questions from legislators during the session and is in direct, frequent communication on various matters throughout the year.

## DOT Leadership Appointments and Requirements

The ConnDOT commissioner is appointed to a four-year term by the governor, with the advice and consent by resolution of either house of the General Assembly, and serves at the pleasure of the governor. Each department head must be qualified by training and experience for the duties of the office (Conn. Gen. Stat. Ann. §§4-6 to 4-8).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. The General Assembly’s fiscal committees have oversight of ConnDOT regarding funding and fees, and the State Bond Commission (of which four members are legislators) authorizes transportation-related bonding. The transportation committee holds annual “oversight hearings” on various ConnDOT projects and processes. The General Assembly’s Program Review and Investigations Committee may be asked to evaluate ConnDOT. The General Assembly’s offices of Legislative Research and Fiscal Analysis also may be asked for information on transportation issues.
Legislative Program Evaluation Office	Legislative Program Review and Investigations Committee. The committee may be requested by legislators to evaluate ConnDOT, but is not required to review the department on a regular basis.
Sunset Review	The state conducts sunset reviews, but not of ConnDOT.

## Legislation and Regulation

Transportation Governance Statutes	Conn. Gen. Stat. Ann. Titles 13a, 13b and 15
Administrative Rules Review	Legislative review of proposed rules by a joint bipartisan standing committee; no objection constitutes approval of proposed rule.

## Transportation Planning and Capital Program Management

Transportation Planning Process	ConnDOT assesses existing transportation facilities biennially and starting in 2010 must develop a master transportation plan every five years. ConnDOT uses a structured planning process that requires the participation of regional entities and provides opportunities for public input.
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Legislative Role in Transportation Planning	State statute provides guidelines for the planning process, including conditions for approving projects. The General Assembly also passes legislation identifying specific projects or programs for ConnDOT to implement (see Conn. Gen. Stat. Ann. §13b-57h). In 2001, the General Assembly created a Transportation Strategy Board that includes legislatively appointed members, which proposes a transportation strategy for legislative approval every four years. The General Assembly also approves the five-year State Plan of Conservation and Development, which includes a transportation component.
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## Funding and Finance

Budgeting and Appropriations	Biennial enactment of two 12-month budgets; fiscal year begins July 1. ConnDOT submits budget requests to the executive branch Office of Policy and Management, which prepares the governor's budget proposal and submits it to the General Assembly for review and approval.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$516.9 million FY 2010: \$488.2 million FY 2009: \$512.9 million FY 2008: \$492.7 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds flow directly to ConnDOT from the U.S. DOT with no state legislative involvement.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated to ConnDOT through a legislative appropriation at the program/category level.
Traditional State Funding and Finance for Highways	Fuel taxes; additional sales taxes on gasoline or diesel; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; truck weight fees; interest income; statutory transfers from the general fund; general obligation bonds.
State Funding and Finance for Other Modes	State-owned and -operated public transit: Bond proceeds; appropriations from the Special Transportation Fund, to meet shortfalls in fare collections.
Innovative Transportation Funding and Finance	GARVEE bonds; design-build (reported in survey; no authorizing statute found).
Dedicated/Restricted State Funds and Revenues	The Special Transportation Fund receives revenues from various sources and is statutorily dedicated to debt service; payment of general obligation bonds for transportation purposes; and appropriations to ConnDOT, the Department of Motor Vehicles or the Department of Public Safety for members of the Division of State Police (Conn. Gen. Stat. Ann. §§13b-59 et seq.).
DOT Authorized to Retain Surplus Funds	Yes. The Connecticut Special Transportation Fund maintains a cumulative surplus that is carried forward each year.
Legislative Approval Required to Move Funds Between Projects	Yes, inasmuch as bond acts must be revised to reflect changes in state-funded capital projects.
Transportation Funding Allocations through Local Aid	Allocations generally are given through state legislative appropriations—which can be appropriated only from state funding sources—and ConnDOT allocation of funds by formula. A certain amount of funding is allocated to towns through the Town Aid program and is distributed by a statutory formula based on miles of improved road and population (Conn. Gen. Stat. Ann. §§13a-175a et seq.). Connecticut does not have organized county governments.



# Delaware

## Organizational Facts

Legislature	Delaware General Assembly Structure: Bicameral, partisan Chambers: Senate (21 members) House (41 members) Session: Annual, approximately January – June Estimated no. of bills in 2011: 600	Department of Transportation	Delaware Department of Transportation (DelDOT) FTE: 1,509 operating; 309 capital Leadership: Secretary Organizational structure: Modes administered by separate agencies
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 13,656 (2009); miles of tolled roadway: 47 (2009); bridges: 861 (2010); toll bridges and tunnels: 1 shared with New Jersey (2009)
Transit	Trips per year (all transit modes): Approximately 9.5 million (2008)
Rail	Freight rail route-miles: 218 (2008)
Aviation	Airports (total): 11; public-use: 11; state-owned: 2 (one jointly with New Jersey) (2010) Enplanements per year: 1,677 (2009)
Marine	Port traffic per year (20-foot equivalent units): 164,013 (2009); waterborne tonnage per year: 23.6 million (2009); state-operated ferries: 1 shared with New Jersey (operated by the Delaware River and Bay Authority) (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal.** DelDOT uses the budget process to communicate its goals and project directions to the General Assembly. DelDOT attends executive and legislative budget meetings. Ongoing communication occurs as issues arise and projects proceed, through public and one-on-one meetings, letters, e-mails and phone calls. DelDOT employs a dedicated legislative program manager.

## DOT Leadership Appointments and Requirements

The DelDOT secretary is appointed by the governor, with the advice and consent of the Senate and within statutory requirements for qualifications, and serves at the pleasure of the governor. Preference must be given to a state resident provided such person is acceptable and equally qualified (Del. Code Ann. tit. 29, §8403).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Joint Sunset Committee
Sunset Review	The Joint Sunset Committee can initiate a sunset review of any state entity (Del. Code Ann. tit. 29, §§10201 et seq.), but has not reviewed DelDOT.

## Legislation and Regulation

Transportation Governance Statutes	Del. Code Ann. tit. 29, ch. 84; Del. Code Ann. tit. 2, ch. 13 and ch. 14
Administrative Rules Review	Executive review of proposed rules.

## Transportation Planning and Capital Program Management

Transportation Planning Process	DelDOT annually updates its Statewide Transportation Improvement Program (STIP), which also is the state's six-year Capital Transportation Plan. The STIP is adopted by the Council on Transportation.
Legislative Role in Transportation Planning	DelDOT presents the Capital Transportation Plan to the General Assembly's Bond Bill Committee and the operating budget to the Joint Finance Committee for committee approval, before they go to the full legislature for approval. In addition, the state has a Community Transportation Fund, from which legislators can each determine the use of an annual authorization for road and drainage projects in their respective districts. This fund allows individual lawmakers to address small transportation projects that may not meet DelDOT priorities.

## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1. The governor outlines priorities in an annual recommended budget, which must be approved by the General Assembly.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$485.9 million FY 2010: \$416.8 million FY 2009: \$621.2 million FY 2008: \$606.9 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated through state legislative approval of DelDOT's Capital Transportation Plan and operating budget.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated through state legislative approval of DelDOT's Capital Transportation Plan and operating budget.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; tolls; interest income; general obligation bonds; revenue bonds.
State Funding and Finance for Other Modes	Transit, rail and bridges: Funded by the same revenue sources as highways through the Transportation Trust Fund.
Innovative Transportation Funding and Finance	GARVEE bonds (authorized by Vol. 77 Del. Laws, Chap. 223); Build America Bonds; state infrastructure bank (federally capitalized); PPPs (authorized in statute with legislative approval requirements); design-build (authorized in statute); traffic camera fees.
Dedicated/Restricted State Funds and Revenues	The state's multimodal Transportation Trust Fund is fed primarily by tolls, motor fuel taxes, DMV fees and fare revenues. State statute requires certain revenues to go solely to this fund. The transfer of motor fuel tax revenues or motor carrier registration fees to the general fund is prohibited (Del. Code Ann. tit. 2, §1415 and §1416). The state Community Transportation Fund is set aside for legislators to allocate to transportation-related projects in their districts.
DOT Authorized to Retain Surplus Funds	Yes. DelDOT can rollover any excess funds to the next fiscal year with approval of the Capital Transportation Plan (CTP).
Legislative Approval Required to Move Funds Between Projects	Yes, through a mini-bond bill session. Once changes are approved by the Bond Bill Committee, they go to the full legislative body for approval.
Transportation Funding Allocations through Local Aid	The General Assembly appropriates funds to local governmental entities. DelDOT also allocates certain funds by formula. Municipal Street Aid is allocated to municipalities by a statutory formula based on population and road mileage (Del. Code Ann. tit. 30, §§5161 et seq.).

# Florida

## Organizational Facts

Legislature	Florida Legislature Structure: Bicameral, partisan Chambers: Senate (40 members) House (120 members) Session: Annual, approximately March – May Estimated no. of bills in 2011: 2,400	Department of Transportation	Florida Department of Transportation (FDOT) FTE: 7,443 Leadership: Commission; Secretary Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 268,350 (2009); miles of tolled roadway: 679 (2009); bridges: 11,912 (2010); toll bridges and tunnels: 14 (2009)
Transit	Trips per year (all transit modes): Approximately 271.8 million (2008)
Rail	Freight rail route-miles: 2,874 (2008)
Aviation	Airports (total): 759; public-use: 128; state-owned: 0 (2008) Enplanements per year: 64,762,899 (2009)
Marine	Port traffic per year (20-foot equivalent units): 2,006,827 (2009); waterborne tonnage per year: 98.1 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, mainly through leadership.** FDOT’s leadership team—which includes the secretary, chief of staff, legislative affairs director, communications director and director of the office of policy planning—is the main conduit of information between the agency and the Legislature. Six members of this team are registered lobbyists who can actively advocate for FDOT initiatives. These staff interact with legislators and legislative committee staff during the interim, appear before committees during session, and pursue FDOT’s policy and funding issues. FDOT also has a legislative affairs office that provides information to legislators and staff.

## DOT Leadership Appointments and Requirements

The nine members of the Transportation Commission are appointed to four-year terms by the governor, subject to confirmation by the Senate and within statutory requirements for geographic representation, state citizenship and voter registration. Each appointee also must possess business managerial experience in the private sector. The secretary of transportation is nominated by the Transportation Commission and appointed by the governor, subject to confirmation by the Senate and within statutory requirements for qualifications, and serves at the pleasure of the governor (Fla. Stat. Ann. §20.23).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by one or more legislative committees; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Office of Program Policy Analysis and Government Accountability
Sunset Review	Yes. As of April 2011, state agencies and advisory committees are reviewed every 10 years. Each is abolished on June 30 following the review unless affirmatively continued by the Legislature. Under this process, FDOT will be reviewed starting July 1, 2012, and terminates June 30, 2013 unless continued (Fla. Stat. Ann. §§11.901 et seq.). (Note, however, Senate Bill 1204 in the 2011 legislative session proposes to repeal these state statutes and thus eliminate the sunset review process. As of April 2011, this bill had passed both chambers.)

## Legislation and Regulation

Transportation Governance Statutes	Fla. Stat. Ann. §20.23; Fla. Stat. Ann. ch. 334 to 249
Administrative Rules Review	Legislative review of proposed and existing rules by a joint bipartisan committee; committee role is mainly advisory.

## Transportation Planning and Capital Program Management

Transportation Planning Process	FDOT is responsible for coordinating and preparing statewide and local government transportation plans. FDOT collaboratively develops a Five-Year Work Program and the annually updated Florida Transportation Plan. The Transportation Commission performs an in-depth evaluation of the Florida Transportation Plan.
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Legislative Role in Transportation Planning	The Legislature requires FDOT to develop and annually update the statewide Florida Transportation Plan, and has set statutory requirements for its purpose and content. Statute establishes the prevailing principles to be considered in planning and developing an integrated, balanced state transportation system (Fla. Stat. Ann. §334.046). Each year, FDOT must develop a tentative work program and submit it to the Legislature as part of the legislative budget request. Based on appropriations, FDOT adopts a final work program prior to the beginning of the fiscal year. The tentative and final work programs are required to be planned to deplete the estimated resources of each fund for the fiscal year.
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**Funding and Finance**

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Operates on a cash flow basis (combination of bonding and pay-as-you-go). Major project phases begin before the total amount is available to fund that phase. Project commitments within the work program are converted to cash flow projections over several years.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$3.69 billion FY 2010: \$2.44 billion FY 2009: \$3.09 billion FY 2008: \$3.96 billion
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated through a state legislative appropriation at the program level and through approval of the FDOT work program, which is submitted to the Legislature as part of the legislative budget request. Occasionally, a legislative proviso may direct how funding may be used.
Allocation of State Transportation Funds to the DOT	As with federal funds, state transportation funds also are allocated through appropriation at the program level and approval of the FDOT work program.
Traditional State Funding and Finance for Highways	Fuel taxes (indexed to Consumer Price Index; see Fla. Stat. Ann. §206.41); motor vehicle/rental car sales taxes; vehicle registration/license/title fees; tolls; interest income; a portion of documentary stamp revenue; revenue bonds.
State Funding and Finance for Other Modes	All modes—including transit, aviation, rail, ports and bridges—are funded by revenue sources that flow into the State Transportation Trust Fund and receive allocations based on statutory guidance (Fla. Stat. Ann. §§339.08, §§332.003 et seq., §311.07(2), §320.20 and §206.46(2)). A minimum of 15 percent of fund revenues must be used for transit (Fla. Stat. Ann. §206.46). Starting in FY 2014-2015, \$60 million of documentary stamp proceeds are to be allocated to the Florida Rail Enterprise (Fla. Stat. Ann. §201.15(1)(c)(1)(d)).
Innovative Transportation Funding and Finance	GARVEE bonds (authorized but not used as of 2009); Build America Bonds; federal credit assistance (TIFIA); state infrastructure bank (separate federally and state-only capitalized accounts); congestion pricing; PPPs (authorized in statute with legislative approval requirements, used for at least seven projects); design-build (authorized in statute, used as a component of at least 14 projects); traffic camera fees; impact fees; advance construction; toll credits or “soft match.”
Dedicated/Restricted State Funds and Revenues	State Transportation Trust Fund money can be used only for certain purposes, including FDOT administration, highway construction and maintenance, public transit and grants to local governments (Fla. Stat. Ann. §339.08). This statute also allows a transfer from the trust fund to the general fund for FY 2010 – 2011 only. Toll revenues may be used only for turnpike projects.
DOT Authorized to Retain Surplus Funds	No. The Legislative Budget Committee must approve carrying forward any work program budget authority not yet committed. The transportation work program is required by law to deplete available revenues, and operating cash reverts to the fund from which it was appropriated.
Legislative Approval Required to Move Funds Between Projects	Yes. FDOT must submit any work program amendments to affected counties, the governor and the Legislature. The governor may not approve the amendment until 14 days after legislative notification. The amendment is approved after the 14-day period if there is no legislative objection.

# Florida

<p>Transportation Funding Allocations through Local Aid</p>	<p>The state allocates funds to local governmental entities through state legislative appropriations; FDOT allocation of funds by formula; FDOT allocation of funds within existing statutory requirements; and FDOT discretionary allocation of funds. Florida levies state taxes specifically for local use. These include the constitutional fuel tax, the county fuel tax and the municipal fuel tax. The constitutional fuel tax is distributed to counties by a formula based on area, population and constitutional fuel tax collections (Fla. Const. art. XII, §9(c); Fla. Stat. Ann. §206.47). The county fuel tax is distributed by the same formula as the constitutional fuel tax (Fla. Stat. Ann. §206.60). Allowable uses of the municipal fuel tax are described in statute (Fla. Stat. Ann. §206.605). FDOT also provides funding to local entities through various grant programs, including the Small County Road Assistance Program (Fla. Stat. Ann. §339.2816), the County Incentive Grant Program (Fla. Stat. Ann. §339.2817), the Small County Outreach Program (Fla. Stat. Ann. §339.2818) and the Enhanced Bridge Program for Sustainable Transportation (Fla. Stat. Ann. 339.285). FDOT is decentralized into seven districts; these districts also receive discretionary funding through the Transportation Regional Incentive Program (Fla. Stat. Ann. §339.2819).</p>
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**Organizational Facts**

Legislature	Georgia General Assembly Structure: Bicameral, partisan Chambers: Senate (56 members) House (180 members) Session: Annual, approximately January – April Estimated no. of bills in 2011: 3,200	Department of Transportation	Georgia Department of Transportation (GDOT) FTE: Approximately 4,750 Leadership: Commissioner; Transportation Board; Director of Planning Organizational structure: Mainly by functional activity
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 256,952 (2009); miles of tolled roadway: 6 (2009); bridges: 14,670 (2010)
Transit	Trips per year (all transit modes): Approximately 173.4 million (2008)
Rail	Freight rail route-miles: 4,720 (2008)
Aviation	Airports (total): 465; public-use: 106; state-owned: 4 (2008) Enplanements per year: 43,487,786 (2009)
Marine	Port traffic per year (20-foot equivalent units): 1,898,745 (2009); waterborne tonnage per year: 34.4 million (2009)

**Legislative-DOT Collaboration and Communication**

**Formal and informal, mainly through the DOT legislative liaison.** GDOT meets regularly with members of the General Assembly and must submit several reports every year to the House and Senate transportation committees. In addition to committee hearings, legislators often request information from GDOT. GDOT employs a dedicated legislative liaison in the commissioner's office who drafts, finds sponsors for and lobbies for GDOT legislation and also testifies in legislative hearings. Most legislative-GDOT communication occurs through the liaison.

**DOT Leadership Appointments and Requirements**

The 13 members of the State Transportation Board represent congressional districts; they are elected by—and can be recalled by—a majority vote of state legislators in their respective districts. The board appoints and can remove the commissioner of transportation (Ga. Const. art. IV, §4; Ga. Code Ann. §32-2-20). The director of planning is appointed by the governor, subject to approval by a majority vote of both the House Transportation Committee and the Senate Transportation Committee. The director serves during the term of the governor by whom s/he is appointed and at the pleasure of the governor (Ga. Code Ann. §32-2-43).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Department of Audits and Accounts, Performance Audit Operations Division
Sunset Review	No sunset review of state agencies or programs.

**Legislation and Regulation**

Transportation Governance Statutes	Ga. Code Ann. tit. 32; Ga. Code Ann. tit. 48 ch. 9. Also relevant: Ga. Code Ann. tit. 12, tit. 13, tit. 40, tit. 45, tit. 46, tit. 50.
Administrative Rules Review	Legislative review of proposed rules by standing committee; no objection constitutes approval of proposed rule.

# Georgia

## Transportation Planning and Capital Program Management

Transportation Planning Process	The position of director of planning was legislatively created in 2009 (2009 Ga. Laws, p. 340). The director of planning works with many planning partners to develop the state transportation plan and priorities. GDOT helps to develop projects to take into consideration for inclusion in the STIP. GDOT evaluates projects to determine the need and whether a project supports the state's Investing in Tomorrow's Transportation Today initiative. This initiative is an effort to bring a results-oriented, strategic direction to transportation planning and implementation. Once a need is established, a project is included in GDOT's program and subjected to GDOT's project prioritization process. Priority projects are included in the STIP, which is approved by the governor, the State Transportation Board and the U.S. DOT. GDOT also works with each MPO to develop a draft Transportation Improvement Program (TIP), which must be approved by the MPO and the governor.
Legislative Role in Transportation Planning	The General Assembly is given the opportunity to comment on the draft STIP, which typically is developed annually. Senate Bill 200 (2009) gave the General Assembly the ability to allocate between 10 percent and 20 percent of the motor fuel revenues to a Local Maintenance and Improvement Grant program. The General Assembly annually appropriates funding to GDOT for intermodal programs and can choose to emphasize rail, airports, transit or other modes in a given year.

## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	GDOT has been restricted to using only what is in the budget, so that the full amount for a contract must be encumbered in the current year's budget, whether or not the project will fully pay out in the current year. The FY 2011 budget included \$200 million in general obligation bonds; the debt service on these bonds, however, must be paid back with motor fuel funds.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$682 million* FY 2010: \$693 million* FY 2009: \$865 million* FY 2008: \$833 million* <i>*These numbers include GDOT appropriations only. A portion of motor fuel receipts also is allocated to debt service on general obligation bonds. Because this money is appropriated directly to the Georgia State Financing and Investment Commission, not to GDOT, it is not included here.</i>
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to GDOT as a state legislative appropriation at the program level, by budgetary program (State Highway Construction, State Highway Maintenance, etc.).
Allocation of State Transportation Funds to the DOT	State transportation funds also are allocated to GDOT as a state legislative appropriation at the program level. Debt service for general obligation bonds paid with motor fuel tax revenues is taken off the top.
Traditional State Funding and Finance for Highways	Fuel taxes; truck oversize permit fees; interest income; general obligation bonds.
State Funding and Finance for Other Modes	Transit, aviation, rail, ports and intermodal: General funds. Bridges: Fuel taxes.
Innovative Transportation Funding and Finance	GARVEE bonds; Build America Bonds; state infrastructure bank (state-only capitalized); PPPs (authorized in statute); design-build (authorized in statute); traffic camera fees; impact fees; advance construction.
Dedicated/Restricted State Funds and Revenues	The state constitution restricts use of motor fuel revenues to roads and bridges, except in case of invasion or major catastrophe declared by the governor (Ga. Const. art. III, §9 ¶VI(b)). Transportation-related revenues are deposited into the State Public Transportation Fund, which must be used for certain transportation purposes (Ga. Code Ann. §§32-5-20 et seq.).
DOT Authorized to Retain Surplus Funds	Yes, for some funds. GDOT can retain excess motor fuel funds and amend them into the GDOT budget in a subsequent fiscal year.
Legislative Approval Required to Move Funds Between Projects	Yes, for some funds. GDOT cannot move state motor fuel funds from one program to another without legislative approval. Federal funds can be moved between programs with the approval of the governor's Office of Planning and Budget.
Transportation Funding Allocations through Local Aid	Between 10 percent and 20 percent of the state motor fuel tax must be appropriated by the General Assembly to the Local Maintenance and Improvement Grant program. Funds are distributed to local governments by a formula that state statute requires the director of planning to create within certain guidelines (Ga. Code Ann. §32-5-27). The formula used is based on centerline miles and population.

**Organizational Facts**

Legislature	Hawaii Legislature Structure: Bicameral, partisan Chambers: Senate (25 members) House (51 members) Session: Annual, approximately January – May Estimated no. of bills in 2011: 4,500	Department of Transportation	Hawaii Department of Transportation (DOT) FTE: 2,160 Leadership: Director; Commission (advisory only) Organizational structure: Mainly by transportation mode
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 9,539 (2009)*; bridges: 1,137 (2010) <i>* Total lane miles above are as reported by Federal Highway Administration. Hawaii's DOT reported 9,530 lane miles as of Dec. 31, 2009.</i>
Transit	Trips per year (all transit modes): Approximately 71.3 million (2008)
Rail	Freight rail route-miles: 0 (2008)
Aviation	Airports (total): 20; public-use: 20; state-owned: 15 (2008) Enplanements per year: 14,549,137 (2009)
Marine	Port traffic per year (20-foot equivalent units): 828,929 (2009); waterborne tonnage per year: 19.0 million (2009)

**Legislative-DOT Collaboration and Communication**

**Formal and informal.** The DOT exchanges formal and informal written and oral communications with individual legislators and legislative committees. The DOT testifies at, makes presentations for, and otherwise attends relevant legislative hearings during the legislative session and interim. The Staff Services office within the Highways Division provides coordination and liaison services for legislative matters. The office reviews legislation for its impact on the division; provides recommendations on legislation; coordinates and assists in drafting legislation and legislative testimonies; and recommends changes in law.

**DOT Leadership Appointments and Requirements**

The DOT director is appointed by the governor, with the advice and consent of the Senate, and also can be removed by the governor (Hawaii Rev. Stat. §26-31). The not more than 11 members of the advisory Commission on Transportation are appointed by the governor, within statutory requirements for geographic representation (Hawaii Rev. Stat. §26-19).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; reporting requirements; legislative requests for information. Various state statutes require DOT reports to the Legislature. Legislative bills and resolutions may also request audit or performance data from the DOT.
Legislative Program Evaluation Office	Office of the Auditor, which performs periodic audits of executive departments, including the DOT.
Sunset Review	The state conducts sunset reviews, but not of the DOT.

**Legislation and Regulation**

Transportation Governance Statutes	Hawaii Rev. Stat. §26-13, tit. 15, tit. 17
Administrative Rules Review	Legislative review of proposed and existing rules by the Legislative Reference Bureau; bureau role is mainly advisory.

**Transportation Planning and Capital Program Management**

Transportation Planning Process	The governor and the DOT are responsible for short- and long-term planning with input from various public and private stakeholder groups, such as the harbor users group and MPOs.
Legislative Role in Transportation Planning	The Legislature approves all appropriations, both for operating costs and capital improvements.



# Hawaii

## Funding and Finance

Budgeting and Appropriations	Biennial enactment of two 12-month budgets; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$1.23 billion FY 2010: \$1.46 billion FY 2009: \$1.04 billion FY 2008: \$862.3 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated by state legislative appropriations at the agency level, the program or category level, and for specific projects. The Legislature also approves a DOT transportation plan. The DOT, via a budget proviso, is allowed to increase federal appropriation ceilings when the Legislature is not in session, thus effectively allowing federal funds to flow directly to Hawaii's DOT from the U.S. DOT during the interim. All such actions, however, must be reported to the Legislature with details about why the appropriation was not sought during the normal legislative budgeting cycle.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated by direct flow from revenue sources to the DOT with no legislative involvement; state legislative appropriations at the agency, program/category and project-specific level; and legislative approval of a DOT transportation plan.
Traditional State Funding and Finance for Highways	Fuel taxes; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; state vehicle weight tax; revenue bonds.
State Funding and Finance for Other Modes	Aviation: Consolidated facility charge; passenger facility charge; concession fees. Ports: Moorage, rental fees, tariffs, dockage, wharfage, demurrage, pipeline tolls and others. Transit and rail are funded at the county level.
Innovative Transportation Funding and Finance	Design-build (used but not specifically authorized in statute); impact fees; advance construction; toll credits or "soft match."
Dedicated/Restricted State Funds and Revenues	The State Highway Fund receives revenues from several sources, including the state fuel tax. Expenditures from the fund are statutorily restricted to highways, roads, bikeways and—for vehicle weight tax revenues—transit and certain other transportation-related purposes (Hawaii Rev. Stat. §248-9 and §249-18). The passenger facility charge special fund must be used for airport capital improvement program projects (Hawaii Rev. Stat. §261-5.5), and the rental motor vehicle customer facility charge special fund for rental motor vehicle customer facilities at state airports (Hawaii Rev. Stat. §261-5.6). Aviation fuel tax revenues are deposited in the Airport Revenue Fund, which is restricted to aeronautics purposes (Hawaii Rev. Stat. §248-8, §261-5). The Boating Special Fund, supported by boating fuel tax revenues, funds the statewide comprehensive boating program (Hawaii Rev. Stat. §200-8 and §248-8).
DOT Authorized to Retain Surplus Funds	Yes, inasmuch as all excess funds are retained by the respective DOT division. Funds, however, can be authorized for other purposes only via legislative appropriation unless budget proviso flexibility provisions apply.
Legislative Approval Required to Move Funds Between Projects	Yes. Budget provisos allow for DOT flexibility to transfer funds for existing projects when the Legislature is not in session, provided that all transfers are reported in detail to the Legislature. Unless otherwise indicated as part of a lump sum appropriation, funding must be reappropriated in the following year's budget acted for new projects.
Transportation Funding Allocations through Local Aid	The state allocates transportation funds to local entities through state legislative appropriations. Also, a temporary 0.5 percent state general excise tax in one county has been authorized for the development of a fixed rail system, which will be implemented at the county level.

**Organizational Facts**

Legislature	Idaho Legislature Structure: Bicameral, partisan Chambers: Senate (35 members) House (70 members) Session: Annual, approximately January – March Estimated no. of bills in 2011: 700	Department of Transportation	Idaho Transportation Department (ITD) FTE: 1,826.5 Leadership: Director; Transportation Board Organizational structure: Mainly by transportation mode
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 98,590 (2009); bridges: 4,132 (2010)
Transit	Trips per year (all transit modes): Approximately 1.8 million (2008)
Rail	Freight rail route-miles: 1,591 (2008)
Aviation	Airports (total): 69; public-use: 69; state-owned: 61 (2008) Enplanements per year: 1,700,595 (2009)
Marine	Port traffic per year (20-foot equivalent units): 4,785, plus 128 shared with Oregon and Washington (2009); waterborne tonnage per year: 692,000 (2009)

**Legislative-DOT Collaboration and Communication**

**Formal and informal.** ITD executive leadership and the governmental affairs manager communicate with legislators face-to-face, by phone or by e-mail throughout the year, and often attend the Legislature during session. Legislators request information from ITD staff. The ITD conducts legislative outreach meetings at each of its six district offices in December and invites legislators to attend board meetings each year when the board tours the state. The ITD has a governmental affairs office that monitors and assigns relevant legislation to subject matter experts for analysis. The analysis is supplied to the governor's office, the legislative services office and legislators. ITD prepares a package of legislation each year that, after being approved by the governor, is submitted to the Legislature. ITD staff assist the legislative sponsors of—and testify regarding—these bills.

**DOT Leadership Appointments and Requirements**

The seven members of the Idaho Transportation Board are appointed by the governor, subject to confirmation by the Senate and statutory requirements regarding state citizenship, residency, party affiliation and geographic representation. None can hold any other elective, appointive or political office, and each must be “well informed and interested in the construction and maintenance of public highways and highway systems.” At least one must have special training, experience or expertise in aeronautics. Six members are appointed to alternating six-year terms and represent designated districts; the seventh is appointed from the state at-large to act as chairman of the board; the chairman serves at the pleasure of the governor for an indefinite period (Idaho Code §§40-302 et seq.). The director of the ITD is appointed by the Idaho Transportation Board within broad statutory guidelines for knowledge and experience, and serves at its pleasure (Idaho Code §40-503).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Office of Performance Evaluations. The Legislature may request that this office conduct an evaluation of a state agency or program. In 2008, for example, the Legislature requested a comprehensive review of the ITD (House Concurrent Resolution No. 50). Also, the Legislative Audits Division of the Legislative Services Office must conduct a full audit of all state agencies every three years.
Sunset Review	Sunset clauses have been enacted only for selected programs or legislation, not for ITD per se.

**Legislation and Regulation**

Transportation Governance Statutes	Idaho Code title 40; title 49; title 67
Administrative Rules Review	Legislative review of proposed rules by germane joint subcommittees, then the full Legislature; no objection constitutes approval of proposed rule.

# Idaho

## Transportation Planning and Capital Program Management

Transportation Planning Process	Project ideas are developed through a coordinated, cooperative process involving many stakeholders, including local and tribal governments. ITD identifies and selects projects according to existing priorities. Projects are confirmed through the public involvement process during the annual update of the Statewide Transportation Improvement Program (STIP).
Legislative Role in Transportation Planning	The Legislature has limited involvement in transportation planning beyond approving the departmental budget recommended by the Idaho Transportation Board through the office of the governor. In 2006, the Legislature selected projects and approved the use of GARVEE bonds to construct large expansion projects.

## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$224.2 million* FY 2010: \$259.8 million* FY 2009: \$225.9 million* FY 2008: \$214.2 million* <i>*All these numbers include state-funded GARVEE debt service.</i>
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated by a state legislative appropriation at the program or category level. The Legislature approves the departmental budget by object and program.
Allocation of State Transportation Funds to the DOT	State transportation funds also are allocated by a state legislative appropriation at the program or category level.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; revenue bonds.
State Funding and Finance for Other Modes	Transit: Fuel taxes; vehicle registration/license/title fees. Rail: \$250,000 from fuel tax. Aviation: Tax on jet fuel. Bridges: \$100,000 from fuel tax.
Innovative Transportation Funding and Finance	GARVEE bonds; design-build (authorized in statute); impact fees.
Dedicated/Restricted State Funds and Revenues	The state constitution restricts the use of highway-user revenues to highway construction and maintenance (Idaho Const. art. VII, §17). Use of all funds in the State Highway Fund is restricted to defraying the costs incurred in carrying out the powers and duties of the Highway Board (Idaho Code §40-707).
DOT Authorized to Retain Surplus Funds	Yes. The ITD is provided reappropriation or carry-over authority for any unexpended and unencumbered balances of the State Highway Fund appropriated for the Contract Construction and Right-of-Way Acquisition program.
Legislative Approval Required to Move Funds Between Projects	No. Legislative appropriations are controlled at the program level, not by project. The ITD can transfer funds between projects in the same program without legislative approval.
Transportation Funding Allocations through Local Aid	The ITD allocates funds to local governments by legislative appropriation, by formula and within existing statutory requirements. After set-asides, 30 percent of the money appropriated from the highway distribution account to local units of government is distributed to cities by a statutory formula based on population. The remainder is apportioned to counties by a statutory formula based on equal distribution, motor vehicle registrations and miles of improved highways (Idaho Code §40-709).

**Organizational Facts**

Legislature	Illinois General Assembly Structure: Bicameral, partisan Chambers: Senate (59 members) House (118 members) Session: Annual, year-round Estimated no. of bills in 2011: 8,500	Department of Transportation	Illinois Department of Transportation (IDOT) FTE: 5,449 Leadership: Secretary Organizational structure: Mainly by transportation mode
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 292,845 (2009); miles of tolled roadway: 284 (2009); bridges: 26,337 (2010); toll bridges and tunnels: 1, plus 2 shared with Indiana and 1 shared with Iowa (2009)
Transit	Trips per year (all transit modes): Approximately 668.5 million (2008)
Rail	Freight rail route-miles: 7,306 (2008)
Aviation	Airports (total): 601; public-use: 117; state-owned: 0 (2008) Enplanements per year: 40,589,152 (2009)
Marine	Waterborne tonnage per year: 119.1 million (2009)

**Legislative-DOT Collaboration and Communication**

**Formal and informal.** IDOT actively participates in the legislative process, providing testimony and input on relevant legislation during the year-round session. IDOT annually submits its proposed five-year highway improvement plan to the General Assembly for review during the appropriations process. IDOT also submits required reports to the General Assembly. Every state executive agency in Illinois, including IDOT, employs a dedicated legislative liaison.

**DOT Leadership Appointments and Requirements**

The secretary of transportation is appointed to a two-year term by the governor, by and with the advice and consent of the Senate, and can be removed at the governor's discretion (Ill. Rev. Stat. ch. 20, §§5/5-605 et seq.).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; reporting requirements; legislative requests for information. Both legislative chambers require detailed documents pertaining to IDOT budget requests. The General Assembly holds IDOT budget hearings before various appropriation committees. The General Assembly recently enacted an expenditure reporting law requiring detailed information on every capital project undertaken or expected to be undertaken by the state. The Legislative Research Unit maintains separate research and reporting functions.
Legislative Program Evaluation Office	Office of the Auditor General. Also, the Legislative Audit Commission can review the agency with or without the assistance of the auditor general, and last did so in FY 2008.
Sunset Review	The state's process for sunset reviews currently is inactive.

**Legislation and Regulation**

Transportation Governance Statutes	Ill. Rev. Stat. ch. 20, art. 5/ and art. 2705/; Ill. Rev. Stat. ch. 605, art. 5/ et seq.; Ill. Rev. Stat. ch. 610, art. 5/ et seq.; Ill. Rev. Stat. ch. 615, art. 10/ et seq.; Ill. Rev. Stat. ch. 620, art. 5/ et seq.
Administrative Rules Review	Legislative review of proposed and existing rules by a joint bipartisan committee; committee may suspend rule.

**Transportation Planning and Capital Program Management**

Transportation Planning Process	IDOT estimates revenues from federal and state sources, assesses highway needs, and issues funding targets and technical guidelines to its nine highway districts. IDOT districts develop, prioritize and submit projects for inclusion in the multi-year highway improvement plan. Each year, the plan is submitted for review and announcement to the governor. The governor then presents the plan to the General Assembly and the public for review and discussion during the appropriation process. The General Assembly approves or modifies the appropriation level, but there is no formal mechanism for legislative adoption of the plan.
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# Illinois

Legislative Role in Transportation Planning	The General Assembly reviews and discusses the highway improvement plan as part of the appropriation process, during which projects can be added or removed. The annual appropriation is approved as part of the budget bill.
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## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Pay-as-you-go is the main financing approach; bonding typically requires extraordinary action by the governor and the General Assembly.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): (No data) FY 2010: \$472 million* FY 2009: \$573 million* FY 2008: \$479 million* <i>* Numbers include only the state funding for new highway program contracts that were entered into each fiscal year, and not the balance of appropriations from prior years.</i>
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are assumed as a revenue source in the annual and multi-year transportation plans and are reflected in overall appropriation levels, but no legislative action is tied directly to federal funding.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated to IDOT as state legislative appropriations at the agency, program and project-specific levels. IDOT is required to prepare and present transportation plans to the General Assembly, but the General Assembly does not formally adopt these plans. Rather, the General Assembly approves or modifies the appropriation level.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; truck weight fees; interest income; oversize/overweight truck permits; logo signing; general obligation bonds. Toll revenues are retained by the Illinois Toll Highway Authority, which technically is not a state agency.
State Funding and Finance for Other Modes	Transit: General obligation bonds; general funds. Rail, aviation, ports: General obligation bonds. Bridges: Fuel tax; vehicle registration/license/title fees; interest income; general obligation bonds.
Innovative Transportation Funding and Finance	Private activity bonds (PABs) (allocated); Build America Bonds; PPPs (authorized in statute for high-speed rail, magnetic levitation systems and the proposed Illiana Expressway; used at the city level for the Chicago Skyway); design-build (authorized for regional transportation authorities in statute); traffic camera fees; impact fees; advance construction; toll credits or "soft match."
Dedicated/Restricted State Funds and Revenues	Fuel taxes, vehicle registration/licensing/title fees, truck weight fees, interest income and logo signing are dedicated revenues that are distributed by statutory formula or direction (e.g., Ill. Rev. Stat. ch. 625, §5/20-101). Road Fund appropriations are limited to approved uses, including debt payment, highways and certain administrative expenses (Ill. Rev. Stat. ch. 30, §105/8.3). Funds deposited into the State Construction Account must be used for construction, reconstruction and maintenance of the state-maintained highway system (Ill. Rev. Stat. ch. 30, §105/5d). Special state funds also support transit and freight rail (Ill. Rev. Stat. ch. 30, §105/5.241 and §105/5.152 and 105/5.168). The use of general obligation bonds is limited to the purposes specified in the authorizing bond act.
DOT Authorized to Retain Surplus Funds	No. Unobligated appropriations lapse if they are not reappropriated into the succeeding fiscal year by explicit action of the governor and the General Assembly.
Legislative Approval Required to Move Funds Between Projects	Yes, if the appropriation is project-specific. In that case, a change in the appropriation is needed for IDOT to repurpose those funds. No further legislative action is required for lump sum or program-level appropriations. The General Assembly also can impose "release requirements," which require IDOT to obtain special permission from the governor to use certain appropriations. Released appropriations must be de-released and re-released if they are to be used for another purpose.
Transportation Funding Allocations through Local Aid	After set-asides, 54.4 percent of fuel tax revenues are shared with local entities. Of that amount, 49.1 percent is distributed to municipalities by a statutory formula based on population; 16.74 percent to counties with 1 million or more inhabitants (Cook County only); 18.27 percent to counties having fewer than 1 million inhabitants by a statutory formula based on motor vehicle license fees; and 15.89 to road districts by a statutory formula based on road mileage (Ill. Rev. Stat. ch. 35, §505/8). A certain percentage of federal funds also is allocated annually to the local program and distributed to local agencies by formula. The state has enacted separate appropriations for the local match of certain federal funds and the local share of the annual highway program. A series of separate appropriations termed "local benefits," each with its own distribution method, also are made each year.

**Organizational Facts**

Legislature	Indiana General Assembly Structure: Bicameral, partisan Chambers: Senate (50 members) House (100 members) Session: Annual, approximately January – April (odd years), approximately January – March (even years) Estimated no. of bills in 2011: 1,800	Department of Transportation	Indiana Department of Transportation (INDOT) FTE: 4,299 Leadership: Commissioner Organizational structure: Mainly by functional activity
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 198,265 (2009); miles of tolled roadway: 157 (2009); bridges: 18,548 (2010); toll bridges and tunnels: 2 shared with Illinois (2009)
Transit	Trips per year (all transit modes): Approximately 33.3 million (2008)
Rail	Freight rail route-miles: 4,448 (2008)
Aviation	Airports (total): 673; public-use: 111; state-owned: 4 (2008) Enplanements per year: 4,471,068 (2009)
Marine	Waterborne tonnage per year: 56.5 million (2009)

**Legislative-DOT Collaboration and Communication**

**Formal and informal, mainly through the DOT legislative liaison.** INDOT testifies at committee hearings, including those of interim study committees and state budget committees. INDOT can request that a legislator introduce a bill. INDOT employs a legislative liaison who is primarily responsible for communication and interaction with the General Assembly.

**DOT Leadership Appointments and Requirements**

The commissioner of INDOT is appointed by the governor and serves at the pleasure of the governor (Ind. Code Ann. §8-23-2-2).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; reporting requirements. There are several standing committees, including the House Committee on Roads and Transportation and the Senate Committee on Homeland Security, Transportation and Veterans Affairs. The members of these committees also are members of the permanent interim Joint Study Committee on Mass Transit and Transportation Alternatives (Ind. Code Ann. §2-5-28-3). The Illiana Expressway Proposal Committee receives a consultant report on the Illiana Expressway project. INDOT also is required to report on the proceeds from the long-term lease of the Indiana Toll Road to a private concessionaire.
Legislative Program Evaluation Office	Office of Fiscal and Management Analysis, Legislative Services Agency. Indiana has a Legislative Evaluation and Oversight Policy Subcommittee of the Legislative Council that annually assigns topics for the Legislative Services Agency to study.
Sunset Review	No sunset review of state agencies or programs.

**Legislation and Regulation**

Transportation Governance Statutes	Ind. Code Ann. art. 8 and art. 8-23
Administrative Rules Review	Legislative review of proposed rules by a joint bipartisan committee; committee role is mainly advisory.

# Indiana

## Transportation Planning and Capital Program Management

Transportation Planning Process	INDOT is responsible for project selection and for compliance with state and federal planning requirements; as head of INDOT, the commissioner is ultimately responsible for agency priorities. The transportation planning process is structured by INDOT's Annual Program Development Process, which provides a comprehensive set of procedures that formally structure the evaluation, ranking and programming of proposed projects. The process begins with an internal INDOT review of currently programmed projects. Then a formal INDOT "call for new projects" is extended to all counties, cities and towns and to INDOT's district offices. A series of early consultation meetings follows, to solicit input from MPOs, regional planning organizations and local elected officials. The final product of this process is the Indiana State Transportation Improvement Program (INSTIP). Annual Open House District Meetings are held after the draft INSTIP has been published. At these meetings, the public hears presentations about the INSTIP, the Long-Range Plan and other transportation issues.
Legislative Role in Transportation Planning	Limited role. The General Assembly does not select projects in general, but does set overall funding levels and establishes the legal framework for INDOT. Also, Ind. Code Ann. art. 8-15.5 and art. 8-15.7 establish legislative approval requirements for public-private partnership projects.

## Funding and Finance

Budgeting and Appropriations	Biennial enactment of two 12-month budgets; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing. The state has two bond payment funds. The revenue from these funds is being used for repayment only, and is not available for further bond issues. The State Highway Fund does not have authority to use funds for debt repayment.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$1.54 billion FY 2010: \$1.10 billion FY 2009: \$1.33 billion FY 2008: \$1.07 billion
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to INDOT as a state legislative appropriation at the program or category level. The three divisions in the budget bill are intermodal operations, highway operations and distributions to local units of government. Each division has subdivisions and account number identifications for appropriations. The accounts include functions rather than specific projects. For example, appropriations are made for Highway Maintenance Work Program or Right-of-Way Purchasing.
Allocation of State Transportation Funds to the DOT	As with federal funds, state transportation funds are allocated to INDOT as a state legislative appropriation at the program or category level.
Traditional State Funding and Finance for Highways	Fuel taxes; additional sales taxes on gasoline or diesel; vehicle registration/license/title fees; tolls.
State Funding and Finance for Other Modes	Transit and rail: General sales tax; situs tax. Of the proceeds from the sales and use tax, 0.67 percent goes to the Public Mass Transportation Fund; 0.029 percent to the Industrial Rail Service Fund; and 0.123 percent to the Commuter Rail Service Fund. Rail also receives revenues from railroad property taxes. Ports: Fees, tolls, rentals and other charges (Ind. Code Ann. §8-10-1-17).
Innovative Transportation Funding and Finance	State infrastructure bank (federally capitalized); PPPs (authorized in statute with legislative approval requirements, used for the Indiana Toll Road); impact fees. In relation to PPPs, the state also uses proceeds from lease of the Indiana Toll Road for transportation projects.
Dedicated/Restricted State Funds and Revenues	Fuel tax receipts are statutorily dedicated to highway and road purposes, including traffic safety (Ind. Code Ann. §6-6-1.1-801.5). The State Highway Fund is a dedicated fund for construction and reconstruction of state highways (Ind. Code Ann. §8-14-2-2, §§8-23-9-54 et seq.).
DOT Authorized to Retain Surplus Funds	Funds in the Major Moves Construction Fund and the State Highway Fund remain in the accounts at the end of the year.
Legislative Approval Required to Move Funds Between Projects	The State Budget Committee is responsible for approving transfers between line items. The overall budget makes appropriations to INDOT and not to specific projects, so INDOT can move funds between projects with federal approval.

<p>Transportation Funding Allocations through Local Aid</p>	<p>Various transportation-related revenues are allocated to local entities by statutory formula. Revenues allocated through the Motor Vehicle Highway Account of the state general fund—after set-asides—are distributed 53 percent to the State Highway Fund; 15 percent to cities and towns by a statutory formula based on population; and 32 percent to counties by a statutory formula based on equal distribution, road mileage and vehicle registrations. These funds must be used for certain highway, bridge or street purposes, but cannot be used for any toll road or toll bridge project (Ind. Code Ann. §8-14-1-3). Proceeds from \$0.01 of the gasoline tax and 30 percent of the revenues that go through the Special Distribution Account also are distributed to local entities according to this formula (Ind. Code Ann. §6-6-1.1-801.5 and §6-6-2.5-68). Another 30 percent of the Special Distribution Account and 45 percent of the Highway Road and Street Fund are distributed to counties by a formula based on vehicle registrations, population and road miles (Ind. Code Ann. §6-6-2.5-68 and §8-14-2-4).</p>
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# Iowa

## Organizational Facts

Legislature	Iowa General Assembly Structure: Bicameral, partisan Chambers: Senate (50 members) House (100 members) Session: Annual, approximately January – May Estimated no. of bills in 2011: 2,100	Department of Transportation	Iowa Department of Transportation (Iowa DOT) FTE: 3,373 (authorized); 3,109 (actual) Leadership: Director; Commission Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 235,751 (2009)*; bridges: 24,731 (2010); toll bridges and tunnels: 1 shared with Illinois and 4 shared with Nebraska (2009) <i>* Total lane miles above are as reported by the Federal Highway Administration. The Iowa DOT reported 114,740 public road miles as of 2009.</i>
Transit	Trips per year (all transit modes): Approximately 20 million (2008)* <i>* The number above is as reported by the National Transit Database. The Iowa DOT reported 26.6 million transit trips in 2009.</i>
Rail	Freight rail route-miles: 3,925 (2008)
Aviation	Airports (total): 320; public-use: 120*; state-owned: 0 (2003) Enplanements per year: 1,448,831 (2009) <i>* The numbers of airports above are as reported by the National Association of State Aviation Officials. The Iowa DOT reported 116 public-use airports as of April 2011, including seven private airports that are open for public use.</i>
Marine	Waterborne tonnage per year: 11.8 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, extensive.** Communication strategies have varied over the years in response to needs. The Iowa DOT director and staff communicate and work with legislators throughout the year through committees, meetings, phone calls and upon request. The director of transportation and the Iowa DOT management team give briefings to the General Assembly during session. The Iowa DOT employs a full-time, dedicated legislative liaison who is the main Iowa DOT contact for the General Assembly; maintains a high level of communication in person, by phone and by e-mail; attends the General Assembly daily during session; responds to legislative requests and inquiries; acts as the Iowa DOT lobbyist; and brings proposed legislation as well as areas of concern to the attention of legislators and legislative staff. The liaison is within the Iowa DOT Office of Policy and Legislative Services, which works with legislators, government officials, staff, agencies and interest groups regarding state and federal legislative and rulemaking processes. The Iowa DOT has traditionally held fall legislative workshops throughout the state, but not in recent years due to tight budgets. The Iowa DOT also holds a legislative reception at the capitol at the beginning of each session. In Iowa, state agencies may pre-file legislative proposals that are introduced as “study bills” early in session for committee consideration; the Iowa DOT regularly sponsors such bills addressing both policy and technical matters. The Iowa DOT also works with other entities to move forward legislative initiatives of common interest.

## DOT Leadership Appointments and Requirements

The seven members of the Transportation Commission are appointed to four-year terms by the governor, subject to confirmation by the Senate and within statutory requirements for party affiliation and restrictions pertaining to conflicts of interest (Iowa Code Ann. §§307.2 et seq.). Commissioners can be removed from office by a district court according to the process provided in Iowa Code Ann. ch. 66. The director of transportation is appointed by the governor, subject to confirmation by the Senate, and serves at the pleasure of the governor. The director may not hold any elected office or position for profit; engage in any occupation, business or profession interfering with or inconsistent with the director’s duties; serve on or under a committee of a political party; or contribute to campaign funds (Iowa Code Ann. §307.11).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Legislative Services Agency. This agency has an oversight role and requests fiscal and other data for oversight and evaluation purposes.
Sunset Review	No sunset review of state agencies or programs.

**Legislation and Regulation**

Transportation Governance Statutes	Iowa Code Ann. tit. 8; Iowa Code Ann. ch. 307; Iowa Code Ann. ch. 307A
Administrative Rules Review	Legislative review of proposed and existing rules by a joint bipartisan committee; committee may suspend rule.

**Transportation Planning and Capital Program Management**

Transportation Planning Process	The Iowa DOT sets long-term, mode-specific planning and investment priorities that are approved by the Transportation Commission. The Iowa DOT also plans for more immediate projects in the annually updated Five-Year Transportation Improvement Program. Projects are identified by a wide range of sources including the Iowa DOT’s district offices, MPOs and local governments, and public input at Transportation Commission meetings. The Transportation Commission establishes annual programming objectives, then Iowa DOT staff evaluate potential projects based on technical factors. The Iowa DOT then develops the final program, which the Transportation Commission approves or amends. The governor’s office is briefed but has no other specific role.
Legislative Role in Transportation Planning	Limited. Legislative staff monitor the planning process. The General Assembly appropriates some funds for operations and non-highway modes—including some project-specific earmarks, which do not require Transportation Commission approval—but most Iowa DOT funding is not from legislative appropriations. Certain programs may have criteria set by the General Assembly. Individual legislators may raise constituent concerns to the Iowa DOT in the planning process.

**Funding and Finance**

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	The state uses pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$643.2 million* FY 2010: \$640.1 million* FY 2009: \$607.6 million* FY 2008: \$589.9 million* <i>* These numbers include the Iowa DOT operating budget as well as highway programming funds and multimodal funds; they exclude funds that flow through to local entities.</i>
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds flow directly to the Iowa DOT from the U.S. DOT with no state legislative involvement. Federal funds, especially for highways, are incorporated into the funding estimates in the Five-Year Transportation Improvement Program, which is approved by the Transportation Commission.
Allocation of State Transportation Funds to the DOT	Some state transportation funds—mainly those from registration fees and fuel taxes—flow directly to the Iowa DOT from revenue sources with no state legislative involvement. These funds are allocated according to formulas in state statute and are used as programming funds for highway projects, subject to approval by the Transportation Commission. The General Assembly appropriates funds for other modes such as transit, rail and aviation, either through project-specific earmarks or at the program or category level. The Iowa DOT operating budget also must go through the General Assembly and be approved by the governor each year.
Traditional State Funding and Finance for Highways	Fuel taxes (variable excise tax based on a distribution percentage; see Iowa Code Ann. §452A.3); vehicle registration/license/title fees; interest income; underground storage tanks fees; special plates; miscellaneous other permits.
State Funding and Finance for Other Modes	Transit: Motor vehicle/rental car sales taxes; vehicle registration/license/title fees; use tax on mobile homes, manufactured homes and certain leased vehicles; casino taxes. State Transit Assistance is allocated by formula to transit agencies (Iowa Code Ann. ch. 920). Rail, aviation and recreational trails: State infrastructure funds, primarily from wagering taxes paid by casinos and revenue bond proceeds. Ports: Specific appropriations. Bridges: Included with highways; also a one-time allocation from revenue bonds.
Innovative Transportation Funding and Finance	State infrastructure bank (federally capitalized); tapered matching. Traffic camera fees are used only at the local level.

# Iowa

<p>Dedicated/Restricted State Funds and Revenues</p>	<p>The state constitution restricts use of all motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, to construction, maintenance and supervision of public highways (Iowa Const. art. VII, §8). The Iowa DOT is funded primarily by the Road Use Tax Fund, the Primary Road Fund and the TIME-21 Fund, which are defined and allocated according to Iowa Code Ann. ch. 312, ch. 312A and ch. 313. The Transportation Commission is required to use a major portion of its annual budget on commercial and industrial highways (Iowa Code Ann. §313.2A). State Transit Assistance funds are dedicated in statute to transit systems (Iowa Code Ann. ch. 920), and the State Aviation Fund to aviation purposes (Iowa Code Ann. §328.56). Restrictions on specific appropriations are included in session law.</p>
<p>DOT Authorized to Retain Surplus Funds</p>	<p>Yes. Aside from statutory distributions to local entities, the Road Use Tax Fund and Primary Road Fund are allocated to the Iowa DOT in their entirety each year—either through statutory formula or appropriations—for road and highway purposes. Generally, any unspent balances remain in these funds. Funds that remain in the Road Use Tax Fund are re-distributed by applicable statutory formulas; funds in the Primary Road Fund remain available to the Iowa DOT for use on eligible projects, subject to approval by the Transportation Commission. Any unexpected revenues are typically allocated to current projects with approval the Transportation Commission after receipt. For funds that are appropriated by the General Assembly for Iowa DOT operating expenses, the Iowa DOT may keep half of any unused balance to be used in the next fiscal year for employee training and technology enhancement; otherwise, the money reverts to the respective funds and goes through the normal distribution process. Multimodal projects typically are funded by Iowa DOT grants drawn from non-road infrastructure funds and approved by the Transportation Commission; these funds are appropriated separately from road-related funds and the reversion date usually is four years. In the unusual case that grants for the total appropriated amounts are not made within four years, the Iowa DOT must apply to the General Assembly for an extension through the budget bill. Otherwise, the money reverts to the respective funds.</p>
<p>Legislative Approval Required to Move Funds Between Projects</p>	<p>Yes, but only for projects that received specific allocations or appropriations through the General Assembly in session law, which happens rarely. Otherwise, approval is through the Transportation Commission.</p>
<p>Transportation Funding Allocations through Local Aid</p>	<p>Cities and counties receive funding from both the Road Use Tax Fund and the TIME-21 Fund by statutory formulas. The Road Use Tax Fund, after set-asides, is distributed to the Secondary Road Fund for counties (24.5 percent), the Street Construction Fund for cities (20 percent), the Farm-to-Market fund, which is also used by counties for specified roads (eight percent) and the Primary Road Fund for state use (47.5 percent) (Iowa Code Ann. §312.2). Of the Primary Road Fund, 1.75 percent goes to the Transfer of Jurisdiction Fund and then is distributed to cities and counties, primarily for roads that formerly were under state management (Iowa Code Ann. §313.4). The TIME-21 Fund was created by 2008 Iowa Acts, Chap. 1113, which altered the structure of road funding in Iowa and caused a portion of registration fee revenues and increases in truck and other vehicle fees to flow into that fund. The TIME-21 Fund also is allocated to the Secondary Road Fund for counties (20 percent), the Street Construction Fund for cities (20 percent) and the Primary Road Fund for state use (60 percent) (Iowa Code Ann. §312A.3). The Secondary Road Fund for counties and the Farm-to-Market Fund are allocated according to a methodology developed under Iowa Code Ann. §312.3C; money that comes to the Secondary Road Fund through the TIME-21 Fund must be used for bridge projects and farm-to-market highways (Iowa Code Ann. §312A.3). The Street Construction Fund for cities is allocated by a statutory formula based on population (Iowa Code Ann. §312.3). Local entities also receive state legislative appropriations and discretionary grants approved by the Transportation Commission.</p>

**Organizational Facts**

Legislature	Kansas Legislature Structure: Bicameral, partisan Chambers: Senate (40 members) House (125 members) Session: Annual, approximately January – May Estimated no. of bills in 2011: 950	Department of Transportation	Kansas Department of Transportation (KDOT) FTE: Approximately 3,113.5 Leadership: Secretary; Commission (advisory only) Organizational structure: Mainly by functional activity
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 286,962 (2009); miles of tolled roadway: 236 (2009); bridges: 25,328 (2010)
Transit	Trips per year (all transit modes): Approximately 5.8 million (2008)
Rail	Freight rail route-miles: 4,849 (2008)
Aviation	Airports (total): 141; public-use: 126; state-owned: 0 (2008) Enplanements per year: 799,329 (2009)
Marine	Waterborne tonnage per year: 519,000 (2009)

**Legislative-DOT Collaboration and Communication**

**Formal and informal, proactive.** The secretary of transportation has directed KDOT to take a proactive approach to interacting with the Legislature. KDOT staff provide written updates on the work of the department; track legislator requests and responses; offer information and testify at committee hearings, sometimes representing a KDOT position on a legislative proposal; and brief key and other requesting legislators on transportation topics, either with legislative research staff or independently. KDOT employs two state legislative liaisons (one full-time and one part-time) within an active government affairs office that organizes meetings and press releases and provides both proactive and responsive information to the Legislature. Legislative Research works closely with KDOT staff, especially in government relations and finance.

**DOT Leadership Appointments and Requirements**

The secretary of transportation is appointed by the governor, subject to confirmation by the Senate, and serves at the pleasure of the governor (Kan. Stat. Ann. §75-5001). The 12 members of the Highway Advisory Commission are appointed to four-year terms by the governor, within statutory requirements for geographic representation and restrictions on holding other public office or employment (Kan. Stat. Ann. §75-5002).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information; legislative review of reports and other information provided to the general public. KDOT provides an annual report to the Legislature.
Legislative Program Evaluation Office	Legislative Division of Post Audit. This division has the authority to review any aspect of KDOT operations, but legislators have requested no such audits in recent years.
Sunset Review	No sunset review of state agencies or programs.

**Legislation and Regulation**

Transportation Governance Statutes	Kan. Stat. Ann. art. 50
Administrative Rules Review	Legislative review of proposed rules by joint bipartisan committee; committee role is mainly advisory.

# Kansas

## Transportation Planning and Capital Program Management

Transportation Planning Process	KDOT leads all aspects of the transportation planning process. Construction projects are identified by KDOT, MPOs and other stakeholders. After scoring projects, KDOT solicits further input from stakeholders on a shortlist of candidate projects within a spending range for each region, including in local consultation meetings. KDOT, using that input, then selects and programs projects for construction. Maintenance projects are selected based solely on engineering criteria and available funding. Prioritization decisions ultimately rest with the secretary of transportation.
Legislative Role in Transportation Planning	Limited. The Legislature sets general priorities through statute (see 2010 Kan. Sess. Laws, Chap. 156) and approves the state’s comprehensive transportation plan, which provides only general priorities and focuses mainly on revenues and financing. Beyond that, the Legislature has only an advisory role and has not claimed a role in project selection. The secretary of transportation reports to the Legislature annually on selected projects.

## Funding and Finance

Budgeting and Appropriations	Annual budget for most state agencies (including KDOT); fiscal year begins July 1. The governor submits a budget for KDOT, but most funding comes from sources dedicated to KDOT and is appropriated without limit.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing. KDOT is statutorily limited in the amount of debt service it may incur, and the state constitution (Kan. Const. art. XI, §9) prohibits the use of general obligation bonds for highways.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$863.2 million FY 2010: \$864.7 million FY 2009: \$926.4 million FY 2008: \$882.9 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds flow directly to KDOT from the U.S. DOT without state legislative involvement.
Allocation of State Transportation Funds to the DOT	The Legislature enacts multi-year transportation plans—the most recent in 2010—that direct KDOT priorities. State transportation funds for capital improvements and preservation projects mainly come from the State Highway Fund, which is legislatively appropriated to KDOT with no limit on expenditure authority. Operating expenditures are provided with limits through a legislative appropriation at the program or category level. Generally, only overhead expenditures and building expenditures have specific legislative oversight.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; truck weight fees; portion of sales tax and compensating use tax.
State Funding and Finance for Other Modes	Transit, rail, aviation and bridges: Funded by the same sources as highways through the State Highway Fund.
Innovative Transportation Funding and Finance	Build America Bonds; state infrastructure bank (state-only capitalized); design-build (authorized in statute for one demonstration project only); tapered matching. Special taxing districts may be used to generate funds to repay bonds for infrastructure improvements, including road and bridge projects.
Dedicated/Restricted State Funds and Revenues	The state constitution gives the state the power to levy special taxes on motor vehicles and motor fuels for road and highway purposes (Kan. Const. art. XI, §10; see also Kan. Stat. Ann. §79-3402). The State Highway Fund is statutorily dedicated to certain transportation purposes (Kan. Stat. Ann. §68-416 and §68-2314b), including a small amount for transit, rail and general aviation (Kan. Stat. Ann. §75-5035, §75-5048 and §75-5061).
DOT Authorized to Retain Surplus Funds	Yes. Excess funds remain within the State Highway Fund. Projects tend to exceed available funding, so most funds will be programmed or encumbered. If a significant balance were to remain within the fund, the Legislature might choose to redirect the portion of the sales tax and compensating use tax revenues that the State Highway Fund currently receives.
Legislative Approval Required to Move Funds Between Projects	Generally, no. KDOT, however, cannot use the funds statutorily dedicated to transit, rail and general aviation airports for other than those purposes.
Transportation Funding Allocations through Local Aid	All motor carrier property taxes and 33.63 percent of fuel taxes go into the Special City and County Highway Fund, which is distributed to cities and counties by statutory formulas based on number of registered vehicles, vehicle miles traveled, road mileage and, for cities only, population (Kan. Stat. Ann. §§79-3425 et seq. and §79-34,142). At least 25 percent of the funds received by a county must be used for mail and school bus routes on county roads.

## Organizational Facts

Legislature	Kentucky General Assembly Structure: Bicameral, partisan Chambers: Senate (38 members) House (100 members) Session: Annual, approximately January – March (odd years), approximately January – April (even years) Estimated no. of bills in 2011: 1,300	Department of Transportation	Kentucky Transportation Cabinet (KYTC) FTE: Approximately 4,700 Leadership: Secretary Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 164,491 (2009); miles of tolled roadway: 74 (2009); bridges: 13,849 (2010)
Transit	Trips per year (all transit modes): Approximately 25.5 million (2008)
Rail	Freight rail route-miles: 2,558 (2008)
Aviation	Airports (total): 228; public-use: 60; state-owned: 4 (2008) Enplanements per year: 7,302,094 (2009)
Marine	Waterborne tonnage per year: 86.0 million (2009)

## Legislative-DOT Collaboration and Communication

**Mainly informal, ad hoc.** Communication between the General Assembly and the KYTC is not formalized, but exists on more of an ad hoc basis. The secretary has an open-door policy for legislators and, with other KYTC administrators, is available to legislative staffers. Administrators regularly meet with legislators and appear before legislative committees. The KYTC has some formal reporting requirements to the General Assembly. The KYTC employs a dedicated legislative liaison, who regularly gives input to legislators—including bill sponsors and Senate and House transportation committee chairs—and testifies at committee meetings.

## DOT Leadership Appointments and Requirements

The secretary of the KYTC is appointed to a four-year term by the governor and serves at the pleasure of the governor (Ky. Rev. Stat. §12.040 and §12.255).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. There is no permanent oversight committee. During the interim, the General Assembly has an Interim Joint Committee on Transportation and a Budget Review Subcommittee on Transportation (of the Appropriations Committee). Both committees hold monthly meetings where KYTC activities are discussed and examined.
Legislative Program Evaluation Office	Program Review and Investigations Committee
Sunset Review	The state's process for sunset reviews currently is inactive.

## Legislation and Regulation

Transportation Governance Statutes	Ky. Rev. Stat. ch. 174
Administrative Rules Review	Legislative review of proposed and existing rules by a joint bipartisan statutory committee; committee may suspend rule; no objection constitutes approval of proposed rule.

## Transportation Planning and Capital Program Management

Transportation Planning Process	The state adopts a biennial highway construction plan and a six-year road plan every two years. The KYTC spearheads the planning process—coordinating input from MPOs, area development district agencies and other stakeholders—and is primarily responsible for identifying projects, most of which originate at the local level. Legislators also identify and recommend projects. The governor presents the proposed six-year plan to the General Assembly for consideration and approval; the General Assembly can amend the governor's recommended plan.
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# Kentucky

Legislative Role in Transportation Planning	Legislators participate by identifying and recommending projects. The General Assembly also is required by statute to adopt the biennial highway construction plan in a bill and the last four years of the six-year road plan in a non-binding resolution. This allows for significant legislative involvement, and the final plan may differ significantly from the one prepared by the KYTC and submitted by the governor.
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## Funding and Finance

Budgeting and Appropriations	Biennial enactment of two 12-month budgets; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$1.49 billion FY 2010: \$1.30 billion FY 2009: \$1.23 billion FY 2008: \$1.74 billion
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are legislatively appropriated to the KYTC through the biennial budget process within the categories of General Administration and Support, Aviation, Debt Service, Highways, Public Transportation, Revenue Sharing and Vehicle Regulation. Within those appropriations, additional direction is provided to guide expenditures.
Allocation of State Transportation Funds to the DOT	State transportation funds also are legislatively appropriated to the KYTC within certain categories, and with additional direction to guide expenditures.
Traditional State Funding and Finance for Highways	Fuel taxes (variable excise tax based on the average wholesale price; see Ky. Rev. Stat. §138.220); motor vehicle/rental car usage taxes; vehicle registration/license/title fees; truck weight fees; interest income; revenue bonds.
State Funding and Finance for Other Modes	Transit: General funds. Rail: \$2 million from the Road Fund in the most recent transportation budget bill. Aviation: Jet fuel taxes; operation of the Commonwealth's aircraft; discretionary allocations from the Road Fund. Bridges: Included with highways.
Innovative Transportation Funding and Finance	GARVEE bonds; Build America Bonds; design-build (authorized in statute); weight-distance tax; advance construction; toll credits or "soft match."
Dedicated/Restricted State Funds and Revenues	The state constitution dedicates revenues from fuel taxes and motor vehicle-related taxes and fees to administration; statutory refunds and adjustments; payment of highway obligations; construction, reconstruction, rights-of-way, maintenance and repair of public highways and bridges; and enforcing state traffic and motor vehicle laws (Ky. Const. §230). These revenues are deposited to the Road Fund. Revenues from the jet fuel tax are statutorily restricted to aviation (Ky. Rev. Stat. §183.525), but in recent years the budget bill has transferred these funds to the general fund, notwithstanding the restriction.
DOT Authorized to Retain Surplus Funds	Yes, in most areas. Historically, most transportation resources have been retained by the KYTC for transportation purposes. The General Assembly, however, provides the appropriation authority necessary for the KYTC to expend the funds. Ky. Rev. Stat. §45.229 provides that appropriations for executive agencies lapse at the end of a fiscal year; thus, funds carried forward from a previous year in most areas must be legislatively reappropriated for the KYTC to expend them. Some areas have been exempted from this requirement through language in the budget bill allowing carry-forward of appropriation balances. Also, Ky. Rev. Stat. §48.710 requires excess money in the Road Fund to be deposited to a surplus fund and states that no expenditures can be made from the fund unless appropriated by the General Assembly or required by the branch budget bill.
Legislative Approval Required to Move Funds Between Projects	No, but there is a review and approval process for any modifications to the appropriation levels.
Transportation Funding Allocations through Local Aid	State law dedicates 48.2 percent of motor fuel tax revenues to county and city governments for construction, reconstruction and maintenance of local roads and bridges. The County Road Aid program receives 18.3 percent and the Rural Secondary Program 22.2 percent (Ky. Rev. Stat. §177.320). These funds are distributed by formula based on population, area and public road mileage (Ky. Rev. Stat. §177.360). The other 7.7 percent goes to the Municipal Aid Program and is allocated by population (Ky. Rev. Stat. §177.365 and §177.366). Local governments are involved in determining the projects for which the funds are used.

## Organizational Facts

Legislature	Louisiana Legislature Structure: Bicameral, partisan Chambers: Senate (39 members) House (105 members) Session: Annual, approximately April – June (odd years), approximately March – June (even years) Estimated no. of bills in 2011: 2,000	Department of Transportation	Louisiana Department of Transportation and Development (DOTD) FTE: 4,524 authorized; 4,448 actual Leadership: Secretary Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 129,034 (2009); miles of tolled roadway: 2 (2009); bridges: 13,361 (2010); toll bridges and tunnels: 3 (2009)
Transit	Trips per year (all transit modes): Approximately 27.6 million (2008)
Rail	Freight rail route-miles: 2,789 (2008)
Aviation	Airports (total): 810; public-use: 64; state-owned: 0 (2008) Enplanements per year: 5,011,698 (2009)
Marine	Port traffic per year (20-foot equivalent units): 236,336 (2009); waterborne tonnage per year: 449.3 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal.** DOTD staff interact formally and informally with the Senate and House Transportation and Public Works committees as well as other legislators and legislative staff. The secretary and executive staff engage with the Legislature on relevant issues. DOTD general counsel and legal staff work under the direction of the executive team on drafting, tracking and providing informational testimony on legislation. The general counsel also ensures that the DOTD is in compliance with legislative mandates or expectations. Transportation committee staff members give the DOTD advance notice of expected submissions. The DOTD employs a dedicated legislative liaison who works to maintain an engaged relationship with legislators and legislative staff. The DOTD, however, does not engage in lobbying the Legislature or local government.

## DOT Leadership Appointments and Requirements

The secretary of transportation and development is appointed by the governor with consent of the Senate, and serves at the pleasure of the governor (La. Rev. Stat. Ann. §36:503). Other leadership positions including the undersecretary and certain assistant secretaries are appointed by the governor and confirmed by the Senate but serve at the pleasure of the secretary (La. Rev. Stat. Ann. §36:506 and §36:508).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; reporting requirements; legislative requests for information. The Legislature also must approve priority programs for highways (La. Rev. Stat. Ann. §48:228 to 232), ports (La. Rev. Stat. Ann. §§34:3451 et seq.), aviation (La. Rev. Stat. Ann. §§2:801 et seq.) and statewide flood control (La. Rev. Stat. Ann. §§38:90.1 et seq.).
Legislative Program Evaluation Office	Performance Audit Division, Office of the Legislative Auditor. State law mandates performance-based budgeting for executive agencies. This entails regular review of performance data by the Legislative Fiscal Office and audits by the Office of the Legislative Auditor.
Sunset Review	Yes. All statutory entities in Louisiana, including the DOTD, are subject to sunset provisions (La. Rev. Stat. Ann. §§49:191 et seq.). The DOTD underwent sunset review in the FY 2009–2010 interim and was re-created in the 2010 legislative session. It will begin termination again on July 1, 2014, and terminates on July 1, 2015, unless affirmatively re-created by the Legislature.

## Legislation and Regulation

Transportation Governance Statutes	La. Rev. Stat. Ann. §§36:501 et seq.; La. Rev. Stat. Ann. §§49:191 et seq.; La. Rev. Stat. Ann. §36:4A. DOTD powers and duties are referred to in La. Rev. Stat. Ann. titles 2, 24, 32, 38, 47 and 48. La. Const. art. VII, §27 establishes the Transportation Trust Fund.
Administrative Rules Review	Legislative and executive review of existing rules; legislative review by standing committee; committee may suspend rule; no legislative objection constitutes approval of proposed rule.



# Louisiana

## Transportation Planning and Capital Program Management

Transportation Planning Process	Each year, the DOTD provides the Legislature with a program of construction to be begun in the next fiscal year and an additional list of projects proposed to be begun within the ensuing four years. DOTD district offices identify projects in coordination with MPOs. DOTD headquarters staff members select from among those projects and develop the proposed program, which then is submitted to the Joint Highway Priority Construction Committee. The committee holds public hearings and submits a report back to the DOTD for use in modifying the plan or developing future programs. The DOTD then creates the final Highway Priority Program and submits it to the House and Senate transportation committees for review. Ultimately, the program—both for the next fiscal year and ensuing years—is made part of the capital outlay bill and voted on by the full Legislature. The Legislature can delete any projects that are not prioritized according to statutorily provided criteria but cannot add or substitute projects (La. Rev. Stat. Ann. §§48:229 et seq.).
Legislative Role in Transportation Planning	The Legislature holds hearings around the state and reviews the proposed construction program. Committee feedback is used to modify proposed programs or to develop future ones. The Legislature can delete—but cannot add or substitute—projects in the approval process.

## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$746.6 million FY 2010: \$706.6 million FY 2009: \$683.6 million FY 2008: \$729.7 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated through legislative appropriation. Each year, after the Legislature approves the Highway Priority Program, the program is appropriated within the state's capital outlay bill (House Bill 2). Appropriations are made within the categories of Preservation, Operations, Safety and Capacity. Some project-specific appropriations also are made.
Allocation of State Transportation Funds to the DOT	State transportation funds also are allocated through legislative appropriation following approval of the Highway Priority Program.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; truck weight fees; tolls; general funds; interest income; overweight permits and enforcement fees; general obligation bonds; revenue bonds.
State Funding and Finance for Other Modes	Transit, rail, aviation, ports and bridges: Funded by the same sources as highways through the Transportation Trust Fund.
Innovative Transportation Funding and Finance	Build America Bonds; federal credit assistance (TIFIA); PPPs (authorized in statute); design-build (authorized in statute, used for the Audubon Bridge); traffic camera fees; creation of nonprofit, quasi-public entities; tapered matching; advance construction; toll credits or "soft match."
Dedicated/Restricted State Funds and Revenues	The state's multimodal Transportation Trust Fund is established and its uses outlined in the state constitution (La. Const. art. VII, §27). The fund receives revenues from taxes on motor fuels, special fuels and aviation fuel, and must be used exclusively for highway construction and maintenance, the highway priority program, statewide flood control, ports and airports priority programs, transit, state policy traffic control, the Parish Transportation Fund and debt service. Funds must be appropriated annually. No more than 20 percent annually of the state-generated tax revenues in the Trust Fund can be used for ports, the Parish Transportation Fund, statewide flood control and state police for traffic control. The Parish Transportation Fund, however, must receive annually at least the proceeds of 1 cent of the state tax on gasoline and special fuels. The annual appropriation for airports must equal the annual estimated revenue from state taxes on aviation fuel.
DOT Authorized to Retain Surplus Funds	Yes. Unencumbered and unexpended balances at the end of each fiscal year remain in the trust fund (La. Const. art. VII, §27).
Legislative Approval Required to Move Funds Between Projects	Yes, but only for projects funded by a project-specific, line-item appropriation. Otherwise, the DOTD is required only to fund those projects that are consistent with the legislatively approved construction program.
Transportation Funding Allocations through Local Aid	The Parish Transportation Fund was established in 1990 for local transportation needs (La. Rev. Stat. Ann. §48:751 to 756) and is funded from the State Transportation Trust Fund. The Parish Transportation Fund must receive annually at least the proceeds of 1 cent of the state tax on gasoline and special fuels. Funds are distributed to parishes on a per capita basis in population categories. Funding in excess of the FY 1994–1995 level of \$34 million is distributed on a per-mile basis.

**Organizational Facts**

Legislature	Maine Legislature Structure: Bicameral, partisan Chambers: Senate (35 members) House (151 members) Session: Annual, approximately January – June (odd years), approximately January – April (even years) Estimated no. of bills in 2011: 1,450	Department of Transportation	Maine Department of Transportation (MaineDOT) FTE: Approximately 2,100 Leadership: Commissioner Organizational structure: Mainly by functional activity
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 46,771 (2009); miles of tolled roadway: 106 (2009); bridges: 2,393 (2010)
Transit	Trips per year (all transit modes): Approximately 3.4 million (2008)
Rail	Freight rail route-miles: 1,151 (2008)
Aviation	Airports (total): 165; public-use: 69; state-owned: 2 (2008) Enplanements per year: 1,305,877 (2009)
Marine	Waterborne tonnage per year: 23.0 million (2009); state-operated ferries: 8 (2009)

**Legislative-DOT Collaboration and Communication**

**Formal and informal.** The Legislature and MaineDOT interact and communicate in many ways. The Legislature communicates with MaineDOT on an ongoing basis through letters and memoranda, by overseeing the MaineDOT budget, and in other ways. MaineDOT executive staff—including the commissioner, the deputy commissioner and the director of finance and administration—testify regularly before the Joint Standing Committee on Transportation about relevant policy and budget issues, participate in work sessions, and are generally accessible to legislators. Either legislators or the governor may submit bills on behalf of MaineDOT. MaineDOT employs a dedicated legislative liaison who articulates MaineDOT’s stance on legislation, represents MaineDOT’s interests before the Legislature, provides outreach to legislators and staff, and acts as the primary contact for legislators who need constituent assistance.

**DOT Leadership Appointments and Requirements**

The commissioner of transportation is appointed by the governor, subject to review by the Joint Standing Committee on Transportation and confirmation by the Legislature, and serves at the pleasure of the governor (Me. Rev. Stat. Ann. tit. 23, §4205). Any person holding any civil office may be removed by impeachment for misdemeanor in office; any person holding any office may be removed by the governor on the address of both branches of the Legislature (Me. Const. art. IX, §5).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Office of Program Evaluation and Government Accountability. Also, each state agency must be reviewed by its committee of jurisdiction every eight years. MaineDOT was last scheduled for review in 2007 (Me. Rev. Stat. Ann. tit. 3, §§501 et seq.).
Sunset Review	The state conducts sunset reviews, but not of MaineDOT.

**Legislation and Regulation**

Transportation Governance Statutes	Me. Rev. Stat. Ann. tit. 23; Me. Rev. Stat. Ann. tit. 29A
Administrative Rules Review	Legislative review of proposed rules by a joint bipartisan standing committee; no objection constitutes approval of proposed rule.

# Maine

## Transportation Planning and Capital Program Management

Transportation Planning Process	MaineDOT has primary responsibility for developing the Biennial Capital Work Plan as well as other plans (e.g., the Long-Range Plan and the Statewide Rail Plan). MaineDOT works extensively with other stakeholders, including MPOs, to identify projects. Projects are selected according to cost/benefit, policy objectives, modal distribution, equitability and funding availability. The plan is approved by MaineDOT leadership under the direction of the commissioner.
Legislative Role in Transportation Planning	The Legislature does not formally approve the Biennial Capital Work Plan, but does provide oversight and may influence the program through the budgetary process and legislation.

## Funding and Finance

Budgeting and Appropriations	Biennial enactment of two 12-month budgets; fiscal year begins July 1. The governor—with MaineDOT—presents the Highway Fund budget to the Legislature for approval. The budget is reviewed and voted on by the Transportation Committee before it goes to the full Legislature.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing. The Legislature must approve any bonding. Highway Fund general obligation bond terms must be assumed to be 10 years, and the rolling, three-year average ratio of debt service payments for these bonds to highway fund revenue is limited to not more than 10 percent (Me. Rev. Stat. Ann. tit. 23, §1604).
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$387.9 million FY 2010: \$477.7 million FY 2009: \$311.2 million FY 2008: \$321.4 million
Allocation of Federal Transportation Funds to the DOT	All funding allocated to MaineDOT is approved by the Legislature. Federal transportation funds are appropriated to MaineDOT at the program or category level. Any funding received from the federal government must be allocated to specific programs by the Legislature before it can be spent.
Allocation of State Transportation Funds to the DOT	State transportation funds also are appropriated at the program level. All state funding must be allocated by the Legislature before it can be spent.
Traditional State Funding and Finance for Highways	Fuel taxes (indexed to Consumer Price Index; see Me. Rev. Stat. Ann. tit. 36, §3321); vehicle registration/license/title fees; truck weight fees; interest income; highway fund bonds; motor vehicle inspection fees; fines; general obligation bonds; revenue bonds.
State Funding and Finance for Other Modes	Transit, aeronautics and rail: Rental car sales taxes; bonds; off-road fuel tax. Bridges: Included with highways.
Innovative Transportation Funding and Finance	GARVEE bonds; state infrastructure bank (federally capitalized); PPPs (authorized in statute with legislative approval requirements); design-build (authorized in statute); impact fees. (No data regarding flexible management of federal funds.)
Dedicated/Restricted State Funds and Revenues	The state constitution restricts use of revenues from fuel taxes, registration fees and other related excise taxes to the cost of administration, construction, reconstruction, maintenance and repair of public highways and bridges (Me. Const. art. IX, §19). The State Highway Fund receives revenues from fuel taxes, fees, fines and interest income, and must be used for construction, reconstruction and maintenance and repair of highways and bridges; administration; and the enforcement of traffic laws (Me. Rev. Stat. Ann. tit. 23, §1653). The dedicated fund for transit and rail receives funds from rental car sales taxes and must be used for transit, aeronautics and rail (Me. Rev. Stat. Ann. tit. 23, §4210-B).
DOT Authorized to Retain Surplus Funds	Yes. Unexpended funds at the end of the fiscal year are carried over to the next fiscal year. Also, at the end of each fiscal year, any unallocated balance in the Highway Fund over \$100,000 is transferred to MaineDOT for capital and maintenance purposes.
Legislative Approval Required to Move Funds Between Projects	Yes and no. Legislative approval is required to move funds from one program to another, but not from one project to another.
Transportation Funding Allocations through Local Aid	Funds are mainly allocated through the Urban-Rural Initiative Program to eligible municipalities, counties or Indian reservations by statutory formulas based on lane miles (Me. Rev. Stat. Ann. tit. 23, §§1801 et seq.). These funds must be used for capital and maintenance needs of roads or bridges. MaineDOT also awards transit bonus payments, within statutory requirements (Me. Rev. Stat. Ann. tit. 23, §1807). Funds are also allocated to local entities through legislative appropriation.

## Organizational Facts

Legislature	Maryland General Assembly Structure: Bicameral, partisan Chambers: Senate (47 members) House of Delegates (141 members) Session: Annual, approximately January – April Estimated no. of bills in 2011: 2,650	Department of Transportation	Maryland Department of Transportation (MDOT) FTE: 8,979 plus 137.9 contractual Leadership: Secretary Organizational structure: Mainly by transportation mode
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 69,049 (2009); miles of tolled roadway: 28 (2009); bridges: 5,190 (2010); toll bridges and tunnels: 6, plus 1 shared with Virginia (2009)
Transit	Trips per year (all transit modes): Approximately 156 million (2008)
Rail	Freight rail route-miles: 759 (2008)
Aviation	Airports (total): 139; public-use: 36; state-owned: 2 (2008) Enplanements per year: 10,417,883 (2009)
Marine	Port traffic per year (20-foot equivalent units): 453,125 (2009); waterborne tonnage per year: 35.3 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal.** Several opportunities exist for formal and informal communication between the General Assembly and MDOT throughout the year. The General Assembly and MDOT interact during the legislative session through budget and bill hearings. Outside of session, individual legislators may request meetings with or information from MDOT. During the interim, MDOT interacts with elected officials on its Consolidated Transportation Program (CTP) tour, broader issues of interest and constituent issues. MDOT can introduce legislation through the governor's office or through the relevant committee chair. MDOT also can lobby for legislation or policy proposals. MDOT employs legislative liaisons.

## DOT Leadership Appointments and Requirements

The secretary of transportation is appointed by the governor with the advice and consent of the Senate, and serves at the pleasure of the governor (Md. Transportation Code Ann. §2-102).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; reporting requirements; legislative requests for information. The General Assembly can request reports from MDOT through the budget or legislation; make funding contingent upon submission of a report or action; or require legislative notice before an action is taken. Commissions or study groups are created by the General Assembly to look at specific issues. Individual legislators can make individual requests of MDOT at any time.
Legislative Program Evaluation Office	Office of Legislative Audits, which conducts financial and performance audits of state agencies and reports to the General Assembly.
Sunset Review	The state conducts sunset reviews, but not of MDOT.

## Legislation and Regulation

Transportation Governance Statutes	Md. Transportation Code Ann. tit. 2 establishes MDOT. The state's tolling authority, the Maryland Transportation Authority, is a separate entity and is addressed in Md. Transportation Code Ann. tit. 4.
Administrative Rules Review	Legislative and executive review of proposed and existing rules; legislative review by joint bipartisan committee; committee role is mainly advisory.

# Maryland

## Transportation Planning and Capital Program Management

Transportation Planning Process	MDOT prepares several long-term planning documents that are used to determine transportation investment priorities. These include the six-year Consolidated Transportation Program, updated annually, and the 20-year Maryland Transportation Plan, revised every five years. MDOT uses these plans to develop annual operating and capital budget requests for the General Assembly's consideration. The planning approach is bottom-up, in that local jurisdictions submit priority project lists to MDOT. The state has a consolidated funding mechanism for all modes, so MDOT and the governor must weigh the demands of all projects in all modes. Final project selection is by the governor, who approves the capital program before submitting it to the General Assembly for approval. Funding is provided at the program level in the budget; project-specific detail, however, is provided in the capital plan.
Legislative Role in Transportation Planning	The General Assembly has responsibility in the planning process to approve the capital program and the funding provided for in the budget. The General Assembly can reduce but not add funding for specific projects in the governor's budget. The General Assembly can add expenditures through a supplementary appropriations bill if matched with new revenues. The General Assembly also can require expenditures in the executive budget for a subsequent fiscal year. The General Assembly also has passed legislation that affects project prioritization (e.g., 2010 Md. Laws, Chap. 725).

## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing. MDOT uses bonding only for its capital program, and the level of debt is constrained by broader state debt limitations, a transportation debt outstanding limit, and coverage ratio limits agreed upon with bondholders. The state has also used nontraditional certificates of participation and GARVEE bonds.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$2.41 billion FY 2010: \$2.36 billion FY 2009: \$2.75 billion FY 2008: \$2.88 billion
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are appropriated by the General Assembly to different programs within each MDOT modal administration's budget—for example, to the capital program for the State Highway Administration within MDOT. The General Assembly appropriates at the program level, but reviews project-specific funding in the Consolidated Transportation Plan. Certain federal funds (e.g., GARVEE bond revenue) flow directly to MDOT, not through the state budget.
Allocation of State Transportation Funds to the DOT	As with federal funds, the General Assembly appropriates state transportation funding at the program level, but reviews project-specific funding in the Consolidated Transportation Plan.
Traditional State Funding and Finance for Highways	Fuel taxes; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; truck weight fees; tolls; interest income; corporate income tax; general sales tax; revenue bonds.
State Funding and Finance for Other Modes	Transit, rail, aviation, ports and bridges: Funded by the same revenues as highways through the Transportation Trust Fund. Other revenue sources include the following. Transit: Fares. Rail: Operating revenues for commuter rail. Aviation: Operating revenues collected from airlines and vendors. Ports: Operating revenues. Toll highways, bridges and certain untolled portions of I-95 and I-395 are funded through revenue-backed bond proceeds and tolls collected by the Maryland Transportation Authority (not MDOT).
Innovative Transportation Funding and Finance	MDOT can use GARVEE bonds; Build America Bonds; federal credit assistance (TIFIA); congestion pricing; PPPs (authorized in regulation); design-build (authorized in statute, used as a component of at least one project); traffic camera fees; container fees; and toll credits or "soft match." The Maryland Transportation Authority can use GARVEE bonds; federal credit assistance (TIFIA); congestion pricing; and toll credits. Starting in FY 2013, all traffic camera fees will be transferred to the Transportation Trust Fund; they currently are split between that fund and the general fund.
Dedicated/Restricted State Funds and Revenues	Maryland has a consolidated, multimodal Transportation Trust Fund where all funds are collected, then spent on each mode. State statutes specify what revenues or percentage of revenues are deposited into the fund (e.g., Md. Tax General Code Ann. §2-1103 and §2-1104) to be used for transportation-related purposes. MDOT may use the Transportation Trust Fund for any lawful purposes related to the exercise of its rights, powers, duties and obligations (Md. Transportation Code Ann. §3-216). Expenditures from the fund must be in accordance with relevant legislative appropriations.

DOT Authorized to Retain Surplus Funds	Yes. MDOT is funded through the Transportation Trust Fund. Any funds not used in a fiscal year are retained by the Transportation Trust Fund unless otherwise specified.
Legislative Approval Required to Move Funds Between Projects	No. Annual budget bill language requires MDOT to notify the budget committees of proposed changes to the transportation capital program that will add a new project or increase a project's total cost by more than 10 percent or \$1 million due to a change in scope, but legislative approval is not required.
Transportation Funding Allocations through Local Aid	A percentage of the Gasoline and Motor Vehicle Revenue Account in the Transportation Trust Fund is allocated to the city of Baltimore (by specified percentage) and to counties and municipalities by statutory formulas based on road miles and motor vehicle registrations (Md. Transportation Code Ann. §§8-401 et seq.). Federal funds are allocated to Baltimore and local bridges. Funding uses are limited to debt service and transportation-related construction and maintenance costs, except in Baltimore and Kent County.

# Massachusetts

## Organizational Facts

Legislature	Massachusetts General Court Structure: Bicameral, partisan Chambers: Senate (40 members) House (160 members) Session: Annual, year-round Estimated no. of bills in 2011: 6,700	Department of Transportation	Massachusetts Department of Transportation (MassDOT) FTE: Approximately 10,000 Leadership: Board of Directors; Secretary/CEO Organizational structure: Mainly by transportation mode* <i>*Modes were administered by separate agencies prior to reform by 2009 Mass. Acts, Chap. 25.</i>
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 76,332 (2009); miles of tolled roadway: 138 (2009); bridges: 5,113 (2010); toll bridges and tunnels: 3 (2009)
Transit	Trips per year (all transit modes): Approximately 398.3 million (2008)
Rail	Freight rail route-miles: 952 (2008)
Aviation	Airports (total): 248; public-use: 43; state-owned: 1 (2008) Enplanements per year: 13,001,565 (2009)
Marine	Port traffic per year (20-foot equivalent units): 158,764 (2009); waterborne tonnage per year: 25.0 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, mainly through the DOT legislative liaisons.** Primarily, individual legislative offices interact directly with MassDOT legislative liaisons. The legislative liaisons also testify before the Joint Committee on Transportation on transportation-related legislation and at oversight hearings on certain transportation topics. At times, MassDOT executives provide written and oral testimony to the Joint Committee on Transportation. At the discretion of the governor, MassDOT can file its own bills.

## DOT Leadership Appointments and Requirements

The five members of the MassDOT Board of Directors are appointed by the governor to staggered, four-year terms, within statutory requirements for experience, expertise and party affiliation. Two must be experts in public or private transportation finance; two must have practical experience in transportation planning; one must be a registered civil engineer with at least 10 years experience. The governor can remove any director for cause. The governor also appoints a secretary to a term that coincides with that of the governor, to serve as MassDOT's chief executive, administrative and operational officer. The governor has sole discretion to remove the secretary (Mass. Gen. Laws Ann. ch. 6C, §2).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. MassDOT, created in 2009, has many reporting requirements to the General Court, some of which will end when the transition is complete.
Legislative Program Evaluation Office	Senate Post Audit and Oversight Committee
Sunset Review	No sunset reviews of state agencies or programs.

## Legislation and Regulation

Transportation Governance Statutes	Mass. Gen. Laws Ann. ch. 6C (2009 Mass. Acts, Chap. 25)
Administrative Rules Review	Executive review of proposed rules.

## Transportation Planning and Capital Program Management

Transportation Planning Process	Projects are identified in three ways: through the regional MPO process; by the General Court in a transportation bond bill; or by MassDOT based on its selection criteria, to advance through its statewide capital program. MassDOT works with MPOs to determine investment plans and priorities. Approximately every three years, a transportation bond bill is created to fund transportation priorities over several years, and some projects are added to this bill by the General Court. Projects are selected, prioritized and approved by MassDOT through its selection process, and final approval of all projects rests with MassDOT.
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Legislative Role in Transportation Planning	The General Court can identify a project through a transportation bond bill or by working with a local community to advance a project on the Transportation Improvement Program (TIP). The General Court does not approve MassDOT’s capital program.
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## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing; the state tends to pass a transportation bond bill approximately every three years.
State-Level Funding Provided for DOT Budgets	FY 2011 (proposed as of Sept. 2010): \$2.14 billion (No data for FY 2008, FY 2009 or FY 2010)
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds flow directly to MassDOT via the Transportation Trust Fund with no state legislative involvement.
Allocation of State Transportation Funds to the DOT	Certain state transportation revenues—including the gas tax and registration fee revenues and a portion of the sales tax—go into the Commonwealth Transportation Fund, which is subject to annual appropriation by the General Court at the department level. Certain funds—including aviation, planning, highway, rail and transit—are allocated through this fund based on a formula, but still subject to appropriation. Typically, the General Court also appropriates supplemental funding for snow and ice removal.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; tolls; general funds; sale of excess land; advertisements; revenue bonds. These are part of the Commonwealth Transportation Fund funding formula. A portion of the sales tax also goes through the Commonwealth Transportation Fund for turnpike debt repayment.
State Funding and Finance for Other Modes	Transit: Funded by fuel taxes, revenue bonds, service city and town payments, and fares through the Commonwealth Transportation Fund funding formula. A portion of the sales tax goes directly to transit agencies. Rail: Bonds. Aviation and ports are run by a quasi-public entity, MassPort. Bridges: Accelerated Bridge Program.
Innovative Transportation Funding and Finance	GARVEE bonds; PPPs (authorized in statute, used for at least one project); design-build (authorized in statute, used as a component of at least one project); traffic camera fees; creation of nonprofit, quasi-public entities; toll credits or “soft match.”
Dedicated/Restricted State Funds and Revenues	The state constitution requires that all revenue derived from vehicles—including fuel taxes and fees—be used only for certain transportation purposes, including highways, bridges, mass transit and the enforcement of state traffic laws (Mass. Const., art. LXXVIII). The transportation reform bill that created MassDOT in 2009 (2009 Mass. Acts, Chap. 25) also reconstituted the then-called Highway Fund as the Commonwealth Transportation Fund and established the Transportation Trust Fund; both are multimodal funds. The Commonwealth Transportation Fund mainly uses gas tax and registration fee revenues to pay debt service and contract assistance, subject to annual legislative appropriation. Remaining revenues are transferred annually into the Transportation Trust Fund. The Transportation Trust Fund receives all other transportation revenues, including tolls from the turnpike and the Tobin Bridge, and is used to pay for MassDOT operations and special obligation debt assumed by MassDOT. This fund is managed by MassDOT and is not subject to annual legislative appropriation. The 2009 act also specified that revenue from the turnpike and the Tobin Bridge can be used only for tolled assets.
DOT Authorized to Retain Surplus Funds	Yes. MassDOT can retain excess funds from the Commonwealth Transportation Fund in the Transportation Trust Fund, which is not subject to appropriation. However, excess funds tend to be minimal because the Commonwealth Transportation Fund is subject to appropriation.
Legislative Approval Required to Move Funds Between Projects	No, unless it is necessary to change bond bill language that was previously approved.
Transportation Funding Allocations through Local Aid	Funds are distributed to cities and towns by a statutory formula based on vehicle registrations, road miles and property valuation (Mass. Gen. Laws Ann. ch. 81, §31).



# Michigan

## Organizational Facts

Legislature	Michigan Legislature Structure: Bicameral, partisan Chambers: Senate (38 members) House (110 members) Session: Annual, year-round Estimated no. of bills in 2011: 3,200	Department of Transportation	Michigan Department of Transportation (MDOT) FTE: 3,022 Leadership: Commission; Director Organizational structure: Mainly by transportation mode
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 255,882 (2009); bridges: 10,928 (2010); toll bridges and tunnels: 7 (at least 1 operated by an international authority) (2009)
Transit	Trips per year (all transit modes): Approximately 99.9 million (2008)
Rail	Freight rail route-miles: 3,735 (2008)
Aviation	Airports (total): 499; public-use: 240; state-owned: 5 (2008) Enplanements per year: 17,370,130 (2009)
Marine	Waterborne tonnage per year: 52.1 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, mainly during the appropriations process.** The main interaction between the Legislature and MDOT occurs during the annual appropriations process. Most budget communications are channeled through the House and Senate fiscal agencies and the Appropriations Subcommittee chairs on the legislative side, and the director and budget officers on the MDOT side. MDOT tracks the budget bill and communicates MDOT's position on line item appropriations and related boilerplate sections. MDOT has a dedicated governmental affairs office. This office is less involved in the budget and more involved in tracking and testifying on transportation policy bills as well as fielding questions or concerns from legislators. In some cases, bills are introduced at MDOT's request, by legislative sponsors identified through the governor's office. When bills are passed over MDOT's objections, MDOT may ask the governor to veto the bill or particular items.

## DOT Leadership Appointments and Requirements

The six members of the state transportation commission are appointed by the governor to staggered three-year terms, with the advice and consent of the Senate and within constitutional requirements pertaining to party affiliation (Mich. Comp. Laws Ann. §247.802; Mich. Const. art. V, §28). The MDOT director also is appointed by the governor, with the advice and consent of the Senate and within broad statutory guidelines for abilities, and serves at the pleasure of the governor. If the director is not a licensed professional engineer, the director must designate a deputy director who is, to be responsible for the engineering content of policies and programs (Mich. Comp. Laws Ann. §16.455 and §247.805; Mich. Const. art. V, §28).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Office of the Auditor General. This office conducts departmental performance audits.
Sunset Review	Sunset clauses have been enacted only for selected programs or legislation, not for MDOT per se.

## Legislation and Regulation

Transportation Governance Statutes	Mich. Comp. Laws Ann. §§16.451 et seq.; Mich. Comp. Laws Ann. §§247.801 et seq.; Mich. Comp. Laws Ann. chapters 220 to 260
Administrative Rules Review	Legislative review of proposed rules by a joint bipartisan committee; committee may suspend rules during interim.

## Transportation Planning and Capital Program Management

Transportation Planning Process	MDOT has jurisdiction over only 8.1 percent of the state's road miles, and local agencies control the rest. MDOT guides the process and selects projects for its capital road and bridge construction/reconstruction program. Projects are selected primarily with a view to meeting pavement and bridge performance goals established in 1997 within federal constraints, and statewide geographic distribution. MPOs coordinate local projects but do not select projects for the state plan. The state transportation commission approves the five-year plan as a broad planning document, but does not select or question specific projects.
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Legislative Role in Transportation Planning	Legislative involvement is very limited. The Legislature has made efforts to designate specific projects and to require legislative approval of the five-year MDOT plan. These efforts have largely failed, and the Legislature neither selects projects nor approves the five-year plan.
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**Funding and Finance**

Budgeting and Appropriations	Annual budget; fiscal year begins October 1. The Legislature approves the transportation budget, but the budget is largely driven by how much revenue is generated and by statutory formulas for distribution.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$1.97 billion FY 2010: \$2.08 billion FY 2009: \$2.03 billion FY 2008: \$2.21 billion
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are included in the annual state budget. They must be appropriated before they can be spent by MDOT on state projects or made available for local projects. The Legislature approves a budget with line items at the category level, not for specific projects, and MDOT decides how to allocate funds within those categories. State law requires 25 percent of most federal-aid programs to be set aside for local projects.
Allocation of State Transportation Funds to the DOT	State transportation funds are distributed by statutory formula, but still must be appropriated in the annual state budget (at the program or category level) before they can be spent by MDOT or distributed to local agencies.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; tolls. Tolls support the toll facilities but not other transportation projects.
State Funding and Finance for Other Modes	Transit, passenger and freight rail, and ports: Funded by a statutory share of fuel taxes, registration taxes and a share of the state sales tax on auto-related products—including on gasoline and diesel fuel—through the state’s Comprehensive Transportation Fund. Aviation: Aviation fuel taxes; aircraft registration fees; airport parking tax. State trunkline bridges: Share of fuel taxes and registration taxes.
Innovative Transportation Funding and Finance	GARVEE bonds (indirect only); Build America Bonds; state infrastructure bank (federally capitalized); design-build (reported in survey; no authorizing statute found); advance construction; toll credits or “soft match.”
Dedicated/Restricted State Funds and Revenues	The state constitution dedicates motor fuel taxes and vehicle registration taxes to transportation purposes; at least 90 percent must be used for roads, streets and bridges, and the balance for comprehensive transportation purposes as defined by law (Mich. Const. art. IX, §9). The Michigan Transportation Fund is the main collection and distribution fund for state transportation revenues, mainly from fuel and registration taxes. Revenues are credited to this fund, then distributed to other funds and programs by statutory formula (Mich. Comp. Laws Ann. §§247.660 et seq.). Recipients include the State Trunkline Fund for state highways and MDOT administration, the Transportation Economic Development Fund, the Comprehensive Transportation Fund—statutorily dedicated to public transportation—and local agencies. An auto-related sales tax also is deposited into the Comprehensive Transportation Fund (Mich. Comp. Laws Ann. §205.75). An earmark of certain driver’s license fees is statutorily dedicated to transportation economic development (Mich. Comp. Laws Ann. §28.306). The State Aeronautics Fund is dedicated to aeronautics and funded by aviation fuel taxes, aircraft registration fees and an airport parking tax (Mich. Comp. Laws Ann. §259.34 and §259.35).
DOT Authorized to Retain Surplus Funds	Yes. MDOT can carry forward appropriated funds for projects into subsequent years. Carry-forward funds do not need to be reappropriated.
Legislative Approval Required to Move Funds Between Projects	No. MDOT must notify the Legislature before using bond funds for a different project than originally specified, but bond proceeds are not appropriated and no legislative approval is required.
Transportation Funding Allocations through Local Aid	Local agencies—including 83 county road commissions and 533 counties and villages—control nearly 92 percent of the state’s road miles, including many that are federal-aid eligible. Most state transportation revenue is distributed to local road agencies by statutory formula (Mich. Comp. Laws Ann. §247.660 and §247.663). State law also requires that an average of 25 percent of federal aid be set aside for local projects (Mich. Comp. Laws Ann. §247.660). There is little state oversight of these local agencies.

# Minnesota

## Organizational Facts

Legislature	Minnesota Legislature Structure: Bicameral, partisan Chambers: Senate (67 members) House (134 members) Session: Annual, approximately January – May (odd years), approximately February – May (even years) Estimated no. of bills in 2011: 4,800	Department of Transportation	Minnesota Department of Transportation (Mn/DOT) FTE: 5,107 Leadership: Commissioner Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 283,378 (2009); bridges: 13,108 (2010); toll bridges and tunnels: 1, plus 1 shared with North Dakota (2009)
Transit	Trips per year (all transit modes): Approximately 102.1 million (2008)
Rail	Freight rail route-miles: 4,528 (2008)
Aviation	Airports (total): 371; public-use: 165; state-owned: 0 (2008) Enplanements per year: 15,884,588 (2009)
Marine	Waterborne tonnage per year: 28.7 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, extensive.** Mn/DOT and the Legislature have extensive contact. District management and executive staff have regular contact with legislators to discuss specific transportation issues and projects. Special briefings for legislators are occasionally held to acquaint them with Mn/DOT activities. Legislators and legislative staff frequently request information from Mn/DOT, which is regarded as the expert source of transportation-related information, and often contact Mn/DOT offices or districts directly. Mn/DOT provides considerable information and testimony to the Legislature during session about the transportation-related legislation. Mn/DOT has a dedicated Office of Government Affairs.

## DOT Leadership Appointments and Requirements

The commissioner of transportation is appointed by the governor to a term that coincides with that of the governor, with the advice and consent of the Senate. The commissioner serves at the pleasure of the governor (Minn. Stat. Ann. §174.02, §15.06, §15.066).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by one or more legislative committees or commission; interim charges; legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Office of the Legislative Auditor, Program Evaluation Division. This office conducts various studies.
Sunset Review	Sunset clauses have been enacted only for selected programs or legislation, not for Mn/DOT per se.

## Legislation and Regulation

Transportation Governance Statutes	Minn. Stat. Ann. chapters 15, 160 to 174A, 218 to 222, and 360 to 362
Administrative Rules Review	Legislative review of proposed and existing rules by joint bipartisan standing committee; committee role is mainly advisory.

## Transportation Planning and Capital Program Management

Transportation Planning Process	Mn/DOT develops a 20-year state plan, a 10-year highway investment plan and an annually updated four-year State Transportation Improvement Program (STIP) using an extensive public involvement process. These plans are informed by special studies and metropolitan, regional and tribal plans. Mn/DOT identifies and develops projects for the state trunk highway system and coordinates involvement of other stakeholders on all modes. The process of prioritizing projects for funding in the STIP is done with the participation of Area Transportation Partnerships, which are committees of local government office holders or their delegates and Mn/DOT employees.
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Legislative Role in Transportation Planning	The Legislature has no formal role in this process. With rare exceptions, the Legislature does not identify projects in legislation. Legislators do, however, regularly introduce bills that would prioritize certain projects more highly than in the existing plan. The Legislature does not approve the transportation plans, but may review them at legislative hearings. The Legislature appropriates funds within broad categories, and can set investment priorities in that way.
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## Funding and Finance

Budgeting and Appropriations	Biennial enactment of two 12-month budgets; fiscal year begins July 1. Unanticipated federal funds may be appropriated through a contingent appropriations process, which requires the written approval of the governor and at least five members of a subset of the Legislature.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$1.80 billion* FY 2010: \$1.60 billion* FY 2009: \$1.74 billion* FY 2008: \$1.46 billion* <i>*These numbers include year-specific, direct appropriations; continuing appropriations; ongoing, statutory appropriations; and bonding.</i>
Allocation of Federal Transportation Funds to the DOT	Federal funds that flow through the state's federal fund are reviewed by the Legislature, but do not require legislative appropriation or approval to be spent. Federal funds that flow through the state's trunk highway fund are appropriated through the biennial budget process, usually in categories such as construction or maintenance and occasionally as project-specific appropriations. These funds also can be approved via a contingent appropriation process in the case of unanticipated federal funds, maintenance emergencies or tort claims.
Allocation of State Transportation Funds to the DOT	State revenues are constitutionally dedicated to the state's Highway User Tax Distribution Fund, then appropriated through direct and statutory appropriations to state agencies and programs. Appropriations usually are at the category level, but occasionally are project-specific.
Traditional State Funding and Finance for Highways	Fuel taxes; motor vehicle/rental car sales taxes (up to 60 percent of the motor vehicle sales tax starting in FY 2012); vehicle registration/license/title fees; truck weight fees; interest income; various fines and fees; general obligation bonds.
State Funding and Finance for Other Modes	Transit: General funds; general obligation bonds; motor vehicle/rental car sales taxes (at least 40 percent of the motor vehicle sales tax starting in FY 2012). Rail: General funds; general obligation bonds. Aviation: Airport property taxes; aviation fuel taxes; license taxes; general obligation bonds. Ports: General funds; general obligation bonds.
Innovative Transportation Funding and Finance	State infrastructure bank (federally capitalized); congestion pricing; PPPs (authorized in statute); design-build (authorized in statute, used as a component of at least five projects); advance construction.
Dedicated/Restricted State Funds and Revenues	The state constitution establishes the Highway User Tax Distribution Fund, which consists of motor fuel taxes and taxes on motor vehicles and is dedicated solely to highway purposes (Minn. Const. art. XIV, §§1 et seq.). The constitution distributes the fund to trunk highways (62 percent), county roads (29 percent) and municipal streets (9 percent); 5 percent is set aside and can be apportioned to any of those purposes. Starting in FY 2012, the constitution also distributes at least 60 percent of motor vehicle sales tax receipts to the Highway User Tax Distribution Fund, and not less than 40 percent to a Transit Assistance Fund, where money is statutorily dedicated to greater Minnesota and metro area transit (Minn. Stat. Ann. §16A.88). Aviation-related revenues go to the State Airport Fund (e.g., Minn. Stat. Ann. §270.077, §296A.18 and §360.66), which is dedicated to aviation purposes (Minn. Stat. Ann. §360.017). These revenues are only statutorily dedicated, and transfers have been made from the State Airport Fund to deal with budget deficits. The use of aviation taxes is statutorily restricted by type of airport, zoning requirements, type of projects, and so on. Truck weight fees and other various fines and fees flow through the state's Trunk Highway Fund via statutory requirements; the constitution restricts uses of this fund (Minn. Const. art. XIV, §2 and §6). General obligation bonds are constitutionally restricted to public purposes and capital expenditures only (Minn. Const. art. XI, §5). Bonds may be designated to specific projects.
DOT Authorized to Retain Surplus Funds	Yes and no. Appropriations can be carried forward within a biennium. Specific language accompanying an appropriation is needed for carry-forward authority across biennia. This authority generally is given in the aviation section of the transportation budget, but not necessarily in others.

# Minnesota

Legislative Approval Required to Move Funds Between Projects	Yes. Based on session law, Mn/DOT may transfer spending authority between maintenance funds and other Mn/DOT funds (other than construction) through a notification process. This authority may also be transferred to the construction appropriation. However, the spending authority from the construction appropriation may not be transferred to other areas of the budget without a legislative charge.
Transportation Funding Allocations through Local Aid	In the biennial budget process, the Legislature makes lump sum appropriations to Mn/DOT for county roads and municipal streets based on a constitutional formula for distributing Highway User Tax Distribution Fund resources (Minn. Const. art. XI, §5). Mn/DOT then allocates funds to counties using statutory formulas based on equal distribution, need, motor vehicle registrations and lane miles (Minn. Stat. Ann. §§162.07 et seq.) and to municipalities based on needs and population (Minn. Stat. Ann. §162.13). The state's general obligation bonds assist with local road and bridge projects, which are mostly funded on a first-come, first-serve basis.

## Organizational Facts

Legislature	Mississippi Legislature Structure: Bicameral, partisan Chambers: Senate (52 members) House (122 members) Session: Annual, approximately January – April Estimated no. of bills in 2011: 3,800	Department of Transportation	Mississippi Department of Transportation (MDOT) FTE: 3,464 Leadership: Commission; Executive Director Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 156,532 (2009); bridges: 17,065 (2010)
Transit	Trips per year (all transit modes): Approximately 1.3 million (2008)
Rail	Freight rail route-miles: 2,618 (2008)
Aviation	Airports (total): 251; public-use: 80; state-owned: 0 (2008) Enplanements per year: 1,199,015 (2009)
Marine	Port traffic per year (20-foot equivalent units): 156,507 (2009); waterborne tonnage per year: 52.2 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal.** MDOT representatives are at all transportation-related committee meetings and represent MDOT’s position on pending legislation. MDOT employs a dedicated legislative liaison who, with the MDOT executive director, briefs transportation committees about relevant issues and policies. The liaison also is available to legislators on an ongoing basis, and responds to legislative requests for information.

## DOT Leadership Appointments and Requirements

The three members of the Mississippi Transportation Commission are elected by the people, one from each of the state’s three Supreme Court districts, at the same time and in the same manner as the governor. They must be qualified electors and citizens of the district in which they offer for election (Miss. Code Ann. §65-1-3). The executive director is appointed to a four-year term by the commission, with the advice and consent of the Senate and within statutory requirements for expertise and knowledge; can be removed by a majority of the commission; and cannot have been a member of the commission within two years of appointment (Miss. Code Ann. §65-1-9).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative review of non-legislative program reviews or performance audits; legislative requests for information; reporting requirements. MDOT is required to make reports to or notify the Legislature about certain MDOT programs, activities or actions. MDOT also must file detailed annual reports with the Legislature on its operations, major programs and six-year program of work. MDOT is audited at the end of each fiscal year by the State Auditor, and a copy of the audit is sent to the Legislative Budget Office (Miss. Code Ann. §65-1-149).
Legislative Program Evaluation Office	Joint Legislative Performance Evaluation and Expenditure Review Committee
Sunset Review	No sunset reviews of state agencies or programs.

## Legislation and Regulation

Transportation Governance Statutes	Miss. Code Ann. §65-1-1 through §65-1-709
Administrative Rules Review	No formal review process.

## Transportation Planning and Capital Program Management

Transportation Planning Process	MDOT identifies projects with input from MPOs and develops the Statewide Transportation Improvement Program (STIP). The Transportation Commission approves all projects, contracts and expenditures. MDOT maintains a Six-Year Plan of projects submitted to the Legislature each January. MDOT also produces a long-range plan called the Mississippi Unified Long-Range Transportation Infrastructure Plan (MULTIPLAN) that is a comprehensive analysis of transportation infrastructure and needs throughout the state with a 25-year horizon.
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# Mississippi

Legislative Role in Transportation Planning	MDOT submits its Six-Year Plan of projects to the Legislature each January, but the Legislature does not approve this plan. The Legislature can identify a project through a transportation bond bill. The Legislature also has passed statutes identifying specific projects or programs for MDOT to implement, for example, the 1987 Four-Lane Program and the Vision 21 Program (Miss. Code Ann. §65-3-97 and §65-1-145). These statutes generally provide MDOT with guidelines for project prioritization but give MDOT flexibility to change prioritization of these projects and to determine when each prioritized project is to be completed.
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## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1. MDOT's annual budget request is approved by the elected, three-member Transportation Commission before it is submitted to the Legislature.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$575.0 million FY 2010: \$509.5 million FY 2009: \$539.2 million FY 2008: \$434.2 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to MDOT through a state legislative appropriation at the program or category level.
Allocation of State Transportation Funds to the DOT	State taxes and fees dedicated to transportation are deposited directly into the State highway Fund, but still must be appropriated annually to MDOT by the Legislature.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; truck weight fees; interest income; contractors' tax on certain highway projects; lubricating oil tax; general obligation bonds; revenue bonds.
State Funding and Finance for Other Modes	Transit has no dedicated state funding but has received allocations from the Multi-Modal Transportation Improvement Fund, which is funded by MDOT out of its state source special funds that are not otherwise dedicated (i.e., a portion of the fuel tax, truck and bus taxes, and other). Rail: Tax on locomotive fuel. Aviation: Tax on aviation fuel (distributed to the Mississippi Aeronautics Commission). Ports: General funds. Bridges: Included with highways.
Innovative Transportation Funding and Finance	GARVEE bonds; private activity bonds (PABs) (allocated); Build America Bonds; PPPs (authorized in statute); design-build (authorized in statute); advance construction; bridge credits (in-kind or "soft match").
Dedicated/Restricted State Funds and Revenues	State statute indicates that gasoline taxes are to be used to provide highways, streets and roads (Miss. Code Ann. §27-55-3). Fuel taxes and certain other transportation-related taxes and fees—including vehicle registration/license/title fees and truck weight fees—are dedicated to the State Highway Fund and can be used for MDOT operations and programs. Any bond proceeds usually are dedicated to a specific project or program by the bond enabling legislation. The state also has a Multi-Modal Transportation Improvement Fund, which is distributed to ports, airports, transit and railroads (Miss. Code Ann. §§65-1-701 et seq.). The Legislature established this fund in 2001 (2001 Miss. Laws, Chap. 552) but has not appropriated any funding to it since its passage; MDOT has chosen to fund the program from its state revenues.
DOT Authorized to Retain Surplus Funds	Yes. All state fees and taxes dedicated to transportation and all federal reimbursements on federal projects are deposited directly into the State Highway Fund and retained until spent.
Legislative Approval Required to Move Funds Between Projects	No legislative approval is required.
Transportation Funding Allocations through Local Aid	Local entities receive state transportation funds through statutory formulas. MDOT allocates part of its federal funds to local projects through the Local Public Agencies program, and part through the separate Office of State Aid. A portion of state fuel tax revenues is distributed to counties for local bridge and highway projects through the Office of State Aid by a statutory formula based on equal distribution, rural road miles and rural population (Miss. Code Ann. §27-65-75); another portion is received directly by cities and counties for transportation projects (Miss. Code Ann. §27-5-101 and §27-5-103). Cities and counties also receive part of the state sales tax, which can be used for any local government purpose, including transportation.

## Organizational Facts

Legislature	Missouri General Assembly Structure: Bicameral, partisan Chambers: Senate (34 members) House (163 members) Session: Annual, approximately January – May Estimated no. of bills in 2011: 2,000	Department of Transportation	Missouri Department of Transportation (MoDOT) FTE: 6,125 salaried; 115 temporary Leadership: Commission; Director Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 270,903 (2009); bridges: 24,245 (2010); toll bridges and tunnels: 1 (2009)
Transit	Trips per year (all transit modes): Approximately 75.2 million (2008)
Rail	Freight rail route-miles: 4,078 (2008)
Aviation	Airports (total): 516; public-use: 130; state-owned: 0 (2008) Enplanements per year: 11,460,911 (2009)
Marine	Waterborne tonnage per year: 24.1 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, extensive.** Communication occurs formally and informally through visits at a legislative member’s request, written policy statements, testimony before committees, and distribution of annual reports and Statewide Transportation Improvement Program (STIP) documents, as well as Tracker, MoDOT’s quarterly performance management document. MoDOT has a Division of Governmental Relations, the role of which includes advocating for MoDOT objectives, advancing legislative initiatives, and communicating and interacting with the General Assembly on an ongoing basis. Governmental relations staff and MoDOT’s senior management team testify before legislative committees. MoDOT’s director and governmental relations staff are registered lobbyists and interact with legislators regarding transportation-related legislation. During session, the Missouri Highways and Transportation Commission holds monthly meetings at MoDOT headquarters. This provides convenience to any legislator who wishes to attend the meeting or address commission members. Finally, the Joint Committee on Legislative Research Oversight Division is required to prepare a fiscal note for each bill. To do this, the division solicits a statement of impact from all potentially affected agencies; MoDOT responds to approximately 650 fiscal note requests annually.

## DOT Leadership Appointments and Requirements

The six members of the bipartisan Missouri Highways and Transportation Commission are appointed to staggered six-year terms by the governor, by and with the advice and consent of the Senate, subject to statutory requirements for party affiliation, taxpayer status and residency. Any commissioner may be removed by the governor if fully satisfied of his inefficiency, neglect of duty or misconduct in office (Mo. Rev. Stat. §226.030). The MoDOT director is appointed by the commission—subject to statutory requirements for state citizenship, residency and experience—and serves at the pleasure of the commission (Mo. Rev. Stat. §226.040).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. Legislative committees having some oversight of MoDOT include the Joint Committee on Transportation Oversight and the Joint Committee on Legislative Research Oversight Division. Reporting requirements include an annual accountability report that is provided to the General Assembly, the governor and the lieutenant governor, and presented in person before the Joint Committee on Transportation Oversight. The General Assembly periodically creates interim committees to study certain aspects of MoDOT.
Legislative Program Evaluation Office	Joint Committee on Legislative Research, Oversight Division. This division has the authority to conduct performance audits of state executive departments and has performed five audits of MoDOT programs and funds.
Sunset Review	The state conducts sunset reviews, but not of MoDOT.

## Legislation and Regulation

Transportation Governance Statutes	Mo. Rev. Stat. §§226.005 et seq.; Mo. Rev. Stat. §§227.010 et seq.
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# Missouri

Administrative Rules Review	Legislative review of proposed and existing rules by joint bipartisan standing committee; committee may suspend rule; no objection constitutes approval of proposed rule.
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## Transportation Planning and Capital Program Management

Transportation Planning Process	MoDOT annually develops a rolling five-year Statewide Transportation Improvement Program (STIP) through a collaborative process called the planning framework. MoDOT coordinates the involvement of MPOs, regional planning commissions, local elected officials and the general public, who work collaboratively with MoDOT to select and prioritize projects. The plan is approved by the Highways and Transportation Commission.
Legislative Role in Transportation Planning	No formal legislative role. Legislators have opportunities to be involved in the decision-making process by attending a public meeting, contacting their respective regional planning partners or contacting MoDOT directly.

## Funding and Finance

Budgeting and Appropriations	The state's operating budget is annual, and the capital budget is biennial; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$1.81 billion FY 2010: \$1.68 billion FY 2009: \$1.77 billion FY 2008: \$1.49 billion
Allocation of Federal Transportation Funds to the DOT	Federal highway funds are deposited directly into the State Road Fund per statute, without legislative involvement. The State Road Fund is authorized by the Missouri Highways and Transportation Commission. Federal funds for highway safety and other modes—including transit, rail and aviation—must be appropriated by the General Assembly at the program or category level.
Allocation of State Transportation Funds to the DOT	Various state funds flow directly to MoDOT per statute, without legislative involvement, for construction and maintenance of highways and bridges. The funding for other modes is appropriated by the General Assembly at the program or category level.
Traditional State Funding and Finance for Highways	Fuel taxes; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; truck weight fees; interest income; revenue bonds.
State Funding and Finance for Other Modes	Rail: Railroad regulation fees. Aviation: Sales tax on jet fuel; aviation fuel tax; interest income. Ports: General revenue. Transit, rail, waterways and aviation also are funded by 2 percent of half the proceeds from the state sales tax on motor vehicles, trailers, motorcycles, mopeds and motortricycles. General revenue also may be appropriated to these uses by the General Assembly.
Innovative Transportation Funding and Finance	GARVEE bonds; Build America Bonds; state infrastructure bank (federally capitalized); PPPs (authorized in statute with legislative and voter approval requirements); design-build (authorized in statute, used as a component of three projects according to MoDOT); creation of nonprofit, quasi-public entities; advance construction; toll credits or "soft match." Traffic camera fees are used only at the local level.
Dedicated/Restricted State Funds and Revenues	The state constitution dedicates use of all motor vehicle-related taxes and fees—including fuel taxes and license fees and less certain set-asides—to roads, bridges and tunnels and prohibits any state revenues from highway users that are allocated to the State Road Fund from being diverted from highway purposes and uses (Mo. Const. art. IV, §30(b)) and §30(d)). Fuel tax proceeds are distributed by constitutional formulas to the State Road Fund, cities and counties. The same section of the constitution also dedicates half the proceeds from the state sales tax on motor vehicles, trailers, motorcycles, mopeds and motortricycles to highway and transportation use. These revenues are distributed to counties (10 percent), cities (15 percent), the State Road Fund (73 percent) and the State Transportation Fund (2 percent); the State Transportation Fund also supports other transportation modes such as rail, transit, waterways and aviation. The other half of the proceeds from the state sales tax on motor vehicles, trailers, motorcycles, mopeds and motortricycles is constitutionally directed to the State Road Bond Fund for the repayment of bonded debt issued by the Highways and Transportation Commission (Mo. Const. art. IV, §30(b)). The Aviation Trust Fund, which collects a 9-cent-per-gallon tax on aviation fuel and a portion of the state sales tax on jet fuel (Mo. Rev. Stat. §155.090 and §144.805), is dedicated to aviation purposes (Mo. Rev. Stat. §305.230). General revenue is legislatively appropriated and restricted by language.

<p>DOT Authorized to Retain Surplus Funds</p>	<p>Yes, for certain funds. The remaining balance of the State Road Fund, which is dedicated to roads and bridges, is used and expended at the sole discretion of and under the supervision and direction of the Highways and Transportation Commission (Mo. Const. art. IV, §30(b)). All other funds with remaining balances also are authorized to retain excess funds, with the exception of the state Grade Crossing Safety Account, which may be swept at the end of a biennium if funds are not already obligated to future projects.</p>
<p>Legislative Approval Required to Move Funds Between Projects</p>	<p>No legislative approval is required.</p>
<p>Transportation Funding Allocations through Local Aid</p>	<p>The state constitution allocates portions of the state motor fuel tax and a state sales tax on vehicles to cities and counties. After set-asides, 15 percent of the proceeds of the fuel tax are deposited in the County Aid Road Trust Fund. A portion of this fund is distributed to cities not within any county, and the remainder to counties by a formula based on road mileage and rural land valuation; these funds are dedicated to the construction, reconstruction, maintenance and repairs of roads, bridges and highways. Fifteen percent of fuel tax proceeds goes to cities, towns and villages for roads and street purposes, and are distributed by a population-based formula (Mo. Const. art. IV, §30(a)). Half the proceeds from the state sales tax on motor vehicles, trailers, motorcycles, mopeds and motortricycles are constitutionally dedicated to highway and transportation use. Of this half, 10 percent is distributed to counties and 15 percent to cities as provided in section 30(a) (Mo. Const. art. IV, §30(b)).</p>

# Montana

## Organizational Facts

Legislature	Montana Legislature Structure: Bicameral, partisan Chambers: Senate (50 members) House (100 members) Session: Biennial, approximately January – April (odd years only) Estimated no. of bills in 2011: 1,350	Department of Transportation	Montana Department of Transportation (MDT) FTE: 2,242 Leadership: Commission; Director Organizational structure: Mainly by transportation mode
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 150,125 (2009); bridges: 5,119 (2010)
Transit	Trips per year (all transit modes): Approximately 2 million (2008)
Rail	Freight rail route-miles: 3,179 (2008)
Aviation	Airports (total): 569; public-use: 120; state-owned: 15 (2008) Enplanements per year: 1,455,588 (2009)

## Legislative-DOT Collaboration and Communication

**Mainly formal and through DOT staff members and legislative committees.** Communication mainly takes place between MDT staff members and legislative committees. During the interim, MDT staff—generally the director—provide reports on MDT activities, planning and activities to the Revenue and Transportation Interim Committee. This committee also can request legislation on behalf of MDT. During session, MDT frequently appears before the House Transportation Committee and the Senate Highways and Transportation Committee to influence or provide input on transportation-related legislation. MDT also appears before the Senate Finance and Claims and House Appropriations Joint Subcommittee on General Government, which deals with the MDT budget. MDT has no dedicated legislative liaison; however, the Legal Services Division drafts, reviews and may provide testimony on legislation, rules and policies.

## DOT Leadership Appointments and Requirements

The five members of the Transportation Commission are appointed by the governor, subject to confirmation by the Senate (Mont. Const. art. VI, §8) and statutory requirements for residency, geographic representation and party affiliation. At least one must have specific knowledge of Indian culture and tribal transportation needs, and must be selected by the governor after consultation with the Montana members of the Montana-Wyoming Tribal Leaders Council. No elected or appointed state official or state employee may serve on the commission (Mont. Code Ann. §2-15-2502). The MDT director is appointed by the governor to hold office until the end of the governor's term, subject to confirmation by the Senate, and serves at the pleasure of the governor (Mont. Code Ann. §2-15-2501 and §2-15-111).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Legislative Audit Division
Sunset Review	Sunset clauses have been enacted only for selected programs or legislation, not for MDT per se.

## Legislation and Regulation

Transportation Governance Statutes	Mont. Const. art. VIII, §6; Mont. Code Ann. title 2, ch. 15; Mont. Code Ann. title 15; Mont. Code Ann. title 60; Mont. Code Ann. title 61; Mont. Code Ann. title 67; Mont. Code Ann. title 75
Administrative Rules Review	Legislative review of proposed rules by germane joint bipartisan committees; committee may suspend rule.

## Transportation Planning and Capital Program Management

Transportation Planning Process	MDT staff engage in a number of different planning processes, including the Statewide Transportation Improvement Program (STIP). The Transportation Commission selects and prioritizes projects for construction and maintenance, based on information, research and recommendations provided by MDT staff and local governments (Mont. Code Ann. §60-2-110).
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Legislative Role in Transportation Planning	No formal legislative role. Legislators may testify at commission meetings like any member of the public. Rarely, the Legislature will require or address an individual highway or project in statute (for example, Mont. Code Ann. §60-2-133). This kind of special legislation is generally discouraged. The Legislature approves the MDT budget at the program, not project-specific, level.
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### Funding and Finance

Budgeting and Appropriations	Biennial enactment of two 12-month budgets; fiscal year begins July 1. Biennial budget requests are reviewed and approved by the Legislature, but projects are approved by the Transportation Commission, not the Legislature.
Bonding or Pay-as-You-Go	The state uses pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$256.5 million* FY 2010: \$227.4 million* FY 2009: \$244.0 million* FY 2008: \$230.6 million* <i>*These numbers include local transit matches that pass through MDT.</i>
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are legislatively appropriated at the program or category level as part of the biennial budget process.
Allocation of State Transportation Funds to the DOT	As with federal funds, state transportation funds are legislatively appropriated at the program or category level in the biennial budget process.
Traditional State Funding and Finance for Highways	Fuel taxes; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; truck weight fees; interest income.
State Funding and Finance for Other Modes	Transit: Primarily local government funding; also some state fuel taxes and registration/license/title fees. Aviation: Aviation fuel tax; allocation of gasoline and diesel taxes. Bridges: Included with highways.
Innovative Transportation Funding and Finance	GARVEE bonds; design-build (authorized in statute); impact fees.
Dedicated/Restricted State Funds and Revenues	The state constitution requires highway user fee revenues (including weight fees and fuel taxes) to be used as authorized by the Legislature—after deduction of statutory refunds and adjustments—solely for specific road and bridge funding purposes, including enforcement of highway safety, driver education, tourist promotion and administrative collective costs. Such revenues may be appropriated for other purposes by a three-fifths vote of the members of each house of the Legislature (Mont. Const. art. VIII, §6). State statute allocates a small portion of the gasoline dealers' license tax to other purposes, including aeronautics (Mont. Code Ann. §60-3-201).
DOT Authorized to Retain Surplus Funds	Yes. Funds derived from highway user fees are constitutionally protected from diversion from the highway fund. MDT is authorized to retain excess funds with no stated limit.
Legislative Approval Required to Move Funds Between Projects	No legislative approval is required.
Transportation Funding Allocations through Local Aid	Transportation funds are allocated to local entities through a statutory distribution of gasoline and diesel taxes (Mont. Code Ann. §15-70-101). The funds provided for counties are distributed by a statutory formula based on rural road mileage, rural population and land area; the amount for incorporated cities and towns is distributed by a formula based on population and street and alley mileage; consolidated city-county governments receive a single payment based on a combined calculation. All funds are subject to low-bid requirements. These funds must be used for construction or maintenance of streets or roads.

# Nebraska

## Organizational Facts

Legislature	Nebraska Legislature Structure: Unicameral, nonpartisan Chamber: Legislature (49 members*) Session: Annual, approximately January – June (odd years), approximately January – April (even years) Estimated no. of bills in 2011: 1,050 <i>*All members go by the title of senator.</i>	Department of Transportation	Nebraska Department of Roads (NDOR) FTE: 2,292 Leadership: Commission (advisory only); Director Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 190,478 (2009); bridges: 15,376 (2010); toll bridges and tunnels: 4 shared with Iowa (2009)
Transit	Trips per year (all transit modes): Approximately 6.1 million (2008)
Rail	Freight rail route-miles: 3,215 (2008)
Aviation	Airports (total): 241; public-use: 83; state-owned: 3 (2008) Enplanements per year: 2,279,966 (2009)
Marine	Waterborne tonnage per year: 179,000 (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, mainly through legislative committees and the DOT legislative liaison.** NDOR has a government affairs office; most communication occurs between that office and the Legislature's Transportation and Telecommunications committee. All senators' offices also have direct contact with the NDOR government affairs office when they have questions or need information. As a "code agency" subject to the governor's direct control, NDOR must work through the Governor's Policy and Research office to introduce legislation, support or oppose a bill, or offer an amendment to a bill. If NDOR is given permission, then the government affairs office or director will usually work through the Transportation and Telecommunications Committee. NDOR also must present certain reports to the Legislature, including an annual Needs Assessment Report.

## DOT Leadership Appointments and Requirements

The eight members of the State Highway Commission are appointed by the governor with the consent of a majority of all the members of the Legislature, within statutory requirements for geographic representation, U.S. citizenship, age, residency and party affiliation (Neb. Rev. Stat. §39-1101). The governor can remove commission members for inefficiency, neglect of duty or misconduct in office, after an opportunity for a hearing (Neb. Rev. Stat. §39-1104). The commission is advisory only and has no authority over NDOR (Neb. Rev. Stat. §39-1110). The NDOR director is appointed by the governor, subject to confirmation by a majority vote of the members elected to the Legislature, and can be removed by the governor (Neb. Rev. Stat. §81-102; Neb. Const. art. IV, §10).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Legislative Performance Audit Section
Sunset Review	Sunset clauses have been enacted only for selected programs or legislation, not for NDOR per se.

## Legislation and Regulation

Transportation Governance Statutes	Neb. Rev. Stat. §39-1301 to §39-1308; Neb. Rev. Stat. §81-101; Neb. Rev. Stat. §81-701.01 to §81-704.04
Administrative Rules Review	Legislative review of proposed rules by standing committee; committee role is mainly advisory; no objection constitutes approval of proposed rule.

## Transportation Planning and Capital Program Management

Transportation Planning Process	All transportation planning and project prioritization is done by NDOR with ultimate authority resting with the governor. The State Highway Commission reviews NDOR's plans, but acts in an advisory and informational capacity only. MPOs, city and county departments work with NDOR when the need arises.
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Legislative Role in Transportation Planning	The state constitution expressly prohibits the Legislature from laying out, planning or directing the construction of roads or highways (Neb. Const. art. III, §18). The role of the Legislature is to determine the amount of funding to provide. NDOR presents its annual needs assessment to a joint meeting of the Appropriations and Transportation committees before session. The Legislature then determines the overall level of state funding to be provided for transportation through the normal budgeting process for executive agencies.
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### Funding and Finance

Budgeting and Appropriations	Biennial enactment of two 12-month budgets; fiscal year begins July 1. NDOR is required by statute to present an annual needs assessment to the Legislature. This occurs before session and provides a forum for discussion. Once in session, the Legislature determines the overall amount of state funding to be provided to NDOR through the normal budget and appropriations process, which includes Appropriations Committee review, public hearings, and discussion and passage by the full Legislature. The governor approves NDOR's budget request before it is submitted to the Legislature and can exercise veto power.
Bonding or Pay-as-You-Go	The state uses pay-as-you-go financing. No bonds have been issued since 1969.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$370.0 million FY 2010: \$368.0 million FY 2009: \$370.3 million FY 2008: \$359.5 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds flow directly into NDOR's cash fund. The Legislature does not limit the flow of federal funds, but does provide an appropriation at the program level that reflects a cash flow estimate. NDOR can exceed this estimate as needed without legislative involvement.
Allocation of State Transportation Funds to the DOT	A department-wide Highway Cash Fund appropriation sets the amount of state funds available to the agency. The variable fuel tax is then set to generate revenue equal to this amount when added to other revenue sources. The Legislature provides an appropriation of these same state funds at the program level that reflects a cash flow estimate. NDOR can exceed this estimate as needed without legislative involvement. The exception is the appropriation for transit aid, which is a set dollar amount.
Traditional State Funding and Finance for Highways	Fuel taxes (variable based on state debt service and appropriations; see Neb. Rev. Stat. §§66-4,140 et seq.); motor vehicle/rental car sales taxes; vehicle registration/license/title fees; interest income; train-mile tax for grade separation projects.
State Funding and Finance for Other Modes	Transit: Funded by the same sources as for highways through the Highway Cash Fund (but not the train-mile tax). Aviation: Aviation fuel tax; jet fuel tax. Bridges: Included with highways.
Innovative Transportation Funding and Finance	State infrastructure bank (federally capitalized); advance construction; toll credits or "soft match."
Dedicated/Restricted State Funds and Revenues	Statutes require fuel tax and other revenues to be credited to the Highway Trust Fund and, after set-asides, allocated to the Highway Cash Fund (Neb. Rev. Stat. §66-499, §60-3,104.01 and §39-2215). This fund must be used for highway construction and maintenance, with limited exceptions, including transit aid (Neb. Rev. Stat. §66-4,100). The use of aviation fuel taxes are limited by statute to aviation-related purposes (Neb. Rev. Stat. §3-149) and, after credits and refunds, are credited to the Department of Aeronautics Cash Fund. Transfers may be made from this fund to the general fund at the direction of the Legislature through June 30, 2011 (Neb. Rev. Stat. §3-126). Other state funds include the State Aid Bridge Fund, the Recreation Road Fund and the Grade Crossing Protection Fund.
DOT Authorized to Retain Surplus Funds	Yes. The Highway Cash Fund appropriation determines the amount of state funding available to NDOR each year and the variable fuel tax is set to attempt to generate this amount of revenue. The tax rate can be raised or lowered mid-year if needed. If actual revenues exceed the appropriation, they remain in the Highway Cash Fund until subsequently appropriated by the Legislature. If collections fall short, NDOR is simply out this amount of money.
Legislative Approval Required to Move Funds Between Projects	No. The Legislature does not get involved in project earmarking. NDOR is given the discretion to select and prioritize projects.
Transportation Funding Allocations through Local Aid	A portion of state fuel taxes and other transportation-related revenues is distributed to counties and municipalities by the Department of Revenue and the state treasurer, according to statutory formulas, via the Highway Allocation Fund. Funds are distributed to counties for road purposes by a statutory formula based on rural and total population, lineal feet of bridges and overpasses, rural and total motor vehicle registrations, road mileage and value of farm products sold (Neb. Rev. Stat. §39-2507). Funds are distributed to municipalities for street purposes, by a statutory formula based on population, motor vehicle registrations and lane miles (Neb. Rev. Stat. §39-2517). Counties and municipalities also can receive incentive payments based on population and the level of license of the county highway superintendent or city street superintendent (Neb. Rev. Stat. §§39-2501 et seq. and §§39-2511 et seq.).

# Nevada

## Organizational Facts

Legislature	Nevada Legislature Structure: Bicameral, partisan Chambers: Senate (21 members) Assembly (42 members) Session: Biennial, approximately February – June (odd years only) Estimated no. of bills in 2011: 1,150	Department of Transportation	Nevada Department of Transportation (NDOT) FTE: 1,785 (approved) Leadership: Board; Director Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 73,242 (2009*); miles of tolled roadway: 6 (2009); bridges: 1,753 (2010) <i>*The number of total lane miles above is as reported by the Federal Highway Administration. NDOT uses centerline miles and reports 5,401 centerline miles as of April 2011.</i>
Transit	Trips per year (all transit modes): Approximately 75.5 million (2008)
Rail	Freight rail route-miles: 1,192 (2008)
Aviation	Airports (total): 140; public-use: 84; state-owned: 0 (2008) Enplanements per year: 21,541,766 (2009)

## Legislative-DOT Collaboration and Communication

**Mainly formal.** NDOT and the Legislature interact primarily through committee hearings, the budget process and policy decisions. NDOT can request legislation through the executive branch and has open access to legislators. The chief of the Communications Office acts as NDOT's legislative liaison, among other duties.

## DOT Leadership Appointments and Requirements

Three of the seven members of NDOT's Board of Directors are appointed to four-year terms by the governor, within statutory requirements for geographic representation, state residency and qualifications as well as restrictions pertaining to conflicts of interest. The governor, lieutenant governor, attorney general and state controller serve ex officio. The three appointed members must be informed on and interested in the construction and maintenance of highways and other transportation matters, and must possess either knowledge of engineering; demonstrated expertise in financial matters and business administration; or demonstrated expertise in the business of construction (Nev. Rev. Stat. §408.106). The NDOT Director is appointed by the Board of Directors, within statutory requirements for qualifications and experience as well as prohibitions on other employment, and serves at its pleasure (Nev. Rev. Stat. §§408.160 et seq.).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; reporting requirements; legislative requests for information. The NDOT Director is required to submit a performance report to the Board of Directors and the Legislature's Interim Finance Committee (Nev. Rev. Stat. §408.133). The Interim Finance Committee reviews executive branch fiscal and programmatic operations during each interim and considers modifications to NDOT's biennial work program when necessary. Other interim committees are occasionally formed to review state financing of highway construction and other projects. The Legislative Council Bureau's Fiscal Analysis Division provides ongoing fiscal and programmatic oversight of NDOT's interim activities.
Legislative Program Evaluation Office	Legislative Counsel Bureau, Audit Division
Sunset Review	Sunset clauses have been enacted only for selected programs or legislation, not for NDOT per se.

## Legislation and Regulation

Transportation Governance Statutes	Nev. Rev. Stat. tit. 35
Administrative Rules Review	Legislative review of proposed rules by ongoing statutory committee (Legislative Commission); committee may suspend rule; no objection constitutes approval of proposed rule.

## Transportation Planning and Capital Program Management

Transportation Planning Process	NDOT is responsible for identifying projects, developing and approving transportation plans, coordinating with the state's four MPOs and facilitating all transportation improvements in non-MPO areas. NDOT develops the Statewide Transportation Improvement Program (STIP) annually in collaboration with MPOs, local entities and 23 tribal governments; the MPOs have primary stewardship for transportation planning within their boundaries. Projects are evaluated by a standardized criterion, which determines the projects' feasibility and user benefits. Areas not under MPO authority must submit applications for proposed transportation improvement projects; these applications are ranked by an NDOT project evaluation team, and high-priority projects are forwarded to the director and deputy director for final selection. The number of projects in the STIP is limited by the amount of anticipated available funding. The NDOT Board of Directors approves the STIP annually.
Legislative Role in Transportation Planning	The Legislature approves the overall NDOT budget in its biennial session, but not specific line-item projects. To do this, the Legislature considers investment priorities, the state funding levels needed to satisfy federal requirements, and NDOT's combination of funding as recommended by the governor. The Legislature also may adopt specific legislation authorizing tax modifications or bond issuances for use toward highway construction projects, as necessary.

## Funding and Finance

Budgeting and Appropriations	Biennial enactment of two 12-month budgets; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$345 million FY 2010: \$419 million FY 2009: \$348 million FY 2008: \$377 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to NDOT as a state legislative appropriation at the agency level or, when the Legislature is not in session, are approved by the Interim Finance Committee.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated to NDOT as state legislative appropriations at the agency, program/category and project-specific levels.
Traditional State Funding and Finance for Highways	Fuel taxes; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; truck weight fees; general funds; interest income; general obligation bonds; revenue bonds. 2007 Nev. Stats., Chap. 344 requires counties with a population of 100,000 or more to allocate a portion of ad valorem tax for capital projects to the State Highway Fund. It also allocates a portion of recovery surcharge fees to that fund and requires the Las Vegas Convention and Visitors Authority to provide up to \$300 million in bond funding to NDOT for Clark County Projects.
State Funding and Finance for Other Modes	No state funds are allocated to transit or other modes.
Innovative Transportation Funding and Finance	GARVEE bonds (authorized but not used as of 2009); federal credit assistance (TIFIA); PPPs (authorized in statute, used for at least one local project); design-build (authorized in statute, used as a component of at least two local projects); traffic camera fees; advance construction. NDOT uses soft match but not toll credits.
Dedicated/Restricted State Funds and Revenues	The state constitution restricts the use of proceeds from any fuel tax or motor vehicle-related fee or charge—except any tax imposed upon vehicles in lieu of an ad valorem property tax—to the construction, maintenance and repair of public highways and administrative costs (Nev. Const. art. IX, §5). These revenues are deposited into the State Highway Fund, established by Nev. Rev. Stat. §408.235. This statute limits the costs of administration for the collection of any fuel tax to not more than 1 percent of the total proceeds collected. It also restricts the Department of Motor Vehicles' (not within NDOT) Highway Fund appropriations to not more than 22 percent of fund revenues, not including fuel tax, for funding administrative expenses.
DOT Authorized to Retain Surplus Funds	Unspent appropriations—unless specifically eligible to carry forward to the second year within a biennium by approval of the Legislature—typically revert to their respective funds at the end of each fiscal year. Excess bond proceeds may be carried forward to future years relative to specific construction schedules for NDOT investment priorities.
Legislative Approval Required to Move Funds Between Projects	No. NDOT's funding is established for each year of the biennium based on the authorized level of state Highway Funds, federal funds and bond proceeds to implement the state's capital construction priorities. However, NDOT retains authority within those legislatively approved funding levels to modify project-specific funding to maintain flexibility in its program and ensure approved investment priorities are implemented efficiently and effectively.
Transportation Funding Allocations through Local Aid	The state allocates transportation funding to local entities by state legislative appropriation.



# New Hampshire

## Organizational Facts

Legislature	New Hampshire General Court Structure: Bicameral, partisan Chambers: Senate (24 members) House (400 members) Session: Annual, approximately January – July Estimated no. of bills in 2011: 1,000	Department of Transportation	New Hampshire Department of Transportation (NHDOT) FTE: 1,671 Leadership: Commissioner Organizational structure: Mainly by transportation mode
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 33,008 (2009); miles of tolled roadway: 131 (2009); bridges: 2,409 (2010); toll bridges and tunnels: 7, plus 1 shared with Vermont (2009)
Transit	Trips per year (all transit modes): Approximately 1.3 million (2008)
Rail	Freight rail route-miles: 415 (2008)
Aviation	Airports (total): 118; public-use: 25; state-owned: 2 (2008) Enplanements per year: 1,602,066 (2009)
Marine	Waterborne tonnage per year: 3.6 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, extensive.** Legislators and legislative staff develop direct lines of communication with NHDOT staff at every level of the agency. Communications are both formal and informal, depending on the circumstances. NHDOT staff are available to discuss issues involving transportation planning, funding and systems. Agency officials also appear regularly at public hearings before the House and Senate Transportation Committees. Legislators rely on this communication to consider all aspects of state transportation policy. NHDOT employs a director of policy and administration, who oversees the Office of Hearings and Legislation, among others (N.H. Rev. Stat. Ann. §21-L:5-b).

## DOT Leadership Appointments and Requirements

The NHDOT Commissioner is appointed to a four-year term by the governor, with the consent of the Executive Council. The Executive Council is a five-member, elected, executive branch agency that has authority and responsibility, with the governor, over the administration of the affairs of the state. State statute requires the NHDOT commissioner only “to be qualified to hold the position by reason of education and experience.” (N.H. Rev. Stat. Ann. §21-L:3) The commissioner can be removed only for cause. The attorney general, the governor or an Executive Council member may petition for a commissioner’s removal, which is effected by a vote of three or more council members in concurrence with the governor (N.H. Rev. Stat. Ann. §4:1).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; reporting requirements; legislative requests for information. A reporting requirement for the 2009 – 2011 biennium is for the NHDOT commissioner to submit quarterly reports on the status of the highway fund balance to the House and Senate Ways and Means committees, the General Court’s Fiscal Committee, the governor and the Executive Council (N.H. Rev. Stat. Ann. §143.8).
Legislative Program Evaluation Office	Legislative Budget Assistant Office, Audit Division
Sunset Review	No sunset reviews of state agencies or programs.

## Legislation and Regulation

Transportation Governance Statutes	N.H. Rev. Stat. Ann. chapter 2L
Administrative Rules Review	Legislative review of proposed rules by joint bipartisan committee; committee role is mainly advisory; no objection constitutes approval of proposed rule; full legislature may permanently block rule through legislation.

## Transportation Planning and Capital Program Management

Transportation Planning Process	NHDOT uses the Governor's Advisory Council on Intermodal Transportation (GACIT) process for transportation planning and creation of the Ten-Year Transportation Improvement Plan, which by statute must be updated every other year (N.H. Rev. Stat. Ann. §228:99 and ch. 240). In this process, NHDOT gathers information and input from the local level, which is presented to the GACIT and debated during public hearings. After the hearings, the governor reviews the plan, then submits it to the General Court for consideration and approval. After further hearings, the General Court adopts the plan. MPOs then incorporate approved projects into their plans, and NHDOT updates the Statewide Transportation Improvement Plan. NHDOT also developed a Long-Range Transportation Plan with extensive review by NHDOT, the General Court and others. The latest version was released in July 2010.
Legislative Role in Transportation Planning	The General Court biennially adopts the 10-year plan after holding public hearings. The General Court also reviewed the Long-Range Transportation Plan.

## Funding and Finance

Budgeting and Appropriations	Biennial enactment of two 12-month budgets; fiscal year begins July 1. The governor approves the NHDOT budget.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$286.5 million FY 2010: \$277.1 million FY 2009: \$258.0 million FY 2008: \$247.9 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to NHDOT as a state legislative appropriation as a lump sum to the agency.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated to NHDOT as a state legislative appropriation at the program or category level.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; truck weight fees; tolls; interest income; general obligation bonds; revenue bonds (for turnpikes only). A surcharge on registration fees will sunset in June 2011.
State Funding and Finance for Other Modes	Transit and rail: General funds; bonds; Highway Fund. Ports: Other funds and fees.
Innovative Transportation Funding and Finance	GARVEE bonds (authorized but not used as of 2009); Build America Bonds; design-build (authorized in statute); advance construction; toll credits or "soft match."
Dedicated/Restricted State Funds and Revenues	The state constitution restricts use of revenues from any charges or taxes on the operation of motor vehicles or the sale or consumption of motor fuel to the construction, reconstruction and maintenance of public highways, including traffic supervision, and prohibits diversion of these revenues to any other purpose (N.H. Const. part II, art. 6-a). The restrictions are on the revenues that feed the highway fund, rather than on the fund itself.
DOT Authorized to Retain Surplus Funds	Yes, NHDOT is authorized to retain excess funds.
Legislative Approval Required to Move Funds Between Projects	No legislative approval is required.
Transportation Funding Allocations through Local Aid	Local aid is generally allocated by the commissioner of transportation. State statute requires at least 12 percent of fuel tax and motor vehicle fee revenue to be allocated to the local highway aid fund, which is distributed to cities, towns and unincorporated places by a statutory formula based on population and class IV and V highway mileage. An additional amount is allotted to municipalities by a statutory formula based on population and valuation (N.H. Rev. Stat. Ann. §235:23). A portion of fuel tax revenues is distributed to highway districts through the highway and bridge betterment program, by a statutory formula based on class I, II and III highway and highway bridge mileage (N.H. Rev. Stat. Ann. §235:23-a). A city or town may apply to the commissioner for discretionary state aid for class I, II or III highway projects; a local match is required (N.H. Rev. Stat. Ann. §§235:10 et seq.). The state also allocates transportation funds to local entities through state legislative appropriations.

# New Jersey

## Organizational Facts

Legislature	New Jersey Legislature Structure: Bicameral, partisan Chambers: Senate (40 members) General Assembly (80 members) Session: Annual, year-round Estimated no. of bills in 2011: 1,650	Department of Transportation	New Jersey Department of Transportation (NJ-DOT) FTE: 3,443 Leadership: Commissioner Organizational structure: Modes administered by separate agencies
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 84,463 (2009); miles of tolled roadway: 335 (2009); bridges: 6,520 (2010); toll bridges and tunnels: 6 shared with New York and 15 shared with Pennsylvania (2009)
Transit	Trips per year (all transit modes): Approximately 418.2 million (2008)
Rail	Freight rail route-miles: 993 (2008)
Aviation	Airports (total): 448; public-use: 45; state-owned: 42 (2008) Enplanements per year: 17,217,644 (2009)
Marine	Port traffic per year (20-foot equivalent units): 100,468, plus 3,761,330 shared with New York (2009); waterborne tonnage per year: 155.6 million (2009); state-operated ferries: 1 shared with Delaware (operated by the Delaware River and Bay Authority) (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal.** Formal communication between NJDOT and the Legislature or legislative committees occurs at the budget committees' hearings on the Executive Budget for NJDOT each spring, and under the statute governing the adoption and financing of the annual Transportation Capital Program, as well as other transportation plans (N.J. Stat. Ann. §27:1B-22). NJDOT also advises the chairs, members and staff of the two transportation committees of its position on pending legislation and, in many cases, offers suggestions for amendments. NJDOT employs an assistant commissioner of government and community relations; an assistant commissioner of legislation, regulation and multimodal services; and a director of policy, legislative and regulatory actions.

## DOT Leadership Appointments and Requirements

The commissioner of transportation is appointed by the governor, with the advice and consent of the Senate, and serves at the pleasure of the governor during the governor's term of office. The commissioner must be "qualified by training and experience to perform the duties of his office" (N.J. Stat. Ann. §27:1A-4). The state also has a legislatively created, seven-member Transportation Trust Fund Authority, the sole purpose of which is to finance the annual capital programs of NJDOT and the New Jersey Transit Corporation. Five members are appointed by the governor, within statutory requirements for party affiliation. Three of these are appointed to four-year terms with the advice and consent of the Senate, and may be removed by the governor for cause; one must represent the interest of trade unions and another the interests of owners of eligible construction firms. The fourth is appointed to a four-year term upon recommendation of the president of the Senate and the fifth to a two-year term upon recommendation of the speaker of the General Assembly. The commissioner of transportation and state treasurer serve ex officio (N.J. Stat. Ann. §27:1B-4).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Office of the State Auditor. The Legislature reviews periodic operational audits conducted by this office.
Sunset Review	Sunset clauses have been enacted only for selected programs or legislation, not for NJDOT per se.

## Legislation and Regulation

Transportation Governance Statutes	N.J. Stat. Ann. Title 27, Chapter 1A
Administrative Rules Review	Legislative review of rules by joint bipartisan committee; committee role is mainly advisory; no objection constitutes approval of proposed rule; full Legislature may invalidate or prohibit proposed or existing rules.

**Transportation Planning and Capital Program Management**

Transportation Planning Process	NJDOT annually prepares a proposed Annual Transportation Capital Program. NJDOT selects and prioritizes projects for the program in consultation with MPOs. The commissioner of transportation then submits it to the Legislature; either chamber may return it with objections or recommended modifications (N.J. Stat. Ann. §27:1B-22). The Legislature approves the program as part of the annual appropriations act.
Legislative Role in Transportation Planning	The Legislature approves the Annual Transportation Capital Program as part of the annual appropriations act. It also has some discretion in how it appropriates transportation funds. Constitutional dedication of revenues is considered binding, but the appropriations act traditionally takes precedence over statutory dedication language.

**Funding and Finance**

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing. The Transportation Trust Fund Act caps bonding at \$1.6 billion annually. The cap is reduced by any revenue appropriations in excess of \$895 million (N.J. Stat. Ann. §27:1B-9).
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$1.6 billion* FY 2010: \$1.6 billion* FY 2009: \$1.6 billion* FY 2008: \$1.6 billion* <i>*These numbers are for the NJDOT/NJ TRANSIT Transportation Capital Program only. In addition, in FY 2011, NJ TRANSIT has a total operating budget of \$1.8 billion.</i>
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds that support the capital program, like other funding of state government activities, is constitutionally subject to appropriation by law through the annual appropriations act (N.J. Const. art. VIII, §1, ¶2). Any federal funds that become available to the state for transportation projects that have not been appropriated to NJDOT in the annual appropriations act are deemed appropriated and may, subject to approval by the Joint Budget Oversight Committee and the state treasurer, be expended for any qualified purpose (N.J. Stat. Ann. §27:1B-21).
Allocation of State Transportation Funds to the DOT	State transportation funds are generally legislatively appropriated as a lump sum appropriation to the Transportation Trust Fund, from which they are appropriated for specific projects as part of the annual appropriations act. The Transportation Trust Fund Act limits the final appropriation, exclusive of federal funds, to \$1.6 billion (N.J. Stat. Ann. §27:1B-21.1 and §27:1B-22.2).
Traditional State Funding and Finance for Highways	Fuel taxes; motor vehicle/rental car sales taxes; vehicle registration/license/title fees and surcharges; truck weight fees; interest income; \$200 million from the general sales tax; \$200 million from the petroleum products gross receipts tax; contractual contributions; revenue bonds.
State Funding and Finance for Other Modes	Transit, rail, aviation, ports and bridges: Funded by the same sources as highways through the multi-modal Transportation Trust Fund. Dedicated revenue supports the state transportation system generally.
Innovative Transportation Funding and Finance	GARVEE bonds; Build America Bonds; PPPs (used for at least two transit projects); design-build (no authorizing statute found, used as a component of at least three projects); traffic camera fees; toll credits or “soft match.”
Dedicated/Restricted State Funds and Revenues	The state constitution dedicates certain revenues—including from the motor fuel tax, petroleum products gross receipts tax and a portion of the general sales tax—to transportation system capital improvements, and prohibits the Legislature from borrowing, appropriating or using any part of these funds for any other purpose (N.J. Const. art. VIII, §2, ¶4). Statute dedicates other revenue sources—including certain vehicle registration fees and contractual contributions—to the multi-modal Transportation Trust Fund (N.J. Stat. Ann. §27:1B-20). The statutory dedication of revenues, unlike that in the constitution, is not binding on the Legislature. The appropriation act takes precedence over dedication language in statute, and the Legislature has chosen not to fully appropriate the statutory revenues eight times since 1985.
DOT Authorized to Retain Surplus Funds	No. Funds lapse at the end of the fiscal year to the general fund and are reappropriated to NJDOT the following year.
Legislative Approval Required to Move Funds Between Projects	Yes, in some cases. In general, executive agencies may apply to the director of the Division of Budget and Accounting to transfer appropriated funds. If approved, the funds are transferred and the Legislative Budget and Finance Officer must be notified. Certain requests, however, must be submitted to the Legislative Budget and Finance Officer for legislative approval.
Transportation Funding Allocations through Local Aid	Local aid is allocated by the commissioner of transportation, pursuant to annual legislative appropriations from the Transportation Trust Fund and subject to statutory minimums. Aid is allocated to municipalities and counties by statutory formulas based on road mileage and population, then the commissioner determines the priority for funding projects based on certain criteria. Municipal aid is used for road improvement projects and county aid for road and transit projects (N.J. Stat. Ann. §27:1B-25).

# New Mexico

## Organizational Facts

Legislature	New Mexico Legislature Structure: Bicameral, partisan Chambers: Senate (42 members) House (70 members) Session: Annual, approximately January – March (odd years), approximately January – February (even years) Estimated no. of bills in 2011: 2,250	Department of Transportation	New Mexico Department of Transportation (NMDOT) FTE: 2,448 Leadership: Commission; Secretary Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 142,939 (2009); bridges: 3,903 (2010)* <i>* The number of bridges above is as reported by the Federal Highway Administration. NMDOT reported 3,733 bridges as of April 2011.</i>
Transit	Trips per year (all transit modes): Approximately 12 million (2008)* <i>* The number above is as reported by the National Transit Database. The New Mexico Legislature reported 16.1 million transit trips in 2010.</i>
Rail	Freight rail route-miles: 1,835 (2008)* <i>* The number above is as reported by the Association of American Railroads. The New Mexico Legislature reported 2,005 freight rail miles as of April 2011.</i>
Aviation	Airports (total): 170; public-use: 53; state-owned: 2 (2008)* Enplanements per year: 2,950,912 (2009) <i>* The numbers of airports above are as reported by the National Association of State Aviation Officials. NMDOT reported 178 total airports including 50 public-use airports as of April 2011.</i>

## Legislative-DOT Collaboration and Communication

**Formal and informal, mainly during the legislative session.** Frequent communication occurs between NMDOT and legislative analysts, and communication occurs as needed between NMDOT and legislators. NMDOT has ongoing communication with the Legislature regarding transportation-related legislation all year, but especially from the time the fiscal year legislative cycle begins until the end of the session. NMDOT does not employ legislative liaisons. Legislative committee staff members communicate with senior NMDOT staff directly in an informal, hands-on manner as required to prepare budgets and legislation or provide answers for legislators.

## DOT Leadership Appointments and Requirements

The six members of the State Transportation Commission are appointed to staggered six-year terms by the governor, with the advice and consent of the Senate and subject to statutory requirements for geographic representation and residency. Commissioners serve at the pleasure of the governor. If the governor fails to follow the procedure for Senate confirmation, however, the Senate appoints and confirms the commissioners and must approve their removal (N.M. Stat. Ann. §67-3-2 to §67-3-5). The secretary of transportation is appointed by the governor, with the approval of the transportation commission and the advice and consent of the Senate (N.M. Stat. Ann. §67-3-23).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Legislative Finance Committee
Sunset Review	The state conducts sunset reviews, but not of NMDOT.

## Legislation and Regulation

Transportation Governance Statutes	N.M. Stat. Ann. §67-1-1 through §67-16-14
Administrative Rules Review	Executive review of rules.

## Transportation Planning and Capital Program Management

Transportation Planning Process	The Legislature, the Department of Finance and Administration and NMDOT come to agreement during the legislative session on budget numbers and priorities. NMDOT then develops the state's Long-Range Multi-Modal Transportation Plan and coordinates the process for the Statewide Transportation Improvement Program (STIP), with input from MPOs, tribes and other stakeholders. The State Transportation Commission provides advice and amends these plans as appropriate, given changing needs in the state. The Legislature has oversight of and can comment upon the commission's amendments, but cannot change the amendments. The governor provides input through the budget process and prior to State Transportation Commission meetings.
Legislative Role in Transportation Planning	The Legislature is one of the three critical actors in the planning process, along with NMDOT and the State Transportation Commission. The primary legislative role is to set budget priorities in cooperation with the Department of Finance and Administration and NMDOT and then to approve those priorities through committee action. The Legislature has oversight of and can comment upon the commission's amendments to the State Transportation Improvement Program, but cannot change the amendments.

## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1. Unusually, both the governor and a legislative agency (Legislative Finance Committee) propose comprehensive state budgets to the Legislature.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing (see N.M. Const. art. IX, §6; N.M. Stat. Ann. §§67-3-59.1 et seq. and §67-3-72).
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$402.4 million FY 2010: \$446.7 million FY 2009: \$467.7 million FY 2008: \$445.9 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to NMDOT in several ways, including direct flow from the U.S. DOT with no state legislative involvement; legislative appropriation at the agency level; appropriation at the category level; appropriation to specific projects; and through approval of the NMDOT transportation plan.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated to NMDOT in the same ways as federal funds.
Traditional State Funding and Finance for Highways	Fuel taxes; additional sales taxes on gasoline or diesel; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; truck weight fees; interest income; general obligation bonds; revenue bonds. More than 95 percent of NMDOT's operating budget is dedicated to highways.
State Funding and Finance for Other Modes	Transit, rail, aviation, ports and bridges: Funded by the same sources as highways through the multimodal State Road Fund, which can be used for state transportation projects generally. Additional sources of funds for aviation: Aircraft registration fees; aviation fuel tax.
Innovative Transportation Funding and Finance	GARVEE bonds; state infrastructure bank (federally capitalized); design-build (N.M. Stat. Ann. §13-1-119.1 specifically excludes highway and road projects from design-build authorization; used as a component of one project in 2002); weight-distance tax; traffic camera fees (collected by local governments); impact fees; tapered matching; advance construction.
Dedicated/Restricted State Funds and Revenues	Fuel tax receipts go to the State Road Fund, the State Aviation Fund, the Motorboat Fuel Tax Fund, local governments, qualified tribes and the general fund (N.M. Stat. Ann. §§7-1-6.7 et seq.). The State Road Fund consists of transportation-related revenues including from the fuel tax, special fuel tax, motor carrier use and trip tax, and vehicle registration fees. State statute dedicates the fund to maintenance, construction and improvement of state transportation projects; federal allotments under federal-aid road laws; and debt payments for state transportation revenue bonds (N.M. Stat. Ann. §67-3-65.1). The Highway Infrastructure Fund is dedicated to state highway projects (N.M. Stat. Ann. §67-3-59.2) and use of the State Aviation Fund is restricted to aviation-related purposes (N.M. Stat. Ann. §64-1-15).
DOT Authorized to Retain Surplus Funds	Funds are reverted to next fiscal year appropriations.
Legislative Approval Required to Move Funds Between Projects	Yes. Legislative approval is obtained through budget adjustment requests to the Legislature.

## New Mexico

<p>Transportation Funding Allocations through Local Aid</p>	<p>NMDOT distributes aid by formula. The NMDOT-administered Local Governments Road Fund receives a portion of transportation-related revenues, including the fuel tax (N.M. Stat. Ann. §7-1-6.28 and §7-1-6.39). NMDOT has discretion over some allocations to localities in financial hardship. Otherwise, the fund is distributed by percentage to the cooperative agreements program, the municipal arterial program, school bus routes and the county arterial program. Funds for the county arterial program are further allocated by a statutory formula based on road mileage. Preference for the cooperative agreements program, the municipal arterial program and school bus routes must be given to local entities that provide at least 25 percent of the project cost; distribution of an entitlement amount from the county arterial program requires a county to contribute at least 25 percent of the entitlement (N.M. Stat. Ann. §67-3-28.2 and §67-3-32). A portion of fuel tax revenues is also distributed directly to local entities (N.M. Stat. Ann. §7-1-6.9 and §7-1-6.27).</p>
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## Organizational Facts

Legislature	New York Legislature Structure: Bicameral, partisan Chambers: Senate (62 members) Assembly (150 members) Session: Annual, year-round Estimated no. of bills in 2011: 16,000	Department of Transportation	New York State Department of Transportation (NYSDOT) FTE: Approximately 8,700 Leadership: Commissioner Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 242,920 (2009); miles of tolled roadway: 512 (2009); bridges: 17,364 (2010); toll bridges and tunnels: 26 plus 6 shared with New Jersey (2009)
Transit	Trips per year (all transit modes): Approximately 3.83 billion (2008)
Rail	Freight rail route-miles: 3,528 (2008)
Aviation	Airports (total): 490; public-use: 147; state-owned: 2 (2008) Enplanements per year: 42,588,961 (2009)
Marine	Port traffic per year (20-foot equivalent units): 3,761,330 shared with New Jersey (2009); water-borne tonnage per year: 52.0 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, extensive.** Interaction between NYSDOT and the Legislature occurs at all levels. Individual legislators reach out to NYSDOT, and vice versa. Legislators and NYSDOT often work together on legislative initiatives. The legislative approval process includes “departmental” bills that are sent to the governor’s office by NYSDOT and that NYSDOT wants to advance. NYSDOT staff participate in public hearings in order to promote or refine transportation-related legislative initiatives. NYSDOT has an Office of External Relations that maintains communication with stakeholders and governmental partners and provides advice and counsel to elected officials; the office contains a State and Local Relations Bureau.

## DOT Leadership Appointments and Requirements

The commissioner of transportation is appointed by the governor, by and with the advice and consent of the Senate, and holds office until the end of the term of the governor by whom s/he was appointed and a successor is appointed and qualified (N.Y. Transportation Law §11).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program review or performance audit; reporting requirements; legislative requests for information. NYSDOT is required to submit numerous reports to the Legislature.
Legislative Program Evaluation Office	Assembly Committee on Oversight, Analysis and Investigation
Sunset Review	Sunset clauses have been enacted only for selected programs or legislation, not for NYSDOT per se.

## Legislation and Regulation

Transportation Governance Statutes	N.Y. Transportation Law; N.Y. Highway Law
Administrative Rules Review	Legislative review of proposed and existing rules by joint bipartisan commission; commission role is mainly advisory.

## Transportation Planning and Capital Program Management

Transportation Planning Process	In general, NYSDOT develops the state’s transportation plans and the governor and the Legislature are responsible for developing and approving the necessary funding to support these programs. NYSDOT takes the lead role in advancing the planning process and developing the Statewide Transportation Improvement Plan (STIP) in collaboration with MPOs, local transportation agencies and other stakeholders. NYSDOT oversees project identification, prioritization and the approval process as part of a comprehensive planning process that includes public outreach. The governor’s approval is required to advance the process. NYSDOT also oversees the state rail plan and aviation and port issues.
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## New York

Legislative Role in Transportation Planning	Limited. The Legislature authorizes programs and funding allocations in the state budget process. State transportation plans—including multi-year capital programs—are usually prepared as part of the budget, which is proposed by the governor and requires legislative approval. In addition, the Legislature’s approval of a multi-year capital spending program often involves a memorandum of understanding with specific statewide and regional goals that have been agreed upon by NYSDOT. Legislators also typically work with NYSDOT to advance specific projects of interest or to resolve specific issues.
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### Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins April 1. The governor proposes the budget and the Legislature gives final approval.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$6.28 billion FY 2010: \$6.52 billion FY 2009: \$4.97 billion FY 2008: \$4.67 billion
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to NYSDOT through state legislative appropriation at the agency level; state legislation appropriation at the program or category level; and state legislative approval of an NYSDOT transportation plan.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated to NYSDOT through state legislative appropriation at the agency level; state legislation appropriation at the program or category level; state legislative appropriation at the project-specific level; and state legislative approval of an NYSDOT transportation plan.
Traditional State Funding and Finance for Highways	Fuel taxes; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; truck weight fees; general funds; petroleum business tax; various other revenues; general obligation bonds. The Dedicated Highway and Bridge Trust Fund no longer is able to fully support existing commitments and now requires significant annual support from the state’s general fund. The New York State Thruway Authority is supported by toll revenues; the authority is a separate operating entity, and its finances are not part of the state budget.
State Funding and Finance for Other Modes	Transit, rail, aviation, ports and bridges: Funded by the same sources as highways through the Dedicated Highway and Bridge Trust Fund. In 2009, the Legislature also enacted a payroll tax in the 12-county region served by the Metropolitan Transportation Authority to help support authority operations.
Innovative Transportation Funding and Finance	Federal credit assistance (TIFIA); state infrastructure bank (federally capitalized); PPPs (used for at least one transit project); design-build (no authorizing statute found, used as a component of at least two projects); weight-distance tax; traffic camera fees; advance construction; toll credits or “soft match.”
Dedicated/Restricted State Funds and Revenues	The Dedicated Highway and Bridge Trust Fund is a multimodal fund that can be used for highways, airports, ports, rail, ferries and transit (N.Y. State Finance Law §89-b).
DOT Authorized to Retain Surplus Funds	NYSDOT typically obligates annually the majority of the capital program funding that is appropriated. Funds that are not obligated in the year of appropriation are reappropriated. NYSDOT is largely funded by a dedicated fund; if revenues in the enacted budget exceed projections, the additional money remains in the dedicated funds.
Legislative Approval Required to Move Funds Between Projects	No. In general, legislative approval is not required for NYSDOT to be able to move funds from one project to another.
Transportation Funding Allocations through Local Aid	Funds are appropriated to the Consolidated Local Highway Assistance Program, from which New York City and the counties receive 41.4 percent by a statutory formula based on motor vehicle registrations and highway mileage. The rest of the appropriated funds are distributed to cities, counties, villages and towns by a formula based on vehicle miles of travel and, for municipalities within each jurisdiction, lane miles (N.Y. Highway Law §10-c).

**Organizational Facts**

Legislature	North Carolina General Assembly Structure: Bicameral, partisan Chambers: Senate (50 members) House (120 members) Session: Annual, approximately January – July (odd years), approximately May–July (even years) Estimated no. of bills in 2011: 2,800	Department of Transportation	North Carolina Department of Transportation (NCDOT) FTE: 12,395 Leadership: Secretary; Transportation Board Organizational structure: Mainly by transportation mode
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 262,871 (2009); bridges: 18,099 (2010)
Transit	Trips per year (all transit modes): Approximately 53.9 million (2008)
Rail	Freight rail route-miles: 3,250 (2008)
Aviation	Airports (total): 413; public-use: 112; state-owned: 1 (2008) Enplanements per year: 23,773,561 (2009)
Marine	Port traffic per year (20-foot equivalent units): 184,268 (2009); waterborne tonnage per year: 10.7 million (2009); state-operated ferries: 4 (2009)

**Legislative-DOT Collaboration and Communication**

**Formal and informal, mainly through DOT leadership and legislative committees.** The primary formal means of communication between NCDOT and the General Assembly are appearances of the secretary of transportation and members of the Board of Transportation before the Joint Legislative Transportation Oversight Committee (which meets several times per year) and before the legislative appropriations committees during session. NCDOT employs a dedicated legislative liaison, who serves as the main contact at the General Assembly and is responsible for representing NCDOT's interests in the development and passage of state laws. The liaison also works with NCDOT staff to manage issues during the legislative session.

**DOT Leadership Appointments and Requirements**

The 19 members of the Board of Transportation are appointed to staggered four-year terms by the governor. Fourteen members represent the state's highway divisions. Five at-large members must meet statutory requirements for knowledge and expertise. One must have knowledge of environmental issues; one of ports and aviation; one of government-related finance and accounting; one must reside in a rural area and have knowledge of rural transportation issues; and one must reside in an urban area and have knowledge of transit issues. The governor may remove a member for any cause the governor finds sufficient, and must remove a member for certain convictions or violations (N.C. Gen. Stat. §143B-350). The secretary of transportation is appointed by, and serves at the pleasure of, the governor (N.C. Gen. Stat. §143B-9).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. The Joint Legislative Transportation Oversight Committee can consider any transportation-related topic. The State Auditor regularly reviews NCDOT programs.
Legislative Program Evaluation Office	Program Evaluation Division
Sunset Review	No sunset reviews of state agencies. The General Assembly's appropriations committees have, however, instituted "continuation reviews" of certain executive agency funds, programs and divisions to determine if they should be continued.

**Legislation and Regulation**

Transportation Governance Statutes	N.C. Gen. Stat. Chapter 136; N.C. Gen. Stat. §143B-346 to §143B-350
Administrative Rules Review	Executive review of proposed and existing rules by the Rules Review Commission (public membership appointed by the General Assembly).

# North Carolina

## Transportation Planning and Capital Program Management

Transportation Planning Process	Executive Order No. 2 (2009) required transportation projects to be awarded based on professional standards that meet the needs of citizens and not other considerations. To support this, NCDOT developed a “strategic prioritization process.” The initial process focused primarily on highway projects and was based on data, multimodal benefits and stakeholder input inclusive of MPOs, rural planning organizations and NCDOT staff. After projects were categorized, a series of investment summits were held to determine funding allocation for each category using level-of-service grades. Then, other financial and scheduling constraints were applied, including restrictions on funding distribution. The initial prioritization effort was completed with the release of the draft State Transportation Improvement Program (STIP) in June 2010. Executive Order No. 2 also transferred some authority of the Board of Transportation to NCDOT, so the roles of these entities are in transition.
Legislative Role in Transportation Planning	The General Assembly reviews transportation plans, and NCDOT submits regular reports to the Joint Legislative Transportation Oversight Committee (N.C. Gen. Stat. §136-12). The General Assembly also reviews the NCDOT budget as part of the appropriation process. NCDOT selects and approves highway projects, but transit and rail projects are approved as part of the appropriation process.

## Funding and Finance

Budgeting and Appropriations	Biennial enactment of two 12-month budgets; fiscal year begins July 1. The budget of the Highway Fund is recommended by the governor and goes through the full legislative process. The distribution of the Highway Trust Fund is determined by statute, the Board of Transportation and NCDOT.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$2.72 billion FY 2010: \$2.62 billion FY 2009: \$2.93 billion FY 2008: \$2.96 billion
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds flow directly to NCDOT from the U.S. DOT, with no state legislative involvement. These funds generally are project specific, and individual projects typically have no legislative involvement.
Allocation of State Transportation Funds to the DOT	All state spending must be authorized by appropriation as part of the budget approved by the General Assembly, either at the agency, program or category, or project-specific level. Highway projects are selected by NCDOT, while many transit and rail projects or programs are approved as part of the legislative appropriation process.
Traditional State Funding and Finance for Highways	Fuel taxes; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; truck weight fees; tolls; interest income; general obligation bonds. The motor fuel excise tax includes a variable component based on average wholesale price (see N.C. Gen. Stat. §105-449.80). The first toll road project of the North Carolina Turnpike Authority—which operates as a separate business unit within NCDOT—is set to open in 2011.
State Funding and Finance for Other Modes	Transit, rail, aviation and bridges: Funded by the same revenue sources as certain highways through the multimodal Highway Fund, which is fed by fuel taxes, vehicle registration/license/title fees, truck weight fees and interest income. Ports: General funds (not under NCDOT).
Innovative Transportation Funding and Finance	GARVEE bonds; federal credit assistance (TIFIA); state infrastructure bank (federally capitalized); PPPs (authorized in statute with legislative approval requirements); design-build (authorized in statute, used as a component of at least three projects); traffic camera fees; tapered matching; advance construction.
Dedicated/Restricted State Funds and Revenues	The state has two transportation funds: The multimodal Highway Fund and the Highway Trust Fund. The Highway Fund receives revenues from various transportation-related sources—including fuel taxes—and is used for maintenance, transit and rail, aviation, ferries, the Division of Motor Vehicles, the State Highway Patrol, local aid and secondary road improvement. The budget of the Highway Fund is recommended by the governor and goes through the full legislative process. Some continuing appropriations from this fund, however, are determined by statute (see N.C. Gen. Stat. §§136-16.4 et seq.). The second fund, the Highway Trust Fund, receives funds from fuel taxes, motor vehicle use taxes, titling fees and interest. It is a construction budget for certain highways, local aid, secondary road improvement and toll road construction. Distribution of the Highway Trust Fund is determined by statute (N.C. Gen. Stat. §136-176), although the General Assembly sometimes overrides the statutes during the appropriations process. Specific projects for the trust fund are selected by the Board of Transportation and NCDOT.

## North Carolina

DOT Authorized to Retain Surplus Funds	Excess funds revert to the funds from which they came—the Highway Fund or the Highway Trust Fund—and are available for expenditure.
Legislative Approval Required to Move Funds Between Projects	Yes and no. Generally, legislative approval is required for transit and rail projects that have specific appropriations, but not for highway projects that are selected by NCDOT.
Transportation Funding Allocations through Local Aid	The state provides aid to eligible municipalities from the Highway Fund and the Highway Trust Fund. These so-called Powell Bill funds are appropriated by statutory formula based on population and road mileage (N.C. Gen. Stat. §§136-41.1 et seq., §136-176 and §136-181). The funds must be used for streets, bikeways or sidewalks (N.C. Gen. Stat. §136-41.3). North Carolina has a centralized transportation funding system, and secondary roads are built and maintained by NCDOT; there are no county road departments.

# North Dakota

## Organizational Facts

Legislature	North Dakota Legislative Assembly Structure: Bicameral, partisan Chambers: Senate (47 members) House (94 members) Session: Biennial, approximately January – April (odd years only) Estimated no. of bills in 2011: 1,150	Department of Transportation	North Dakota Department of Transportation (NDDOT) FTE: 1,054.5 Leadership: Director Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 175,976 (2009); bridges: 4,418 (2009); toll bridges and tunnels: 1 shared with Minnesota (2009)
Transit	Trips per year (all transit modes): Approximately 0.7 million (2008)
Rail	Freight rail route-miles: 3,478 (2008)
Aviation	Airports (total): 310; public-use: 90; state-owned: 2 (2008) Enplanements per year: 728,771 (2009)

## Legislative-DOT Collaboration and Communication

**Mainly formal.** NDDOT provides reports and updates to legislative committees regarding transportation issues. NDDOT is allowed to introduce legislation relating to any transportation topic, and can testify on any bill being considered by the Legislative Assembly. NDDOT has no dedicated legislative liaison; it disseminates information to NDDOT stakeholders, including legislative bodies, through its Communications Division.

## DOT Leadership Appointments and Requirements

The NDDOT director is appointed by the governor and serves at the pleasure of the governor (N.D. Cent. Code §24-02-01.3).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; reporting requirements; legislative requests for information. The Legislative Assembly requires certain reports to be provided to legislative committees regarding the use of transportation funding.
Legislative Program Evaluation Office	Legislative Council
Sunset Review	No sunset reviews of state agencies or programs.

## Legislation and Regulation

Transportation Governance Statutes	N.D. Cent. Code title 24; N.D. Cent. Code §26.1-23-03; N.D. Cent. Code §26.1-41-02; N.D. Cent. Code title 39; N.D. Cent. Code §49-10.1-17; N.D. Cent. Code chapter 49-17.1; N.D. Cent. Code §49-17.2-27; N.D. Cent. Code §55-01-01; N.D. Cent. Code chapter 57-40.3
Administrative Rules Review	Legislative review of existing rules by interim committee; no objection constitutes approval of proposed rule.

## Transportation Planning and Capital Program Management

Transportation Planning Process	NDDOT is responsible for developing and maintaining transportation plans for the state, including the Statewide Strategic Transportation Plan (TransAction) and the Statewide Transportation Improvement Program (STIP). NDDOT identifies transportation needs, selects projects and develops the plans, with input from political subdivisions and members of the public. The governor may provide direction in determining investment priorities.
Legislative Role in Transportation Planning	No formal process exists to involve the Legislative Assembly in transportation planning, and transportation plans do not need legislative approval. The Legislative Assembly can provide input into the Statewide Transportation Improvement Program (STIP) and occasionally provides direction for specific plans. NDDOT may be asked to provide transportation plan updates to legislative committees.

## Funding and Finance

Budgeting and Appropriations	Biennial enactment of one 24-month budget; fiscal year begins July 1. NDDOT presents a budget request to the Legislative Assembly that may be modified. The Legislative Assembly approves the budget at the agency level.
Bonding or Pay-as-You-Go	The state uses pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	2009 to 2011 biennium: \$280.5 million 2007 to 2009 biennium: \$248.5 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to NDDOT as a lump sum at the agency level. NDDOT receives a lump sum legislative appropriation from all funding sources for roadway construction projects. Appropriations do not include funding for specific projects.
Allocation of State Transportation Funds to the DOT	State transportation funds also are allocated to NDDOT as a lump sum legislative appropriation at the agency level.
Traditional State Funding and Finance for Highways	Fuel taxes; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; truck weight fees; general funds; interest income.
State Funding and Finance for Other Modes	Transit: General funds; vehicle registration/license/title fees; net unobligated balance. Aviation: Aircraft registration fees; aircraft excise tax; aircraft fuel tax. Bridges: Included with highways.
Innovative Transportation Funding and Finance	GARVEE bonds; state infrastructure bank (federally capitalized); PPPs (authorized in statute, used for at least one project); design-build (authorized in statute for two pilot projects).
Dedicated/Restricted State Funds and Revenues	The state constitution restricts the use of revenues from motor fuel taxes and motor vehicle registration fees and license taxes to public highways (N.D. Const. art. X, §11). All transportation-related revenue received by NDDOT is deposited into the State Highway Fund (N.D. Cent. Code §24-02-41), which is used for NDDOT projects and administration. State Highway Fund priorities are set forth in statute (N.D. Cent. Code §24-02-37). Revenues dedicated to aviation must be used for airport projects approved by the Aeronautics Commission (N.D. Cent. Code §57-43.3-06 and §57-40.5-09).
DOT Authorized to Retain Surplus Funds	Yes. However, NDDOT must receive legislative appropriations to spend any funds from state or federal sources. Though any funding that is not spent by the end of the biennial budget cycle is retained by NDDOT, it must be reappropriated to be spent in a subsequent biennium. NDDOT may seek legislative approval to spend any additional funds received that are above the biennial budget appropriation.
Legislative Approval Required to Move Funds Between Projects	No legislative approval is required.
Transportation Funding Allocations through Local Aid	A highway tax distribution fund is used to allocate state funding to counties and cities. The state treasurer allocates the funds by statutory formula based on number of vehicles registered and population (N.D. Cent. Code § 54-27-19). The funds are subject to constitutional restrictions on the use of revenue from motor fuel taxes and motor vehicle registration fees and license taxes (N.D. Const. art. X, §11). A township highway aid fund is used to distribute funds to eligible townships. To receive any funds, townships must provide 50 percent matching funds. The state treasurer allocates these funds by statutory formula based on road miles. Funds must be used for highway and bridge purposes (N.D. Cent. Code §54-27-19.1). NDDOT has discretion over how to allocate federal funds.

# Ohio

## Organizational Facts

Legislature	Ohio General Assembly Structure: Bicameral, partisan Chambers: Senate (33 members) House (99 members) Session: Annual, year-round Estimated no. of bills in 2011: 1,050	Department of Transportation	Ohio Department of Transportation (ODOT) FTE: 5,536 Leadership: Director Organizational structure: Modes administered by separate agencies* <i>* ODOT is a multimodal agency organized by functional division. Transit and aviation are administered by modal offices in ODOT's Division of Transportation System Development. Rail programs are handled by the Ohio Rail Development Commission, an independent commission within ODOT.</i>
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 262,024 (2009); miles of tolled roadway: 241 (2009); bridges: 28,033 (2010); toll bridges and tunnels: 2 shared with West Virginia (2009)
Transit	Trips per year (all transit modes): Approximately 131.5 million (2008)
Rail	Freight rail route-miles: 5,318 (2008)
Aviation	Airports (total): 783; public-use: 174; state-owned: 6 (2008) Enplanements per year: 9,877,234 (2009)
Marine	Waterborne tonnage per year: 90.6 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, limited.** ODOT interacts with legislators and testifies in hearings about transportation-related legislation. No unique, formalized methods exist by which ODOT influences or provides input about transportation-related legislation. ODOT also interacts with the General Assembly through making required reports and responding to legislative requests for information. ODOT has a dedicated legislative affairs coordinator.

## DOT Leadership Appointments and Requirements

The director of transportation is appointed by the governor, with the advice and consent of the Senate, for the duration of the term of the appointing governor, and is subject to removal at the pleasure of the governor (Ohio Rev. Code Ann. §121.03, Ohio Const. art. III, §21). The director also may be removed by the governor with the advice and consent of the Senate for cause as specified (Ohio Rev. Code Ann. §3.04).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Reporting requirements; legislative requests for information. Legislative oversight generally is ad hoc. Among the reports required are a biennial report to the General Assembly and the governor, approved by the Transportation Review Advisory Council, on the selection, prioritization and progress of transportation capacity projects (Ohio Rev. Code Ann. §5512.06). ODOT also must provide reports on its transactions, proceedings and expenditures for each fiscal year and a fiscal forecast at least biennially (Ohio Rev. Code Ann. §5501.06, §5501.20, §5501.52 and §5512.04).
Legislative Program Evaluation Office	None.
Sunset Review	The state conducted sunset reviews from 2009 to 2010 (per 2004 Ohio Laws, H. 516), but not of ODOT. Under Ohio Rev. Code Ann. §101.83, the Transportation Review Advisory Council was to sunset on Dec. 31, 2010, if not renewed; 2010 Ohio Laws, H. 495, however, postponed operation of this law until July 1, 2011.

## Legislation and Regulation

Transportation Governance Statutes	Ohio Rev. Code Ann. §121.02; Ohio Rev. Code Ann. Title LV [55].
Administrative Rules Review	Legislative review of new, amended, rescinded and existing rules by a joint bipartisan committee; committee role is mainly advisory.

**Transportation Planning and Capital Program Management**

Transportation Planning Process	Projects are nominated by ODOT, rail development commissions, MPOs, transit and port authorities, local governments and other authorized entities. The director of transportation develops the project selection process for prioritizing new transportation capacity projects (Ohio Rev. Code Ann. §§5512.02 et seq.). The director also serves on the Transportation Review Advisory Council with eight other appointees. The council reviews and ranks nominated projects. The council was legislatively created in 1997 to bring an open, numbers-driven system to choosing major new transportation projects. It is required to hold no more than six public hearings per year and accept public comment on new projects (Ohio Rev. Code Ann. §5512.05).
Legislative Role in Transportation Planning	Minimal legislative involvement. The General Assembly sets general appropriation limits, within which funds are allocated to projects and programs. The General Assembly historically has refrained from establishing or controlling specific projects by legislation. ODOT submits a biennial report to the General Assembly and the governor, with approval of the Transportation Review Advisory Council, on the selection, prioritization and progress of transportation capacity projects (Ohio Rev. Code Ann. §5512.06).

**Funding and Finance**

Budgeting and Appropriations	Biennial enactment of two 12-month budgets; fiscal year begins July 1. State executive agencies, including ODOT, submit a budget request to the Office of Budget and Management, which then makes recommendations to the governor. The governor submits a budget bill to the General Assembly, and has line item veto power over the legislatively approved version.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing. State motor fuel tax revenues are supplemented by state highway bonds that are retired with motor fuel tax proceeds and by GARVEE bonds that are retired primarily with federal-aid highway program revenues.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$1.29 billion FY 2010: \$1.32 billion FY 2009: \$1.20 billion FY 2008: \$1.32 billion
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to ODOT by legislative appropriation based on line items rather than by programs or projects. The governor's budget submission to the General Assembly, however, includes a document that details the programs funded within each line item.
Allocation of State Transportation Funds to the DOT	As with federal transportation funds, state transportation funds are allocated to ODOT by legislative appropriation based on line items.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; truck weight fees; interest income; leases of right-of-way; highway logo sign program; general obligation bonds; miscellaneous. The Ohio Turnpike Commission is not a state agency and is not appropriated state funds; it manages the turnpike using revenues from tolls; service concession agreements; truck weight fees; a portion of the tax on fuel sold at turnpike gas stations; and other sources.
State Funding and Finance for Other Modes	Transit: General fund appropriations for transit system operating and capital grant support. Rail (via a dedicated fund): General funds; loan repayments; loan servicing fees; permit fees; private contributions. Aviation (via a dedicated fund): General funds; aircraft registration fees. Bridges: Included with highways.
Innovative Transportation Funding and Finance	GARVEE bonds; Build America Bonds; state infrastructure bank (separate federally and state-only capitalized accounts); PPPs (authorized by 2011 Ohio Laws, House Bill 114); design-build (authorized in statute); traffic camera fees; advance construction; toll credits or "soft match." The state transportation budget increased the limit on ODOT design-build contracts from \$250 million to \$1 billion for FY 2010 – 2011 only.
Dedicated/Restricted State Funds and Revenues	The state constitution restricts expenditure of revenues from fuel tax and vehicle fees to certain uses, including highway obligations; construction, reconstruction, maintenance and repair of public highways and bridges; other statutory highway purposes; state enforcement of traffic laws; and hospitalization of indigent people injured in motor vehicle accidents on public highways (Ohio Const. art. XII, §5a; also in Ohio Rev. Code Ann. §5501.05). State statute provides that, to the extent practicable, Ohio products, materials, services and labor shall be used in any project financed in whole or in part from the Highway Capital Improvement Fund (Ohio Rev. Code Ann. §5528.53). Use of the Rail Development Fund is restricted to rail-related purposes (Ohio Rev. Code Ann. §4981.09). Use of the Airport Assistance fund is restricted to maintenance and capital improvements of publicly owned airports (Ohio Rev. Code Ann. §4561.21(B)).



# Ohio

DOT Authorized to Retain Surplus Funds	Yes, inasmuch as the transportation budget bill routinely includes language permitting unencumbered appropriations remaining at the end of one fiscal year to be reappropriated into the next. Re-appropriations are subject to the approval of the director of the Office of Budget and Management.
Legislative Approval Required to Move Funds Between Projects	No legislative approval is required.
Transportation Funding Allocations through Local Aid	<p>Portions of each of the five levies making up the state fuel tax are allocated to counties, townships and municipalities by formula. The percentages allocated to municipalities as a whole then are distributed to individual municipalities by formula based on number of motor vehicle registrations. The percentages for counties as a whole are distributed among counties equally, and the same is done for townships. The main operating budget appropriates these distributions in two line items corresponding to the funds that receive the revenue, the Gasoline Excise Tax Fund (created in Ohio Rev. Code Ann. §5735.27) and the State and Local Government Highway Distribution Fund (created in Ohio Rev. Code Ann. §5735.23(B)(1)). State statute generally applies the restrictions on fuel tax revenue used by the state to fuel tax revenue distributed to local governments (Ohio Rev. Code Ann. §5735.27). Likewise, a portion of the revenue from motor vehicle license taxes is distributed to local governments according to a statutory formula. Five percent of these funds are divided equally among all of the counties in the state, 9 percent among all counties by a formula based on county road miles and 5 percent among townships by a formula based on township road miles (Ohio Rev. Code Ann. §4501.04). License tax revenues are appropriated mainly in one line item in the main operating budget. Sub-allocated federal funding for local projects also is included within the ODOT budget and appropriated in two line items, one for federal funds and the other for local matching dollars. ODOT has discretion in allocating these funds to various programs, and selects projects to fund using a criteria-based process.</p>

**Organizational Facts**

Legislature	Oklahoma Legislature Structure: Bicameral, partisan Chambers: Senate (48 members) House (101 members) Session: Annual, approximately February – May Estimated no. of bills in 2011: 2,800	Department of Transportation	Oklahoma Department of Transportation (ODOT) FTE: 2,850 (authorized) Leadership: Secretary of Transportation (governor's cabinet); Transportation Commission; Director Organizational structure: Mainly by transportation mode
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 234,747 (2009); miles of tolled roadway: 596 (2009); bridges: 23,692 (2010)
Transit	Trips per year (all transit modes): Approximately 6.9 million (2008)
Rail	Freight rail route-miles: 3,240 (2008)
Aviation	Airports (total): 448; public-use: 149; state-owned: 4 (2008) Enplanements per year: 3,154,263 (2009)
Marine	Waterborne tonnage per year: 3.8 million (2009)

**Legislative-DOT Collaboration and Communication**

**Formal and informal, mainly through the DOT legislative liaison.** ODOT communicates with the Legislature mainly through the dedicated legislative liaison. The legislative liaison maintains constant contact with members of the Legislature, works to influence relevant legislation, and remains available to respond to legislative requests and inquiries. ODOT also provides legislation for consideration.

**DOT Leadership Appointments and Requirements**

The secretary of transportation is appointed to the governor's cabinet by the governor, with the advice and consent of the Senate, and serves at the pleasure of the governor (Okla. Stat. Ann. tit. 74, §10.3). The eight members of the Transportation Commission are appointed by the governor, with the advice and consent of the Senate (Okla. Stat. Ann. tit. 69, §302), within statutory requirements for residency and geographic representation. The ODOT director is elected by a majority vote of the commission and serves at the pleasure of the commission (Okla. Stat. Ann. tit. 69, §305).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; legislative requests for information.
Legislative Program Evaluation Office	Office of the State Auditor and Inspector. This organizationally independent office provides oversight through audits. The Legislature also conducts annual performance reviews of all appropriated state agencies.
Sunset Review	The state's process for sunset reviews is currently inactive.

**Legislation and Regulation**

Transportation Governance Statutes	Okla. Stat. Ann. tit. 69
Administrative Rules Review	Legislative review of proposed and existing rules by standing committee; committee role is mainly advisory; no objection constitutes approval of proposed rule; the full Legislature may suspend rules by resolution.

**Transportation Planning and Capital Program Management**

Transportation Planning Process	The entire planning process for projects on the highway system is completed within ODOT. MPOs are responsible for projects that are eligible for local surface transportation program funding. ODOT submits the eight-year construction work plan to the Transportation Commission for approval. After the plan is approved, it is delivered to the governor and the Legislature and made publicly available on the ODOT Web site, and projects are initiated.
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# Oklahoma

Legislative Role in Transportation Planning	No formal role. The Legislature in recent years has avoided directing ODOT about project prioritization. The Legislature directs certain expenditures towards such elements as public transit, rail and other modes besides roads and bridges.
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## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1. Unusually, the Legislature develops a budget completely separately from the governor's.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing. All bond financing must be authorized by the Legislature in a bill or joint resolution.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$592.6 million FY 2010: \$576.3 million FY 2009: \$412.9 million FY 2008: \$396.2 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds flow directly to ODOT from the U.S. DOT, with no state legislative involvement.
Allocation of State Transportation Funds to the DOT	A portion of fuel tax and motor vehicle fee revenues are apportioned to the State Transportation Fund directly. A maximum amount of expenditure in a fiscal year is authorized by the Legislature at the program or category level. In addition, legislation enacted in 2005 annually increases funding to ODOT through the newly created "ROADS" Fund, whereby each year \$30 million is added to the previous year's apportionment until the annual amount reaches \$370 million. This money comes from the general fund as authorized by the State Board of Equalization.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; general funds; revenue bonds.
State Funding and Finance for Other Modes	Transit: Fuel taxes; general funds. Rail: \$2 million per year from the "ROADS" fund created in 2005. Aviation: Aviation fuel tax; aircraft registration fees and taxes.
Innovative Transportation Funding and Finance	GARVEE bonds; toll credits or "soft match."
Dedicated/Restricted State Funds and Revenues	State statute apportions gasoline tax receipts to the State Transportation Fund, the High Priority State Bridge Revolving Fund, the Public Transit Revolving Fund, the Oklahoma Tourism and Passenger Rail Revolving Fund and local entities (Okla. Stat. Ann. tit. 68, §500.6). State statute dedicates use of all money accruing to the credit of the State Transportation Fund—including gasoline tax and other revenues—to construction, repair and maintenance of state highways, other transportation systems and such other transportation purposes as the Legislature may authorize (Okla. Stat. Ann. tit. 15, §1501.1). State statute also dedicates the use of the Public Transit Revolving Fund (Okla. Stat. Ann. tit. 69, §§4031 et seq.) and the Oklahoma Tourism and Passenger Rail Revolving Fund (Okla. Stat. Ann. tit. 66, §325) as well as the Oklahoma Aeronautics Commission Revolving Fund, which receives revenues from aircraft fuel taxes and registration fees (Okla. Stat. Ann. tit. 3, §91).
DOT Authorized to Retain Surplus Funds	Yes. ODOT is authorized to retain any excess funds. All appropriations and authorizations are subsequently transferred to various revolving funds within ODOT, making them non-fiscal. However, the maximum amount per year of expenditure from the State Transportation Fund is legislatively authorized.
Legislative Approval Required to Move Funds Between Projects	No legislative approval is required.
Transportation Funding Allocations through Local Aid	A percentage of motor fuel taxes is distributed to counties and incorporated cities and towns by statutory formulas based on road mileage, population, area and/or other formulas developed by ODOT and approved by the DOT County Advisory Board. Funds allocated to cities and towns must be used for construction, repair and maintenance of streets and alleys. Funds allocated to counties must be used to construct and maintain county highways and bridges and cannot be diverted (Okla. Stat. Ann. tit. 68, §500.6).

## Organizational Facts

Legislature	Oregon Legislative Assembly Structure: Bicameral, partisan Chambers: Senate (30 members) House (60 members) Session: Ballot Measure 71 (2010) changed from biennial (odd years only) to annual (shorter session in even years)* Estimated no. of bills in 2011: 2,800 <i>*This change may affect the descriptions below.</i>	Department of Transportation	Oregon Department of Transportation (ODOT) FTE: 4,538 (4,635 total positions) Leadership: Commission; Director Organizational structure: Mainly by transportation mode
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 122,163 (2009); bridges: 7,255 (2010); toll bridges and tunnels: 2 shared with Washington (2009)
Transit	Trips per year (all transit modes): Approximately 122.9 million (2008)
Rail	Freight rail route-miles: 2,155 (2008)
Aviation	Airports (total): 478; public-use: 97; state-owned: 27 (2008) Enplanements per year: 7,331,244 (2009)
Marine	Port traffic per year (20-foot equivalent units): 178,588, plus 128 shared with Idaho and Washington (2009); waterborne tonnage per year: 26.9 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal.** ODOT personnel testify regularly on the status of ODOT programs before House and Senate Committees, the Joint Ways and Means Committee and the Legislative Emergency Board. ODOT introduces agency bills at the beginning of every session. ODOT provides information to the Legislative Fiscal Office to develop fiscal impact statements for proposed bills; occasionally gives technical support for bill and amendment drafting; and testifies on transportation-related measures. ODOT employs two dedicated legislative liaisons who provide an interface between the Legislative Assembly and ODOT's director and division administrators. The liaisons coordinate legislative committee testimony by ODOT personnel and provide periodic updates to the Legislative Assembly on activities of ODOT and the Transportation Commission. Legislative leadership, the co-chairs of the Ways and Means Committee and its Transportation Subcommittee, and the chairs of the House and Senate Committees on Transportation communicate regularly with ODOT leadership and liaisons, and occasionally request background information on ODOT programs, procedures and past legislation.

## DOT Leadership Appointments and Requirements

The five members of the Oregon Transportation Commission are appointed to four-year terms by the governor, subject to confirmation by the Senate and within statutory requirements for residency, geographic representation and party affiliation (Or. Rev. Stat. §184.612; Or. Const. art. III, §4). The director of transportation is appointed by the governor, subject to confirmation by the Senate, and holds office at the pleasure of the governor (Or. Rev. Stat. §184.620).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. Required reports include a Highway Construction Plan (Or. Rev. Stat. §184.658) and a report on audits of ODOT (Or. Rev. Stat. §184.649). Other required ODOT reports to legislative committees concern the flat fee weight-mile tax alternative (Or. Rev. Stat. §825.482) and the congestion pricing pilot program (2009 Or. Laws, Chap. 865).
Legislative Program Evaluation Office	None.
Sunset Review	No sunset review of state agencies or programs.

## Legislation and Regulation

Transportation Governance Statutes	Or. Rev. Stat. §184.610 to §184.639
Administrative Rules Review	Legislative review of existing rules by the Office of Legislative Counsel; office role is mainly advisory; office may suspend rule; no objection constitutes approval of proposed rule.

# Oregon

## Transportation Planning and Capital Program Management

Transportation Planning Process	The Transportation Commission—in consultation with stakeholders—reviews, updates criteria for, and selects projects for the four-year Statewide Transportation Improvement Plan (STIP). ODOT’s primary responsibility is in its capacity as staff and support for the commission. Other entities that participate in the STIP process include ODOT divisions and regions; Area Commissions on Transportation; the Oregon Freight Advisory Committee; tribal and local governments; MPOs; and transportation management areas. ODOT staffs some of the Area Commissions on Transportation that organize stakeholder input for regional transportation planning. ODOT prepares, publishes and presents the draft STIP for review and comment in public hearings across the state.
Legislative Role in Transportation Planning	The Legislative Assembly does not approve the STIP. The Legislative Assembly has in recent years enacted legislation that identified and funded specific transportation projects, including multimodal projects and highway projects (see Or. Rev. Stat. §§367.080 et seq.; 2009 Or. Laws, Chap. 865). The Legislative Assembly also approves the two-year budget plan for transportation projects.

## Funding and Finance

Budgeting and Appropriations	Biennial enactment of one 24-month budget; fiscal year begins July 1. ODOT prepares a two-year budget request, which is approved by the Transportation Commission, then by the governor. The governor’s proposed budget is presented to the Legislative Assembly. The Legislative Assembly, through the Joint Committee on Ways and Means, hold public hearings, incorporates any legislative policy initiatives, makes modifications based on legislative priorities and adopts an appropriation bill, which is subject to gubernatorial approval or veto.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing. Bonding, which historically had been low in Oregon, was substantially increased by three bonding programs passed in 2001, 2002 and 2003, known collectively as the Oregon Transportation Improvement Act. The resulting bond revenue now supplies most state funds available for highways.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$1.36 billion FY 2010: \$1.36 billion FY 2009: \$1.11 billion FY 2008: \$1.11 billion
Allocation of Federal Transportation Funds to the DOT	Federal formula funds for transportation flow directly to ODOT with no state legislative appropriation. However, ODOT is subject to an expenditure limit on those funds that is set by the Legislative Assembly on a biennial basis. Legislative approval also is required for ODOT to apply for federal grants that are not allocated by formula (Or. Rev. Stat. §291.375).
Allocation of State Transportation Funds to the DOT	State transportation funds flow directly from the revenue source to ODOT but, like federal funds, are subject to the biennial expenditure limit. Some state funds are appropriated to specific projects in special legislation.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; truck weight fees; interest income; revenue bonds.
State Funding and Finance for Other Modes	Transit: General funds; tobacco tax revenue; personal identification card fees; a portion of fuel tax attributable to non-road uses; Mass Transit Tax (administrated by the Department of Administrative Services, not ODOT). Rail: Custom license plate fees; safety inspection and rail regulation fees; fares. Aviation: Jet fuel taxes; aviation fuel taxes; lease income; pilot registration fees; aircraft registration fees. Air, marine, rail and transit projects also can receive funds from the Multimodal Transportation Fund, which is supported by lottery-backed revenue bonds (Or. Rev. Stat. §367.080).
Innovative Transportation Funding and Finance	GARVEE bonds; Build America Bonds; state infrastructure bank (federally capitalized); PPPs (authorized in statute); design-build (authorized in statute, used as a component of at least two projects); vehicle-miles traveled fees (pilot project); weight-distance tax; container fees; traffic camera fees; impact fees; tapered matching; advance construction.
Dedicated/Restricted State Funds and Revenues	The state constitution restricts the use of motor fuel tax and motor vehicle-related revenues to highways, roads, streets roadside rest areas, administrative expenses and bond repayment. Taxes or excises levied on ownership, operation or use of recreational vehicles and snowmobiles may be used for parks or recreation areas; taxes on commercial vehicles may be used to enforce commercial vehicle regulations (Or. Const. art. IX, §3a). Net revenues from dedicated taxes and fees are deposited into the State Highway Fund, to be used only for the purposes authorized by law (Or. Rev. Stat. §366.505). Revenues from taxes on jet fuel and aviation gasoline are deposited in the State Aviation Account and statutorily dedicated to aviation (Or. Rev. Stat. §319.417). The Multimodal Transportation Fund, supported by lottery-backed revenue bonds, is statutorily dedicated to air, marine, rail and transit projects, and cannot be used for projects that are eligible for motor fuel tax expenditures (Or. Rev. Stat. §367.080).

DOT Authorized to Retain Surplus Funds	Yes and no. Other than general funds, excess highway funds are retained in the ODOT ending balance that serves as a beginning balance for the next biennial budget. Excess general funds are reverted to the general state ending balance for reallocation by the Legislative Assembly. ODOT cannot spend funds in excess of its expenditure limit without legislative approval.
Legislative Approval Required to Move Funds Between Projects	Yes, in some cases. Generally, ODOT must seek approval from the Transportation Commission, not the Legislative Assembly, to move funds between projects. In 2009, however, the Legislative Assembly allocated funds to 37 specific projects and 12 local governments; these allocations cannot be changed except by legislative action.
Transportation Funding Allocations through Local Aid	The State Highway Fund is distributed among the state, cities and counties for road construction and maintenance. ODOT allocates a portion of several transportation-related revenues, including fuel tax receipts, from the State Highway Fund to counties and cities by statutory formula. Funds are distributed to counties by a statutory formula based on vehicle registrations, with additional funds distributed to counties with a road base funding deficit in the prior fiscal year. Funds are distributed to cities by a statutory formula based on population (Or. Rev. Stat. §§366.739 et seq.). State funds also are allocated to local entities through state legislative appropriations and ODOT discretionary allocation of funds.

# Pennsylvania

## Organizational Facts

Legislature	Pennsylvania General Assembly Structure: Bicameral, partisan Chambers: Senate (50 members) House (203 members) Session: Annual, year-round Estimated no. of bills in 2011: 4,100	Department of Transportation	Pennsylvania Department of Transportation (PennDOT) FTE: 12,833 (authorized) Leadership: Commission; Secretary Organizational structure: Mainly by transportation mode
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 255,552 (2009); miles of tolled roadway: 533 (2009); bridges: 22,359 (2010); toll bridges and tunnels: 15 shared with New Jersey (2009)
Transit	Trips per year (all transit modes): Approximately 445.4 million (2008)
Rail	Freight rail route-miles: 5,139 (2008)
Aviation	Airports (total): 739; public-use: 134; state-owned: 0 (2008) Enplanements per year: 20,475,824 (2009)
Marine	Port traffic per year (20-foot equivalent units): 203,164 (2009); waterborne tonnage per year: 90.8 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, extensive.** The House and Senate Committees on Transportation share their agendas with the PennDOT Office of Legislative Affairs and the governor's office. The committees also have maintained an open line of communication with PennDOT officials. PennDOT provides office staff to assist legislators with driver licensing and motor vehicle issues. The PennDOT Office of Legislative Affairs provides a liaison staff of five to interact with legislators and legislative staff.

## DOT Leadership Appointments and Requirements

The State Transportation Commission consists of 15 members including, by virtue of their office, the chairs and minority chairs of the Senate and House transportation committees. The secretary of transportation serves as chair of the commission. The remaining 10 members are appointed to six-year terms by the governor, by and with the advice and consent of the Senate and within statutory requirements for residency, party affiliation and general characteristics, as well as restrictions on holding other state employment. At least one appointee must hold at least a private pilot's license and derive part of his or her livelihood from aviation-related activities or be otherwise actively involved in aviation, and at least two must be members of the board of directors of a transportation authority at the time of appointment. Each member is appointed to represent the interests of the state, not a region or district (Pa. Cons. Stat. Ann. tit. 71, §178). The secretary of transportation is appointed by the governor, by and with the advice and consent of the Senate (Pa. Cons. Stat. Ann. tit. 71, §67.1).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Legislative Program Evaluation Office	Legislative Budget and Finance Committee. This committee periodically conducts performance audits.
Sunset Review	The state's process for sunset reviews is currently inactive.

## Legislation and Regulation

Transportation Governance Statutes	1970 Pa. Laws, Act 120 (found in Pa. Cons. Stat. Ann. tit. 71, art. 20); 1836 Pa. Laws, Act 169 (The General Road Law); 1945 Pa. Laws, Act 428 (The State Highway Law); 1984 Pa. Laws, Act 119 (Rail Freight Preservation and Improvement Act)
Administrative Rules Review	Legislative review of existing rules by joint bipartisan standing committee; committee may suspend rule; no objection constitutes approval of proposed rule.

## Transportation Planning and Capital Program Management

Transportation Planning Process	Every two years, PennDOT—in cooperation with other planning partners—prepares and submits to the State Transportation Commission a multimodal, fiscally constrained Twelve-Year Transportation Program that details transportation improvements to be undertaken during the next 12 years, along with anticipated schedules and costs. Projects are identified by diverse stakeholders, then prioritized by MPOs, rural planning organizations or county planning agencies in conjunction with PennDOT. Other modal organizations are provided the opportunity for representation on the MPO/rural planning organization coordinating and technical committees. The program is approved by the State Transportation Commission.
Legislative Role in Transportation Planning	The State Transportation Commission includes legislative leaders. Legislators generally can provide testimony for specific projects during the update of the Twelve-Year Transportation Program. On occasion, legislators also are appointed to MPO and rural planning organization boards.

## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing, with heavier reliance on pay-as-you-go. Bond financing includes \$200 million per year for bridges; \$150 million per year for transit, aviation and rail; and bonding by the Pennsylvania Turnpike Commission for transit and highways.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$4.18 billion FY 2010: \$4.65 billion FY 2009: \$4.48 billion FY 2008: \$4.36 billion
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds flow directly to PennDOT from the U.S. DOT. The General Assembly has statutorily authorized PennDOT to expend federal funds for highway projects so no further appropriation is needed (1970 Pa. Laws, Act 120). Federal funds for transit systems, however, are appropriated at the program or category level when not directly sent to a transit agency by the U.S. DOT. Similar to highway funds, federal aviation funds are executively authorized by the governor.
Allocation of State Transportation Funds to the DOT	Spending levels are generally determined by the available revenues in the various funds established for transportation. Some state transportation funds flow directly to PennDOT from the revenue source by statutory formula; others are appropriated in the annual budget bill.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; tolls; interest income; general obligation bonds; revenue bonds. Revenue bonds are issued by the Pennsylvania Turnpike Commission. Tolls are used by the turnpike and a few bridges connecting to New Jersey. Fuel taxes include an oil company franchise tax for maintenance and construction, which is a variable rate tax adjusted annually within a wholesale price floor of 90 cents and ceiling of \$1.25 (Pa. Cons. Stat. Ann. tit. 75, §9004).
State Funding and Finance for Other Modes	Transit: Portion of the sales tax; payments from the Pennsylvania Turnpike Commission generated by tolls and revenue bonds; transfer from the Lottery Fund; rental car excise tax; tire tax; general obligation bonds. Rail: General fund appropriations; portion of the sales tax dedicated to transit. Aviation: Restricted revenue account primarily from tax on jet fuel. Ports: General fund. Bridges: Portion of Turnpike Commission payments; restricted account for bridges using an excise tax on diesel fuel and a portion of registration fees; supplemented with the same funding as is used for highways.
Innovative Transportation Funding and Finance	Build America Bonds; state infrastructure bank (separate federally and state-only capitalized accounts); design-build (authorized in statute); traffic camera fees (limited program in Philadelphia only); impact fees; toll credits or “soft match.”
Dedicated/Restricted State Funds and Revenues	The state constitution restricts use of motor fuel taxes and registration and license fees to public highways and bridges, administration thereof and public safety thereon, and prohibits diversion to other purposes. The same section restricts use of aviation fuel excise taxes to aviation purposes and prohibits diversion (Pa. Const. art. VIII, §11). State statute dedicates use of the Aviation Restricted Revenue Account to aviation purposes (Pa. Cons. Stat. Ann. tit. 71, §210). Use of the Public Transportation Trust Fund is statutorily restricted to transit purposes (Pa. Cons. Stat. Ann. tit. 74, §1506), and use of the Highway Bridge Improvement Restricted Account to bridges (Pa. Cons. Stat. Ann. tit. 75, §§9619 et seq.).
DOT Authorized to Retain Surplus Funds	Yes, in most cases. The general rule in the case of transportation is that unspent money is lapsed back into the dedicated transportation fund from which it came. The exception is rail freight, which is legislatively appropriated in the annual budget bill. Unspent rail freight funds lapse back into the general fund and lose the dedication for rail projects.



# Pennsylvania

Legislative Approval Required to Move Funds Between Projects	No, but funds cannot be spent outside the appropriations or statutory revenue streams from which they were made. In addition, transit funding cannot be moved to a highway project or vice versa.
Transportation Funding Allocations through Local Aid	Funds to local governments are mainly distributed by statutory formula. Municipalities receive a certain amount of fuel tax receipts, a portion of the Motor License Fund and supplemental funding for municipal highway maintenance as appropriated by the General Assembly. These funds are distributed by a statutory formula based on population and road mileage (Pa. Cons. Stat. Ann. tit. 72, §2615.4; tit. 75, §8915.6; tit. 75, §9301; and tit. 75, §9511). Counties receive a certain amount of liquid fuel tax receipts based on a historic formula (Pa. Cons. Stat. Ann. tit. 75, §9010) and a portion of the Motor License Fund based on bridge deck area (Pa. Cons. Stat. Ann. tit. 75, §8915.6). A limited amount of funding to local governments is made for selected bridge projects and for transferring state-owned roads to local ownership.

**Organizational Facts**

Legislature	Rhode Island General Assembly Structure: Bicameral, partisan Chambers: Senate (38 members) House (75 members) Session: Annual, approximately January – June Estimated no. of bills in 2011: 2,450	Department of Transportation	Rhode Island Department of Transportation (RIDOT) FTE: 780.2 Leadership: Director Organizational structure: Modes administered by separate agencies
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 13,513 (2009); bridges: 757 (2010); toll bridges and tunnels: 1 (2009)
Transit	Trips per year (all transit modes): Approximately 21.9 million (2008)
Rail	Freight rail route-miles: 87 (2008)
Aviation	Airports (total): 7; public-use: 7; state-owned: 6 (2010) Enplanements per year: 2,170,616 (2009)
Marine	Waterborne tonnage per year: 8.4 million (2009)

**Legislative-DOT Collaboration and Communication**

**Mainly informal and through the DOT legislative liaison.** House and Senate fiscal staff interact with deputy directors, financial administrators and other RIDOT staff for issues involving RIDOT program status, expenditure patterns and statutory compliance. RIDOT employs a dedicated legislative liaison who attends the General Assembly during the legislative session. During the months when the General Assembly is in session, legislators and legislative staff communicate with RIDOT about legislative and municipal issues, often through the RIDOT legislative liaison. The liaison also helps legislators work through any concerns they may have with RIDOT.

**DOT Leadership Appointments and Requirements**

The director of transportation is appointed by the governor with the advice and consent of the Senate (R.I. Gen. Laws §42-13-1).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s).
Legislative Program Evaluation Office	Office of the Auditor General. Neither the legislative Office of the Auditor General nor the executive Bureau of Audits has recently audited RIDOT.
Sunset Review	The state's process for sunset reviews is currently inactive.

**Legislation and Regulation**

Transportation Governance Statutes	R.I. Gen. Laws ch. 24; R.I. Gen. Laws ch. 91; R.I. Gen. Laws ch. 37
Administrative Rules Review	No formal review process.

**Transportation Planning and Capital Program Management**

Transportation Planning Process	Because of the state's size, transportation planning is carried out on a consolidated statewide basis rather than at state, regional and metropolitan levels, as in other states. Projects are selected by the Transportation Advisory Committee (TAC) of the State Planning Council; RIDOT has one of 24 seats on the TAC, which meets monthly. The Statewide Planning Program within the Department of Administration—in collaboration with the TAC, RIDOT and the statewide transit operator—prepares the state's long-range planning document and the four-year state Transportation Improvement Program (TIP) for adoption by the State Planning Council. The council also serves as the single statewide MPO for the state. The governor also makes a series of recommendations for state-generated transportation funding. The planning process must be in accordance with the Unified Planning Work Program for Transportation Planning that is approved annually by the council.
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## Rhode Island

Legislative Role in Transportation Planning	In recent years, the legislative role has been to approve the five-year RIDOT capital plan, appropriate additional revenues for transportation outside the federal apportionment, set motor fuel tax rates to generate revenues for transportation, and include referendum questions on the ballot for voters to approve initiatives funded by general obligation bonds. The General Assembly does not have an active role in prioritizing federally funded projects, but does when state capital funds are used.
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### Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1. RIDOT's budget request is submitted to the State Budget Office in the Department of Administration, the House, the Senate and the governor's office. The Budget Office provides analysis and recommendations to the governor, who then prepares a unified budget request for all state departments and agencies. The General Assembly makes adjustments to proposed expenditures and revenues, and appropriates funding at the program level.
Bonding or Pay-as-You-Go	Bonding is the major source of financing; about 25 percent is pay-as-you-go.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$152.4 million FY 2010: \$177.9 million FY 2009: \$181.3 million FY 2008: \$149.4 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to RIDOT through a state legislative appropriation at the program or category level.
Allocation of State Transportation Funds to the DOT	State transportation funds also are allocated to RIDOT through a state legislative appropriation at the program or category level.
Traditional State Funding and Finance for Highways	Fuel taxes; general obligation bonds.
State Funding and Finance for Other Modes	Transit: General funds; fuel taxes; general obligation bonds.
Innovative Transportation Funding and Finance	GARVEE bonds; federal credit assistance (TIFIA); state infrastructure bank (federally capitalized); PPPs (reported in survey; no authorizing statute found); design-build (reported in survey; no authorizing statute found); traffic camera fees; impact fees; creation of nonprofit, quasi-public entities (one for transit and one to operate the state's single toll bridge).
Dedicated/Restricted State Funds and Revenues	State statute restricts use of motor fuel tax revenues to transportation purposes. Fuel tax receipts are deposited primarily to the Intermodal Surface Transportation Fund, with a certain portion set aside for transit (R.I. Gen. Laws §31-36-20). General obligation bonds must be used for the purposes set forth in the ballot question and may not exceed the amount authorized by the voters.
DOT Authorized to Retain Surplus Funds	Yes. Excess federal funds can be carried forward into the next fiscal year. Certain state funds, such as capital funds, are automatically reappropriated to the following fiscal year. Revenues in excess of budgeted amounts are retained in the fund dedicated to transportation uses.
Legislative Approval Required to Move Funds Between Projects	Yes, if RIDOT is using funds derived from the state fuel tax or other state sources.
Transportation Funding Allocations through Local Aid	Funds for road construction and maintenance are allocated by RIDOT to cities and towns by a formula based on road miles (R.I. Gen. Laws §24-8-17). RIDOT also allocates state aid for maintenance of town highways and bridges, up to one-fifth of an eligible town's appropriations for these purposes (R.I. Gen. Laws §24-5-4). Rhode Island does not have organized county governments.

## South Carolina

### Organizational Facts

Legislature	South Carolina General Assembly Structure: Bicameral, partisan Chambers: Senate (46 members) House (124 members) Session: Annual, approximately January – June Estimated no. of bills in 2011: 2,100	Department of Transportation	South Carolina Department of Transportation (SCDOT) FTE: 4,861 Leadership: Commission; Secretary Organizational structure: Mainly by functional activity
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### Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 139,952 (2009); miles of tolled roadway: 24 (2009); bridges: 9,252 (2010)
Transit	Trips per year (all transit modes): Approximately 8.4 million (2008)
Rail	Freight rail route-miles: 2,289 (2008)
Aviation	Airports (total): 214; public-use: 68; state-owned: 0 (2008) Enplanements per year: 3,093,818 (2009)
Marine	Port traffic per year (20-foot equivalent units): 941,091 (2009); waterborne tonnage per year: 16.0 million (2009)

### Legislative-DOT Collaboration and Communication

**Formal and informal, proactive.** The General Assembly—especially the four committees that handle most transportation issues—often contact SCDOT for input on bills and budget provisos before they are scheduled for public hearing. The General Assembly notifies SCDOT of hearings on any transportation-related bills so SCDOT may testify. The General Assembly has a lower level of staff support, and expects state agencies like SCDOT to perform research when requested. SCDOT monitors bills and contacts key legislators when bills will affect SCDOT. The secretary of transportation also contacts legislators regarding important or urgent transportation matters. SCDOT employs a dedicated legislative liaison.

### DOT Leadership Appointments and Requirements

Six of the seven members of the Commission of the Department of Transportation are elected to four-year terms by the legislators residing in each of the state's six congressional districts, and can be removed by the governor for cause (S.C. Code Ann. §1-3-240). The seventh is an at-large member appointed by the governor who serves at the pleasure of the governor. Such elections or appointments must take into account race and gender so as to represent all segments of the state's population to the greatest extent possible. Candidates and appointees must be screened by the Joint Transportation Review Committee to determine whether they meet statutory requirements for education and experience. No legislator or legislator's immediate family member is eligible (S.C. Code Ann. §§57-1-310 et seq.). The secretary of transportation is appointed by the governor, with the advice and consent of the Senate and within statutory requirements for knowledge and ability, and serves at the pleasure of the governor (S.C. Code Ann. §57-1-410). The gubernatorial appointment of the secretary of transportation expires in 2015, at which time the responsibility reverts to the commission (2007 S.C. Acts, Act 114).

### Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. Various reports are produced by the State Comptroller as well as SCDOT at the request of the General Assembly. State law requires two annual audits of SCDOT, one by the Budget and Control Board, with copies made available to the governor and the legislative oversight committees.
Legislative Program Evaluation Office	Legislative Audit Council. The council published an audit of SCDOT in 2006 that resulted in restructuring SCDOT to place it in the governor's cabinet, setting up a legislative committee to oversee the agency, and allowing for periodic audits (S.C. Code Ann. §57-1-490).
Sunset Review	No sunset review of state agencies or programs.

### Legislation and Regulation

Transportation Governance Statutes	S.C. Code Ann. tit. 57
Administrative Rules Review	Legislative review of proposed rules by a standing committee; no objection constitutes approval of proposed rule.

# South Carolina

## Transportation Planning and Capital Program Management

Transportation Planning Process	The commission develops a long-range Statewide Transportation Plan and must also approve a Statewide Transportation Improvement Plan (STIP), with input from MPOs, councils of government and SCDOT staff. The commission selects and approves projects, according to a statutory list of criteria (S.C. Code Ann. §57-1-370).
Legislative Role in Transportation Planning	When SCDOT was restructured in 2007, the General Assembly provided criteria for project prioritization in statute. The General Assembly has no formal role in the project selection process. Legislators have the opportunity to participate in public hearings, and the commission is sensitive to their interests.

## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$517.3 million FY 2010: \$581.2 million FY 2009: \$524.1 million FY 2008: \$529.4 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are considered “other” revenues to the state and flow directly to SCDOT from the U.S. DOT. The General Assembly approves the SCDOT budget as “other funds” in total and at the program or category level.
Allocation of State Transportation Funds to the DOT	State transportation funds are restricted funds classified as “other funds” in the state Appropriation Act. The General Assembly approves the SCDOT budget as “other funds” in total and at the program or category level.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; tolls.
State Funding and Finance for Other Modes	Transit: Fuel taxes.
Innovative Transportation Funding and Finance	Federal credit assistance (TIFIA); state infrastructure bank (federally capitalized); PPPs (authorized in statute, used for the Southern Connector); design-build (authorized in statute, used as a component of at least five projects); impact fees; tapered matching; advance construction.
Dedicated/Restricted State Funds and Revenues	Fuel tax revenues go to counties, SCDOT and the State Highway Fund. State statute dedicates a portion of fuel tax revenues to mass transit (S.C. Code Ann. §12-28-2725). Some uses of the State Highway Fund are directed in statute (e.g., S.C. Code Ann. §57-5-150 and §57-5-1610).
DOT Authorized to Retain Surplus Funds	Yes. SCDOT is allowed to retain any unspent funds remaining in the cash account. The annual SCDOT budget is developed based on projected revenues plus unspent funds carried forward into the next budget year.
Legislative Approval Required to Move Funds Between Projects	No legislative approval is required.
Transportation Funding Allocations through Local Aid	A portion of motor fuel tax revenue is distributed to counties for use on county or regional transportation projects, by a statutory formula based on land area, population and road mileage (S.C. Code Ann. §12-28-2740). SCDOT also allocates a portion of the federal funds received each year to MPOs and councils of government; this allocation is not required by statute. The commission determines the funding amount and established the distribution formula.

**Organizational Facts**

Legislature	South Dakota Legislature Structure: Bicameral, partisan Chambers: Senate (35 members) House (70 members) Session: Annual, approximately January – March Estimated no. of bills in 2011: 600	Department of Transportation	South Dakota Department of Transportation (SDDOT) FTE: 1,026 Leadership: Commission; Secretary Organizational structure: Mainly by functional activity
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 169,359 (2009); bridges: 5,891 (2010)
Transit	Trips per year (all transit modes): Approximately 1.4 million (2008)
Rail	Freight rail route-miles: 1,675 (2008)
Aviation	Airports (total): 74; public-use: 74; state-owned: 1 (2008) Enplanements per year: 643,205 (2009)

**Legislative-DOT Collaboration and Communication**

**Mainly formal.** SDDOT usually makes a report to the Senate and House Transportation Committees at the beginning of each legislative session regarding the state's highway needs and funding to meet those needs. A process exists by which standing committees will introduce legislation at the request of SDDOT. SDDOT monitors legislative committees and tracks bills of interest. SDDOT officials testify about bills that the agency supports or opposes. SDDOT has no dedicated legislative liaison; its Legal Office assists in formulating, drafting and monitoring legislation that affects the department.

**DOT Leadership Appointments and Requirements**

The nine members of the Transportation Commission are appointed by the governor to four-year terms, within statutory requirements for party affiliation, residency and geographic representation (S.D. Codified Laws Ann. §§1-44-4 et seq.). The secretary of transportation is appointed by the governor, by and with the advice and consent of the Senate, and serves at the pleasure of the governor (S.D. Const. art. IV, §9; S.D. Codified Laws Ann. §1-32-3).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; legislative requests for information.
Legislative Program Evaluation Office	Department of Legislative Audit. This department conducts a financial audit of SDDOT; there is no legislative performance audit.
Sunset Review	Every state agency and the statutes that govern it are reviewed by an interim legislative committee every 10 years (S.D. Codified Laws Ann. ch. 1-26E). This is not a true sunset, however, because the statutes do not automatically repeal if there is no action of the Legislature. SDDOT was last reviewed in 2009.

**Legislation and Regulation**

Transportation Governance Statutes	S.D. Codified Laws Ann. ch. 1-44; S.D. Codified Laws Ann. ch. 31-2
Administrative Rules Review	Legislative review of proposed rules by joint bipartisan committee; committee may suspend rule; no objection constitutes approval of proposed rule.

**Transportation Planning and Capital Program Management**

Transportation Planning Process	Each year, the Transportation Commission with the assistance of SDDOT proposes, holds public hearings about, and adopts a highway construction program for the next year. SDDOT administers the entire planning process and gathers input from various stakeholders, including MPOs, the governor, local governments, the commission, legislators and the public. The program—synonymous with the Statewide Transportation Improvement Program (STIP)—is based on highway needs and funding availability.
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## South Dakota

Legislative Role in Transportation Planning	No formal legislative role. Legislators can participate in the public hearings. The Legislature has essentially given control over the SDDOT budget and transportation investment priorities to the Transportation Commission, with guidance from SDDOT.
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### Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1. The appropriations committee holds hearings for SDDOT to present its budget but do not become involved in project-level details.
Bonding or Pay-as-You-Go	The state does not have state bonding authority, according to the AASHTO Center on Excellence for Project Finance (2010).
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$189.1 million FY 2010: \$182.1 million FY 2009: \$183.5 million FY 2008: \$177.6 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to SDDOT through a state legislative appropriation at the agency level as well as at the program or category level. This appropriation, however, is only for informational purposes, and budgetary control lies with the Transportation Commission. Thus, in effect, the funds flow directly to SDDOT from the U.S. DOT.
Allocation of State Transportation Funds to the DOT	As with federal funds, state transportation funds are allocated to SDDOT through a state legislative appropriation that is for informational purposes only. Budgetary control lies with the Transportation Commission.
Traditional State Funding and Finance for Highways	Fuel taxes; additional sales taxes on gasoline or diesel; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; truck weight fees; interest income; sign fees; billboard permits.
State Funding and Finance for Other Modes	Nearly all revenue generated for transportation is restricted to highways and bridges. No revenues are dedicated to transit, although operating assistance has been provided from general funds. The Railroad Board has a fund that grants or loans money to regional railroad authorities for construction or maintenance of rail lines.
Innovative Transportation Funding and Finance	Build America Bonds; state infrastructure bank (federally capitalized).
Dedicated/Restricted State Funds and Revenues	The state constitution restricts use of any fuel tax or motor vehicle-related revenues to highways and bridges (S.D. Const. art. XI, §8). These revenues are deposited into the State Highway Fund, use of which is restricted by statute to construction, maintenance and supervision of highways and bridges, related administrative costs, matches for federal funds and the Highway Patrol (S.D. Codified Laws Ann. §32-2-11, §31-2-14.2, §31-5-8 and §31-6-9).
DOT Authorized to Retain Surplus Funds	Unspent or unencumbered funds revert to the fund in which the appropriation was made. For state purposes, this is the State Highway Fund.
Legislative Approval Required to Move Funds Between Projects	No legislative approval is required.
Transportation Funding Allocations through Local Aid	Local aid is distributed by the secretary of revenue from the Local Government Highway and Bridge Fund, which receives revenues from various transportation-related sources. Funding is allocated to counties for highways, roads and bridges by a statutory formula based on population, road mileage and area. Funding is allocated to municipalities for municipal streets by a statutory formula based on population (S.D. Codified Laws Ann. §32-11-35).

**Organizational Facts**

Legislature	Tennessee General Assembly Structure: Bicameral, partisan Chambers: Senate (33 members) House (99 members) Session: Annual, approximately January – May Estimated no. of bills in 2011: 6,550	Department of Transportation	Tennessee Department of Transportation (TDOT) FTE: Approximately 4,600 Leadership: Commissioner Organizational structure: Mainly by functional activity
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 196,969 (2009); bridges: 19,892 (2010)
Transit	Trips per year (all transit modes): Approximately 30.4 million (2008)
Rail	Freight rail route-miles: 2,641 (2008)
Aviation	Airports (total): 210; public-use: 78; state-owned: 1 (2008) Enplanements per year: 10,783,463 (2009)
Marine	Port traffic per year (20-foot equivalent units): 9,229 (2009); waterborne tonnage per year: 38.2 million (2009); state-operated ferries: 1 (2009)

**Legislative-DOT Collaboration and Communication**

**Mainly informal.** Few formal mechanisms exist for interactions between TDOT and the General Assembly. TDOT leadership frequently contacts the General Assembly to provide input on transportation-related legislation. TDOT employs dedicated legislative liaisons who respond to legislative inquiries, provide information, work with sponsors of legislation that affects TDOT, and seek help from legislators who sponsor legislation proposed by TDOT.

**DOT Leadership Appointments and Requirements**

The commissioner of transportation is appointed by the governor and serves at the pleasure of the governor, within broad statutory guidelines for qualifications (Tenn. Code Ann. §4-3-2302). TDOT is a cabinet agency that reports directly to the governor.

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. Required reports to the General Assembly include the annually updated transportation improvement program, quarterly status reports on highway projects in each district, quarterly status reports on projects approved in the TDOT budget and an annual report on transit projects. Seven legislative committees oversee TDOT: Senate and House Transportation Committees (general oversight); Senate and House Ways and Means Committees (budget and expenditures); Senate and House Government Operations Committees (rules and regulations, as well as review of performance audits); and the Fiscal Review Committee (contracts).
Legislative Program Evaluation Office	Offices of Research and Education Accountability
Sunset Review	Yes. Tennessee's sunset law (Tenn. Code Ann. §§4-29-101 et seq.) requires that each agency, board, commission and other entity be reviewed at least once every eight years by a joint legislative committee. TDOT is scheduled to terminate on June 30, 2011, unless affirmatively continued by the General Assembly (Tenn. Code Ann. §4-29-232).

**Legislation and Regulation**

Transportation Governance Statutes	Tenn. Code Ann. §§4-3-2301 et seq., §13-10-107(d), §54-1-105, §54-1-115, §54-1-302, §§54-5-101 et seq. and §54-5-1401
Administrative Rules Review	Legislative review of proposed rules by a joint bipartisan committee; committee may suspend rule.



# Tennessee

## Transportation Planning and Capital Program Management

Transportation Planning Process	TDOT is generally responsible for all transportation planning and project identification. TDOT sets priorities based on needs and available funding, with input from the governor's office, local governments and MPOs, transit agencies, and rural planning organizations. TDOT presents the "Proposed Highway Program" to the General Assembly annually for review. The General Assembly approves the program by reference in the state budget.
Legislative Role in Transportation Planning	The General Assembly reviews and approves the annual work program. Occasionally legislation is introduced to specify a particular project, but overall project identification is done by TDOT.

## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Mainly pay-as-you-go financing. A three-year bond program using federal highway bridge funds to pay debt service was authorized, but as of June 2010, the bonds were unissued. In general, since the mid-1990s, Tennessee's highway program has been debt-free.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$868.0 million FY 2010: \$885.6 million FY 2009: \$1.03 billion FY 2008: \$840.4 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to TDOT as a state legislative appropriation at the program or category level.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated to TDOT as a state legislative appropriation at the program or category level.
Traditional State Funding and Finance for Highways	Fuel taxes; additional sales taxes on gasoline or diesel; vehicle registration/license/title fees; vehicle or truck weight fees.
State Funding and Finance for Other Modes	Transit: Fuel taxes; vehicle registration/license/title fees.
Innovative Transportation Funding and Finance	State infrastructure bank (federally capitalized); PPPs (authorized in statute with legislative approval requirements); design-build (authorized in statute); advance construction.
Dedicated/Restricted State Funds and Revenues	All revenues allocated to TDOT, including a portion of fuel tax receipts, are deposited into the State Highway Fund and distributed according to broad statutory guidelines. The fund is used mainly for highways and transit projects; diversions or transfers are prohibited (Tenn. Code Ann. §67-3-901 and §§54-2-102 et seq.). All revenues from fuels used for railways, waterways and aviation are deposited into the Transportation Equity Trust Fund, and those funds must be used in the same mode of transportation by which they were generated (Tenn. Code Ann. §9-4-207 and §67-6-103).
DOT Authorized to Retain Surplus Funds	Yes, TDOT retains excess funds.
Legislative Approval Required to Move Funds Between Projects	No legislative approval is required.
Transportation Funding Allocations through Local Aid	A portion of state fuel tax funds is allocated to counties and municipalities (Tenn. Code Ann. §67-3-901). County funds are used for roads, bridges and transit projects by a statutory formula based on equal distribution, population and area. No more than 22.22 percent of county aid funds can be used for transit (Tenn. Code Ann. §54-4-103). A portion of fuel tax funds is allocated to municipalities for street aid by a statutory formula based on population (Tenn. Code Ann. §54-4-203). Funds are distributed by the commissioner of finance and administration.

**Organizational Facts**

Legislature	Texas Legislature Structure: Bicameral, partisan Chambers: Senate (31 members) House (150 members) Session: Biennial, approximately January – May (odd years only) Estimated no. of bills in 2011: 12,400	Department of Transportation	Texas Department of Transportation (TxDOT) FTE: 14,067 (authorized); 11,819 (actual) Leadership: Commission; Executive Director Organizational structure: Mainly by transportation mode
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 669,190 (2009); miles of tolled roadway: 306 (2009); bridges: 51,448 (2010); toll bridges and tunnels: 24 (2009)
Transit	Trips per year (all transit modes): Approximately 298.1 million (2008)
Rail	Freight rail route-miles: 10,743 (2008)
Aviation	Airports (total): 1,653; public-use: 369; state-owned: 0 (2008) Enplanements per year: 66,385,453 (2009)
Marine	Port traffic per year (20-foot equivalent units): 1,328,801 (2009); waterborne tonnage per year: 451.8 million (2009)

**Legislative-DOT Collaboration and Communication**

**Formal and informal.** TxDOT staff members provide updates to the Legislature on Texas Transportation Commission actions and TxDOT activities, usually through reports, correspondence, e-mail or bimonthly electronic newsletters. TxDOT also responds to requests for information from legislators and legislative staff. State agency employees are prohibited from influencing legislation, but can act as neutral resource witnesses; the Texas Transportation Commission has the authority to provide recommendations to the governor and the Legislature on department operations and efficiencies (Tex. Transportation Code Ann. §201.0545). Upon request, TxDOT gives input to the Legislative Budget Board (LBB) to inform its fiscal notes on legislation. TxDOT has a dedicated government affairs office.

**DOT Leadership Appointments and Requirements**

The five members of the Texas Transportation Commission are appointed to staggered six-year terms by the governor, with the advice and consent of the Senate and within statutory requirements for geographic representation and reflection of the diversity of the state as well as restrictions pertaining to conflicts of interest. One member must reside in a rural area (Tex. Transportation Code Ann. §§201.051 et seq.). Grounds for removal are provided in Tex. Transportation Code Ann. §201-057. The executive director of TxDOT is elected by the commission, within broad statutory guidelines for experience and skills, and serves at the will of the commission (Tex. Transportation Code Ann. §201.301).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. House and Senate interim committees oversee various TxDOT budget and policy issues during the legislative interim. TxDOT also is required to submit monthly revenue and expenditure forecast reports to the Legislative Budget Board and the governor.
Legislative Program Evaluation Office(s)	The Legislative Budget Board, the State Auditor’s Office and the Sunset Advisory Commission
Sunset Review	Yes. The Texas Sunset Act makes the Sunset Advisory Commission responsible for auditing each state agency every 12 years. In most cases, agencies under review are automatically abolished unless legislation is enacted to affirmatively continue them. TxDOT was reviewed in 2009, but the bill to continue it was not enacted; instead, an extension until another, limited-scope review in 2011 was granted in a special session. Unless continued, TxDOT will now expire on Sept. 1, 2011 (Tex. Transportation Code Ann. §201.204).

**Legislation and Regulation**

Transportation Governance Statutes	Tex. Transportation Code Ann. §§201.001 et seq.
Administrative Rules Review	Legislative review of proposed rules by a standing committee; committee role is mainly advisory.

# Texas

## Transportation Planning and Capital Program Management

Transportation Planning Process	The Transportation Commission, TxDOT and MPOs work together to create the Unified Transportation Program and the State Transportation Improvement Plan (STIP). Project needs are identified at the local level by TxDOT district offices, MPOs, transit and rail agencies, port authorities and local toll project entities. TxDOT works with local entities to identify, develop and approve plans and funding strategies, with commission oversight. After funding is identified, the project planning and development process begins, with public involvement and hearings. Projects contracts then must be approved. The Transportation Commission finally approves funding and authorizes construction based on funding availability and local priorities. TxDOT oversees implementation.
Legislative Role in Transportation Planning	The Legislature has no formal role in transportation planning, except to set statutory guidelines for the process and to help set spending levels through appropriations. The Legislature has statutorily delegated responsibilities for transportation planning and determining investment priorities to the Texas Transportation Commission (Tex. Transportation Code Ann. §201.103).

## Funding and Finance

Budgeting and Appropriations	Biennial enactment of two 12-month budgets; fiscal year begins September 1.
Bonding or Pay-as-You-Go	Texas used pay-as-you-go financing until the Transportation Commission was granted approval through a 2001 constitutional amendment to issue bonds secured by a newly created Texas Mobility Fund. Another amendment—approved in 2003—allows the Legislature to authorize the commission to issue bonds, known as Proposition 14 bonds, secured by revenues deposited to the State Highway Fund such as motor fuel taxes and vehicle registration fees. The Transportation Commission and TxDOT started using these bond programs in 2005. In 2007, Texas voters approved Proposition 12 bonds secured by revenues deposited to the General Revenue Fund. The Legislature authorized issuance of a portion of these bonds in 2009, and the bond program began in 2010.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$6.1 billion FY 2010: \$5.1 billion FY 2009: \$4.9 billion FY 2008: \$5.2 billion
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to TxDOT through state legislative appropriation at the program or category level. The state General Appropriations Act provides appropriation authority for federal funds. All funds received are deposited into the State Highway Fund. TxDOT is the state administrative authority for these funds.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated to TxDOT through state legislative appropriation in the General Appropriations Act by category.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; vehicle or truck weight fees; tolls; interest income; sales tax on motor lubricants; vehicle inspection fees; driver record information fees; general obligation bonds; revenue bonds.
State Funding and Finance for Other Modes	No dedicated funding sources for other modes. TxDOT can and has used State Highway Fund revenues from sources that are not constitutionally dedicated to highway purposes for other functions carried out by the department (Tex. Transportation Code Ann. §222.002), including transit, rail, aviation, ports and bridges.
Innovative Transportation Funding and Finance	GARVEE bonds (authorized but not used as of 2009); private activity bonds (PABs) (issued); Build America Bonds; federal credit assistance (TIFIA); state infrastructure bank (federally capitalized); PPPs (authorized in statute, many provisions expired in 2009; used for at least four projects); design-build (authorized in statute, many provisions expired in 2009; used as a component of at least eight projects); impact fees; creation of nonprofit, quasi-public entities; tapered matching; advance construction; toll credits or “soft match;” pass-through financing (shadow tolls); other. Traffic camera fees are used only at the local level; 50 percent of the revenues after operating costs must be used for traffic safety programs (Tex. Transportation Code Ann. §707.008).
Dedicated/Restricted State Funds and Revenues	The state constitution restricts the use of motor fuels taxes, sales tax on motor lubricants and vehicle registration fees to acquiring rights-of-way, constructing, maintaining and policing public roadways and for administration of laws pertaining to the supervision of traffic and safety on such roads. A quarter of motor fuel tax revenues, however, are constitutionally allocated to the Available School Fund (Tex. Const. art. VIII, §7-a). The State Highway Fund, which receives the rest of these revenues, cannot be used to guarantee a loan or issue bonds for a toll facility (Tex. Transportation Code Ann. §222.001). The Texas Mobility Fund cannot receive revenues from motor fuel taxes, sales tax on motor lubricants or vehicle registration fees, and use of the fund is constitutionally restricted to financing state highways, public toll roads and transit projects (Tex. Const. art. III, §49-k).

<p>DOT Authorized to Retain Surplus Funds</p>	<p>TxDOT has traditionally been granted authority through the General Appropriations Act to carry forward unspent appropriations between years of a state fiscal biennium for major transportation planning, construction and maintenance. In general, unexpended appropriations remaining at the end of one biennium are subject to legislative appropriations for the next.</p>
<p>Legislative Approval Required to Move Funds Between Projects</p>	<p>Yes, at the category level. TxDOT must receive approval from the Texas Legislative Budget Board and the governor to transfer funds between items of appropriation at the General Appropriations Act category level. Legislative approval is not required to transfer funds between projects within those categories, however.</p>
<p>Transportation Funding Allocations through Local Aid</p>	<p>A portion of state gasoline tax receipts is deposited to the County and Road District Highway Fund (Tex. Tax Code Ann. §162.503), from which the state comptroller distributes money to counties by a statutory formula based on area, rural population and lateral road mileage (Tex. Transportation Code Ann. §256.002). Counties also receive funds from appropriations to the Special County Road Assistance Program. These funds are distributed by a statutory formula based on total and unincorporated population; and lineal, paved and concrete road miles (Tex. Local Government Code Ann. §§615.101 et seq.). In addition, counties act as agents for the state in collecting vehicle registration fees; a portion of these fees is retained by the collecting county (Tex. Transportation Code Ann. §502.102). The state allocates federal local aid per federal requirements; some is discretionary based on the state transportation plan and, for aviation, project qualifications.</p>

# Utah

## Organizational Facts

Legislature	Utah Legislature Structure: Bicameral, partisan Chambers: Senate (29 members) House (75 members) Session: Annual, approximately January – March Estimated no. of bills in 2011: 800	Department of Transportation	Utah Department of Transportation (UDOT) FTE: 1,730 (authorized); 1,603 (actual) Leadership: Commission; Director Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 94,410 (2009); miles of tolled roadway: 1 (2009); bridges: 2,911 (2010)
Transit	Trips per year (all transit modes): Approximately 43.7 million (2008)
Rail	Freight rail route-miles: 1,365 (2008)
Aviation	Airports (total): 141; public-use: 47; state-owned: 1 (2008) Enplanements per year: 10,018,345 (2009)
Marine	State-operated ferries: 1 (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal.** UDOT mainly interacts with the Legislature by testifying before and providing information to standing and interim committees—as well as interacting with individual legislators—about relevant bills or issues. UDOT also makes annual reports to interim committees. UDOT may ask legislators to sponsor particular bills or be invited to present to a caucus on a particular issue. UDOT has a dedicated office of Legislative and Government Affairs.

## DOT Leadership Appointments and Requirements

The seven members of the Transportation Commission are appointed by the governor, with the consent of the Senate and within statutory requirements for residency and geographic representation (Utah Code Ann. §72-1-301). Prior to July 1, 2009, six commissioners represented counties and one was at-large. Now, four commissioners represent each of the four UDOT regions and three are at-large; no more than two can be from any one region. At least one must be selected from a rural county. The executive director of UDOT is appointed by the governor, with recommendations from the Transportation Commission and the consent of the Senate, and within broad statutory guidelines for experience and training (Utah Code Ann. §72-1-202).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. The Legislature requires UDOT to make annual reports to its interim committees, both by statutory requirements and as the need arises.
Legislative Program Evaluation Office	Office of the Legislative Auditor General. This office has authority to audit any branch, department, agency or political subdivision of the state.
Sunset Review	The state conducts sunset reviews, but not of UDOT.

## Legislation and Regulation

Transportation Governance Statutes	Utah Code Ann. tit. 72, ch. 1; Utah Code Ann. §72-2-104, §72-2-118, §72-2-123, §72-2-124, §72-4-102, §72-6-118, §72-6-206, §72-10-106, §41-6a-702 and §63g-6-502
Administrative Rules Review	Annual review of proposed and existing rules by the full Legislature; all existing rules not legislatively reauthorized by February 28 of any calendar year expire on May 1 of that year (Utah Code Ann. §63G-3-502).

**Transportation Planning and Capital Program Management**

Transportation Planning Process	The state adopts a long-range plan, and priority projects from that plan are added to the Statewide Transportation Improvement Program (STIP). In general, UDOT and MPOs identify projects. The Transportation Commission prioritizes new capacity projects using a written process, the Decision Support System, which was established per Utah Code Ann. §72-1-304 and §72-1-305. Besides new capacity projects on the long-range plan, smaller-scale projects to alleviate specific traffic bottlenecks also are prioritized. UDOT’s role is to recommend projects to the Transportation Commission for construction; the commission approves or rejects this recommendation.
Legislative Role in Transportation Planning	The Legislative Management Committee approved the rules establishing the written project prioritization process and must approve any amendments to those rules. The Legislature determines general funding levels and can fund specific new capacity projects in the annual appropriations act. Delays of any projects with specific appropriations must be prioritized and approved by the Transportation Commission (Utah Code Ann. §72-1-305).

**Funding and Finance**

Budgeting and Appropriations	Annual budget; fiscal year begins July 1. The governor works with UDOT to develop budget recommendations, which are submitted to the Legislature.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$1.3 billion FY 2010: \$1.4 billion FY 2009: \$1.1 billion FY 2008: \$1.1 billion
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to UDOT as a state legislative appropriation at the program or category level.
Allocation of State Transportation Funds to the DOT	As with federal funds, state transportation funds also are allocated to UDOT as a state legislative appropriation at the program or category level.
Traditional State Funding and Finance for Highways	Fuel taxes; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; truck weight fees; general funds; interest income; general obligation bonds.
State Funding and Finance for Other Modes	Transit: A portion of the general sales tax. Aviation: Aviation fuel tax; aircraft registration fees.
Innovative Transportation Funding and Finance	Build America Bonds; state infrastructure bank (federally capitalized); PPPs (authorized in statute, with legislative approval required only to convert an existing facility to a privately operated toll road); design-build (authorized in statute, used for at least two projects); impact fees.
Dedicated/Restricted State Funds and Revenues	The state constitution restricts use of revenues from the fuel tax and related to the operation of motor vehicles on public highways primarily to construction, maintenance and repair of state and local roads, driver education, and enforcement of motor vehicle and traffic laws (Utah Const. art. XIII, §5). The state Transportation Fund is statutorily dedicated to highway purposes (Utah Code Ann. §72-2-102). The Aeronautics Restricted Account within the Transportation Fund is dedicated to aviation purposes (Utah Code Ann. §72-2-126).
DOT Authorized to Retain Surplus Funds	Yes. Transportation Fund balances can be reallocated within the same line item.
Legislative Approval Required to Move Funds Between Projects	No legislative approval is required.
Transportation Funding Allocations through Local Aid	Transportation funds are allocated to local entities through state legislative appropriations and UDOT allocation of funds by formula. UDOT receives an annual appropriation from the Transportation Fund for deposit into the Class B and Class C Roads Account, which is expended under the direction of UDOT as the Legislature provides. Funds in the account are apportioned among counties and municipalities by a statutory formula based on weighted mileage and population (Utah Code Ann. §§72-2-107 et seq.).

# Vermont

## Organizational Facts

Legislature	Vermont General Assembly Structure: Bicameral, partisan Chambers: Senate (30 members) House (150 members) Session: Annual, approximately January – May Estimated no. of bills in 2011: 750	Department of Transportation	Vermont Agency of Transportation (VTrans or AOT) FTE: (No data) Leadership: Transportation Board; Secretary Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 29,672 (2009); miles of tolled roadway: 12 (2009); bridges: 2,712 (2010); toll bridges and tunnels: 1 shared with New Hampshire (2009)
Transit	Trips per year (all transit modes): Approximately 2.3 million (2008)
Rail	Freight rail route-miles: 590 (2008)
Aviation	Airports (total): 122; public-use: 16; state-owned: 10 (2008) Enplanements per year: 705,091 (2009)

## Legislative-DOT Collaboration and Communication

**Mainly formal and through DOT leadership.** The heads of the various divisions of VTrans testify before the House and Senate Transportation Committees at the beginning of each session to provide an overview of agency activities and to discuss its annual multi-year transportation program, which includes a recommended budget and describes project priorities. In February, VTrans counsel typically transmits to legislative counsel other proposed legislation; agency officials with relevant expertise then testify before the transportation committees about each proposal. Legislative committees frequently solicit testimony from VTrans officials on transportation-related bills and other specific issues that may arise. VTrans also communicates through required written reports. The responsibilities of the director of the Policy, Planning and Intermodal Development Division include state and federal legislative relations.

## DOT Leadership Appointments and Requirements

The seven members of the Transportation Board are appointed to three-year terms by the governor, with the advice and consent of the Senate and within statutory requirements for party affiliation and restrictions pertaining to conflicts of interest. The governor must, so far as is possible, appoint members “whose interests and expertise lie in various areas of the transportation field” (Vt. Stat. Ann. tit. 19, §3). The board provides appellate review of various VTrans decisions and rulings, has original jurisdiction over certain claims and conducts public hearings. The secretary of transportation is appointed by the governor, with the advice and consent of the Senate, and serves at the pleasure of the governor (Vt. Stat. Ann. tit. 19, §7).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by one or more legislative committees; reporting requirements; legislative requests for information. VTrans is obligated to report on major transportation-related developments during the interim to the General Assembly’s Joint Transportation Oversight Committee. Since the annual transportation budget process is detailed and the state is small enough, the legislative transportation committees are able to review progress on nearly all active projects.
Legislative Program Evaluation Office	In the past, the Legislative Council conducted programmatic audits and evaluations of state agencies and departments, but does not do so at this time. Among other duties, permanent council staff continue to be responsible for legal and general research as well as review of agency rules. No legislative office is now tasked with conducting program evaluations of state agencies. The Joint Fiscal Office, however, does conduct audits that at times contain programmatic elements. The State Auditor of Accounts, a statewide elected officer, also conducts audits that sometimes contain programmatic components.
Sunset Review	Sunsets are at the General Assembly’s discretion, and their structure varies on an individual basis. VTrans has not been subject to the sunset process.

## Legislation and Regulation

Transportation Governance Statutes	Vt. Stat. Ann. tit. 19, §2 to §10l, §12a and §12b
Administrative Rules Review	Legislative review of proposed rules by a joint bipartisan committee; a committee vote opposing a rule does not prohibit its adoption but assigns the burden of proof in any legal challenge to the executive agency.

**Transportation Planning and Capital Program Management**

Transportation Planning Process	Annually, VTrans proposes to the General Assembly a multi-year transportation program containing a proposed project list. VTrans takes the lead in the transportation planning process (see Vt. Stat. Ann. tit. 19, §10b and §10g), but all projects must be approved by the General Assembly. In formulating the transportation program, VTrans is required by statute to use a numerical grading system to assign a priority rating to paving, road, bridge, safety and traffic operation projects, and to provide a description of how the ratings were assigned. The system requires consideration of asset management factors, the priority rating from regional planning commissions and the state’s one MPO, economic impact, and cultural and social effects on surrounding communities. VTrans also voluntarily uses this system to prioritize projects in other modes. State law also requires VTrans to coordinate efforts with the Climate Change Oversight Committee and local and regional planning entities.
Legislative Role in Transportation Planning	The House and Senate Transportation Committees receive VTrans’ proposed transportation program each January and solicit testimony from VTrans officials before voting to approve it in the annual transportation bill. The General Assembly adopts the program and the VTrans budget, except as specifically modified in the bill. If the governor certifies a transportation project as essential to the state’s economic infrastructure, a committee of legislators may approve the project without explicit authorization through an enacted transportation program. Otherwise, no money can be spent on any project unless it is included in the transportation program, which requires legislative approval.

**Funding and Finance**

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	The state uses predominantly pay-as-you-go financing, with some bonding. All financing methods, including bonding, require legislative approval.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$217.4 million FY 2010: \$178.4 million FY 2009: \$187.2 million FY 2008: \$192.9 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to VTrans as a state legislative appropriation at agency, program and project-specific levels. VTrans’ annual proposed budget details funding sources on a project-by-project basis (including total funds spent to date and funding needed for completion), but by general statute, the agency has broad discretion to re-allocate funds in certain circumstances.
Allocation of State Transportation Funds to the DOT	As with federal funds, state transportation funds are allocated to VTrans as a state legislative appropriation at agency, program and project-specific levels.
Traditional State Funding and Finance for Highways	Fuel taxes; additional sales taxes on gasoline or diesel; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; truck weight fees; interest income; general obligation bonds; revenue bonds. General funds have on occasion been transferred to the transportation fund when needed, but this is an exception to the general rule.
State Funding and Finance for Other Modes	Transit, rail and aviation: Funded by the same sources as highways through the Transportation Fund. No state funds are dedicated by mode; all transportation-related revenues go into one multimodal Transportation Fund to support the AOT budget and are available to support highways, transit, rail and aviation. The state has no ports or toll bridges.
Innovative Transportation Funding and Finance	State infrastructure bank (federally capitalized); design-build (authorized in statute); tapered matching; advance construction; toll credits or “soft match.”
Dedicated/Restricted State Funds and Revenues	By statute, transportation-related revenues are deposited into the Transportation Fund and reserved primarily for the VTrans budget, though not restricted by mode (Vt. Stat. Ann. tit. 19, §§11 et seq.). One exception is the statutory dedication of a portion of the gasoline tax to the Fish and Wildlife Fund and the Department of Forests, Parks and Recreation (Vt. Stat. Ann. tit. 23, §3106). Another is an allocation of a portion of the motor vehicle purchase and use tax to the Education Fund (1998 Vt. Acts, Act 60). A third exception is an allocation of a portion of total Transportation Fund revenues to non-VTrans state government functions. This allocation is part of the annual political process, with the governor’s budget proposing an amount and the General Assembly responding. This allocation has generally decreased each year.



## Vermont

DOT Authorized to Retain Surplus Funds	Yes and no. Revenues in excess of appropriations are credited to the Transportation Fund, although the annual transportation bill may provide a contingency for their expenditure. State law gives the administration the authority to carry forward any unspent state fund appropriations into the next fiscal year. Unspent federal appropriations lapse and must be reappropriated. The administration may not re-allocate any excess transportation revenue or unspent appropriations to non-transportation purposes.
Legislative Approval Required to Move Funds Between Projects	No legislative approval is required. By statute, VTrans has the authority to re-allocate funds in the event of cost overruns, project delays and emergency projects. In such cases, VTrans must notify the Joint Fiscal Office and legislative members in affected districts.
Transportation Funding Allocations through Local Aid	State transportation funds are legislatively appropriated to towns for highways or public transit assistance by a statutory formula based on road mileage. State aid is provided for town highway bridges according to a program plan based on applications submitted by towns. There are also annual appropriations for grants to municipalities for highway structures and roadway improvements (Vt. Stat. Ann. tit. 19, §306).

## Organizational Facts

Legislature	Virginia General Assembly Structure: Bicameral, partisan Chambers: Senate (40 members) House of Delegates (100 members) Session: Annual, approximately January – February (odd years), approximately January – March (even years) Estimated no. of bills in 2011: 2,600	Department of Transportation	Virginia Department of Transportation (VDOT) FTE: 6,755 Leadership: Secretary; Commissioner; Transportation Board Organizational structure: Modes administered by separate agencies
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 160,727 (2009)*; miles of tolled roadway: 56 (2009); bridges: 13,522 (2010)*; toll bridges and tunnels: 4, plus 1 shared with Maryland (2009) <i>*The numbers of total lane miles and bridges above are as reported by the Federal Highway Administration. VDOT reported 155,335 lane miles (excluding federal public roads and privately maintained toll roads) and 13,216 bridges as of April 2011.</i>
Transit	Trips per year (all transit modes): Approximately 78.1 million (2008)
Rail	Freight rail route-miles: 3,205 (2008)
Aviation	Airports (total): 66; public-use: 66; state-owned: 0 (2008) Enplanements per year: 24,081,772 (2009)
Marine	Port traffic per year (20-foot equivalent units): 1,421,633 (2009); waterborne tonnage per year: 67.2 million (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, proactive.** VDOT and the General Assembly have a proactive approach to communication. VDOT is in the process of starting regional town hall meetings with legislators to provide information of interest. VDOT reviews and provides comments on the effects of all proposed legislation, including in committee hearings during the legislative session. VDOT legislative analyses and recommendations also are provided to the secretary of transportation, the Virginia Department of Planning and Budget and the governor's office for consideration. The governor can introduce legislation either by soliciting proposals from cabinet members that then are prepared in collaboration with state agencies, or at his or her discretion with assistance from cabinet members, state agencies or other stakeholders. In either case, a proposal must be sponsored by a legislator to be considered by the General Assembly. VDOT posts key studies, project updates and financial information on its Web site. VDOT has a chief of policy and environment, who oversees VDOT's activities around legislative and regulatory affairs.

## DOT Leadership Appointments and Requirements

The 14 voting, citizen members of the Commonwealth Transportation Board are appointed to four-year terms by the governor, subject to confirmation by the General Assembly and within statutory requirements for residency, and are removable from office by the governor at his pleasure. The secretary of transportation, Commonwealth transportation commissioner and director of the Department of Rail and Public Transportation also serve on the board as nonvoting members (Va. Code §§33-1.1 et seq.). The Commissioner is appointed by the governor, subject to confirmation by the General Assembly, within broad statutory guidelines for experience and ability (Va. Code §33.1-3). The secretary of transportation is appointed by the governor, subject to confirmation by the General Assembly, and holds office at the pleasure of the governor for a term that coincides with that of the governor making the appointment (Va. Code §2.2-200).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. VDOT is required to submit a biennial report to the General Assembly regarding expenditures. In 2010, the governor independently commissioned two VDOT audits; private audits also may be performed at the request of the General Assembly. The auditor of public accounts undertakes periodic reviews of VDOT activities.
Legislative Program Evaluation Office	Joint Legislative Audit and Review Commission. The commission recently reviewed VDOT planning and programming.
Sunset Review	Sunset clauses have been enacted only for selected programs or legislation, not for VDOT per se.

# Virginia

## Legislation and Regulation

Transportation Governance Statutes	Va. Code tit. 15.2, tit. 33.1 and tit. 46.2
Administrative Rules Review	Legislative and executive review of proposed rules; legislative review by a joint bipartisan standing committee; the full legislature can suspend a rule through legislation, with the concurrence of the governor.

## Transportation Planning and Capital Program Management

Transportation Planning Process	VDOT works cooperatively with MPOs, localities, and other modal entities in transportation planning. At the state level, the various modal agencies work cooperatively with representatives from MPOs and regional planning organizations on development of an overall state vision—with goals and strategies—in the statewide multimodal transportation plan (VTrans), which is adopted by the Commonwealth Transportation Board. Each modal agency then develops plans and programs with the state vision, goals and strategies in mind. VDOT is heavily involved in project identification and planning for highways in rural areas; MPOs, the state and transit operators are cooperatively responsible for planning within urbanized areas. Each modal agency drafts recommendations and priorities, based on an assessment of need as well as indications of support from local, regional, MPO and state stakeholders (i.e., elected officials). VDOT, MPOs, localities, regional planning organizations, elected officials, and citizens are invited to present recommendations and feedback through a public hearing process annually to the Commonwealth Transportation Board. This information is used by the Commonwealth Transportation Board to determine specific projects and investment priorities to advance to the Six-Year Improvement Program.
Legislative Role in Transportation Planning	The General Assembly can identify priority projects in the annual Appropriation Act. State elected officials also serve on some of the larger MPOs, which play a critical role in determining which projects advance within the MPO area. The statewide multimodal transportation plan, VTrans, must be updated and presented to the General Assembly and the governor every four years (2011 Va. Acts, Chap. 104 and 164). The General Assembly determines funding for rail, transit, ports and airports in statute, and must authorize debt.

## Funding and Finance

Budgeting and Appropriations	The budget is adopted for a biennium, but is amended in the second year of the biennium; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
State-Level Funding Provided for DOT Budgets	VDOT: FY 2011 (approved): \$2.38 billion FY 2010: \$2.44 billion FY 2009: \$2.44 billion FY 2008: \$3.03 billion  Virginia Department of Rail and Public Transportation (DRPT): FY 2011 (approved): \$318.2 million FY 2010: \$206.5 million FY 2009: \$268.7 million FY 2008: \$330.9 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to VDOT through a state legislative appropriation at the program or category level.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated to VDOT through a state legislative appropriation at the program or category level.
Traditional State Funding and Finance for Highways	Fuel taxes; additional sales taxes on gasoline or diesel; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; overweight permit fees; tolls; general funds; interest income; a portion of certain state sales taxes; revenue bonds. Overweight permit fees for tank wagon vehicles are deposited into the Highway Maintenance and Operating Fund for highway purposes; all other overweight vehicle fees remain with the Department of Motor Vehicles for operating expenses.
State Funding and Finance for Other Modes	Transit, rail, aviation and ports: Funded by the same sources as highways through the Transportation Trust Fund. Transit and rail receive 14.7 percent of the fund, aviation 2.4 percent and ports 4.7 percent. Each mode has a dedicated account (Va. Code §33.1-23.03:2).

Innovative Transportation Funding and Finance	GARVEE bonds; private activity bonds (PABs) (issued); Build America Bonds; federal credit assistance (TIFIA); state infrastructure bank (federally capitalized); congestion pricing (as part of the I-395 HOT Lanes project now under construction); PPPs (authorized in statute, used for at least three projects); design-build (authorized in statute, used as a component of at least four projects); impact fees; creation of nonprofit, quasi-public entities. The current administration is proposing the use of advance construction and toll credits or “soft match.” Traffic camera fees are used only at the local level and fee revenues are not dedicated to transportation uses.
Dedicated/Restricted State Funds and Revenues	The Transportation Trust Fund is generally dedicated to transportation purposes, but state law allows diversion from the fund by the General Assembly or the governor in the budget bill if they include language setting out the plan for repayment of such funds within three years (Va. Code §2.2-1509.2). State law specifically allows the use of highway funds for aid to mass transit facilities (Va. Code §33.1-46.1).
DOT Authorized to Retain Surplus Funds	Yes. VDOT may retain excess funds with no restrictions.
Legislative Approval Required to Move Funds Between Projects	No legislative approval is required.
Transportation Funding Allocations through Local Aid	Local aid is distributed through state legislative appropriation, VDOT allocation of funds by formula and within existing statutory requirements, and VDOT discretionary allocation of funds. Construction funds are allocated for urban system highways by a statutory formula based on population (Va. Code §33.1-23.3). A revenue-sharing statute requires the Commonwealth Transportation Board to match any appropriation for state highways with an equivalent local aid allocation (Va. Code §33.1-23.05).

# Washington

## Organizational Facts

Legislature	Washington Legislature Structure: Bicameral, partisan Chambers: Senate (49 members) House (98 members) Session: Annual, approximately January – April (odd years), approximately January – March (even years) Estimated no. of bills in 2011: 2,800	Department of Transportation	Washington State Department of Transportation (WSDOT) FTE: 7,329 Leadership: Secretary; [Commission] Organizational structure: Mainly by function and region
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 174,723 (2009); bridges: 7,755 (2010); toll bridges and tunnels: 1, plus 2 shared with Oregon (2009)
Transit	Trips per year (all transit modes): Approximately 238.9 million (2008)
Rail	Freight rail route-miles: 3,209 (2008)
Aviation	Airports (total): 546; public-use: 136; state-owned: 17 (2008) Enplanements per year: 17,680,430 (2009)
Marine	Port traffic per year (20-foot equivalent units): 2,397,395, plus 128 shared with Idaho and Oregon (2009); waterborne tonnage per year: 107.0 million (2009); state-operated ferries: 11 (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal, extensive.** There is regular interaction between WSDOT executive management and legislative transportation leadership—weekly during the legislative session—on transportation policy and budgetary matters. Significant and consistent interaction occurs at the staff level as well. WSDOT testifies before committees on relevant issues and can request legislation through the governor’s office. WSDOT employs a dedicated state liaison.

## DOT Leadership Appointments and Requirements

The secretary of transportation is appointed by the governor, with the advice and consent of the Senate, and serves at the pleasure of the governor (Wash. Rev. Code Ann. §47.01.041). The seven voting members of the Transportation Commission are appointed to staggered six-year terms by the governor, with the consent of the Senate and within statutory requirements for residency and geographic representation and that commissioners should reflect a “wide range of transportation interests.” No elective state official, state officer or state employee may be a member of the commission. Commissioners may be removed by the governor for cause. The governor or designee serves as a nonvoting member and the secretary of transportation as an ex officio member (Wash. Rev. Code Ann. §47.01.051). Since 2005, the Transportation Commission has been separate from, and no longer has direct oversight of, WSDOT; WSDOT now reports to the secretary of transportation (2005 Wash. Laws, Chap. 319). The Transportation Commission’s roles and responsibilities were further revised in 2006 (2006 Wash. Laws, Chap. 334).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by one or more legislative committees; interim charges; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. Statute requires the Office of Financial Management to submit a report every two years on the progress of state transportation agencies toward policy goals and objectives prescribed by statute, appropriation and governor directive.
Legislative Program Evaluation Office	Joint Legislative Audit and Review Committee. Both this committee and the state auditor (a separately elected official) periodically conduct audits—including performance audits—of WSDOT programs and activities. The interim Joint Transportation Committee also conducts a number of studies and evaluations of WSDOT expenditures and activities. The 2003 and 2005 funding packages included performance audits of state transportation agencies and other accountability measures. In addition, from 2003 to 2006, the state had a legislatively created, separate transportation audit unit, the Transportation Performance Audit Board (repealed by 2006 Wash. Laws, Chap. 334).
Sunset Review	The state conducts sunset reviews, but not of WSDOT.

## Legislation and Regulation

Transportation Governance Statutes	Wash. Rev. Code Ann. ch. 47.01, §47.04.280, §47.56.030 and §47.56.850
Administrative Rules Review	Legislative review of proposed and enacted rules by a joint bipartisan committee; committee role is mainly advisory.

## Transportation Planning and Capital Program Management

Transportation Planning Process	Both WSDOT and the Transportation Commission have planning roles. The commission conducts statewide and general planning activities whereas WSDOT is charged with program-level planning. In general, WSDOT is responsible for project identification and prioritization. The governor's office also plays a significant role in identifying, selecting and prioritizing projects, through submitting the executive branch budget proposal and being a part of legislative budget negotiations. MPOs, transit agencies, port authorities and local governments play a minor role in state projects—mainly through lobbying—but are solely responsible for programming local funds. The Legislature approves the budget and also selects, approves and funds projects at the project level.
Legislative Role in Transportation Planning	Historically, WSDOT had considerable discretion over how the capital budget was spent. In 2003 and 2005, the Legislature enacted motor fuel tax and other fee increases and a bond authorization, and earmarked much of the new funding for specific projects. WSDOT may shift funding between earmarked projects but must request approval for any changes through the governor's budget office. This process includes review by legislative staff. The Legislature also approves the overall WSDOT budget. In recent years, WSDOT has sometimes sought input from the Transportation Committee chairs before deciding how to allocate certain federal funds for capital purposes.

## Funding and Finance

Budgeting and Appropriations	Biennial enactment of one 24-month budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing. Much of the revenue in the enacted 2003 and 2005 funding packages was used to support bonding to accelerate project construction. Pre-existing revenue streams, however, are mainly used for pay-as-you-go and operations.
State-Level Funding Provided for DOT Budgets	2010 to 2011 biennium (approved): \$4.7 billion 2008 to 2009 biennium: \$4.0 billion
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to WSDOT mainly as a state legislative appropriation at the program or category level. If federal funding is received for operating purposes and is outside current appropriation authority, WSDOT must seek approval through the governor's budget office using the "unanticipated receipts" process, which includes feedback from legislative staff. Some funds flow directly to WSDOT from the U.S. DOT with no state legislative involvement.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated to WSDOT through state legislative appropriation at the program or category level and some project-specific earmarks.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; truck weight fees; tolls; interest income; sale of WSDOT property and other business-related revenues; general obligation bonds.
State Funding and Finance for Other Modes	Rail and transit: Motor vehicle/rental car sales taxes; vehicle registration/license/title fees; interest income; passenger vehicle weight fees, penalty fees, plate number retention fees and filing fees. The state does not directly participate in transit, but makes grants to local entities and provides coordination. Aviation: Aircraft excise tax; aircraft dealer license fees; aircraft fuel tax; aircraft registration fees. Bridges: included with highways. Ferries: Same as for highways, plus ferry fares.
Innovative Transportation Funding and Finance	GARVEE bonds (authorized per Wash. Rev. Code Ann. §47.29.060, subject to further legislative authorization and appropriation); Build America Bonds; state infrastructure bank (federally capitalized); congestion variable tolling; photo tolling (beginning 2011); PPPs (authorized in statute with legislative approval requirements); design-build (authorized in statute, used as a component of several projects); advance construction. Traffic camera fees and impact fees are used only at the local level (Wash. Rev. Code Ann. §39.92.040 and §46.63.170). Washington also has a state-funded rail bank, capitalized at a rate of \$2.5 million per year. To date, the rail bank has been used more than the state infrastructure bank.

## Washington

Dedicated/Restricted State Funds and Revenues	The state constitution requires vehicle license fees and fuel taxes to be used exclusively for highway purposes (Wash. Const. art. II, §40). Vehicle sales taxes, rental car sales taxes, and passenger vehicle and motor home weight fees are deposited to the multimodal transportation account and must be used for transportation purposes; in addition, other vehicle-related fees can be used for non-highway transportation purposes if state law makes it clear that they are not vehicle license fees (Wash. Rev. Code Ann. §46.68.415, §47.66.070 and §82.08.020). Ferry fares must be used to maintain and operate state ferries (Wash. Rev. Code Ann. §47.60.530). Revenues associated with the 2003 and 2005 funding packages are deposited into dedicated accounts for funding the projects identified in those packages. Tolls must be used for the facility from which they were collected, and general obligation bonds must be used for the projects for which they were approved.
DOT Authorized to Retain Surplus Funds	WSDOT is not authorized to retain excess funds (i.e., unspent appropriation authority), which then remain within the funds and become part of balances going forward. Every fiscal biennium, WSDOT must seek new expenditure authority for unfinished projects or activities.
Legislative Approval Required to Move Funds Between Projects	Yes. Section 603 of the budget (2009 Wash. Laws, Chap. 470) provides a process for WSDOT to request fund transfers between projects that received funds as part of the 2003 and 2005 funding packages, and limitations on such transfers. The Office of Financial Management reviews WSDOT requests with the legislative staff of the House and Senate Transportation Committees.
Transportation Funding Allocations through Local Aid	Transportation funds are allocated to local entities by state legislative appropriation, WSDOT allocation by formula and WSDOT discretion. A portion of certain transportation revenues is distributed to cities and counties by statutory formulas. For cities, the formula is based on population only and for counties it is based on population, road costs and money need (Wash. Rev. Code Ann. §46.68.110 and §§46.68.120 et seq.). WSDOT awards certain public transportation grants through the regional mobility grant program—which receives funds from the multimodal transportation account, subject to appropriation—for cost-effective transportation projects that reduce delay and improve connectivity (Wash. Rev. Code Ann. §47.66.030 and §46.68.320). WSDOT also can make grants or loans to municipalities or tribal governments for aviation purposes, out of legislative appropriations made for that purpose (Wash. Rev. Code Ann. §47.68.090).

**Organizational Facts**

Legislature	West Virginia Legislature Structure: Bicameral, partisan Chambers: Senate (34 members) House of Delegates (100 members) Session: Annual, approximately January – March Estimated no. of bills in 2011: 2,550	Department of Transportation	West Virginia Department of Transportation (WVDOT) FTE: Approximately 5,500 Leadership: Secretary (WVDOT); Commissioner (Division of Highways) Organizational structure: Mainly by transportation mode
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 79,452 (2009); miles of tolled roadway: 87 (2009); bridges: 7,069 (2010); toll bridges and tunnels: 2 shared with Ohio (2009)
Transit	Trips per year (all transit modes): Approximately 4.5 million (2008)
Rail	Freight rail route-miles: 2,232 (2008)
Aviation	Airports (total): 31; public-use: 31; state-owned: 0 (2008) Enplanements per year: 377,338 (2009)
Marine	Waterborne tonnage per year: 58.1 million (2009)

**Legislative-DOT Collaboration and Communication**

**Formal and informal, mainly through DOT management.** Communication between the Legislature and WVDOT is generally through management, with all written correspondence signed by the commissioner of highways or the assistant commissioner. WVDOT employs a dedicated legislative liaison and during the legislative session, communication is through the legislative liaison, the state highway engineer, the commissioner of highways and the assistant commissioner. When the Division of Highways does not support a piece of legislation, it informs the full committee, the committee chair or the sponsor and offers to assist with rewrites. WVDOT drafts bills for consideration by the Legislature.

**DOT Leadership Appointments and Requirements**

The secretary of transportation is appointed by the governor, with the advice and consent of the Senate, and serves at the will and pleasure of the governor (W. Va. Code §5F-1-2). The commissioner of highways is appointed by the governor, by and with the advice and consent of the Senate, within broad statutory guidelines for experience and qualifications (W. Va. Code §17-2A-2).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by one or more legislative committees; interim charges; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. WVDOT submits monthly reports to the Legislature. The Legislature conducts an annual independent financial audit of WVDOT. The next performance review by the Legislative Auditor's Office is scheduled for 2013.
Legislative Program Evaluation Office	Legislative Auditor's Office—Performance Evaluation and Research Division
Sunset Review	The Joint Committee on Government Operations and the Joint Standing Committee on Government Organization conduct scheduled agency reviews or authorize the Performance Evaluation and Research Division of the Legislative Auditor to do so. As a result of a review, the committees may vote on whether an agency should be continued, consolidated or terminated (W. Va. Code §§4-10-1 et seq.). This is not a true sunset, however, because the statutes do not automatically repeal if there is no action of the Legislature. WVDOT will undergo a review in 2013 and must subsequently be reviewed at least every six years.

**Legislation and Regulation**

Transportation Governance Statutes	W. Va. Code §5F-1-2; W. Va. Code §17-2A-2
Administrative Rules Review	Legislative review of proposed and existing rules by a joint bipartisan committee; committee role is mainly advisory.



# West Virginia

## Transportation Planning and Capital Program Management

Transportation Planning Process	WVDOT is primarily responsible for creating the statewide, long-term transportation plan. WVDOT works with MPOs to identify projects and programs, as funding allows. MPOs provide and approve projects for the Statewide Transportation Improvement Program (STIP), with the governor's office providing input when appropriate. A public comment period is provided for each project. WVDOT has final approval of the state's transportation plan.
Legislative Role in Transportation Planning	The Legislature's input is received in the public comment process, and members are provided with lists of projects scheduled in their districts. In some cases, the Legislature may designate specific projects in the language of the budget bill or specifically indicate a project as a line item. The Legislature also appropriates the State Road Fund in the annual budget, but appropriations are based on revenue estimates for the budget year rather than on project priorities.

## Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing. The outstanding principal for general obligation bonds was \$339.5 million as of June 2010.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$1.4 billion FY 2010: \$1.4 billion FY 2009: \$1.2 billion FY 2008: \$1.1 billion
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds are allocated to WVDOT as a state legislative appropriation at the agency level.
Allocation of State Transportation Funds to the DOT	As with federal funds, state transportation funds are allocated to WVDOT as a state legislative appropriation at the agency level.
Traditional State Funding and Finance for Highways	Fuel taxes; additional sales taxes on gasoline or diesel; motor vehicle/rental car sales taxes; vehicle registration/license/title fees; highway litter control fund; general obligation bonds.
State Funding and Finance for Other Modes	Transit, rail, aviation and ports: General funds. These funds must be appropriated by the Legislature in the annual budget bill, which gives the authority to the agency to spend the appropriation (see W. Va. Code ch. 12). Bridges: Included with highways.
Innovative Transportation Funding and Finance	GARVEE bonds; PPPs (authorized in statute with legislative approval requirements, used for at least one project prior to enactment of current requirements); design-build (authorized in statute); impact fees.
Dedicated/Restricted State Funds and Revenues	The state constitution restricts use of all revenues derived from motor vehicles or motor fuels solely to public highways (W. Va. Const. art. VI, §52). Use of the State Road Fund—to which such revenues are deposited—is statutorily restricted to state roads and WVDOT administration (W. Va. Code §§17-3-1 et seq.).
DOT Authorized to Retain Surplus Funds	Surplus funds are retained by WVDOT in the State Road Fund without restrictions. Although the cash balance is retained at the end of the fiscal year, WVDOT must adhere to the appropriations for the new fiscal year. Thus, in order for surplus funds to be spent beyond an existing appropriation, WVDOT must request additional spending authority from the Legislature.
Legislative Approval Required to Move Funds Between Projects	Yes. Expenditure schedules must be amended with the Budget Office of Administration and the Legislative Auditor.
Transportation Funding Allocations through Local Aid	Available funds are allocated by the commissioner of highways to counties for maintenance, construction and reconstruction of feeder and state local service roads. Funds are distributed by statutory formulas based on road mileage. The commissioner can require local matching funds (W. Va. Code §§17-3-6 et seq.).

**Organizational Facts**

Legislature	Wisconsin Legislature Structure: Bicameral, partisan Chambers: Senate (33 members) Assembly (99 members) Session: Annual, year-round Estimated no. of bills in 2011: 1,250	Department of Transportation	Wisconsin Department of Transportation (WisDOT) FTE: 3,544 Leadership: Secretary Organizational structure: Mainly by functional activity
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**Statewide Transportation System Statistics**

Roads and bridges	Total highway, road and street lane miles: 231,264 (2009); bridges: 13,982 (2010)
Transit	Trips per year (all transit modes): Approximately 80.1 million (2008)
Rail	Freight rail route-miles: 3,503 (2008)
Aviation	Airports (total): 706; public-use: 131; state-owned: 0 (2008) Enplanements per year: 5,497,640 (2009)
Marine	Waterborne tonnage per year: 30.6 million (2009)

**Legislative-DOT Collaboration and Communication**

**Formal and informal.** The executive assistant—one of three leadership positions in the Office of the Secretary—oversees all legislative and communication activities for WisDOT. The executive assistant regularly interacts with legislators and chairs WisDOT’s Legislative Committee, which meets regularly to discuss pending legislation. It is common for other WisDOT staff members, particularly those in WisDOT regional offices, to meet with local legislators over the course of the year. WisDOT staff regularly testify at hearings and committee meetings on legislation affecting the department, and can influence transportation-related legislation through the biennial budget process. WisDOT also typically develops policy and fiscal notes on pending legislation.

**DOT Leadership Appointments and Requirements**

The secretary of transportation is nominated by the governor, and with the advice and consent of the Senate appointed, to serve at the pleasure of the governor (Wis. Stat. Ann. §15.05).

**Other Legislative Oversight of the DOT**

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; reporting requirements; legislative requests for information. The secretaries of state agencies are required to submit to the governor and to the Legislature a report on the performance and operations of the agency during the preceding biennium, and its goals and objectives for the program budget report (Wis. Stat. Ann. §15.04). Occasionally, the Legislature will establish special committees to review special topics, such as the Joint Committee on Transportation Needs and Financing in 2006.
Legislative Program Evaluation Office	Program Evaluation Division, Legislative Audit Bureau. WisDOT is subject to annual financial audits and periodic programmatic audits by the Program Evaluation Division; the division is not, however, required to conduct regular programmatic audits of WisDOT.
Sunset Review	Sunset clauses have been enacted only for selected programs or legislation, not for WisDOT per se.

**Legislation and Regulation**

Transportation Governance Statutes	Wis. Stat. Ann. §13.489; Wis. Stat. Ann. §§15.46 et seq.; Wis. Stat. Ann. §20.395; Wis. Stat. Ann. ch. 8, ch. 82 to 86, ch. 110, ch. 114, ch. 189, ch. 190, ch. 191, ch. 192, ch. 194, ch. 218, ch. 237, ch. 340 to 349, ch. 351 and ch. 429
Administrative Rules Review	Legislative review by proposed and existing rules by a joint bipartisan standing committee; committee may suspend rule; no objection constitutes approval of proposed rule.

# Wisconsin

## Transportation Planning and Capital Program Management

Transportation Planning Process	WisDOT is responsible for both short- and long-term multimodal planning. Project identification is an iterative process that begins with a needs analysis completed by the central WisDOT office. WisDOT regional planning sections review the analysis and develop a range of alternatives. “Backbone” projects are ranked using a comprehensive prioritization process focused on safety and life-cycle cost estimates. These projects are approved by a statewide peer review process. In this process, WisDOT works closely with MPOs to coordinate transportation planning in metropolitan areas. Significant capacity expansion projects have an added layer of analysis, identified in the state administrative code, and require legislative approval.
Legislative Role in Transportation Planning	The main role of the Legislature is to review and approve study and construction projects that require significant capacity expansion, per Wis. Stat. Ann. §13.489. The review is performed largely by the Transportation Projects Commission with recommendations from WisDOT. The commission is a governor-led joint legislative body composed of legislators and three citizen members; the secretary of transportation is a nonvoting member. Projects then are approved by the full Legislature. The Legislature also approves overall funding levels in the biennial budget process.

## Funding and Finance

Budgeting and Appropriations	Biennial enactment of two 12-month budgets; fiscal year begins July 1. WisDOT submits biennial budget requests for approval by the Legislature.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing. Bonds are used for state highways, passenger and freight rail, and harbor improvements.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$2.1 billion FY 2010: \$1.8 billion FY 2009: \$1.8 billion FY 2008: \$1.6 billion
Allocation of Federal Transportation Funds to the DOT	Federal airport, transit and traffic safety funds are allocated by a state legislative appropriation at the program level, but with little legislative input. Federal highway funds are allocated among several programs by legislative appropriation, based on an estimate of the total amount that will be received. If the amount received differs from the estimates by more than 5 percent, WisDOT must submit a plan to the Legislature’s Joint Committee on Finance to adjust the appropriations accordingly; the committee may approve or modify the plan. WisDOT makes administrative adjustments for any difference under the 5 percent threshold.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated to WisDOT through a state legislative appropriation at the program or category level. WisDOT generally has spending discretion within broad categories (state highway rehabilitation, major highway development, airport improvement, etc.), each of which has its own appropriation. With a few minor exceptions, there are no automatic or formula-based appropriations of state funds to transportation programs.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; truck weight fees; interest income; general obligation bonds; revenue bonds. Because Wisconsin uses a comprehensive, multimodal transportation fund, highways also are funded by other sources including railroad and airline taxes. As of April 2011, the transportation fund was receiving a few specific, limited annual transfers from the general fund. As a rule, however, state general funds have not been used for transportation purposes in recent years.
State Funding and Finance for Other Modes	Wisconsin uses a comprehensive, multimodal transportation fund, so all modes are funded by traditional road user fees and taxes as well as other sources of income such as railroad and airline taxes.
Innovative Transportation Funding and Finance	Build America Bonds; state infrastructure bank (federally capitalized); PPPs (authorized in statute); design-build (authorized in statute for bridge projects); advance construction. The state infrastructure bank as well as PPP and design-build authorizations are quite limited and have not been widely used.

<p>Dedicated/Restricted State Funds and Revenues</p>	<p>Fuel tax and other transportation-related revenues are deposited into a comprehensive, multimodal trust fund, the Transportation Fund. Use of the fund is restricted by statute to certain transportation purposes such as highways, airports, harbors, ferries, railroads, and bicycle or pedestrian facilities; this law also prohibits money deposited to the fund from being transferred to other funds or accounts (Wis. Stat. Ann. §25.40). This, however, has not prevented the state from adopting budget management measures over the past several years that use transportation revenues to support the general fund. Transfers to the general fund have been partially, but not entirely, repaid with use of general fund-supported bonds. In the fall of 2010, voters in 54 Wisconsin counties approved county-level referenda advising the Legislature to amend the state constitution so as to prohibit any further transfers or lapses from the segregated transportation fund; voters approved the measure in all counties that qualified it. These referenda, however, are not binding.</p>
<p>DOT Authorized to Retain Surplus Funds</p>	<p>Within most capital improvement and maintenance programs, WisDOT retains appropriated but unobligated funds from year to year. Excess fund revenues are not available for expenditure, however, unless appropriated by the Legislature. For administrative functions, unspent funds lapse to the transportation fund at the end of the fiscal year.</p>
<p>Legislative Approval Required to Move Funds Between Projects</p>	<p>Yes and no. WisDOT cannot move funds between broad appropriation categories without legislative approval. Within those categories, however, WisDOT has discretion to move funds between projects.</p>
<p>Transportation Funding Allocations through Local Aid</p>	<p>The state has several local aid programs, some of which use statutory formulas, some of which use WisDOT formulas, and some of which are discretionary. Most local aid programs for roads, bridges and transit are distributed through statutory formulas (Wis. Stat. Ann. §85.20, §86.30 and §86.31). Federal highway aid is distributed to local governments using formulas developed by WisDOT. Smaller amounts are distributed to certain projects (airports, transportation enhancements, etc.) on a discretionary basis. Although the state does not use the general fund for transportation as a rule, significant general aid is provided to local governments from the general fund and likely has the effect of supporting local transportation expenditures.</p>

# Wyoming

## Organizational Facts

Legislature	Wyoming Legislature Structure: Bicameral, partisan Chambers: Senate (30 members) House (60 members) Session: Annual, approximately January – March (odd years), approximately February – March (even years) Estimated no. of bills in 2011: 500	Department of Transportation	Wyoming Department of Transportation (WYDOT) FTE: Approximately 2,000 Leadership: Commission; Director Organizational structure: Mainly by functional activity
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 58,387 (2009); bridges: 3,060 (2010)
Transit	Trips per year (all transit modes): Approximately 0.4 million (2008)
Rail	Freight rail route-miles: 1,860 (2008)
Aviation	Airports (total): 120; public-use: 42; state-owned: 0 (2008) Enplanements per year: 483,745 (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal.** WYDOT and the Legislature interact face-to-face and through issue-specific materials provided at the request of the Legislature or on WYDOT's initiative. WYDOT's executive team works closely with the Legislature during the legislative session and with the Joint Transportation, Highways and Military Affairs Committee during the interim. WYDOT is generally given one full day to present its concerns and issues at each of three committee meetings. Between committee meetings, the state's legislative attorneys work directly with WYDOT to draft and prepare legislation for the committee to consider. Typically, WYDOT personnel are given the opportunity to comment and suggest revisions to legislative drafts before those drafts are presented to the committee. WYDOT is also given the opportunity to suggest topics for the committee to consider and study during its interim work. WYDOT employs a dedicated legislative coordinator.

## DOT Leadership Appointments and Requirements

The seven members of the Transportation Commission are appointed to six-year terms by the governor, by and with the advice and consent of the Senate and within statutory requirements for party affiliation and geographic representation (Wyo. Stat. §24-2-101). The director of WYDOT is nominated by the Transportation Commission—which must submit a minimum of three names of qualified candidates—and appointed by the governor (Wyo. Stat. §24-2-105). A commissioner or the director may be removed at the governor's pleasure (Wyo. Stat. §9-1-202).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); interim charges; legislative program reviews or performance audits; legislative review of non-legislative program reviews or performance audits; reporting requirements; legislative requests for information. Oral and written reports to the Joint Transportation, Highways and Military Affairs Committee typically are used to monitor and evaluate performance.
Legislative Program Evaluation Office	Program Evaluation Section, Legislative Service Office
Sunset Review	No sunset reviews of state agencies.

## Legislation and Regulation

Transportation Governance Statutes	Wyo. Stat. tit. 24
Administrative Rules Review	Executive and legislative review of existing rules; legislative review by joint bipartisan committee; committee role is mainly advisory; no legislative objection constitutes approval of proposed rule; full Legislature may suspend a rule by a legislative order adopted by both houses.

## Transportation Planning and Capital Program Management

Transportation Planning Process	WYDOT under the direction of the Transportation Commission is responsible for determining priorities for highway improvements and maintenance, highway safety programs and rural mass transit programs. WYDOT—working with local governments, the Transportation Commission, various stakeholders and the public—takes the lead in a planning process that emphasizes public involvement and interaction with local officials. WYDOT undertakes project identification, selection and prioritization. Identified and programmed projects are presented to and finally approved by the Transportation Commission annually. The resulting document is the six-year State Transportation Improvement Program (STIP). Local entities select projects in cities, towns and counties that are not on the state highway system.
Legislative Role in Transportation Planning	The Legislature, by and large, has remained in the mode of assessing needs and providing funding through the budget process. It has refrained from large-scale earmarking or prioritizing projects. The Legislature can provide special appropriations for promoting types of projects, but the constitution limits the Legislature's ability to provide special funding for individual projects (Wyo. Const. §97-3-027).

## Funding and Finance

Budgeting and Appropriations	Biennial enactment of one 24-month budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	The state uses pay-as-you-go financing and does not have state bonding authority.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$284 million FY 2010: \$331 million FY 2009: \$404 million FY 2008: \$360 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds flow directly to WYDOT from the U.S. DOT with no state legislative involvement.
Allocation of State Transportation Funds to the DOT	Highway user tax and fee revenues flow directly to WYDOT with no state legislative involvement. The Legislature may also make appropriations for transportation each biennium.
Traditional State Funding and Finance for Highways	Fuel taxes; vehicle registration/license/title fees; truck weight fees; general funds; interest income; state-distributed mineral royalties and mineral severance taxes.
State Funding and Finance for Other Modes	Transit: General funds; interest income; state-distributed mineral royalties and mineral severance taxes. Rail: None. Aviation: General fund appropriations; state-distributed mineral royalties and mineral severance taxes. Bridges: Funded by the same sources as highways.
Innovative Transportation Funding and Finance	State infrastructure bank (federally capitalized); design-build (authorized in statute); container fees; advance construction.
Dedicated/Restricted State Funds and Revenues	The state constitution restricts use of proceeds from state or local taxes or other charges on registration, operation or use of vehicles on public highways or on vehicle fuels to the costs of administering such laws; statutory refunds and adjustments; payment of highway obligations; costs for construction, reconstruction, maintenance and repair of public highways, county roads, bridges, and streets, alleys and bridges in cities and towns; and expense of enforcing state traffic laws (Wyo. Const. §97-15-016). State statute directs WYDOT to fund the public mass transit account with a portion of unrestricted state highway funds (Wyo. Stat. §24-15-102). General fund appropriations must be used for the specific purposes set by the Legislature.
DOT Authorized to Retain Surplus Funds	Yes. WYDOT is authorized to retain excess funds except in the case of legislatively appropriated general funds not spent or obligated by the end of each biennium.
Legislative Approval Required to Move Funds Between Projects	No legislative approval required.
Transportation Funding Allocations through Local Aid	The Legislature has appropriated funds for city, county and industrial road improvements, airport improvements, rural transit and the purchase of certain pavement materials. WYDOT and the Transportation Commission have earmarked funds for urban, local and county projects. State statutes specify amounts to be provided by WYDOT each biennium for the Industrial Road Program (Wyo. Stat. §24-5-118) and public transit program (Wyo. Stat. §24-15-102).

# District of Columbia

## Organizational Facts

Legislature	Council of the District of Columbia Structure: Unicameral, partisan Chamber: Council (13 members) Session: Annual, year-round Estimated no. of bills in 2011: 1,300	Department of Transportation	District of Columbia Department of Transportation (DDOT) FTE: Approximately 1,100 Leadership: Director* Organizational structure: (No data) <i>*The deputy mayor for planning and economic development and the chair of the Committee on Public Works and Transportation also exercise leadership on some decisions.</i>
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 3,532 (2008); bridges: 243 (2010)
Transit	Trips per year (all transit modes): Approximately 425.2 million (2008)
Rail	Freight rail route-miles: 23 (2008)
Aviation	Enplanements: 3 (2009)* <i>*This data is only for the Washington metropolitan area general aviation airport. Enplanements at commercial airports in the D.C. area are counted under Maryland and Virginia, where those airports are located.</i>
Marine	Waterborne tonnage per year: 119,000 (2009)

## Legislative-DOT Collaboration and Communication

**Formal and informal.** The Council's Committee on Public Works and Transportation holds oversight hearings on DDOT policies and programs as required throughout the year, in addition to one annual performance oversight hearing and one annual budget oversight hearing. The DDOT director usually testifies at these hearings. The DDOT director or relevant staff also are invited to testify before the committee when transportation-related legislation is under consideration. DDOT submits legislative proposals through the mayor. DDOT employs dedicated legislative liaisons. Individual councilmembers are in contact with the DDOT director and legislative liaisons on various projects, and committee staff and DDOT staff communicate daily about specific issues.

## DOT Leadership Appointments and Requirements

The DDOT director is appointed by the mayor, with the advice and consent of the Council (D.C. Code Ann. §50-921.02).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	Ongoing oversight by legislative committee(s) or commission(s); legislative program reviews or performance audits; reporting requirements; legislative requests for information.
Program Evaluation	The Council receives occasional audit reports from the Auditor of the District of Columbia as well as regular audit reports on the State Highway Trust Fund from the Inspector General.
Sunset Review	DDOT is not subject to sunset review.

## Legislation and Regulation

Transportation Governance Statutes	D.C. Code Ann. §§50-921.01 et seq. DDOT is also subject to budgetary provisions of the District's Home Rule Charter.
Administrative Rules Review	(No data)

## Transportation Planning and Capital Program Management

Transportation Planning Process	DDOT leads the process of project identification, development and transportation plan approval. All projects must be consistent with the District's Comprehensive Development Plan and the Statewide Transportation Improvement Plan (STIP). Though DDOT is required to participate in the MPO process, the District acts as both the state and the city.
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## District of Columbia

Legislative Role in Transportation Planning	Councilmembers talk to the mayor and the DDOT director about project priorities before and during the annual budget process. The Council reviews the proposed transportation budget as part of the annual budget formulation before submitting it to Congress. Plans for some projects must be approved by the Council due to individual legislative requirements. DDOT is considering submitting certain transportation plans to the Council for endorsement.
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### Funding and Finance

Budgeting and Appropriations	Annual budget; fiscal year begins October 1. The Council reviews the proposed transportation budget that is formally submitted by the mayor as part of the annual budget formulation, then submits it to Congress.
Bonding or Pay-as-You-Go	Combination of bonding and pay-as-you-go financing.
District Funding Provided for DOT Budgets	FY 2011 (approved): \$649 million FY 2010: \$570 million FY 2009: \$557 million FY 2008: \$535 million
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds flow directly to DDOT from the U.S. DOT with no Council involvement.
Allocation of State Transportation Funds to the DOT	District transportation funds flow directly from the revenue source to DDOT or are allocated by Council appropriation at the program/category or project-specific level.
Traditional State Funding and Finance for Highways	Fuel taxes; general funds; interest income; master equipment lease/short-term borrowing; rights-of-way revenue; public space revenue; parking meter revenues; general obligation bonds.
State Funding and Finance for Other Modes	Transit: General funds; general obligation bonds; parking meter revenues.
Innovative Transportation Funding and Finance	GARVEE bonds; PPPs (used for at least one street maintenance project); design-build (used as a component of at least one transit project). As of late 2010, the District was planning to issue \$100 million in GARVEE bonds for a transportation project.
Dedicated/Restricted State Funds and Revenues	Fuel tax receipts are deposited into the Highway Trust Fund; excess funds from the Highway Trust Fund and other dedicated revenues flow into the Transportation Unified Fund, use of which is generally restricted by statute to multimodal transportation purposes. A certain amount from the Unified Fund, however, also is transferred annually to the general fund (D.C. Code Ann. §9-111.01 and §50-921.11).
DOT Authorized to Retain Surplus Funds	Yes. Excess funds can be held by DDOT and, as part of the budgeting process, a prospective is presented to the various approval entities—including Congress—to reflect the prior budget year, current year and subsequent five years of the fund's use and balance projections.
Legislative Approval Required to Move Funds Between Projects	Yes. DDOT must follow the District's budget reprogramming laws to move funds between projects.
Transportation Funding Allocations through Local Aid	N/A



# Puerto Rico

## Organizational Facts

Legislature	Puerto Rico Legislative Assembly ( <i>Asamblea Legislativa de Puerto Rico</i> ) Structure: Bicameral, partisan Chambers: Senate (31 members) House (54 members) Session: Annual, approximately January – June and September – November; only January – June every fourth year Estimated no. of bills in 2011: 6,000	Department of Transportation	Puerto Rico Department of Transportation and Public Works ( <i>Departamento de Transportación y Obras Públicas</i> ) (DTOP)* FTE: (No data) Leadership: Secretary; Board (advisory only) Organizational structure: Mainly by mode *The DTOP is an umbrella organization that coordinates activities between the Highway and Transportation Authority (Autoridad de Carreteras y Transportación or ACT), the Metropolitan Bus Authority (Autoridad Metropolitana de Autobuses or AMA) and the Maritime Transportation Authority (Autoridad de Transporte Marítimo or ATM).
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## Statewide Transportation System Statistics

Roads and bridges	Total highway, road and street lane miles: 35,016 (2009); miles of tolled roadway: 208 (2009); bridges: 2,201 (2010); toll bridges and tunnels: 1 (2009)
Transit	Trips per year (all transit modes): Approximately 56.5 million (2008)
Rail	Freight rail route-miles: (2008)
Aviation	Airports (total): 10 (2008) Enplanements per year: 4,459,086 (2009)
Marine	Port traffic per year (20-foot equivalent units): 818,047 (2009); waterborne tonnage per year: 22.2 million (2009); Puerto Rico-operated ferries: 4 (2009)

## Legislative-DOT Collaboration and Communication

(No data)

## DOT Leadership Appointments and Requirements

The secretary of transportation and public works is appointed by the governor with the advice and consent of the Senate (P.R. Const. art. IV, §5). The governor can remove any officer whom he or she may appoint, except those whose removal is otherwise provided for by the constitution (3 L.P.R.A. §6). The two citizen members of the Advisory Board on Transportation are appointed to staggered four-year terms by the governor, within statutory requirements that they be “related to the transportation system in Puerto Rico,” have satisfactory knowledge in the area of transportation and have an “excellent reputation in the Puerto Rican community.” These members may be removed from office by the governor for negligence in the performance of duties, immoral conduct or other reasonable cause, after due notice and hearing. The other members of the board are the secretary of transportation and public works, the director of the Puerto Rico Office of Energy, the police superintendent, the chair of the Puerto Rico Public Service Commission and the chair of the Puerto Rico Planning Board (9 L.P.R.A. §3153).

## Other Legislative Oversight of the DOT

Legislative Oversight Mechanisms	The Treasury and Financial Affairs Commission holds quarterly public hearings on financial aspects and budgets of key agencies.
Program Evaluation	(No data)
Sunset Review	(No data)

## Legislation and Regulation

Transportation Governance Statutes	L.P.R.A. tit. 9
Administrative Rules Review	No formal review process.

**Transportation Planning and Capital Program Management**

Transportation Planning Process	Investments are made in accordance with the priorities of the DTOP and municipalities. The Legislative Assembly evaluates the DTOP's programmatic commitments, priorities and spending levels for urgent needs.
Legislative Role in Transportation Planning	The Legislative Assembly plays an important role in determining spending levels for urgent needs.

**Funding and Finance**

Budgeting and Appropriations	Annual budget; fiscal year begins July 1.
Bonding or Pay-as-You-Go	Puerto Rico primarily uses bonding authority.
State-Level Funding Provided for DOT Budgets	FY 2011 (approved): \$416.9 million* FY 2010: \$327.1 million* FY 2009: \$482.7 million* FY 2008: \$496.8 million* <i>*These amounts are for the Highway and Transportation Authority only. The authority operates and maintains toll roads, connecting roads, free expressways and the Tren Urbano rapid transit system. It also operates bus service in San Juan through private operators.</i>
Allocation of Federal Transportation Funds to the DOT	Federal transportation funds flow directly to the DTOP from the U.S. DOT with no legislative involvement.
Allocation of State Transportation Funds to the DOT	State transportation funds are allocated to the DTOP through a legislative appropriation at agency, program/category and project-specific levels. The Legislative Assembly approves the agency's operating budget; the budget capital improvements budget contains general obligations for specific projects.
Traditional State Funding and Finance for Highways	Fuel taxes; additional sales taxes on gasoline or diesel; vehicle registration/license/title fees; tolls; interest income; excise taxes on petroleum products; revenue bonds.
State Funding and Finance for Other Modes	Transit and rail: Funded by the same sources as highways, plus fares. Bridges: Funded by the same sources as highways.
Innovative Transportation Funding and Finance	GARVEE bonds; federal credit assistance (TIFIA); state infrastructure bank (federally capitalized); PPPs (authorized in statute, with legislative approval required only to convert an existing facility to a privately operated toll road); design-build (authorized in statute).
Dedicated/Restricted State Funds and Revenues	All money of the Highway and Transportation Authority must be deposited into a separate account or accounts in the name of the authority, and all disbursements must be made pursuant to regulations and budgets approved by the authority (9 L.P.R.A. §2008). Toll revenues must be used to secure debt service; excess revenues can be used for operations.
DOT Authorized to Retain Surplus Funds	A surplus of non-federal funds for the DTOP rarely occurs and would be a general fund surplus. Excess federal funds are returned to the U.S. DOT or might be reassigned if authorized by the federal government.
Legislative Approval Required to Move Funds Between Projects	Legislative approval is required to move general obligation capital improvement funds to another projects, but not for DTOP operating funds.
Transportation Funding Allocations through Local Aid	Non-federal and federal funds are allocated to local agencies through legislative appropriations and by DTOP allocations of funds within existing statutory requirements.



# APPENDIX A. NCSL-AASHTO JOINT PROJECT OVERSIGHT COMMITTEE MEMBERS

## Overview

To more actively involve NCSL and AASHTO constituents in this project, both organizations collaboratively created the NCSL-AASHTO Joint Project Oversight Committee (also known as the NCSL-AASHTO Task Force). This joint committee was composed of members of the NCSL Transportation Standing Committee and the AASHTO Standing Committee on Finance and Administration, with targeted involvement of the AASHTO Subcommittee on Transportation Finance Policy. The committee had regular opportunities to oversee and provide feedback on the research process and the review draft.

## Total Participation

The NCSL-AASHTO Joint Project Oversight Committee was composed of 28 members from 19 states, plus eight advisory members.

## Co-Chairs

Joe Erskine, Deputy Secretary for Finance and Administration, Kansas Department of Transportation  
Jennifer Jones, Assistant Director, Texas Sunset Advisory Commission

## AASHTO Members

Laura Baker, Director, Administrative Services, Alaska Department of Transportation and Public Facilities  
Roberta Broeker, Chief Financial Officer, Missouri Department of Transportation  
Ron Epstein, Chief Financial Officer, New York State Department of Transportation  
Myron Frierson, Bureau Director for Finance and Administration, Michigan Department of Transportation  
Leon Hank, Chief Administrative Officer, Michigan Department of Transportation (through January 2011)  
Alicia Johnson, Financial and Legislative Policy Analyst, Kansas Department of Transportation  
William J. Lawrence, Director for Program Finance, Utah Department of Transportation  
Beth Nachreiner, Federal Legislative Director and Chief, Federal-State Policy and Budget Analysis, Wisconsin Department of Transportation  
Jim Ofcarcik, Manager, Fiscal Analysis, Bureau of Budget and Fiscal Management, Illinois Department of Transportation; acting for Ann Schneider, Director of Finance and Administration  
Jeffrey L. Spalding, Director, Division of Multi-Modal Planning and Policy, Indiana Department of Transportation; previously of Indiana General Assembly (through November 2010)  
Nancy Richardson, Director, Iowa Department of Transportation; also chair of AASHTO Standing Committee on Finance and Administration (SCOFA)  
Dave Tolman, Administration Division Administrator, Idaho Transportation Department

## **NCSL Members**

Representative Candace Bouchard, New Hampshire  
Eric Bugaile, Executive Director, Pennsylvania House Transportation Committee  
Representative Yvonne Davis, Texas  
Jessica Digiambattista, Legislative Analyst's Office, California Legislature  
Representative Richard Geist, Pennsylvania  
William Hamilton, Senior Analyst, Michigan House of Representatives  
Senator Mary Margaret Haugen, Washington  
Mark Krmpotic, Senate Fiscal Analyst, Nevada Legislative Counsel Bureau  
Senator John J. Millner, Illinois  
Representative Rosemary Sandlin, Massachusetts  
Representative David A. Scribner, Connecticut  
Kelly Simpson, Staff Coordinator and Counsel, Washington Senate Transportation Committee  
Representative John Siptroth, Pennsylvania  
Marji Paslov Thomas, Principal Research Analyst, Nevada Legislative Counsel Bureau

## **Advisory Members**

Eric Anderson, Chair, Transportation Finance Subcommittee, National Association of Regional Councils  
Joe Dailey, Division Administrator, Federal Highway Administration, Wyoming Division  
Greg Dierkers, Program Director, Environment, Energy and Transportation, National Governors Association  
DeLania Hardy, Executive Director, Association of Metropolitan Planning Organizations  
Joanna Liberman Turner, Deputy Assistant Secretary, Intergovernmental Affairs, U.S. DOT  
Lee Munnich, Director, Humphrey Institute of Public Affairs, University of Minnesota  
Julia Pulidindi, Senior Programs Associate, Infrastructure, National League of Cities  
Cinde Weatherby, Director, Center for Strategic Transportation Solutions, Texas Transportation Institute

## **AASHTO Staff**

Jack Basso  
Wendy Franklin  
Joung Lee  
Bud McDonald

## **NCSL Staff**

Nicholas Farber  
Jaime Rall  
Molly Ramsdell  
Jim Reed  
Alice Wheet

# APPENDIX B. NCSL-AASHTO SURVEY INSTRUMENTS

## NCSL-AASHTO SURVEY 1

This survey was distributed to DOT personnel and legislative staff members in the 50 states, the District of Columbia and Puerto Rico to gather factual information about transportation funding and finance. Responses were received from all 50 states, the District of Columbia and Puerto Rico. Responding organizations are included in Appendix C.

### **Transportation Governance and Finance A 50-State Review of State Legislatures and Departments of Transportation**

#### **SURVEY ON TRANSPORTATION FUNDING AND FINANCE**

This survey on interactions between state departments of transportation (DOTs) and legislatures is a collaborative effort between the National Conference of State Legislatures (NCSL) and the American Association of State Highway and Transportation Officials (AASHTO). Its primary objective is to gather information about state-level interactions between the legislative and executive branches of government in relation to transportation governance, with a particular emphasis on finance.

This survey has 27 questions. **If you cannot complete the entire survey, please answer as many questions as possible. An incomplete survey response still provides useful data to the project.** Please enter your answers on this form and return it by **Friday, September 24, 2010**, as an e-mail attachment (jaime.rall@ncsl.org) or by fax (303-364-7800, Attn: Jaime Rall, EET). Please include any reports or other attachments or links that add to or complete your survey responses.

If you have any questions about the survey or the NCSL-AASHTO study, you may contact Jaime Rall at jaime.rall@ncsl.org or 303-856-1417. Thank you.

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#### **PART I: STATE LEGISLATIVE-EXECUTIVE INTERACTIONS AND DECISION-MAKING PROCESSES**

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- 1) Please briefly describe your state's process for determining transportation investment priorities and spending levels. What are the respective roles of the state legislature and the state DOT? \_\_\_\_\_**
- 2) What role do other entities (e.g. transportation commission, governor, local governmental entities, etc.) play in determining state transportation priorities and spending levels in your state? \_\_\_\_\_**
- 3) How are federal transportation funds allocated to your state's DOT? Check all that apply.**

	Direct Flow from USDOT to State DOT (No State Legislative Involvement)
	State Legislative Appropriation (Lump Sum Appropriation at Department Level)
	State Legislative Appropriation (Appropriation at Program or Category Level)
	State Legislative Appropriation (Appropriation at Project-Specific Level)
	State Legislative Approval of DOT Transportation Plan
	Other (please specify): _____

Please describe: \_\_\_\_\_

**4) How are state transportation funds allocated to your state’s DOT? Check all that apply.**

	Direct Flow from Revenue Source or Fund to DOT (No State Legislative Involvement)
	State Legislative Appropriation (Lump Sum Appropriation at Department Level)
	State Legislative Appropriation (Appropriation at Program or Category Level)
	State Legislative Appropriation (Appropriation at Project-Specific Level)
	State Legislative Approval of DOT Transportation Plan or Other Project List
	Other (please specify): _____

Please describe: \_\_\_\_\_

**5) Does your state’s legislature set any conditions that the DOT must meet in order to receive state or federal funds?**

	Yes (please specify): _____
	No

Comments: \_\_\_\_\_

**6) Is legislative approval required for the state DOT to move funds from one project (or type of project) to another?**

	Yes (please specify): _____
	No

Comments: \_\_\_\_\_

**7) Please describe whether your state’s DOT is authorized to retain excess funds and, if not, what happens to such funds at the end of the fiscal year or biennium.** Note: Depending on the state, excess funds may be defined as unspent appropriations, revenues in excess of a legislatively approved DOT budget, revenues in excess of statutory limits on a dedicated transportation fund, and/or other. Excess funds do *not* include money obligated or otherwise committed to a specific, approved future purpose. \_\_\_\_\_

**8) Please briefly describe any activities taken by your state’s legislature to provide oversight of the state DOT’s expenditures and financing methods.** \_\_\_\_\_

**9) Please briefly describe any activities taken by your state’s executive entities (e.g. DOT leadership, governor, transportation commission or board, etc.) to provide oversight of the state DOT’s expenditures and financing methods.** \_\_\_\_\_

10) Please briefly describe any legislative practices used to control DOT costs in your state (e.g. low bid requirements, cost controls for support processes). \_\_\_\_\_

11) How are DOT performance goals set in your state, and who has the authority to set those goals? \_\_\_\_\_

12) Please describe any legislative practices used to better allocate DOT resources in order to meet DOT performance goals (i.e., those set under the process described in question 11). \_\_\_\_\_

**PART II: GENERAL OVERVIEW OF STATE TRANSPORTATION FUNDING AND FINANCING**

13) Please enter your state DOT’s budget amounts for the following years and categories. *Please include state funding only (exclude federal funds such as ARRA, federal-aid highway formula apportionments and allocations, federal transit funding, and other federal grants).*

	FY 2008 (in millions of dollars)	FY 2009 (in millions of dollars)	FY 2010 (in millions of dollars)	FY 2011 (as appropriated) (in millions of dollars)
Highways	\$_____	\$_____	\$_____	\$_____
Transit: Operating	\$_____	\$_____	\$_____	\$_____
Transit: Capital	\$_____	\$_____	\$_____	\$_____
Transit: Other	\$_____	\$_____	\$_____	\$_____
Rail	\$_____	\$_____	\$_____	\$_____
Administrative Costs	\$_____	\$_____	\$_____	\$_____
Other (please specify): _____	\$_____	\$_____	\$_____	\$_____
<b>TOTAL BUDGET</b>	\$_____	\$_____	\$_____	\$_____

Comments: \_\_\_\_\_

14) Which best describes your state’s approach to financing transportation?

<input type="checkbox"/>	Use of state bonding authority
<input type="checkbox"/>	Pay-as-you-go financing
<input type="checkbox"/>	Combination of bonding and pay-as-you-go

Comments: \_\_\_\_\_

15) What are your state’s revenue sources for highways (at the state level only)? Check all that apply.

<input type="checkbox"/>	Fuel Taxes
<input type="checkbox"/>	Additional Sales Taxes on Gasoline or Diesel
<input type="checkbox"/>	Motor Vehicle/Rental Car Sales Taxes
<input type="checkbox"/>	Vehicle Registration/License/Title Fees
<input type="checkbox"/>	Truck Weight Fees
<input type="checkbox"/>	General Obligation Bonds



	Revenue Bonds
	Tolls
	General Funds
	Interest Income
	Other (please specify): _____

Comments: \_\_\_\_\_

**16) Please briefly describe any statutory, constitutional or other restrictions on the use of the revenues listed in question 15. \_\_\_\_\_**

**17) What are your state’s revenue sources for transit (at the state level)? Check all that apply.**

	Fuel Taxes
	Additional Sales Taxes on Gasoline or Diesel
	Motor Vehicle/Rental Car Sales Taxes
	Vehicle Registration/License/Title Fees
	Truck Weight Fees
	General Obligation Bonds
	Revenue Bonds
	Tolls
	General Funds
	Interest Income
	Other (please specify): _____

Comments: \_\_\_\_\_

**18) Please briefly describe any statutory, constitutional or other restrictions on the use of the revenues listed in question 17. \_\_\_\_\_**

**19) What, if any, are your state’s revenue sources for these modes (at the state level)? Please list.**

- Passenger/Freight Rail: \_\_\_\_\_
- Aviation: \_\_\_\_\_
- Ports: \_\_\_\_\_
- Bridges: \_\_\_\_\_
- Other (please specify): \_\_\_\_\_

Comments: \_\_\_\_\_

**20) Please briefly describe any statutory, constitutional or other restrictions on the use of the revenues listed in question 19. \_\_\_\_\_**

**21) Which of these does your state use to fund transportation projects? Check all that apply.**

<input type="checkbox"/>	State Highway Fund
<input type="checkbox"/>	State Multimodal Transportation Fund
<input type="checkbox"/>	State Highway <u>Trust</u> Fund
<input type="checkbox"/>	State Multimodal Transportation <u>Trust</u> Fund
<input type="checkbox"/>	Dedicated Fund for Transit
<input type="checkbox"/>	Dedicated Fund for Rail
<input type="checkbox"/>	Other (e.g., funds for aviation, ports or bridges) (please specify): _____

Please describe: \_\_\_\_\_

**22) Please briefly describe any statutory, constitutional or other restrictions on the use of the funds listed in question 21. \_\_\_\_\_**

**23) Which of these non-traditional methods has your state used to fund or finance transportation? Check all that apply.**

<input type="checkbox"/>	GARVEE Bonds
<input type="checkbox"/>	Private Activity Bonds (PABs)
<input type="checkbox"/>	Build America Bonds (BABs)
<input type="checkbox"/>	Federal Credit Assistance (TIFIA)
<input type="checkbox"/>	State Infrastructure Banks (SIBs)
<input type="checkbox"/>	Congestion Pricing
<input type="checkbox"/>	Public-Private Partnerships (PPPs)
<input type="checkbox"/>	Design-Build
<input type="checkbox"/>	Vehicle-Miles Traveled Fees or Weight-Mile Fees
<input type="checkbox"/>	Creation of Non-Profit, Quasi-Public Entities
<input type="checkbox"/>	Traffic Camera Fees
<input type="checkbox"/>	Container Fees
<input type="checkbox"/>	Other (please specify): _____

Comments: \_\_\_\_\_

**24) Does your state DOT engage in any of these methods for flexibly managing federal funds? Check all that apply.**

<input type="checkbox"/>	Tapered Matching
<input type="checkbox"/>	Advance Construction
<input type="checkbox"/>	Toll Credits or "Soft Match"
<input type="checkbox"/>	Other (please specify): _____

Comments: \_\_\_\_\_

**25) How does your state allocate federal and/or state funds to local governmental entities through local aid? Check all that apply.**

<input type="checkbox"/>	State Legislative Appropriation
<input type="checkbox"/>	DOT Allocation of Funds by Formula
<input type="checkbox"/>	DOT Allocation of Funds Within Existing Statutory Requirements
<input type="checkbox"/>	DOT Allocation of Funds, Discretionary
<input type="checkbox"/>	Other (please specify): _____

Please describe: \_\_\_\_\_

**26) Please list any statutory, constitutional or other restrictions on local transportation funding and financing options.** \_\_\_\_\_

**27) Do you have any other comments or thoughts you would like to share?** \_\_\_\_\_

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**PART III: CONTACT INFORMATION**

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**Please take a moment to tell us more about yourself.**

Your name: \_\_\_\_\_

Your title: \_\_\_\_\_

Your agency: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Phone number: \_\_\_\_\_

*Thank you for your help with this survey!*

*Please email your completed survey to [jaime.rall@ncsl.org](mailto:jaime.rall@ncsl.org)  
or fax it to 303-364-7800, Attn: Jaime Rall, EET, by **Friday, September 24, 2010.***

*Please include any reports or other attachments or links that add to or complete your survey responses.*

## NCSL-AASHTO SURVEY 2

This survey was distributed to DOT personnel and legislative staff members in the 50 states, the District of Columbia and Puerto Rico to gather factual information about executive and legislative roles. Responses were received from all 50 states and the District of Columbia. Responding organizations are included in Appendix C.

# Transportation Governance and Finance

## A 50-State Review of State Legislatures and Departments of Transportation

### SURVEY ON EXECUTIVE-LEGISLATIVE ROLES

This survey on interactions between state departments of transportation (DOTs) and legislatures is a collaborative effort between the National Conference of State Legislatures (NCSL) and the American Association of State Highway and Transportation Officials (AASHTO). Its primary objective is to gather information about state-level interactions between the legislative and executive branches of government in relation to transportation governance and oversight.

This survey has 21 questions. **If you cannot complete the entire survey, please answer as many questions as possible. An incomplete survey response still provides useful data to the project.** Please enter your answers on this form and return it by **Friday, September 24, 2010**, as an e-mail attachment (jaime.rall@ncsl.org) or by fax (303-364-7800, Attn: Jaime Rall, EET). Please include any reports or other attachments or links that add to or complete your survey responses.

If you have any questions about the survey or the NCSL-AASHTO study, you may contact Jaime Rall at jaime.rall@ncsl.org or 303-856-1417. Thank you.

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#### PART I: STATE EXECUTIVE-LEGISLATIVE INTERACTIONS

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**1) Please briefly describe your state’s overall approach to communication and interaction between the state legislature and the DOT. \_\_\_\_\_**

**2) What mechanisms exist in your state for the DOT to influence and/or provide input about transportation-related legislation? \_\_\_\_\_**

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#### PART II: STATE DOT OVERSIGHT AND ACCOUNTABILITY

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**3) What mechanisms exist in your state for legislative oversight of the DOT? Check all that apply.**

	Ongoing Oversight by One or More Legislative Committees or Commissions
	Interim Charges to the Legislature
	Legislative Program Reviews and/or Legislative Performance Audits
	Legislative Review of Other (Non-Legislative) Program Reviews or Performance Audits (e.g. those conducted by executive branch State Auditors)

	DOT Reporting Requirements to the Legislature and/or Legislative Committee(s)
	Legislative Requests for Information from the DOT
	Other (please specify): _____

Please describe: \_\_\_\_\_

4) What resources, if any, are provided to the DOT in your state to support its compliance with oversight requirements? \_\_\_\_\_

5) How are DOT performance goals set in your state, and who has the authority to set those goals? \_\_\_\_\_

6) How is the DOT's progress on meeting its performance goals evaluated, reported and/or used? \_\_\_\_\_

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**PART III: STATE DOT LEADERSHIP**

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7) What is your state DOT's leadership structure? Check all that apply.

	DOT Director or Executive Director
	State Transportation Commission
	State Transportation Secretary or Commissioner
	State Transportation Board
	State Transportation Board Director
	Other (please specify): _____

Comments: \_\_\_\_\_

8) What is the process for appointing DOT leadership in your state? Check all that apply.

	Governor Appointment, No Legislative Approval
	Governor Appointment, Legislative Approval Required
	Legislative Appointment
	Other (please specify) : _____

Comments: \_\_\_\_\_

9) Must the person(s) appointed to DOT leadership in your state meet existing statutory requirements?

	Yes (please specify): _____
	No

Comments: \_\_\_\_\_

10) What is the process for removing DOT leadership in your state? \_\_\_\_\_

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**PART IV: STATE STATUTES**

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11) Please provide as complete a list as possible of state statutes concerning state-level transportation governance, including authorizing statutes for your state's DOT. \_\_\_\_\_

**12) Are any of these statutes subject to sunset provisions?**

<input type="checkbox"/>	Yes (please describe): _____
<input type="checkbox"/>	No

Comments: \_\_\_\_\_

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**PART V: TRANSPORTATION PLANNING AND PROJECT SELECTION**

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**13) Please briefly describe the process of transportation planning—including project identification, selection, prioritization and approval—in your state. \_\_\_\_\_**

**14) What are the roles of your state’s legislature in the transportation planning process described in question 13 (e.g. project identification, reviewing and/or approving transportation plans)? \_\_\_\_\_**

**15) What are the roles of your state’s DOT in the transportation planning process described in question 13 (e.g. project identification, developing and/or approving transportation plans)? \_\_\_\_\_**

**16) What are the roles of any other entities (e.g. transportation commission, the office of the governor, local governmental entities such as metropolitan planning organizations, transit or rail agencies, port or tolling authorities, etc.) in the transportation planning process described in question 13? \_\_\_\_\_**

**17) Please briefly describe what is done in your state to promote transparency and accountability in the transportation planning process described in question 13. \_\_\_\_\_**

---

**PART VI: OTHER**

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**18) How many FTEs (full-time equivalents) are employed by your state’s DOT? \_\_\_\_\_**

**19) Does your state’s legislature get data about the state’s transportation system from other, independent informational sources besides the DOT?**

<input type="checkbox"/>	Yes (please specify): _____
<input type="checkbox"/>	No

Comments: \_\_\_\_\_

**20) What role does the governor’s office play in DOT governance in your state? \_\_\_\_\_**

**21) Do you have any other comments or thoughts you would like to share? \_\_\_\_\_**

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**PART III: CONTACT INFORMATION**

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**Please take a moment to tell us more about yourself.**

Your name: \_\_\_\_\_

Your title: \_\_\_\_\_

Your agency: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Phone number: \_\_\_\_\_

*Thank you for your help with this survey!*

*Please email your completed survey to [jaime.rall@ncsl.org](mailto:jaime.rall@ncsl.org)  
or fax it to 303-364-7800, Attn: Jaime Rall, EET, by **Friday, September 24, 2010**.*

*Please include any reports or other attachments or links that add to or complete your survey responses.*

## NCSL-AASHTO SURVEY 3

This anonymous, online survey was made available to DOT executives and legislators in the 50 states, the District of Columbia and Puerto Rico. The survey allowed respondents to share anonymously their experiences and thoughts about interactions between the DOT and the legislature in their respective states. Thirty legislators and 26 DOT officials responded. (Organizations that responded to Survey 3 are not listed in Appendix C due to the anonymity of the responses.)

### NCSL-AASHTO Survey for State Legislators (or) NCSL-AASHTO Survey for State Departments of Transportation (DOTs)

Thank you for taking the time to participate in this survey. This survey should only take 5 – 10 minutes of your time.

**All of your answers will be completely confidential.**

This survey is part of a collaborative research project of the National Conference of State Legislatures (NCSL) and the American Association of State Highway and Transportation Officials (AASHTO). By completing this survey, you are contributing to a new, foundational resource that will help DOT personnel and state legislators better understand and navigate intergovernmental arrangements.

If you have any questions about this survey or the NCSL-AASHTO study, please contact Jaime Rall at [jaime.rall@ncsl.org](mailto:jaime.rall@ncsl.org) or 303-856-1417.

**1. Please indicate your level of agreement with each of the following statements.**

	Disagree Strongly	Disagree	Neither Agree nor Disagree	Agree	Agree Strongly
The legislature and DOT in my state work together effectively.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The DOT in my state generally acts in the public's best interest.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The legislature in my state generally acts in the public's best interest.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The DOT in my state is open and transparent in how it shares information about its activities and decisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



	<b>Disagree Strongly</b>	<b>Disagree</b>	<b>Neither Agree nor Disagree</b>	<b>Agree</b>	<b>Agree Strongly</b>
Legislators in my state are committed to public service, not political or personal interest, when making transportation-related decisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There is an appropriate balance of power in my state between the DOT and the legislature.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The legislative process in my state introduces unnecessary bureaucracy or delay into transportation-related activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The DOT in my state should be subject to additional independent oversight and accountability.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The legislature in my state understands how a government agency like the DOT operates in practice.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The DOT in my state is a responsible steward of public resources, with minimal fraud or waste.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The public meaningfully influences the decision-making process for transportation projects in my state.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The DOT in my state acts in a way that is consistent with legislative intent.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The state legislature has a fundamental responsibility to oversee operations at the DOT.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The public is made sufficiently aware of significant transportation policy and budget decisions made by the DOT in my state.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The public is made sufficiently aware of significant transportation policy and budget decisions made by the legislature in my state.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transportation projects in my state are chosen based primarily on merit, not political, personal or other considerations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**2. What has worked well in your state, in terms of interactions between the legislature and the DOT? \_\_\_\_\_**

**3. What has NOT worked well in your state, in terms of interactions between the legislature and the DOT? \_\_\_\_\_**

**4. What challenges, problems or tensions exist between your state's DOT and legislature? \_\_\_\_\_**

**5. Please share any lessons learned, best practices or recommendations for DOT-legislative interactions. \_\_\_\_\_**

**6. Additional comments (optional): \_\_\_\_\_**

**7. Please enter your e-mail address here (optional) if you would like to see the final results of this study. \*\* IF YOU CHOOSE TO SHARE YOUR E-MAIL ADDRESS, YOUR SURVEY ANSWERS WILL STILL BE COMPLETELY CONFIDENTIAL. \*\* \_\_\_\_\_**

Thank you for your participation in this survey! Please click "done" to submit your response.

## NCSL-AASHTO SURVEY 4

This brief questionnaire was distributed through the National Legislative Program Evaluation Society (NLPES) listserv to gather information about legislative program evaluations and audits of state DOTs. Eight states—Connecticut, Florida, Pennsylvania, South Carolina, Tennessee, Washington, Wisconsin and West Virginia—responded. Responding organizations are included in Appendix C.

NCSL is working on a research project that looks at how state departments of transportation (DOTs) are reviewed and overseen by state legislatures. Here is a list of our most pressing questions. Thanks for your help.

- Are you required to do periodic evaluations of your state's DOT (i.e., at regular intervals, rather than initiated by specific directive or request)? If so, how do these audits or evaluations differ from other agency audits or evaluations conducted by your office?
- What guidelines, standards or processes do you use in completing audits or evaluations of your state's DOT?
- Have any recent audits or evaluations of your state's DOT garnered media or public attention?

Thank you again for your assistance.

Jaime Rall, NCSL Transportation Program  
Jaime.Rall@ncsl.org

## APPENDIX C. NCSL-AASHTO SURVEY RESPONDENTS

This list includes all state organizations that responded to NCSL-AASHTO surveys 1, 2 and 4 (see Appendix B) and those that offered substantive reviews of an earlier draft of the findings.

### **Alabama**

Alabama Legislative Fiscal Office  
Alabama Legislative Reference Service

### **Alaska**

Alaska Department of Transportation and Public Facilities  
Alaska Legislative Finance Division  
Alaska Legislative Research Services

### **Arizona**

Arizona Department of Transportation  
Arizona Joint Legislative Budget Committee  
Arizona House Research Office  
Arizona Senate Research Office

### **Arkansas**

Arkansas Bureau of Legislative Research  
Arkansas State Highway and Transportation Department

### **California**

California Department of Transportation  
California Legislative Analyst's Office

### **Colorado**

Colorado Joint Budget Committee  
Colorado Legislative Council Staff

### **Connecticut**

Connecticut Department of Transportation  
Connecticut General Assembly Office of Fiscal Analysis  
Connecticut Legislative Program Review and Investigations Committee  
Connecticut Office of Legislative Research

### **Delaware**

Delaware Department of Transportation  
Delaware Office of the Controller General

### **Florida**

Florida Senate  
The Florida Legislature's Office of Program Policy Analysis and Government Accountability

### **Georgia**

Georgia Department of Transportation  
Georgia House of Representatives Budget Office

### **Hawaii**

Hawaii Department of Transportation  
Hawaii House Committee on Finance  
Hawaii Legislative Reference Bureau

### **Idaho**

Idaho Transportation Department  
Legislative Services Office of the Idaho Legislature

### **Illinois**

Illinois Department of Transportation  
Illinois Legislative Research Unit

**Indiana**

Indiana Department of Transportation  
Indiana Legislative Services Agency

**Iowa**

Iowa Department of Transportation  
Iowa Legislative Services Agency

**Kansas**

Kansas Department of Transportation  
Kansas Legislative Research Department

**Kentucky**

Kentucky Legislative Research Commission  
Kentucky Transportation Cabinet

**Louisiana**

Louisiana Department of Transportation and Development  
Louisiana Legislative Fiscal Office  
Louisiana Senate Committee on Transportation, Highways and Public Works

**Maine**

Maine Department of Transportation  
Maine Office of Fiscal and Program Review  
Maine Office of Policy and Legal Analysis

**Maryland**

Maryland Department of Legislative Services  
Maryland Department of Transportation

**Massachusetts**

Joint Committee on Transportation  
Senate Committee on Ways and Means

**Michigan**

Michigan Department of Transportation  
Michigan House Fiscal Agency

**Minnesota**

Minnesota Department of Transportation  
Minnesota House of Representatives Fiscal Analysis Department  
Minnesota Senate Counsel, Research and Fiscal Analysis Office

**Mississippi**

Mississippi Department of Transportation  
Mississippi Legislative Reference Bureau

**Missouri**

Missouri Department of Transportation

**Montana**

Montana Legislative Fiscal Division  
Montana Legislative Services Division

**Nebraska**

Nebraska Legislative Fiscal Office  
Transportation and Telecommunications Committee of the Nebraska Legislature

**Nevada**

Nevada Legislative Counsel Bureau

**New Hampshire**

New Hampshire Department of Transportation  
New Hampshire Office of Legislative Budget Assistant  
New Hampshire Office of Legislative Services

**New Jersey**

Office of Legislative Services

**New Mexico**

New Mexico Department of Transportation  
New Mexico Legislative Finance Committee

**New York**

New York State Senate Finance Committee—Minority

**North Carolina**

Fiscal Research Division of the North Carolina General Assembly

North Carolina Department of Transportation

Research Division of the North Carolina General Assembly

**North Dakota**

North Dakota Legislative Council

North Dakota Department of Transportation

**Ohio**

Ohio Legislative Service Commission

**Oklahoma**

Oklahoma Department of Transportation

Oklahoma House of Representatives

**Oregon**

Oregon Legislative Administration Committee Services

Oregon Legislative Fiscal Office

Oregon Legislative Revenue Office

**Pennsylvania**

Governor's Office of the Budget

Pennsylvania Department of Transportation

Pennsylvania House Committee on Transportation

Pennsylvania House Committee on Appropriations

Pennsylvania Senate Committee on Transportation

**Rhode Island**

Rhode Island Department of Transportation

Rhode Island House Fiscal Advisory Staff

Rhode Island Senate Fiscal Advisory Staff

**South Carolina**

South Carolina Department of Transportation

South Carolina Legislative Audit Council

South Carolina Senate Finance Committee

South Carolina Senate Transportation Committee

**South Dakota**

South Dakota Department of Transportation

South Dakota Legislative Research Council

**Tennessee**

Tennessee Comptroller of the Treasury—Division of State Audit

Tennessee Department of Transportation

Tennessee Office of Legal Services for the General Assembly

Tennessee Office of Legislative Budget Analysis

**Texas**

Texas Department of Transportation

Texas Legislative Budget Board

Texas Sunset Advisory Commission

**Utah**

Utah Office of Legislative Fiscal Analyst

Utah Office of Legislative Research and General Counsel

**Vermont**

Vermont Office of Legislative Council

Vermont Legislative Joint Fiscal Office

**Virginia**

Virginia Department of Rail and Public Transportation

Virginia Department of Transportation

Virginia Senate Finance Committee

**Washington**

Washington State Department of Transportation  
Washington State House Transportation Committee  
Washington State Legislature Joint Legislative Audit and Review Committee  
Washington State Senate Transportation Committee

**West Virginia**

West Virginia Legislative Auditor's Office—Performance Evaluation and Research Division  
West Virginia Department of Transportation

**Wisconsin**

Wisconsin Department of Transportation  
Wisconsin Legislative Council  
Wisconsin Legislative Audit Bureau  
Wisconsin Legislative Fiscal Bureau

**Wyoming**

Wyoming Department of Transportation  
Wyoming Legislative Service Office

**District of Columbia**

District of Columbia Committee on Public Works and Transportation  
District of Columbia Office of Budget and Planning in the Office of the Chief Financial Officer

**Puerto Rico**

Puerto Rico Treasury and Financial Affairs Commission

## APPENDIX D. APPOINTMENTS OF DOT LEADERSHIP

This chart details how DOT leadership is appointed in each state, including legal requirements and citations. DOT leadership is defined here as both executives within a DOT and other transportation leaders within the executive branch that influence a DOT’s activities.

State/ Jurisdiction	Leadership	Governor-Appointed, No Legislative Approval Required	Governor-Appointed With Legislative Approval	Appointed or Elected by Legislators	Elected	Other	Legal Requirements	Citations
<b>Alabama</b>	Director of Transportation	X						Ala. Code §23-1-21
<b>Alaska</b>	Commissioner of Transportation and Public Facilities		Confirmed by the majority of the members of the legislature in joint session				U.S. citizenship	Alaska Const., art. III, §25
<b>Arizona</b>	State Transportation Board		With consent of the Senate				Residency; taxpayer status; geographic representation	Ariz. Rev. Stat. Ann. §28-302 and §38-211
	DOT Director		With consent of the Senate					Ariz. Rev. Stat. Ann. §28-361 and §38-211
<b>Arkansas</b>	State Highway Commission		By and with advice and consent of the Senate					Ark. Const. Am. 42, §2; Ark. Stat. Ann. §27-65-104
	DOT Director					Appointed by State Highway Commission	Must be a “practical business or professional person”	Ark. Stat. Ann. §27-65-122
<b>California</b>	California Transportation Commission		With advice and consent of the Senate (9 voting citizen members)	Speaker of the Assembly and Senate Committee on Rules each appoint 1 voting citizen member and 1 ex-officio legislator member			Voting citizen members may not simultaneously hold elected public office or serve on any local or regional public board or commission with business before the commission; for governor-appointed members, governor must “make every effort to assure a geographic balance of representation”	Cal. Government Code §§14500 et seq.
	DOT Director		Subject to confirmation by the Senate					Cal. Government Code §14003
	Secretary of the Business, Transportation and Housing Agency		Subject to confirmation by the Senate					Cal. Government Code §13976



State/ Jurisdiction	Leadership	Governor-Appointed, No Legislative Approval Required	Governor-Appointed With Legislative Approval	Appointed or Elected by Legislators	Elected	Other	Legal Requirements	Citations
<b>Colorado</b>	Transportation Commission		With consent of the Senate				Geographic representation; residency; governor must consider appointing people with knowledge or experience in transit and engineering, and is encouraged to include at least one member who is a person with a disability, has a family member with a disability, or is a member of an advocacy group for people with disabilities	Colo. Rev. Stat. §43-1-106
	DOT Executive Director		With consent of the Senate					Colo. Rev. Stat. §43-1-103
<b>Connecticut</b>	DOT Commissioner		With advice and consent of either house of the General Assembly (nomination confirmed or rejected by resolution)				Must be "qualified by training and experience for the duties of the office"	Conn. Gen. Stat. Ann. §§4-6 to 4-8
<b>Delaware</b>	Secretary of the DOT		With advice and consent of the Senate				Must be "qualified by training and experience to perform the duties of the office;" preference must be given to a state resident, provided such person is acceptable and equally qualified	Del. Code Ann. tit. 29, §8403

Transportation Governance and Finance

State/ Jurisdiction	Leadership	Governor-Appointed, No Legislative Approval Required	Governor-Appointed With Legislative Approval	Appointed or Elected by Legislators	Elected	Other	Legal Requirements	Citations
<b>Florida</b>	Transportation Commission		Subject to confirmation by the Senate				Geographic representation; state citizenship; voter registration; must have business managerial experience in the private sector	Fla. Stat. Ann. §20.23
	Secretary of Transportation		Subject to confirmation by the Senate			Nominated by Transportation Commission	Must be a "proven, effective administrator who by a combination of education and experience shall clearly possess a broad knowledge of the administrative, financial, and technical aspects of the development, operation, and regulation of transportation systems and facilities or comparable systems and facilities"	Fla. Stat. Ann. §20.23
<b>Georgia</b>	State Transportation Board			Elected by majority vote of state legislators in each congressional district				Ga. Const. art. IV, §4; Ga. Code Ann. §32-2-20
	Commissioner of Transportation					Appointed by State Transportation Board		Ga. Const. art. IV, §4
	Director of Planning		Subject to approval by a majority vote of both the House Transportation Committee and the Senate Transportation Committee					Ga. Code Ann. §32-2-43
<b>Hawaii</b>	DOT Director		With advice and consent of the Senate					Hawaii Rev. Stat. §26-31
	Commission on Transportation (advisory only)	X					Geographic representation	Hawaii Rev. Stat. §26-19

State/ Jurisdiction	Leadership	Governor-Appointed, No Legislative Approval Required	Governor-Appointed With Legislative Approval	Appointed or Elected by Legislators	Elected	Other	Legal Requirements	Citations
<b>Idaho</b>	Idaho Transportation Board		Subject to confirmation by the Senate				State citizenship; residency; party affiliation; geographic representation (except the chairman, who is appointed from the state at-large); restrictions on holding other offices; must be “well informed and interested in the construction and maintenance of public highways and highway systems;” at least one must have special training, experience or expertise in aeronautics	Idaho Code §§40-302 et seq.
	Director of the ITD					Appointed by Idaho Transportation Board	Must have “knowledge and experience in transportation matters”	Idaho Code §40-503
<b>Illinois</b>	Secretary of Transportation		By and with advice and consent of the Senate					Ill. Rev. Stat. ch. 20, §§5/5-605 et seq.
<b>Indiana</b>	Commissioner	X						Ind. Code Ann. §8-23-2-2
<b>Iowa</b>	Transportation Commission		Subject to confirmation by the Senate				Party affiliation; restrictions pertaining to conflicts of interest	Iowa Code Ann. §§307.2 et seq.
	Director of Transportation		Subject to confirmation by the Senate				Restrictions on holding certain other offices or positions; prohibited from contributing to campaign funds	Iowa Code Ann. §307.11
<b>Kansas</b>	Secretary of Transportation		Subject to confirmation by the Senate					Kan. Stat. Ann. §75-5001
	Highway Advisory Commission (advisory only)	X					Geographic representation; restrictions on holding other public office or employment	Kan. Stat. Ann. §75-5002
<b>Kentucky</b>	Secretary of the Transportation Cabinet	X						Ky. Rev. Stat. §12.040 and §12.255
<b>Louisiana</b>	Secretary of Transportation and Development		With consent of the Senate					La. Rev. Stat. Ann. §36:503

Transportation Governance and Finance

State/ Jurisdiction	Leadership	Governor-Appointed, No Legislative Approval Required	Governor-Appointed With Legislative Approval	Appointed or Elected by Legislators	Elected	Other	Legal Requirements	Citations
<b>Maine</b>	Commissioner of Transportation		Subject to review by the Joint Standing Committee on Transportation and confirmation by the legislature					Me. Rev. Stat. Ann. tit. 23, §4205
<b>Maryland</b>	Secretary of Transportation		With advice and consent of the Senate					Md. Transportation Code Ann. §2-102
<b>Massachusetts</b>	Board of Directors	X					Party affiliation; two must be experts in public or private transportation finance; two must have practical experience in transportation planning; one must be a registered civil engineer with at least 10 years' experience	Mass. Gen. Laws Ann. ch. 6C, §2
	Secretary	X						Mass. Gen. Laws Ann. ch. 6C, §2
<b>Michigan</b>	State Transportation Commission		With advice and consent of the Senate				Party affiliation	Mich. Comp. Laws Ann. §247.802; Mich. Const. art. V, §28
	Director		With advice and consent of the Senate				Must possess "proven executive and administrative abilities, preferably in the field of public or private transportation or public administration;" if director is not a licensed professional engineer, s/he must designate a deputy director who is, to be responsible for the engineering content of policies and programs	Mich. Comp. Laws Ann. §16.455 and §247.805; Mich. Const. art. V, §28
<b>Minnesota</b>	Commissioner of Transportation		With advice and consent of the Senate					Minn. Stat. Ann. §174.02, §15.06 and §15.066

State/ Jurisdiction	Leadership	Governor-Appointed, No Legislative Approval Required	Governor-Appointed With Legislative Approval	Appointed or Elected by Legislators	Elected	Other	Legal Requirements	Citations
<b>Mississippi</b>	Transportation Commission				Elected by the people, one from each Supreme Court district, at the same time and manner as the gover- nor		Must be qualified electors and citi- zens of the district in which they offer for election	Miss. Code Ann. §65-1-3
	Executive Di- rector					Appointed by Transportation Commission, with advice and consent of the Senate	Must possess a wide knowledge of the state's trans- portation system and needs, and of the principles of transportation organization and administration; must possess selected training or expertise in the field of transporta- tion; cannot have been a member of the Transporta- tion Commission within two years of appointment	Miss. Code Ann. §65-1-9
<b>Missouri</b>	Missouri Highways and Transportation Commission		By and with ad- vice and consent of the Senate				Party affiliation; taxpayer status; residency	Mo. Rev. Stat. §226.030
	DOT Director					Appointed by Missouri Highways and Transportation Commission	State citizenship and residency; must have had executive manage- ment experience for at least five years; may be a registered profes- sional engineer	Mo. Rev. Stat. §226.040

Transportation Governance and Finance

State/ Jurisdiction	Leadership	Governor-Appointed, No Legislative Approval Required	Governor-Appointed With Legislative Approval	Appointed or Elected by Legislators	Elected	Other	Legal Requirements	Citations
<b>Montana</b>	Transportation Commission		Subject to confirmation by the Senate				Residency; geographic representation; party affiliation; restrictions on other state office or employment; at least one must have specific knowledge of Indian culture and tribal transportation needs, and must be selected by the governor after consultation with the Montana members of the Montana-Wyoming Tribal Leaders Council	Mont. Const. art. VI, §8; Mont. Code Ann. §2-15-2502
	DOT Director		Subject to confirmation by the Senate					Mont. Code Ann. §2-15-2501 and §2-15-111
<b>Nebraska</b>	Highway Commission (advisory only)		Consent of a majority of all the members of the [unicameral] Legislature				Geographic representation; U.S. citizenship; age; residency; party affiliation	Neb. Rev. Stat. §39-1101 and §39-1110
	DOR Director		Subject to confirmation by a majority vote of the members elected to the [unicameral] Legislature					Neb. Rev. Stat. §81-102; Neb. Const. art. IV, §10

State/ Jurisdiction	Leadership	Governor-Appointed, No Legislative Approval Required	Governor-Appointed With Legislative Approval	Appointed or Elected by Legislators	Elected	Other	Legal Requirements	Citations
<b>Nevada</b>	Board of Directors	X (3 members)				Governor, Lt. Governor, Attorney General and State Controller serve ex officio	For appointed members: geographic representation; state residency; restrictions pertaining to conflicts of interest; must be informed on and interested in the construction and maintenance of highways and other transportation matters; must possess either knowledge of engineering evidenced by possession of an engineering degree and license; demonstrated expertise in financial matters and business administration; or demonstrated expertise in the business of construction evidenced by a general contractor license and experience as a principal officer of a state-licensed firm	Nev. Rev. Stat. §408.106
	DOT Director					Appointed by Board of Directors	Prohibition on other employment; must be in unclassified state service; must be a licensed professional engineer; must have had at least five years of responsible administrative experience in public or business administration; must possess broad skills as a manager in DOT-related areas	Nev. Rev. Stat. §§408.160 et seq.
<b>New Hampshire</b>	DOT Commissioner					Appointed by the governor, with consent of the Executive Council (elected executive agency)		N.H. Rev. Stat. Ann. §21-L:3

Transportation Governance and Finance

State/ Jurisdiction	Leadership	Governor-Appointed, No Legislative Approval Required	Governor-Appointed With Legislative Approval	Appointed or Elected by Legislators	Elected	Other	Legal Requirements	Citations
<b>New Jersey</b>	Commissioner of Transportation		With advice and consent of the Senate				Must be "qualified by training and experience to perform the duties of his office"	N.J. Stat. Ann. §27:1A-4
	Transportation Trust Fund Authority (finances transportation programs)		With advice and consent of the Senate (3 members)			Appointed by governor upon recommendation of Senate president (1 member); appointed by governor upon recommendation of speaker of the General Assembly (1 member); Commissioner of Transportation and State Treasurer serve ex officio	Party affiliation; one of the three appointed with advice and consent of the Senate must represent the interest of trade unions, and another of the three, the interests of owners of eligible construction firms	N.J. Stat. Ann. §27:1B-4
<b>New Mexico</b>	Transportation Commission		With advice and consent of the Senate			Appointed by Senate if governor fails to follow procedure for Senate confirmation	Geographic representation; residency	N.M. Stat. Ann. §67-3-2 to §67-3-5
	Secretary of Transportation		With advice and consent of the Senate			Also requires approval of the Transportation Commission		N.M. Stat. Ann. §67-3-23
<b>New York</b>	Commissioner of Transportation		By and with advice and consent of the Senate					N.Y. Transportation Law §11
<b>North Carolina</b>	Board of Transportation	X					14 members represent state highway divisions; of the other five members who serve at-large, one must have knowledge of environmental issues; one of ports and aviation; one of government-related finance and accounting; one must reside in a rural area and have knowledge of rural transportation issues; and one must reside in an urban area and have knowledge of transit issues	N.C. Gen. Stat. §143B-350
	Secretary of Transportation	X						N.C. Gen. Stat. §143B-9



State/ Jurisdiction	Leadership	Governor-Appointed, No Legislative Approval Required	Governor-Appointed With Legislative Approval	Appointed or Elected by Legislators	Elected	Other	Legal Requirements	Citations
<b>North Dakota</b>	DOT Director	X						N.D. Cent. Code §24-02-01.3
<b>Ohio</b>	Director of Transportation		With advice and consent of the Senate					Ohio Rev. Code Ann. §121.03; Ohio Const. art. III, §21
<b>Oklahoma</b>	Secretary of Transportation (cabinet member)		With advice and consent of the Senate					Okla. Stat. Ann. tit. 74, §10.3
	Transportation Commission		With advice and consent of the Senate				Residency; geographic representation	Okla. Stat. Ann. tit. 69, §302
	DOT Director					Elected by majority vote of the Transportation Commission		Okla. Stat. Ann. tit. 69, §305
<b>Oregon</b>	Transportation Commission		Subject to confirmation by the Senate				Residency; geographic representation; party affiliation	Or. Rev. Stat. §184.612; Or. Const. art. III, §4
	Director of Transportation		Subject to confirmation by the Senate					Or. Rev. Stat. §184.620
<b>Pennsylvania</b>	Transportation Commission		By and with advice and consent of the Senate (10 members)			Secretary of Transportation and chairs and minority chairs of Senate and House Transportation Committees are members by virtue of their offices	Residency; party affiliation; restrictions on holding other state employment; must be "reputable citizens of the Commonwealth, of mature judgment and broad business experience;" at least one appointee must hold at least a private pilot's license and derive part of his or her livelihood from aviation-related activities or be otherwise actively involved in aviation; at least two must be members of the board of directors of a transportation authority at time of appointment	Pa. Cons. Stat. Ann. tit. 71, §178
	Secretary of Transportation		By and with advice and consent of the Senate					Pa. Cons. Stat. Ann. tit. 71, §67.1

Transportation Governance and Finance

State/ Jurisdiction	Leadership	Governor-Appointed, No Legislative Approval Required	Governor-Appointed With Legislative Approval	Appointed or Elected by Legislators	Elected	Other	Legal Requirements	Citations
<b>Rhode Island</b>	Director of Transportation		With advice and consent of the Senate					R.I. Gen. Laws §42-13-1
<b>South Carolina</b>	Commission of the Department of Transportation	X (1 member, at-large)		Elected by legislators residing in each congressional district (6 members)		All must be screened by Joint Transportation Review Committee to determine whether they meet statutory requirements	Elections or appointments must "take into account race and gender so as to represent all segments of the state's population to the greatest extent possible;" no legislator or legislator's immediate family member is eligible; must have a degree that meets certain requirements or at least five years' experience in any combination of transportation, construction, finance, law, environmental issues, management or engineering	S.C. Code Ann. §1-3-240, §§57-1-310 et seq.
	Secretary of Transportation		With advice and consent of the Senate <sup>1</sup>				Must possess "practical and successful business and executive ability and be knowledgeable in the field of transportation"	S.C. Code Ann. §57-1-410
<b>South Dakota</b>	Transportation Commission	X					Party affiliation; residency; geographic representation	S.D. Codified Laws Ann. §§1-44-4 et seq.
	Secretary of Transportation		By and with advice and consent of the Senate					S.D. Const. art. IV, §9; S.D. Codified Laws Ann. §1-32-3
<b>Tennessee</b>	Commissioner of Transportation	X					Must be "a person qualified by training and experience to perform the duties of the commissioner's office"	Tenn. Code Ann. §4-3-2302

State/ Jurisdiction	Leadership	Governor-Appointed, No Legislative Approval Required	Governor-Appointed With Legislative Approval	Appointed or Elected by Legislators	Elected	Other	Legal Requirements	Citations
<b>Texas</b>	Texas Transportation Commission		With advice and consent of the Senate				Geographic representation; reflection of the diversity of the state; restrictions pertaining to conflicts of interest; one must reside in a rural area	Tex. Transportation Code Ann. §§201.051 et seq.
	Executive Director of the DOT					Elected by the Texas Transportation Commission	Must be “experienced and skilled in transportation planning and development and in organizational management”	Tex. Transportation Code Ann. §201.301
<b>Utah</b>	Transportation Commission		With consent of the Senate				Geographic representation; <sup>2</sup> residency	Utah Code Ann. §72-1-301
	Executive Director of the DOT		With consent of the Senate			With recommendations from the Transportation Commission	Must be “a qualified executive with technical and administrative experience and training appropriate for the position”	Utah Code Ann. §72-1-202
<b>Vermont</b>	Transportation Board <sup>3</sup>		With advice and consent of the Senate				Party affiliation; restrictions pertaining to conflicts of interest; the governor must, so far as is possible, appoint members “whose interests and expertise lie in various areas of the transportation field”	Vt. Stat. Ann. tit. 19, §3
	Secretary of Transportation		With advice and consent of the Senate					Vt. Stat. Ann. tit. 19, §7

State/ Jurisdiction	Leadership	Governor-Appointed, No Legislative Approval Required	Governor-Appointed With Legislative Approval	Appointed or Elected by Legislators	Elected	Other	Legal Requirements	Citations
<b>Virginia</b>	Commonwealth Transportation Board		Subject to confirmation by the legislature (14 citizen members)			Secretary of Transportation, Commonwealth Transportation Commissioner and Director of the Department of Rail and Public Transportation serve ex officio as nonvoting members; except, in cases of a tie, the secretary or commissioner may vote if acting as chair	Residency (14 citizen members)	Va. Code §§33.1-1 et seq.
	Commonwealth Transportation Commissioner		Subject to confirmation by the legislature				Must be “an experienced administrator, able to direct and guide the Department in the establishment and achievement of the Commonwealth’s long-range highway and other transportation objectives;” may be a nonresident of the state at the time of appointment	Va. Code §33.1-3
	Secretary of Transportation		Subject to confirmation by the legislature					Va. Code §2.2-200
<b>Washington</b>	Transportation Commission		With consent of the Senate (7 members)			The governor or designee serves as a nonvoting member and the Secretary of Transportation serves ex officio	Residency; geographic representation; prohibitions on other state position or employment; commissioners should reflect a “wide range of transportation interests”	Wash. Rev. Code Ann. §47.01.051
	Secretary of Transportation		With advice and consent of the Senate					Wash. Rev. Code Ann. §47.01.041

State/ Jurisdiction	Leadership	Governor-Appointed, No Legislative Approval Required	Governor-Appointed With Legislative Approval	Appointed or Elected by Legislators	Elected	Other	Legal Requirements	Citations
<b>West Virginia</b>	Secretary of Transportation (DOT)		With advice and consent of the Senate					W. Va. Code §5F-1-2
	Commissioner of Highways (Division of Highways)		By and with advice and consent of the Senate				Must be “a person who is experienced in highway planning, finance, construction, maintenance, management and supervision qualifying him for the duties of his office”	W. Va. Code §17-2A-2
<b>Wisconsin</b>	Secretary of Transportation		With advice and consent of the Senate					Wis. Stat. Ann. §15.05
<b>Wyoming</b>	Transportation Commission		By and with advice and consent of the Senate				Party affiliation; geographic representation	Wyo. Stat. §24-2-101
	Director of the DOT	X				Nominated by the Transportation Commission	Must be “qualified candidates”	Wyo. Stat. §24-2-105
<b>District of Columbia</b>	DOT Director		Appointed by the mayor, with the advice and consent of the Council					D.C. Code Ann. §50-921.02
<b>Puerto Rico</b>	Secretary of Transportation and Public Works		With advice and consent of the Senate					P.R. Const. art. IV, §5
	Advisory Board on Transportation (advisory only)	X (2 members)				Secretary of Transportation and Public Works, Director of the Puerto Rico Office of Energy, Police Superintendent, chair of the Puerto Rico Public Service Commission and chair of the Puerto Rico Planning Board serve by virtue of their offices	Appointed members must be “related to the transportation system in Puerto Rico,” have satisfactory knowledge in the area of transportation and have an “excellent reputation in the Puerto Rican community”	9 L.P.R.A. §3153

**Notes**

1. The gubernatorial appointment of the South Carolina Secretary of Transportation expires in 2015, at which time the responsibility reverts to the Commission of the DOT (2007 S.C. Acts, Act 114).
2. Before July 1, 2009, six commissioners represented counties and one was at-large. Now, four commissioners represent each of the four DOT regions and three are at-large; no more than two can be from any one region. At least one must be selected from a rural county.
3. The Vermont Transportation Board provides appellate review of various state DOT decisions and rulings, has original jurisdiction over certain claims and conducts public hearings. Thus, although not solely advisory in nature, it does not have the policy-making function of many other transportation boards and commissions.

## APPENDIX E. LEGISLATIVE COMMITTEES THAT ADDRESSED TRANSPORTATION ISSUES AS OF APRIL 2011

State/Jurisdiction	Committees
Alabama	House Committee on Transportation, Utilities and Infrastructure <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation and Infrastructure—House Transportation, Utilities and Infrastructure</i></li> </ul> Permanent Joint Transportation Committee Senate Committee on Commerce, Transportation and Utilities
Alaska	House Committee on Finance <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation and Public Facilities—House Finance</i></li> </ul> House Committee on Transportation Senate Committee on Finance <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation and Public Safety—Senate Finance</i></li> </ul> Senate Committee on Transportation
Arizona	House Committee on Transportation Senate Committee on Appropriations <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation and Criminal Justice—Senate Appropriations</i></li> </ul> Senate Committee on Natural Resources and Transportation
Arkansas	House Committee on Public Transportation <ul style="list-style-type: none"> <li>• <i>Subcommittee on Motor Vehicles and Highways—House Public Transportation</i></li> <li>• <i>Subcommittee on Public Transportation and Rail—House Public Transportation</i></li> <li>• <i>Subcommittee on Waterways and Aeronautics—House Public Transportation</i></li> </ul> Joint Blue Ribbon Committee on Highway Finance <ul style="list-style-type: none"> <li>• <i>Subcommittee on New Revenue—Joint Blue Ribbon Committee on Highway Finance</i></li> <li>• <i>Subcommittee on Revenue Transfer—Joint Blue Ribbon Committee on Highway Finance</i></li> <li>• <i>Work Group—Joint Blue Ribbon Committee on Highway Finance</i></li> <li>• <i>Stakeholders Task Force (non-legislative membership)—Joint Blue Ribbon Committee on Highway Finance</i></li> </ul> Senate Committee on Public Transportation, Technology and Legislative Affairs <ul style="list-style-type: none"> <li>• <i>Subcommittee on Motor Vehicles and Highways—Senate Public Transportation, Technology and Legislative Affairs</i></li> <li>• <i>Subcommittee on Waterways and Aeronautics—Senate Public Transportation, Technology and Legislative Affairs</i></li> </ul>
California	Assembly Committee on Budget <ul style="list-style-type: none"> <li>• <i>Subcommittee No. 3 on Resources and Transportation—Assembly Budget</i></li> </ul> Assembly Committee on Transportation Assembly Select Committee on High Speed Rail for California Assembly Select Committee on Inland Empire Transportation Issues Assembly Select Committee on Ports Assembly Select Committee on Rail Transportation Senate Committee on Budget and Fiscal Review <ul style="list-style-type: none"> <li>• <i>Subcommittee No. 2 on Resources, Environmental Protection, Energy and Transportation—Senate Budget and Fiscal Review</i></li> </ul> Senate Committee on Transportation and Housing Senate Select Committee on Alameda Corridor Senate Select Committee on Bay Area Transportation Senate Select Committee on California Ports and Goods Movement Senate Select Committee on High-Speed Rail
Colorado	House Committee on Transportation Joint Committee on Transportation Senate Committee on Transportation

State/Jurisdiction	Committees
Connecticut	Joint Committee on Appropriations <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation—Joint Appropriations</i></li> </ul> Joint Committee on Finance, Revenue and Bonding <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation Bonding—Joint Finance, Revenue and Bonding</i></li> </ul> Joint Committee on Transportation
Delaware	House Committee on Public Safety and Homeland Security House Committee on Transportation, Land Use and Infrastructure Senate Committee on Highways and Transportation Senate Committee on Public Safety
Florida	House Committee on Appropriations <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation and Economic Development Appropriations—House Appropriations</i></li> </ul> House Committee on Economic Affairs <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation and Highway Safety—House Economic Affairs</i></li> </ul> Senate Committee on Budget <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation, Tourism and Economic Development Appropriations—Senate Budget</i></li> </ul> Senate Committee on Transportation
Georgia	House Committee on Appropriations <ul style="list-style-type: none"> <li>• <i>Economic Development Subcommittee—House Appropriations</i></li> </ul> House Committee on Motor Vehicles House Committee on Public Safety House Committee on Transportation Joint Committee on Metropolitan Atlanta Rapid Transit Overview (MARTOC) Senate Committee on Appropriations Senate Committee on Public Safety Senate Committee on Transportation
Hawaii	House Committee on Transportation Senate Committee on Transportation and International Affairs
Idaho	House Committee on Transportation and Defense Senate Committee on Transportation
Illinois	House Committee on Appropriations—Public Safety House Committee on Mass Transit House Committee on Transportation: Regulation, Roads and Bridges <ul style="list-style-type: none"> <li>• <i>Subcommittee on Railroad and Air Transportation—House Transportation: Regulation, Roads and Bridges</i></li> <li>• <i>Subcommittee on Transportation Registration and Regulation—House Transportation: Regulation, Roads and Bridges</i></li> </ul> House Committee on Transportation: Vehicles and Safety <ul style="list-style-type: none"> <li>• <i>Subcommittee on Speed Limits—House Transportation: Vehicles and Safety</i></li> </ul> House Committee on Tollway Oversight <ul style="list-style-type: none"> <li>• <i>Subcommittee on Tollway Oversight Review—House Tollway Oversight</i></li> </ul> Senate Committee on Transportation
Indiana	House Committee on Roads and Transportation Joint Illiana Expressway Proposal Review Committee Joint Interim Study Committee on Driver Education Joint Northwest Transportation Study Commission Joint Rail Corridor Safety Committee Joint Study Committee on Transportation and Infrastructure Investment and Solutions Senate Committee on Homeland Security, Transportation and Veterans Affairs <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation—Senate Homeland Security, Transportation and Veterans Affairs</i></li> </ul>
Iowa	House Committee on Public Safety House Committee on Transportation Joint Transportation, Infrastructure, and Capitals Appropriations Subcommittee Senate Committee on Transportation
Kansas	House Committee on Transportation House Committee on Transportation and Public Safety Budget Joint Special Committee on New Comprehensive Transportation Plan Joint Special Committee on Transportation Senate Committee on Transportation

State/Jurisdiction	Committees
Kentucky	House Committee on Appropriations and Revenue <ul style="list-style-type: none"> <li>• <i>Budget Review Subcommittee on Transportation—House Appropriations and Revenue</i></li> </ul> House Committee on Transportation Interim Joint Committee on Transportation Senate Committee on Transportation
Louisiana	House Committee on Appropriations <ul style="list-style-type: none"> <li>• <i>Subcommittee on Infrastructure and Resources—House Appropriations</i></li> </ul> House Committee on Transportation, Highways and Public Works Senate Committee on Transportation, Highways and Public Works Senate Select Committee on Oversight of the Greater New Orleans Expressway
Maine	Joint Committee on Transportation
Maryland	House Appropriations Committee <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation and the Environment—House Appropriations</i></li> </ul> House Environmental Matters Committee <ul style="list-style-type: none"> <li>• <i>Subcommittee on Motor Vehicles and Transportation—House Environmental Matters</i></li> </ul> House Judiciary Committee House Ways and Means Committee <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation—House Ways and Means</i></li> <li>• <i>Subcommittee, Vice Chair's—House Ways and Means</i></li> </ul> Senate Budget and Taxation Committee <ul style="list-style-type: none"> <li>• <i>Subcommittee on Public Safety, Transportation and Environment—Senate Budget and Taxation</i></li> </ul> Senate Finance Committee <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation—Senate Finance</i></li> </ul> Senate Judicial Proceedings Committee
Massachusetts	Joint Committee on Transportation
Michigan	House Committee on Appropriations <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation—House Appropriations</i></li> </ul> House Committee on Transportation Senate Committee on Appropriations <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation—Senate Appropriations</i></li> </ul> Senate Committee on Transportation
Minnesota	House Committee on Transportation Policy and Finance Senate Committee on Transportation
Mississippi	House Committee on Judiciary A House Committee on Ports, Harbors, and Airports House Committee on Public Utilities House Committee on Transportation House Committee on Ways and Means Senate Committee on Finance Senate Committee on Highways and Transportation Senate Committee on Judiciary, Division A Senate Committee on Ports and Marine Resources
Missouri	House Committee on Appropriations—Transportation and Economic Development House Committee on Budget House Committee on Transportation House Committee on Transportation Funding and Public Institutions Joint Committee on Transportation Oversight Senate Committee on Appropriations Senate Committee on Transportation
Montana	House Committee on Transportation Senate Committee on Highways and Transportation Joint Appropriations Subcommittee on Natural Resources and Transportation
Nebraska	Committee on Transportation and Telecommunications Midwest Interstate Passenger Rail Compact (some Nebraska legislators appointed as members)
Nevada	Assembly Committee on Transportation Commission on Special License Plates Interim Finance Committee Joint Subcommittee on Public Safety, Natural Resources, and Transportation Legislative Commission Senate Committee on Transportation



State/Jurisdiction	Committees
New Hampshire	House Committee on Public Works and Highways House Committee on Transportation Senate Committee on Transportation and Interstate Cooperation
New Jersey	Assembly Committee on Transportation, Public Works and Independent Authorities Senate Committee on Transportation
New Mexico	House Appropriations and Finance Committee House Committee on Transportation and Public Works Senate Committee on Corporations and Transportation Senate Finance Committee
New York	Assembly Committee on Corporations, Authorities and Commissions Assembly Committee on Transportation Senate Committee on Transportation
North Carolina	House Committee on Appropriations <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation—House Appropriations</i></li> </ul> House Committee on Transportation Joint Future of the North Carolina Railroad Study Commission Joint Legislative Transportation Oversight Committee Senate Committee on Appropriations on Department of Transportation Senate Committee on Transportation
North Dakota	House Committee on Transportation Senate Committee on Transportation
Ohio	House Committee on Transportation, Public Safety and Homeland Security Senate Committee on Highways and Transportation Subcommittee on Transportation—House Finance and Appropriations
Oklahoma	House Committee on Appropriations and Budget <ul style="list-style-type: none"> <li>• <i>Subcommittee on General Government and Transportation—House Appropriations and Budget</i></li> </ul> House Committee on Transportation Senate Committee on Appropriations <ul style="list-style-type: none"> <li>• <i>Subcommittee on General Government and Transportation—Senate Appropriations</i></li> </ul> Senate Committee on Transportation
Oregon	House Committee on Revenue House Committee on Transportation and Economic Development Joint Committee on Ways and Means <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation and Economic Development—Joint Ways and Means</i></li> </ul> Senate Committee on Business, Transportation and Economic Development Senate Committee on Finance and Revenue
Pennsylvania	House Committee on Transportation <ul style="list-style-type: none"> <li>• <i>Subcommittee on Aviation—House Transportation</i></li> <li>• <i>Subcommittee on Highways—House Transportation</i></li> <li>• <i>Subcommittee on Public Transportation—House Transportation</i></li> <li>• <i>Subcommittee on Railroads—House Transportation</i></li> <li>• <i>Subcommittee on Transportation Safety—House Transportation</i></li> </ul> Senate Committee on Transportation
Rhode Island	House Committee on Finance <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation—House Finance</i></li> </ul> Joint Committee on Highway Safety Joint Port Facilities Study Commission Senate Committee on Finance <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation and Public Safety—Senate Finance</i></li> </ul> Study Commission on Sustainable Transportation Funding
South Carolina	House Committee on Education and Public Works <ul style="list-style-type: none"> <li>• <i>Subcommittee on Motor Vehicles and Public Works—House Education and Public Works</i></li> <li>• <i>Subcommittee on Transportation and Roadways—House Education and Public Works</i></li> </ul> House Committee on Ways and Means <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation and Regulatory—House Ways and Means</i></li> </ul> Senate Committee on Transportation
South Dakota	House Committee on Transportation Senate Committee on Transportation

Transportation Governance and Finance

State/Jurisdiction	Committees
Tennessee	Fiscal Review Committee House Committee on Finance, Ways and Means House Committee on Government Operations House Committee on Transportation <ul style="list-style-type: none"> <li>• <i>General Subcommittee—House Transportation</i></li> </ul> Senate Committee on Finance, Ways and Means Senate Committee on Government Operations Senate Committee on Transportation
Texas	House Committee on Appropriations House Committee on Transportation Senate Committee on Finance Senate Committee on Transportation and Homeland Security
Utah	House Committee on Transportation Joint Infrastructure and General Government Appropriations Subcommittee Senate Committee on Transportation, Public Utilities and Technology Senate Committee on Transportation and Public Utilities and Technology Confirmation
Vermont	House Committee on Transportation Joint Transportation Oversight Committee Senate Committee on Transportation
Virginia	House Committee on Appropriations <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation—House Appropriations</i></li> </ul> House Committee on Transportation <ul style="list-style-type: none"> <li>• <i>Subcommittee #1—House Transportation</i></li> <li>• <i>Subcommittee #2—House Transportation</i></li> <li>• <i>Subcommittee #3—House Transportation</i></li> <li>• <i>Subcommittee #4—House Transportation</i></li> </ul> Senate Committee on Finance <ul style="list-style-type: none"> <li>• <i>Subcommittee on Transportation—Senate Finance</i></li> </ul> Senate Committee on Transportation
Washington	House Committee on Transportation Joint Transportation Committee Senate Committee on Transportation
West Virginia	House Committee on Roads and Transportation Joint Select Committee on Infrastructure Senate Committee on Transportation and Infrastructure
Wisconsin	Assembly Committee on Transportation Senate Committee on Transportation and Elections
Wyoming	Air Transportation Liaison Committee House Committee on Transportation Joint Interim Committee on Revenue Joint Interim Committee on Transportation, Highways and Military Affairs Senate Committee on Transportation
District of Columbia	Committee on Public Works and Transportation
Puerto Rico	House Committee on Transportation and Infrastructure ( <i>Comisión de Transportación e Infraestructura</i> ) Joint Committee on Puerto Rico Public-Private Partnerships ( <i>Comisión Conjunta Para las Alianzas Público Privadas de Puerto Rico</i> ) Senate Committee on Urban Planning and Infrastructure ( <i>Comisión de Urbanismo e Infraestructura</i> ) Senate Special Committee on the Port of the Americas ( <i>Comisión Especial del Puerto de las Américas</i> )



## NOTES

1. National Conference of State Legislatures (NCSL), *Separation of Powers* (Denver, Colo.: NCSL, 2010), <http://www.ncsl.org/default.aspx?TabId=13543>; Wis. Stat. Ann. §15.001.
2. Alan Rosenthal, *Heavy Lifting: The Job of the American Legislature* (Washington, D.C.: CQ Press, 2004), 9.
3. National Conference of State Legislatures (NCSL), *Full- and Part-Time Legislatures* (Denver, Colo.: NCSL, 2009), <http://www.ncsl.org/?tabid=16701>.
4. James J. Fazzalano, *Transportation Agency Organization in Other States*, 2007-R-0028 (Hartford, Conn.: Office of Legislative Research, 2007), <http://www.cga.ct.gov/2007/rpt/2007-R-0028.htm>.
5. Intergovernmental Forum on Transportation Finance, *Financing Transportation in the 21st Century: An Intergovernmental Perspective* (Washington, D.C.: National Academy of Public Administration, 2008).
6. Fazzalano, *Transportation Agency Organization*.
7. Intergovernmental Forum on Transportation Finance, *Financing Transportation*.
8. Ariz. Rev. Stat. Ann. §§28-7361 et seq.; Cal. Pub. Cont. Code §§6800 et seq.; Mo. Rev. Stat. §227.107; N.D. Cent. Code §§24-02-47 et seq.; Tex. Transportation Code Ann. ch. 223; Utah Code Ann. §631-1-263. Many provisions in the Texas law expired on Aug. 31, 2009, except in relation to certain non-tolled managed lanes projects; those expire in 2011.
9. National Conference of State Legislatures (NCSL), *Separation of Powers: Executive Veto Powers* (Denver, Colo.: NCSL, 2010), <http://www.ncsl.org/default.aspx?TabId=13541>.
10. Tex. Transportation Code Ann. §201.301; see also State Profiles.
11. Violet Baffour, *The Fiscal Note Process in State Legislatures* (Raleigh, N.C.: North Carolina General Assembly, Fiscal Research Division, 1999), <http://www.ncsl.org/documents/fiscal/FiscalNoteProcess.pdf>; NCSL-AASHTO Survey Data, 2010 – 2011.
12. Ohio Legislative Service Commission, *A Guidebook for Ohio Legislators: Eleventh Edition, 2009-2010* (Columbus, Ohio: Ohio Legislative Service Commission, 2009), 73, <http://www.lsc.state.oh.us/guidebook/guidebook09.pdf>.
13. National Conference of State Legislatures (NCSL), *Separation of Powers: Legislative Oversight* (Denver, Colo.: NCSL, 2010), <http://www.ncsl.org/default.aspx?TabId=13538>.
14. Ibid.
15. Ibid.
16. Ind. Code Ann. ch. 2-5-28.
17. NCSL, *Separation of Powers: Legislative Oversight*.
18. The Council of State Governments (CSG), *The Book of the States: 2010 Edition*, Vol. 42 (Lexington, Ky.: CSG, 2010); Brenda Erickson, *Sunset or Required Review of Administrative Rules* (Denver, Colo.: NCSL, 2010), unpublished research; Nancy Rhyme, *Legislative Review of Administrative Rules and Regulations* (Denver, Colo.: NCSL, 1990); Vt. Stat. Ann. tit. 3, §842(b).
19. National Conference of State Legislatures (NCSL), *Legislative Performance Budgeting* (Denver, Colo.: NCSL, 2008), <http://www.ncsl.org/default.aspx?tabid=12617>.
20. The Missouri DOT Tracker is located at [http://www.modot.org/about/general\\_info/Tracker.htm](http://www.modot.org/about/general_info/Tracker.htm); the Texas DOT Tracker is at [http://www.txdot.gov/about\\_us/sppm/txdot\\_tracker.htm](http://www.txdot.gov/about_us/sppm/txdot_tracker.htm); and the Texas DOT Project Tracker is at [http://www.txdot.gov/project\\_information/project\\_tracker.htm](http://www.txdot.gov/project_information/project_tracker.htm).
21. 2007 Nev. Stats., Chap. 344.
22. 2000 Md. Laws, Chap. 303.
23. 2010 Minn. Laws., Chap. 350.
24. Wash. Rev. Code Ann. §43.17.385 and §43.17.390; 2009 Wash. Laws, Chap. 564 §931.
25. NCSL, *Legislative Performance Budgeting*.
26. Robert D. Boerner, Program Principal, National Conference of State Legislatures (NCSL), conversation with author, Dec. 21, 2010.
27. Keenan Konopaski, Audit Coordinator, Washington State Legislature Joint Legislative Audit and Review Committee, e-mail to author, Oct. 21, 2010.
28. Robert D. Boerner, “Legislative Oversight in the States,” *LegisBrief* 13, no. 45 (Denver, Colo.: National Conference of State Legislatures [NCSL], 2005); National Conference of State Legislatures (NCSL) and Florida Office of Program Policy Analysis and Government Accountability (OPPAGA), *Ensuring the Public Trust 2008: Program Policy Evaluation’s Role in Serving State Legislatures* (Denver, Colo.: NCSL, 2008), <http://www.ncsl.org/default.aspx?tabid=20720>.
29. Andrea Truitt, Audit Manager/General Counsel, South Carolina Legislative Audit Council, e-mail to author, Oct. 19, 2010.

30. Some states, including South Dakota and West Virginia, allow for periodic review and even discontinuation of state agencies, but are not considered to have true sunset provisions because the entities do not automatically repeal if there is no affirmative action of the legislature (see State Profiles).

31. Note, however, Senate Bill 1204 in Florida's 2011 legislative session, which proposes to eliminate the state's sunset review process (see also State Profiles). As of April 2011, the bill had passed both chambers.

32. Tex. Transportation Code Ann. §201.204.

33. Wash. Rev. Code Ann. §43.09.470.

34. California, Colorado, Connecticut, Delaware, Florida, Idaho, Iowa, Kansas, Kentucky, Maine, Massachusetts, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia and Wyoming. See State Profiles.

35. Information in this section is drawn from NCSL-AASHTO Survey Data, 2010 – 2011; National Conference of State Legislatures (NCSL), *General Overview of Legislative vs. Executive Appropriations Issues* (Denver, Colo.: NCSL, 2010), <http://www.ncsl.org/default.aspx?TabId=18190>; National Conference of State Legislatures (NCSL), *Separation of Powers: Appropriation Powers* (Denver, Colo.: NCSL, 2010), <http://www.ncsl.org/default.aspx?TabId=20623>; Alan Rosenthal, *Governors and Legislatures: Contending Powers* (Washington, D.C.: CQ Press, 1990); and Ronald Snell, *The Power of the Purse: Legislatures that Write State Budgets Independently of the Governor* (Denver, Colo.: NCSL, 2010), <http://www.ncsl.org/default.aspx?TabID=12611>.

36. National Conference of State Legislatures (NCSL), *Timing of Legislative Receipt of Agency Budget Requests* (Denver, Colo.: NCSL, 2010), <http://www.ncsl.org/default.aspx?TabID=12606>.

37. National Conference of State Legislatures (NCSL), *Budget Procedures* (Denver, Colo.: NCSL, 2010), <http://www.ncsl.org/default.aspx?TabID=12669>.

38. Intergovernmental Forum on Transportation Finance, *Financing Transportation*.

39. Or. Rev. Stat. §291.375.

40. Ohio Rev. Code Ann. §4981.02.

41. Intergovernmental Forum on Transportation Finance, *Financing Transportation*.

42. Matt Sundeen and James B. Reed, *Surface Transportation Funding: Options for States* (Denver, Colo.: National Conference of State Legislatures [NCSL], 2006), <http://www.ncsl.org/documents/transportation/surfacetranfundrept.pdf>, 16-17.

43. American Association of State Highway and Transportation Officials (AASHTO), *Survey of State Funding for Public Transportation: Final Report 2010* (Washington, D.C.: AASHTO, 2010), [http://www.apta.com/resources/reportsandpublications/Documents/survey\\_state\\_funding\\_FY\\_08.pdf](http://www.apta.com/resources/reportsandpublications/Documents/survey_state_funding_FY_08.pdf).

44. Alaska Const. art. IX, §7.

45. NCSL-AASHTO Survey Data, 2010 – 2011; American Association of State Highway and Transportation Officials (AASHTO), *State Transportation Trust Funds* (Washington D.C.: AASHTO, 2010), unpublished research. Trust funds are used by Arkansas, California, Delaware, Florida, Louisiana, Idaho, Maryland, Massachusetts, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, Oregon, Pennsylvania, South Dakota, Tennessee, Virginia and the District of Columbia.

46. Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia. See State Profiles.

47. Mont. Const. art. VIII, §6.

48. Va. Code §2.2-1509.2.

49. Counties have limited or no responsibility for roads in the New England states, or in Delaware, North Carolina, Virginia (with some exceptions) and West Virginia. Connecticut and Rhode Island do not have organized county governments, and in Alabama and Maryland, the state has assumed responsibility for roads in certain counties. See Federal Highway Administration (FHWA), *About Highway Statistics* (Washington, D.C.: FHWA, 2008), <http://www.fhwa.dot.gov/policy/ohpi/hss/abouthss.cfm>.

50. Intergovernmental Forum on Transportation Finance, *Financing Transportation*.

51. Alabama, Arizona, Arkansas, Colorado, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, West Virginia and Wisconsin. See State Profiles.

52. California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Maine, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Texas, Utah, Vermont, Virginia and Washington. See State Profiles.

53. Innovative financing mechanisms for transportation have been detailed in depth in many other helpful resources. See, for example, American Association of State Highway and Transportation Officials (AASHTO) Center for Excellence in Project Finance, *Financing* (Washington, D.C.: AASHTO, 2008), [http://www.transportation-finance.org/funding\\_financing/financing](http://www.transportation-finance.org/funding_financing/financing); American Association of State Highway and Transportation Officials (AASHTO) Center for Excellence in Project Finance, *Project Finance State by State* (Washington D.C.: AASHTO, 2010), [http://www.transportation-finance.org/tools/state\\_by\\_state](http://www.transportation-finance.org/tools/state_by_state); Greg Dierkers and Justin Mattingly, *How States and Territories Fund Transportation: An Overview of Traditional and Nontraditional Strategies* (Washington, D.C.: National Governors Association [NGA] Center for Best Practices, 2009), <http://www.nga.org/Files/pdf/0907TRANSPORTATIONSTRATEGIES.PDF>; Federal Highway Administration (FHWA) Office of Innovative Program Delivery, *Project Finance: Tools and Programs* (Washington, D.C.: FHWA, 2010), [http://www.fhwa.dot.gov/ipd/finance/tools\\_programs/index.htm](http://www.fhwa.dot.gov/ipd/finance/tools_programs/index.htm); Jaime Rall, James B.

Reed and Nicholas J. Farber, *Public-Private Partnerships for Transportation: A Toolkit for Legislators* (Denver, Colo.: National Conference of State Legislatures [NCSL], 2010), <http://www.ncsl.org/default.aspx?tabid=20321>; and Sundeen and Reed, *Surface Transportation Funding*.

54. The AASHTO Center for Excellence in Project Finance notes that Arkansas, Hawaii, Idaho, Nebraska, North Dakota, South Dakota, Tennessee, Wyoming and Puerto Rico lack state bonding authority. This differs, however, from the NCSL-AASHTO survey data in which several of these states reported using a combination of bonding and pay-as-you-go financing for transportation projects. Of those, Tennessee noted that bonds had been approved but not issued. See State Profiles and American Association of State Highway and Transportation Officials (AASHTO) Center for Excellence in Project Finance, *Project Finance State by State: Other Debt Financing* (Washington D.C.: AASHTO, 2010), <http://www.transportation-finance.org/flash/map/map.aspx?target=odf>.

55. U.S. Department of Transportation, *Report to Congress on Public-Private Partnerships* (Washington, D.C.: U.S. DOT, 2004), <http://www.fhwa.dot.gov/reports/pppdec2004/#2a>; Rall, Reed and Farber, *Public-Private Partnerships for Transportation*.

56. Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nevada, North Carolina, North Dakota, Ohio, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin and Puerto Rico. See Rall, Reed and Farber, *Public-Private Partnerships for Transportation*; N.D. Cent. Code §§48-02.1-01 et seq. Ohio's legislation was enacted in March 2011 (2011 Ohio Laws, House Bill 114).

57. Del. Code Ann. tit. 2, §2003(e)(3); Fla. Stat. Ann. §334.30(1), §334.30(2)(d) and §334.30(12) in relation to PPP projects; Fla. Stat. Ann. §338.221(6), §338.222, §338.223 and §338.2275 in relation to any turnpike project; Fla. Stat. Ann. §348.0004(9)(a) in relation to leasing existing toll facilities; Ind. Code Ann. §8-15.7-1-5; Me. Rev. Stat. Ann. tit. 23, §4251(8) and (9); Mo. Rev. Stat. §227.615(2); N.C. Gen. Stat. §136-89.183(a)(2)(e); Tenn. Code Ann. §54-3-102(b) and §54-3-113; Wash. Rev. Code Ann. §47.29.060(1)(e); W. Va. Code §17-27-9(10)(i). For more information, see Rall, Reed and Farber, *Public-Private Partnerships for Transportation*. 2011 Ohio Laws, House Bill 114, does not include formal legislative approval requirements, but it does include this provision in §5501.73(D): Any public-private agreement entered into under this section may be for a period not to exceed the then current two-year period for which appropriations have been made by the general assembly to the department; provided, that any agreement may be renewed for succeeding two-year periods when the general assembly enacts sufficient appropriations to the department for each successive biennium.

58. Rall, Reed and Farber, *Public-Private Partnerships for Transportation*.

59. NCSL-AASHTO Survey Data, 2010 – 2011; Dierkers and Mattingly, *How States and Territories Fund Transportation*.

60. Colo. Rev. Stat. §43-4-701 and §43-4-706; Idaho Code §40-315(c); La. Rev. Stat. Ann. §48:27(D)(1)(b); Me. Rev. Stat. Ann. tit. 23, §1604 and §1612; Wash. Rev. Code Ann. §47.29.060. The Idaho Legislature must approve the annual amount of GARVEE bonds and eligible projects, but the transportation board has discretion over how it allocates the bond revenues among authorized projects.

61. Cal. Streets and Highways Code §188.51; Cal. Government Code §14553.4; Colo. Rev. Stat. §43-4-705. Maine also caps the amount of GARVEE debt in Me. Rev. Stat. Ann. tit. 23, §1604, but unlike California and Colorado, Maine requires all GARVEE bonds—even those under the cap—to be authorized by the Legislature. Maine also defines the maximum bond term and restricts the potential uses of GARVEE debt to capital projects with an anticipated useful life of at least 20 years. See also American Association of State Highway and Transportation Officials (AASHTO) Center for Excellence in Project Finance, *Grant Anticipation Revenue Vehicles (GARVEEs)* (Washington, D.C.: AASHTO, 2010), [http://www.transportation-finance.org/funding\\_financing/financing/bonding\\_debt\\_instruments/municipal\\_public\\_bond\\_issues/garvees.aspx](http://www.transportation-finance.org/funding_financing/financing/bonding_debt_instruments/municipal_public_bond_issues/garvees.aspx).

62. Connecticut Department of Transportation (ConnDOT), *Transportation in Connecticut: The Planning Process—Federal and State Requirements* (Newington, Conn.: ConnDOT, 2007), <http://www.ct.gov/dot/lib/dot/documents/dpolicy/2007processcolor.pdf>; Sundeen and Reed, *Surface Transportation Funding*.

63. Neb. Const. art. III, §18; Wyo. Const. §97-3-027; see State Profiles. The Wyoming Legislature can provide special appropriations for promoting types of projects, but not for individual projects due to this constitutional prohibition.

64. Wis. Stat. Ann. §13.489. Legislative review of major highway projects in Wisconsin is performed largely by the Transportation Projects Commission with recommendations from the DOT. The commission is a governor-led joint legislative body comprised of legislators and three citizen members, with the secretary of transportation as a nonvoting member. Projects are then approved by the full Legislature.

65. The survey response from Minnesota reports that bills introduced in the Minnesota Legislature to prioritize projects more highly than in the existing DOT program usually are defeated.

66. The survey response from Montana reports that special legislation to address individual highways or projects is generally discouraged in that state.

67. Depending on the state, surplus or excess funds may be defined as unspent appropriations, revenues in excess of a legislatively approved DOT budget, or revenues in excess of statutory limits on a dedicated transportation fund. Excess funds do not include money that is obligated or otherwise committed to a specific, approved future purpose.

68. Vt. Stat. Ann. tit. 19, §12b(d).

69. As described in more detail in the State Profile Example on pages 40 and 41, the main source of information for these state-by-state profiles is the responses from the 50 states, the District of Columbia and Puerto Rico to the NCSL-AASHTO surveys. The survey data was supplemented by several other resources, including original research using Westlaw and StateNet; American Association of State Highway and Transportation Officials (AASHTO), *Survey of State Funding for Public Transportation*; American Associa-

tion of State Highway and Transportation Officials (AASHTO) Center for Excellence in Project Finance, *Project Finance State by State*; Association of American Railroads (AAR), *Railroads and States* (Washington, D.C.: AAR, 2010), <http://www.aar.org/KeyIssues/Railroads-States.aspx>; The Council of State Governments (CSG), *The Book of the States: 2010 Edition*; Council on Licensure, Enforcement and Regulation (CLEAR), *Sunrise, Sunset and State Agency Audits* (Lexington, Ky.: CLEAR, n.d.), <http://www.clearhq.org/Default.aspx?pageId=486181>; Dierkers and Mattingly, *How States and Territories Fund Transportation*; Nicholas J. 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# TRANSPORTATION GOVERNANCE AND FINANCE

## A 50-STATE REVIEW OF

### STATE LEGISLATURES AND DEPARTMENTS OF TRANSPORTATION

A complex network of public and private organizations finances, plans, builds and operates the U.S. transportation system. Every U.S. jurisdiction has an elected legislative body that is broadly responsible for policies, programs and, to some extent, appropriations and program oversight, and an executive branch agency or department that is responsible for highway functions, under the authority of the governor or other lead executive. The structures and functions of these entities, however, vary widely across jurisdictions.

Tight budgets in tandem with deteriorating infrastructure are challenging states to develop innovative approaches to governing and financing transportation systems. Meaningful collaboration between state legislatures and state departments of transportation (DOTs)—while honoring appropriate checks and balances—is key to providing the high quality transportation system America needs to thrive.

This unprecedented and authoritative analysis of state legislative-DOT interactions in transportation offers a baseline of the current situation, while pointing to ways states can learn from each other. Ideally, as the synthesis of approaches contained herein is absorbed, both legislatures and DOTs will be able to better evaluate how they manage and pay for transportation systems in light of the bigger picture, and to use this information to enhance their organizations, processes, collaborations and outcomes.

In the end, greater proficiency in providing key public services creates value for taxpayers and contributes to economic competitiveness and improved quality of life. This study—with its comprehensive state-by-state profiles and in-depth comparative synthesis—will aid the states in furthering such proficiency in transportation.

“The report’s sometimes frank and direct findings offer an illuminating look at how differently DOT officials and legislators view their roles in addressing the states’ difficult and growing transportation needs.”

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“We know firsthand in Kansas how important it is to have a healthy relationship between the legislature and DOT officials, especially when advocating for funding in tough economic times. This report is deep with information and original research that can help guide any state to the ends they seek.”

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“As states struggle to secure much-needed transportation funding, it is important that policy makers and their staffs have a convenient resource available to identify alternative transportation funding, governance and accountability models from other states around the country. This report is that long-sought resource.”

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