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## **November 2009 Monthly Report for MTC**

**To: Steve Heminger, Executive Director  
MTC**

**From: Tom Bulger, President  
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GRI**

**Re: Monthly Report for November 2009**

**Date: December 2, 2009**

- **Transportation Authorization Update**
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### **Transportation Authorization Update**

There were no major developments related to the passage of a short term extension of SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) in November, or the passage of a long-term transportation bill. Health care legislation continues to dominate the Senate's agenda. Meanwhile, the House passed a 3-month extension in September and is waiting for the White House and/or the Ways and Means Committee to develop a financing mechanism before it can move forward with its 6-year bill.

There was speculation that the Senate would move on a bi-partisan/bi-cameral six-month extension of SAFETEA-LU early in November; however, a number of fiscal conservatives placed a hold on the legislation, which essentially killed any hope of Congress passing a formal extension this year. To date, SAFETEA-LU has been extended twice through appropriation continuing resolutions (CR). The current CR expires on December 18, 2009. It is our belief that at that time Congress will either pass a catch-all omnibus appropriations bill (summary below) or another short term CR — either option will most likely include a provision extending SAFETEA-LU.

On November 18, we attended a Senate Environment & Public Works Committee briefing with the U.S. Department of Transportation (DOT) to discuss the status of transportation authorization. Senator Barbara Boxer (D-CA) opened the briefing by stressing that transportation investment equates to jobs. Testifying on behalf of the DOT were John Porcari, Deputy Secretary and Roy Kienitz, Under Secretary for Policy. During the briefing, Senator Boxer presented a letter, signed by her and Senator James Inhofe (R-OK), asking the President for assistance in breaking the current log-jam over the length of an extension. The letter also asked for assistance in developing a long-term solution to the transportation funding question. The Administration responded by stating it was still requesting an 18-month extension in order to work with Congress on the development of a transportation bill. The Administration also announced that it will be initiating a winter 'listening' tour regarding surface transportation authorization.

We began a joint effort, on behalf of MTC, with the U.S. Conference of Mayors in November to create a metropolitan mobility program for the next surface transportation bill. Currently, we are researching the most viable metropolitan transportation and economic statistics and formulas to support a metro program.

Also in November, we participated in the monthly metro rail group meeting, the focus of which was to set up a meeting with the White House Urban Affairs Czar and the DOT to discuss the nation's rail networks — the meeting will take place December 3<sup>rd</sup> and we will participate. The need to develop 'State of Good Repair' metrics was also discussed with the metro rail group.

### **FY 2010 Transportation Appropriations Update**

Congress has yet to complete work on the FY 2010 appropriations legislation. As of December 2<sup>nd</sup>, only five of the 12 appropriations bills were signed into law. The FY 2010 transportation appropriations legislation is one of seven bills that have not been passed. It is widely expected that Congress will pass an omnibus bill that will include the seven remaining appropriations bills.

Most of the major funding differences between the House and Senate appropriations bills have been worked out behind closed doors. There are a number of matters that are still unresolved. Several of those issues involve the transportation appropriations bill, one specifically involving an amendment approved by the Senate that would allow people to bring a gun onboard Amtrak trains.

The timeline for passage of such an omnibus is murky. The health care debate is currently monopolizing the Senate calendar, and with only a handful of legislative days left before the current CR expires, it is unclear as to whether or not Congress will be able to clear an omnibus bill in time. If Congress is unable to complete FY 2010 appropriations work by December 18, it will likely pass another short-term CR.

### **Climate Change Update**

In November, the Senate Environment & Public Works Committee cleared the Boxer-Kerry climate change bill (S. 1733). Passage of this legislation did not occur without controversy — republicans boycotted attending the committee mark-up stating that not enough analysis had been done on the bill. They sought a delay on further action until the EPA (Environmental Protection Agency) could provide full analysis.

Senate rules require there to be a defined number of members from the minority party at any committee mark-up (two in this instance). Without participation of Republicans, the committee was unable to take formal action to mark-up the bill. This, however, did not stop the legislation from moving forward. Senator Barbara Boxer (D-CA), Chairman of the Senate Environment & Public Works Committee, utilized a parliamentary tactic that allows the committee to clear legislation; however, it could not be amended in committee. The tactic, described as ‘the nuclear option’ by Republicans, troubled even some Democrats who recognize that some Republican votes will be needed to pass climate change legislation. A working group composed of Senators John Kerry (D-MA), Joe Lieberman (I-CT), and Lindsey Graham (R-SC), has begun to work on developing a bi-partisan piece of legislation. Further Senate action will not take place until the spring.

On November 19, we had an opportunity to meet with Senator Thomas Carper (D-DE) at a National Journal event. During the meeting we were able to thank him for his efforts on the climate change bill and CLEAN TEA (Clean, Low-Emission, Affordable, New Transportation Efficiency Act, see October monthly report). We also discussed with him the need for a comprehensive long-term transportation solution.

### **Jobs Bill Update**

In November, the federal government announced that for the first time in nearly 30 years, one in ten Americans is unemployed — despite an economic turn-around, more Americans are finding themselves out of a job. This fact, coupled with the ‘off-year’ electoral defeats in Virginia and New Jersey governor races, has caused Democratic leadership to begin the development of a “jobs bill.”

To date, there is no clear indication by either House or Senate leadership as to what will be included in a jobs package. As part of these discussions, Congressional leaders have offered a variety of

proposals including a business tax credit for new hires, state fiscal aid, extended unemployment and COBRA benefits, a “work share” program, aid to homeowners facing foreclosure, increased loans for small businesses — as well as increased transportation spending.

There is no signal as to when this legislation will move forward. Early indications were that the House would move a bill before the end of the year, and the Senate would pass a bill early in 2010. House leaders have recently changed course by suggesting that they will hold off on any action until next year. The most contentious question will be how to pay for the jobs bill. A consensus is being developed around the idea of using unspent TARP (Troubled Asset Relief Program) funds or stimulus money to pay for the bill.

Additionally, on December 3, President Obama hosted a jobs summit that brought together leaders from a cross section of business, unions, and the public sector to discuss possible solutions to the unemployment problem. MTC Executive Director Steve Heminger attended the event. It is assumed that the administration will provide more leadership on the creation of a jobs package after this summit.

### **FTA Announces Funding Availability for Livability Projects**

On Monday, December 1<sup>st</sup>, Secretary of Transportation Ray LaHood announced the availability of \$280 million for urban circulator projects — such as streetcars, buses, and bus facilities — to support communities, expand business opportunities, and improve people’s quality of life while also creating jobs.

FTA (Federal Transit Administration) is targeting these funds to innovative projects that advance the six livability principles adopted by the DOT-HUD-EPA Partnership for Sustainable Communities earlier this year:

1. Provide more transportation choices.
2. Promote equitable, affordable housing.
3. Enhance economic competitiveness.
4. Support existing communities.
5. Coordinate policies and leverage investment.
6. Value communities and neighborhoods.

The funding originates from FTA New Starts & Bus/Bus Facility (Section 5309) money that was not earmarked in prior years’ appropriations bills; as such, no further Congressional action is required. However, since the funds being used were authorized and appropriated under existing federal transit programs, the statutes that accompany those programs must be followed — this includes eligible uses of funding and an 80/20 federal/local split.

During his announcement, Secretary LaHood noted that specifics would be included in a formal Notice of Funding Availability (NoFA) available in early December, and he intends to have the project selection take place early next year.

The program will be divided into two separate competitive NoFAs — \$130 in fixed guideway ‘Urban Circulator Grants’ (New Starts Money), and \$150 million in Bus “Livability” Projects (Bus/Bus Facility Money). FTA’s criteria can be found at [www.fta.dot.gov](http://www.fta.dot.gov).

### **House Science Committee ITS Testimony**

On November 19, the House Science & Technology Subcommittee on Technology and Innovation held a hearing to examine the components of a surface transportation research and development (R&D) agenda to support the priorities of the DOT. MTC Deputy Executive Director for Policy, Ann Flemer, testified at the hearing and encouraged the committee to advance a research agenda that will support a performance-based transportation system in order to help solve the nation's traffic congestion, safety, and environmental problems.

Key topics at the hearing included the need for better data to measure system performance, tools for collecting and disseminating real-time information, the definition and merits of livable community policies, the barriers to a vehicle miles traveled- (VMT) based pricing system, including equity concerns in rural areas, and ways to encourage better use of technology to address congestion, safety and emissions levels.

Congressman Russ Carnahan (D-MO), who co-chairs the ITS (Intelligent Transportation Systems) Caucus, participated in the hearing and engaged in a discussion with Ann Flemer about ways to encourage greater deployment of ITS to reduce traffic congestion and address capacity challenges facing communities.

Also testifying at the hearing were Polly Trottenberg, Assistant Secretary for Transportation Policy at DOT; Peter Appel, Administrator of DOT's Research and Innovative Technology Administration; Neil J. Pedersen, Administrator of the Maryland State Highway Administration; Robert E. Skinner, Jr., Executive Director of the Transportation Research Board; and independent consultant, Alan Pisarski.

### **Congressman John Garamendi (D-CA) Assigned to Transportation & Infrastructure**

Congressman Garamendi (D-CA) has been appointed to the House Transportation & Infrastructure (T&I) Committee — the same committee former Congresswoman Ellen Tauscher (D-CA) sat on. Congressman Garamendi was also assigned to the House Science & Technology Committee.

### **U.S. DOT Proposes New Safety Oversight Measures**

In response to recent accidents, the Obama Administration is proposing that the DOT be given regulatory authority to provide additional safety oversight of the nation's subways and light-rail systems. The proposal will be presented to Congress in the coming weeks for discussion. The House T&I Committee scheduled a December 8 hearing on the proposal.