

## **Broward Metropolitan Planning Organization Federal Update August 2018**

### **Appropriations/Congressional Outlook**

Congress continues to work quickly to pass FY 2019 appropriations spending bills prior to September 30, 2018 with the goal of avoiding a government shutdown. Senate Majority Leader Mitch McConnell (R-KY) and House Speaker Paul Ryan (R-WI) are coordinating efforts to package some bills into smaller packages or “minibuses” to move bills more quickly. Both chambers have respectively passed their first minibus package of three appropriations bills: the Energy-Water, Military Construction-Veterans Affairs (VA), and Legislative Branch spending measures. Prior to adjourning for the August recess, the House had also begun working to move its second minibus, which will include the FY 2019 Interior-Environment and Financial Services spending bills. The Senate’s second minibus appropriations package passed on August 1, funding Transportation-Housing and Urban Development (THUD), Agriculture, Interior, and Financial Services appropriations. Both the Senate and House bills largely reject the President’s budget proposal, which sought massive cuts to discretionary spending. The Senate has also avoided partisan battles by not including several “poison pill” policy riders that are included in the House bills, such as rolling back certain environmental regulations.

Though the House and Senate have accelerated the appropriations process compared to recent years, it is unlikely that lawmakers will be able to finalize all of the spending bills in the 11 remaining legislative days before the end of the fiscal year on September 30 so Congress will most likely pass a continuing resolution (CR), providing funding for the federal government, until after the November elections, or risk shutting down the government. Other major legislative items for Congress to address include the Farm Bill conference report, Water Resources Development Act (WRDA), tariffs, and the Supreme Court nomination process.

Congress

### **Congress**

Senate Commerce Committee Passes Rail Crew Bills and STB Nominee: On August 1, the Senate Commerce, Science and Transportation Committee approved by voice vote a bill to establish a new port improvement grant program, a bill to criminalize attacks on interstate passenger rail crews, and a Surface Transportation Board (STB) nominee. The Passenger Rail Crew Protection Parity Act (S. 2861), sponsored by Senators Tammy Duckworth (D-IL) and John Hoeven (R-ND), would designate an attack on a train engineer, conductor, onboard personnel, or other employee responsible for travel safety as a federal offense.

The committee also approved, by voice vote, the nomination of Martin Oberman for the fifth seat on the STB. His appointment would fill former vice chair Daniel Elliott III's vacated Democratic seat through 2018 and then begin a new five-year term ending in 2023.

Senate Consideration of FAA Authorization Possible in Late August: The Senate recessed for 14 days without considering the FAA reauthorization bill, S. 1405. The Senate returned on August 15 with the Senate Commerce Committee staff and leadership working on negotiations on amendments to the bill so the Senate could still consider the bill in late August. If they fail to pass the bill, Congress must pass a short term extension by September 30.

Amendments causing the holdup reportedly include an "F4A" amendment by Democrats to remove the language adopted by voice vote in committee markup to partially preempt California's meal and rest break laws for interstate truck and bus drivers. Since the FAA bill is likely the only bill that has a chance of coming up before the November elections that can address federal tax and revenue issues, there is also the chance that someone will try to make a point on tax-related issues – or the 'Trump tariffs' – on the FAA bill. Time is rapidly running out for getting a House-Senate compromise bill negotiated, passed, and signed by the President by the time the Airport and Airway Trust Fund expires on September 30.

NTSB Board At Full Capacity: Jennifer Homendy was sworn in on August 21 as a board member of the National Transportation Safety Board (NTSB). The board is now at its full five-member capacity for the first time in four years. Homendy was previously Democratic staff director of the House Transportation and Infrastructure Subcommittee on Railroads, Pipelines and Hazardous Materials. Prior to this role, she worked with several labor unions. No more than three of the five members can be from the same political party.

FRA Awards Grant Funding for PTC Implementation: The Federal Railroad Administration (FRA) [awarded over \\$200 million in grant funding](#) for 28 projects in 15 states, to assist with deployment of positive train control (PTC) systems. FRA will make awards to 28 projects for a total of \$203 million of the \$250 million specifically appropriated under the Consolidated Rail Infrastructure and Safety Improvements (CRISI) program. FRA expects to issue a second notice of funding opportunity (NOFO) based on the balance of the \$250 million appropriated. Awards fund several aspects of PTC system implementation for intercity passenger or commuter rail and freight rail transportation.

FHWA Distributes Record Highway Money to State DOTs: The Federal Highway Administration (FHWA) [distributed \\$4.2 billion in additional highway formula funding](#) for FY 2018 to state Departments of Transportation (DOTs). The annual "August redistribution" of obligation limitation, which must be exercised by September 30, has never been larger than this number – last year it was \$3.2 billion, and 2016 it was under \$2 billion. States can use the obligation limitation provided to obligate any money from highway formula contract authority they have been apportioned in FY 2018 or previous years, which are not already obligated. The August redistribution brings the total FY 2018 general-purpose highway funding available to states for fiscal year 2018 to \$43.2 billion – \$36.4 billion from the initial, formula-based obligation limitation distribution, \$597 million in contract authority exempt from the limitation (it was \$639 million before being reduced by sequestration), \$2.0 billion in supplemental funding

from the general fund of the Treasury provided by the 2018 Transportation Appropriations Act, and \$4.2 billion in the August redistribution.