



WASHINGTON UPDATE

PREPARED BY CATHY CONNOR,
DIRECTOR OF FEDERAL GOVERNMENT AFFAIRS



September 12, 2018

Congress is back in session after its summer recess (which only lasted one week for the Senate!) and trying to complete action on a number of “must do” bills before the October 1 start of the new fiscal year, including all 12 FY’19 federal agency appropriations bills. However, there are only a few legislative days before the end of September. Congress is expected to adjourn in early October to allow Members to return to their home states/districts to campaign for re-election. Congress typically returns to session after the November elections, but with the growing possibility that the Democrats could win enough seats to take control of the House and even potentially the Senate, it is unclear how much legislation could be accomplished in a lame duck session.

FY’19 Appropriations

At this point, it appears unlikely that Congress will be able to pass all 12 FY’19 funding bills before October 1. Therefore, some sort of Continuing Resolution (CR) will need to be passed to avoid a government shut-down. CRs typically fund programs at the current (FY’18) levels. Fortunately, most infrastructure programs got a big bump-up in FY’18 funding as a result of the two-year (FY’18 and FY’19) budget deal. It is unclear how long the CR would last – likely through the end of the calendar year. President Trump has threatened to veto FY’19 bills unless the Mexican border wall is funded.

One infrastructure-related funding bill which is making progress is the Energy & Water appropriations bill which includes funding for the Corps of Engineers. A final conference report was filed on Monday for the bill, which is part of a three-bill “minibus”. It provides \$7B in funding in FY’19 for the Corps of Engineers water resources programs, which is \$172M more than in FY’18. It appropriates \$1.55B from the Harbor Maintenance Trust Fund (HMTF), higher than the authorized level of \$1.44B. The final bill does not include the Administration’s proposed reorganization of the Corps to transfer the navigation function from the Corps to US DOT. The legislative text of the package is [here](#) and the joint explanatory statement of the conferees (which includes funding totals for individual projects) is [here](#). The Energy and Water Development portion is Division A of the package. The conference report must still be passed by the full House and Senate which they are expected to do soon.

The FY’19 US DOT appropriations bill is part of a second, three-bill “minibus”. The full Senate has passed its version of the bill; however, the House version of the bill has only been voted out of committee. Since House passage seems unlikely at this point, in an effort to expedite the bill, House and Senate staff have begun to “pre-conference” the bill to resolve differences. It is possible that a final version could be released as early as this week.



WASHINGTON UPDATE

PREPARED BY CATHY CONNOR,
DIRECTOR OF FEDERAL GOVERNMENT AFFAIRS



Fortunately, program funding levels are quite similar in both bills for most major DOT programs.

FAA Reauthorization

The short-term extension which authorizes FAA programs and funding expires on September 30. The full House passed a multi-year FAA reauthorization bill (HR 4) on April 27 by a vote of 393 to 13, once the controversial provision to privatize the Air Traffic Control (ATC) system was dropped. The Senate Commerce Committee approved its version of the bill (S.1405) on May 9. The Senate had hoped to bring its bill to the floor before the August recess, but that didn't happen. Scheduling floor action has been complicated by the large number of proposed amendments and the efforts to attach various non-aviation-related bills, such as the pending Senate autonomous vehicle bill (S.1885), and other controversial, non-aviation provisions, such as truck size and weight and truckers' hours of service. The FAA bill is attracting add-ons because it is viewed as "must pass" given the September 30 deadline.

Here is a [link](#) to information about both bills. It is likely that yet another short-term extension, possibly through the end of 2018, will be needed before the pending multi-year bill can be completed.

Water and Water Resources Authorization

Yesterday, House and Senate committee leaders announced a bipartisan agreement on comprehensive water legislation. The "America's Water Infrastructure Act of 2018" packages a number of separate water-related bills – the biennial Water Resources Development Act (WRDA) which authorizes Corps of Engineers projects, the Drinking Water System Improvement Act which authorizes funding for the state drinking water revolving loan fund and other federal drinking water programs, several hydropower bills, and reauthorization of the WIFIA financing program. Here is a [link](#) to more information about the bill and a [link](#) to the text of the bill. The final agreement must still be passed by the full House and Senate. The House may take up the bill as early as this week.

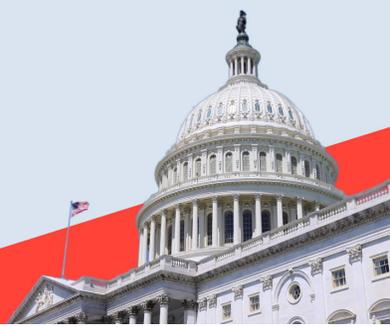
Other News

FTA Pilot Program for Expedited Project Delivery – FTA has published a notice in today's Federal Register requesting expressions of interest to participate in this pilot program. The program was authorized in the FAST Act. Here is a [link](#) to the notice. Expressions of interest are due by November 13. The Pilot Program is aimed at expediting



WASHINGTON UPDATE

PREPARED BY CATHY CONNOR,
DIRECTOR OF FEDERAL GOVERNMENT AFFAIRS



the delivery of Capital Improvement Grant (CIG) projects that utilize Public Private Partnerships (P3s). No more than eight projects can be awarded grants. The Notice outlines a number of other specific criteria which must be met.

CRISI Rail Grants – On August 23, FRA awarded over \$200M in Consolidated Rail Infrastructure and Safety Improvements (CRISI) competitive grants for implementation of Positive Train Control (PTC) by intercity passenger, freight, and commuter rail. Here is a [link](#) to a list of the 28 projects in 15 states which were awarded grants. The CRISI program was first authorized in the FAST Act. In today's Federal Register, FRA issued a second Notice of Funding Opportunity (NOFO) for the remaining FY'18 CRISI funds (approximately \$46M) designated by Congress for PTC implementation. Applications are due by October 12. Here is a [link](#) to information about the NOFO. The deadline for PTC implementation is December 31, 2018.

Competitive Bridge Grants – On September 5, FHWA published Notice of Funding Opportunity (NOFO) in the Federal Register seeking applications for the new FHWA Competitive Highway Bridge Program. Here is a [link](#) to the NOFO. The FY'18 US DOT appropriations bill included additional funding for many US DOT programs as a result of an increase in the overall domestic discretionary spending cap. A portion of the extra money, approximately \$225M, went to FHWA to create a new Competitive Highway Bridge program. Eligible applicants are states that have a population density of less than 100 individuals per mile (the notice lists the 25 states that are eligible). The funds must be used for highway bridge replacement and rehab projects on public roads that demonstrate cost savings by bundling multiple projects (at least two). Applications are due by December 4, 2018. It is likely a similar amount of money will be set-aside for this program in the FY'19 DOT appropriations bill, but beyond that the future of this program is unclear since the 2017 budget deal only provided FHWA with additional funds for FY'18 and FY'19.

FTA Low-No Grants – On August 24, FTA announced \$84.45M in grant selections through the Low or No-Emission (Low-No) Grant program, which funds the deployment of transit buses and infrastructure that use advanced propulsion technologies. Fifty-two projects in 41 states will receive a share of the funding. Eligible projects include the purchase or lease of buses that are powered by modern systems such as hybrid or battery electric engines, as well as related infrastructure investments such as charging stations. Here is a [link](#) to the FTA press release and a [link](#) to a list of the selected projects.

FTA Access and Mobility Partnership Grants - Today, FTA announced the availability of \$6.3M in competitive grant funds for transit coordination projects that improve access to healthcare. Here is a [link](#) to more information about the program and a [link](#) to the NOFO. FTA's Access and Mobility Partnership Grants focus on transportation solutions to medical appointments and other non-emergency healthcare services. The grants will help improve options for people with limited transportation choices and bridge the gap between service providers in the transportation and health sectors. Applications are due by November 13.



WASHINGTON UPDATE

PREPARED BY CATHY CONNOR,
DIRECTOR OF FEDERAL GOVERNMENT AFFAIRS



Port Security Grants – The Department of Homeland Security and FEMA have announced the recipients of the FY'18 Port Security Grant Program (PSGP). The program was funded at \$100M in FY'18 and more than 36 ports received direct grants. Here is a [link](#) to the projects selected. Both the pending House and Senate FY'19 DHS Appropriations bills include \$100M for the PSGP.

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