



The National Beat

July 11th, 2024

Federal Updates

On July 10th, The House Appropriations Committee approved the FY 2025 THUD spending bill, providing \$25.1 billion in discretionary funding for the USDOT, which is \$1.9 billion less than the FY 2024 level and \$336 million less than President's request. The bill includes \$3.7 billion in earmarks for 2,315 projects, cuts \$2 billion from DOT grant programs, and adopts several amendments ([read here](#)).

On July 10th, following the Supreme Court decision that overturned the Chevron deference doctrine (read below), House Republican leaders are demanding that federal agencies review regulations deemed overreaching. They have written to over two dozen agencies requesting lists of rules and adjudications that could be impacted by the ruling ([read here](#)).

On July 9th, Former Republican Sen. Jim Inhofe passed away at 89 ([read here](#)). Inhofe's legacy includes his tenure as chair of the Senate EPW Committee.

On July 9th, The Department of Energy announced a \$1.2 billion conditional loan to ENTEK Lithium Separators for a new manufacturing facility in Indiana, aimed at boosting domestic EV battery production and reducing reliance on foreign supply chains ([read here](#)).

On July 9th, The Biden administration has postponed updating the connector requirements for federally-funded electric vehicle chargers until after the upcoming election, maintaining the current mandate for the Combined Charging System ([read here](#)).

On July 8th, Senate appropriators agreed to add \$34.5 billion in emergency funding to their fiscal year spending bills, allocating nearly \$21 billion to defense and about \$13.5 billion to non-defense programs ([read here](#)).

On July 3rd, the EPA announced that General Motors has agreed to pay \$145.8 million and forfeit 50 million tons of greenhouse gas credits to settle allegations from the EPA that it underreported carbon dioxide emissions from nearly 6 million vehicles produced between 2012 and 2018 ([read here](#)).

On July 3rd, several Democrats on the T&I Committee requested that the Department of Justice investigate Norfolk Southern and its contractors for allegedly withholding critical information regarding the venting and burning of toxic chemicals after a train derailment in East Palestine, Ohio, last year ([read here](#)).

On July 1st, FHWA shared a notice to states of the anticipated FY 2025 federal-aid highway funds to be apportioned on October 1, 2024, and outlines procedures for opting out of the Recreational Trails Program and designating funds for border infrastructure projects ([read here](#)).

On July 1st, FHWA issued a notice on the procedures for the August redistribution of unneeded Fiscal Year 2024 obligation limitations ([read here](#)). State DOTs must submit their plans for unobligated balances by July 22, 2024, ensuring that any excess funds are available for redistribution by September 25, 2024.



On June 28th, The White House requested nearly \$4 billion in emergency appropriations, including \$3.1 billion for the Federal Highway Administration’s emergency relief fund to replace the Francis Scott Key Bridge in Baltimore and address other urgent infrastructure needs ([read here](#)).

On June 28th, The House Appropriations THUD Subcommittee has approved a draft bill providing \$108 billion for USDOT for FY 2025. This funding, comprising 17.5% of USDOT's total budget, includes allocations for new air traffic controllers, truck parking, and tribal roads, while also reversing proposed cuts to Community Development Block Grants ([read here](#)). FHWA Federal-aid highways will get \$61.3 billion in mandatory funding and an additional \$1.49 billion from the General Fund for infrastructure programs. However, the bill reduces funding for transit Capital Investment Grants, providing \$755 million against the administration's request of \$2.366 billion, and imposes restrictions on New York City's Congestion Pricing and the enforcement of GHG performance measurement rules.

On June 28th, The T&I subcommittee on railroads and hazardous materials announced it will hold a hearing on July 23 to examine rail safety in response to the 2023 East Palestine, Ohio, derailment ([read here](#)).

On June 27th, the House Appropriations Committee held a markup of the draft funding bill for THUD ([watch here](#)). The draft THUD budget fits under a \$90.4 billion discretionary budget authority, likely requiring significant cuts. The draft THUD budget, “provides a discretionary total of \$25.131 billion to the Department of Transportation, which is \$1.856 billion below the FY24 enacted level and \$336 million below the President’s Budget Request” ([read markup summary here](#)).

House T&I Hearing Recap

On June 27th, the House T&I hearing held a hearing to discuss USDOT’s policies, programs, and the fiscal year 2025 budget request, with Secretary Pete Buttigieg as a witness ([watch here](#)). Secretary Buttigieg reported on the USDOT's achievements and challenges with the rollout of the IJIA. Members highlighted various issues with a large focus on rail safety, EVs, IJIA project delivery, and the solvency of the highway trust fund. Key points from Secretary Buttigieg’s testimony include:

- **Highway Trust Fund (HTF):** Funding Challenges: Secretary Buttigieg and the committee discussed the dire projections for the HTF, which is expected to be insolvent by FY 2028 with a \$275 billion shortfall.
- **Funding Distribution Delays:** Secretary Buttigieg discussed challenges due to the unprecedented amount of funds from the IJIA. Secretary Buttigieg acknowledged the issues, attributing them to workforce and supply chain challenges. To address these, the USDOT is providing technical assistance, especially to rural and low-income communities, and has established a Project Delivery Center of Excellence to streamline project management and grant applications.
- **Rail Safety:** Norfolk Southern train derailment in East Palestine was a big point of discussion. Buttigieg called for Congress to pass the Railway safety act, which aims to improve rail safety by increasing fines for violations, requiring more crew members on certain trains, and accelerating the transition to safer tank cars.
- **EVs:** The hearing included a contentious debate over federal support for electric vehicles. Some committee members argued that the government is pushing EV adoption too aggressively, while Buttigieg defended the efforts as necessary for sustainability.



- **Connection to the HTF issue:** With the growing prevalence of EVs, members discussed user fee models for EV owners as fuel taxes become less viable.

Key Timestamps:

- USDOT Secretary Pete Buttigieg Opening Statement: 30:20 minutes
- Challenges in Disbursing IIJA Funds: 36:35 minutes
- Tools Needed for Rail Safety: 40:00 minutes
- FHWA GHG Emissions Ruling: 41:47 minutes
- EV Market Questions: 52:30 minutes
- Cost Escalation and HTF Concerns: 2:50:51 hours
- Service Cuts to Transit: "How is USDOT supporting metropolitan planning organizations to rethink public transit and commuter rail systems as the funding cliff approaches?" - 3:11:00 hours
- Use of Toll Credits to Cover Match for Federally Funded Projects: 3:17:15 hours
- Considerations for Congestion Pricing and Tolling to Address HTF Issues: 3:28:30 hours
- Rail Safety NTSB Report: 3:33:30 hours
- EV Battery Weight Impact on Road Wear and Tear: 3:44:22 hours
- Permitting Reform: 4:38:05 hours

US Supreme Court Decision Update

On June 28, 2024, in *Loper Bright Enterprises v. Raimondo*, the Supreme Court overturned the Chevron deference doctrine, a pivotal legal precedent that had shaped federal regulations since 1984 ([read here](#)). This doctrine required courts to defer to federal agencies' interpretations of ambiguous statutes. The recent 6-3 decision now shifts interpretative power to judges, impacting regulatory practices across many sectors, including transportation. The Supreme Court's decision to end Chevron deference marks a significant shift in how federal regulations are interpreted. Key takeaways from the ruling include:

- **End of Chevron Deference:** Courts previously had to defer to agencies' interpretations of unclear laws if they were reasonable. Courts must now independently interpret these laws, considering agency interpretations only if they are particularly persuasive.
- **Increased Judicial Authority:** Courts now have more power to interpret federal laws, leading to more court involvement in regulatory issues traditionally managed by agencies.

The end of Chevron deference introduces several challenges for the USDOT. Regulatory actions by the USDOT may face more legal challenges, leading to potential delays and higher litigation costs. The USDOT's ability to implement and enforce transportation regulations could be limited, especially where statutory language is unclear. New regulations from the current or future administrations may face greater judicial scrutiny, resulting in uncertainty and delays in policy implementation.

USDOT

On July 11th, USDOT hosted a Climate Change Symposium, to explore innovative solutions for transportation decarbonization and accessible communities ([watch here](#)). This event will feature key decision-makers, highlight federal funding opportunities, and provide best practices and technical assistance for effective implementation.



On July 9th, FTA announced \$1.5 billion in funding from the Bus and Low- and No-Emission grant program, aimed at modernizing transit buses and reducing air pollution ([read here](#)).

On July 9th, FRA has announced a \$1.15 billion new funding opportunity for the Railroad Crossing Elimination (RCE) Program ([read here](#)). This program aims to improve the safety and mobility of highway-rail and pathway-rail grade crossings, enhance rail infrastructure, and reduce the impact of freight movement on underserved communities.

On July 8th, USDOT announced \$11 billion in funding for the Hudson River Tunnel project, which includes constructing a new rail tunnel between New York and New Jersey and rehabilitating the existing North River Tunnel ([read here](#)).

On July 3rd, USDOT announced the a new funding opportunity for the Reconnecting Communities Pilot Program (RCP) ([read here](#)). Over \$600 million in funding is available for capital construction and community planning grants through FY24-26. This program aims to revitalize and reconnect communities affected by past harmful transportation infrastructure decisions. Interested communities can request free technical assistance through USDOT's Reconnecting Communities Institute to explore project feasibility ([read here](#)).

On July 1st, FTA announced a new funding opportunity for the FY 2024 Coordinating Council on Access and Mobility (CCAM) National Technical Assistance Center ([view here](#)). This initiative aims to improve transportation access for people with disabilities, older adults, and individuals with low income. The total funding available is \$2.5 million for FY 2024.

On June 28th, USDOT announced \$1.8 billion in RAISE grants for FY 2024, funding 149 multimodal surface transportation projects across the US ([read here](#)). The grants are aimed at improving roads, bike-pedestrian infrastructure, mass transit, and maritime projects, with a strong emphasis on both urban and rural areas.

Congressional Hearings, Meetings, & Markups

- On July 10th, the House Appropriations Committee held a markup for the FY 2025 THUD appropriations act ([watch here](#)).
- On July 10th, the Senate EPW Committee held a hearing to discuss the response on the Francis Scott Key Bridge Collapse ([watch here](#)).
- On June 28th, the House Appropriations Subcommittee on Energy and Water Development held a markup of the draft FY 2024 appropriations bill ([watch here](#)).
- On June 27th, the House T&I Committee held a hearing on USDOT oversight and FY 2025 budget requests, with USDOT Secretary Buttigieg testifying ([watch here](#)).
- On June 27th, the House Appropriations THUD Committee held a markup of the draft FY 2024 THUD appropriations bill ([watch here](#)).

National Transportation News

On June 26th, Harvard University released a study that reveals that public EV chargers are disappearing in some rural U.S. counties, creating "charging deserts," despite significant federal investment in the charging network ([read here](#)).



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)

- FRA's [Railroad Crossing Elimination Grant Program](#)
 - **Description:** This program provides funding for highway-rail or pathway-rail grade crossing improvement projects that focus on improving the safety and mobility of people and goods.
 - **Deadline:** 9/23/2024
- USDOT's [Reconnecting Communities Pilot Program](#)
 - **Description:** The RCP Program aims to advance and support reconnection of communities divided by transportation infrastructure – with a priority on helping disadvantaged communities improve access to daily needs (jobs, schools, healthcare, grocery stores, and recreation).
 - **Deadline:** 9/30/2024
 - RCP Technical Assistance Center ([link here](#))
- FHWA's [National Culvert Removal, Replacement, and Restoration Grant Program](#)
 - **Description:** The Culvert AOP Program provides grants for projects that replace, remove, or repair culverts or weirs to improve or restore fish passage for anadromous fish.
 - **Deadline:** 9/23/2024
 - FHWA will host a Webinar on July 15th at 1:00 PM (ET) ([register here](#))