



# LEGISLATIVE Alert

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION



July 1, 2011

## U.S. House and Senate Committees Announce Timeline for Authorization Legislation

### *House of Representatives*

Transportation and Infrastructure Committee Chairman John Mica (R-FL) announced tentative plans to unveil details on his proposal for a six-year surface transportation authorization bill. In recent meetings with transportation industry leaders, Mica announced that he will release bill text following the July 4th holiday, with formal introduction of the legislation to take place the week of July 11, and committee markup the week of July 25.

In a document distributed at the industry group meeting, Mica outlined some of the program and policy components currently included in his draft legislation. Limited to the confines of the House-passed budget resolution developed by Budget Committee Chairman Paul Ryan (R-WI), which requires cuts in transportation programs of over 30 percent compared to current levels, the authorized funding level will be approximately \$230 billion over six years. This is the funding level that the committee believes can be sustained by revenues deposited into the Highway Trust Fund (HTF) over that period, assuming no increases in revenue or additional general fund transfers. The bill will also authorize funding to be appropriated from the General Fund of the U.S. Treasury for specific programs, although how this impacts the New Starts program and other General Fund surface transportation programs has not yet been detailed.

It is anticipated that Mica's bill will focus on program consolidation, streamlining the project delivery process, and greater use of innovative financing and public-private partnerships. The bill is not expected to include his recent proposal to privatize passenger rail service in the Northeast Corridor.

The outlook for introduction remains somewhat unclear, based on signals from the Republican leadership. Several weeks ago House Majority Leader Eric Cantor (R-VA) did not include surface transportation authorization on his list of bills that would be allocated floor time before the August recess. Despite the uncertainty of floor time, Mica has said that he plans to release his bill. Action on authorization will be required before September 30, when the current extension of SAFETEA-LU expires.

APTA is conducting a survey of its members to detail the impacts that 30 percent cuts would have on transit agencies and businesses.

### **ACTION ALERT**

- All APTA Members are urged to respond to our survey on the impact of 30 percent cuts on your transit systems or businesses.
- APTA transit system operators [click here](#) to respond to the survey.
- APTA business members [click here](#) to respond to the survey.

### *Senate*

As discussed in the [previous legislative alert](#), Senate Environment and Public Works (EPW) Committee Chairman Barbara Boxer (D-CA) announced that the Democrat and Republican leadership of her committee have reached an agreement in

principle on an authorization bill at funding levels of \$339.2 billion, which is equal to current levels, adjusted for inflation. It is not clear, however, whether Senators James Inhofe (R-OK) and David Vitter (R-LA) will have the support of Republican leaders in the Senate.

While Boxer acknowledges that a six-year bill is preferable to a two-year bill, she stated recently that a six-year bill may be unrealistic, considering the additional funding needed to supplement the existing trust fund revenues required for a longer term bill. The Senate planned to recess during the week following the July 4th holiday, but Senate Majority Leader Harry Reid (D-NV) announced this morning that the Senate will cancel its recess to work on a deal to raise the debt ceiling. Boxer plans to introduce her bill the week of July 11 and markup shortly thereafter assuming a financing solution. It is unknown whether the cancellation of next week's recess will change her timeline.

The Senate Finance Committee, chaired by Senator Max Baucus (D-MT), who is also the chairman of the EPW Subcommittee on Transportation and Infrastructure, needs to find approximately \$12 billion in offsets to fund a two-year surface transportation bill. Senator Boxer has asked all transportation stakeholders to contact members of the Senate Finance Committee to urge them to support funding for a surface transportation authorization bill of at least two years.

The Senate Committee on Banking, Housing, and Urban Affairs, which has jurisdiction over transit, will release its title on the bill following action by EPW. The Banking Committee is actively working on its portion of the bill and its Subcommittee on Housing, Transportation, and Community Development held a hearing this week to examine public transportation access issues for older adults and people with disabilities.

#### **ACTION ALERT**

- All APTA Members are urged to call Senate Finance Committee Members that represent their state to urge them to provide sufficient resources to advance a surface transportation authorization bill this year. To view a list of Finance Committee members, [click here](#).
- If your Senator does not sit on the Finance Committee, ask your senator to reach out to Finance Committee members.
- Explain how a 30 percent cut in federal transit funding (as envisioned under the House-passed budget resolution) would affect your transit system or business.
- Remind your Senator that public transportation investment has proven economic rewards and creates jobs. Every \$1 billion invested in public transportation supports and creates 36,000 jobs.

For questions on this issue, please contact Paul Dean of APTA's Government Affairs Department at (202) 496-4887, or [pdean@apta.com](mailto:pdean@apta.com).

#### **House Appropriations Committee Sets Tentative Dates for THUD Consideration**

In late May, the House Appropriations Committee chaired by Representative Hal Rogers (R-KY) announced top line spending levels for the Fiscal Year (FY) 2012 budget that made significant cuts to transit discretionary spending levels, detailed [here](#). According to committee staff, the tentative schedule for consideration of the FY 2012 Transportation, Housing, and Urban Development Appropriations bill is to hold the subcommittee markup on July 14, with the full committee markup on July 26. However, this schedule is subject to change.

For questions on this issue, please Brian Tynan of APTA's Government Affairs Department at (202) 496-4897 or [btynan@apta.com](mailto:btynan@apta.com).

#### **Support Builds for Spectrum Set-Aside for Positive Train Control Implementation**

The Rail Safety Improvement Act of 2008 (RSIA) requires all passenger and certain freight railroads to implement Positive Train Control (PTC) technologies by December 31, 2015. Included in this mandate is the requirement for interoperability to allow communication between passenger and freight railroads. To achieve this result, the purchase of radio frequency spectrum is

necessary. However, spectrum is a finite and highly competitive commodity which is being sold on the open market for costly rates. APTA has been working with the Federal Railroad Administration (FRA) and the Federal Communications Commission (FCC) to assess the spectrum needs of publicly funded commuter railroads to determine if a set-aside can be allocated.

The FCC recently issued a [Request for Comments](#) on spectrum needs of the needs commuter railroads. [Please click here to see APTA's comments](#). In addition to the FCC, APTA continues to work with the House and Senate to secure a spectrum set-aside. On June 28, 2011, eight Senators signed onto a [letter](#) to the Senate Commerce Committee requesting a hearing on the spectrum needs for PTC implementation on publicly funded commuter railroads.

We urge you to contact your Senators to support this hearing.

For questions on this issue, please contact Joni Zielinski of APTA's Government Affairs Department at (202) 496-4865 or [jzielinski@apta.com](mailto:jzielinski@apta.com).

### **U.S. DOT and Federal Transit Administration Releases Multiple Notices of Funding Availability (NOFA), New Starts Allocations**

The U.S. Department of Transportation and Federal Transit Administration has released several Notices of Funding Availability (NOFA) to distribute the discretionary bus funds made available earlier this year for Fiscal Year 2011. These include:

- \$527 million for the Transportation Investment Generating Economic Recovery (TIGER Program). This multi-modal program provides grant opportunities for transit projects, as well as for highways, ports, freight rail and other programs. To read the Federal Register Notice, [click here](#).
- \$750 million of discretionary Bus and Bus Facilities funds in support of its state of good repair initiative. Complete proposals for these funds are due July 29, 2011. To read the Federal Register notice, [click here](#).
- \$150 million for bus livability projects through the Section 5309 Bus and Bus Facilities program and \$25 million through the Alternative Analysis program. Complete proposals for these funds are due July 29, 2011. To read the Federal Register notice, [click here](#).
- \$101.4 million available to promote innovative clean-fuel technologies in transit. \$51.5 million is available through the discretionary Clean Fuels program and \$49.9 million is available through what FTA is calling the TIGGER III program. Complete proposals are due August 23, 2011. To read the Federal Register notice, [click here](#).

In addition to the publication of the above NOFAs, the FTA also released funding allocations for the New Starts program. To view the Federal Register notice and list of projects, [click here](#).

For questions on this issue, please contact Meredith Slesinger of APTA's Government Affairs Department at (202) 496-4860 or [mslesinger@apta.com](mailto:mslesinger@apta.com).

