



Washington Update

PREPARED BY CATHY CONNOR
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PARSONS
BRINCKERHOFF

April 26, 2013

Congress continues to be focused on a number of big picture issues, such as immigration reform, the aftermath of the Boston bombings, and the impacts of the sequestration, particularly the furloughs of government employees. Congress will be on recess next week.

FAA Furloughs

Last night, the Senate passed a bill (S. 853) to make up to \$253M available through the end of the fiscal year to cancel the current furloughs of FAA air traffic controllers and potentially the closure of FAA contract towers. The funding would come from unobligated balances in the Airport Improvement Program (AIP) which is used to fund airport construction projects. However, Senate staff has indicated this should not affect any FY'13 AIP grants. The House is expected to debate and likely pass the bill later today.

TIGER V

As previously reported, on April 22, US DOT announced the availability of \$473.8M in funds to be awarded for a fifth round of the highly popular TIGER discretionary grants. These funds will be awarded on a competitive basis for projects that will have a significant impact on the nation, a metropolitan area, or a region. Here is a [link](#) to the Notice of Funding Availability (NOFA) and a [link](#) to the US DOT TIGER Grant Application Resources website.

Final applications are due ~~by~~ June 3, 2013. Unlike last year, a pre-application is not required. By law, all funds must be obligated by September 30, 2014. Therefore, applicants must demonstrate that the project can meet all local, State and federal requirements by June 30, 2014, which will be difficult to do for some projects.

Yesterday, the Eno Center for Transportation released a new report – “Lessons Learned from the TIGER Discretionary Grant Program”. Here is a [link](#) to the report. The appendix, starting on page 23, lists all the TIGER grants made to date. The report identifies several problematic features future programs should avoid:

- a preference for “shovel-ready” projects because that limits the ability to choose the best project
- a lack of congressional interaction
- a lack of transparency, because it undermines support for the program
- a lack of staff dedicated to the evaluation and selection of discretionary projects

In other TIGER news, Senator David Vitter (R-LA), ranking Republican on the Senate Environment and Public Works Committee, is suggesting that the Obama Administration showed “potential political bias” when US DOT distributed some of the TIGER grants. Vitter



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is asking the Government Accountability Office (GAO) to probe the program's project selection. Here is a [link](#) to a map Vitter's office released which shows that of the FY'12 TIGER grants, \$346M went to Democratic congressional districts and only \$132M to Republican districts. Here is a [link](#) to the statement by Vitter and the letter he sent the GAO earlier this month.

Freight Issues

Yesterday, the House T&I Committee's new Special Panel tasked with developing recommendations for freight transportation improvements held its first hearing. The panel is chaired by Rep. Jimmy Duncan (R-TN). Rep. Jerry Nadler (D-NY) is the senior Democrat. The panel's goal is to look at the freight/goods movement issue from a multi-modal perspective. Issues discussed at the hearing included global competition, reviving the PNRS program, PPPs, and increasing truck size and weights. All witnesses supported an increase in the federal gas tax.

Here is a [link](#) to materials from the hearing including the witness testimony. Witnesses included [the](#) CEOs of FedEx, Norfolk Southern, the South Carolina Ports Authority, a major trucking company, and the AFL-CIO. Additional field hearings are expected to be held in Los Angeles, Memphis, New York City and Louisville.

Water Resources Development Act Reauthorization (WRDA)

The Senate Environment & Public Works Committee passed a WRDA bill (S. 601) in early March and pressure is building to bring the bill to the Senate floor soon. Parsons Brinckerhoff has signed onto an industry letter, orchestrated by the US Chamber of Commerce, urging the Senate leadership to act on the bill quickly.

In the House, the T&I Subcommittee on Water Resources held its first hearing last week on the development of a companion House WRDA bill. Here is a [link](#) to background on the hearing, a video of the hearing and the witness testimony.

In related news, the Water Resources Subcommittee held a hearing this week on the FY'14 Administration budget request for the Corps of Engineers. Here is a [link](#) to background on the hearing, a video of the hearing and the testimony from the two [witnesses](#) – Lt. General Thomas Bostick, Chief of Engineers and Jo-Ellen Darcy, Assistant Secretary of the Army – Civil Works. Here is a [link](#) to the proposed FY'14 Corps budget request.

FTA News

Since the FY'13 Continuing Resolution (CR) for FTA did not include any project earmarks, including for specific New Start/Small Start projects, it was left up to US DOT/FTA to use its discretion to allocate funding to the various projects. FTA has yet to make a specific,



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formal announcement of its FY'13 allocations, but they included a list of the FY'13 allocations in the FY'14 annual New Starts Report. Here is a [link](#) to a page in the Report which shows the allocations. Since the New Starts/Small Starts funding was reduced significantly by the sequester, only New Start projects with FFGAs and two Small Start projects already under construction received any FY'13 funding. No new projects were funded. In addition, all the funded projects received less money than had been recommended in the Administration's original FY'13 Budget Request.

In the April 22 Federal Register, FTA published a Notice of Availability of Proposed Circular and Request for Comments on the MAP-21 revisions to the Section 5307 Urbanized Area Formula Program. Comments on the proposed Circular are due by June 21, 2013. Here is a [link](#) to the Federal Register notice and a [link](#) to the actual Proposed Circular.

A recording of the recent FTA public webcast on its FY'14 budget priorities and FY'14 New Starts Report is available [here](#).

Other News

- The House Budget Committee, chaired by Rep. Paul Ryan (R-WI), held a hearing yesterday on the "State of the Highway Trust Fund – Long-Term Solutions for Solvency". Witnesses included Bob Poole from the Reason Foundation, Richard Geddes from Cornell University and a member of one of the SAFETEA-LU Funding Commissions, and Janet Kavinoky from the US Chamber of Commerce. There was a lively discussion of devolution (Poole), VMT, tolling, PPPs, truck size and weight, CAFE standards, and even restricting gas tax revenues to just highways (suggested by several Republican members of the committee).
- Yesterday, the House T&I's Highways & Transit Subcommittee held a hearing on implementing MAP-21 focusing on the state and local perspective. Representatives of AASHTO, APTA, the National Conference of State Legislators (NCSL), the National League of Cities (NLC), and the Association of Metropolitan Planning Organizations (AMPO) testified. Here is a [link](#) to background on the hearing and the witness testimony.
- On April 12, FTA announced the FY'12 project selections for the Paul S. Sarbanes Transit in Parks Program. This program was first authorized in SAFETEA-LU, but was not reauthorized in MAP-21, so this will be the final year of new funding. Of the original \$26.9M appropriated, \$12.4M was awarded last week. The other funds were previously allocated in January 2012. Here is a [link](#) (see end of Federal Register notice) to the list of projects selected which are located in CA, CO, FL, HI, NM, NY, OK, OR, TX, UT, VA and WA.
- FHWA has announced grants in the range of \$75,000 to \$300,000 for vulnerability assessment pilot project grants to identify infrastructure at risk from changing



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climate conditions and extreme weather events. Here is a [link](#) to a list of the 14 state DOT and five MPO grant recipients.

- The AASHTO Center for Excellence in Project Finance has compiled a comprehensive listing of state transportation funding proposals that have been or are currently being considered. Here is a [link](#) to the list.
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Additional information and materials can be found on the PB Transportation Update website at www.PBTransportationUpdate.com