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## LEGISLATIVE Alert

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION



June 21, 2012

### **Promising Developments on the Surface Transportation Authorization Bill**

Party leaders and chairmen in both the House and Senate have met over the past several days and reiterated publicly their commitment to seeing a transportation authorization bill being passed by Congress in the near future. Earlier today, House T&I Chairman John Mica (R-FL) and Senate EPW Chairman Barbara Boxer (D-CA) released a joint statement:

*"The conferees have moved forward toward a bipartisan, bicameral agreement on a highway reauthorization bill. Both House and Senate conferees will continue to work with a goal of completing a package by next week."*

Also today, House Majority Leader Eric Cantor (R-VA) stated on the House floor that he is hopeful a conference report can be filed next week and passed by both chambers, but that Republican leaders are preparing to move a short-term extension if necessary to avoid a shutdown of highway and transit programs and motor fuels tax collection authority that would occur on July 1, absent a new law.

Earlier this week, Representative Tim Walz (D-MN) offered a Motion to Instruct Conferees, asking that they finish their work on the conference report by Friday, June 22, 2012. This non-binding resolution passed the House 386 to 34, seemingly indicating broad support in the House for passing an authorization bill.

Conference and Senate EPW Committee Chairwoman Barbara Boxer and House T&I Committee Chairman John Mica, along with their staffs, reportedly spent most of Wednesday and Thursday meeting behind closed doors, in an effort to hammer out some of the major differences between the House and Senate positions, which appear to be focused around the Highway Title of the bill and issues of project approval streamlining, program consolidation, and transportation enhancements.

However, there has been no word on how the conferees will deal with one of the main sticking points, the Keystone XL pipeline project, or the Senate rail title and related House provisions. Another major outstanding issue is the Finance Title, which must be negotiated by the Senate Finance and House Ways and Means conferees.

With the expiration of the current extension looming just over one week away, there may not be enough time to produce a conference report, even if all the issues were resolved immediately. It is expected that conference committee staff will be working through the weekend to complete as much of the conference negotiations as possible. Even if substantial progress can be made over the weekend, an extension of some type beyond June 30 may be necessary to allow for the simple logistics of writing and compiling the required documentation for a conference agreement to be considered on both the House and Senate floors. Absent that, a longer term extension may be necessary – possibly a six-month extension through the end of the calendar year – if the conferees cannot resolve the differences. Ultimately, the reports of progress appear very positive, but much still must occur in the next several days to ensure a final agreement is signed into law.

### **House Appropriations Committee Passes Fiscal Year (FY) 2013 Transportation, Housing and Urban Development and Related Agencies Bill**

On Tuesday, June 19, the U.S. House of Representatives Appropriations Committee marked up the Fiscal Year (FY) 2013 Transportation, Housing and Urban Development and Related Agencies (THUD) bill, which sets spending levels for all federal transportation programs in the upcoming fiscal year. The bill largely retained the structure and spending levels set by the subcommittee mark-up, although a limited number of transportation related amendments were passed by voice vote and adopted. Among those adopted amendments was a manager's amendment, which made a series of changes approved by both sides, including; striking language from the subcommittee bill that would have eliminated the U.S. Department of Transportation's Research and Innovative

Technology Administration (RITA) and transferred RITA's functions to the Office of the Secretary, and, allowing the Washington Metropolitan Area Transit Authority (WMATA), in FY 2013 only, to waive requirements from the 2008 Federal Rail Safety Act to provide wireless telecommunications service and access.

As previously reported, there were three significant changes to current funding levels in the House THUD subcommittee bill including the zeroing-out of the Transportation Investment Generating Economic Recovery (TIGER) grant program, the increase of \$500 million for Amtrak bridges and tunnels grants, and a reduction in Capital Investment Grants (New Starts) by \$138 million, to \$1.817 billion. All three of these adjustments passed intact through the full appropriations committee mark-up. In the report accompanying the bill, the Appropriations Committee emphasized that the general-funded Capital Investment Grants account is the only suitable funding source for small starts and BRT projects, particularly for FY 2013, as neither the House nor Senate authorizing bills contains sufficient discretionary funds to finance these projects. Amid growing pressure on all Federal discretionary programs, the Committee noted the necessity to be highly selective in advancing projects to receive limited New Starts funds, and the bill limits the New Starts share of any project to 60 percent.

Also included in the bill for the second year in a row is a provision allowing agencies to use up to \$100 million of urban formula funds for fuel and utilities for gas and electric vehicles, as a capital maintenance expense.

A copy of the House Appropriations Committee Report can be found [here](#).

The bill moves to the House floor next week, and the House Rules Committee today approved an open rule allowing for a wide range of amendments to the bill.

A comparison of the FY2012 (enacted) and FY2013 (proposed) THUD House and Senate spending levels can be found [here](#).



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