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LEGISLATIVE Alert

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION



November 5, 2010

APTA Special Election Alert

Republicans Take Control of the U.S. House of Representatives

Tuesday's midterm election resulted in a Republican takeover of the U.S. House of Representatives, with Republicans netting at least 60 seats (with about a dozen races still too close to call), an even greater swing than the 54 seats that the GOP picked up during the 1994 election. At this point, Republicans have 239 seats, Democrats have 185, and 11 races are still undecided. Of those races now settled, there are 84 new Republicans and 9 new Democrats, though some of those newly elected Representatives have served in Congress before and many have served in state and local elected offices.

It is expected that current House Minority Leader John Boehner (R-OH) will be elected Speaker of the House. The anti-incumbent tide swept away several committee chairmen in the House, including Transportation and Infrastructure (T&I) Chairman James Oberstar (D-MN) who lost his bid for a 19th term. With a Republican majority in the House, it is expected that T&I Committee ranking member John Mica (R-FL) will become the new chairman when Congress convenes in January. It is unclear at this time who will become the ranking minority member of the Committee, but senior Democrat members Representative Nick Rahall (D-WV) or Highways and Transit Subcommittee Chairman Peter DeFazio (D-OR) are the most likely choices. The selection of other key committee chairmanships are likely to be determined when Congress begins organizing activities in mid-November, but those decisions are not finalized until the new Congress is seated in January.

Democrats Retain Narrow Majority in the Senate

The Democrats held on to the majority in the Senate, losing six seats but maintaining a 53 – 47 majority. This final tally includes two independents who caucus with Democrats, and either Joe Miller or Lisa Murkowski of Alaska, competing Republicans for the final undecided seat. Senate Majority Leader Harry Reid (D-NV) was reelected for a fifth term and will likely continue to serve as Majority Leader. Senator Mitch McConnell (R-KY) is expected to continue to serve as Senate Minority Leader.

Senate Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies Chairman Patty Murray (D-WA) won a narrow victory and will likely retain her chairmanship. Senator Barbara Boxer will remain the chairman of the Environment and Public Works Committee after overcoming challenger Carly Fiorina for the California Senate seat. Senator Chris Dodd (D-CT), chairman of the Banking, Housing and Urban Affairs Committee, which has jurisdiction over the transit program, retired and is likely to be replaced as chairman by Senator Tim Johnson (D-SD). Chairman John D. Rockefeller IV (D-WV) is expected to retain his chairmanship of the Commerce, Science and Transportation Committee, which has jurisdiction over railroad programs. Senator Max Baucus (D-MT) is expected to remain as chair of the tax writing Senate Finance Committee.

Lame Duck Session

Congress will return on November 15 for a lame duck session to select party and committee leaders, and tackle several "must-do" legislative issues. Congress could be in session for part of both November and December. Fiscal Year (FY) 2011 appropriations bills are among the issues that must be addressed, as Congress has not passed a single appropriations bill. Currently, federal programs, including the federal transit program are being funded under a continuing resolution (CR) that expires on December 3. Since Congress is unlikely to pass individual FY 2011 spending bills during the lame duck session, it will need to either pass an Omnibus Appropriations bill to provide a full year of funding for FY 2011 for all programs, or enact another short-term CR to avoid a government shutdown. Another option under consideration is enacting a CR to fund government programs at FY 2010 levels for the remainder of the current fiscal year.

Congress will also need to pass another extension of the surface transportation authorizing law, to allow continued spending of highway trust fund dollars for the federal highway and transit programs. Earlier this year, Congress enacted legislation to extend SAFETEA-LU through December 31. The length of the next extension is unknown at this time.

The Bush era tax cuts, set to expire at the end of this year, are also expected to be a top priority for the lame duck session. Republicans are adamant that these tax cuts should be extended, while the Obama Administration and most Democrats have been pushing to renew them only for individuals earning less than \$200,000 a year and families earning up to \$250,000. On Wednesday, President Obama announced that he is ready and willing to negotiate with Congressional Republicans on tax cuts, but did not offer specifics. Consideration of tax legislation may provide an opportunity to extend the alternative fuels tax credit for natural gas vehicles, which have been included in previous extenders bills, and to consider an extension of the commuter tax benefit for transit at the same level as the parking benefit.

While it is too early to determine the election's impact on the future of APTA's legislative priorities, the results will certainly create both new opportunities and challenges in the coming year. APTA will be working in the coming days and weeks to further analyze the election results and to begin the process of educating new leaders and the extraordinarily large number of new Members of Congress about APTA's priorities and the many benefits of investing in public transportation.



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1666 K St., NW. Washington, DC 20006
(202) 496-4800 | www.apta.com