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Broward Metropolitan Planning Organization Federal Update August 2016

Congress Set to Return Next Week: Following each major national political party's respective presidential nominating conventions in late July, Congress was in a period of recess during the month of August. Lawmakers are expected to return to Washington, D.C. following Labor Day on September 6. Prior to leaving, lawmakers had continued consideration of FY 2017 appropriations bills; however, no spending bills for the coming fiscal year have yet been enacted into law. With the Congressional recess coming to an end in early September, one of the most salient issues will be agreeing to FY 2017 funding, which will likely take shape in the form of a continuing resolution (CR), before Fiscal Year 2016 funding expires at midnight on September 30.

The argument at hand is regarding the duration for which the CR will extend fiscal 2016 spending levels. For fiscal years 2015 and 2016, spending authorization was extended in a CR through December 11 of each year, however members of the House Freedom Caucus and other conservative Members of Congress are proposing a date in March 2017 in order to circumvent a lame-duck session. Those House members seeking an extension through March 2017 are also pushing to lower overall spending. In fact, many of these same Members prevented a budget resolution from being brought to the floor earlier this year, in a fight to lower discretionary spending for fiscal year 2017.

Another issue Congress will be faced with upon return from recess is that of aid for states and territories fighting Zika. A Zika bill written by the House GOP before August recess excluded funding for contraceptive services in Puerto Rico, characterizing this money as earmarked for Planned Parenthood. Democrats and Republicans have been at war over Zika funding, but without Zika legislation, the issue will likely be incorporated in a CR as part of an urgent spending need.

Given the increased number of mass shootings over the last year, Democrats have also looked to use appropriations to fight for new gun laws. This included a Senate filibuster by Senator Christopher Murphy (D-CT), and a sit-in by House Democrats over gun legislation in the 2017 Financial Services spending bill. Predictions show a possibility of Democrats using the CR to press for greater action on gun legislation.

FTA Issues Mass Transit Safety Program Rule: The Federal Transit Administration (FTA) has published its final rule regarding the Mass Transit Safety Program that will apply to any recipient of federal transportation funding, excluding commuter railroads. In part, the newly issued rule will allow the FTA to overrule State Safety Oversight Agencies (SSOAs), which were an earlier focus of Congressional policy towards mass transit safety. Arguably one of the largest authorities

granted to FTA under the new rule provides that “The Administrator may conduct investigations, inspections, audits and examinations, and test the equipment, facilities, rolling stock and operations of a recipient’s public transportation system.” Additionally, the FTA Administrator will be able to set generally applicable safety standards and the Deputy Administrator will be able to issue locally specific standards. According to the rule, the financial penalty for non-compliance can involve withholding up to 25 percent of a transit agency’s urbanized area formula money. In a similar proposed rule that is still pending finalization, “each operator of public transportation that receives Federal financial assistance under 49 U.S.C. Chapter 53 would be required to develop and implement an Agency Safety Plan based on the principles of the Safety Management System (SMS).” A FTA fact sheet is available [here](#).

DOT Awards \$25 Million in PTC Grants: On August 16, the Department of Transportation announced the award of eleven grants totaling \$25 million in funding for the implementation of positive train control (PTC) systems. There were no awards in the state of Florida. The award money that was distributed in August is separate from the \$199 million in one-time PTC implementation grant money provided by the FAST Act for fiscal 2017 – projects that have already been solicited and which will be awarded once the FY 2017 Transportation-HUD appropriations bill is enacted. Calling for Congress to fully fund the President’s request for appropriations to help more railroads activate PTC, Transportation Secretary Anthony Foxx said “We will continue to do everything in our power to help railroads install this technology.” The full list of grant recipients is [here](#).