



The National Beat

April 4th, 2024

Federal Updates

On March 29th, The EPA introduced new emissions regulations for heavy-duty trucks, aiming to significantly reduce carbon emissions through 2032 ([read here](#)). Despite the potential long-term fuel cost savings, major trucking groups have expressed opposition, citing concerns over the feasibility of adopting zero-emission technologies within the proposed timeline, the lack of infrastructure, and the high initial costs for owner-operators. The rule, which allows for a mix of technologies to meet the emissions targets, represents a historic tightening of emissions standards.

On March 26th, the OMB issued a RFI aimed at developing a government-wide framework to enhance public participation and community engagement (PPCE) in federal decision-making, with a particular focus on including underserved communities ([read here](#)). The OMB is seeking feedback on experiences and challenges in federal PPCE activities, particularly regarding accessibility and inclusivity; recommendations for methods, tools, and practices to be included in a federal framework to aid agencies in enhancing PPCE activities; suggestions on how the OMB should involve the public and federal agencies in the collaborative development of this framework. The deadline for responses is May 17th.

On March 15th, the Supreme Court ruled in *Lindke v. Freed*, providing a crucial test for determining when local government officials act as "state actors" on social media under the First Amendment, balancing officials' free speech rights with citizens' rights ([read here](#)). This decision clarifies the conditions under which the First Amendment applies to officials' social media accounts, focusing on the official's authority and the connection to their governmental role. The unanimous decision emphasizes that an official's social media activity is state action only if they have and purport to exercise actual state authority.

USDOT

On April 2nd, Judge Benjamin Beaton of the U.S. District Court for the Western District of Kentucky ruled that FHWA lacks the authority to regulate GHG emissions through the FHWA mandate for states and MPOs to measure and set reduction targets for on-road GHG emissions ([read here](#)). This decision follows a similar judgment by Judge James Wesley Hendrix of the US District Court for the Northern District of Texas, which invalidated the rule ([read here](#)). Considering the recent court decision, we have learned that MPOs and states are no longer required to submit GHG targets and reports moving forward. Prior to this ruling, the FHWA rule mandated that state DOTs submit initial GHG reduction targets by February 1st, 2024. MPOs were required to follow suit within 180 days of their respective state's submission. However, due to ongoing legal challenges, the FHWA revised its stance in January, indicating that it would not enforce the February 1, 2024, deadline for states to submit initial targets and reports until March 29, 2024 ([read here](#)). AMPO will keep members updated on any further developments and share FHWA's official comments when made available.

On April 2nd, FTA announced 17.6 million in grants to 20 communities across 16 states to support equitable transit-oriented development (TOD), focusing on affordable housing near transit corridors



([read here](#)). This initiative, part of the FTA's Pilot Program for TOD Planning, aims to boost public transit ridership by developing housing and businesses near transit areas, with this round of grants notably requiring no local matching funds and emphasizing affordable housing. Metropolitan Council and Berkeley Charleston Dorchester Council of Governments

On March 31st, USDOT Secretary Pete Buttigieg announced that while there is no set timeline for the debris removal or reconstruction of the Francis Scott Key Bridge, which collapsed after being struck by a cargo ship, efforts towards cleanup and reopening the Port of Baltimore's vital shipping lanes are in progress ([read here](#)). The collapse occurred early Tuesday due to the ship hitting a key support pillar after suffering a power outage, significantly impacting a major U.S. shipping lane and threatening supply chains nationwide. The USDOT has allocated \$60 million in emergency funds for Maryland, and although the original bridge took five years to build in the 1970s, the timeline for this reconstruction remains uncertain.

On March 29th, FRA released a NOFO for the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program ([learn more here](#)). The CRISI program is aimed at enhancing railroad safety, efficiency, and reliability across the US. Special consideration will be given to projects that demonstrate innovation, support economic vitality, and enhance environmental sustainability. Up to \$2,478,391,050 is available for awards. This funding includes allocations from FY 2023 and 2024, advance appropriations provided in the IJA, unawarded 2022 CRISI balances, and \$2,000,000 in FY 2021 funding for the Maglev Grant Program. The deadline for submitting applications is May 28th, 2024.

On March 28th, USDOT announced the NOFO for \$5.1 billion in funding for the Multimodal Project Discretionary Grant Program (MPDG) ([read here](#)). The funding allocation includes \$1.7 billion for the National Infrastructure Project Assistance (Mega) program targeting large, complex projects of national or regional significance; \$2.7 billion for the Infrastructure for Rebuilding America (INFRA) program, focusing on multimodal freight and highway projects; and \$780 million for the Rural Surface Transportation Grant (Rural) program, dedicated to projects in rural areas. These programs support a wide range of infrastructure projects, from highways and bridges to freight, port, and public transportation initiatives, aimed at improving safety, economic benefits, congestion reduction, and resiliency. Applications are due by May 6th, 2024.

On March 27th, FHWA released a NOFO for the Strategic Innovation for Revenue Collection (SIRC) Program ([read here](#)). This program aims to support pilot projects at the state, local, and regional levels to explore the feasibility of road usage fees and other user-based alternative revenue mechanisms ([learn more here](#)). These pilot projects are designed to assess the design, acceptance, equity, and implementation of alternative revenue mechanisms, particularly focusing on their impact across different income groups and geographic areas. The ultimate goal is to ensure the long-term solvency of the Highway Trust Fund. MPOs are eligible to apply; applications are due on May 27, 2024.

Congressional Hearings, Meetings, & Markups

- On April 5th, the House T&I Coast Guard and Maritime Transportation Subcommittee held a hearing on Port Safety, Security, and Infrastructure Investment ([watch here](#)).



- On March 21st, the House T&I Subcommittee on Highways and Transit held a hearing regarding the importance of federal highway and transit programs for rural areas, the unique challenges facing these communities, and implementation of the IJA ([watch here](#)).

National Transportation News

On March 27th, U.S. District Court Judge James Wesley Hendrix ruled that FHWA lacks the authority to regulate GHG emissions, as attempted in a rulemaking issued in December 2023 ([read here](#)). This decision came from a lawsuit filed by the Texas Attorney General, arguing that the FHWA's rule requiring state departments of transportation and metropolitan planning organizations to set and report declining CO2 targets exceeded the statutory authority granted by Congress. Judge Hendrix's ruling emphasized that any mandate for states to measure, report GHG emissions, and set emission targets should be explicitly authorized by Congress, noting the agency's action exceeded its authorized powers under the current statutory framework.

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 (MPO Eligible)

- USDOT's [Multimodal Project Discretionary Grant Program \(MPDG\)](#)
 - **Description:** Programs support a wide range of infrastructure projects, from highways and bridges to freight, port, and public transportation initiatives, aimed at improving safety, economic benefits, congestion reduction, and resiliency. The funding allocation includes \$1.7 billion for the National Infrastructure Project Assistance (Mega) program targeting large, complex projects of national or regional significance; \$2.7 billion for the Infrastructure for Rebuilding America (INFRA) program, focusing on multimodal freight and highway projects; and \$780 million for the Rural Surface Transportation Grant (Rural) program, dedicated to projects in rural areas.
 - **Deadline:** May 6th, 2024.
- FRA's [Consolidated Rail Infrastructure and Safety Improvements \(CRISI\) Program](#)
 - **Description:** The CRISI program is aimed at enhancing railroad safety, efficiency, and reliability across the US. Special consideration will be given to projects that demonstrate innovation, support economic vitality, and enhance environmental sustainability.
 - **Deadline:** May 28, 2024.
- FHWA's [Strategic Innovation for Revenue Collection \(SIRC\) Program](#)
 - **Description:** This program aims to support pilot projects at the state, local, and regional levels to explore the feasibility of road usage fees and other user-based alternative revenue mechanisms. These pilot projects are designed to assess the design, acceptance, equity, and implementation of alternative revenue mechanisms, particularly focusing on their impact across different income groups and geographic areas. The ultimate goal is to ensure the long-term solvency of the Highway Trust Fund.
 - **Deadline:** May 27, 2024.
- FHWA's [Active Transportation Infrastructure Investment Program \(ATIIP\)](#)

- **Description:** The ATIP aims to enhance safety and connectivity for bicyclists and pedestrians across communities nationwide. With an allocation of up to \$44.5 million, this program seeks to support projects that create comprehensive networks of bicycle and pedestrian pathways. The program will allocate a minimum of \$3 million for Planning and Design grants and will ensure that at least 30% of the funding supports the construction of active transportation networks and spines. The federal share of project costs will not exceed 80%, except for projects serving communities with prevalent poverty rates, where it may cover up to 100%.
- **Deadline:** June 17, 2024

Upcoming (MPO Eligible)

- FHWA's [Pilot Program for Transit-Oriented Development](#)
 - **Description:** Provides funding to communities to integrate land use and transportation planning in new fixed guideway and core capacity transit project corridors. As required by statute, any comprehensive or site-specific planning funded through the pilot program must examine ways to improve economic development and ridership potential, foster multimodal connectivity and accessibility, improve transit access for pedestrian and bicycle traffic, engage the private sector, identify infrastructure needs, and enable mixed-use development near transit stations. The statute also requires that the planning work be associated with a new fixed guideway or core capacity transit project as defined in federal transit statute.
 - Expected NOFO: May, 2024
- FHWA's [Low Carbon Transportation Materials Program](#)
 - **Description:** \$2 billion available to fund low carbon materials that create less pollution by reducing the levels of embodied greenhouse gas emissions, including concrete (and cement), glass, asphalt mix, and steel. In FHWA's Low Carbon Transportation Materials (LCTM) Program \$1.2 Billion is available to State DOTs through a RFA to fund activities and projects that advance the use of low carbon materials and products. This RFA approach will allow FHWA to quickly provide reimbursement or incentive funds to states to begin eligible activities and incorporate low carbon materials on construction projects now. In the coming months FHWA will also make available \$800 million to target non-State applicants, including metropolitan planning organizations, local governments or agencies, tribes, and other agencies through a NOFO. FHWA encourages non-State applicants to partner with states on applications and projects.

National Transportation News

Coastal metropolitan areas like Silicon Valley and New York City rank the best in terms of reducing GHG emissions, largely due to their robust transit options and lower VMT ([read here](#)). The 2024 US Transportation Climate Impact Index, which evaluates the one hundred most populous metro areas based on factors such as VMT, fuel economy, and transit, bike, and pedestrian activity, highlights this. The report indicates that cities like San Jose excel due to low VMT, high electric vehicle penetration, and better fuel economy, despite lower transit scores. Conversely, regions like Augusta-Richmond and



Omaha rank at the bottom, with higher VMT and less use of fuel-efficient vehicles or alternative transportation modes.