

# Holland & Knight

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## **Broward Metropolitan Planning Organization Federal Update April 2016**

FY 2017 Budget/Appropriations Update: A central priority for Republican congressional leadership has been to return the appropriations process to regular order. Last fall, the Bipartisan Budget Act of 2015 was passed by Congress, and signed by the President. The two-year budget agreement sets discretionary spending at \$1.07 trillion for fiscal year (FY) 2017. While Senate Republicans are moving forward with the appropriations process under the terms of the Bipartisan Budget Act, a contingency of Republicans in the House—the House Freedom Caucus—have urged their leadership to reject the spending limits that were agreed to and cut spending by an additional \$30 billion. As a result, lawmakers in the House have been unable to agree on a budget. In the House, failure to pass a budget means the House cannot consider any appropriations bill on the floor until after May 15.

The House Appropriations Committee recently passed two bills favorably out of committee. The [House Agriculture Appropriations bill](#) totals \$21.3 billion in discretionary funding, which is \$451 million lower than the fiscal year 2016 enacted levels. The committee also approved the [Energy-Water Appropriations bill](#). The bill, provides \$37.4 billion, \$259 million above FY 2016 enacted levels, for the Department of Energy (DOE), U.S. Army Corps of Engineers, and Bureau of Reclamation.

On the Senate side, the Appropriations Committee recently approved two bills: the Commerce, Justice, Science (CJS) Appropriations bill and the Transportation, Housing and Urban Development (THUD) Appropriations bill. The [Commerce, Justice, and Science bill](#) totals \$56.3 billion, which is \$563 million above FY 2016 enacted levels. The measure funds the Departments of Commerce and Justice, the National Aeronautics and Space Administration (NASA), the National Science Foundation, and the National Oceanic and Atmospheric Administration (NOAA).

The [THUD Appropriations bill](#) includes \$56.5 billion, which is a \$827 million decrease below FY 2016 enacted levels. The bill provides \$16.9 billion for the U.S. Department of Transportation (DOT).

- \$525 million for TIGER grants, which is \$25 million above the FY 2016 enacted levels.
- \$43.266 billion for federal-aid highways, same as FAST Act authorization and 2% increase over FY 2016 levels
- \$2.338 billion for Capital Investment Grants, \$123 million over FY 2016 levels
  - \$332.85 million for Core Capacity
  - \$240.76 million for Small Starts
  - \$511.28 million for New Starts (proposed new Full Funding Grant Agreements)

- \$1.209 billion for New Starts (Signed Full Funding Grant Agreements)
- \$9.733 billion for Transit Formula Grants, same as FAST Act authorization and \$400 million over FY 2016 levels
- \$50 million for Consolidated Rail Infrastructure and Safety Improvement program; FAST Act authorized \$190 million
- \$199 million for Positive Train Control Grants, same as FAST Act authorization

The bill also provides \$39.2 billion in funding for the Department of Housing and Urban Development (HUD).

FAA Legislation Approved By Senate: On April 19, the Senate voted [95-3](#) to pass the [Federal Aviation Administration \(FAA\) Reauthorization Act of 2016](#). Senator Nelson voted for the legislation while Senator Rubio voted against it. During its time on the Senate floor, more than 20 amendments were added to the bill. The legislation authorizes the FAA for two years for a total of \$16.8 billion.

- AIP received the largest increase in funding, with an increase of \$400 million over current funding levels.
- The legislation would also require the FAA to consult with airports before changing flight paths to ensure that the change does not have a significant effect on the community and environment surrounding the airport.
- Additionally, the legislation calls for a study on drone privacy, requires drone users to pass an aeronautic safety exam, and exempts some model aircraft users from many of the new drone rules.
- The bill mandates airlines to disclose luggage, flight changes, cancellations, and seat choice fees to passengers in an easily understandable format.

The bill will now be sent to the House where it faces an uphill battle with House Republicans. In a statement, Senator Nelson noted, “We’ve given the House a good bi-partisan blueprint to follow and one that they ought to pass easily. Adding controversial measures could put the bill in jeopardy and result in a big loss for consumers and for the safety of the flying public.” However, House Transportation and Infrastructure Committee Chairman Bill Shuster (R-Penn.) has not shown any sign of backing down from his idea of privatizing air traffic control through the creation of an Air Traffic Control (ATC) Corporation, which was not included in the Senate-passed FAA reauthorization bill.

Senate Committee Passes WRDA: On April 26, Senate Environment and Public Works Committee Chairman Jim Inhofe (R-OK) and Ranking Member Barbara Boxer (D-CA) introduced S. 2848, the Water Resources Development Act (WRDA) of 2016. The [\\$9 billion bill](#), which was marked up and voted favorably out of committee on April 28 by a vote of 19-1, authorizes the Army Corps of Engineers policy and major navigation, flood control and environmental restoration projects. The bill also includes a \$220 million aid package for Flint, Michigan, authorizes \$300 million over five years to help communities replace lead service lines, and \$1.4 billion in grants over five years to help small and poor communities comply with the Safe Drinking Water Act. The legislation approves 27 Chiefs Reports which authorizes the completion of Army Corps of Engineers projects nationwide.

Senator Deb Fischer (R-Neb.), the only dissenting vote, expressed concerns about the Environmental Protection Agency's (EPA) program that requires farmers to implement spill prevention plans for oil that is stored on site. Following the approval of the bill, Chairman Inhofe issued a statement saying, "This bill is not only fully paid for, it prioritizes projects to improve ports and waterways for increased global competitive advantage and supports needed flood control projects that protect millions of people and billions of dollars' worth of infrastructure. This commonsense legislation also includes both relief for communities with drinking water emergencies and nationwide support for clean water and safe drinking water infrastructure."

Committee staffers have expressed optimism that the Senate could consider the WRDA bill on the floor soon. The House is expected to introduce its WRDA legislation the week of May 23rd.

FHWA Proposes New Rule to Tackle Traffic Congestion: The Federal Highway Administration (FHWA) [proposed a new rule](#) on April 18 that would require state transportation agencies to collect and use better data on travel times and to monitor the performance of the national's highways. State transportation departments will also have to establish performance targets and report on progress regarding travel time reliability, delay hours, peak-hour congestion, freight movement, and on-road mobile source emissions.

Broward MPO Grants: This month, Broward MPO submitted two grants to the Department of Transportation (DOT): Port Everglades Intermodal Freight Connector Project for a FASTLANE grant (partnering with Port Everglades) and the Regional Complete Streets Initiative for a TIGER grant. Holland & Knight worked to secure a delegation letter to Secretary Foxx in support of the TIGER grant. The letter was signed by Senator Nelson and Reps. Deutch, Wasserman Schultz, Frankel, Hastings, and Wilson.

Broward MPO Trip to Washington, DC: Members of the Broward MPO Executive Committee visited Washington DC on April 18-20. Holland & Knight scheduled meetings for the group with Reps. Wasserman Schultz, Hastings, Frankel, Deutch and Senator Nelson. The group also met with Rep. Wilson's chief of staff, Kim Bowman; Rep. Diaz-Balart's chief of staff, Cesar Gonzalez; and DOT Deputy Secretary Victor Mendez. The group provided an overview of the MPO's projects including the TIGER and FASTLANE grants. Each member of the congressional delegation voiced support for the TIGER grant and promised to send letters and make calls to Secretary Foxx.

FTA Announces Transit Grant Opportunity: On April 14, the Federal Transit Administration (FTA) announced \$20.5 million in competitive grant funding to improve access to public transit in communities nationwide. The Transit-Oriented Development (TOD) Planning Pilot Program supports FTA's mission of improving public transportation for America's communities by providing funding to local communities to integrate land use and transportation planning with a transit capital investment that is seeking, or has recently received, funding through the Capital Investment Grant (CIG) Program. The pilot program is not intended to simply support planning that maintains or increases development adjacent to transit. Instead, the pilot program is intended to fund comprehensive planning that supports economic development, ridership, multimodal connectivity and accessibility, increased transit access for pedestrian and bicycle traffic, and mixed-use development near transit stations. For projects seeking CIG program funding, this

comprehensive planning work will help them develop the information that addresses the CIG Program's evaluation criteria, increasing their competitiveness for funding from the CIG program. For more information, please visit the [Federal Register Announcement via GPO.gov](#).

FRA Announces Railroad Safety Grant: On April 28, the Federal Railroad Administration (FRA) announced \$25 million in grants for railroad safety infrastructure improvement projects. Applicants can include funding for railroad crossings, track, tunnels, bridges, yards, and other areas. During the announcement, U.S. Transportation Secretary Anthony Foxx said, "These funds will help address some of the improvements that are essential for safe, reliable, and efficient railroad operations, and I encourage applications that achieve the maximum benefits possible with this limited funding." All applications for this project is due by June 14, 2016. For more information, please visit the [Funding Opportunity Announcement via Grants.gov](#).

Carolyn Flowers Assumes Leadership of FTA: Carolyn Flowers has assumed the duties of former Acting FTA Therese McMillan. Flowers joined the FTA in 2015 as Senior Advisor to the Administrator. Before joining FTA, Flowers was the CEO and Director of Public Transit for the Charlotte Area Transit System where she coordinated bus and rail transit planning and management. McMillan was nominated to be the FTA Administrator in July 2014, and again in 2015 at the start of a new Congress, but her confirmation was held up in the Senate.