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September, 2013 Monthly Report for MTC

To: Steve Heminger, Executive Director
MTC

From: Tom Bulger, President GRI

Re: Monthly Report for September, 2013

Date: October 1, 2013

Federal Government Shuts down

Congressional Public Transportation Caucus Formed

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Federal Government Shuts down

On September 30th, GOP lawmakers touted their third list of demands that the President and the Democrats would have to meet. Like the previous two, this one was a non-starter, essentially requiring the President to abandon the signature achievement of his Presidency as the price for Republicans allowing the government to function. Their original demand was that they would accept nothing less than the complete defunding of Obamacare. Then they insisted that the health-care law be delayed by a year and that Obama swallow a new pipeline (Keystone XL), restrictions on Medical malpractice lawsuits and contraceptive availability as well as other poison pills. Finally, they demanded a one year delay of Obamacare, the individual mandate, and the end of health insurance subsidies for Member of Congress, their staff and the President's political appointees.

So at mid-night on September 30th the Federal Government shut down for the first time in 17 years. The impasse means that 800,000 Federal workers have been furloughed as of October 1,

2013. National parks, museums, monuments as well as most Federal offices have closed. Active duty troops were spared.

If the shutdown stretches into next week, the government funding debate could get connected to a bigger battle over the \$16.7 trillion federal debt ceiling limit. The Treasury Department is expected to run out of cash by October 17th.

Here in Washington, DC the District government will not close during the federal shutdown. The decision to remain open came after city lawyers approved the use of a special reserve fund, which has an estimated \$218 million to keep the District operational. Concurrently, the Mayor has sought to designate all of the District's employees as exempt from furloughs. If the White House and OMB accept this designation the use of the District's reserve fund would be unnecessary. How's that for Home Rule?

The Department of Transportation's 18,481 employee furloughs from a total of 55,468 are mostly from the Federal Transit Administration (FTA).

Congressional Public Transportation Caucus Formed

On September 19th, we were invited to the first Congressional Public Transportation Caucus Roundtable and Listening Session. The Caucus is co-chaired by Representative Michael Grimm (R-NY) and Representative Dan Lipinski (D-ILL). Approximately, 100 public transportation representatives attended the Caucus kick off meeting.

The Caucus intends to formulate Congressional support for public transportation in the upcoming MAP -21 authorization next year.

Getting America to Work Coalition

In September, we were approached to join the Getting America to Work Coalition. Subsequently, after consultation with MTC senior staff we have joined the Coalition.

Getting America to Work's Policy Principles include:

- Authorize a federal transit program that provides predictable and sustainable funding for no less than six years to accommodate the development of long-term, major capital investments needed to begin the process of bringing existing public transportation infrastructure and facilities into a state of good repair; expand the current infrastructure investment and support the maintenance of these investments
- Increase federal investment for public transportation and transportation infrastructure generally through multiple sources of funding including the federal gas tax, TIFIA, public private partnership (P3s) and new innovative mechanisms for financing public capital improvements to supplement, not supplant, transit grant funding at the federal level;
- Protect and preserve the Mass Transit Account within the Highway Trust Fund (HTF) and increase revenues to the Mass Transit Account which are dedicated to the federal transit program;
- Increase funding for a national State of Good Repair program to address high-cost capital maintenance backlogs;
- Support comprehensive approaches to multi-modal corridor planning and continue eligibility for multi-modal transit systems to access bus and bus facilities formula funding;

- Continue the pre-tax transit commuter benefit in parity with the pre-tax benefit for qualified parking.

Transit Benefit Washington, DC Fly In

On September 10th, we participated in the Commuter Benefits Work for Us Coalition Washington, DC Congressional Fly In. The Coalition supports passage of legislation to establish permanent parity between the parking and transit portions of the federal commute benefit. Legislation to establish parity has been introduced in both the House of Representatives (H.R.2288, The Commuter Parity Act) and the U.S. Senate (S.1116, the “Commuter Benefit Equity Act).

Currently. Both transit and parking benefits are at parity at up to \$245/month this Federal tax year or 2013. However, the transit portion of the benefit will be reduced to an estimated up to \$125/month unless Congress acts this year to establish permanent parity in tax year 2014.

Twenty –Nine (29) Congressional meetings were held during the fly in. Sadly, the House Republican leadership at the Speakers office and the Ways and Means Committee were not inclined to support permanent parity this fall. Instead, they suggested that the commute benefit be dealt with next year in Tax Reform legislation.

On September 24th, we delivered MTC support letters regarding HR 2288 to members of the Bay Area house delegation that are currently not sponsoring the bill.

Map-21 Implementation Update

Transit Representation On MPOs

The FTA and FHWA are issuing this proposed guidance on implementation of provisions of MAP-21 that require representation by providers of public transportation in each MPO that serves a transportation management area (TMA) no later than October 1, 2014. TMAs are defined as an urbanized area with a population of over 200,000 individuals as determined by the 2010 census, or as an urbanized area with a population of fewer than 200,000 individuals that is designated as TMA by the request of the Governor and the MPO for that area.

The FTA conducted an On-Line Dialogue for this requirement from March 5th to March 29th, receiving input from MPOs, local elected officials, transit agencies, and the general public. Participants discussed the complex nature of MPOs and the advantages of providing flexibility for MPOs and transit providers to decide locally how to include representation by providers of public transportation in the MPO.

The FTA and FHWA state that the intent of this provision is that representatives of providers of public transportation, once designated, will have equal decision-making rights and authorities as other members listed in 23 U.S.C 134(d)(2)(B) and 49 U.S.C 5303(d)(2)(B) that are on the policy board of an MPO that serves a TMA. The public transportation representative on an MPO board is now referred to as the “specifically designated representative,” an elected official or a direct representative employed by the agency being represented. Examples would be a member

of the public transportation provider's board of directors, or a senior transit agency official (CEO or GM).

To the extent that an MPO has bylaws, the MPO should, in consultation with transit providers in the TMA, develop bylaws that describe the establishment and responsibilities that the specifically designated representative will fulfill. These bylaws should explain the process by which the specifically designated representative will identify transit-related issues for consideration by the full MPO policy board and verify that transit priorities are considered in planning products to be adopted by the MPO.

FTA and FWHA expect that it would not be practical to allocate separate representation to each provider of public transportation. Consequently, the guidance proposes that an MPO that serves an area designated as a TMA that has multiple providers of public transportation should cooperate with the eligible providers to determine how the MPO will include representation by providers of public transportation. An MPO may allocate a single board position to fulfill the specifically designated representative requirement, or an MPO can meet the requirement by rotating the board position among all eligible providers or by providing all eligible providers with proportional representation.

Apart from the requirement for specifically designated representation on the MPO's board, an MPO also may allow for transit representation on policy or technical committees. Eligible providers of public transportation no given decision-making rights on the MPO's board may hold positions on policy or technical committees.

Coming and Going

The National Association of Counties long serving Transportation representative, Mr. Robert Fogel has stepped down. Bob's an old friend and great colleague who we will miss. His going away party on September 10th included the Who's Who of Washington's transportation world. Bob is Quentin Kopp's cousin.

Meetings

On September 18th, we met with Beth Osborne, the Acting Secretary for Policy at the USDOT. The meeting was about making sure the Bay Area's FTA grants would not expire due to the pending legislative arrangement on California pension law in Sacramento. With the Government shut down we have no way of determining this outcome at this time.