

# The National Beat

## October 3<sup>rd</sup>, 2024

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### Federal Updates

On October 1st, a federal judge paused a lawsuit from the rail industry challenging California's emissions rules, which aim to phase out diesel locomotives. The judge ruled that the U.S. EPA's pending decision on California's waiver request will significantly influence the case. The court also rejected a part of the lawsuit concerning locomotive idling rules, but the final decision now rests on EPA's ruling. If approved, the rule could be upheld under the Clean Air Act, potentially setting a precedent for stricter locomotive emissions standards. [Read more here.](#)

On September 18th, House Speaker Mike Johnson expressed his intent to cut elements of the 2022 climate law if Republicans gain control of Congress. However, he acknowledged some green energy tax credits as beneficial, stating that the IRA should be modified with precision rather than completely dismantled. Johnson's remarks signal potential GOP support for maintaining certain clean energy incentives while still targeting other parts of the law. [Read here.](#)

On September 25<sup>th</sup>, Congress passed a nearly 12-week stopgap funding bill, avoiding a government shutdown and keeping federal agencies operational through December 20th. Despite pressure from former President Trump to block the measure, the bill passed with bipartisan support and is expected to be signed by President Biden. The temporary fix postpones a potential funding showdown, with the outcome likely influenced by the results of the November elections, which will determine party control of Congress and the White House. Congress is now in recess until November 12, 2024. [Read more here.](#)

On September 25<sup>th</sup>, the Senate Commerce, Science, and Transportation Committee held its final nominations hearing of 2024, considering three candidates for key transportation positions. Carl Bentzel was nominated for reappointment to the Federal Maritime Commission, Thomas Chapman, seeking reappointment to the National Transportation Safety Board, and Lanhee Chen nominated to the Amtrak Board of Directors. The nominees are expected to advance after the Senate returns in November. Read more here. [Watch hearing here.](#)

On September 23<sup>rd</sup>, the Department of Commerce proposed a rule to ban imports of Chinese and Russian-made connected vehicles and critical components used in vehicle connectivity and autonomous driving systems, citing national security concerns. The rule aims to prevent potential cyber threats, data collection, and remote vehicle manipulation by foreign adversaries. The regulation would impact global manufacturers using Chinese or Russian parts. [Read here](#).

On September 20<sup>th</sup>, the House passed H.J. Res. 136, a resolution aimed at nullifying the EPA's new vehicle emissions rule, which requires stricter emissions reductions starting with the 2027 model year. The rule is projected to significantly increase electric vehicle sales by 2032. The resolution passed 215-191, with eight Democrats joining the majority of Republicans in support. However, the White House has threatened to veto the resolution, stating it would create uncertainty in the auto market and weaken consumer choice, energy security, and public health. The Senate has not yet acted on the companion bill. [Read more here](#).

On September 20<sup>th</sup>, DOE announced \$3 billion in grants for 25 critical minerals and battery manufacturing projects across 14 states. These projects are expected to support over 4,000 permanent and 8,000 construction jobs, many of which will be unionized. The projects focus on processing and recycling minerals like lithium, graphite, and manganese and building battery components, with a combined federal and private investment of \$16 billion. [Read more here](#).

On September 18<sup>th</sup>, the House Appropriations Subcommittee on THUD held an oversight hearing featuring testimony from the Inspectors General (IGs) of USDOT, HUD, and Amtrak. The hearing highlighted the difficulties in managing vast sums of taxpayer dollars and preventing fraud, with IGs requesting more resources to enhance oversight efforts. [Watch here](#).

## USDOT

On October 1st, FTA published updated guidance for several programs, including the Award Management Circular and specific program circulars. The updates consolidate information from related documents and incorporate provisions from the last two congressional authorizations. Revised circulars include Award Management Requirements, Rural Areas Formula Grants Program, Enhanced Mobility for Seniors and Individuals with Disabilities Program, and Urbanized Areas Formula Grant Programs. FTA also issued a "Dear Colleague" letter detailing changes from updates to the Uniform Administrative Requirements and outlining upcoming training opportunities. [Learn more here](#) and read the "[Dear Colleague](#)" letter [here](#).

On October 1<sup>st</sup>, FHWA announced \$62 billion in Fiscal Year 2025 funding to all states, D.C., and Puerto Rico through 12 formula programs. The funds will support infrastructure improvements, including road, bridge, and tunnel projects. This marks a \$18.8 billion increase in formula program funding compared to pre-IIJA levels. [Read more here](#) and [view apportionments here](#). ***Read analysis on FY 2025 apportionments below in this newsletter's section titled: "Policy Analysis: Apportionment of Federal-Aid Highway Program."***

On October 1st, FHWA issued a notice regarding the sequestration of \$36.4 million from the NHPP funds for FY 2025. The sequestration, required under the Balanced Budget and Emergency Deficit Control Act (BBEDCA), results in a 5.7% reduction from \$639 million in NHPP funds exempt from obligation limitations, leaving a post-sequestration total of \$602.6 million. The sequestration also applies to \$100

million in emergency relief funds authorized from the HTF, resulting in a \$5.7 million reduction. [View apportionment table here.](#)

On October 1<sup>st</sup>, FHWA announced the apportionment of \$885 million for the NEVI Formula Program for FY 2025. This funding, part of the \$1 billion set aside under the IIJA, is aimed at deploying EV charging infrastructure across the US. The NEVI Formula Program will support the installation of EV charging stations along designated alternative fuel corridors and other public locations. Each state has been allocated specific amounts based on federal formulas, with Texas receiving the largest share at over \$86 million. Funds are available for immediate obligation, with a requirement for states to submit and get approval for their EV Infrastructure Deployment Plans. States can contract with private entities for installation projects, and the federal share of the project cost is 80%. [View apportionments here.](#)

On October 1<sup>st</sup>, FHWA announced the apportionment of \$5.31 billion in funding for the Bridge Formula Program (BFP) for FY 2025. This funding, part of the \$5.5 billion set aside under the IIJA, will be used for bridge replacement, rehabilitation, preservation, protection, and construction projects across the United States. The funds are available for obligation until September 30, 2028, and are not subject to any obligation limitations. The funding allocation is based on the cost of replacing bridges in poor condition (75%) and rehabilitating bridges in fair condition (25%). 15% of each state's funding is set aside for off-system bridges owned by local agencies or federally recognized Tribes, with a federal share of 100% for those projects. The total amount available after administrative takedowns and set-asides is \$5.31 billion, distributed among the states. Texas received the highest allocation, totaling over \$115 million. The funds will support crucial bridge infrastructure projects to improve safety and resilience. [View apportionment tables here.](#)

On October 1<sup>st</sup>, FRA announced over \$1 billion in funding to expand and modernize intercity passenger rail through the Federal-State Partnership for Intercity Passenger Rail Program. This funding aims to improve rail services outside the Northeast Corridor. Eligible projects include new train routes, high-speed rail development, and safety and performance upgrades. Applications for the funding are due by December 16<sup>th</sup>. [Read more here](#) and access the [NOFO here](#).

On October 1<sup>st</sup>, FRA finalized a new rule to improve stakeholder participation in accident and incident investigations. This rule aims to enhance the involvement of relevant parties in the investigation process to ensure a more thorough and transparent examination of railway accidents. The finalized regulations are designed to foster better communication and collaboration between investigators and stakeholders, strengthening overall safety measures. [Read more here.](#)

On October 1<sup>st</sup>, USDOT announced its support for response to Hurricane Helene, assisting impacted communities in North Carolina, South Carolina, Tennessee, Georgia, Florida, and Virginia. FHWA is assessing bridges and critical infrastructure while expediting Emergency Relief funding requests. The FAA is restoring airspace operations, providing satellite communication support, and conducting flyover assessments. FMCSA has implemented a 14-day regulatory relief period for trucking, and PHMSA is issuing waivers and monitoring gas leaks to ensure quick response. [Read more here.](#)

On September 30<sup>th</sup>, USDOT announced \$2.97 million in research funding for Florida A&M University to establish the Mobility Equity Research Center, ACCESS-M. This center, created through a cooperative agreement with USDOT, will focus on expanding accessibility and mobility for underserved communities,

including people with disabilities, older Americans, Tribal Nations, and rural and disadvantaged communities. [Read more here.](#)

On September 30<sup>th</sup>, NHTSA announced that Cruise, General Motors' self-driving car division, will pay a \$1.5 million civil fine and face increased oversight for two years after failing to disclose crucial details about a pedestrian dragging incident. The consent order mandates that Cruise submit a corrective action plan and comply with enhanced safety reporting requirements. The incident occurred about a year ago when a Cruise vehicle hit and dragged a pedestrian for approximately 20 feet after a hit-and-run collision pushed the pedestrian into its path. Cruise omitted details of the dragging in its initial reports. [Read more here.](#)

On September 27<sup>th</sup>, FHWA announced the selection of 11 projects for the final \$1.7 billion in Mega grant funding under the IIJA. These grants are part of the \$5 billion appropriated over five years to the Mega program for major infrastructure projects. The Mega program is designed to address large-scale projects that are critical to regional and national infrastructure, providing long-term economic benefits. This third round of funding completes the distribution of \$4.9 billion for 31 projects since the program's inception. [Read more here.](#)

On September 26<sup>th</sup>, USDOT as part of Climate Week, highlighted work in building resilient, sustainable, and accessible transportation systems. Over 60,000 transportation projects funded by the IIJA Law and IRA are advancing, including EV charging networks, public transit expansions, and high-speed rail development. [Learn more here.](#)

On September 24<sup>th</sup>, USDOT announced \$5 million in research funding to Rutgers University Center for Advanced Infrastructure and Transportation. This initiative, part of the efforts to decarbonize transportation, focuses on developing sustainable construction materials. The research will support the goals of reducing carbon emissions and enhancing infrastructure resilience. [Learn more here.](#)

On September 24<sup>th</sup>, FTA finalized a directive requiring federally funded transit agencies to develop safety risk assessments and strategies aimed at reducing assaults on transit workers. This action follows years of union advocacy and fulfills a mandate first issued by Congress in 2015. Each transit agency must submit its assessment within 90 days, focusing on minimizing risks faced by frontline workers. The directive is part of a broader effort to protect transit workers, who have experienced an average of 241 assaults per year between 2008 and 2021. [Read more here.](#)

On September 23<sup>rd</sup>, FHWA announced \$6 million in Emergency Relief (ER) funding to Vermont to help repair damage from severe flooding caused by the remnants of hurricanes Beryl and Debby. The funds will support the Vermont Agency of Transportation in clearing roadways, repairing infrastructure, and addressing water runoff. The total damage estimate from the storms is \$32 million, with more funding expected through FHWA's ER program. [Read more here.](#)

On September 19<sup>th</sup>, NHTSA published a proposed rule to require new passenger vehicles to be designed with features aimed at reducing pedestrian injuries and fatalities, particularly those caused by head injuries. This new Federal Motor Vehicle Safety Standard (FMVSS) would establish crash test procedures simulating head-to-hood impacts, with performance requirements for both adults and children, aligning with Global Technical Regulation No. 9. Public comments will be accepted until November 18<sup>th</sup>. [Read here.](#)

On September 16<sup>th</sup>, FTA announced nearly \$300 million in grants to modernize ferry systems across the US through multiple IIJA programs. This funding supports 18 projects in 14 states, advancing clean technology and bolstering local economies. Projects include replacing older vessels with electric ferries, expanding fleets, and building new terminals. [Read more here.](#)

### Congressional Hearings, Meetings, & Markups

- On September 25<sup>th</sup>, the House T&I Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing to examine the role and effectiveness of building codes in mitigating against disasters. [Watch here.](#)
- On September 25<sup>th</sup>, the House T&I Subcommittee on Coast Guard and Maritime Transportation held a hearing on investments to support Coast Guard personnel. [Watch here.](#)
- On September 25<sup>th</sup>, the Senate Commerce, Science, and Transportation Committee a nominations hearing considering three candidates for key transportation positions. [Watch hearing here.](#)
- On September 19<sup>th</sup>, the Senate Commerce, Science, and Transportation Subcommittee on Oceans, Fisheries, Climate Change, and Manufacturing held a hearing on Coast Guard drug interdiction. [Watch here.](#)
- On September 18<sup>th</sup>, the Senate EPW Committee held a hearing on America's Regional Commissions: Sharing Best Practices in Regional and Economic Development. [Watch here.](#)
- On September 18<sup>th</sup>, the House Appropriations Subcommittee on THUD held an oversight hearing featuring testimony from the Inspectors General (IGs) of USDOT, HUD, and Amtrak. [Watch here.](#)

## National Transportation News

On October 1<sup>st</sup>, the Biden administration reiterated that it would not intervene to end the dockworkers strike affecting East and Gulf Coast ports. Thousands of dockworkers went on strike after negotiations stalled between the International Longshoremen's Association and the shipping industry. While some business groups are urging President Biden to invoke the Taft-Hartley Act to force workers back, the administration is focused on facilitating negotiations, hoping to avoid broader economic impacts. For now, essential goods like fuel and medicine remain unaffected, but the strike could disrupt other products if it continues. [Read more here.](#)

On September 23<sup>rd</sup>, the World Trade Organization (WTO) approved China's request for a panel to investigate whether the IRA violates global trade rules. The Biden administration responded strongly, defending the IRA's clean energy tax credits as vital to addressing the global climate crisis and asserting that national security concerns justify provisions excluding certain Chinese entities. China criticized the U.S. for allegedly using climate change as a pretext for protectionism. The dispute will move forward as both nations select panelists to hear the case. [Read here.](#)

## Policy Analysis: Apportionment of Federal-Aid Highway Program

On October 1<sup>st</sup>, The Federal Highway Administration (FHWA) has issued the apportionment of Federal-Aid Highway Program funds for FY 2025 under the IIJA. A total of \$55.7 billion has been authorized for various key transportation programs, including the NHPP, STBG, HSIP, CMAQ, MPP, CRP, among others.

The FY 2025 apportionments show a continued commitment to funding transportation programs, with overall increases in most key programs compared to previous years. [Read here.](#)

The total FY 2025 apportioned amounts (before post-apportionment set-asides; before penalties; before sequestration) for key programs include ([view full table here](#)):

- **FY 25 Metropolitan Planning Program (MPP):** \$464.9 million
  - FY 2024: \$448.3 million
  - Increase: \$9.12 million (2.0%)
- **FY 25 Surface Transportation Block Grant (STBG) Program:** \$14.68 billion
  - FY 2024: \$14.39 billion
  - Increase: \$286 million (2.0%)
- **FY 25 Congestion Mitigation and Air Quality (CMAQ) Improvement Program:** \$2.69 billion
  - FY 2024: \$2.64 billion
  - Increase: \$51 million (1.9%)
- **FY 25 Carbon Reduction Program (CRP):** \$1.31 billion
  - FY 2024: \$1.28 billion
  - Increase: \$25 million (2.0%)
- **FY 25 Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Formula Program:** \$1.49 billion
  - FY 2024: \$1.46 billion
  - Increase: \$29 million (2.0%)

*FY 2024 apportionment amounts (before post-apportionment set-asides; before penalties; before sequestration) are available [here](#).*

**Note:** *The sequestration, required under the Balanced Budget and Emergency Deficit Control Act (BBEDCA), results in a 5.7% reduction from \$639 million in NHPP funds exempt from obligation limitations, leaving a post-sequestration total of \$602.6 million. The sequestration also applies to \$100 million in emergency relief funds authorized from the Highway Trust Fund, resulting in a \$5.7 million reduction. View sequestration apportionment table [here](#).*

These funds are available for obligation immediately and must be obligated by September 30, 2028. For additional details on apportionments and their state-by-state breakdowns, please refer to the full FHWA notice. [Read here.](#)

## NOFOs

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

### New (MPO Eligible)

- FHWA's [Low Carbon Transportation Materials \(LCTM\) Program](#)
  - **Description:** This program supports the use of low-carbon materials in transportation projects to reduce greenhouse gas emissions. Applications are due by November 25th; MPOs are eligible to apply.

- FHWA will be hosting an informational webinar on the LCTM program on September 25th at 2:00 PM (ET) ([register here](#)).
  - **Deadline:** 11/25/2024
- HUD's [Pro Housing Program](#)
  - **Description:** to help communities remove barriers to affordable housing production and preservation, improve housing strategies, and develop sustainable housing policies.
  - **Deadline:** 10/15/2024

### Upcoming NOFOs (MPO Eligible)

- FHWA's [Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation \(PROTECT\)](#): Expected October 2024
- OST's [Regional Infrastructure Accelerators Demonstration \(RIA\) Program](#): Expected October 2024
- FTA's [All Stations Accessibility Program](#): Expected November 2024
- OST's [Rural and Tribal Assistance Pilot Program](#): Expected November 2024
- Maritime Administration's [Port Infrastructure Development Program \(PIDP\)](#): Expected December 2024
- USDOT's [Reduction of Truck Emissions at Port Facilities \(RTEPF\) Program](#): Expected December 2024

## AMPO's Virtual Policy Pitstop and Policy Roadmap

Learn more about AMPO's Policy Roadmap and legislative priorities, join us October 9th any time between 12 - 4 PM ET to get your questions answered! [Register Here](#).

### AMPO's Legislative Priorities

As we look to 2025 and beyond, we are advocating for several key priorities:

- **Increased Planning Funds:** Increasing both the total metropolitan planning funds and the federal share to better address the evolving needs and responsibilities of MPOs.
- **Reduced Local Match Requirements:** Reducing local match requirements for federal transportation funds, providing MPOs with greater flexibility to meet critical infrastructure needs and enhance transportation services for our communities.
- **Shifting from Discretionary to Formula-based Funding for Certain Programs:** This approach ensures a fair and predictable distribution of resources, enabling our members to plan and implement long-term transportation projects effectively. We are especially interested in hearing your feedback on which current discretionary programs you think would be more effective as formula programs.
- **MPOs Becoming Direct Recipients for Certain Federal Funds:** Increasing flexibility by granting MPOs direct recipient status for certain federal funds, streamlining the funding process and reducing bureaucratic hurdles.

- **Allowing the Carryover of Federal Funds:** Allowing the carryover of federal funds from one fiscal year to the next, facilitating the uninterrupted completion of long-term projects and consistent improvements to transportation infrastructure.

Another key focus is ensuring the long-term stability of the **Highway Trust Fund** and advocating for sustainable solutions that secure the future of this vital funding source.

### ***MPO Survey Reports and Issue Papers***

To support our advocacy efforts, we've developed detailed issue papers based on recent surveys. Topics include reducing match requirements, shifting to formula funding, managing carryover authority, and direct funding for MPOs.

Read our new [survey reports and issue papers](#):

- [Local Match Requirements for Federal Formula Funding Survey Report](#) and [Summary](#)
- [Discretionary Grants and MPO Insights Survey Report](#) and [Summary](#)
- [Direct Federal Funding and MPOs Survey Report](#) and [Summary](#)
- [Navigating the Future of the Highway Trust Fund Issue Paper](#) and [one-pager](#)

Also, be sure to revisit our 2023 Unobligated Balances and Project Timeline Survey Report. [Read here.](#)

### ***AMPO's Strategic Advocacy***

As reauthorization nears, AMPO is working closely with policymakers and partners to prioritize MPO concerns. Our strategies include coalition building, grassroots mobilization, data-driven advocacy, and strategic communication to ensure our collective voice is heard.

### ***Share Your Stories: Get Involved***

We encourage MPOs to share stories that highlight the critical work they do and emphasize the importance of adequate resources and authority in effective transportation planning. These stories will help demonstrate the real-world impact MPOs have on communities and the significant role transportation funding plays in driving positive change. [Share your story here!](#)

We're looking forward to sharing more information in the coming weeks with our members and industry partners as we move towards reauthorization. If you have any questions, please reach out to Katie Economou at [keconomou@ampo.org](mailto:keconomou@ampo.org).