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## LEGISLATIVE Alert

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION



December 16, 2011

### **FY2012 Appropriations Near Completion; Homeland Security Funding Included in End of Year Omnibus Bill; Cuts to First Responder Grants May Reduce Transit Security Grants**

Today, the House of Representatives passed the Conference agreement on an "Omnibus" Appropriations bill to complete the Fiscal Year (FY) 2012 Appropriations process. The Omnibus bill is a package of nine remaining appropriations bills funding those federal departments, agencies and programs currently operating under a Continuing Resolution (CR) through December 16, 2011. Legislation funding federal transportation programs in FY 2012 including the Federal Transit Administration (FTA), Federal Railroad Administration (FRA) and Federal Highways Administration (FHWA) was enacted into law on November 18, 2011. The remaining bills include funding for the Departments of Homeland Security, Defense, Veterans, and Health and Human Services, among others. The Senate is not expected to complete action on the bill before early Saturday, but Administration officials indicated that a short delay in signing the bill would not require an interruption of government services. As an additional fall-back position, the House also passed a one-day CR to fund federal programs through Saturday.

[Click here](#) for full details of the Omnibus filed by the House Committee on Appropriations. The Omnibus bill includes the [FY2012 Appropriations bill for the Department of Homeland Security \(DHS\)](#) which funds public transportation and rail security grants through the State and Local Programs of the Federal Emergency Management Agency (FEMA) and the Transportation Security Administration (TSA). The DHS bill, as filed, cuts \$2 billion from the Department of Homeland Security budget. It specifically reduces the funding available to FEMA's State and Local grants (often referred to as the first-responders grants) \$2.4 billion, \$1 billion less than last year. The bill does not specify a funding level for the Transit Security Grant Program (TSGP), but rather follows the recommendation of the House, under which 11 different grant programs within the State and Local account will compete for funding and be subject to the discretion of the Administration. In FY2011, Congress provided \$249 million for the TSGP. A copy of the Joint Explanatory Statement on the DHS portion of the bill can be found [here](#).

### **Congressional Leaders Continue to Negotiate End-of-Year Tax Legislation**

Senate leaders will continue to work late into the weekend to produce an agreement on end-of-year tax legislation, including an extension of the 2011 payroll tax cut, unemployment benefits, and other tax provisions, including two of interest to public transportation agencies. Congressional Leaders acknowledge as recently as this morning that APTA and a broad coalition of industry partners continued to urge Congress to include legislation extending the transit commuter tax benefits at the level of parity with parking tax benefits. APTA is also seeking extension of the Alternative Fuels (CNG/LNG) Tax Credit as part of the tax extenders legislation. Late Thursday, Senate Majority Leader Harry Reid (D-NV) filed a procedural motion on legislation to extend the payroll tax cut, but details on what will be in the final tax package remained under negotiation. House leaders indicated final approval of the tax package will likely take place next week.

### **Senate Banking Committee Delays Markup of Public Transportation Title to Surface Transportation Authorization; Senate Environment and Public Works (EPW) Committee Legislation Awaits Action by Other Committees**

As of Friday, Members and staff of the Senate Committee on Banking, Housing and Urban Affairs continued their work to complete a bipartisan legislative proposal extending Federal Transit Administration (FTA) programs under the Committee's jurisdiction. A tentative Friday markup of the Banking Committee's Transit title to the Senate's surface transportation authorization bill was delayed as both Chairman Tim Johnson (D-SD) and Ranking Member Richard Shelby (R-AL) indicated work was continuing on a number of final issues. Committee staff indicated negotiations were continuing progress toward agreement.

The Senate Committee on Environment and Public Works (EPW) previously marked up the bipartisan Moving Ahead for Progress in the 21st Century (MAP-21) bill which authorizes the Federal-aid highway program. MAP-21

consolidates a number of Federal programs, eliminates earmarks, expedites project delivery, and creates a new title called "America Fast Forward," which strengthens the Transportation Infrastructure Finance and Innovation Program (TIFIA) program to leverage federal dollars further than they have been stretched before. The bill also makes a number of changes to state and metropolitan planning provisions that may have significant impacts on small metropolitan planning organizations and includes a permanent extension of the bus axle weight exemption for public transit.

### **Senate Committee on Commerce, Science and Transportation Approves Safety and Policy Titles for Surface Transportation Authorization; No Action Taken on Rail Transportation Title**

The Senate Committee on Commerce, Science and Transportation this week approved safety, research and policy bills intended for inclusion in the Senate surface transportation authorization legislation. The Committee, however, chose to delay action on rail provisions within its jurisdiction potentially (issues such as intercity passenger rail and positive train control) while negotiations continued over a variety of issues. Chairman Jay Rockefeller (D-WV) stated that he shared EPW Committee Chairman Boxer's (D-CA) "strong desire to move a comprehensive surface transportation bill early next year" and indicated his plans to also act on additional legislation relating to transportation infrastructure including a National Infrastructure Bank proposal, known as the American Infrastructure Investment Fund.

During the markup, the Committee considered S. 1950, the Commercial Motor Vehicle Safety Enhancement Act of 2011; S. 1953 the Research and Innovative Technology Administration Reauthorization Act of 2011; S. 1952, the Hazardous Materials Transportation Safety Improvement Act of 2011; and S. 1449, the Motor Vehicle and Highway Safety Improvement Act of 2011. Senator Frank Lautenberg (D-NJ) offered a manager's amendment to S. 1950 that would add national surface transportation goals and performance management concepts, as well as freight policy and a freight infrastructure investment grant program to address congestion and improve mobility along freight corridors. Senator Kay Bailey Hutchison (R-TX), the Committee's Ranking Republican, has objected to the inclusion of the freight provisions and offered an amendment to strike them. Senator Hutchison's objections may impact the Commerce Committee's comprehensive surface transportation authorization package when the Senate moves forward with it early in 2012.

Also offered and approved in the markup was an amendment to S. 1950 by Senator Mark Begich (D-AK) to provide safe and adequate accommodations for all users in all federally-funded street projects. The amendment was supported by the National Complete Streets Coalition, and was approved unanimously, following a modification offered by Senator John Thune (R-SD). Complete Streets advocates have applauded the Begich amendment and the bipartisan agreement on the issue as a major step forward in advancing complete streets policy.

Finally, the Committee also approved S. 1953, the Research and Innovative Technology Administration (RITA) Reauthorization Act, which would authorize resources for transportation research, advance technology solutions, and improve the way U.S. Department of Transportation (DOT) gathers transportation policy data. The bill consolidates the Bureau of Transportation Statistics into RITA, creates a National Travel Data Program to collect national passenger and freight data, and establishes a new \$20 million per year Multimodal Innovative Research Program within RITA to apply advanced technology solutions to multimodal transportation challenges.

### **TIGER Grants Announced**

The U.S. Department of Transportation this week announced the latest slate of multimodal grants funded under the TIGER program. [The TIGER press announcement](#) indicates that DOT received 848 project applications from all 50 states, Puerto Rico and Washington, DC, requesting a total of \$14.29 billion, well above the \$511 million appropriated to the program in FY 2011. The full detail of the TIGER III grants can be found at this [link](#).

### **Contact:**

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