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Broward Metropolitan Planning Organization Federal Update October 2015

CONGRESSIONAL UPDATE

Speaker of the House: Rep. Paul D. Ryan (R-Wis.) was elected as the 54th Speaker of the House on October 29, after receiving 236 votes in the House of Representatives. House Minority Leader Nancy Pelosi (D-CA) received 184 votes, and Rep. Daniel Webster (R-FL) received nine votes. Ryan was nominated by the Republican Party to be their candidate for Speaker a day earlier by a secret ballot vote of 200-42. After receiving the nomination, Ryan told reporters “we are not going to have a House that looks like it’s looked the last two years. We are going to move forward. We are going to unify. Our party has lost its vision, and we are going to replace it with a vision.”

After Ryan was elected Speaker, he officially resigned as chairman of the House Ways and Means Committee. Reps. Kevin Brady (R-TX) and Pat Tiberi (R-OH) have announced their bids to become the next chairman. The Republican Steering Committee will meet next week to hear presentations from both members and are expected to vote early November on the chairmanship. The Steering Committee will also select a representative to fill the vacant seat on the Ways and Means Committee left by Ryan. Several members have expressed their interest in filling the slot including: Reps. Mike Bishop (R-MI), Carlos Curbelo (R-FL), Tom Rice (R-SC), and Andy Barr (R-KY).

Budget/Debt Limit Deal: On October 26, a two-year budget deal was announced between the White House, Senate, and House leadership. [The Bipartisan Budget Act of 2015](#) (H.R. 1314) would raise discretionary spending caps by \$80 billion for defense and domestic discretionary spending in 2016 and 2017, splitting the amounts evenly between the two. The legislation would also raise the nation’s debt ceiling until March 2017.

After an initial Congressional Budget Office (CBO) estimate that the package would increase the deficit by \$14 billion, House aides reworked the bill so that the CBO now estimates that an overall \$79.4 billion in increased discretionary costs, primarily from rolling back sequester caps, would be offset by \$79.9 billion in mandatory spending reductions and revenue increases. This would result in a net deficit reduction of \$497 million over 10 years.

Some members blasted the way the deal was negotiated, and others raised concerns about the federal crop insurance program being used as an offset; however, the House took up the measure on October 28 and passed it by a vote of [266-167](#). All members of the Broward delegation voted in support. While the legislation was expected to face an uphill battle in the Senate due to the federal crop insurance program included in the budget deal, Senate leadership agreed to the fix crop insurance subsidies via the appropriations process. After that agreement was reached, the

Senate passed the legislation by a vote of 64-35 early in the morning on October 30. 35 Republicans voted against, including Senator Rubio, while 44 Democrats, including Senator Nelson, plus two independents voted in favor. The President signed the legislation into law on November 2.

With a two-year budget deal in place, appropriators will now revise their 302(b) allocations that set topline numbers for each of the appropriations bills to reflect the additional spending afforded through the deal. The House and Senate Appropriations Committees have begun these discussions and are beginning to craft the FY 2016 omnibus appropriations bill. Congress will need to pass this legislation before the current continuing resolution (CR) expires on December 11.

Congress Extends Highway Trust Fund Authorization: On October 27, the House passed by, voice vote, legislation, H.R. 3819, extending the Highway Trust Fund for three weeks to November 20. The legislation also includes an extension of the positive train control (PTC) implementation deadline for three years until December 2018. The PTC provision also allows for two more years of leniency for operators that meet certain benchmarks (like installing equipment and getting spectrum right). DOT will have to continue tracking each railroad's progress to eventually make determinations about which will be held to three more years and which will get five.

On October 28, the Senate approved, by voice vote, the short-term extension. Before passage, Senator Barbara Boxer asked unanimous consent to amend the bill, extending the PTC deadline for one year. Senate Commerce Committee Chairman John Thune (R-S.D.) objected to Boxer's request, noting that the PTC extension language had been carefully worked out between House Republicans, House Democrats, and Senate Republicans and that modifying the PTC language would kill the bill and force a shutdown of the Highway Trust Fund. Boxer then withdrew her objection and allowed the bill to pass.

House Transportation & Infrastructure Committee Approves Highway Bill: On October 22, the House Transportation and Infrastructure (T&I) Committee marked up and approved by voice vote, H.R. 3763, [the Surface Transportation Reauthorization and Reform Act](#) (STRR). The legislation is a six year authorization of highways and transit for fiscal years 2016 to 2021. The bill authorizes funding at current funding levels (baseline); whereas, the Senate DRIVE Act provided an increase of \$12 billion over baseline. The bill provides a total of \$261.957 billion for highways and \$54.949 billion for transit.

On November 3, the House began considering the legislation on the floor and are expected to pass the legislation on November 5. Over 300 amendments were offered to the bill. The House Rules Committee allowed 127 amendments to be considered on the floor. Many of the amendments were non-controversial and have been adopted by voice vote. Holland & Knight has identified several amendments of importance to Broward MPO's federal priorities.

Need to Support:

- Rep. Eddie Bernice Johnson (D-TX) #15: Strikes the provision in the bill requiring DOT to redistribute TIFIA funds. This amendment was agreed to by voice vote.

- Rep. Peter Welch (D-VT) #161: Strikes the provision in the bill that would lower the current federal share of bicycle facility projects (around transit facilities) from 95 and 90 percent to 80 percent. This amendment was rejected by voice vote
- Rep. Julia Brownley (D-CA) #16: In the Nationally Significant Freight and Highway Projects Program, increases the small project set-aside from 10 percent to 20 percent (Minimum project cost for this program is \$350 million). This amendment was rejected by roll call vote of 160-263.
- Rep. Daniel Lipinski (D-IL) #110: Reinstates that a grant for a New Starts project cannot exceed 80 percent (which is current law) and allows CMAQ/TIFIA as local share

Need to Oppose:

- Rep. John Culberson (R-TX) #63: Requires local transit entity to have a debt to equity ratio of at least 1:1 in order to be eligible for federal funds.
- Rep. Steve Russell (R-OK) #26: Prohibits federal funds for streetcar systems
- Rep. Ron DeSantis (R-F) #180: Transportation devolution

Holland & Knight will track these amendments and keep the MPO updated.

Senate Confirms Federal Railroad Administration (FRA) Nominee: On October 28, the Senate confirmed Sarah Feinberg to be the Federal Railroad Administrator. Feinberg took charge of the FRA in an acting capacity in January 2015, following the departure of FRA Administrator Joe Szabo. Before taking the job at the FRA, Feinberg served as DOT chief of staff. She also has experience working in the White House, on Capitol Hill, and at Facebook and Bloomberg.

ADMINISTRATION UPDATE

FTA Issues Updated Emergency Relief Program Manual: On October 5, the Federal Transit Administration (FTA) published an [updated manual](#) of federal emergency response assistance and disaster relief programs available to the transit industry. The revised manual provides information regarding planning and preparation for disasters, and how to apply to FTA or the Federal Emergency Management Agency (FEMA) for disaster relief assistance.

Clean Power Plan Rule Finalized: On October 23, the Environmental Protection Agency (EPA) [published the first-ever rule](#) limiting greenhouse gas emissions from power plants. This rule, known as the Clean Power Plan, would seek to cut power plant carbon output 32 percent below 2005 levels by 2030.

On October 27, Senate Majority Leader Mitch McConnell (R-K) and Sen. Heidi Heitkamp (D-ND) introduced a Congressional Review Act resolution against the Clean Power plan. At this time, there are 49 co-sponsors--47 Republicans and two Democrats, Senators Joe Manchin (D-WV) and Sen. Heidi Heitkamp (D-ND).

The Congressional Review Act allows Congress to stop rules within 60 days after publication if approved by the majority of Congress. McConnell has not announced when a vote on the resolution will be but hinted that the vote would be soon. While it is expected that the House and

Senate under Republican majorities will vote to kill the bill, it is likely that President Obama will veto their censure, given that lowering carbon emissions are an explicit goal of his second term.

New Ozone Regulations: During the first week of October, the EPA announced that it will reduce allowable ground-level ozone limits to 70 ppb from the current 75 ppb level. Many environmental and public health groups criticized the rule saying that only lowering the rate to 70 ppb will do nothing to lessen illnesses related to smog pollution. When challenged on the justification for issuing the new rule, EPA Administrator Gina McCarthy said "The science clearly tells us that the 2008 standards of 75 ppb are not adequately protective of public health and needed to be revised." Congressional Republicans are vowing to take action that would block implementation of the rule. Senate Environment and Public Works Chairman Jim Inhofe (R-OK) released a statement that he is already planning a vote that would block implementation of the smog standard rule by invoking the Congressional Review Act, which requires only a simple majority of the Senate to reject a major administrative regulation.

DOT Creates Task Force to Create Recommendations on Drone Registration: Transportation Secretary Anthony Foxx announced on October 19 that drone operators may soon be required to register their unmanned aircraft systems with the Federal Aviation Administration (FAA). Foxx and FAA Administrator Michael Huerta said the agency will create a task force to develop recommendations for a drone registration process. The task force will be comprised of 30 industry and government representatives, and the task force must submit its recommendations to DOT by November 20 in the hopes that the FAA can announce proposed regulations by mid-December. The recommendations will not affect the commercial drone rule, which is expected to be finalized by June 2016.

DOT Releases National Freight Plan: On Sunday, October 18, Secretary Foxx released the Department of Transportation (DOT)'s [National Freight Strategic Plan](#). This plan outlines the key trends, strategies and challenges facing national freight transportation, such as the need to address infrastructure, institutional, and financial problems. Included in the plan are projections for freight growth via highway, railroad, and ports. Additionally, key provisions of the plan stress the importance and need for long-term policy and funding in order for future freight strategies to be effective. The National Freight Strategic Plan is required by Section 167 of title 23 U.S.C. However, in a twist of events, the House's recently announced version of the surface transportation authorization bill would require DOT to produce another National Freight Strategic Plan, one that has different content requirements than the one released Sunday.

GRANTS UPDATE

TIGER Grant Announcement: This month, Holland & Knight continued to work with the Broward congressional delegation on advocating for the MPO's project application. Members of the delegation held a joint call with Secretary Foxx to discuss the project on October 8. Congressional staff reported positive feedback after the call. However, on October 29, the Department of Transportation (DOT) announced this year's [TIGER awards](#). There were 39 recipients in 34 states who were awarded \$500 million in TIGER funding. This year, for the first time, there were a large percentage of awards given to rural areas--43 percent. In addition, this

round represented the least amount of awards given out. Since 2009, on average there have been 57 awards made each round.