



WASHINGTON UPDATE

PREPARED BY CATHY CONNOR,
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January 17, 2019

Today is the 26th day of the partial federal government shutdown. The shutdown has impacted the following federal agencies: US DOT, EPA, Interior, State, Commerce, Treasury, Justice, Homeland Security, HUD, and Agriculture.

At US DOT, the shutdown has affected modal administrations differently. FHWA staff and programs are up and running because they are funded through the Highway Trust Fund which has revenue and is not subject to annual appropriations. In fact, FHWA just released the remainder of the FY'19 obligation authority to states. FTA formula programs are also funded with revenue from the Highway Trust Fund, however FTA staff (who implement the transit program) are paid with general revenues and have been furloughed. FTA Capital Improvement Grants (CIG)—New Starts, Small Starts and Core Capacity—are also funded with general revenue. Most FRA and FAA programs are also shut down and non-essential employees have been furloughed, except for critical safety functions.

In an effort to start to resolve the shutdown, the US House passed a stand-alone, full-year FY'19 THUD (US DOT and HUD) appropriations bill on January 11. The bill used the text and funding levels of the THUD bill which the Senate previously passed in the 115th Congress in an effort to encourage passage in the Senate again in the new Congress. However, Senate Republican leaders have said they will not take action on any FY'19 funding bills until President Trump signals that he will sign them.

If the Senate were to agree to act on the House-passed bill, DOT programs would be funded at the amounts in the far right column below—otherwise it is unclear how FY'19 funding for US DOT and the other 10+ federal agencies will be resolved.

Program	FY'17 Enacted	FY'18 Enacted	House Committee-Passed FY'19 Bill	Final Senate FY'19 Bill
Highway Program	\$43.26B	\$47.5B	\$50.3B	\$48.57B
BUILD/TIGER Grants	\$500M	\$1.5B	\$750M	\$1B
FTA CIG Grants – New Starts/Small Starts/Core Capacity	\$2.41B	\$2.65B	\$2.61B	\$2.55B
FTA Formula Grants	\$9.73B	\$10.5B	\$10.7B	\$10.7B
FAA Airport Improvement Program (AIP)	\$3.35B	\$4.35B	\$3.85B	\$4.1B



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Amtrak NEC	\$328M	\$650M	\$650M	\$650M
Amtrak National Network	\$1.16B	\$1.29B	\$1.29B	\$1.29B
FRA CRISI Grants	\$68M	\$593M	\$300M	\$255M
FRA SOGR Grants	\$25M	\$250M	\$500M	\$300M
FRA Restoration Grants	\$5M	\$20M	\$0	\$10M

Looking forward to FY'20 and beyond, the President is scheduled to give his State of the Union address to Congress on January 29 where he will lay out his priorities for federal funding, although yesterday Speaker Pelosi recommended the SOTU be delayed until after the government is reopened. The Administration is expected to submit its FY'20 budget request to Congress in mid-February. The FAST Act, which authorizes FHWA, FTA, and FRA programs, will expire on September 30, 2020.

116th Congress Key Committee Assignments

Not all new committee assignments or committee and subcommittee leadership positions have been selected or announced yet, but here is what we know so far about the key infrastructure-related committees:

House Appropriations Committee: Rep. Nita Lowey (D-NY) Chair, Rep. Kay Granger (R-TX) Ranking Republican

THUD Subcommittee: Rep. David Price (D-NC) Chair, Rep. Mario Diaz-Balart (R-FL) Ranking Republican

House Energy & Commerce Committee: Rep. Frank Pallone (D-NJ) Chair, Rep. Greg Walden (R-OR) Ranking Republican

House T&I Committee: Rep. Peter DeFazio (D-OR) Chair, Rep. Sam Graves (R-MO) Ranking Republican

Subcommittee leadership not yet named

House Ways & Means Committee: Rep. Ritchie Neal (D-MA) Chair, Rep. Kevin Brady (R-TX) Ranking Republican

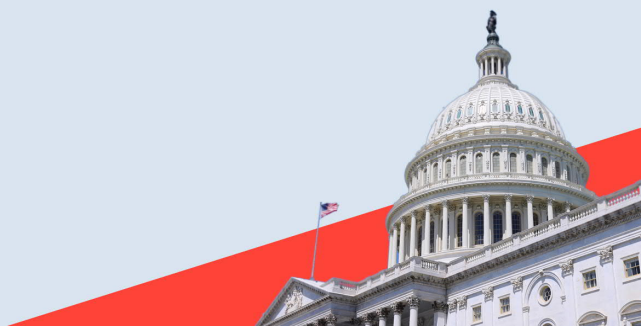
House Select Committee on Climate Crisis: Rep. Kathy Castor (D-FL) Chair

Senate Appropriations Committee: Senator Richard Shelby (R-AL) Chair, Senator Patrick Leahy (D-VT) Ranking Democrat



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THUD Subcommittee: Senator Susan Collins (R-ME) Chair, Senator Jack Reed (D-RI) Ranking Democrat

Senate Banking Housing & Urban Affairs Committee (jurisdiction over transit issues): Senator Mike Crapo (R-ID) Chair, Senator Sherrod Brown (D-OH) Ranking Democrat

Senate Commerce, Science & Transportation Committee (jurisdiction over aviation, rail and highway safety issues): Senator Roger Wicker (R-MS) Chair, Senator Maria Cantwell (D-WA) Ranking Democrat

Aviation and Space Subcommittee: Senator Ted Cruz (R-TX) Chair

Transportation and Safety Subcommittee: Senator Deb Fischer (R-NE) Chair

Senate Environment & Public Works Committee (jurisdiction over highway issues): Senator John Barrasso (R-WY) Chair, Senator Tom Carper (D-DE) Ranking Democrat

Senate Finance Committee: Senator Chuck Grassley (R-IA) Chair, Senator Ron Wyden (D-OR) Ranking Democrat

Other News

FHWA Administrator Nominee: The White House has nominated Nicole Nason to be the FHWA Administrator. Nason is currently the Assistant Secretary for Administration at the US State Department and served at US DOT as the NHTSA Administrator and the Assistant Secretary for Government Affairs during the George W. Bush Administration. Her nomination is subject to Senate confirmation. FTA, FAA, and NHTSA remain without confirmed Administrators.

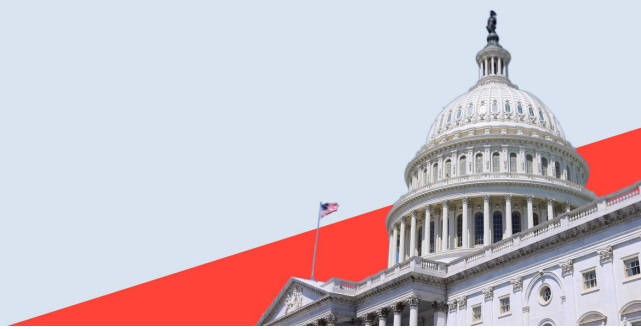
FRA CRISI PTC Grant Award: On December 21, FRA awarded \$46.3M in grant funding for 11 projects in 10 states to assist in deploying Positive Train Control (PTC) systems. This is the second selection of PTC systems deployment projects under the FY'18 Consolidated Rail Infrastructure and Safety Improvements Program (CRISI). The CRISI Program was authorized by the FAST Act to provide funding to improve the safety, efficiency, and reliability of intercity passenger rail and freight rail transportation systems. The FY'18 US DOT appropriations bill provided a total of \$592.5M for the CRISI Program, with \$250M to be made available for PTC system deployment. On August 24, 2018, FRA announced \$203.7M in the first round of grant awards for PTC implementation to 28 projects in 15 states. In this second round of FY'18 PTC CRISI grants, 100 percent of the funds will benefit passenger rail, with about 31 percent—or \$14M—benefiting rural projects. Here is a [link](#) to the list of projects selected.

Automated Driving Systems (ADS) NOFO: USDOT announced up to \$60M in federal grant funding for projects that test the safe integration of automated driving systems (ADS)



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on the nation's roadways. These grants aim to gather significant safety data to inform rulemaking, foster collaboration amongst state/local governments and private partners, and test the safe integration of ADS on our nation's roads. Grant applications are due by March 21, 2019. Here is a [link](#) to more information about the ADS Demonstrations Grant program which includes USDOT contact information, FAQs, and webinar registration. Here is a [link](#) to the NOFO. Goals of the ADS Demonstration grants:

- Safety: Test the safe integration of ADS into the nation's on-road transportation system.
- Data for Safety Analysis and Rulemaking: Ensure significant data gathering and sharing of project data with US DOT and the public throughout the project in near real time.
- Collaboration: Work with innovative State and local governments and private partners to create collaborative environments that harness the collective expertise, ingenuity, and knowledge of multiple stakeholders.

WOTUS Rule: The Army Corp of Engineers and EPA have issued a proposed rule to revise the definition of Waters of the United States (WOTUS). The agencies' proposal would eliminate the process of determining whether a "significant nexus" exists between a water and a downstream traditional navigable water or whether a water has a significant nexus to a traditional navigable water, interstate water or territorial sea as codified in the agencies' 2015 Rule defining "waters of the United States." Here is a [link](#) to the proposed rule and other information about the highly controversial WOTUS issue. A 60-day comment period begins upon publication in the Federal Register which has been delayed because of the government shutdown. The proposed definition would replace the Obama Administration's 2015 definition of WOTUS. Here is a [link](#) to the Corps/EPA fact sheet.

Additional information and materials, including archived Washington Updates, are located on the WSP Federal Briefing website at www.federalbriefing.com