

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

November 4, 2022

Agenda Item 3b

Washington D.C. Legislative Update

Subject:

Report on key legislative, funding and political developments over the past month from Washington, D.C. prepared by the Summit Strategies team.

Issues:

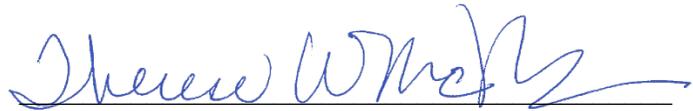
None identified.

Recommendations:

Information

Attachments:

- Attachment A: Summit Strategies Team Report – October, 2022



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Summit Strategies Team Report – October 2022

From: Summit Strategies Team

To: Therese McMillan, Executive Director

Date: October 20, 2022

Subject: October Federal Policy Monthly Report

- **Congress Finalizes Government Funding**
 - **Bipartisan Infrastructure Law Update**
 - **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.

Congress Finalizes Government Funding

As reported last month, lawmakers succeeded in passing a continuing resolution (CR) stopgap measure to fund the government before the end of fiscal year (FY) 2022. The CR passed in the Senate by a vote of 72-25 and in the House by a vote of 230-201. The House margin was tighter because House GOP leaders urged their members to vote against the bill. Passage of the CR went relatively smoothly after Senator Joe Manchin (D-WV) agreed to pull his energy permitting measure. A bipartisan group of senators, led by Senator Bernie Sanders (I-VT) and Senator Mitch McConnell (R-KY), opposed Sen. Manchin's permitting measure, dooming the proposal from being a part of the package.

The CR includes emergency military and economic funding for the war in Ukraine, funding to combat the water crisis in Jackson, Mississippi, funding for disaster aid, and funding for federal court security, among other measures. The CR funds the government through December 16, 2022, making the end of year legislative session a busy one for lawmakers when they return from midterm elections. The National Defense Authorization Act (NDAA) also needs to pass before the end of the calendar year.

Bipartisan Infrastructure Law Update

Over the last month, availability of competitive grant program funding was announced for:

- \$600 million in competitive grants for FY 2022 and FY 2023 Competitive Grants for the Rail Vehicle Replacement Program. This is a new BIL program that funds rail rolling stock replacements. Proposals must be submitted by January 5, 2023 to be considered. [Additional information on the program, including the NOFO, can be found here.](#)
- \$100 million in grants for the Strengthening Mobility and Revolutionizing Transportation (SMART) Grants Program. The program will fund projects that use data and technology to solve real-world challenges facing communities today. [Additional information on the program, including the Notice of Funding Opportunity \(NOFO\), can be found here.](#)
- \$60 million for FHWA's Advanced Transportation Technology and Innovation (ATTAIN) program, which promotes advanced technologies to improve safety and reduce travel times for drivers and transit riders and serves as a national example. [Additional information on the program, including the NOFO, can be found here.](#)

Agency Actions and Competitive Grant Update

Biden-Harris Administration Launches New Program to Help Communities Seek Infrastructure Projects

On Thursday, October 6, 2022, the DOT released information about its Thriving Communities Program. For two years, the Thriving Communities Program will provide under-resourced and disadvantaged communities with technical assistance to support their ability to identify, develop, and deliver transportation and community revitalization activities. The Program will prioritize selecting communities that are working to advance projects to improve health outcomes; reduce housing and transportation cost burdens and improve housing conditions; preserve or expand jobs; and increase reliable mobility options for disadvantaged communities and households for better access to health care, food, education, and other essential destinations. [Additional information on how to submit a Letter of Intent, become a capacity builder, and upcoming webinars can be found here.](#)

DOT Expands Its Financing Program to Help More Infrastructure Projects Progress

On Tuesday, October 4, 2022, DOT announced that the U.S. Department of Transportation's (USDOT) Build America Bureau will offer low-cost and flexible financing for transit and Transit-oriented Development (TOD) projects at the maximum level authorized under law via the Transportation Infrastructure Finance and Innovation Act (TIFIA) program. TIFIA is designed to speed up the delivery on transportation projects and make them cheaper for project sponsors. Historically, TIFIA loans have been capped at 33% of eligible project costs. Under the new initiative, loans will be able to cover 49% of eligible project costs if they meet certain criteria. [Additional information on what activities qualify projects for receiving loans up to 49% of project costs can be found here.](#)

FHWA Releases Fiscal Year 2023 Apportionments

On Tuesday, October 11, 2022 the Federal Highway Administration released \$60 billion in fiscal 2023 apportionments for formula programs under its jurisdiction authorized in the BIL. State and local government's ability to fully utilize the contract authority amounts apportioned by the FHWA will be dependent on completion of the full year transportation appropriations bill. The current CR provides states the authority to obligate only the pro rata share (approximately 20 percent of the total) of the amount of Federal aid highway funding provided in FY 2022.

[Additional information on the apportionment can be found here.](#)

National Transportation News Roundup (links to articles)

- [Truck parking a 'national concern,' Buttigieg says. \(Land Line\)](#)
- [Supply chain, inflation issues threaten small bus market. \(Mass Transit\)](#)
- [As EV sales grow, battle over U.S. road weight limits heats up. \(Reuters\)](#)
- [Bus travel is back post-COVID, but trains are running behind. \(Axios\)](#)
- [Wisconsin senator introduces bill aimed at improving railroad service. \(Fright Waves\)](#)