



The National Beat

February 8th, 2024

Federal Updates

On February 6th, several Republican members of Congress, along with Democrat Joe Manchin, announced they are proposing a joint resolution under the Congressional Review Act to nullify the FHWA's new GHG emissions rule. The resolution, supported by nearly all Senate Republicans and backed by numerous trade groups, argues the FHWA overstepped its authority ([read letter here](#)). However, any approval of this resolution faces a likely veto from President Joe Biden, as the Congressional Review Act requires presidential consent to overturn federal agency rules.

On February 5th, one year after the Norfolk Southern train derailment in East Palestine, Ohio, which caused a significant toxic smoke release and prompted urgent calls for rail safety reforms, legislative efforts to enhance rail safety through the Rail Safety Act of 2023 remain stalled in Congress ([read here](#)). Despite bipartisan support for a bill proposing stricter inspections and safety equipment requirements, political and scheduling challenges have delayed its progress, with some attributing the holdup to opposition from the railroad lobby.

On February 2nd, the Biden Administration announced it's scheduled to release the proposed US budget plan for FY 2025 on March 11th. This announcement from the White House Office of Management and Budget initiates a critical period for lawmakers, currently under pressure to manage both the current year's funding needs and the upcoming fiscal year's budgetary priorities, amid ongoing negotiations over policy and funding extensions for FY 2024.

On January 31st, the House T&I Committee approved a series of legislative measures aimed at reforming the Clean Water Act permitting process ([read here](#)). The measures include ensuring Amtrak's full compliance with the Americans with Disabilities Act and enhancing FEMA's consideration of wildfire mitigation projects. Among the approved legislation were the Creating Confidence in Clean Water Permitting Act, which consolidates five standalone bills for streamlined permitting, the Reducing Regulatory Burdens Act to eliminate duplicative pesticide regulations, and two acts focusing on transportation accessibility and wildfire response improvements.

On January 26th, the Senate and House Appropriations Committees reported their spending totals for FY24, enabling the commencement of work on fiscal 2024 spending bills with a March 1st deadline for the first four bills ([read here](#)). The THUD subcommittees received a net spending allocation close to the Senate's proposal of \$88.1 billion, indicating an alignment with the final budget deal's overall non-defense spending. However, this allocation may still necessitate billions in cuts to gross spending, affecting USDOT programs, amid differences between net and gross spending calculations and the impact of offsets such as user fees and HUD receipts.

USDOT



On February 8th, the FTA announced the availability of \$1.5 billion in funding, under the IIJA, to support US transit vehicle manufacturing, including zero-emission buses, and to enhance bus facilities and workforce development ([read here](#)). This funding aims to help transit agencies replace aging buses with cleaner options, reduce air pollution, create jobs, and improve transit system reliability. The NOFO will remain open until April 25th, 2024 ([access here](#)).

On February 7th, FTA announced that Nuria Fernandez, will retire on February 24 after a tenure marked by guiding transit agencies through the pandemic and managing investment increases under the IIJA ([read here](#)). FTA Deputy Administrator Veronica Vanterpool will succeed her as acting administrator amidst other leadership vacancies in the USDOT.

On February 7th, the NTSB announced its plans to release its final report on the Norfolk Southern train derailment in East Palestine, Ohio ([read here](#)). The report will be shared during a summer board meeting at East Palestine High School, where findings and recommendations will be discussed and livestreamed.

On February 5th, FTA announced \$110 million in relief funding to aid eight public transportation providers and state DOTs recovering from recent natural disasters through the Public Transportation Emergency Relief Program ([read here](#)). The funds are aimed at repairing damaged infrastructure and covering costs for evacuation and rescue operations related to floods, hurricanes, and tornadoes from 2017 and 2020 through 2022.

On February 2nd, the FTA issued a Dear Colleague Letter outlining the coordination of NEPA review schedules across the agency ([read here](#)). The coordination of schedules aligns with the new timeframe mandates from the IIJA and the NEPA amendments in the Fiscal Responsibility Act. These mandates stipulate that environmental assessments and environmental impact statements should be completed within one and two years, respectively.

On January 30th, FHWA released a new Planning and Environment Linkages (PEL) toolkit ([access here](#)). PEL approaches aim to encourage a collaborative approach to transportation planning, integrating environmental, community, and economic considerations early to inform environmental review processes. The toolkit includes a variety of materials such as guidebooks, flowcharts, and other helpful resources.

On January 25th, FHWA released a NPRM to address updates to the National Performance Management Measures regulations ([read here](#)). The comment period ends on February 26, 2024, and it's currently open for public input. This rule proposes modifications considering the impacts of national emergencies on performance achievement, clarifying compliance determinations and penalty assessment for pavement condition measures, and refining data collection standards and requirements. It also aims to adjust freight reporting to align with the 4-year update cycle for State Freight Plans in the IIJA and provide select technical corrections. Additionally, the rulemaking proposes to incorporate the Highway Performance Monitoring System Field Manual for updated field names related to TPM data collection. The rule also intends to enhance opportunities for meaningful safety performance targets and outcomes, explore alternative safety performance measures, and align performance targets with the NHTSA standards.

On January 25th, USDOT announced \$4.9 billion investment for 37 infrastructure projects through the Mega and INFRA grant programs ([read here](#)). This funding will support large, complex, and innovative



projects, including 11 through the Mega program and 28 through the INFRA program, enhancing economic, mobility, and safety benefits nationally and regionally. These projects include significant improvements like bridge replacements and multimodal corridor enhancements, with a focus on both urban and rural areas. The largest, a \$1.06 billion grant, was awarded to the Blatnik Bridge replacement project in Minnesota and Wisconsin. USDOT received 117 applications requesting \$24.7 billion in Mega funding and 190 applications requesting \$24.8 billion from the INFRA program.

EPA

On February 7th, the EPA finalized a more stringent air quality standard for fine particulate matter (PM2.5), reducing the allowable level from 12 to 9 micrograms per cubic meter, aiming to improve public health ([read here](#)). This decision seeks to reduce pollution from various sources while supporting economic growth and job creation in cleaner technology sectors. Additionally, the EPA is adjusting PM2.5 monitoring criteria to better account for at-risk populations' proximity to pollution sources, advancing environmental justice by ensuring focused data collection in overburdened areas.

Congressional Hearings, Meetings, & Markups

- On February 6th, The House T&I Subcommittee on Aviation held a hearing on the state of US aviation and the FAA ([watch here](#)).

National Transportation News

On February 5th, The Gateway Development Commission sent a letter to the Biden administration, indicating a nearing final agreement for the \$16 billion Hudson River train tunnel project. This agreement could result in the federal government covering 73% of the project costs, significantly reducing the financial burden on New York and New Jersey. With bipartisan support and minimal public opposition, the project's completion is anticipated by 2035, promising to enhance the Northeast's passenger rail infrastructure and maintain momentum regardless of future administrative changes.

The APA recently published their 2024 Trend Report ([read here](#)). The report categorizes over 100 current and potential future trends affecting planning into three timeframes (i.e., Act Now, Prepare, and Learn and Watch) to guide planners in prioritizing actions based on urgency. It provides insights, templates, and methodologies for integrating these trends into planning processes. The report also features deep dives, future scenarios, expert interviews, and an emphasis on using strategic foresight.

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

- FTA's, [Low or No Emission Grant Program and the Grants for Buses and Bus Facilities Competitive Program](#)
 - **Description:** The Low or No Emission competitive program provides funding to state and local governmental authorities for the purchase or lease of zero-emission and low-



- emission transit buses as well as acquisition, construction, and leasing of required supporting facilities.
- **Deadline:** 4/25/2024

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 soon**
- 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.