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## National Beat

6/15/23

### **Federal Updates**

On June 14<sup>th</sup>, President Biden vetoed S.J Res. 11 titled “Control of Air pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards” ([read here](#)). The proposed rule would amend the EPA’s heavy-duty emissions control program standards. President Biden vetoed the bill on the grounds that reducing emissions standards would create negative health and environmental impacts.

On June 14<sup>th</sup>, the Senate Committee on Environment and Public Works (EPW) held a hearing to examine FHWA’s implementation of the Infrastructure, Investment, and Jobs Act (IIJA) and the Inflation Reduction Act (IRA) ([view here](#)). EPW Chairman Carper discussed FHWA’s critical role in emissions reductions and noted that the proposed rule that would require states and metropolitan areas to measure greenhouse gas (GHG) emissions and report progress on reaching GHG reduction targets would result in better climate outcomes. Chairman Carper also discussed the importance of improving roadway safety and supported the National Roadway Safety Strategy, he also called upon FHWA to do more to prioritize safety in highway design standards. The Committee then discussed FHWA’s role in establishing Electric Vehicle (EV) charging standards with FHWA Administrator Bhatt.

On June 14<sup>th</sup>, the US Department of Treasury and the Internal Revenue Service proposed new guidance on the Inflation Reduction Act (IRA) mechanisms for direct pay and transferability ([read here](#)). The proposed rule notes that tax exempt entities (e.g., local, state, tribal governments, and non-profits) can access clean energy tax credits. The new direct pay provisions apply to twelve of the IRA clean energy tax credits. This includes supporting purchases of clean fleet vehicles and clean fueling for government operations. The proposed rule is open for public comment until August 14<sup>th</sup>, 2023.

On June 9<sup>th</sup>, the Senate and House transportation committees released a five-year aviation reauthorization proposal to authorize appropriations for the Federal Aviation Administration (FAA) for Fiscal Years (FY) 2024 through 2028. ([read here](#)). The proposed bill would authorize \$104 billion for the FAA over five years. The bipartisan bill faced a House markup on June 13<sup>th</sup> but has been delayed in the Senate due to concerns over a pilot training amendment. The amendment sparked issues with requirements for enhanced training protocols that would add 250 hours of training time towards the existing 1,500-hour requirements. House Transportation Committee Chair, Sam Graves, commented that the proposed bill may face a full House vote in late July.

On June 6<sup>th</sup>, the House Transportation and Infrastructure (T&I) Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing on “Amtrak Operations: Examining the Challenges and Opportunities for Improving Efficiency and Service” ([read here](#)). Amtrak’s CEO, Stephen Gardner, testified and gave an update on the Northeast Corridor infrastructure spending and improvements. The hearing also addressed the Infrastructure, Investment, and Jobs Act (IIJA) funding directed to

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passenger rail infrastructure. Gardner narrowed in on the importance of IIJA discretionary grants in sustaining long-term, large capital projects carried out by Amtrak.

## **USDOT**

USDOT published helpful resources for building “Complete Streets” (i.e., roads that serve all users in an equitable, safe, and accessible way) ([access here](#)). Complete Streets is a component of FHWA’s Safe Systems Approach ([view here](#)) in the National Roadway Safety strategy to reduce roadway fatalities and injuries.

USDOT released a Notice of Funding Opportunity ([Access NOFO here](#)) for a new IIJA pilot program titled the Rural and Tribal Assistance Pilot Program ([read here](#)). The program offers technical assistance grants to rural and tribal communities and makes \$10 million available over five years to advance infrastructure projects. The grants can be used for technical assistance with feasibility studies, preliminary engineering and design, environmental review, revenue forecasting, financial feasibility analysis, regulatory analysis, negotiation of agreements, and more. There is no required local match for this program. Eligible entities include federally recognized Tribes, the Department of Hawaiian Home Lands, “a unit of local government or political subdivision that is located outside of an urbanized area with a population of more than 150,000 residents as determined by the Bureau of the Census,” and “a state seeking to advance a project in an area located outside of an urbanized area with a population of more than 150,000 residents as determined by the Bureau of the Census.” Applications will open in 60 days.

FHWA recently published a new guidebook titled, “Addressing Resilience to Climate Change & Extreme Weather in Transportation Asset Management” ([read here](#)). The guidebook describes how to develop stronger understandings of transportation networks exposure to climate change, elements of asset management plans, emerging practices on natural hazard resilience in asset inventory, performance gap assessments, asset management targets, risk management processes, life-cycle planning, investment strategy, and risk monitoring. The guidebook also has helpful case studies on pilot programs that incorporate resilience into asset management practices.

On June 13<sup>th</sup>, USDOT issued a request for information (RFI) on the potential research and development areas of interest for the Advanced Research Projects Agency-Infrastructure (ARPA-I) ([access here](#)). ARPA-I is a newly designated agency within USDOT, authorized under the Infrastructure, Investment, and Jobs Act (IIJA). ARPA-I will, “support the development of science and technology solutions that overcomes long-term challenges and advances the state of the art for US transportation infrastructure.” The key focus of this agency is to fund external advanced research and development programs to advance innovative infrastructure improvements in the US. Written submissions to the RFI must be sent by July 28<sup>th</sup>, 2023.

On June 13<sup>th</sup>, the National Highway Traffic Safety Administration (NHTSA) proposed a rule to mandate automatic emergency braking systems (AEB) in all new light vehicles ([read here](#)). The proposed rule is a part of USDOT’s National Roadway Safety Plan. Automatic emergency braking systems would drastically reduce vehicle and pedestrian crashes. This proposed rule is prompt, considering increased pedestrian fatalities (i.e., over the past decade pedestrian fatalities have increased by ~53%). NHTSA predicts the mandate would prevent ~360 deaths and over 24,000 injuries

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annually. This proposed rule responds to a mandate requiring all passenger vehicles to be equipped with AEB systems under the IIJA. This proposed rule is now open for comments and will close on or before August 14, 2023.

USDOT recently announced 63 awarded grants in 32 States from the FRA Railroad Crossing Elimination (RCE) Grant Program ([read here](#)). RCE Program provides funding for highway-rail and/or pathway-rail grade crossing improvements that improve community safety and mobility. Broward MPO is among the project awardees and will use the funding for the Broward County Sealed Corridor Project to incorporate safety improvements.

On June 5th, three updates were released on the Federal Register surrounding changes to uniform procedures for the State Highway Safety Grant Program, designation of Transportation Management Areas (TMAs), and USDOT's Equity Action Plan.

The Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHSTA) have released a final rule that amends the uniform procedure of implementing the State Highway Safety Grant Program for Fiscal Year (FY) 2024 ([read here](#)). The update waives the requirement that performance targets in the State Highway Safety Grant Program must be identical to that of the State Highway Safety Improvement Plan. The rule also changes a similar requirement in FHWA's performance management regulation. This rule is in effect as of June 5<sup>th</sup>, 2023. Procedures include:

States will submit for NHSTA approval of a triennial Highway Safety Plan (HSP) that identifies safety issues, describes public engagement measures, establishes performance targets, details countermeasure strategies for programming funds, and reports on performance target achievement.

States will submit for NHSTA approval for an annual grant application that updates the triennial HSP with all projects and sub-recipients to be funded by the State each FY. States must also describe their strategy for the use of grant funding and adjustments made based on annual reporting.

Grants with added flexibility (e.g., Occupant Protection Grants and Nonmotorized Safety Grants) and new grants (e.g., Preventing Roadside Deaths Grants) affected by specific qualification requirements of the BIL/IIJA have been updated to align with the new triennial HSP and annual grant application framework.

Limited changes to administrative provisions to align with the triennial framework and address changes made by recent revisions to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ([read here](#)).

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FHWA and the Federal Transit Administration (FTA) released a notice on the designation of TMAs ([read here](#)). FHWA and FTA announced that all urbanized areas (UZA) with populations above 200,000 (i.e., determined by the 2020 US Census) are designated as TMAs. This action supersedes previous designations of TMAs; the rule is effective as of June 5<sup>th</sup>, 2023. For multi-state UZAs over 200,000, the TMA designation applies to the entire multi-state area. Additional UZAs may be designated as TMAs by the Secretary of Transportation if a Governor and the MPO and/or affected local officials deem it necessary and make a formal request. 192 UZAs have populations above 200,000, including 15 UZAs that were not previously identified in the Federal Register in 2012. Two UZAs that previously had a population above 200,000 are now below the threshold.

USDOT released a Request for Information (RFI) on the USDOT Equity Action Plan ([read here](#)). The RFI comment period ends on June 30<sup>th</sup>, 2023. USDOT seeks public comment on its Equity Action Plan and how its work has impacted organizations and communities. The RFI also seeks feedback on equity performance metrics, data sets, tools, and research to advance transportation equity ([Read USDOT's Equity Action Plan here](#)).

On June 1<sup>st</sup>, USDOT launched the Smart Community Resource Center (SCRC) which compiles many resources to advance ITS and smart community transportation projects and programs ([read here](#)). The SCRC hub will be updated frequently with technical resources to assist practitioners in deploying smart community technologies.

## **Congressional Hearings & Markups**

- On [June 14th at 10:00 AM](#), the Senate Committee on Environment and Public Works held a hearing to examine FHWA's implementation of the Infrastructure, Investment, and Jobs Act (IIJA) and the Inflation Reduction Act (IRA).
- On [June 13<sup>th</sup> at 2:00 PM](#), the Senate Committee on Commerce, Science, and Transportation held a hearing on "Oversight and Implementation of Travel and Tourism Legislation". The hearing addresses USDOT's implementation of travel and tourism policies in the IIJA.
- On [June 8th at 10:00 AM](#), the Senate Committee on Commerce, Science, and Transportation held a hearing to discuss "Protecting Consumers from Junk Fees." The hearing explores how undisclosed fees may negatively impact consumers and markets, then examines different legislative fixes.
- On [June 6th at 10:00 AM](#), the House T&I Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing on "Amtrak Operations: Examining the Challenges and Opportunities for Improving Efficiency and Service." Amtrak's CEO, Stephen Gardner, testified and gave an update on the Northeast Corridor infrastructure spending and improvements.

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## **National Transportation News**

On June 11<sup>th</sup>, a section of the northbound I-95 roadway in Philadelphia collapsed after a tanker truck caught fire underneath the highway ([read here](#)). The truck was carrying nearly 8,500 gallons of gasoline, the driver was killed in the incident. Pennsylvania Governor, Josh Shapiro, issued a disaster declaration the following morning to allow the State to release federal funds and expedite repairs. The City of Philadelphia has created detour routes and expanded regional rail service to help mitigate impending increases in congestion. The affected section of I-95 is one of the busiest roadways in the region, concerns are rising surrounding heavy traffic and delays. There is not a clear timeline for the repairs, however, officials estimate repairs may take months following the demolition process. US Transportation Secretary Buttigieg commented that USDOT is prepared to address disruptions stemming from the highway collapse. Today, FHWA announced \$3 million in quick release emergency funding to help rebuild damaged portions of I-95 as quickly as possible.

On June 7<sup>th</sup>, The Federation of American Scientists released a report titled, "Applying ARPA-I: A Proven Model for Transportation Infrastructure," which explores opportunities and challenges surrounding ARPA-I models ([read here](#)).

The National Academies Transportation Research Board recently published a new report titled, "Practices for Adding Bicycle and Pedestrian Access on Existing Vehicle Bridges" ([read here](#)). The report details methods for improving access on existing vehicle bridges for active transportation users and has case studies showcasing successful planning, project finance, stakeholder engagement, implementation, and lessons learned.

Smart Growth America created a Community Connectors Grant opportunity to assist small and mid-sized communities repair infrastructure damage ([view here](#)). The program seeks to advance locally driven projects that will reconnect communities disconnected by transportation infrastructure and access federal and state funding to support them. Public entities and non-profit groups can apply in teams to receive capacity building grants up to \$130,000 to help advance projects. Applications are due on July 15<sup>th</sup>, 2023.

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