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LEGISLATIVE Alert

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION



September 14, 2012

House Passes Continuing Resolution, Senate To Take-up The Legislation Next Week; Tax Extenders In Limbo; House Passes Transit Security Bill

Last night, in the absence of finalized appropriations bills for Fiscal Year (FY) 2013, the House of Representatives passed by a vote of 329-91 a resolution (H.J. Res. 117) that would continue federal government funding at roughly FY 2012 levels through the first six months of FY 2013, until March 27, 2013. The continuing resolution (CR) allows the transit and highway programmatic changes made under the Moving Ahead for Progress in the 21st Century (MAP-21) to be implemented, but does not provide for the increased inflationary funding that MAP-21 authorizes. The bill, which was released only earlier this week, was surprisingly noncontroversial, with Members of Congress agreeing to the measure in an effort to keep the federal government from shutting down.

The CR provides a small increase of 0.612 percent over FY 2012 levels for most Federal programs for the period of October 1, 2012 through March 27, 2013, which at 178 days is shy of a full six-month period. Given the slightly shortened timeframe and the across the board funding increase, the estimated appropriation in the CR for transit programs (from both the Highway Trust Fund and General Fund) is \$5.117 billion, up from approximately \$5.086 billion over the same time period in FY 2012. It is expected that with nearly six-months worth of appropriations, the Federal Transit Administration (FTA) will be apportion funds in a timely manner.

The Senate is expected to pass the continuing resolution next week, which would allow for plenty of time for the President to sign the bill before the current fiscal year appropriations expire on September 30, 2012. However, citing a change made by the CR to the MAP-21 obligation limitation for the Federal-aid Highway Program, Senate Environment and Public Works Chairman Barbara Boxer has publicly criticized the CR for a failure to fully fund the higher, authorized highway spending levels.

Tax Extenders Package Unlikely to Move Before November Elections

Prior to the August Congressional recess, the Senate Finance Committee approved legislation containing a number of important tax provisions, generally referred to as "tax-extenders" legislation. Within this legislation were two items APTA members have repeatedly asked to see included in any tax legislation: the restoration of parity between transit commuter benefits and the parking benefit, and the alternative fuels excise tax credit. The transit commuter benefit helps to offset rising commuting costs. Restoring it to the same level as the parking tax benefit brings equality to the tax system, but more importantly, it will ease transportation costs during the ongoing economic uncertainty. The alternative fuels tax credit assists transit providers in making the switch to alternative fuels, and helps to offset the costs associated with moving our nation to energy independence.

In August, the tax extenders legislation was seen as a potential bill for consideration by the full Senate prior to the November elections. Senate Majority Leader Harry Reid, however, has not indicated that the bill will be considered by the Senate in September, and the prevailing sentiment is that the legislation will not come up for a vote before the lame-duck session following the election. Additionally, there has been no movement in the House with comparable legislation.

Transit Security Grant Program Funding Extended

Also this week, the Public Transit Security and Local Law Enforcement Support Act (H.R. 3857) sponsored by Representative Robert Turner (R-NY) passed the House of Representative by a vote of 355-62. H.R. 3857 reauthorizes the Transit Security Grant Program at a level of \$400 million for TSGP grants for FY 2012 and FY 2013. The TSGP is the primary source of federal security capital and operating assistance for public transportation agencies, providing important funds that serve as the backbone for securing our public transportation network. The bill also codifies a provision allowing transit agencies to utilize grant funds to sustain the operations of specialized patrol teams, which are presently only allowed through a waiver from the Secretary of Homeland Security.

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



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