

Broward Metropolitan Planning Organization Federal Update July 2018

APPROPRIATIONS

Congress continues to work quickly to pass FY 2019 appropriations spending bills prior to the end of the fiscal year on September 30, 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 minibuss 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 passed its second minibuss, which includes the FY 2019 Interior-Environment and Financial Services spending bills. On August 1, the Senate passed its second minibuss appropriations package, funding Transportation-Housing and Urban Development (THUD), Agriculture, Interior, and Financial Services appropriations. Transportation amendments to the minibuss passed by the Senate include:

- Senator Blumenthal (D-CT) #3677: Sets aside \$500,000 of the Amtrak Northeast Corridor and Amtrak National Network funding to pay for fare discounts of at least 15 percent to veterans – *Agreed to by voice vote on July 31, 2018.*
- Senator Coons (D-DE) #3666: Amends the deadline for expenditure of FY 2012 TIGER grants for passenger rail projects to September 30, 2019 and the deadline for expenditure of FY 2013 TIGER grants for port infrastructure projects to September 30, 2020, with an offsetting reduction of \$52 million in the FY 2019 federal-aid highways obligation limitation – *Agreed to by voice vote on July 31, 2018.*
- Senator Cornyn (R-TX) #3670: Prevents any FY 2019 Federal Transit Administration (FTA) formula funding or bus and bus facility grants from being used to purchase rolling stock from a manufacturer that is owned or subsidized by China – *Agreed to by voice vote on July 31, 2018.*
- Senator Durbin (D-IL) #3422: Requires the Amtrak Inspector General, within 240 days of enactment of the bill, to update its March 28, 2008 report entitled “Results of Amtrak’s Poor On-Time Performance” – *Agreed to on July 24, 2018 by a roll call vote of 99-0.*
- Senator Fischer (R-NE) #3492: Requires Federal Motor Carrier Safety Administration (FMCSA) to ensure the safe and timely completion of the sleeper berth pilot program – *Agreed to by voice vote on July 31, 2018.*

- Senator Fischer (R-NE) #3669: Prohibits any funds from being used to enforce FMCSA’s electronic logging device rule during FY 2019 on vehicles hauling livestock or insects – *Agreed to by voice vote on July 31, 2018.*
- Senator Heller (R-NV) #3428: Directs DOT to report to Congress on efforts by DOT “to engage with local communities, metropolitan planning organizations, and regional transportation commissions on advancing data and intelligent transportation systems technologies and other smart cities solutions” – *Agreed to by voice vote on July 31, 2018.*
- Senator Inhofe (R-OK) #3480: Requires DOT to consult with the Army Corps of Engineers to “identify any existing authorities and any additional authorities that may be needed to leverage funds from Department of Transportation programs for purposes of inland waterway project costs” – *Agreed to by voice vote on July 31, 2018.*
- Senator Johnson (R-WI) #3436: Requires the FAA to report to Congress on the implementation of NextGen at commercial service airports in the U.S. – *Agreed to by voice vote on July 31, 2018.*
- Senator McConnell (R-KY) #3645: Provides a truck weight waiver for certain roads in Kentucky for FY 2019 – *Agreed to by voice vote on July 31, 2018.*
- Senator Moran (R-KS) #3665: Sets aside \$50 million of the Amtrak appropriation for “capital expenses related to safety improvements, maintenance, and the non-Federal match for discretionary Federal grant programs to enable continued passenger rail operations on long-distance routes (as defined in section 24102 of title 49, United States Code) on which Amtrak is the sole tenant of the host railroad and positive train control systems are not required by law” and also prohibits Amtrak in FY 2019 from discontinuing any Southwest Chief service – *Agreed to by voice vote on July 31, 2018.*
- Senator Reed (D-RI) #3608: Prevents any funding in the bill from being used for the “implementation and furtherance of new policies” outlined in the FTA’s June 29, 2018 “Dear Colleague” letter on the Capital Investment Grants program – *Agreed to by voice vote on July 31, 2018.*
- Senator Udall (R-NM) #3414: Expresses the sense of Congress that long-distance passenger rail networks should be sustained to ensure connectivity throughout the National Network – *Agreed to by a roll call vote of 95-4 on July 25, 2018.*
- Senator Warner (R-VA) #3679: Sets aside up to \$6 million of Federal Aviation Administration (FAA) Operations funding for commercial entities looking to validate technology for safe UAS integration into the NAS and requires the FAA, within 60 days of enactment, to identify essential integration technologies that could be demonstrated or validated at test sites – *Agreed to by voice vote on July 31, 2018.*

The House of Representatives has not yet considered its Transportation-HUD bill due to lack of support for the bill from Democrats. The Senate has avoided partisan battles by not including several “poison pill” policy riders that are included in the House bills, such as rolling back environmental regulations. Right now, the Transportation-HUD Appropriations staff are pre-conferencing on the bill.

Nevertheless, despite the swift progress on appropriations, one of the most controversial items continues to be funding for the border wall. The House Department of Homeland Security appropriations bill includes \$5 billion for new construction for a border wall. The Senate bill provides \$1.6 billion in funding and only allows for the money to be used for reinforcing existing

barriers. Over the past several weeks, President Trump has begun to call for a government shutdown if additional funding is not provided for the wall. Leader McConnell and House Speaker Ryan have presented Trump with a plan to move several piecemeal spending bills ahead of the September 30 deadline to fund most governmental functions, but to postpone a vote on the Department of Homeland Security's budget, and a potential fight over the wall, until after the midterm elections. It is uncertain at this time whether the President will go along with the plan. Complicating matters further is that much of September is expected to be consumed with confirmation hearings for the President's Supreme Court nominee Brett Kavanaugh leaving little floor time to deal with complicated bill conferencing efforts and making the appropriations landscape unpredictable.

ADMINISTRATION

FTA Finalized Transit Safety Rules: On July 19, the Federal Transit Administration (FTA) finalized two safety regulations that govern all transportation agencies that receive federal funding: the Public Transportation Agency Safety Plan rule and the Safety Certification Training Program rule.

The Public Transportation Agency Safety Plan rule requires transit agencies to incorporate Safety Management System (SMS) policies and procedures as they develop safety plans to better manage their safety risks. Since no two transit systems are alike, the rule sets scalable and flexible requirements for safety plans.

The requirements of the Public Transportation Safety Training Certification Program rule establish a basic training curriculum to enhance the technical competencies and capabilities of individuals responsible for the safety oversight of rail transit systems.

In 2012 and again in 2015, Congress granted FTA significant new safety authorities that expanded FTA's role from being primarily a grant-making agency to functioning as a safety oversight regulatory body. With these actions, FTA has completed the regulatory framework for the National Public Transportation Safety Program as authorized by Congress.

CONGRESS

Shuster Introduces Infrastructure Bill: On July 23, House Transportation and Infrastructure Committee Chairman Bill Shuster (R-PA) introduced his legislative proposal for surface transportation and water infrastructure. The Chairman is retiring at the end of this year so the bill will not be considered this year; however, it could serve as a marker for surface transportation reauthorization and water infrastructure legislation in the future. Highlights of the Shuster bill include:

- A package of motor fuel tax increases, and some new taxes on other highway and transit system users not currently taxed, that would raise at least \$284 billion in new gross revenues for the federal Highway Trust Fund over the next ten years, averting future Trust Fund defaults and allowing significant highway spending above baseline.
- A new blue-ribbon commission to recommend future long-term Highway Trust Fund solvency proposals that would get an automatic up or down vote in Congress with no

amendments or filibusters.

- A one-year clean extension of the FAST Act to give Congress time for the blue-ribbon panel to report.
- Permanent statutory authorization for the grant program now known as BUILD and formerly known as TIGER.
- Project delivery reforms along the lines of those sought by the Trump Administration.