

**Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC ABAG Legislation Committee**

January 14, 2022

Agenda Item 4b

Washington D.C. Legislative Update

Subject:

January 2022 Report from Washington, D.C. advocate.

Issues:

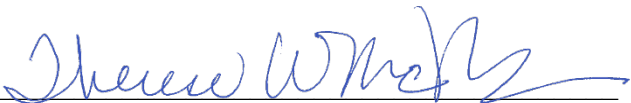
None identified.

Recommendations:

Information

Attachments:

- Attachment A: Summit Strategies Team Report – January 2022



Therese W. McMillan



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Summit Strategies Team Report – January 2022

From: Summit Strategies Team

To: Therese McMillan, Executive Director

Date: January 5, 2022

Subject: December Federal Policy Monthly Report

- **Manchin Pumps the Breaks on Democratic Domestic Spending Legislation**
 - **Appropriators Resume Negotiations on Fiscal Year 2022 Spending Deal**
 - **California Transit Funding Will Continue to Flow While U.S. Department of Labor Collective Bargaining Rights Issue is Litigated**
 - **Federal Agency Actions and Competitive Grant Update**
 - **National Transportation News Roundup**
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Below is a status update on issues of interest to MTC and the actions that we have taken to date.

Manchin Pumps the Breaks on Democratic Domestic Spending Legislation

The Sunday before the December 2021 holiday recess, pivotal swing-vote Senator Joe Manchin (D-West Virginia) unexpectedly announced that he no longer supported efforts to advance the House-passed Build Back Better Act. He cited rising inflation and a lack of support in his home state. The statement surprised the White House and congressional Democratic leadership after months of good faith negotiations between the moderate and progressive wings of the party. Manchin also indicated that he was unwilling to negotiate unless lawmakers remove or fund key provisions less generously, including the Child Tax Credit, one of President Biden's top policy priorities.

President Biden, Speaker Pelosi, and Senate Majority Leader Schumer have pledged to prioritize finalizing some version of a social spending package as quickly as possible. Lawmakers face a challenging situation, with the midterms approaching at the end of the year, which bogs down the legislative process. However, Manchin has indicated that a significantly re-worked bill could restart negotiations and provide an opportunity to find consensus.

Throughout this process, your federal team has been in regular contact with key policymakers to ensure that the Bay Area's needs are addressed and seek refinements to ensure MTC priorities would be eligible for new transit and housing programs, should those spending categories be included in any final deal.

Appropriators Resume Negotiations on Fiscal Year 2022 Spending Deal

The continuing resolution (C.R.), which President Biden signed into law last month, funds the government through February 18, 2022. Senior appropriators in both chambers have resumed negotiations on a spending bill for the remainder of the fiscal year. Republicans and Democrats remain divided on topline spending levels and specific policy areas. Crafting such a measure is critical for accessing funding authorized in the Bipartisan Infrastructure Legislation (BIL), including billions of dollars for transit-related grants and multi-billion-dollar increases in Highway Trust Fund programs. Besides finalizing the Build Back Better Act, finalizing the fiscal year 2022 appropriations package is perhaps the most pressing issue facing lawmakers this month.

**California Transit Funding Will Continue to Flow While U.S. Department of Labor
Collective Bargaining Rights Issue is Litigated**

Last month, the U.S. District Court for the Eastern District of California granted the State of California's motion to stay implementation of the U.S. Department of Labor's (DOL) October 2021 determination that had been halting the flow of federal transit funds to many California transit operators. That October determination reversed an earlier DOL finding that the California Public Employees' Pension Reform Act of 2013 (PEPRA) does not inhibit public transit employees federally guaranteed collective bargaining rights.

While the stay does not put the PEPRA issue behind us, it means that federal transit grants will continue to flow to California transit operators while the courts again consider the impact of California's 2012 retirement reform law on collective bargaining rights guaranteed by federal law.

Federal Agency Actions and Competitive Grant Update

**Transportation Secretary Pete Buttigieg Announces Over \$241 Million in Grants for
America's Ports**

On Thursday, December 23, 2021, the U.S. Department of Transportation (USDOT) announced the award of more than \$241 million in discretionary grant funding for 25 projects to improve facilities through the Maritime Administration's Port Infrastructure Development Program. USDOT hopes to address supply chain disruptions by helping to increase the flexibility for federal port grants and accelerate port infrastructure grant awards. Awarded projects include \$5.2 million to the Port of Oakland for the Powering the Future Project. The project will replace an existing electrical substation and circuit located within the port facility.

**USDOT announces up to \$19.9 million in Federal Loan Credit Assistance for the Vine Bus
Maintenance Facility Project**

In December 2021, USDOT announced that it would provide a 35-year low interest Transportation Infrastructure Finance and Innovation Act (TIFIA) loan of up to \$19.9 million to Napa Valley Transportation Authority (NVTA) for the Vine Bus Maintenance Facility Project. The NVTA plans to replace its currently leased transit yard in the City of Napa with a new transit

maintenance facility that meets its needs, including charging infrastructure for NVRTA's new electric bus fleet. This project will provide several benefits, including addressing growing transit needs to reduce emissions from single-occupancy vehicles, improving operational efficiencies and fleet management safety, and providing a photovoltaic system to support electric vehicles-zero-emission targets.

National Transportation News Roundup (links to articles)

- [Attorney General to Review Transit Agency Data Breach \(USA Today\)](#)
- [Bay Area transit looks to woo new bus operators amid national driver shortage \(The Mercury News\)](#)
- [Data will drive the transition to zero-emission buses \(Mass Transit\)](#)
- [The \\$1.6B Federal Plan to Spur Local Zoning Reforms \(Route Fifty\)](#)
- [Buttigieg faces opportunities and challenges on infrastructure \(The Hill\)](#)
- [California judge rules against Biden administration in pension law fight, freeing up grants \(Sacramento Bee\)](#)
- [Where have all the truck drivers gone \(Vox\)](#)
- [U.S. funding ban for Chinese buses arrives, disrupting transition to electric \(Washington Post\)](#)