

FEDERAL UPDATE

MARCH 24, 2021



KEY TRANSP. FUNDING – RECENTLY ENACTED

Key programs	CARES	FY 21 T-HUD appropriations		CRRSA (COVID Relief)	American Rescue Plan
		Auth. etc	Extra \$ per BA		
Hwy formula	--	46.365 billion	2 billion <i>1.08 B - bridges 640 M - STBG, charging infra 50 M - commuter rail 16 M - Scenic Byways</i>	10 billion - STBG, operations 9.84 B – state DOTs 160 M – tribal roads, Puerto Rico, and territorial hwys	--
Transit formula	25 billion	10.15 billion	516 million	14 billion	26 billion
Transit comp.	--	--	--	--	2.2 billion
Airports	10 billion	3.35 billion	400 million	2 billion	8.0 billion
Amtrak	1 billion	2 billion	--	1 billion	1.7 billion
Revenue repl.	--	--	--	--	350 billion

NEXT UP:

- **Infrastructure package** – likely a one-time investment covering a wide range of projects, including transportation. (Admin. reportedly working on a \$3T package that includes infrastructure)
- **Surface Transportation Reauthorization** – multi-year bill to replace the FAST Act, set policy, programs, upper funding levels. (Could be another extension)

Often conflated in the media – they could actually merge

INFRASTRUCTURE PACKAGE / SURFACE TRANSPORTATION REAUTH

What they have in common:

- Hearings and meetings have begun
- Lack of specific pay-for
- Possible policy goals: address climate change, equity, job creation, innovation, etc.
- Timeline goals: markups possible in May, enactment in September

OVERVIEW: EARMARKS IN POTENTIAL UPCOMING BILLS

House

- **Earmarks in reauthorization bill:** Rep. DeFazio (House T&I Chair) says the committee “will provide an opportunity for Members of Congress to submit requests for *highway and transit project designations*”
- **Earmarks in appropriations bill:** Rep. DeLauro (House Approps Chair) says the committee “will accept member requests for “*community project funding*”

Senate

- **Earmarks in appropriations bill:** Sen. Leahy (Sen.Approps Chair) says they will have “designated spending” but no specific agreement yet.

GUIDELINES SO FAR: REAUTHORIZATION

Rep. De Fazio:

- “Documentation of whether the project” is in the STIP and TIP
- Sources of funding for the full share of the project cost beyond the amount requested
- Letters of support from sponsoring state DOT, local gov., transit agency, etc.
- Describe process that has been or will be followed for public comment opportunities
- Project phase, NEPA category, and status of environmental review
- Any federal funding received previously – source and amount
- Also: GAO audit, and certification of no financial interest, including immediate family

GUIDELINES SO FAR: APPROPRIATIONS

Rep. De Lauro:

- Maximum of 10 requests from each member – not all will be funded
- Total amount of all earmarks capped at 1% or less of discretionary spending (?)
- No for-profit grantees
- The committee/members must:
 - post every request online simultaneously with their submission to the Committee. Website must be searchable.
 - Release a list of projects funded the same day as the markup, or 24 hr. prior to consideration
 - Certify no financial interest, including family members
 - Provide evidence of community support that was a “compelling factor in their decision to select the requested project”

HOUSE REPUBLICANS’ EARMARK RESOLUTION:

- Public disclosure and name of requesting member
- Written justification
- No financial interest by member or immediate family
- No special consideration for seniority, committee membership, or leadership position

EARMARK INFO POSSIBLE IN THE COMING WEEKS:

- House committee chairs will provide detail
 - AASHTO recommends additional guidelines such as:
 - Earmarked funds should come from discretionary funds, not formula
 - Projects should come from fiscally constrained STIP / TIP
 - The earmark amount should be enough to significantly advance or complete the project
 - There should be a time limit for obligating earmarked funds
 - Members may distribute forms
 - Additional participation should become clear

FY 21 BUILD COMPARED TO LAST YEAR (PER BILL TEXT ONLY)

Surface transportation infrastructure projects that will have a significant local or regional impact

- FY 21 funding: \$1 billion
- NOFO out by at least April 26 (earlier version withdrawn)
- Based on bill text: **mostly the same** as prior years, including:
 - Rural/urban split – 50/50
 - Definition of “rural” as outside a UZA with a population of 200K +
- A few **changes**, including:
 - Planning set-aside doubles – \$30 million, (\$10 M for areas of persistent poverty)

ADMINISTRATION PRIORITIES:

- Grants – Transportation Secretary Buttigieg:
 - *“Going forward, with any discretionary infrastructure grants, you’re going to see an attention to climate impacts and an attention to racial and economic impacts that maybe hasn’t always been there in the past but is absolutely going to be there going forward.”*
- Planning - FHWA Acting Administrator Pollack
 - *“We need to go beyond ‘fix it first,’ to ‘fix it right.’ It will still be the same job, but we will be using our planning processes to ensure we take into account equity, climate change, and economic development. It will be about how we work equity and inclusion into project selection and design.”*