



The National Beat

December 14th, 2023

Federal Updates

The House of Representatives is set to adjourn for the year on December 14, likely delaying any action on a package of emergency supplemental appropriations until January. Congress will also face challenges in January 2024, in part due to House Speaker Mike Johnson's refusal to support a "clean"¹ funding bill. This decision, coupled with continuing disagreements over spending levels between the House and Senate and ongoing divisions within the GOP, raises the likelihood of a government shutdown, with critical deadlines on January 19th and February 2nd.

As the January 19th deadline approaches, the House and Senate face significant challenges in reconciling their Transportation-HUD (THUD) appropriations bills for FY 2024 (read Senate bill [here](#), House bill [here](#)). The two bills are \$22.9 billion apart in their budget allocations (i.e., a 35% difference). However, the actual gap is \$8.4 billion (i.e., 9%), as both chambers have used accounting methods to reduce their net totals. The House and Senate bills make similar decisions regarding HUD housing rental programs and FAA Operations, which account for over 60% of the gross discretionary funding. Despite these similarities, there are major differences, particularly in earmarked projects and funding for other USDOT and HUD programs. The House bill makes significant cuts in several large USDOT grant programs (e.g., RAISE, CRISI, Transit CIG grants, etc.) to fit its smaller budget, leading to only a \$235 million difference in remaining USDOT funds compared to the Senate bill. Reconciling these differences, particularly with the earmarked projects in each bill may be a complex and time-consuming process.

On December 7th, the Senate Commerce, Science, and Transportation Committee approved Todd Inman's nomination to the National Transportation Safety Board (NTSB), setting the stage for a potential full Senate confirmation by the end of the month ([read here](#)). Inman's nomination, alongside Democrat Alvin Brown's, is part of a Senate practice to maintain political party balance in boards and commissions. The Senate plans to negotiate a unanimous consent agreement to confirm both Inman and Brown together. With the session's end approaching, there is an emphasis on confirming multiple transportation-related nominees, including those for the Amtrak Board of Directors and the Federal Maritime Commission, to avoid the procedural delays of renomination in the next session.

On December 6th, the House of Representatives has passed the "Choice in Automobile Retail Sales Act" or CARS Act (H.R. 4468), which aims to ensure the continued market availability of new vehicles with internal combustion engines ([read here](#)). The bill, passed by a 221 to 197 vote. The bill nullifies a proposed EPA rule setting stricter emissions standards for certain vehicles from 2027 to 2032, amends

¹ *Note:* a "clean" funding bill is a piece of legislation that deals solely with the allocation of funds for government operations, without any additional policy provisions/amendments. Clean bills usually extend current funding levels and do not include any new/controversial policy measures. This approach is often used to pass necessary funding to avoid government shutdowns or to maintain government operations while more comprehensive budget negotiations continue.



the Clean Air Act to prevent future EPA regulations from mandating specific technologies or limiting vehicle availability based on engine type, and requires the EPA to revise its existing regulations in accordance with this new law within 24 months. While the bill received support from all present Republicans and five Democrats, it is not expected to progress in the Senate.

USDOT

On December 13th, USDOT announced a new Rural Autonomous Vehicle (RAV) Research Program and committed \$25 million to explore the benefits of automated vehicles in rural and Tribal communities ([read here](#)). This program has a six-year cooperative agreement to accredited universities for researching and piloting these technologies. It aims to improve safety, mobility, and economic opportunities in these communities. The program will split the funding into two parts: \$15 million for passenger transportation research and \$10 million for automated freight and delivery in rural areas.

On December 13th, USDOT announced \$817 million for 385 Safe Streets and Roads for All (SS4A) grants ([read here](#)). 48 implementation grants and 337 grants for planning and demonstration activities have been awarded. The program aims to address roadway fatalities through interventions that align with the National Roadway Safety Strategy. This round of funding includes both implementation and planning grants, impacting communities across the nation.

On December 12th, USDOT announced \$645.3 million in funding through the Rural Surface Transportation Grant Program to enhance transportation in rural areas ([read here](#)). This funding will improve safety, mobility, and economic growth by investing in critical infrastructure like roads, bridges, and transit systems. The program was oversubscribed and had over \$7.4 billion in requests from 174 applicants.

On December 8th, FRA announced \$8.2 billion in new grants for High-Speed Rail and Pipeline of projects across the US ([read here](#)). The funding will be used to enhance the nation's intercity passenger rail network with 10 passenger rail projects and corridor planning activities. Key projects include the development of two high-speed rail corridors, major upgrades to conventional rail corridors, and the introduction of new high-speed rail services, among others. 69 corridor selections across 44 states have been made through the Corridor Identification and Development Program, aiming to upgrade and extend existing rail routes and introduce new high-speed rail projects.

On December 5th, FHWA announced \$110 million in Wildlife Crossings Pilot Program grants to 19 projects across 17 states, including four Tribes ([read here](#)). The program aims to construct wildlife crossings over and under busy roads and implement other measures like fencing and tracking tools to prevent wildlife-vehicle collisions. These collisions, which number over one million annually in the US, result in hundreds of human fatalities, thousands of injuries, and over \$10 billion in costs. The grants are part of USDOT's vision zero goals. The funded projects include building overpasses and underpasses, installing high-barrier fencing, and enhancing habitat connectivity to improve safety for both people and wildlife.

On December 5th, FHWA released a new Programmatic Mitigation Planning Guidebook designed to enhance environmental outcomes and streamline transportation project processes ([read here](#)). It offers a proactive planning framework for transportation and environmental practitioners, especially within



State DOTs and MPOs, guiding the development and implementation of Programmatic Mitigation Plans (PMPs). The guidebook outlines necessary steps for creating PMPs in accordance with legal and regulatory standards and emphasizes the economic/environmental advantages of this approach.

On November 30th, USDOT announced it is soliciting applications for the next round of Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants, with at least \$1.5 billion available for multimodal projects ([read here](#)). The deadline for the FY 2024 cycle is February 28th, 2024. However, there's a growing concern over the Department's lag in finalizing grant agreements with selected projects, which delays the utilization of past appropriations. The RAISE program, evolving from its initial form as TIGER and later BUILD, has funded numerous projects since its inception in 2009, but recent trends indicate a significant reduction in the execution of new grant agreements. In FY 2023, the obligations executed under the National Infrastructure Investments account, which includes RAISE, dropped to \$252 million, an 80% decrease from the previous year. This has resulted in a substantial increase in the unobligated balance, rising to \$7.4 billion by the end of FY 2023. One potential reason for this slowdown might be outdated construction cost estimates, which have been significantly impacted by recent inflation, rendering original financial plans inadequate and complicating the finalization of grant agreements. This issue presents a challenging scenario for the effective and timely utilization of the RAISE program's funds.

Congressional Hearings, Meetings, & Markups

- On [Wednesday, December 13th at 10:00 AM](#): The House T&I Subcommittee on Highways and Transit held a hearing to examine how the IIJA is being implemented by modal administrators.
- On [Wednesday, December 6th at 10:00 AM](#): The Senate EPW Committee held a hearing on the IIJA's investments in wildlife habitat and ecosystem restoration, native pollinators, and wild life crossings.
- On [Wednesday, December 6th at 10:00 AM](#): The House T&I Committee held a markup of the Bipartisan PIPES Act of 2023 to consider legislation to reauthorize the PHMSA programs for the next four years.
- On [Tuesday, December 5th at 10:00 AM](#): The House T&I Subcommittee on Water Resources and Environment held a hearing on the Water Resources Development Acts (WRDA) and the status of past provisions and assessment of future needs.
- On [Monday, December 4th at 4:00 PM](#): The House Rules Committee held a hearing on the terms of debate for bills including H.R.4468 (i.e., preserving Availability of Internal Combustion Engine Motor Vehicles).

Past Hearings

- On November 29th, the House T&I Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing on the future of intercity passenger rail in the US ([read here](#)).
 - The hearing highlighted various challenges and opportunities in enhancing passenger rail. This discussion is particularly relevant given the substantial investment in passenger rail through the IIJA, including \$66 billion for rail funding. Key topics included the impact of rail on community quality of life, safety concerns, environmental benefits, the debate over public vs. private sector roles in rail development, and the need for balanced



federal spending. The hearing also addressed issues like high-speed rail, specifically the challenges faced by the California high-speed rail project, and the need for effective risk assessment and mitigation in large-scale infrastructure projects.

National Transportation News

On December 6th, the NY Metropolitan Transportation Authority (MTA) board voted 9-1 to advance a plan for public comment that proposes new tolls for drivers entering parts of Manhattan ([read here](#)). This action is a significant step towards implementing the long-debated congestion pricing plan. This plan could introduce tolls of \$15 or more for vehicles entering Manhattan south of 60th street. NYC Mayor Eric Adams is advocating for additional exemptions, particularly for taxis, which already expect a discount under the plan. New Jersey officials, who have filed a lawsuit to block the plan, seek further exemptions for bridge and tunnel users. The MTA plans to hold four public hearings early next year, aiming to implement the tolls around May, following extensive public input and a previous federal environmental review.

On December 5th, USDOT announced over \$6 billion in grants for rail projects in California ([read here](#)). \$3.1 billion is allocated to the California High-Speed Rail Authority for the development of a 200-mph high-speed rail line in the Central Valley and extensions connecting Los Angeles to the Bay Area. This funding will cover projects in several cities, including right-of-way acquisition and station construction. Additionally, \$3 billion is granted to the Brightline West Project, aiming to link California and Nevada with a high-speed train, potentially breaking ground this year in anticipation of the 2028 Olympics. This funding is apart of the Federal-State Partnership for Intercity Passenger Rail Grant Program.

On December 4th, Route Fifty reported that several states may face delays in receiving funds from the \$42.5 billion Broadband Equity, Access, and Deployment (BEAD) program due to conflicts between state and federal laws ([read here](#)). Sixteen states currently have laws restricting or prohibiting municipally owned broadband, potentially clashing with the IIJA's requirement that states must allow local governments and utilities to receive BEAD funds for internet service. As states finalize their plans for using BEAD funds, some, like Nevada and Texas, have proposed plans that may not align with federal requirements. The National Telecommunications and Information Administration (NTIA), responsible for approving these plans, could potentially withhold funds if states do not comply. However, it remains uncertain how strictly NTIA will enforce these requirements, especially as the Biden administration seeks to promote the program's success.

On December 1st, Eno Transportation Center released a report that analyzes outcomes of the IIJA over the past two years ([read here](#)). The report found that the IIJA significantly increased funding for the USDOT, with a focus on highways, mass transit, rail, and multimodal grants. Highways have seen the most efficient use of IIJA funding, with obligations in the Federal-Aid Highways account increasing by 25% since 2021. Mass transit, although receiving a substantial funding increase, has been slower in obligating new funds, partly due to prioritizing COVID-19 aid use. The FTA has been more efficient in coding IIJA and COVID funds separately, in comparison to the FHWA. For rail, Amtrak has promptly obligated its increased IIJA funding, but this doesn't necessarily translate to immediate project execution. Other FRA programs are progressing slowly, and there's a significant build-up of unobligated



funds in the Federal-State Partnership for Intercity Passenger Rail program. The new multimodal grant programs are understandably slow to start.

NOFOs

Learn about federal grants available to MPOs and key NOFO information in AMPO's NOFO Tracker ([access here](#)). The Tracker is available on ampo.org under the "Resources" drop down.

New

- USDOT's, [Rebuilding American Infrastructure with Sustainability and Equity \(RAISE\) Grants](#)
 - **Description:** RAISE grants will be awarded on a competitive basis, per statute, for planning or constructing surface transportation infrastructure projects that will improve safety; environmental sustainability; quality of life; mobility and community connectivity; economic competitiveness and opportunity including tourism; state of good repair; partnership and collaboration; and innovation.
 - **Eligibility:** "States, District of Columbia, any territory or possession of the United States, unit of local government, public agency or publicly chartered authority established by one or more States, a special purpose district or public authority with a transportation function, including a port authority, a Federally recognized Indian Tribe or a consortium of such Indian Tribes, a transit agency, a multi-State or multijurisdictional group of entities that are separately eligible."
 - **Deadline:** 2/28/2024
- FTA's [Innovative Coordinated Access & Mobility Grants](#)
 - **Description:** Access and Mobility Partnership Grants seek to improve access to public transportation by building partnerships among health, transportation, and other service providers. This program provides competitive funding to support innovative projects for the transportation disadvantaged that will improve the coordination of transportation services and non-emergency medical transportation services.
 - **Eligibility:** "Eligible applicants are State departments of transportation, designated recipients for Section 5310 funds, or local governmental entities that operate a public transportation service, or their eligible subrecipients that have the authority and technical capacity to implement a regional or statewide cost allocation pilot. Private entities that provide shared-ride on-demand service to the public on a regular basis are operators of public transportation and are therefore eligible subrecipients. Organizations that do not operate public transportation are not eligible applicants."
 - **Deadline:** 2/13/2024
- FHWA's [Advanced Transportation Technology and Innovation \(ATTAIN\) Program](#)
 - **Description:** *Cooperative Agreements or Allocations to State DOTs; program to deploy advanced transportation technologies aimed at enhancing safety, efficiency, and system performance, with expected benefits including reduced fatalities, congestion, emissions, and improved multimodal system performance and public access to transportation information. The program's focus is on fostering innovative solutions to improve overall transportation infrastructure and user experience, while also collecting valuable data for future policy and infrastructure development.
 - **Eligibility:** "Eligible applicants are State or local governments, transit agencies, **metropolitan planning organizations (MPO)**, or other political subdivisions of a State or



local government (such as publicly owned toll or port authorities), or a multijurisdictional group or consortia of research institutions or academic institutions. Partnership with the private sector or public agencies, including multimodal and multijurisdictional entities, research institutions, organizations representing transportation and technology leaders, or other transportation stakeholders, and as discussed in Section D.2 of this NOFO, applicants are required to include a partnership plan in the technical application.”

- **Deadline:** 2/14/2024

Upcoming

- FRA’s [Railroad Crossing Elimination Grant Program](#)
 - **Description:** \$573 million will be available as competitive, discretionary funding. The funding is dedicated to highway-rail or pathway-rail grade crossing improvement projects. The primary focus of these projects will be on enhancing the safety and mobility of both people and goods.
 - **Support for Applicants:** FRA plans to conduct a webinar after releasing the NOFO to provide a comprehensive program overview for potential grantees.
- FRA’s [Restoration and Enhancement Grant Program](#)
 - **Description:** \$104 million in competitive, discretionary funding will be announced. These funds are allocated for operating assistance grants. They are intended to support the initiation, restoration, or enhancement of intercity passenger rail transportation.
 - **Support for Applicants:** FRA will host a webinar following the NOFO release. This webinar will offer potential grantees an overview of the program, detailing key information needed for the application process and providing insights into the program’s goals and expectations.
- FHWA’s [Prioritization Process Pilot Program \(PPPP\)](#)
 - **Description:** FHWA plans to release a NOFO in mid to late November for the Prioritization Process Pilot Program (PPPP). The program will support data-driven approaches to planning.
 - ***Expected NOFO next week!**
- FHWA’s [Active Transportation Infrastructure Investment Program \(ATIIP\)](#)
 - **Description:** FHWA plans to release a NOFO later in 2023 for a new initiative, the Active Transportation Infrastructure Investment Program (ATIIP). ATIIP will fund projects to establish or extend active transportation networks and will offer two types of grants: Planning and Design, and Construction. Approximately \$45 million is allocated for ATIIP in FY23.
- Build America Bureau’s [Innovative Finance and Asset Concession Assistance Program](#)
 - **Description:** The Build America Bureau has announced a \$38.8 million Innovative Finance and Asset Concession Assistance Program for fiscal years 2022-2023. A NOFO is expected later in 2023.