



April 20, 2016

This is a busy week in Congress for transportation and infrastructure issues. Yesterday, the Senate passed an 18-month FAA reauthorization bill and the Senate Appropriations Committee began action on its version of the FY'17 THUD (US DOT) spending bill.

FAA Reauthorization

On Tuesday, the full Senate voted 95 to 3 to pass an 18-month (FY'16 and FY'17) reauthorization of federal aviation programs after almost three weeks of floor debate. The bill increases funding for the Airport Improvement Program (AIP) from the current \$3.35B to \$3.75B per year, but did not include an increase in the Passenger Facility Charge (PFC) used to finance airport construction.

Here is a [link](#) to the White House Statement of Administration Policy (SAP) on the Senate bill. In particular, the SAP says, "This bill misses an opportunity to improve airport infrastructure by not allowing for adjustments to Passenger Facility Charges in tandem with reforms to the Airport Improvement Program." The SAP also raises concerns about regulations on small drones and requirements for TSA screening at smaller airports.

The House T&I Committee approved a six-year FAA bill, H.R. 4441, earlier this year that, in a highly controversial move, would take the air traffic control (ATC) system out of FAA and transfer it to a nonprofit corporation. Opposition to the ATC provision has prevented the bill from moving to the House floor.

Moving forward, the House could opt to simply pass the Senate bill, it could amend the Senate bill and send it back to the Senate for further consideration, or it could pass its own FAA bill (with or without the ATC provision) and go to conference with the Senate to resolve the differences.

The current short-term extension of FAA programs expires on July 15.

FY'17 Appropriations

On April 19, the Senate THUD (US DOT) Appropriations Subcommittee voted to approve its version of the FY'17 transportation funding bill. The full Senate Appropriations Committee will consider the bill on Thursday.

Although the text of the bill has not yet been released, some details are known.



- Highway (\$44B) and Transit (\$9.7B) Formula Funds – same as FAST Act authorized levels
- FTA Capital Improvement Grants (New Starts/Small Starts/Core Capacity) - \$2.3B – vs \$2.177B in FY'16
- TIGER Grants - \$525M - vs \$500M in FY'16
- FAA Airport Improvement Program (AIP) – \$3.35B – same as FY'16
- Amtrak Northeast Corridor (NEC) Account - \$345M; Amtrak National Network Account - \$1.07B – the FAST Act authorized \$474M and \$1.02B respectively
- FAST Act Rail Discretionary programs - \$50M for consolidated rail infrastructure grants, \$20M for state of good repair grants, \$15M for restoration and enhancement grants – none received funding in FY'16

Here is a [link](#) to the Senate Appropriations Committee press release on the US DOT bill.

FAST Act Implementation

FTA Transit Oriented Development (TOD) Planning Grants – FTA has announced the availability of \$20.5M in competitive grant funds to support comprehensive planning associated with new fixed guideway and core capacity improvement projects that are seeking or have recently received funding through the Capital Investment Grants (CIG) Program. Applications are due by June 13. The grant funds are provided through FTA's Pilot Program for Transit-Oriented Development (TOD) Planning. Here is a [link](#) to the Notice of Funding Opportunity (NOFO), a [link](#) to a summary and application materials, and a [link](#) to a webinar FTA will host on the NOFO on Thursday, April 28 at 2:00 p.m. EDT. The webinar will provide an overview of the program, describe eligible applicants and projects, and provide an opportunity for attendees to obtain answers to other questions.

FHWA/FTA/FRA Environmental Provisions – FHWA, FTA, and FRA have issued joint guidance on the applicability of certain FAST Act environmental provisions. One guidance [document](#) concerns the applicability of the statutory environmental review framework at 23 U.S.C. 139 to projects, and the other guidance [document](#) provides information on the applicability of new statutory provisions on environmental requirements for parks, recreation areas, wildlife and waterfowl refuges, and historic sites. FTA, FHWA, and FRA are developing additional guidance that will be announced as it is developed.

FTA Buy America Provisions – On April 6, FTA issued two proposed policy statements on Buy America in the Federal Register. Comments are due May 6. The FAST Act requires 60% domestic content for rolling stock in FY'16 and FY'17, 65% in FY'18 and '19 and 70% in FY'20. Here is a [link](#) to the Notice of Proposed Policy Statement on the Implementation of the Phased Increase in Domestic Content under the Buy America Waiver for Rolling Stock and a [link](#) to Notice of Proposed Public Interest Waiver of Buy America Domestic Content Requirements for Rolling Stock Procurements in Limited Circumstances.



AASHTO FAST Act Report - On March 31, AASHTO sent US DOT a 25-page "[AASHTO Implementation Plan](#)" for both the FAST Act and its predecessor MAP-21, some parts of which still await agency actions. AASHTO is seeking guidance from US DOT on such issues as how US DOT will implement the FY'20 rescission of \$7.6B in contract authority, how it will make changes to its TIFIA infrastructure loan program, and how the department will operate the newly created National Surface Transportation and Innovation Finance Bureau, and numerous other financing issues. The report has sections on rail and transit programs, the new freight programs and performance management measures.

Other

- Last week, the Northeast Corridor (NEC) Commission released its FY'17 to FY'21 Capital Investment Plan. The NEC Capital Investment Plan is a joint effort among eight states, DC, US DOT, Amtrak, and commuter rail agencies to identify and integrate the infrastructure investments required on the NEC over the next five years. Here are links to the Plan - [Explore the Plan and Interactive Map](#); [Plan Report](#) (PDF); [Executive Summary](#) (PDF)
- US DOT has named Carolyn Flowers as FTA Acting Administrator to replace Therese McMillian who has left the agency to join LA MTA. Carolyn has been serving as FTA Senior Advisor. Before joining FTA, Carolyn was the chief executive officer of the Charlotte Area Transit System, and had previously held management positions at LA MTA.
- On April 5, FRA issued a Notice of Funding Opportunity (NOFO) for \$25M in FY'16 funds for Railroad Safety Technology Grants in support of Positive Train Control (PTC). Here is a [link](#) to the NOFO. Applications are due by May 19. Last October, Congress extended the original deadline for PTC implementation from December 31, 2015 to December 31, 2018.

Additional information and materials, including archived Washington Updates, are located on the WSP | Parsons Brinckerhoff *Federal Briefing* website at www.federalbriefing.com. This is a new URL and title for the website previously named *PB Transportation Update*. The old website URL will automatically redirect to the new website, but please bookmark this new address for future reference.