

WSP Washington Update - February 15, 2019 - Interim Update

Yesterday evening, only hours after the text of the omnibus FY'19 spending deal was released by congressional leaders, both the House and Senate quickly passed the legislation to keep the government open beyond midnight tonight. This morning, President Trump announced he would sign the bill – as well as declare a national emergency at the southern border and direct \$8B to construct or repair as many as 234 miles of a border barrier by transferring funding from other federal programs.

The FY'19 funding bill includes funding for the remaining seven federal agencies that do not have full-year funding and were subject to the recent government shutdown, including US DOT (Division G of the final bill). The bill includes the text of the “conference” version of the FY'19 US DOT appropriations bill which incorporates the compromises the House and Senate conferees agreed to when negotiating the differences in their two versions of the bill.

To view the DOT title of the Conference Report (Division G of H.J. Res. 31), click [here](#) (see pages 959 to 1047 of the pdf). To view the Joint Explanatory Statement for US DOT, click [here](#) (see pages 529 to 568 of the pdf).

Here is a chart showing the funding levels for key programs:

Program	FY'17 Enacted	FY'18 Enacted	House Committee-Passed FY'19 Bill	Senate FY'19 Bill	Final Conference Version
Highway Program	\$43.26B	\$47.5BB	\$50.3B	\$48.57B	\$49.3B
BUILD (TIGER) Grants	\$500M	\$1.5B	\$750M	\$1B	\$900M
FTA CIG Grants – New Starts/Small Starts/Core Capacity	\$2.41B	\$2.65B	\$2.61B	\$2.55B	\$2.55B Total - \$1.27B for New Starts, \$635M for Core Capacity, \$527M for Small Starts
FTA Formula Grants	\$9.73B	\$10.5B	\$10.7B	\$10.7B	\$10.64B
MARAD Port Infrastructure	NA	NA	NA	NA	\$293M
FAA Airport Improvement Program (AIP)	\$3.35B	\$4.35B	\$3.85B	\$4.1B	\$3.85B
Amtrak NEC	\$328M	\$650M	\$650M	\$650M	\$650M
Amtrak National Network	\$1.16B	\$1.29B	\$1.29B	\$1.29B	\$1.29B
FRA CRISI Grants	\$68M	\$593M	\$300M	\$255M	\$255M
FRA SOGR Grants	\$25M	\$250M	\$500M	\$300M	\$400M

Some other provisions of note in the bill are as follows:

- BUILD grants are to split evenly between urban and rural (under 200,000 population) projects. The total funding level includes \$15M for planning grants. The bill mandates that US DOT make the awards based “solely on the selection criteria from the fiscal year [2017 Notice of Funding Opportunity](#)” (Obama Administration version) and stipulates that US DOT not use the Federal share or an applicant’s ability to generate non-Federal revenue as a selection criterion. It also includes language requiring the Secretary to issue the FY’19 NOFO no later than 60 days after the Act’s enactment. Applications will be required 90 days after the NOFO’s publication. Grants should be awarded no later than 270 days after the Act’s enactment.
- FHWA – 15-day notice for Buy American waivers
- FHWA - States may reprogram dead earmarks over ten years old
- FTA - CIG grants – 85% of funds must be obligated by December 31, 2020
- FTA – CIG - \$100M is provided to fund the Expedited Project Delivery Pilot Program
- FTA - allows recapture/reprogramming of CIG appropriations after four years
- FTA - eliminates prohibition on transit investments in Harris County, TX
- FTA - no provision on Chinese-made railcars
- FTA - no funds to implement the June 29, 2018 Dear Colleague letter
- FRA – no language/policy riders regarding CAHSR
- FRA – Federal-State Partnership for State of Good Repair Grants – FY’19 NOFO and FY’17 and FY’18 grants must be issued within 30 days of enactment
- FRA – no funding for the RRIF Credit Subsidy
- FRA - \$10M for magnetic levitation transportation projects