

## WSP Washington Update - September 28, 2018 - Interim Update

This has been a busy and very momentous/contentious week in DC. While the Senate plans to stay in session for a few more weeks to work on pending nominations and judicial appointments, the House adjourned earlier today until after the November elections. Here is a recap of where key infrastructure legislation stands:

FY'19 Appropriations – Monday, October 1 is the start of the new fiscal year. One key infrastructure spending bill, the FY'19 Energy & Water bill, has passed and been signed into law. Unfortunately, the FY'19 THUD (US DOT) bill, which is part of a four-bill “minibus”, got caught up in controversies related to other bills in the package and was not completed before the House adjourned. In order to avoid a partial government shutdown, earlier today President Trump signed a second “minibus” which includes a Continuing Resolution (CR) to fund all remaining federal agencies, including US DOT, through December 7 – after the November elections. The CR funds federal programs at the FY'18 funding levels. For most US DOT programs that does not present a serious problem, at least in the short-term, because FY'18 funding levels were at historically high levels. However, the pending House and Senate FY'19 bills include several critical provisions instructing US DOT and FTA to expedite approval of pending Full Funding Grant Agreements (FFGAs) and FY'18 Capital Improvement Grants (CIG), as well as language on BUILD/TIGER grant criteria, which will not go in to effect until the FY'19 funding bill is officially passed.

FAA Authorization Bill – The House overwhelmingly passed the final, compromise version of the five-year FAA reauthorization bill (HR 302) on Wednesday by a vote of 398 to 23. The Senate will hopefully pass the bill next week. Since the FAA programs officially expire over the weekend as of September 30, Congress is expected to pass a week-long extension to give the Senate time to act on the multi-year bill.

The final bill is actually a package of 11 different bills including the FAA Authorization (Division B – beginning on page 22), as well as the National Transportation Safety Board (NTSB) Reauthorization Act (Division C), the TSA Modernization Act (Division K), the Maritime Security Act (Division J), the Disaster Recovery Reform Act (Division D), and an FY'18 Supplemental Appropriations for Disaster Relief (Division I) which provides funding to repair recent hurricane damage in NC and SC. Here is a link to the [text](#) of the final bill, a [link](#) to a five-page summary of the FAA and Disaster Recovery sections of the bill, and a [link](#) to a joint House/Senate press release.

As expected, the final FAA bill does not include an increase in the Passenger Facility Charge (PFC) nor any provisions to privatize the Air Traffic Control (ATC) system as had been proposed by House T&I Committee Chairman Bill Shuster (R-PA) and the major airlines. The funding for the Airport Improvement Program (AIP), which supports airport construction, was reauthorized for five years, but at the same level as the current program - \$3.35B per year – which it has been funded at for the past 12 years. The bill includes an ACEC-backed amendment to expand the application of Qualification-Based Selection (QBS) when procuring engineering services on federally funded airport projects. The provision requires that airports comply with Brooks Act procedures if any portion of a project utilizes Airport Improvement Program (AIP) funds. This is designed to prevent segmentation of funding for A/E services - for example, if federal funds are only applied to the construction portion of a project, QBS rules must still be followed on the preliminary engineering and design.

Water Bill – The House has also passed the final Water Resources Development Act (WRDA) authorization bill – which was packaged with several other water-related bills. The Senate hopes to pass

the bill next week, although there is still at least one problematic issue that could hold things up. The bill combines the biennial WRDA (Corps of Engineers) authorization along with the Safe Drinking Water Act, authorization of hydropower projects, and reauthorization and expansion of WIFIA financing for stormwater and wastewater infrastructure improvements. The "America's Water Infrastructure Act of 2018" authorizes the Corps of Engineers to undertake 15 major new projects that will cost a total of \$8.3B. Here is a [link](#) to the text of the final bill and a [link](#) to a press release with more details.

Federal Agency Nominations – A large number of US DOT, as well as other key federal agency, nominations are pending confirmation votes in the Senate. While the Senate is expected to approve a number of these nominations before they adjourn for the elections, it is unclear which ones or how many will get through in this highly partisan environment. Critical nominations for several US DOT modal administrators, Amtrak Board, and Surface Transportation Board (STB) are still in limbo.