



May 27, 2009

The Honorable James L. Oberstar
Chairman
House Committee on Transportation and
Infrastructure
2165 Rayburn House Office Building
Washington, D.C. 20515

The Honorable John L. Mica
Ranking Member
House Committee on Transportation and
Infrastructure
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Oberstar and Ranking Member Mica:

As your Committee prepares to reconsider the Federal Surface Transportation Act, we respectfully ask that you include in the reauthorized law a clear policy that triggers the necessary standards and guidance to ensure that all new construction and significant reconstruction of Federal-aid roadways mitigate the impacts of stormwater runoff. We believe that these policies should require construction that mimics pre-construction hydrologic conditions to the maximum extent feasible, and take into consideration the localized water quality impacts of roadway projects. Finally, it will be critical that these standards promote cost-effective practices that maximize waterway protection while not compromising construction and maintenance of highway miles.

Nationwide, roads and related infrastructure comprise at least two-thirds of all paved surfaces. These impervious surfaces promote runoff—carrying with it pollutants from tailpipe emissions, fluid leaks, brake linings and tire wear – thereby delivering the roadway’s pollutant load to the nearest receiving waterway.

Runoff from highways and related facilities constitutes a major part of the national water pollution problem. Most Federal-aid highways were built prior to this understanding, and therefore lack any stormwater controls. But best management practices to mitigate such impacts are now known and well understood and should therefore be an integral part of the reauthorized law.

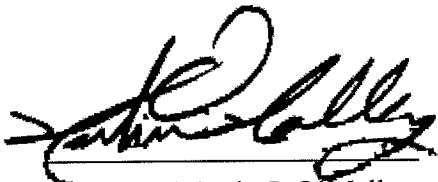
In the Chesapeake Bay watershed, according to a 2002 Maryland study, highways account for 22 percent of urban nitrogen and 32 percent of urban phosphorus; 36 million pounds of nitrogen annually fall on Maryland alone from mobile and highway loads combined. One third of that, 12 million pounds, comes from mobile sources. By comparison, wastewater treatment plants contribute 17 million pounds of nitrogen a year.

The importance of mitigating the impacts of highway runoff stretch far beyond the Chesapeake. A study in Wisconsin showed that roadways produced some of the highest concentrations of phosphorus, suspended solids, bacteria and heavy metals. And a North Carolina Department of Transportation study showed that atmospheric sources related to automobiles accounted for up to 90 percent of nitrogen found in runoff from urban highways. Of the 42,256 impaired waters on the national Clean Water Act 303(d) list, 28,000 of the impairments are directly related to highway runoff. Unfortunately, over 28 percent of the impairments (12,001 water body

segments) are located within the Chesapeake Bay watershed jurisdictions. (DE 101; DC 27; MD 501; NY 610; PA 6,957; VA 2,534; WV 1,271).

Improved stormwater management is a national challenge presenting a vexing problem in the Chesapeake and waterways nationwide. Via the reauthorization process, we believe that it is possible to ensure that stormwater mitigation strategies are incorporated into all new construction and major retrofits of federal-aid roadways. Without this change, taxpayers will be forced to pay the more costly price of restoration to recover their degraded waterways.

We look forward to working with you on this important issue,



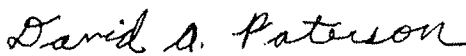
Governor Martin J. O'Malley
Maryland



Governor Edward G. Rendell
Pennsylvania



Governor Timothy M. Kaine
Virginia



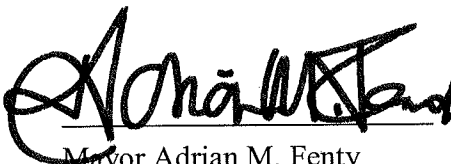
Governor David A. Paterson
New York



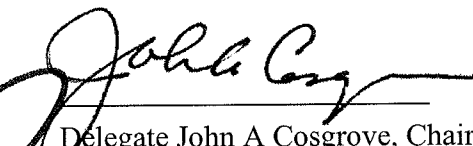
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Chesapeake Bay Commission