



The National Beat

September 21st, 2023

Federal Updates

On September 20th, after a week of deliberation, the Senate was unable to move forward with a fiscal year 2024 "minibus" spending package, which includes the Transportation-Housing and Urban Development (THUD) Appropriations Act ([read here](#)). Despite the Senate adopting two procedural motions without any obstacles, no amendments were offered. On the 20th, a Senate vote concluded with a 49-48 tally, falling short of the requisite 60 votes needed to advance the minibus package. This impasse highlights the ongoing bipartisan challenges in Congress and adds complexity to efforts aimed at preventing a government shutdown. Both legislative chambers will need to pass a continuing resolution by October 1st to avoid a shutdown and allow for further negotiations on the fiscal year 2024 budget.

The proposed Senate THUD bill ([read here](#)) would allocate a total of \$107.83 billion, combining \$28.43 billion in discretionary funding with \$79.4 billion in mandatory spending for USDOT. This marks an increase of \$1.49 billion from the previous fiscal year and is \$583 million higher than President Biden's request. Specific allocations within this title include \$800 million for the national infrastructure investments program, \$20.28 billion for the FAA, \$60.1 billion from the Highway Trust Fund for the Federal-Aid Highway Program, among others. The funding for highway infrastructure programs would see a decrease of \$1.37 billion compared to fiscal 2023.

On September 14th, The House of Representatives passed a bill, H.R. 1435 Preserving Choice in Vehicle Purchase Act, that aims to prevent the EPA from granting California a waiver to implement stricter vehicle pollution standards than federal regulations ([read here](#)). The background context involves California's request for a Clean Air Act waiver to phase out most gas-powered vehicles by 2035, a move that 17 other states have pledged to follow. Critics argue the bill could rollback decades of emissions control progress and create uncertainty in the automotive industry. Despite the passage in the House, the legislation is unlikely to advance in the Democratically controlled Senate and is opposed by the White House. The passage of the bill came amid other legislative challenges, including a delay in defense spending, but is expected to stall in the Senate.

On September 14th, The EPA issued a new rule expanding states' authority to review infrastructure projects concerning water quality ([read here](#)). This reverses a Trump-era regulation that restricted state power in this domain. The change allows states to consider the broader environmental impact of a project, rather than just direct discharges into water bodies, and extends the time states have to review project applications. The rule came after a Supreme Court decision that reduced federal protections under the Clean Water Act. This means fewer projects will be subject to state reviews. The new rule also simplifies the participation of tribes in the review process and will apply to ongoing projects as well.

On September 14th, The U.S. Court of Appeals for the D.C. Circuit heard two cases regarding auto regulations put forth by the Biden administration, which are aimed at increasing EV adoption as part of



Biden's broader environmental goals ([read here](#)). While the court appeared skeptical of challenges against the EPA's emission reduction rule for model year 2026, it was less decisive regarding the NHTSA's fuel economy standards. These hearings come amid other legal challenges, including one against California's authority to set its own emissions standards. Should the challengers lose at the appellate level, an appeal to the Supreme Court is expected.

On September 13th, the Senate Committee on Environment and Public Works convened to investigate the ramifications of extreme heat and weather on transportation infrastructure, focusing on three key themes: climate and heat resilience, labor issues, and the role of government ([read here](#)). Federal and local programs such as Healthy Streets, PROTECT, and Phoenix's Cool Pavement and Cool Corridor Programs were discussed as avenues for enhancing community and infrastructural resilience. The committee also delved into labor issues, highlighting the disproportionate impact of extreme weather conditions on low-income and historically marginalized communities, while calling attention to workplace safety concerns exacerbated by such conditions. Additionally, the role of government came under scrutiny, particularly the need to streamline environmental review and permitting processes that can delay crucial resilience projects. Collectively, the Committee underscored the necessity for proactive measures, consistent funding, and standardized policies to mitigate the adverse effects of extreme heat and weather on transportation and the labor force.

On September 13th, The House Transportation and Infrastructure Subcommittee on Highways and Transit held a hearing on self-driving commercial vehicles ([read here](#)). Subcommittee Chairman Rick Crawford emphasized the critical role of trucking in the U.S. supply chain, which has been strained by the pandemic and other economic factors. The hearing explored the potential benefits of deploying autonomous commercial motor vehicles. The Subcommittee highlighted the safety advantages of autonomous trucks in reducing human error, which accounts for a significant number of road accidents. He also mentioned partnerships that are already underway to integrate autonomous trucks into supply chains for increased efficiency. The environmental benefits and the potential for creating new, high-paying jobs in the trucking industry were also discussed. The Subcommittee stressed the need for a balanced regulatory framework that promotes safety without stifling innovation, noting the competitive threat posed by China in this sector.

On September 13th, the Biden-Harris Administration released a fact sheet demonstrating concerted efforts on IIJA and Inflation Reduction Act (IRA) program and resource deployment ([read here](#)). States, philanthropic organizations, and other stakeholders have initiated various technical assistance programs to help local governments leverage federal funds for climate action and social equity. They are focusing on capacity building, grant writing, and technical assistance to target issues such as green space expansion, clean energy infrastructure, and workforce advocacy. These multi-level efforts aim to ensure that the significant federal investment creates sustainable and equitable outcomes nationwide. The fact sheet directs readers to various helpful resources to take advantage of the many IIJA and IRA programs.

On September 12th, The House of Representatives returned from a six-week recess to address a stopgap Continuing Resolution ahead of the fiscal year's September 30th deadline ([read here](#)). The Resolution extends last year's appropriations and includes special provisions related to USDOT. Controversies surround additional funding requests across departments, raising the likelihood of a government shutdown starting October 1. Provisions impacting transportation in the resolution include:



- National Highway Traffic Safety Administration (NHTSA): temporarily suspend Section 142 from the 2003 Department of Transportation appropriations law.
 - The Office of Management and Budget notes that this suspension is needed to allow NHTSA to implement a new Driver Officer Safety Education grant program (i.e., program under the IJJA).
- Essential Air Service Program: allow more of its annual total funding to be allocated "up front" early in the fiscal year.
- Federal Aviation Administration: speed up the funding rate for hiring and training air traffic controllers and increase the account total for FAA Facilities and Equipment by \$47 million.

Given the increasing likelihood of a government shutdown, USDOT is expected to update its emergency contingency plans. Under last year's plan ([read here](#)), about 1/3 of the USDOT workforce would be immediately furloughed, while others may work without pay, depending on the administration they belong to. As the potential for a government shutdown may affect USDOT's ability to effectively administer grants and manage federally funded projects, this could impose additional delays. An interruption in these activities may impact planning, coordination, and execution of transportation projects overseen by MPOs.

USDOT

On September 21st, USDOT's Maritime Administration awarded nearly \$12 million in grants to eight marine highway projects under the United States Marine Highway Program ([read here](#)). The grants will facilitate the purchase of low-emission, US-manufactured equipment, and other modal assets to alleviate supply chain issues. The funding aims to enhance supply chains, lower consumer costs, and fulfill the Biden Administration's Justice40 Initiative by directing \$5.8 million towards projects in Historically Disadvantaged Communities.

On September 20th, the House Transportation and Infrastructure Committee convened a hearing to oversee the activities of USDOT featuring testimony from Secretary Pete Buttigieg ([watch here](#)). The hearing covered a wide range of topics including the implementation of the IJJA, EV policies, funding for high-speed rail, and technical assistance, among other issues ([read congressional record here](#)).

A significant point of discussion during the hearing was the delayed pace of IJJA fund allocation. A survey conducted by the Associated General Contractors of America revealed that a mere 5% of companies had been involved in IJJA-funded projects, while an additional 6% had won bids but had not yet commenced work. The USDOT is tasked with overseeing 103 programs and 157 subprograms under the IJJA, some of which have not been fully implemented. Specifically, regulations concerning Vehicle Miles Traveled remain pending. Secretary Buttigieg also delved into challenges surrounding delays with local project sponsors and clarified issues pertaining to the implementation guidance for the Build America Buy America Act. Economic conditions, including inflation rates that peaked at 9.1% in June 2022 before declining to 3.2% in July 2023, were cited as factors impeding more rapid project execution.

Another focal point of the hearing was the impact of supply chain disruptions on the transportation sector. The COVID-19 pandemic has exposed fragilities in global supply chains, leading to far-reaching disruptions across various industries. Contributing factors such as factory



shutdowns in Asia and the surge in e-commerce have intensified these challenges. During the hearing, the Committee examined labor shortages, elevated fuel costs, and part shortages as additional complicating factors. It was also noted that not all mandated policies have been put into effect (e.g., the establishment of the Office of Multimodal Freight Infrastructure and Policy).

On September 19th, The Government Accountability Office (GAO) published a report on the FMCSA's complaint-handling system for large commercial trucks, moving companies, and bus firms ([read here](#)). The GAO identified several shortcomings, including inconsistent public disclosure of complaint data, inadequate controls, and guidelines for reviewing complaints, limited mobile accessibility of the complaint website, and lack of a targeted outreach plan to raise awareness among key audiences. GAO made 14 recommendations for improvement, 13 of which FMCSA agreed with, aimed at enhancing transparency, complaint review consistency, website usability, and public awareness.

On September 19th, USDOT, U.S. General Services Administration, and Massachusetts Institute of Technology inaugurated the new John A. Volpe National Transportation Systems Center in Boston ([read here](#)). The \$750-million facility will be a hub for transportation research across various modes of transit. Designed as an energy-efficient and climate-resilient building, the center will replace six existing buildings, contributing to broader sustainability goals. The facility will also provide multifunctional spaces for the local community.

On September 18th, FHWA released a report titled, "Application of Travel Time Data and Statistics to Travel Time Reliability Analyses" ([read here](#)). The report helps practitioners understand variations in reliability measures based on different data sources and outlines the steps for converting high-resolution travel time data into reliability performance metrics. It covers topics such as data sources for reliability, data processing methods, and the comparison of reliability measures.

On September 14th, FHWA released a technical report that evaluates the safety effectiveness of mini-roundabout installations (MR) at two-way stop-controlled and all-way stop-controlled intersections (AWSC) in different states ([read here](#)). The study found a statistically significant 39% reduction in multivehicle crashes at MRs converted from AWSC intersections across the states.

Congressional Hearings & Markups

- On [Wednesday, September 20th at 10:00 AM](#): The Senate Budget Committee held a hearing on the benefits of public investments.
- On [Wednesday, September 20th at 10:00 AM](#): The House Transportation and Infrastructure Committee held a hearing on the oversight of the USDOT, with Secretary Buttigieg testifying.
 - For a detailed summary of the hearing, refer to the "USDOT" subsection in this edition of the National Beat.
- On [Tuesday, September 19th at 2:00 PM](#): The House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation held a hearing on autonomous and experimental maritime technologies.
- On [Wednesday, September 13th at 10:00 AM](#): The House Transportation and Infrastructure Subcommittee on Highways and Transit held a hearing on self-driving commercial vehicles.
 - For a detailed summary of the hearing, refer to the "Federal Updates" section in this edition of the National Beat.



- On [Wednesday, September 13th at 10:00 AM](#): The Senate Environment and Public Works Committee held a hearing on the effects of extreme heat and weather on transportation.
 - For a detailed summary of the hearing, refer to the “Federal Updates” section in this edition of the National Beat.
- On [Thursday, September 7th at 10:00 AM](#): The Senate Environment and Public Works (EPW) committee will held a full committee hearing focusing on the IIJA's impact on drinking water and wastewater infrastructure.

National Transportation News

On September 15th, Eno Center for Transportation released a report detailing federal highway programs that had notably high unused funds for FY 2023 ([read here](#)). For FY 2023, FHWA reallocated \$7.9 billion in unused highway funding from various programs to State DOTs. August redistribution has been increasing in scale, with the 2023 totals being substantially larger than the \$6.2 billion in 2022 and \$4.2 billion in 2021. Programs that returned significant unobligated funds include the INFRA grants with a total unobligated balance increase of \$372 million, TIFIA loans which could only use \$3.6 million out of \$219.5 billion in new funding, and several new programs under the IIJA that had little spending. With most NOFOs now released for these new programs, it is anticipated that the rate of unused rollovers will either stabilize or decrease.

The simmering United Auto Workers (UAW) strike against Detroit's Big Three automakers—General Motors, Ford, and Stellantis—is in uncharted territory due to several unprecedented factors ([read here](#)). Unlike past strikes, the union is targeting specific plants rather than implementing a complete work stoppage, making the strike's duration unpredictable. The union has also amassed a significant strike fund, capable of sustaining its nearly 150,000 members for up to 11 weeks. Ongoing negotiations involve complex issues such as wages, tiered compensation, and the ability to strike against plant closures, making it difficult to predict the strike's outcome.

NOFOs

On September 12th, USDOT announced applications for the fiscal year 2023 Thriving Communities Program are now open ([read here](#)). Applicants are required to identify community partners and submit an LOI by November 15, 2023, to be considered for the program.

- The program has a funding pool of \$22 million and offers two separate avenues for applicants: a Letter of Interest (LOI) and a Notice of Funding Opportunity. It is open to both National Capacity Builders and a new Regional Pilot Program. The program assists communities that may lack the resources for planning and developing infrastructure projects that align with broader community objectives ([learn more here](#)). The program will offer two years of intensive technical assistance and three years of facilitated peer learning to selected communities at no cost.

On September 14th, Biden-Harris Administration announced the opening of applications for the Electric Vehicle Charger Reliability and Accessibility Accelerator ([read here](#)). Applications are due by November 13, 2023 ([NOFO here](#)).



- The program allocates up to \$100 million in Federal funding to repair or replace existing non-operational EV charging infrastructure. The funding is expected to cover all eligible repair or replacement costs and includes both publicly and privately owned chargers that are accessible to the public.
 - *Note:* only open to State and Local governments.

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.