

APTA Legal Affairs Government Affairs Update



The views expressed in this presentation are solely those of the presenter and are not attributable to APTA.

Key Dates

TBD – House and Senate Introduce Authorization Legislation

September 30, 2026

Infrastructure Investment and Jobs Act (IIJA) Expires
FY 2026 Appropriations Act Expires

November 3, 2026 – Election Day

Late 2027 and Beyond – Highway Trust Fund Insolvency

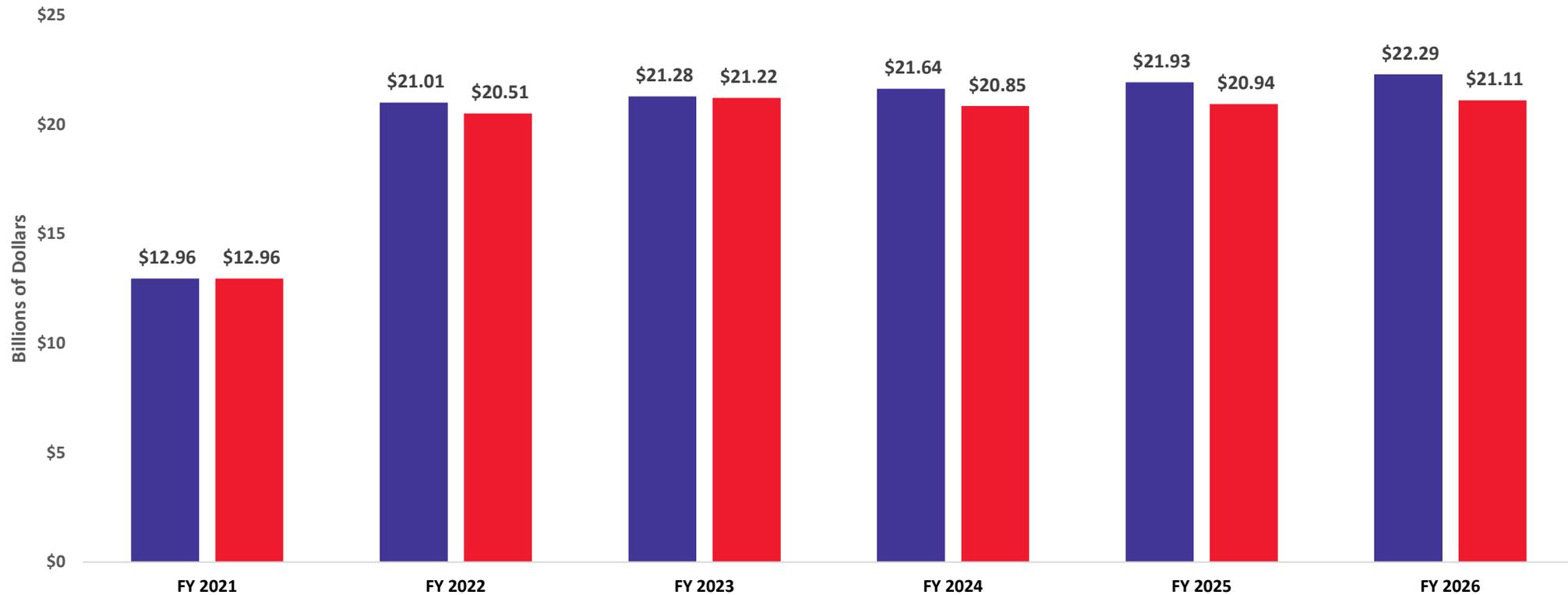
Transportation Appropriations



American
Public Transportation
Association

THUD Appropriations Act, 2026

Public Transit



American
Public Transportation
Association

■ FAST Act/IJA Authorized

■ Transportation Appropriations Acts

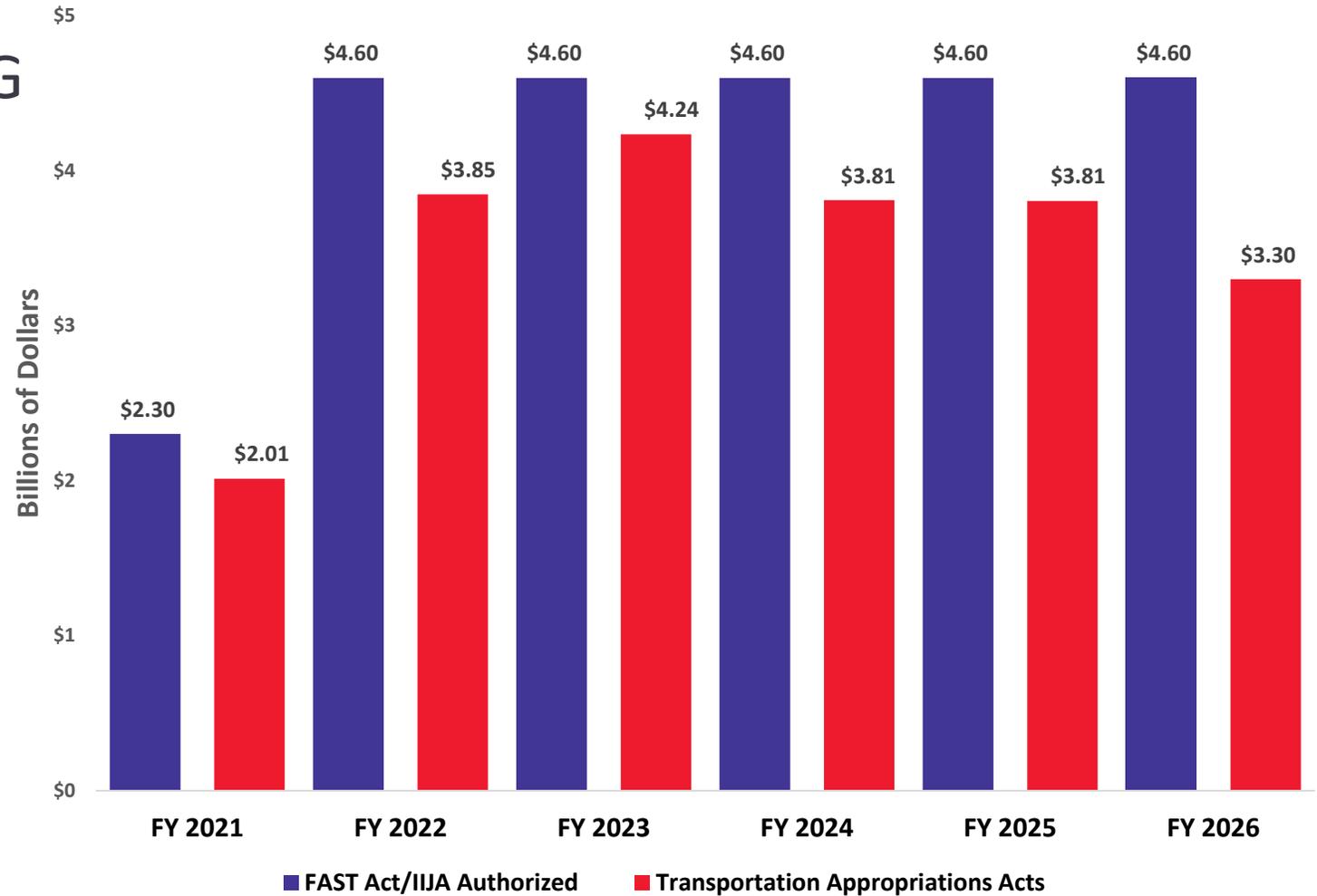
CIIG Projects

Provides **\$3.66 Billion** in CIIG Funds for **21 Specific Projects**:

- ✓ 10 New Starts
- ✓ 2 Core Capacity
- ✓ 9 Small Starts



THUD CIIG Appropriations



Capital Investment Grants

Consolidated Appropriations Act, 2026

Provided further, That the Secretary shall make allocations for amounts . . . **in accordance with the table** . . . no later than 120 days after the enactment of this Act

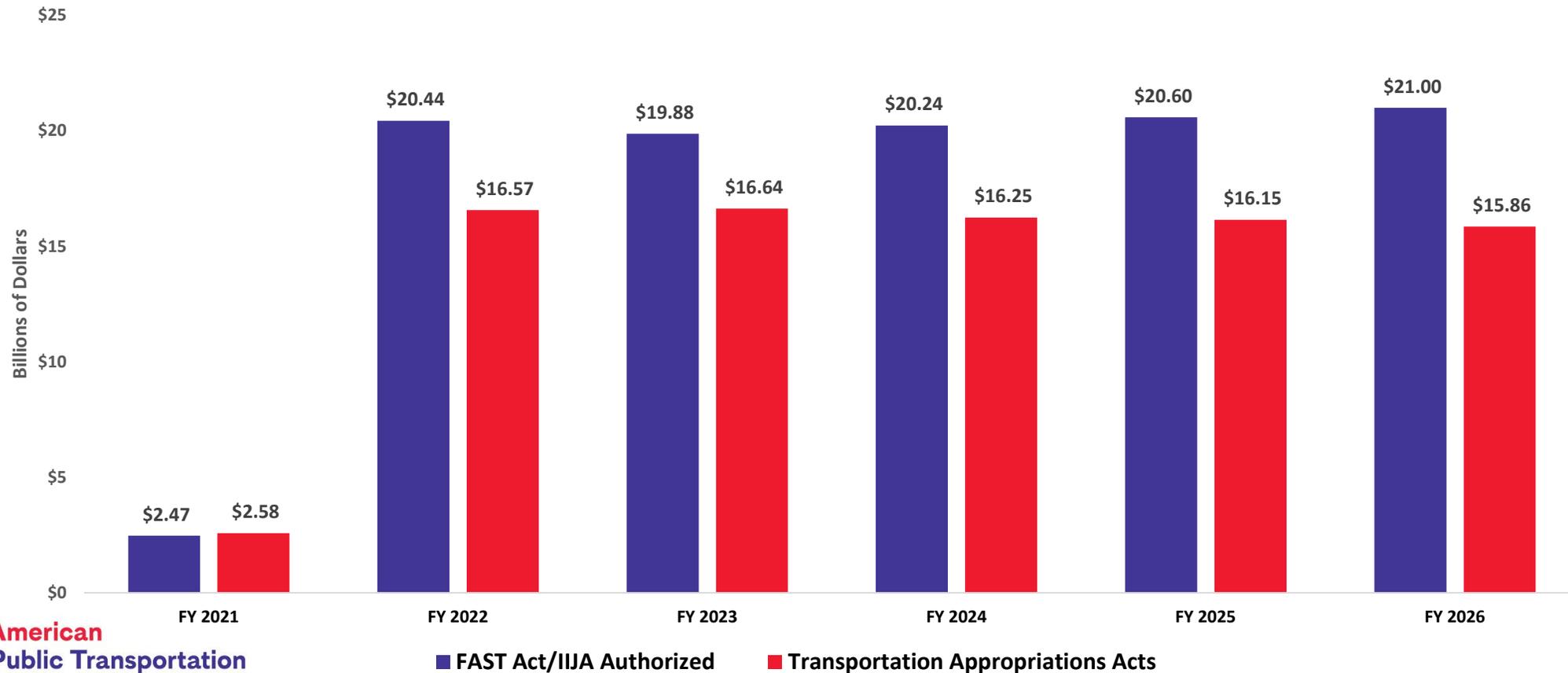
Provided further, That no transfer of such funding levels may increase or decrease any funding level . . . by more than 10 percent



Allocation of FTA Capital Investment Grants Funding	
New starts	Agreement
CA—BART Silicon Valley Phase II	\$100,000,000
CA—Transbay Downtown Rail Extension	100,000,000
FL—Northeast Corridor Rapid Transit Project	100,000,000
IL—Red Line Extension	350,000,000
MN—METRO Blue Line Extension [Bottineau LRT]	100,000,000
NJ/NY—Hudson Tunnel	700,000,000
NY—Second Avenue Subway Phase 2	307,300,000
SC—Lowcountry Rapid Transit	275,000,000
VA—Richmond Highway BRT	100,000,000
WA—Interstate Bridge Replacement [IBR] Program	100,000,000
Other new starts projects that may become ready	100,000,000
Core capacity	
MA—Green Line Transformation Core Capacity Program	100,000,000
UT—FrontRunner 2X	100,000,000
Small starts	
CA—Downtown Riverfront Streetcar	36,200,000
CA—Vermont Ave BRT	149,900,000
GA—MARTA Rapid Southlake	60,900,000
MA—Blue Hill Avenue Transit Action Plan	80,300,000
MD—Viers Mill Road Flash Bus Rapid Transit Project	141,800,000
NC—North-South BRT	117,400,000
OH—West Broad Street BRT	141,800,000
WA—Division Street Bus Rapid Transit Project	82,000,000
WI—Madison North-South BRT	118,100,000
Other small starts projects that may become ready	95,500,000
Expedited project delivery pilot program	
Any expedited project delivery projects that may become ready	100,000,000

THUD Appropriations Act, 2026

Passenger and Freight Rail



**American
Public Transportation
Association**

Surface Transportation Authorization



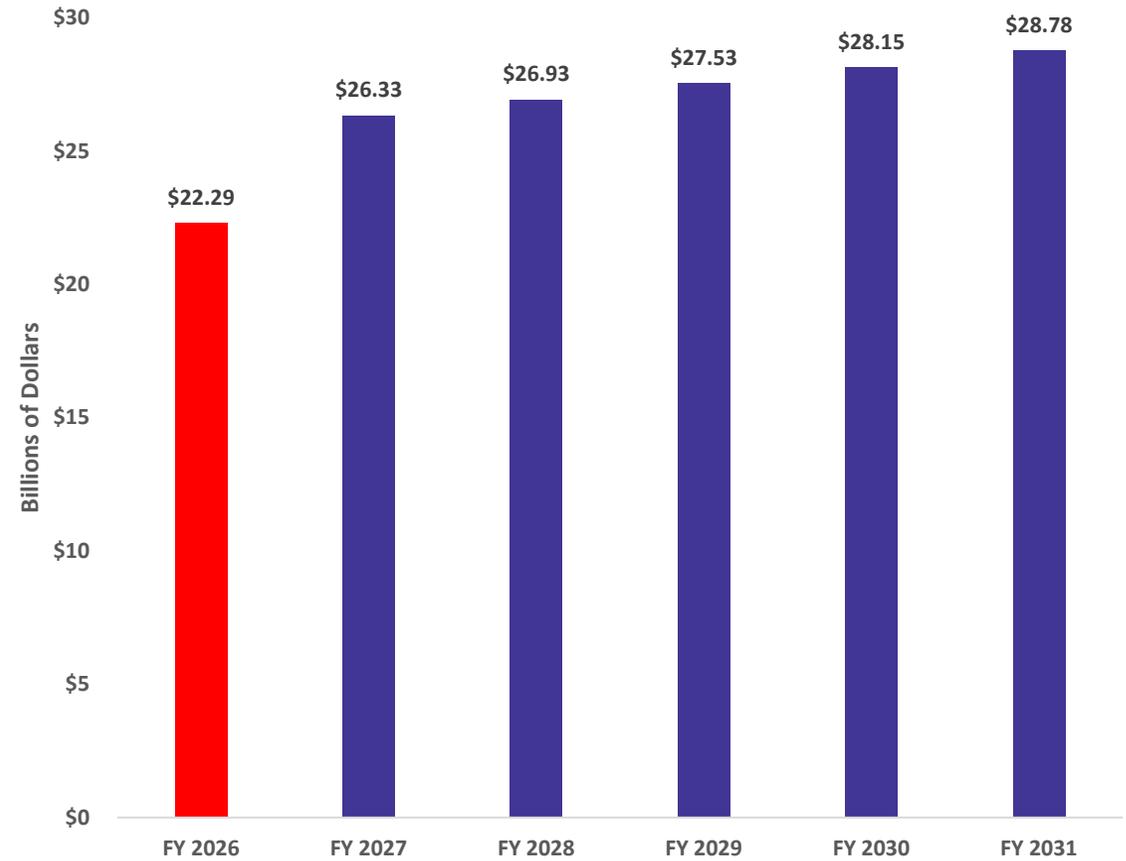
American
Public Transportation
Association

APTA Transit Investment Recommendations

IIJA Public Transit—\$108 Billion



APTA Recommendation—\$138 Billion



APTA Rail Investment Recommendations

IJA Passenger Rail—\$102 Billion

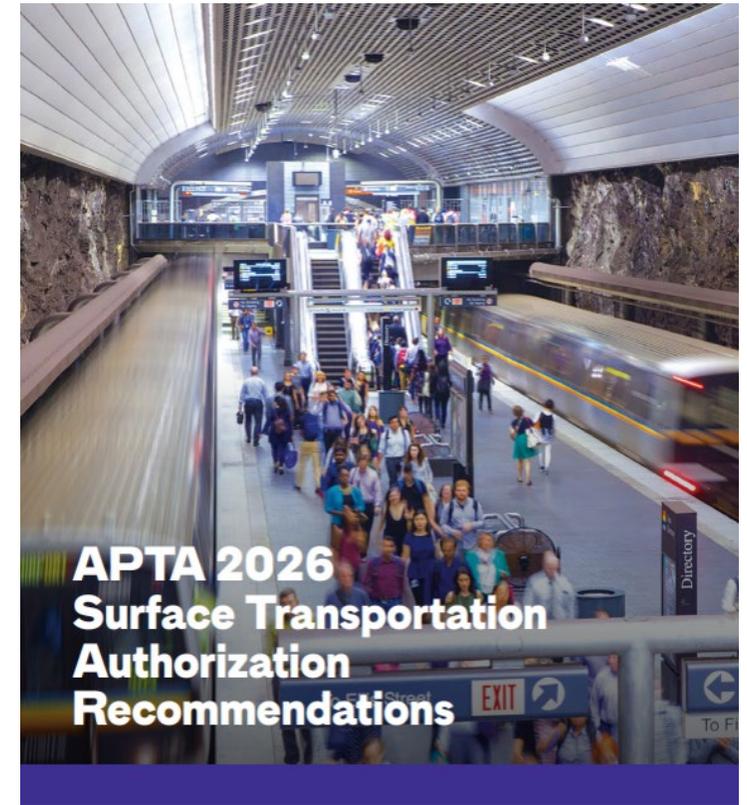


APTA Recommendation—\$130 Billion



Surface Transportation Authorization Key Recommendations

- ✓ **Build upon Current Investment for Public Transit and Passenger Rail**
- ✓ **Accelerate Project Delivery by Eliminating Statutory and Regulatory Barriers to Building Infrastructure**
- ✓ **Strengthen Collaborative, Local Decision-Making**



Streamline Transit Projects Act

ii

- ✓ Allows Public Transit Agencies to Assume Responsibility for Approving NEPA Categorical Exclusions
- ✓ Mirrors FHWA Authority in Current Law
- ✓ Bipartisan Senate and House Bills Introduced

119TH CONGRESS
1ST SESSION **S. 3284**

To amend chapter 53 of title 49, United States Code, to allow funding recipients to assume certain responsibilities relating to the National Environmental Policy Act of 1969.

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2025

Mr. LEE (for himself, Mr. CURTIS, Mr. KELLY, and Mr. WARNOCK) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend chapter 53 of title 49, United States Code, to allow funding recipients to assume certain responsibilities relating to the National Environmental Policy Act of 1969.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Streamline Transit
5 Projects Act".

Safe Transit Accountability Act

- ✓ The Accountable Executive (often the CEO or General Manager) has final authority over a public transit agency's Safety Plan and Transit Asset Management Plan
- ✓ Accountable Executive serves as the sole tiebreaker of the Safety Committee



119TH CONGRESS
1ST SESSION **H. R. 4900**

To amend title 49, United States Code, to authorize the accountable executive of a safety committee to resolve disputes of the safety committee, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 2025

Mr. SMUCKER (for himself and Mr. OWENS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to authorize the accountable executive of a safety committee to resolve disputes of the safety committee, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Transit Account-
5 ability Act”.

6 **SEC. 2. SAFETY COMMITTEE.**

U.S. Department of Transportation Internal Proposals

- ✓ **Eliminates the Mass Transit Account of the Highway Trust Fund and All Guaranteed Funding (Contract Authority) for Public Transit**
 - *All Formula Grants –Urban, Rural, Bus, SOGR, and Seniors/Disabilities*
 - *Bus Capital Grants*
- ✓ **Eliminates States' Authority to Flex Funds for Public Transit Investments (approximately \$1.3 billion per year)**
(e.g., CMAQ, Surface Transportation Block Grants)

U.S. Department of Transportation Internal Proposals

- ✓ **Reported proposal to withhold FTA funding if an agency is fare-free**
- ✓ **Reported proposal to prohibit free transportation offered to unauthorized immigrants**

Legislative Challenges



American
Public Transportation
Association

marta.

AIRPORT

638

403

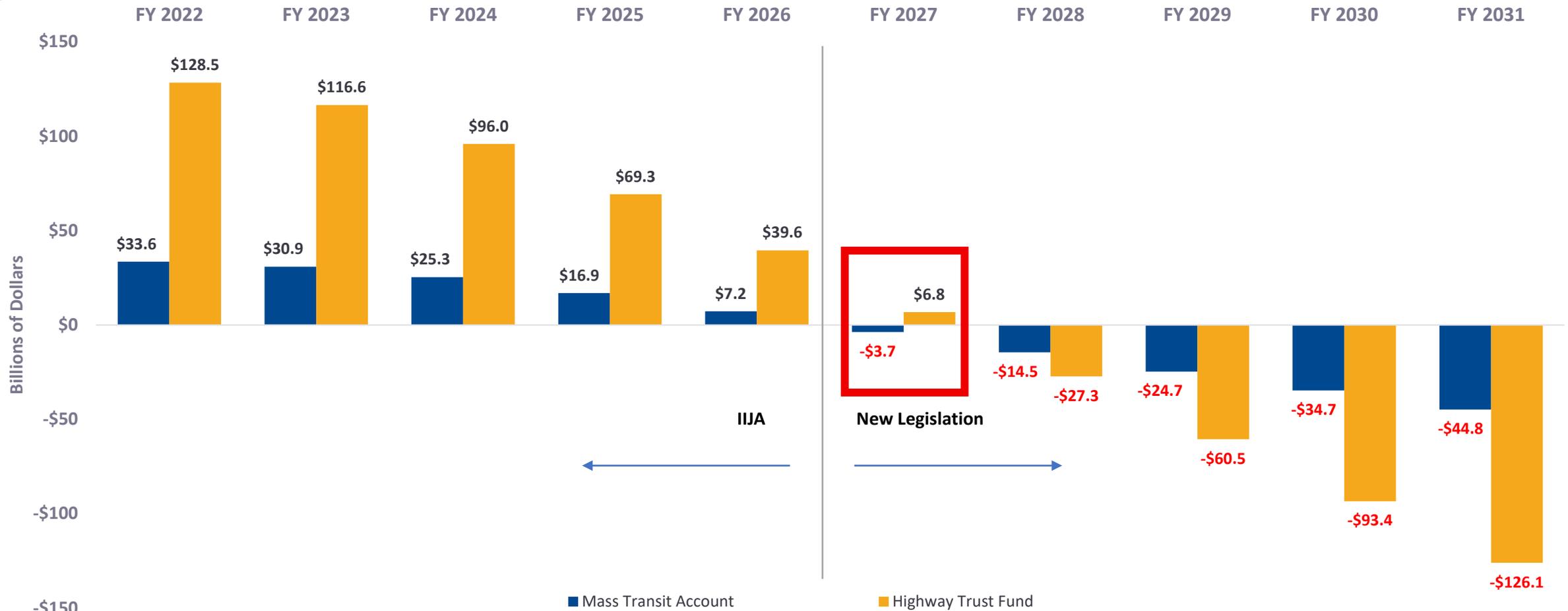
To Ellis Street

EXIT

Southbound

To Five Pts, Airport

Highway Trust Fund Shortfall



Based on January 2025 Congressional Budget Office Baseline. Amounts are adjusted for DOT "minimum prudent balances".

Coalition Advocacy

U.S. Chamber of Commerce
American Public Transportation Association
Airports Council International - North America
American Cement Association
American Council of Engineering Companies
American Highway Users Association
American Road & Transportation Builders Association
American Society of Civil Engineers
American Trucking Associations
Associated Equipment Distributors
Associated General Contractors of America
Association of Equipment Manufacturers
Intermodal Association of North America
International Union of Operating Engineers
Laborers International Union of North America
National Association of Counties
National Association of Manufacturers
National Industrial Transportation League (NITL)
National League of Cities
National Stone, Sand & Gravel Association
Transport Workers Union of America
Transportation Intermediaries Association (TIA)
Transportation Trades Department, AFL-CIO
U.S. Travel Association
United for Infrastructure

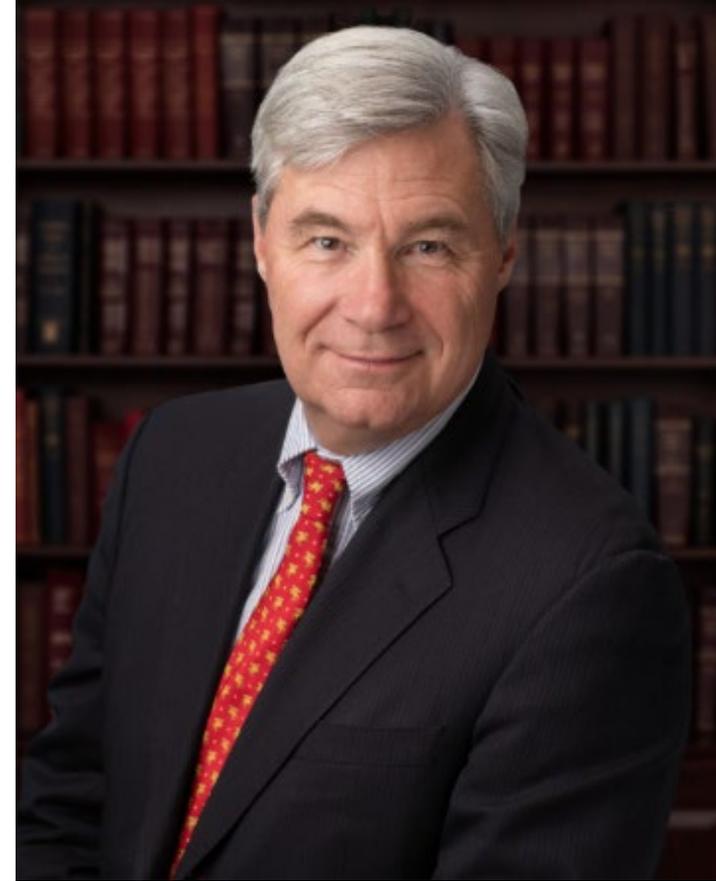


**American
Public Transportation
Association**

Move America Coalition Unites to Modernize U.S. Infrastructure



Project Funding Uncertainty



**American
Public Transportation
Association**

Project Funding Uncertainty

Impoundment Control Act of 1974 (ICA)

- President may formally propose to cancel previously enacted appropriations
- Not subject to filibuster
- Triggers a 45-day expedited congressional process

Note: Transit funding has not been subject to an official rescission proposal this term



American
Public Transportation
Association

Project Funding Uncertainty

What happens if an Administration waits until 33 days before the funds lapse, then triggers the 45-day timeline?

“The money evaporates at the end of the fiscal year.” – White House budget chief Russ Vought

Department of State v. AIDS Vaccine Advocacy Coalition



American
Public Transportation
Association

THE WHITE HOUSE
WASHINGTON

August 28, 2025

Dear Mr. Speaker:

In accordance with section 1012(a) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683(a)), I herewith report 15 rescissions of budget authority, totaling \$4.9 billion.

The proposed rescissions affect programs of the Department of State as well as the United States Agency for International Development and International Assistance Programs.

The details of these rescissions are set forth in the attached enclosure.

Sincerely,

A handwritten signature in black ink, appearing to be the signature of Russ Vought, the White House budget chief mentioned in the text.

Project Funding Uncertainty

- **Know when your funds lapse**
- **Do not wait until the last minute to take action**
- **Keep your Members of Congress and APTA informed**
 - **Good rule in general as well as for project delays!**

Political Outlook



American
Public Transportation
Association

marta.

To Ellis Street

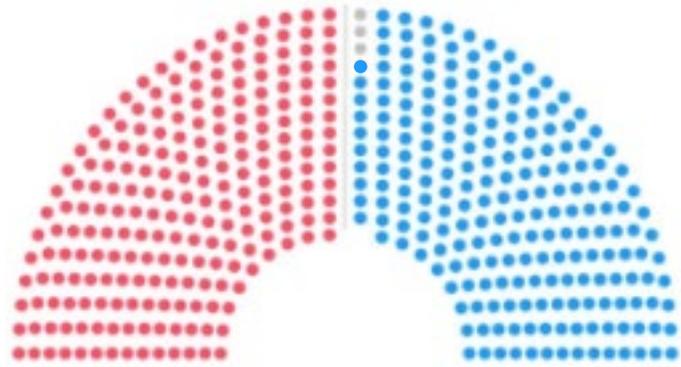
EXIT 

 Southbound

To Five Pts , Airport 

119th Congress: Second Session

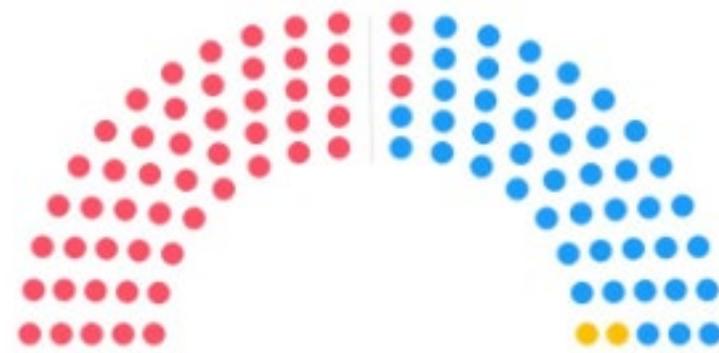
House



218 - 214

**2 Vacancies | *1 Vacancy*

Senate



53 - 47

Midterm Elections

**G.O.P. CELEBRATES ITS SWEEP TO POWER;
CLINTON VOWS TO FIND COMMON GROUND**

**TRUMAN RETURNS,
SILENT ON DEFEAT**

**JOHNSON'S POWER
IN CONGRESS HURT**

**Obama's 2010 "Shellacking" is Like
Bush's 2006 "Thumping"**

**REAGAN FACING DEMANDS FOR
COMPROMISE ON ECONOMY
AFTER 26-SEAT LOSS IN HOUSE**

**Biden got unexpectedly good election results – but also
2 years of gridlock**

**Like many a President before him,
George Bush proved unable to move
the political heavens on Tuesday**

**US midterms: Democrats flip the House of
Representatives**

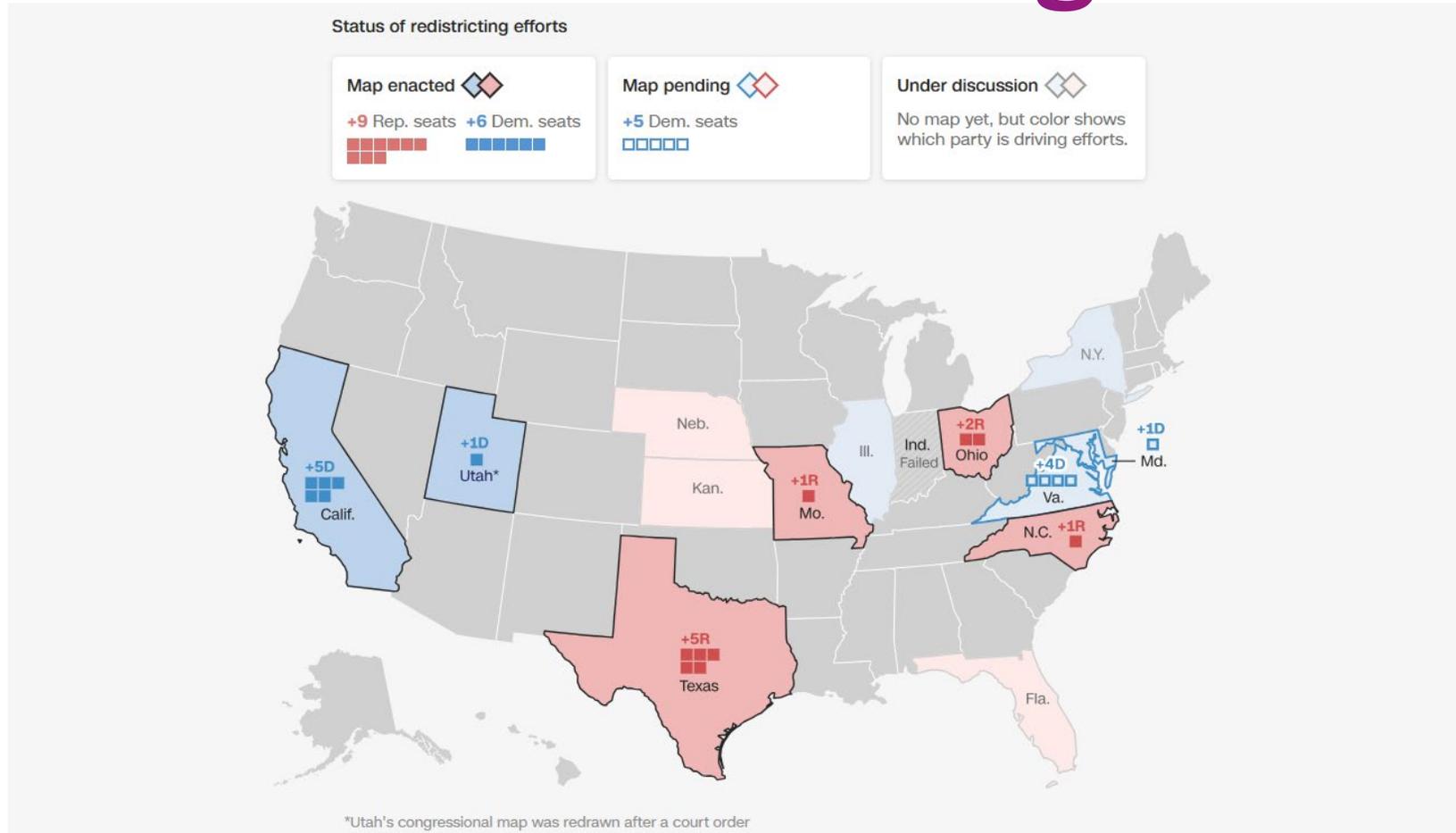
**NARROW G.O.P. GAINS IN STATES AND CONGRESS
SIGNAL NEW BARRIERS FOR CARTER PROGRAMS**

**NET GAINS FOR DEMOCRATS SEEN;
NIXON STRESSES SENATE RESULT;**



**American
Public Transportation
Association**

Mid-Decade Redistricting Wildcard?



Source: CNN.com

Voting Rights Act Wildcard?

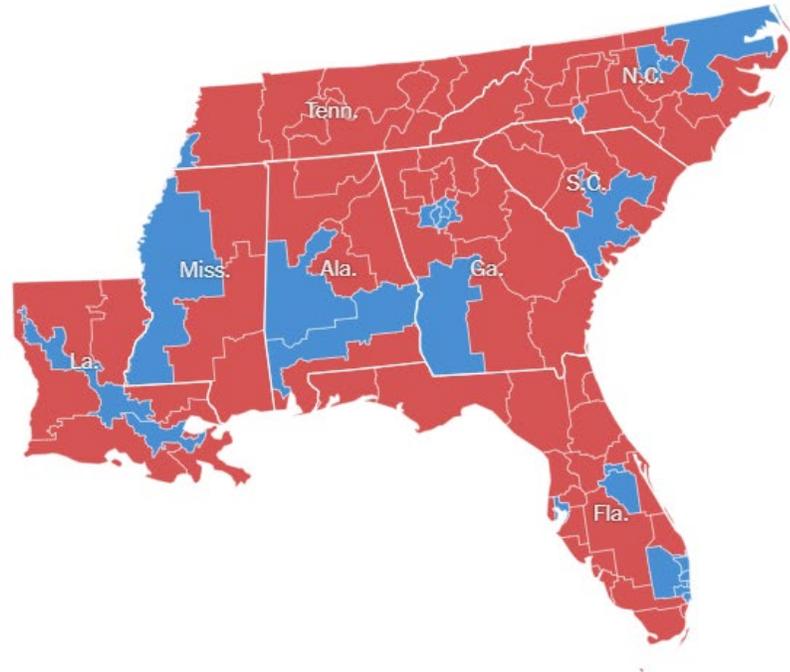
Robinson v. Callais
(Argument Oct 15, 2025)

Will the Supreme Court strike down Section 2 of the Voting Rights Act?

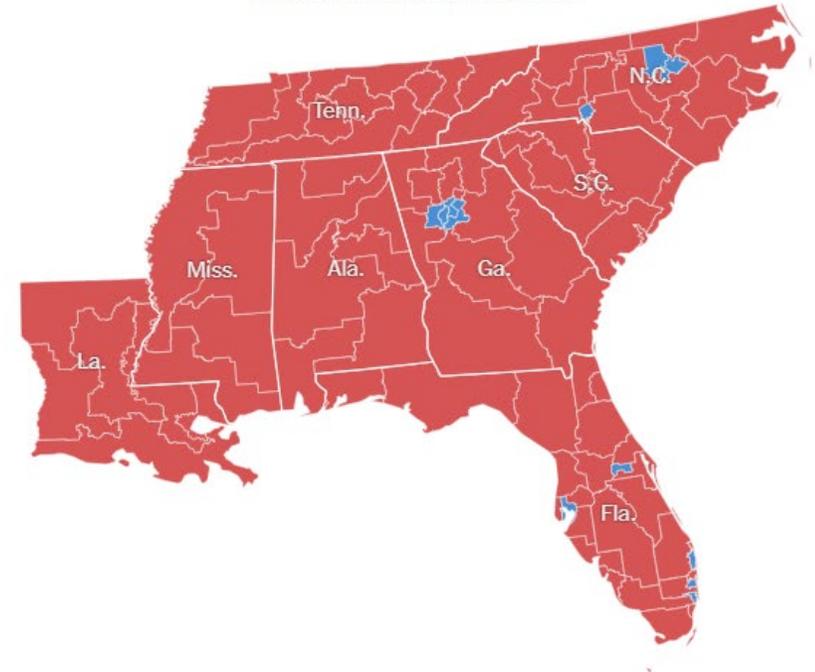
Timing of decision is important.

Potential impacts are speculative, with the high-end of guesses ~12 to 19 seat shift to GOP.

Current map
Democrats hold **24 seats** in these states



Plausible redistricting scenario
Republicans gain **12 more seats**, including nine without Section 2 of the V.R.A.



Note: The current map depicts districts enacted as of Oct. 14. The plausible redistricting scenario is one of a range of possible outcomes. It includes expected redistricting in Florida and North Carolina, including districts that may be redrawn regardless of the Supreme Court's decision.

Key Messages

**Public transit
is built in
America and
creates jobs
across
America**

**Every \$1
invested in
public transit
generates \$5
in long-term
economic
returns**

**77 percent of
Federal public
transit funding
flows to the
private sector**

**3,000 U.S.
companies
supply the
vehicles,
equipment, and
technologies
that power
public
transportation
nationwide**

Economic Impact of Public Transportation

\$1 Billion in Public Transit Investment:

- ✓ Generates \$5 Billion in Long-Term Economic Benefits
- ✓ Creates or Sustains more than 41,000 jobs
- ✓ Generates \$550 Million in Safety Benefits
- ✓ Generates \$251 Million in Tax Revenue



**Economic Impact of
Public Transportation
Investment**

JANUARY 2026

Join us!

**50th Annual
Legislative
Conference**

**Washington, DC
April 12 - 14**



Contact

Mark Hybner

Director, Government Affairs and Advocacy

mhybner@apta.com

References

The Consolidated Appropriations Act, 2026 – [P.L. 119-75](#) and [Joint Explanatory Statement](#)
Infrastructure Investment and Jobs Act (IIJA) – [P.L. 117-58](#)
Fixing America’s Surface Transportation Act (FAST) – [P.L. 114-94](#)
Moving Ahead for Progress in the 21st Century Act (MAP-21) – [P.L. 112-141](#)
Dep’t of State v. AIDS Vaccine Advocacy Coal. (Pocket Rescission) [No. 25A269](#) (U.S. Sept. 26, 2025)
[S. 3284](#) and [H.R. 6491](#) – Streamline Transit Projects Act
[S. 2945](#) and [H.R.4900](#) – Safe Transit Accountability Act
[S. 3786](#) – Balance the Highway Trust Fund Act
[S.536](#) and [H.R.1253](#) – Fair SHARE Act of 2025 (EV fees)
The Impoundment Control Act of 1974 (ICA) (2 U.S.C. §§ 601–688) – [Pub. L. 93–344](#)
May 28, 2025 [Presidential Rescission Request](#)
August 28, 2025 [Presidential Rescission Request](#)
Louisiana v. Callais (Voting Rights Act) [Docket No. 24-109](#) (Argument heard Oct 15, 2025)