



WASHINGTON UPDATE

PREPARED BY CATHY CONNOR,
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April 25, 2018

The FY'18 government-wide omnibus appropriations bill was signed into law on March 23. However, there are a number of House Members who are having “buyer’s remorse” about the huge increases in domestic spending that Congress just passed and are discussing possible “roll back” legislation to rescind some of the FY'18 funding. It does not appear likely that such legislation will pass, particularly in the Senate, but it bears watching.

Congress is now starting the process of drafting the 12 FY'19 federal agency appropriation bills. Since the budget agreement that was approved in February covers two fiscal years—FY'18 and FY'19—the hope is that the FY'19 funding bills will move quickly through Congress with similar increases in program funding. However, in a highly volatile election year, nothing is certain. The tight and limited congressional schedule and the backlash over the large increases in FY'18, could slow things down. It is possible that Congress could adjourn for the November elections without completing all the appropriations bills.

US DOT Competitive Grant Programs

There has been a flurry of activity at US DOT related to the publication of Notices of Funding Opportunity (NOFO) for several discretionary grant programs and the announcement of competitive grant awards.

TIGER (BUILD) Grants: US DOT has published a NOFO for the TIGER competitive grant program. The FY'18 DOT Appropriations bill provided \$1.5B for this program – triple the level of previous years’ funding. The NOFO rebrands the program as the Better Utilizing Investments to Leverage Development (BUILD) grant program. As mandated in the FY18 omnibus, the maximum grant award for this round will be \$25M, with no more than \$150M awarded in a single state. At least 30 percent of funds must be allocated to rural areas. The application deadline is July 19, 2018. Here is a [link](#) to the NOFO and a [link](#) to the US DOT announcement as well as additional materials, including a BUILD vs TIGER fact sheet, a FAQ document, and information on how to register for the webinar series.

US DOT will hold a series of webinars for potential BUILD applicants. All webinars will take place from 2:00-4:00 PM EDT.

- A webinar on how to compete for BUILD Transportation Grants for all applicants on Thursday, May 24
- A webinar for rural and tribal applicants on Tuesday, May 29
- A webinar on how to prepare a benefit cost analysis for a BUILD application on Thursday, May 31.



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FTA Bus and Bus Facilities Grants: On April 5, FTA announced approximately \$264M in FY'17 project selections to improve the safety and reliability of US bus systems. A total of 139 projects in 52 states and territories will receive funding from FTA's [Buses and Bus Facilities Infrastructure Investment Program](#). Here is a [link](#) to the list of the selected projects and a [link](#) to the FTA press release. The grants will fund projects to replace, rehabilitate, and purchase buses and related equipment as well as projects to purchase, rehabilitate and construct bus-related facilities, such as buildings for bus storage and maintenance.

FTA Low-No Bus Grants: FTA has announced the [opportunity](#) for its grantees to apply for up to \$84.45M in competitive grant funds through FTA's [Low or No Emission \(Low-No\) Bus Program](#). The Low-No Program supports projects sponsored by local transit agencies to bring advanced, American-made bus technologies such as battery electric power and hydrogen fuel cells into service nationwide. Projects will be evaluated by criteria defined in federal law and in the [Notice of Funding Opportunity \(NOFO\)](#), including the applicant's demonstration of need, the project's benefits, project implementation strategy, and capacity for implementing the project. The application deadline is June 18, 2018.

FHWA Advanced Transportation & Congestion Management Technology Grants: FHWA has published a NOFO for states, cities and other agencies to compete for \$60M in Advanced Transportation and Congestion Management Technologies Deployment Program (ATCMTD) grants to fund new technologies that improve transportation efficiency and safety. Created in the FAST Act, the ATCMTD program works to improve the performance of U.S. transportation systems, reduce traffic congestion, and improve the safety of the traveling public. FHWA is interested in projects that bring data together from different systems, such as integrated corridor management, real-time traveler information, traffic data collection and dissemination, and other intelligent transportation system technologies. The program has provided \$110M to 18 projects in 13 states in 2016 and 2017. Here is a [link](#) to the NOFO. The application deadline is June 18, 2018.

INFRA Grants: US DOT expects to announce awards of the FY'17/FY'18 INFRA grants (previously called FASTLANE grants) in early to mid-May.

Infrastructure Bills

House Republican leaders have indicated that they want to pass a series of "infrastructure" bills this year, but not necessarily the Trump Administration's Infrastructure Plan. Without a source of funding identified to pay for the Trump Plan and with the loss of two of the Administration's infrastructure champions—Gary Cohen and DJ Gribbin at the National Economic Council (NEC)—Congress does not seem in a hurry to move the Trump plan.



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However, there are some recommendations in the Administration's proposed Infrastructure Plan which do not necessarily require legislation. A number of the streamlining recommendations can be implemented administratively. In fact, on April 9, seventeen (17) federal agencies signed a Memorandum of Understanding (MOU) which implements the "one agency, one decision" permitting framework recommendation in the Trump Plan. Here is a [link](#) to the text of the MOU, a [link](#) to a White House press release, and a [link](#) to US DOT Secretary Chao's press release on the MOU.

The MOU implements EO 13807 and provides additional direction on the Administration's approach to "One Decision" including, establishing a lead federal agency for the complete environmental review and permitting process, committing to meet the lead agency's timetable, agreeing to conduct the necessary review process concurrently, and automatically elevating interagency disputes.

The two stand-alone infrastructure bills that are likely to pass this year (at least in the House) are the long overdue, multi-year FAA reauthorization bill and the biennial Corps of Engineers' Water Resources Development Act (WRDA). Both bills are under the jurisdiction of the House Transportation & Infrastructure Committee where Chairman Bill Shuster (R-PA) is not running again for election. Shuster wants to pass these bills before he leaves office.

The FAA bill is moving quickly now that Chairman Shuster has agreed to drop the highly controversial provision to privatize the Air Traffic Control (ATC) system which has held up the bill for almost two years. The revised bill, HR 4, reauthorizes FAA programs for five years and is largely unchanged from the 2017 version of the bill, aside from the ATC provision. As expected, the bill unfortunately does not include an increase of the Passenger Facility Charge (PFC). Debate on the bill on the House floor is expected to begin tomorrow. Over 100 amendments have been ruled in order many related to airport noise and drones. The full Senate has not yet acted on a companion FAA bill and it is unclear when it will. The current short-term extension of FAA programs expires on September 30, 2018. Here is a [link](#) to the bill text and other materials.

Next up will be consideration of the WRDA bill. Both the House and Senate held hearings on WRDA issues earlier this year.



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Administration Personnel

There have been several recent nominations and appointments of key personnel at US DOT and related federal agencies.

Thelma Drake testified before the Senate Banking Committee last week in support of her nomination to be FTA Administrator. A number of Senators raised concerns about her position on several issues, including funding for FTA Capital Improvement Grants (CIG) and signing pending and future Full Funding Grant Agreements (FFGAs). Drake is a former member of the U.S. House, the Virginia House of Delegates, and a former director of the Virginia Department of Rail and Public Transportation (DRPT).

Heidi King is expected to be nominated to be the NHSTA Administrator. She is currently the Deputy Administrator and previously worked on the Hill and at OMB.

Patrick Fuchs and Michelle Schultz have been nominated to serve on the Surface Transportation Board (STB). Fuchs is a senior staffer on the Senate Commerce Committee and Schultz is Deputy General Counsel at SEPTA in Philadelphia.

Jennifer Homendy, the long-time Democratic Staff Director of the House Railroad Subcommittee, has been nominated to the National Transportation Safety Board (NTSB).

Matt Sturges, the former Republican Staff Director of the House T&I Committee, was appointed as FRA Deputy Administrator. He replaces Heath Hall who resigned over conflict of interest issues earlier this year.

Arjun Garg, a Department of Justice trial attorney, was appointed to be FTA Chief Counsel.

FHWA Administrator/FAA Administrator: The White House has not submitted a nomination for FHWA Administrator since Paul Trombino dropped out of consideration late last year or an FAA Administrator since Michael Huerta's term ended in January.

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