



WASHINGTON UPDATE

PREPARED BY CATHY CONNOR,
DIRECTOR OF FEDERAL GOVERNMENT AFFAIRS



November 30, 2020

Congress returns this week to continue its post-election lame duck session. The top legislative priority is to pass all 12 of the federal agency FY'21 funding bills or at a minimum another extension of the current Continuing Resolution (CR) which is keeping the government funded on a temporary basis. The current CR expires on December 11. Most observers expect Congress to simply pass another short-term CR into January until sometime after the start of the 117th Congress. The new Congress will be sworn on January 4.

Another top priority is passage of a desperately needed COVID-19 emergency relief bill although it is possible that this legislation will also get pushed into the new Congress. State and local governments, state DOTs, transit agencies, Amtrak, and airports have all requested significant federal funding to help make up for lost revenue. It is possible Congress will be able to pass the pending Water Resources Development Act (WRDA) which authorizes funding for Corps of Engineers programs and projects.

The length of the lame duck session will depend upon the amount of progress, or lack thereof, that Congress can make before they adjourn for Christmas holidays given the exhaustion following the incredibly divisive November elections and the surging pandemic which is making it very difficult to meet in person in DC.

Biden Transition

Now that the GSA has given its approval for the Biden transition team to access federal agencies, the President-elect's agency review teams are moving quickly to organize the new Administration.

Here is a [link](#) to a list of all the Biden federal agency review teams. The US DOT team will also review the National Transportation Safety Board, the National Railroad Passenger Corporation/AMTRAK, and the Federal Maritime Commission. It is comprised primarily of representatives of the public sector, industry associations, labor unions, and academia. A number of the members are former Obama Administration appointees. The team includes:

Phillip Washington -Team Lead – General Manager, Los Angeles County Metropolitan Transportation Authority

Dave Barnett, United Association of Plumbers and Pipefitters of the US and Canada



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Austin Brown, Executive Director of the Policy Institute for Energy, the Environment, and the Economy at the University of California, Davis (former Obama Assistant Director for Clean Energy and Transportation in the White House's Office of Science and Technology Policy)

David Cameron, International Brotherhood of Teamsters

Florence Chen, Generate (former Domestic Policy Advisor, Pete Buttigieg For President Campaign)

Brendan Danaher, Transport Workers Union of America, AFL-CIO

Paul Kincaid, Association of Former Members of Congress (former Obama FTA Associate Administrator for Communications and Congressional Affairs)

Gabe Klein, founder of mobility firm Cityfi (former DC DOT Director and Commissioner of Chicago DOT)

Jeff Marootian, Director, DC Department of Transportation (former Obama US DOT Assistant Secretary for Administration)

Therese McMillan, Executive Director, San Francisco Metropolitan Transportation Commission (former Obama Acting FTA Administrator)

Brad Mims, Executive Director, Conference of Minority Transportation Officials (COMTO)

Robert Molofsky, Self-employed (former ATU executive)

Patty Monahan, Commissioner, California Energy Commission

Mario Rodriguez, CEO, Indianapolis Airport Authority

Rear Admiral Mike Rodriguez (retired), Superintendent of Texas A&M University Maritime Academy

Nairi Tashjian Hourdajian (Ms), VP of Communications at Figma (former senior manager at Uber)

Polly Trottenberg, recently resigned Commissioner, New York City Department of Transportation (former Obama US DOT Undersecretary)

Vinn White, senior transportation advisor for NJ Governor Phil Murphy (former Obama US DOT Acting Assistant Secretary for Transportation Policy)



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The Biden transition teams have begun meeting with key industry groups and have met with AASHTO and APTA in the past week to discuss their policy priorities.

While President-elect Biden has announced the nominees for his national security and economic policy teams, along with several appointments of White House communication staff, no other cabinet officials have been identified yet. Most senior level nominees must be confirmed by the US Senate.

President-elect Biden has indicated that infrastructure will be one of his top priorities. During the campaign, he expressed support for close to \$2 trillion in federal funding for a wide range of critical infrastructure programs – one of the first being passage of a multi-year reauthorization of the FAST Act surface transportation bill – likely based on the House-passed HR 2 – “Moving America Forward/INVEST Act” bill. Biden’s other infrastructure priorities include: clean energy, green technology (including electric/autonomous vehicles), transit and rail, smart cities, school modernization, broadband, and climate change. Here is a [link](#) to the Biden campaign’s infrastructure policy paper.

In addition, here is a [link](#) to the transition’s “Build Back Better” website which has started listing policy priorities. Currently there are four areas: COVID-19, economic recovery, racial equality, and climate change. Transportation and infrastructure priorities are included in the economic recovery section and the climate change section.

117th Congress

The new Congress will be sworn in on January 4. The House will retain a slim Democratic majority holding approximately 222 seats to 209 Republican seats with four or five races still too close to call – a potential net loss of as many as 11 seats for the Democrats.

Which party will control the Senate remains an open question since there are two run-off elections which will occur in Georgia on January 5. If Republicans win both seats, which they currently hold, they will retain their majority. If they lose both seats, then the Senate would be equally divided at 50-50 with the soon to be Vice President Kamala Harris able to break tied votes. However, most legislation in the Senate requires 60 votes to pass.

Even if the Republicans retain their majority in the Senate, there will be several key committee leadership changes because of retirements and term-limits. On the committees with jurisdictions over infrastructure issues, current chair of the Environment & Public Works Committee, Senator John Barrasso (R-WY), has announced he plans to Chair the Energy & Natural Resources Committee leaving Senator Shelley Moore Capito (R-WV) as the new chair. Capito was heavily involved in the drafting of last year’s EPW’s highway bill and



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was a long-time member of the House T&I Committee when she served in the House. She is well respected by the transportation industry.

On the Banking Committee, which has jurisdiction over transit issues, current chair Senator Mike Crapo (R-ID) will be moving up to chair the Finance Committee where he will be key to potential efforts to increase the federal gas tax or to identify other revenue to pay for transportation/infrastructure programs and to keep the Highway Trust Fund solvent. Senator Pat Toomey (R-PA), a strong supporter of transit and Amtrak, is expected to become the new chair. Toomey has already announced he will not run for re-election in 2022. Senator Roger Wicker (R-MS) is expected to remain chair of the Commerce Committee with jurisdiction over Amtrak, aviation and highway safety.

Hopefully, one of the top priorities of the new Congress, in addition to completing the FY21 appropriations bills and any additional COVID emergency relief bills, will be to work on passing a multiyear FAST Act reauthorization bill along with a broader infrastructure bill along the lines of HR 2 – the Moving America Forward/INVEST Act which the House passed earlier this year. All current legislation dies at the end of each Congress and bills must be reintroduced in the new Congress. House T&I Committee Chair Peter DeFazio (D-OR) is expected to reintroduce a revised version of HR 2 by mid-February. The US Chamber of Commerce recently sent a letter to congressional leaders, which was signed by most major industry groups, urging passage of a FAST Act reauthorization bill by July 4.

FCC Spectrum

On November 18, the FCC voted to move forward with divvying up the 5.9 GHz spectrum band and giving it away to unlicensed Wi-Fi despite US DOT and congressional objections. In general, the transportation industry, including WSP, strongly opposed the FCC decision because of the negative impact on highway safety and the future of autonomous vehicle technology.

The FCC's plan reallocates 75 MHz of the spectrum band that has been reserved for roadway safety since the late '90s. The lower 45 MHz will go to unlicensed uses like Wi-Fi. The remaining 30 MHz will remain devoted to transportation safety. The proposal will move that allocation away from dedicated short-range communications (DSRC) and focus on cellular vehicle-to-everything (C-V2X) technology going forward.