

PB Washington Update - February 2, 2012 - Interim Report

It has been a very busy week for transportation legislation and it isn't over yet. Yesterday, the House Natural Resources Committee marked up the energy portions of HR 7, the American Energy and Infrastructure Job Act, this morning the Senate Banking Committee marked up the transit title of the Senate MAP-21 bill, the House T&I Committee is currently in the ninth hour of its marathon markup of HR 7, and the House Ways & Means Committee is scheduled to mark up the revenue title of HR 7 tomorrow morning.

House Natural Resources Committee – In a lengthy markup yesterday, the Committee approved legislation that would permit new drilling in ANWR and expand offshore drilling and drilling for oil shale. The Ways & Means Committee (see below) is expected to act tomorrow to direct the funds generated from these actions into the Highway Trust Fund to help fund the House multi-year transportation bill, HR 7. It is unclear how much revenue this would actually generate.

Senate Banking Committee – In a very short, 30-minute markup this morning, the Senate Banking Committee approved the transit title, the Federal Public Transportation Act of 2012, of the larger Senate MAP-21 bill. Like the highway title, the transit title authorizes transit programs for two years – FY'12 and FY'13. There were only two amendments offered – a Vitter (R-LA) amendment eliminating Davis Bacon which failed and a Chairman's amendment which passed by voice vote. That amendment addressed four non-controversial issues. The Banking bill would authorize transit funding of approximately \$10.45B per year, essentially current funding levels.

House T&I Committee – The Committee began its markup at 9:00AM this morning and it still going strong. Over 90 amendments were cleared to be offered. As of 6:30 PM EST they have made it through only about 30 of those amendments. The session started with significant partisan bickering with Democrats complaining bitterly that they were not included in the drafting of the bill and they had not been given the official bill until yesterday, although they did receive pieces of the bill late on Friday. Many of the amendments considered so far were relatively minor and most were Democratic amendments defeated on party-line votes. Of particular note was a contentious amendment to drop most of the bill's provisions to increase truck size and weight which passed. A bi-partisan amendment (one of the very few) to restore dedicated funding for the Transportation Enhancements program and the Safe Routes to Schools program was narrowly defeated despite strong support from bike, pedestrian and livability groups. It is unclear how long the Committee will stay in session tonight in order to finish up the numerous remaining amendments, but Chairman Mica is insisting on completing the markup tonight.

House Ways & Means Committee – In a surprise move, the Ways & Means Committee this morning announced they will markup the revenue title of HR 7 tomorrow. Of very serious concern is their proposal to transfer all FY'12 receipts in the Mass Transit Account of the Highway Trust Fund into the Highway Account and then fund the new, proposed replacement account, the Alternative Transportation Account, with approximately \$40B in General Funds to be offset by some unknown source of revenue now rumored to relate to pension reform. Transit groups and their supporters are mounting a major effort to defeat this provision which would negate a close to 30-year precedent of gas tax revenues flowing into the Mass Transit Account. Currently, 2.86 cents of the federal gas tax goes to public transit programs. The Alternative Transportation Account is proposed to fund CMAQ, Ferry Boats and Territorial Highways in addition to transit formula programs. This move by the House Republican leadership could be a deal killer for the bill.

In a related development, the influential conservative group Club For Growth came out today in opposition to HR 7 because of the lack of cuts in government spending and over their concern about linking energy exploration to transportation. They issued a "key vote" alert Wednesday, letting House members know a vote for the bill would reflect negatively on their Club scorecard in what is a critical election year.

In addition, US DOT Secretary Ray LaHood was quoted as saying the House bill is "the worst transportation bill", the "most partisan bill", and the "most anti-safety bill" he has seen in his 35 years of public service.