



LEGISLATIVE Update

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION



February 8, 2019

State of the Union Shines Spotlight on Needed Infrastructure Investment

On February 5, 2019, President Donald J. Trump delivered the State of the Union address before the newly-formed 116th Congress. In the speech, the President stated,

Both parties should be able to unite for a great rebuilding of America's crumbling infrastructure. I know that Congress is eager to pass an infrastructure bill—and I am eager to work with you on legislation to deliver new and important infrastructure investment, including investments in the cutting-edge industries of the future.

In addition to the speech, the White House released a Fact Sheet on its vision of an infrastructure plan. To view the Fact Sheet, [please click here](#).

APTA President and CEO Paul P. Skoutelas issued a [statement](#) noting his encouragement about the mention of infrastructure in President Trump's address. House Transportation and Infrastructure Committee (T&I Committee) Chairman Peter A. DeFazio and Ranking Member Sam Graves have both stated their interest in working in a bipartisan fashion on any infrastructure plan.

Legislative Conference

Both the Administration and Congress are beginning to develop an infrastructure bill. House T&I Committee Chairman DeFazio has indicated that he intends to develop a bill by May of this year.

The Legislative Conference provides a critical opportunity for APTA members to help us make the case for increased investment in public transportation and intercity passenger rail. We urge you to join us for the [APTA Legislative Conference March 17-19](#).

In addition, we are putting together an incredible program with confirmed speakers that include:

- Keynote Speaker: Bob Woodward, Watergate reporting legend, Pulitzer Prize-winning author, and Washington Post Associate Editor;
- The Honorable Derek Kan, Under Secretary of Transportation for Policy, U.S. Department of Transportation;
- The Honorable K. Jane Williams, Acting Administrator, Federal Transit Administration;
- Members of Congress and other key Administration officials;
- Authorizing Committee staffs of the Senate Committee on Banking, Housing, and Urban Affairs and the House T&I Committee;

- Appropriations Committee staffs of the Senate and House Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations Subcommittee; and
- More to come!

Framework for a “Green New Deal” Introduced

On February 7, Representative Alexandria Ocasio-Cortez (D-NY), in cooperation with Senator Edward Markey (D-MA), introduced a Resolution (H. Res. 109 and S. Res. 59) outlining the principles for a “Green New Deal”. The Resolution calls for investment in public transportation to combat global warming.

Specifically, on transportation, the Resolution calls for a 10-year national mobilization that will require:

overhauling transportation systems in the United States to eliminate pollution and greenhouse gas emissions from the transportation sector as much as is technologically feasible, including through investment in zero-emission vehicle infrastructure and manufacturing, clean, affordable, and accessible public transportation, and high-speed rail.

To view the Resolution in its entirety, [please click here](#).

T&I Committee Organizational Meeting and Infrastructure Investment Hearing

On February 7, the House T&I Committee met for its official organizational meeting and held a hearing on “The Cost of Doing Nothing: Why Investing in Our Nation’s Infrastructure Cannot Wait”. In the organizational meeting, the Subcommittee rosters were announced, including the Subcommittee on Highways and Transit and the Subcommittee on Railroads, Pipelines, and Hazardous Materials. To view all T&I Committee rosters, [please click here](#). To view the hearing in its entirety, [please click here](#).

President Trump Issues Buy-American Executive Order

On January 31, 2019, President Trump signed Executive Order (EO) No. 13858, entitled “Strengthening Buy-American Preferences for Infrastructure Projects”. This Order follows a previous Executive Order (EO 13788 (Buy American and Hire American)) that was issued in the first months of the Trump Presidency. EO 13788 made it the policy of the United States to maximize application of Buy America provisions and minimize waivers.

EO No. 13858 directs federal agencies to “encourage” entities that receive federal financial assistance for new infrastructure projects “to use, to the greatest extent practicable, iron and aluminum, as well as steel, cement, and other manufactured products produced in the United States in every contract, subcontract, purchase order, or sub-award” funded by the award. Agencies must also submit a report to the President within 120 days on how they plan to implement this new directive. At this time, it is unclear how the U.S. Department of Transportation (DOT) will interpret this new directive given the extensive Buy America/Buy American provisions already applicable to public transportation and intercity passenger rail projects. APTA staff is reaching out to DOT to better understand the applicability of EO No. 13858 to public transit, intercity passenger rail, BUILD program, and innovative finance projects. To view EO NO. 13858, [please click here](#).

DOT Conducts Review of Existing Guidance Documents

On February 5, DOT issued a notice that it is reviewing its existing guidance documents to evaluate their continued necessity and determine whether they need to be updated or revised. The Department is asking for public comment regarding whether there are DOT guidance documents that are ripe for repeal, replacement or modification. To view an APTA summary regarding the DOT's actions, [please click here](#). APTA Committee Recommendations are due to Staff Advisors by April 3, 2019. Comments to DOT are due April 8, 2019.

House Passes Rail Safety Measure

On February 6, the House of Representatives passed a rail safety bill by voice vote. H.R. 543 requires the Federal Railroad Administration (FRA) to provide appropriate congressional notice of comprehensive safety assessments conducted with respect to commuter rail or intercity passenger rail transportation.

The legislation requires that, not later than 10 business days after the FRA initiates a comprehensive safety assessment of an entity providing regularly scheduled intercity or commuter rail passenger transportation, the FRA shall notify the House T&I Committee and the Senate Committee on Commerce, Science, and Transportation, as well as each Member of Congress representing the state in which the service is assessed. In addition, no later than 90 days after completion of a comprehensive safety assessment, the FRA must submit to these Committees and affected Members of Congress its findings of that assessment, including identified defects and any recommendations.

