



April 9, 2013

Congress is back in session following a two-week recess. With funding finally resolved for better or for worse for FY'13, Congress will continue to focus its attention on the FY'14 budget and appropriations process. Both the House and Senate beat the April 15 deadline to pass their respective FY'14 Budget Resolutions, but it seems unlikely that the two resolutions will be reconciled. The big budgetary news this week is the much delayed release of the Administration's FY'14 budget request on April 10. The Administration's budget is usually released in early February, but it was delayed this year due to the extended debate on FY'13 funding and the government-wide sequester.

FY'14 DOT Budget and Appropriations

President Obama provided some early indications of what will likely be included in the Administration's FY'14 budget request for US DOT, when it is released on April 10, in a speech he made recently in Miami. Following a tour of the Port of Miami and the Port of Miami Tunnel, the President provided more details about his "Rebuild America Partnership" which he mentioned during his State of the Union address in January. Here is a [link](#) to the White House press release. The President is calling for: _____

- establishing a \$10B National Infrastructure Bank
- creating new "American Fast Forward" (AFF) tax credit bonds
- making tax changes to encourage foreign investment in US infrastructure
- increasing funding up to a total of \$4B for the TIFIA and TIGER programs
- lifting the caps on Private Activity Bonds (PABs) for highway and water projects and expanding PAB eligibility for transit, airport and marine projects

US DOT/FTA is expected to release its FY'14 "New Starts" Report on April 10 along with the budget request.

The House THUD Appropriations subcommittee has announced its procedures for developing its FY'14 annual appropriation bill for US DOT. Although no project earmark requests will be permitted, House Members can submit "programmatic and language requests", but must do so by April 26. Even though US DOT has not yet released its budget recommendations for FY'14, the THUD Subcommittee has started its yearly series of hearings on the modal agency budgets. On March 21, FTA Administrator Peter Rogoff [testified](#). Additional hearings are scheduled for April 16 with Secretary Ray LaHood, April 24 on the FAA budget and April 25 on the FRA and Amtrak budgets.

The Senate has not yet announced its FY'14 appropriations hearing schedule or deadlines for submissions of programmatic directives.



Hurricane Sandy Funding

On March 29, FTA published two Federal Register notices related to funding for Hurricane Sandy Emergency Relief (ER). Here is a [link](#) to the notice allocating the initial \$2B in FTA Sandy ER funding. The Sandy funding bill required FTA to allocate \$2B by March 30. The focus is on reimbursing affected agencies for costs incurred in the immediate aftermath of the storm. In addition, here is a [link](#) to a list of all the Sandy FTA ER allocations made to date.

Here is a [link](#) to the other Federal Register notice announcing FTA's Interim Final Rule on implementation of the new MAP-21 FTA ER program. It is effective immediately. FTA is accepting comments on the Interim rule through May 28.

Here is a [link](#) to the Parsons Brinckerhoff Hurricane Sandy Information Center which tracks rapidly evolving congressional, regulatory and federal agency funding developments following Hurricane Sandy. The site provides links to the final Sandy funding bill, notices of funding availability and funding allocations, Federal Register notices, fact sheets on agency Emergency Relief programs, testimony from Sandy implementation hearings, etc.

FY'13 TIGER Funding

MAP-21 did not authorize any funding for the US DOT TIGER program in FY'13 and FY'14. However, one of the few benefits of US DOT being funded under a Continuing Resolution (CR) for FY'13 is that the CR continues to fund programs that were previously funded in FY'12, such as the TIGER program. The year-long CR, which Congress recently approved, includes \$500M for the TIGER program, minus the 5% sequester cut, for a total of approximately \$475M. This will be the fifth round of TIGER funding since TIGER was first created in the ARRA stimulus bill.

US DOT is expected to issue a Notice of Funding Availability (NOFA) for the FY'13 TIGER program very soon. The application window is expected to be relatively short and the requirements are expected to be similar to last year's. All modes of surface transportation (highway, transit, bike/ped, freight rail, port, and high-speed intercity passenger rail) are eligible to apply.

Water Resources Development Bill (WRDA)

The Senate Environment & Public Works Committee unanimously approved S. 601, the bipartisan Senate Water Resources Development Act (WRDA) authorization bill, before leaving for the spring recess. The leadership hopes to bring the bill to the Senate floor in late April or early May. Unlike previous WRDA bills, there are no project earmarks in this bill. The bill simply authorizes those projects (unnamed) that have a completed Army Chief of Engineers'



Washington Update

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report. The bill creates a new WIFIA loan program similar to the popular TIFIA program, promotes expedited project delivery, and mandates that current year revenues into the Harbor Maintenance Trust Fund be spent and not held as surplus.

The House has not yet drafted a companion bill, although the House T&I Committee will hold a bipartisan roundtable discussion this Wednesday at 10:00AM on issues related to the development of a Water Resources Development Act (WRDA).

Invited participants include: Waterways Council, Inc. President Mike Toohey; National Waterways Conference President Amy Larson; National Association of Flood and Stormwater Management Agencies Executive Director Susan Gilson; American Shore and Beach Preservation Association President Harry Simmons; The Nature Conservancy's North American Freshwater Program Deputy Director Mark Smith; and International Union of Operating Engineers Assistant Legislative and Political Director Jeff Soth.

Here is a [link](#) to a brief summary of the Senate bill and a [link](#) to the text of the Senate bill – see the first five pages of the 284-page bill for a Table of Contents.