

# Holland & Knight

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## Broward Metropolitan Planning Organization FEDERAL UPDATE February 2015

Appropriations Update: On March 3, the House passed the Fiscal Year 2015 Homeland Security Appropriations bill by a vote of 257 to 167. Every House Democrat and 75 House Republican members voted in favor of the bill that the Senate passed nearly a week ago. This bill was the last FY 2015 appropriations bill that needed to pass as the remaining appropriations bills were included in the FY 2015 Omnibus Appropriations bill which Congress passed last December.

Congressional appropriations and authorization committees are holding budget hearings during February through April with the federal agencies to discuss the President's Fiscal Year 2016 budget proposal.

Senate Democratic Subcommittee Membership Announcements: In February, the Senate Environment and Public Works (EPW) Committee announced the Democratic membership roster for the Committee's subcommittees. Ranking Member Barbara Boxer (D-CA) will be the ranking member for the Transportation and Infrastructure Subcommittee, which drafts the highway and highway safety titles of the surface transportation authorization bill.

The Senate Commerce, Science, & Transportation Committee also announced its subcommittee rosters. Senator Cory Booker (D-NJ) will be the ranking member of the Surface Transportation and Merchant Marine Infrastructure, Safety, and Security, which oversees passenger rail authorization and the freight and safety titles of surface transportation reauthorization. Republicans previously released their subcommittee rosters earlier in February.

SENATE COMMERCE MEMBERSHIP		
Subcommittee	Republican Members	Democratic Members
Aviation Operations, Safety, and Security	<b>Chairwoman Ayotte (N.H.),</b> Wicker (Miss.), Blunt (Mo.), Rubio (Fla.), Cruz (Texas), Fischer (Neb.), Moran (Kan.), Sullivan (Alaska), Johnson (Wisc.), Heller (Nev.), Gardner (Colo.)	<b>Ranking Member Cantwell (Wash.),</b> Klobuchar (Minn.), Blumenthal (Conn.), Schatz (Hawaii), Markey (Mass.), Booker (N.J.), Udall (N.M.), Manchin (W.Va.), Peters (Mich.)
Communications, Technology, and the Internet	<b>Chairman Wicker (Miss.),</b> Blunt (Mo.), Rubio (Fla.), Ayotte (N.H.), Cruz (Texas), Fischer (Neb.), Moran (Kan.), Sullivan (Alaska), Johnson (Wisc.), Heller (Nev.),	<b>Ranking Member Schatz (Hawaii),</b> Cantwell (Wash.), McCaskill (Mo.), Klobuchar (Minn.), Blumenthal (Conn.), Markey (Mass.), Booker (N.J.), Udall (N.M.), Manchin

	Gardner (Colo.), Daines (Mont.)	(W.Va.), Peters (Mich.)
Consumer Protection, Product Safety, and Insurance	<b>Chairman Moran (Kan.)</b> , Blunt (Mo.), Cruz (Texas), Fischer (Neb.), Heller (Nev.), Gardner (Colo.), Daines (Mont.)	<b>Ranking Member Blumenthal (Conn.)</b> , McCaskill (Mo.), Klobuchar (Minn.), Markey (Mass.), Booker (N.J.), Udall (N.M.)
Oceans, Atmosphere, Fisheries, and Coast Guard	<b>Chairman Rubio (Fla.)</b> , Wicker (Miss.), Ayotte (N.H.), Cruz (Texas), Sullivan (Alaska), Johnson (Wisc.)	<b>Ranking Member Peters (Mich.)</b> , Cantwell (Wash.), Blumenthal (Conn.), Markey (Mass.), Schatz (Hawaii)
Science, Space, and Competitiveness	<b>Chairman Cruz (Texas)</b> , Rubio (Fla.), Moran (Kan.), Sullivan (Alaska), Gardner (Colo.), Daines (Mont.)	<b>Ranking Member Udall (N.M.)</b> , Markey (Mass.), Booker (N.J.), Peters (Mich.), Schatz (Hawaii)
Surface Transportation and Merchant Marine Infrastructure, Safety, and Security	<b>Chairwoman Fischer (Neb.)</b> , Wicker (Miss.), Blunt (Mo.), Ayotte (N.H.), Moran (Kan.), Sullivan (Alaska), Johnson (Wisc.), Heller (Nev.), Daines (Mont.)	<b>Ranking Member Booker (N.J.)</b> , Cantwell (Wash.), McCaskill (Mo.), Klobuchar (Minn.), Blumenthal (Conn.), Schatz (Hawaii), Markey (Mass.), Udall (N.M.)

<b>SENATE EPW MEMBERSHIP</b>		
<b>Subcommittee</b>	<b>Republican Members</b>	<b>Democratic Members</b>
Transportation and Infrastructure	<b>Chairman Vitter (La.)</b> , Barrasso (Wy.), Capito (W.Va.), Boozman (Ark.), Crapo, (Idaho), Sessions (Ala.), Wicker (Miss.), Fischer (Neb.)	<b>Ranking Member Boxer (Calif.)</b> , Carper (Del.), Cardin (Md.), Sanders (Vt.), Whitehouse (R.I.), Merkley (Ore.), Gillibrand (N.Y.)
Clean Air and Nuclear Safety	<b>Chairwoman Capito (W.Va.)</b> , Vitter (La.), Barrasso (Wy.), Crapo (Idaho), Sessions (Ala.), Wicker (Miss.), Fischer (Neb.)	<b>Ranking Member Carper (Del.)</b> , Cardin (Md.), Sanders (Vt.), Whitehouse (R.I.), Merkley (Ore.), Markey (Mass.)
Fisheries, Wildlife, and Water	<b>Chairman Sullivan (Alaska)</b> , Barrasso (Wy.), Capito (W.Va.), Boozman (Ark.), Sessions (Ala.), Wicker (Miss.), Fischer (Neb.), Rounds (S.D.)	<b>Ranking Member Whitehouse (R.I.)</b> , Carper (Del.), Cardin (Md.), Sanders (Vt.), Gillibrand (N.Y.), Booker (N.J.), Markey (Mass.)
Superfund, Waste Management and Regulatory Oversight	<b>Chairman Rounds (S.D.)</b> , Vitter (La.), Crapo (Idaho), Boozman (Ark.), Sullivan (Alaska)	<b>Ranking Member Markey (Mass.)</b> , Carper (Del.), Merkley (Ore.), Booker (N.J.)

<b>SENATE BANKING MEMBERSHIP</b>		
<b>Subcommittee</b>	<b>Republican Members</b>	<b>Democratic Members</b>
Housing, Transportation, and Community Development	<b>Chairman Scott (S.C.),</b> Crapo (Ind.), Heller (Nev.), Moran (Kan.), Corker (Tenn), Cotton (Ark.), Rounds (S.D.), Vitter (La.)	<b>Ranking Member Menendez (N.J.),</b> Reed (R.I.), Schumer (N.Y.), Tester (Mont.), Merkley (Ore.), Heitkamp (N.D.), Donnelly (Ind.)

House Passes Passenger Rail Legislation: On March 4, the House voted 316 to 101 to pass H.R. 749, the Passenger Rail Reform and Investment Act of 2015 (PRRIA). The \$7 billion authorization bill aims to make several improvements to Amtrak's passenger rail service, including a new plan to eliminate food and beverage service losses as well as creating new incentives to attract outside investment for its Northeast Corridor. The legislation is identical to a bill introduced during the 113th Congress, the Passenger Rail Reform and Investment Act of 2014 (H.R. 5449).

The House also voted on an amendment sponsored by Rep. Tom McClintock (R-Calif.) that would have eliminated all federal assistance for Amtrak, however that amendment was rejected 147 to 272.

Previously on February 12, the House Transportation and Infrastructure Committee had approved the measure out of committee. Committee Chairman Bill Shuster (R-Pa.) was joined by Ranking Member Peter DeFazio (D-Ore.) as well as Railroads, Pipelines and Hazardous Materials Subcommittee Chairman Jeff Denham (R-Calif.) and Ranking Member Michael Capuano (D-Mass.) in co-sponsoring the legislation.

Bipartisan Group of House Members Urge Leadership on Long-Term Transportation Bill: In a letter dated February 11, a group of 284 bipartisan House members, including Reps. Corrine Brown (D-Fla.), Donna Edwards (D-Fla.), Gwen Graham (D-Fla.), Mario Diaz-Balart (R-Fla.), Ander Crenshaw (R-Fla.), and Ileana Ros-Lehtinen (R-Fla.), urging House Speaker John Boehner (R-Ohio) and Democratic Leader Nancy Pelosi (D-Calif.) to pass a long-term transportation reauthorization bill. The authors wrote, “We are united in our conviction that now is the time to end the cycle of short-term extensions that kick the can down the road by doing the work needed to pass a multi-year surface transportation reauthorization bill.”

The letter – which is being led by Representatives Reid Ribble, Dan Lipinski (D-Ill.), Tom Reed (R-N.Y.), and Bill Pascrell (D-N.J.) – represents the largest bipartisan push this Congress for a multi-year transportation reauthorization. Representatives Ribble and Lipinski sit on the House Transportation and Infrastructure Committee, while Representatives Reed and Pascrell both serve on the House Ways and Means Committee.

During a House Transportation and Infrastructure Committee hearing on February 24, Representative Ribble called on Department of Transportation Secretary Anthony Foxx to

support Congress' efforts to enact a long-term authorization bill, to which the Secretary responded "Absolutely ... this is an area I've tried to be very out front on."

Nevertheless, members of Congress continue to disagree on the ways to fund the authorization bill. Several options currently being considered in Congress include raising the gas tax, corporate tax reform, or the repatriation of foreign earnings. At this time, it is unclear how Congress will proceed, though it is becoming increasingly more likely as the deadline approaches that Congress will need to pass some form of a short-term extension.

Transportation Secretary Foxx Will Not Extend Deadline on PTC Implementation: During a hearing before the House Transportation and Infrastructure Committee, Transportation Secretary Anthony Foxx indicated that the department will not extend the December 31, 2015 deadline for commuter railroads to implement positive train control (PTC) systems. While Secretary Foxx indicated that the department will consider entities having difficulty meeting this deadline on a case-by-case basis, the department is "continuing to hold the industry's feet to the fire in getting Positive Train Control done as quickly as possible," and will not grant a blanket extension on its implementation.

During a separate Senate Commerce, Science, and Transportation Committee hearing, Committee Chairman John Thune (R-S.D.) said that the deadline is all but impossible to meet: "Although the PTC deadline is quickly approaching, it remains unattainable. Through the end of 2014, railroads have invested over \$5 billion in PTC, and they expect to spend billions more in the coming years." During this January hearing, the Vice President for Service Design at CSX Transportation, Mr. Frank Lonegro, blamed the "enormity of the implementation task" as one reason why entities will have difficulty meeting the deadline. Mr. Lonegro also blamed "significant non-technological barriers" for delays, or more specifically FCC approval of spectrum needed for the transmission of PTC signals across a series of wayside antennas.

Transportation Secretary Foxx Announces Proposed Rule Aimed at Rail Transit Agencies: On February 20, Department of Transportation (DOT) Secretary Anthony Foxx announced that DOT will issue a proposed rule aimed at replacing the 1995-era regulations for State Safety Oversight (SSO) of rail fixed guideway public transportation systems with more stringent requirements for improving and maintaining safety programs across systems. According to the notice of proposed rulemaking (NPRM), the rule seeks to address a number of safety and oversight deficiencies identified in MAP-21. MAP-21 mandated that changes be made to improve states' oversight of the safety of rail transit systems. The key provisions include:

- States will be charged with greater responsibility for overseeing the safety of their rail fixed guideway systems
- FTA will need to approve new SSO programs, and will withhold funds from states that do not meet certain criteria within each program
- FTA will impose penalties on states with non-existent or non-compliant SSO programs

DOT is accepting public comment from stakeholders until April 28, which is 60 days after its official publication in the *Federal Register* on February 27. DOT is also planning to announce a new grant program to assist with the costs of compliance.

Transportation Secretary Foxx Rallies Support for GROW AMERICA Act: On February 11, Department of Transportation (DOT) Secretary Anthony Foxx testified before the House Transportation and Infrastructure (T&I) Committee during a hearing on surface transportation reauthorization on the President's GROW AMERICA Act as proposed in the President's FY 2016 budget request. Secretary Foxx criticized Congress for passing only a short-term extension "with status-quo policies and flat funding." Adding to the sense of urgency to pass a long-term bill, Secretary Foxx pointed to several instances where projects have been delayed due to inadequate or inconsistent funding. Specifically, Secretary Foxx attributed delays of million-dollar highway projects in Arkansas and Tennessee to the uncertainty over the Highway Trust Fund.

Following his testimony at the T&I hearing, Secretary Foxx launched a four-day bus tour on February 17 to highlight the importance of investing in transportation infrastructure as well as to encourage Congress to pass long-term transportation reauthorization legislation. The GROW AMERICA bus tour began in Tallahassee, Fla., and continued through Georgia, South Carolina, North Carolina and Virginia. The bus tour was part of the Administration's campaign for a \$478 billion, six-year surface transportation reauthorization plan. The tour made stops at various universities, manufacturers, bridges, freight facilities and highway projects. "Congress continues to pass short-term measures with flat funding that falls short of meeting our country's needs," said Secretary Foxx. "I am once again taking my message directly to the American people because they know that Band-Aid funding measures don't build bridges; they don't create jobs; and they don't help us compete in the 21st Century. We need to put our country back to work with a long-term funding plan."

Department of Transportation Releases Analysis on 30-Year Infrastructure Outlook: On February 2, Transportation Secretary Anthony Foxx unveiled a new Department of Transportation (DOT) analysis titled, "Beyond Traffic: Trends and Choices." The analysis considers the evolving demands on the nation's transportation infrastructure over a 30-year period. The report is broken down into three sections that evaluate trends, implications and possible future scenarios based on anticipated future growth. The report states that America's population will grow by 70 million by 2045, placing increased demands on existing infrastructure. Furthermore, the agency expects freight volume to increase by 45 percent over that same period. The report does not provide specific policy solutions to address these issues, but rather provides a "framework for the future." According to the DOT, the agency will publish a final report later in the year, after generating ideas and public feedback on this analysis.

Federal Railroad Administration Announces Grade Crossing Safety Campaign: On February 27, the Federal Railroad Administration (FRA) announced the first step in a new campaign aimed at "strengthening enforcement and safety awareness at grade crossings." The first phase of FRA's efforts will call on local law enforcement officials to: (1) show a greater presence at grade crossings; (2) issue citations to drivers that violate laws at crossings; and (3) consider rapid implementation of best practices for grade crossing safety.

Department of Transportation Secretary Anthony Foxx said, "Grade crossing and trespassing accidents are serious challenges to maintaining public safety. Every three hours of every day, someone is hit by a train in the United States and we must do all we can to heighten public

awareness, strengthen enforcement efforts and pioneer new technologies to better secure public safety.”

The next phase of FRA’s campaign will include a strategy to integrate various technologies and raise public awareness in order to improve safety. DOT has indicated that part of this next phase will include a call for new funding. Currently, the federal government provides \$287.9 million annually to states to improve safety at public grade crossings. The next phase is expected to also utilize partnerships with state and local safety agencies to address the safety concerns around crossings, though the exact timing of when the department plans to roll out the next phase is still unclear.

Department of Transportation Announces Local Hiring Initiative: On March 3, DOT announced a proposal for a new local hiring pilot program to explore new ways for states and cities to hire local residents for transportation projects. Specifically, the program will permit the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to utilize various contracting requirements, such as geographic-based labor hiring preferences, that had previously been disallowed due to concerns about adverse impacts on competition. Federal contracting rules have traditionally prohibited local hire provisions. The Fiscal Year 2015 Omnibus Appropriations bill included a provision, authored by Rep. Karen Bass (D-Calif.) allowing local hire programs for FTA funded projects. This proposal extends the provision to FHWA as well. The duration of the pilot program is expected to run for one year. The public comment period will close 30 days from the date of publication in the Federal Register.

During the announcement, Transportation Secretary Anthony Foxx said “We want to create ladders of opportunities for [local workers], as well as for low-income workers and veterans, to help put some of the transportation investments we make in the hands of those who would benefit most.” Los Angeles Mayor Eric Garcetti, Atlanta Mayor Kasim Reed, and Birmingham Mayor William Bell were present during the public announcement. FTA Acting Administration Therese McMillan said of the pilot program, “These investments should not only change the landscape of a community, but it should also transform and improve the lives of its residents too.”