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LEGISLATIVE Alert

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION



July 28, 2017

Senate Appropriations Committee Passes Fiscal Year (FY) 2018 Funding Bill

On Thursday, the Senate Appropriations Committee unanimously approved the fiscal year (FY) 2018 Transportation, Housing and Urban Development, and Related Agencies (THUD) funding bill with a vote of 31 to 0. As noted in previous Legislative Alerts, [the House of Representatives has already passed their funding bill through the subcommittee and full committee last week.](#)

The bill appropriates \$19.47 billion in discretionary spending for the U.S. Department of Transportation, which is \$978 million more than the FY17 enacted level, and \$1.63 billion more than appropriated in the House of Representatives THUD bill. It includes a total of \$12.129 billion for the Federal Transit Administration (FTA), including the full \$9.733 billion for Highway Trust Fund supported grant programs authorized in the Fixing America's Surface Transportation (FAST) Act.

The Senate bill provides \$2.133 billion for the Capital Investment Grants (CIG) program, which is \$380 million more than the House version, but \$168 million less than authorized by the FAST Act. The bill makes available an additional \$14.4 million in previously unobligated funds for the CIG program. Importantly, the Senate bill includes directive language to ensure the continuation of the program. The bill not only provides funding for all existing full funding grant agreements (FFGA) and small starts projects that received a portion of their funding in FY 2017, but it also explicitly provides funding for qualified projects expecting to sign FFGAs in FY 2018. The Committee included report language reiterating the Secretary's obligation to move projects through the pipeline from entry into project development to final approval. The Secretary is also directed to identify all projects with a medium or higher rating that anticipate requesting a grant agreement in FY 2019 in next year's CIG Annual Report on Funding Recommendations.

The legislation funds the TIGER grant program, which the House bill would eliminate, at \$550 million and fully funds the Washington Metropolitan Area Transit Authority at \$150 million.

Additionally, the bill makes available \$1.974 billion for the Federal Railroad Administration (FRA). Amtrak would receive \$1.6 billion, with \$358.4 million provided for the Northeast Corridor and \$1.24 billion for the National Network. The bill also provides \$92.5 million for FRA's Consolidated Rail Infrastructure Safety Improvement Program, \$26 million for the Federal-State Partnership for State of Good Repair Grants program, and \$5 million for the Rail Restoration and Enhancement Grants program.

To view the entire bill text, [please click here](#). To view the report language made available, [please click here](#).

The THUD appropriations measures must now be considered by the full House and Senate respectively, after which both chambers will need to reconcile their differences into a final FY 2018 spending bill. It is important to note that final approval is predicated on Congress first reaching a bipartisan budget agreement. We expect work on both issues to begin when Congress returns in September.

Ronald L. Batory Testifies Before Senate Commerce Committee for FRA Nomination

On Wednesday, the nominee for FRA Administrator Ronald L. Batory testified before the Senate Committee on Commerce, Science, and Transportation. Topics discussed included grade crossings, the permitting process, train corridor noise, rail safety, electronically controlled pneumatic brakes, and rural Amtrak routes. On the topic of Positive Train Control (PTC) implementation, Chairman John

Thune (R-SD) stated "I want to be clear — any railroad that fails to meet the revised framework should not expect any further extension from this committee." Mr. Batory noted that he fully intended on working diligently to ensure that the PTC deadline of December 31, 2018 would be met by all commuter railroads and would utilize administrative actions to ensure they were all in compliance. To view the hearing in its entirety, [please click here](#).

The Committee is scheduled to consider Mr. Batory's nomination in an Executive Session on Wednesday, August 2 at 10 a.m.

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