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June 28, 2013

Anthony Foxx Confirmed as DOT Secretary

On Thursday, with every Senator voting in favor, the United States Senate unanimously confirmed Charlotte, NC, Mayor, Anthony Foxx, as the 17th Secretary of the Department of Transportation. As Mayor, Foxx was a strong advocate for public transportation in Charlotte and demonstrated that he understands the critical role public transportation plays in our communities. APTA looks forward to working with Secretary Foxx on the myriad issues facing public transportation, and in particular on passing the next federal surface transportation bill.

House and Senate Vote on DOT Funding Bills

Yesterday, the House of Representatives Appropriations Committee voted 28-20 to approve the Transportation, Housing and Urban Development (THUD) Appropriations bill for Fiscal Year (FY) 2014. The bill keeps largely intact the legislation reported out of the House Appropriations THUD Subcommittee, with a \$44.1 billion in discretionary spending, \$7.7 billion lower than the FY 2013 appropriation of \$51.6 billion and \$13.9 billion below the President's budget request. The FY 2014 funding level is \$4.4 billion below the level caused by automatic sequestration cuts for these programs, with the remaining \$3.3 billion in cuts resulting from the allocations set forth by the House Budget Resolution for FY 2014. The Senate Budget Resolution provided Senate Appropriators with an allocation \$10 billion higher than the allocation available for the House THUD appropriations bill. The final amount, including rescissions, resulted in a \$3.3 billion gap between the House and Senate bills, for DOT appropriations.

The House bill funds Federal Transit Formula Programs, from the Mass Transit Account, at the authorized level of \$8.585 billion and cuts Capital Investment Grants to \$1.817 billion, while eliminating funding for new projects in FY 2014. The House bill provides funding for WMATA grants and Capital Investment Grants below authorized levels, and cuts Amtrak by \$486 million from FY 2013 appropriated levels. The House bill provides no funding in FY 2014 for TIGER Grants - the DOT discretionary grant program for infrastructure projects - and rescinds \$237 million of unobligated prior year balances. An amendment in the mark-up, offered by Representative David Price (D-NC) to add \$500 million for TIGER was rejected by a vote of 27-21. As was the case in the House Appropriations Subcommittee mark-up last week, Members from both sides of the aisle lamented the reduced ability of the Appropriators to fund important programs due to the reduced allocation.

Notably, in the House, Representative Mike Quigley (D-IL) offered, and subsequently withdrew an amendment that would have extended the implementation deadline for Positive Train Control to December 31, 2018. The amendment was withdrawn due to procedural objections. Representative Quigley also offered an amendment to add \$120 million for Capital Investment Grants, in order to fully fund the new core capacity program authorized by MAP-21. The amendment was defeated by voice vote.

The Senate Appropriations Committee also marked-up its version of the THUD Appropriations bill for FY 2014 yesterday, passing it by a vote of 21-8. Like the House bill, the Senate bill funds Federal Transit Formula Programs at the authorized level of \$8.585 billion. However, unlike the House bill, the Senate version funds the general-funded Capital Investment Grants (New Starts) above the authorized level, appropriating \$1.943 billion in FY 2014, and provides the FTA with the authority to transfer \$93 million - for a potential total of \$2.006 billion. As it has in prior years, the Senate bill takes the lead on TIGER grants, including \$550 million. The Senate bill includes a single \$55.3 million appropriation for all transit research (including Sections 5312, 5313, 5314, and 5322), well above the House's \$30 million. The Senate also included \$15 million for the Federal Transit Administration's (FTA) Emergency Relief program, for which the House appropriated no money.

No substantive stand-alone amendments were offered to the Senate THUD bill. The Committee adopted a manager's amendment, in order to make technical corrections, but the manager's amendment also contained language to remove the three-year limit on the use of Congestion Mitigation and Air Quality (CMAQ) funds for operating assistance for projects and services that utilized CMAQ in prior fiscal years.

Moving Ahead for Progress in the 21st Century Act				
Transit Funding Levels (Millions of Dollars)				
	FY 2013 Final Appropriation (Millions)	FY 2014 Authorization (Millions)	FY 2014 House Appropriation Committee Proposal (Millions)	FY 2014 Senate Appropriation Committee Proposal (Millions)

Total All MAP-21 Programs (excludes § 5324)	10,455.3	10,695.0	10,543.4	10,718.2
Programs Funded from the Highway Trust Fund				
Formula Programs Total	8,461.0	8,595.0	8,595.0	8,595.0
§ 20005(b) Pilot Program for Transit Oriented Development Planning	9.980	10.0	10.0	10.0
§ 5305 Planning	126.6	128.8	128.8	128.8
§ 5307 Urbanized Area Subtotal	4,389.2	4,458.6	4,458.6	4,458.6
§ 5310 Elderly and Disabled	254.3	258.3	258.3	258.3
§ 5311 Rural Area Subtotal	598.3	607.8	607.8	607.8
<i>Basic Rural Formula</i>	542.8	545.6	545.6	545.6
§ 5311(b)(3) RTAP	10.5	12.2	12.2	12.2
§ 5311(c)(1) Public Transportation on Indian Reservations	25.0	30.0	30.0	30.0
§ 5311(c)(2) Appalachian Development Public Transportation Assistance	20.0	20.0	20.0	20.0
§ 5318 Bus Testing Facility	3.0	3.0	3.0	3.0
§ 5322(d) National Transit Institute	5.0	5.0	5.0	5.0
§ 5335 National Transit Database	3.8	3.8	3.8	3.8
§ 5337 State of Good Repair	2,132.0	2,165.9	2,165.9	2,165.9
§ 5339 Bus and Bus Facilities Formula	421.2	427.8	427.8	427.8
§ 5340 Growing States and High Density States	517.7	525.9	525.9	525.9
Programs Funded from General Funds (Note 1)				
General Funds Programs Total (excludes § 5324)	1,994.2	2,100.0	1,948.4	2,123.2
§ 5309(m)(2)(C) New Starts Total	1,855.0	1,907.0	1,815.7	1,943.0
§ 5312 Research, Development Demonstration and Deployment	41.7	70.0	20.0	55.3
§ 5313(a) TCRP	See Note 2	7.0	4.0	See Note 3
§ 5314 Technical Assistance and Standards Development	See Note 2	7.0	4.0	See Note 3
§ 5322 (a),(b),(c),(e) Human Resources and Training	See Note 2	5.0	2.0	See Note 3
§ 5324 Emergency Relief Program	10,329.9	ssaan	0.0	15.0
§ 5334 FTA Administration	97.5	104.0	102.7	109.9
Separately Authorized Programs				
WMATA	142.2	150.0	125.0	150.0
Total All Authorization Programs				
Total MAP-21 Plus WMATA (excludes § 5324)	10,597.5	10,845.0	10,668.4	10,868.2

Note 1: FY2013 General Funded program totals reflect post-sequester numbers.

Note 2: FY 2013 amounts for TCRP, Technical Assistance and Human Resources are not specified by the Appropriations Committee and are therefore left up to the FTA's discretion. FTA has not yet specified final amounts for these programs. However, HR 933, the FY 2013 Continuing Resolution, states that not less than \$35 million shall be available for Section 5312.

Note 3: The Senate bill does not specify amounts for TCRP, Technical Assistance and Standards Development or Human Resources, but final amounts would leave those funding levels up to FTA's discretion.

While both appropriations bills passed through committee, it is unclear when either chamber will bring its respective legislation to the floor for a vote.

APTA Testifies Before House Transportation and Infrastructure Subcommittee

APTA President and CEO, Michael P. Melaniphy, testified before the House of Representatives Transportation and Infrastructure Subcommittee on Railroads, Pipelines and Hazardous Materials. The hearing, titled: *National Rail Policy: Examining Goals, Objectives and Responsibilities* allowed APTA to inform Congress on the industry's principles for reauthorization of both the Passenger Rail Investment and Improvement Act (PRIIA) and the Rail Safety Improvement Act (RSIA). Safety, the industry's number one concern, as well as investment and finance options, and project delivery streamlining, featured prominently in Mr. Melaniphy's testimony. [You can read the full, prepared remarks, here.](#)

DOT Releases Transportation Alternatives Program Guidance

The Department of Transportation released final guidance for the Transportation Alternatives Program (TAP). Authorized in MAP-21, the TAP provides funding for a wide variety of programs and projects formerly defined as transportation alternatives. These include: on- and off-road pedestrian and bicycle facilities; infrastructure projects for improving non-driver access to public transportation and enhanced mobility; community improvement activities, and environmental mitigation; recreational trail projects; and, safe routes to school projects, among others. The final guidance is available [here](#), on DOT's [guidance website](#). Further information about TAP is found on the [TAP website](#).

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