

**Testimony of the Honorable James H. Willox  
Chairman, Converse County Board of County Commissioners and;  
Chairman, Wyoming County Commissioners Association Committee on Transportation.**

**United States Senate Committee on Environment and Public Works Hearing on  
“MAP-21 Reauthorization: State and Local Perspectives on  
Transportation Priorities and Spending”  
March 27, 2014**

Good morning Chairman Boxer, Ranking Member Vitter, Senator Barrasso, and distinguished members of the committee. Thank you for the opportunity to address you today regarding local government perspectives on federal highway programs.

My name is Jim Willox, I am the Chairman of the Board of County Commissioners in Converse County, Wyoming, and have served on that Board since 2007. I also serve as Chairman of the Transportation Committee for the Wyoming County Commissioners Association, or WCCA. The WCCA is a voluntary association of all 23 Wyoming counties that strives to address county level needs through unified action.

Converse County is located in central Wyoming with a total population of just about 14,000. There is about one square mile of land in Converse County for every 3 of our residents. The rural nature of Converse County is a reasonable representation of Wyoming as a whole, which boasts only 5.8 people per square mile. Converse County is also fairly representative of many Western counties in our part of the United States. These population factors, when combined with our climate and the high percentage of federal land ownership within our borders, create unique transportation challenges for Wyoming and its counties, including Converse County. In many respects, these challenges make us strong supporters of federal highway programs. However, we do believe there is room for improvement.

**Converse County, and all 23 Wyoming counties, needs a vibrant federal partner.**

There is no doubt that the biggest, most complicated and controversial issue surrounding reauthorization of the highway and surface transportation bill is determining the appropriate level of funding for federal programs, as well as the appropriate source of that funding. I am aware that yet again the Highway Trust Fund faces a multi-billion dollar shortfall. Congress is again in the unenviable position of dealing with that shortfall, and the ever shrinking revenue derived from the federal gas tax, in a way that addresses the short and long-term viability of federal programs. While this is undoubtedly a challenge, it is worth the effort to find a solution.

From a rural county’s perspective, and far beyond the nuts and bolts of specific programs, the continued viability of a federal partner in road and bridge projects is of the utmost importance. Our partners at the National Association of County Officials have pointed out that a full 45% of roads in the United States are owned and operated by counties. In Wyoming, 14,651 miles of road, or nearly 52% of road mileage in the state are county roads. Only 17% of those county roads are paved. In my county alone we maintain 618 miles of county roads; 512 miles of that system are gravel.

One of my fellow Commissioners on the Converse County Board is a cattle rancher in southern Converse County. To bring his product to the national and global marketplace, he must round up his cattle and transport them on 6 miles of gravel county road, 5 miles of paved county road, 3 miles of state highway, 68 miles of federal interstate, 49 miles on a US highway, and finally to a local city street where he can bring them to market. In northern Converse County I could also describe to you the similar route millions of dollars of oil and gas production takes to reach markets, or the route a tourist takes to go camping in the Medicine Bow National Forest . If a weak link exists in any of those road systems, the rancher's ability to help feed the nation and the world is stymied, oil and gas is not available to heat our homes or fuel our cars, and the tourist misses out on an outdoor adventure. At the county level we invest a great deal to make certain our portion of roads are in good shape, and we have an excellent partner in the State of Wyoming. However, the ability of Wyoming and its counties to fund road and bridge projects is heavily dependent upon the continuation of the federal highway program, and in turn, continued viability of the Highway Trust Fund.

Wyoming residents are doing their part to invest in these projects at the federal level. On average, Americans pay into the federal Highway Trust Fund approximately \$113 dollars each. Wyoming's residents pay nearly three times that amount. While Wyomingites have stepped up to the plate to help contribute to the federal Highway Trust Fund as well as to state highway coffers, it is simply a mathematical reality that no amount of taxation on Wyoming's residents will be able to raise enough revenue to fully offset the infrastructure needs in our state. Quite plainly, we need a federal partner.

### **Making the federal highway program work for Wyoming and its counties.**

Beyond the critical need for federal financial resources, the success or failure of federal highway programs in Wyoming can be reasonably predicted based on one question. Does the program provide enough flexibility at the local level to meet the unique needs of Wyoming's climate, terrain, and rural nature? If the answer is yes, then the program can be successful in Wyoming.

MAP21 did reduce the number of programs and allowed for increased ability to transfer funds between programs. This increased flexibility is directly helpful to states and indirectly helpful to counties by allowing for more local control on where federal dollars are spent. However, as you continue the difficult work of reauthorizing federal highway programs this year, I respectfully ask that you give further consideration to providing more flexibility and fewer rules so that local governments are not unduly burdened, and so road and bridge projects can advance promptly and efficiently. Many discussions about efficient infrastructure projects center on long delays of very large projects. However, a great many projects of local significance can and should be advanced quickly. This is particularly true in rural areas, where we often find ourselves attempting to force the round peg of our small project into the square hole of federal rules.

For example, the Federal Lands Access Program (derived from the former Federal Lands Highway Program), the Congestion Mitigation and Air Quality Improvement Program (CMAQ), and the High Risk Rural Roads Program (HRRRP) have been used with some success in Wyoming. However, even these programs suffer from the onerous expectations placed on

counties in order to receive federal assistance. Congress intended that many of these programs offer meaningful assistance to financially challenged counties. However, it is precisely these counties that have fewer staff and resources to comply with regulations and matching requirements. In most cases seeking federal assistance for small, rural projects increases the cost of the project manifold.

For example, Platte County is located immediately to the south of my own. It is a largely agriculture based county, and has a population of only about 8,500. Platte County needs to repair an 8 mile stretch of road and replace a bridge. A reasonable estimate to complete the bridge project sufficient for the actual needs of this rural county is about \$130,000. However, in order to receive desperately needed federal assistance through the Federal Lands Access Program, they must accept a level of engineering, bidding, environmental and construction requirements that could push that price tag upwards of \$1 million dollars.

To begin small dollar projects on existing county rights-of-way through the High Risk Rural Roads Program, counties must submit several pages of environmental review forms to multiple federal and state agencies, further lengthening the time it takes to receive approval. A little flexibility and recognition of rural circumstances would allow for meaningful projects like the one in Platte County and numerous others to take place at reduced costs to both counties and the federal government. I suggest that for small dollar projects outside urban areas, Congress should consider waiving some requirements that simply do not make sense in rural areas.

For example, Congress could help counties save significant dollars simply by allowing for more local control on when engineering must be put out to bid. In rural counties, multiple engineering options often do not exist, and using an engineer who is familiar with the unique needs of the county can result in both monetary and time savings.

Another example: in my own county we recently completed a river crossing bridge that did not meet the Federal Highway Administration's standards the moment it was completed. It doesn't meet the standards not because it is unsafe, but because it is not a two-lane bridge – a requirement of the FHA. In this case, the average daily travel on the bridge is less than 25 vehicles, and signage is adequate to ensure its safe function as a one-lane bridge. We saved the taxpayers hundreds of thousands of dollars by by-passing the federal programs that were available. Despite the fact that we are now ineligible for federal assistance on that project, we opted for a more prudent approach to provide our citizens with a bridge that will serve the community well and at a reasonable cost to the taxpayer.

In addition to the need for more flexibility for projects, particularly in rural counties, some highway programs, even those designed to help deal with federal land access are structured in ways that do not allow for a timely response. In places like Wyoming, a timely response is not just desirable for its own sake; timeliness is an absolute necessity in order to complete projects during our very short construction season.

In order to improve a county road in Converse County, we first had to get approval from the Bureau of Land Management (BLM) that the county possessed the right-of-way. It took the BLM 10 months to determine that indeed we did have a right-of-way on a road that had been

essentially in existence in that location since 1892. After that delay, we still faced the usual delays imposed by the National Environmental Policy Act (NEPA) and related environmental reviews.

At best NEPA reviews require several weeks of analysis, much longer if there are complicating factors like threatened or endangered wildlife species. In those cases, environmental reviews rarely provide the flexibility for maintaining existing roadways even when the activity itself has minimal impact. For example, seasonal wildlife stipulations placed on surface disturbance may be appropriate for new construction, but they should not extend to mere blading of existing roadways. If a county is planning work on a road that has existed since statehood, it should not need to jump through unnecessary hoops designed for new construction.

Delays like these are particularly harmful to counties and states like mine because of the extremely short construction season. Our harsh climate and short construction season means we must plan for even the smallest projects a year in advance. Unnecessary delays imposed by NEPA, other environmental reviews, or other federal requirements can push important public safety projects off for an entire year if not more. Even if a county navigates all of the federal regulations correctly, the lack of a long-term highway bill adds a level of uncertainty that defeats long term planning on the local level. I urge a careful look at how the environmental review and permitting processes can be further streamlined so that road and bridge projects can be completed in a timely manner.

## **Conclusion**

The federal highway program is important to Wyoming and all its counties. We sincerely hope a long-term highway bill can be developed and passed out of Congress this year. With relatively minor changes, Congress can empower local governments to make the right decisions for their county and save taxpayer dollars in the process.

I leave you with this final thought. We talk about how the “information highway” has changed everything about our way of life. You can order your plastic smart-phone case, wool socks, or a big screen TV from the comfort of your home. However, if we fail to invest wisely in our deteriorating real highways with gravel, concrete, pavement and bridges, the petroleum products, sheep’s wool and rare earth elements needed to create those products will never reach their final destination.

Thank you for the opportunity to testify today. I am happy to respond to any questions you may have.