



August 5, 2016

Congress is currently on its annual summer recess until after Labor Day. However, life goes on in DC with several key announcements made recently by US DOT and the Administration on competitive grants, regulations, and policy developments.

Before Congress adjourned it passed another short-term authorization of FAA programs – although this time a much lengthier one extending through September 30, 2017. In addition, rather than being a “clean” extension, the bill includes a number of policy provisions primarily related to aviation safety and security. The extension does not include an increase in funding for the construction-related Airport Improvement Program (AIP). Here is a [link](#) to the bill text and a summary of the policy provisions.

Although both the House and Senate committees of jurisdiction have completed action on their respective versions of a Water Resources Development Act (WRDA) reauthorization which funds Corps of Engineers projects, neither bill has been able to get floor time. With Congress in session for only four weeks in September before recessing again until after the November elections, it will be difficult to finalize this legislation. The hope is to set a precedent of passing WRDA bills every two years. In the absence of a final authorization bill, Corps’ water programs will still be funded through the annual appropriations process.

Another infrastructure related bill which may not be completed prior to the November elections is the comprehensive energy reform bill currently pending in conference.

The FY’17 appropriations bills, arguably the most important legislation, are highly unlikely to pass before the October 1 start of the new fiscal year. As in most prior years, Congress will have to pass a short-term Continuing Resolution (CR) in order to keep funding flowing to federal agencies. Typically CRs provide funding at current levels. This is not a problem for those highway and transit programs funded through the Highway Trust Fund because the funding levels authorized in the FAST Act are the same for both FY’16 and FY’17. The more significant impact of a CR will potentially be on programs funded with General Funds such as Amtrak, FTA Capital Improvement Grants (CIGs), and TIGER.

The big question is what the length of the CR will be. Some are pushing for a short CR lasting through December with the hope that Congress can complete some or all of the individual agency funding bills during the post-election Lame Duck session – perhaps packaged together in a series of “mini-bus” bills. Others want to extend the CR into next spring so that the new Administration can get settled in and establish its own funding priorities. Still others have suggested doing a year-long CR.

Congress is expected to meet in a Lame Duck session after the November elections, but until the results of the election are known and it is clear which party will control the Senate,



it is very difficult to speculate on what might be accomplished during this short session. Any legislation which is not signed into law by the time the 114th Congress concludes in late December is dead.

US DOT Competitive Grants

US DOT has announced the recipients of several major competitive grant programs including the popular TIGER program and the new FAST Act-authorized FASTLANE freight program as well as the FTA Low-No bus grants. An announcement of the FTA Bus and Bus Facilities grants and the FY'16 Positive Train Control (PTC) grants for commuter rail are expected any day now.

On July 29, US DOT announced nearly \$500M in 40 TIGER grants to 32 states and two US territories. Here is a [link](#) to the US DOT announcement and a [link](#) to information about each of the projects selected. This is the 8th round of TIGER grants. Demand for the 2016 TIGER grant program continued to far exceed available funds. DOT received 585 eligible applications requesting over \$9.3B in funding. During the previous seven rounds, the Department received more than 7,300 applications requesting more than \$143B for transportation projects across the country and provided a combined \$5.1B to 421 projects. Of the 40 grant recipients this year, nearly two-thirds are repeat applicants.

On July 6, US DOT announced the new FAST Act authorized FY'16 FASTLANE grants. Here is a [link](#) to a list of the 18 projects which were awarded a total of \$759M in funding and a [link](#) to more detailed information on the projects. The largest grant awarded was \$165M for the I-95 Corridor Atlantic Gateway. The Department received 212 applications requesting over \$9.8B in funding. The FAST Act authorized \$4.5B over five years for nationally significant freight and highway projects, including up to \$500M over the life of the program for ports, rail, and intermodal facilities. This round of grants includes \$173.4M for intermodal projects – approximately 35% of the total grants. The law gives Congress 60 days to pass a resolution of disapproval for any of the selected projects. Once the 60-day notification period ends, DOT can begin signing grant agreements and providing funds to the selected agencies.

On July 26, FTA announced the Section 5339(c) Low or No Emission Bus grants. Here is a [link](#) to the announcement and a list of grantees. Twenty transit providers in 13 states will receive a share of \$55M for transit buses and related technology that replaces aging diesel fuel buses with battery-electric or fuel cell-powered vehicles and incorporates other innovations.

Although the recipients of the FY'16 PTC grants have not yet been announced, on July 28 FTA/FRA have issued a Notice of Funding Opportunity for FY'17 PTC grants. These applications are due on September 28. Here is a [link](#) to more information.



Other News

The White House Council on Environmental Quality has released final guidance on considering climate change in environmental reviews under the National Environmental Policy Act. Here is a [link](#) to the White House fact sheet and a [link](#) to the Final Guidance. According to the fact sheet, the final guidance provides a level of predictability and certainty by outlining how Federal agencies can describe these impacts by quantifying greenhouse gas emissions when conducting NEPA reviews. This will allow decision makers and the public to more fully understand the potential climate impacts of all proposed Federal actions, and in turn, assist agencies in comparing alternatives and considering measures to mitigate the impacts of climate change. In addition to providing agencies with a reasoned approach as to how to describe climate change impacts, the guidance:

- Advises agencies to quantify projected greenhouse gas emissions of proposed federal actions whenever the necessary tools, methodologies, and data inputs are available;
- Encourages agencies to draw on their experience and expertise to determine the appropriate level (broad, programmatic or project- or site-specific) and the extent of quantitative or qualitative analysis required to comply with NEPA;
- Counsels agencies to consider alternatives that would make the action and affected communities more resilient to the effects of a changing climate; and
- Reminds agencies to use existing information and science when assessing proposed actions.

FTA has issued a final rule requiring FTA grantees to develop management plans for their public transportation assets, including vehicles, facilities, equipment, and other infrastructure. The Transit Asset Management (TAM) final rule asks transit agencies to develop a strategic approach to maintain and improve capital assets. Every FTA-supported transit provider will be required to inventory and assess the conditions of their assets, develop priorities for investment based on the inventory, and establish performance targets. The rule, established under MAP-21 legislation, is intended to close the gap on aging and poorly maintained transit assets. Along with the final rule, FTA released two proposed TAM guidebooks that detail the methods for transit agencies in measuring and reporting conditions of guideways and administrative, maintenance, and passenger facilities to the National Transit Database. The guidebooks were released for a 60-day public comment period. FTA will host a multi-part webinar series between Tuesday, July 26 and Thursday, August 18 to provide technical assistance to the transit industry on how to implement the rule. Here is a [link](#) to the TAM final rule in the July 26 Federal Register, a [link](#) to supplemental information about the rule including fact sheets and FAQs, a [link](#) to the webinar series and a [link](#) to general information about the TAM program.

On July 20, US DOT Secretary Foxx hosted a grand opening event for the Department's new Build America Bureau. The Bureau was created and authorized in the FAST Act. It combines the existing TIFIA, RRIF, and PAB financing programs as well as the existing Build



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America Transportation Investment Center (BATIC), and the new FASTLANE competitive grant program. Here is a [link](#) to the US DOT press release. The goal is to provide a single entity in charge of all DOT credit, large scale, and intermodal project development, and a single point of contact for working with DOT on infrastructure finance and development.

FHWA has created a new freight-related resources webpage which includes infographics with statistics on how freight improves the economy as well as various freight publications and resources. Here is a [link](#) to the page.

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.