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LEGISLATIVE Alert

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION



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House Approves New Extension of Transit and Highway Programs--Bill Gets House to Conference on Multi-Year Authorization Bill

With the goal of passing a bill that allows the House of Representatives to move to a conference committee with the Senate on a multi-year surface transportation authorization measure, the House passed a bill authorizing a further 90-day extension of SAFETEA-LU (H.R. 4348) through September 30, 2012. As House Transportation and Infrastructure (T&I) Ranking Member Nick Rahall (D-WV) remarked on the floor during House debate, "Taking the other side at their word ... passage of this extension of current law through the end of the fiscal year will allow us to go to conference with the other body." The bill was approved by a vote of **293-127**, with Ranking Member Rahall and 68 Democrats voting with Republicans for passage. The 90-day clean extension of transit and highway programs preserves the existing Mass Transit Account (MTA) and the transit program's dedicated funding from motor fuel receipts paid into the MTA.

The bill brought to the House floor yesterday also includes provisions approving the permit of the Keystone XL pipeline and a modified version of the Senate's RESTORE Act (directing BP oil spill penalties to projects in the Gulf states). Three amendments were made in order by the House Rules Committee including one to incorporate the project and environmental streamlining provisions originally included in H.R. 7, the bill the T&I Committee reported out back in February. Amendments to guarantee spending of Harbor Maintenance Trust Fund receipts as well as legislation shifting enforcement responsibilities for Federal coal ash rules to the states were also considered. All three amendments considered were approved by the House and included in the final bill.

The amendment adding H.R. 7's project streamlining provisions was made in order after some Republicans expressed concern that House conferees would be left in a weak negotiating position if they went to a conference committee with "shell" legislation that lacked any of the substantive policy provisions included in the House committee-passed bill. House Democrats had sought to consider an amendment on the House floor substituting the text of Senate-passed MAP-21 for the House bill, but that effort was not allowed under the Rule.

On Tuesday, the White House issued a Statement of Administration Policy on the bill threatening a veto over the bill's approval of the Keystone XL pipeline.

Citing the funding uncertainty and job loss resulting from a prolonged series of short-term extensions, T&I Ranking Member Rahall urged Chairman John Mica (R-FL) to join him in sending a letter to the Speaker urging expeditious appointment of conferees. Saying the message he hears from the American people is "Stop the bickering; stop the baloney; put people back to work," Mica committed to act quickly to move the bill to conference.

Senate Subcommittee Approves Transportation-HUD Appropriations Bill for Fiscal Year (FY) 2013

Progress on the FY 2013 Appropriations process began in the Senate this week as Senate appropriators marked up the FY 2013 Transportation, Housing and Urban Development and Related Agencies (THUD) appropriations bill in subcommittee on Tuesday. In the absence of authorization legislation for FY 2013, the \$53.4 billion spending bill sets funding for highway and transit programs at current levels. It appropriates \$10.6 billion for transit programs, including \$2.044 billion for New Starts. In addition, the subcommittee approved bill provides:

- \$500 million (equal to the FY 2012 funding level) for Significant Transportation Projects (the "TIGER" program) to support projects in a wide variety of modes, including highways and bridges, public transportation, passenger and freight railroads, and port infrastructure;
- \$39.1 billion (equal to the FY 2012 funding level) for the annual Federal-aid Highway program to support

essential investments in roads and bridges in every State across the country.

- \$1.75 billion for rail infrastructure, including \$100 million for the High Performance Intercity Passenger Rail grant program to assist states with the improvement of existing intercity services, congestion mitigation and multi-state planning initiatives and \$1.45 billion for Amtrak;
- \$150 million is provided for grants to the Washington Metropolitan Area Transit Authority (WMATA) for capital investments, with the highest priority on projects that will improve the safety of the transit system;
- \$50 million within HUD's Community Development Fund for the Sustainable Communities Initiative to promote integrated housing and transportation planning.

The subcommittee approved the bill by a vote of 15-1. The full Senate Appropriations Committee was meeting Thursday morning to approve the bill. On the House side, appropriators are working with a lower discretionary spending limit under the House-passed 2013 budget resolution than on the Senate side. House appropriators await progress on the transportation authorization bill and are unlikely to move a transportation appropriations bill before late May.

Senate Budget Committee Acts on FY 2013 Budget Resolution

Following through on his pledge to advance a budget resolution, Senate Budget Committee Chairman Kent Conrad (D-ND) yesterday marked up a FY 2013 concurrent resolution, which was adopted by a 12-10 vote. Included in the resolution is a proposal from the Simpson-Bowles deficit commission to dedicate a 15 cents-per-gallon gas tax increase to the Highway Trust Fund and limit spending to revenues deposited into the trust fund. Chairman Conrad's aim is to devise a budget blueprint that addresses the longer-term problem of debt reduction and averts the \$1.2 trillion across-the-board "sequester" cuts to defense and non-defense spending.

Majority Leader Harry Reid (D-NV) has repeatedly asserted that the FY 2013 discretionary spending cap included in last year's budget bill constitutes this year's Senate budget resolution, so it is unclear if the concurrent resolution Conrad marked up this week will come to the Senate floor. Chairman Conrad has objected to House Budget Committee Chairman Ryan's FY 2013 budget resolution, which he says breaks faith with last year's budget deal by making significant additional cuts in spending and proposing tax cuts for the wealthy. While it is unlikely that the House and Senate will reach an agreement on a budget resolution, Chairman Conrad's concurrent resolution helps to establish a Budget Committee position on the FY 2013 budget and frames the greater debt reduction debate.

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