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LEGISLATIVE Alert

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION



November 18, 2011

CONGRESS PASSES FISCAL YEAR (FY) 2012 TRANSPORTATION APPROPRIATIONS BILL; FURTHER CONTINUING RESOLUTION INCLUDED IN CONFERENCE AGREEMENT

On Thursday, the House and Senate passed the Conference Report on a package of three appropriations bills, including the Fiscal Year (FY) 2012 Transportation, Housing and Urban Development and Related Agencies (THUD) Appropriations bill. The Conference Committee itself approved the bill with near unanimous bipartisan support, by a vote of 38-1. The House passed the bill 298-121, while the Senate approved it with a vote of 70-30. The bill now heads to the President, who is expected to sign it, thereby completing work on the FY 2012 budget for the Department of Transportation.

Included in the Conference Report is an extension of the current FY 2012 Appropriations Continuing Resolution (CR), which expires today, November 18. Congress needed to act to pass the extension to avoid a potential government shutdown of those agencies not included in the three-bill "minibus" package. The latest CR allows the government to continue its operations through December 16, giving Congress nearly a month to wrap up work on the remaining FY 2012 spending bills.

The conference report provides a total of \$10.6 billion in FY 2012 funding for the Federal Transit Administration (FTA), a 3 percent increase over FY 2011 funding levels. Increased funding was provided to the Formula and Bus Grant programs which will receive \$8.3 billion, an \$18 million increase, as well as the New Starts Capital Investment Grant Program, which is funded at \$1.9 billion in FY 2012, a \$358 million increase over the FY 2011 level. The bill includes legislative language limiting the federal share for FTA New Starts projects to 60 percent (up from 50 percent proposed in the House version of the bill). The bill also retains language contained in the Senate version directing bus rapid transit (BRT) projects to be funded under the Bus and Bus Facilities program rather than the New Starts program. Under this provision, the following BRT projects will still be administered as part of the New Starts program, but funded with bus program dollars in FY 2012:

CA Fresno, Fresno Area Express	\$17,800,000
CA Oakland, East Bay BRT	25,000,000
CA San Francisco, Van Ness Ave BRT	30,000,000
FL Jacksonville, JTA BRT	6,443,200
MI Grand Rapids, Silver Line BRT	12,887,943
TX El Paso, Mesa Corridor BRT	13,540,000
WA King County, RapidRide E BRT	21,629,000
WA King County, RapidRide F BRT	15,880,000
CT Hartford-New Britain Busway	45,000,000

The conference agreement identifies the following New Starts projects as being funded under the bill:

NY Long Island Rail Road East Side Access	\$203,424,000
NY Second Avenue Subway	186,566,000
TX Dallas Northwest/Southeast	81,606,000
UT Salt Lake City Mid Jordan LRT	78,889,510
UT Salt Lake City Weber County	52,047,490
VA Northern VA Dulles	90,832,000
WA Seattle University Link LRT	104,078,000
MN Central Corridor LRT	93,144,000
FL Orlando Central Florida	47,308,000
CO Denver Eagle	140,920,000
TX Houston North Corridor	94,616,000
TX Houston Southeast Corridor	94,616,000
UT Salt Lake City Draper	100,468,000

Additional programs funded in the conference report include \$500 million for National Infrastructure Investment (TIGER) grants and \$150 million for Washington Metropolitan Area Transit Authority (WMATA). The bill also includes a provision, originally offered as an amendment in the House THUD subcommittee markup by Representative John Carter (R-TX), which makes up to \$100 million in grants for fuel or electricity costs associated with the operation of transit vehicles to be classified as capital maintenance expenses under the Transit Formula and Bus grants program.

The FTA's research program, which among other programs funds studies through the Transit Cooperative Research Program (TCRP), was cut by nearly 25 percent, down from \$58.9 million in FY11 to \$44 million in FY 2012. Additionally, zero funding was provided for either the greenhouse gas and energy reduction (TIGGER) grant program or Livable Communities Initiative.

On the rail side, the bill provides \$1.6 billion in FY 2012 for Federal Railroad Administration (FRA) programs. Despite an amendment in the Senate which provided \$100 million for high-speed and intercity passenger rail grants, the conference report zeroed out FY 2012 funding for this program. Funding for Amtrak capital grants was set at \$952 million, a \$30 million increase from the previous year's funding level, as well as \$466 million for Amtrak operating grants - a significant decrease from the FY 2011 enacted level of \$562 million.

The final funding levels for Department of Transportation portion of the Conference Report can be found in the table below.

TABLE 1

Program	FY 2011 Enacted (Millions)	FY 2012 Conference Report (Millions)	Change from FY 2011 to FY 2012	
			Millions	Percent
Federal Transit Administration				
Total New Budget Authority for All FTA Programs	10,297.2	10,608.3	311.1	3.0%
Formula and Bus Program Total	8,343.2	8,360.6	17.4	0.2%
§ 5307 Urbanized Area Formula (a)	4,151.7	4,160.4	8.7	0.2%
§ 5340 Growing States and High Density States (a)	464.0	465.0	1.0	0.2%
§ 5311 Rural Formula (a)	464.0	465.0	1.0	0.2%
§ 5310 Elderly and Disabled (a)	133.2	133.5	0.3	0.2%
§ 5317 New Freedom (a)	92.3	92.5	0.2	0.2%
§ 5308 Clean Fuels (a)	51.4	51.5	0.1	0.2%
§ 3038 Over-the-Road Bus (a)	8.8	8.8	0.0	0.2%
§ 5309(m)(2)(B) Fixed-Guideway Modernization (a)	1,663.0	1,666.5	3.5	0.2%
§ 5309(m)(2)(c) Bus and Bus Facilities (a)	982.0	984.0	2.0	0.2%
§ 5305 Planning (a)	113.3	113.5	0.2	0.2%
§ 5316 Job Access and Reverse Commute (a)	164.2	164.5	0.3	0.2%
§ 5320 Alternative Transportation in Parks (a)	26.8	26.9	0.1	0.2%
§ 5335 National Transit Database (a)	3.5	3.5	0.0	0.2%
§ 5339 Alternatives Analysis (a)	24.9	25.0	0.1	0.2%
New Starts and Extensions	1,596.8	1,955.0	358.2	22.4%
Research and University Centers	58.9	44.0	-14.9	-25.3%
Federal Transit Administration Operations	98.7	98.7	0.0	0.0%
Energy Efficiency/Greenhouse Gas Reduction (TIGGER)	49.9	0.0	-49.9	-100.0%
WMATA Preventive Maintenance and Capital	149.7	150.0	0.3	0.2%
Federal Railroad Administration				
High Speed and Intercity Passenger Rail	0	0	0.0	---
Amtrak Operating Grants	561.9	466.0	-95.9	-17.1%
Amtrak Capital and Debt Service	921.8	952.0	30.2	3.3%
Positive Train Control	0	0	0.0	---
Office of the Secretary of Transportation				
National Infrastructure Innovation and Finance Fund/National Infrastructure Bank	0	0	0.0	---
Livable Communities	0	0	0.0	---
National Infrastructure Investments (TIGER)	526.9	500.0	-26.9	-5.1%
(a) Individual programs under Formula and Bus Program funding are not specified in the Appropriation Bill. The amounts listed for FY 2012 are twice the amount authorized in P.L. 112-30 for the period October 1, 2011 through March 31, 2012.				

SPEAKER AND HOUSE COMMITTEE CHAIRS ANNOUNCE FIVE-YEAR SURFACE TRANSPORTATION BILL TO BE FUNDED THROUGH ENERGY EXPLORATION

On Thursday morning, Speaker of the House John Boehner (R-OH), House Transportation and Infrastructure Committee Chairman John Mica (R-FL), House Natural Resources Committee Chairman Doc Hastings (R-WA) and other Republican Members of Congress announced their plans to introduce the "American Energy & Infrastructure Jobs Act," which they insisted will be considered in the House before the end of calendar year 2011. The Speaker indicated that the bill will include a five-year surface transportation reauthorization bill, as well as legislation expanding offshore oil and gas drilling, expanded oil shale production, and Arctic National Wildlife Reserve oil exploration. Speaker Boehner said the bill will be introduced as H.R. 7, however, few details on the specifics of the bill, such as total spending or programmatic distribution of dollars were given.

For questions on these issues, please contact Brian Tynan of APTA's Government Affairs Department at (202) 496-4897, or btynan@apta.com.