

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

November 8, 2019

Agenda Item 4a

Tom Bulger's Report

Subject: October 2019 Report from Washington, D.C. advocate.

Recommendation: Information

Attachments: Attachment A: Tom Bulger's Report – October 2019



Therese W. McMillan

October 2019 Monthly Washington, D.C. Report



To: Therese W. McMillian, Executive Director

From: Tom Bulger, President GRI

Date: October 28, 2019

RE: Monthly Report for October 2019

October was a relatively slow month in Washington, D.C. as Congress was not in session for two weeks. However, there were some important transportation-related developments, which are described below:

- **Another Continuing Resolution is Expected**
- **Senate Working on Fiscal Year 2020 Appropriations Bills**
- **Transit and Highway Cuts May Be Mitigated**
- **House Committee Hearing on Transportation Safety and Security**
- **Meetings**

Another Continuing Resolution is Expected

The government's current continuing resolution (CR) expires on November 21, 2019. The chances that the Senate will complete all 12 appropriations bills, including the Transportation, Housing and Urban Development and Related Agencies (THUD) bill, look dim. Further, even if the Senate can pass their spending bills, working out differences with the House-passed bills may not happen by the November 21, 2019 deadline.

We are hearing that another CR lasting until December 2019 or early 2020 may be enacted. Another possibility is that the President shuts the government down in response to the impeachment inquiry.

Senate Working on Fiscal Year 2020 Appropriations Bills

Last week, the Senate worked on a package of four appropriations bills, including the THUD bill. Passage is probable this week if all goes smoothly.

Currently, there are approximately 200 amendments that have been filed. The most challenging is an amendment by Senate Environment and Public Works Committee Chairman John Barrasso (R-Wyo.) that would repeal the \$7.6 billion rescission in federal highway funding that will be triggered next July 1, 2020. As a reminder, the last surface transportation authorization included this highway funding rescission in order to make the bill pencil out, at least in theory. Many transportation stakeholders have for years been urging Congress to repeal the rescission. If the rescission is repealed via the THUD bill, then it would put the bill \$7.6 billion over budget and could trigger government wide sequestration. This makes an appropriations bill an unlikely vehicle for repealing the rescission, but, as described below, we have heard that Congress may use another must-pass vehicle—the National Defense Authorization Act—to fix the issue, as noted below.

Of note, Senator Dianne Feinstein (D-Calif.) has an amendment that would prevent the Administration from taking back previously awarded high-speed rail funds.

Transit and Highway Cuts May Be Mitigated

In a bit of good news, we have heard that Congress will likely use the appropriations process to avoid an across-the-board 12 percent cut to federal transit programs that would otherwise occur because of a budgetary rule. In short, Highway Trust Fund (HTF) spending isn't allowed to exceed projected revenues and, once again, we're nearing the brink of HTF insolvency. The Mass Transit Account will run out of money first, so the short-term fix is only needed on the transit side. The House included a provision to avoid a cut in their THUD bill and, though a similar provision is not included in the Senate's bill, we have heard that support is building to ensure that a fix makes it into the final compromise spending bill.

Additionally, reports have identified that a repeal of the \$7.6 billion highway funding rescission could be attached to the 2020 National Defense Authorization Act (S.1790), which is currently in a House-Senate Conference Committee. Also in play in the defense bill conference is a provision that would cut federal mass transit funding to transit agencies that buy Chinese railcars and buses. The defense bill is operating under a December 31 reauthorization deadline.

House Committee Hearing on Transportation Safety and Security

On October 16, 2019, I attended a House Subcommittee on Highways and Transit about Transportation Safety and Security. The hearing focused on transportation network companies (TNCs). Uber and Lyft declined to testify. Congress can't regulate TNC's as this is the province of state and local governments.

Meetings

Continuous meetings with U.S. Conference of Mayors staff concerning building a case with the House Transportation and Infrastructure Committee to include in their Fixing America's Surface Transportation Act reauthorization a long-standing MTC priority—increased Surface Transportation Program Block Grant funding to metropolitan areas over 200,000 population.