

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

**November 12, 2021**

**Agenda Item 4d**

**Washington D.C. Legislative Update**

---

**Subject:**

November 2021 Report from Washington, D.C. advocate.

**Issues:**

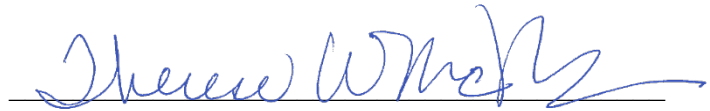
None identified.

**Recommendations:**

Information

**Attachments:**

- Attachment A: Summit Strategies Team Report – November 2021



Therese W. McMillan



SUMMIT  
STRATEGIES

440 1st Street, NW, Suite 440  
Washington, DC 20001  
(202) 638-3307 main  
(202) 595-9192 fax  
[www.summitstrategies.us](http://www.summitstrategies.us)

---

**Summit Strategies Team Report – November 2021**

---

**From: Summit Strategies Team**

**To: Therese McMillan, Executive Director**

**Date: November 10, 2021**

**Subject: November Federal Policy Monthly Report**

---

- **Democrats Pass Infrastructure, Scramble to Finalize Reconciliation**
  - **Senate Appropriations Bills Released**
  - **Agency Actions and Competitive Grant Update**
  - **National Transportation News Roundup**
- 

Below is a status update on issues of interest to MTC and the actions that we have taken to date.

---

### **Democrats Pass Infrastructure, Scramble to Finalize Reconciliation**

On November 5, House lawmakers approved the Senate-passed Infrastructure Investment and Jobs Act (IIJA) on a 228-to-206 vote. All but six Democrats voted yes, as well as 13 Republicans. The Democrats who voted no argued that passing the IIJA relinquished leverage over ongoing negotiations to finalize the Build Back Better bill (the reconciliation proposal). IIJA provides \$550 billion in new infrastructure spending and approximately \$1 trillion in total outlays.

Despite passing the bipartisan infrastructure package, Congress still faces pressure to address outstanding legislation before the end of the year. These priorities include passing the reconciliation measure, crafting annual appropriations bills, and avoiding the looming debt ceiling. On November 3, the House released an updated version of their Build Back Better bill (the reconciliation proposal), which expands upon the White House's \$1.75 trillion framework. While negotiations continue and the final package is likely to include adjustments, the outline provides valuable information. Notable provisions include:

- \$150 billion for housing investments, including:
  - \$25 billion for the Section 8 Housing Choice Voucher program
  - \$15 billion for the national Housing Trust Fund
  - \$10 billion for the HOME Investment Partnership grant program
  - \$10 billion to support down payments for first time home buyers
  - \$3 billion for the Community Development Block Grant program
  - Low Income Housing Tax Credit provisions to temporarily lift the ceiling on tax credit financing in California and other states that have hit their financing cap.
  - New housing tax credit to incentivize the rehabilitation of deteriorated homes in distressed neighborhoods.
- Surface transportation and resilience investments, including:
  - \$10 billion for High Speed Rail
  - \$10 billion for transit grants via a new Affordable Housing Access Program
  - \$4 billion for sustainable transportation grants via a new Community Climate Incentive Program

- \$4 billion for neighborhood access and equity grants, including funds to reconnect communities divided by highways
- \$4 billion to reduce air pollution at ports, port infrastructure and supply chain resilience
- \$20 billion for climate & resilience-focused civilian corps and workforce development
- Wildfire management grants, tax incentives, and other investments
- Investments in zero emission technology deployment, including:
  - \$12,500 electric vehicle (EV) tax credit and \$4,000 tax credit for purchases of used EVs
  - Alternative fuel charging tax credit
  - \$29 billion to support states and locals in rapid deployment of zero emission vehicles, clean buildings, and other zero emission technologies

While negotiators are working to bridge remaining divisions within the Democratic caucus, several issues remain outstanding. State and local tax deductions, prescription drug price reductions, paid leave, immigration, and revenue sources are among the provisions under negotiation. Despite these challenges, lawmakers, including pivotal moderate Senator Joe Manchin (D-WV), have indicated that they hope to pass a bill before the end of the month. However, uncertainty surrounding the release of a complete Congressional Budget Office (CBO) score further complicates these efforts.

### **Senate Appropriations Bills Released**

On Monday, October 18th, Senate Appropriations Committee Chair Patrick Leahy (D-VT) released the nine remaining fiscal year 2022 appropriations bills, including Transportation, Housing, and Urban Development (THUD). Ranking Member Richard Shelby (R-AL) issued a statement criticizing spending measures he characterizes as lacking bipartisan support. The move sets the stage for another omnibus package at the end of the year. Additionally, the White House reportedly contacted senior appropriators to facilitate cooperation.

The Senate version of the THUD bill would provide \$144 billion in total, compared to \$162 in the House-passed measure. The Senate proposal includes \$90.5 billion for the Department of

Transportation (DOT), while the House companion proposes \$105.7 billion. The House-passed bill would provide \$56.5 billion for the Department of Housing and Urban Development (HUD), relative to \$53.4 billion in the Senate proposal. All these figures are higher than the levels provided last fiscal year.

In the Senate bill, DOT would receive \$29.3 billion in discretionary spending. FTA would receive \$10.2 billion through the Highway Trust Fund (HTF) and \$757 million from the general fund. The Capital Investment Grant (CIG) program would get \$2.3 billion, including:

- \$1.4 billion for the New Starts program
- \$450 million for Core Capacity
- \$252.5 million for Small Starts
- \$100 million for expedited project delivery

Additionally, the legislation includes the following relevant provisions:

- FHWA would receive \$49.9 billion, including \$47.1 billion from the Highway Trust Fund. The bill would also provide \$2.8 billion from the general fund, \$839 million more than last year
- The bill would provide \$1.1 billion for the Rebuilding America's Infrastructure with Sustainability and Equity (RAISE) grant program, a \$90 million increase.
- FAA would receive Airport Improvement program would get \$603 million, a \$203 million boost
- The bill would give \$240 million to the Port Infrastructure Development program, \$10 million more than last year
- The legislation would invest more in transportation safety efforts, including \$50 million for a new program for local safety planning
- The Senate bill also earmarks \$953.2 million for projects requested by Senators

The report accompanying the FY 2022 THUD bill includes language instructing FTA to reevaluate the current calculation for determining railcar capacity under the Core Capacity program. The adjustment could make it easier for transit agencies to compete for funding through the program. The THUD report also contains 599 congressionally directed spending projects.

The Senate bill would provide \$3.3 billion for Homeless Assistance Grants, including:

- \$2.8 billion for renewal of 6,500 Continuum of Care (CoC) projects
- \$290 million for the Emergency Solutions Grants program
- \$107 million is for new targeted projects serving youth experiencing homelessness, including \$25 million for local capacity building to assist communities in improving their youth homelessness systems
- \$52 million for new CoC projects serving survivors fleeing domestic violence
- \$50 million for new CoC projects to provide new permanent supportive housing for individuals experiencing chronic or unsheltered homelessness

The measure would also provide \$1.45 billion for the HOME Investment Partnership program to increase affordable housing stock through increased development.

It would also provide \$51 billion for HUD rental assistance programs, including:

- \$27.7 billion for tenant-based Section 8 vouchers
- \$8.8 billion for public housing, including a historic \$851 million increase for capital funds to address accrued maintenance needs and priority capital improvements, including remediation of housing-related health hazards and energy efficiency and resiliency improvements to make sure tenants live in safe and sanitary conditions
- \$14 billion for project-based Section 8 rental assistance
- \$1.2 billion for Housing for the Elderly and Housing for Persons with Disabilities program

The legislation would also provide significant funding for programs to support marginalized groups to support equity.

Earlier this week, House Appropriations Chair Rosa DeLauro (D-CT) organized a meeting with Ranking Member Kay Granger (R-TX) and their Senate counterparts Chair Patrick Leahy (D-VT) and Ranking Member Richard Shelby (R-AL). The discussion sought to jump-start negotiations on annual spending bills ahead of the December 3 short-term government funding deadline. While Democrats are optimistic that they can strike an agreement, Republicans express skepticism around legislation they consider overly partisan. Senator Shelby has described the Senate proposals as only serving Democratic priorities and eschewing the traditional bipartisan process.

### **Agency Actions and Competitive Grant Update**

#### **California and DOT Announce Partnership on Supply Chain Infrastructure Program**

On Thursday, October 28, the USDOT announced a strategic partnership to help facilitate innovative projects and financing opportunities for multi-billion infrastructure improvements in California. This agreement allows California to expedite work on a network of related projects that collectively will help grow the economy, protect the environment, facilitate the movement of imports and exports, and bring supply chain processes into the 21st century to create resilience throughout the critical trade corridors of California and the U.S., including around San Pedro Bay and the Inland Empire.

#### **FTA Announces Path Forward for BART Phase 2 Project under the Expedited Project Delivery Program**

On Monday, October 25, the U.S. Department of Transportation's Federal Transit Administration (FTA) announced the first Expedited Project Delivery Pilot (EPD) Program to Santa Clara Valley Transportation Authority Bay Area Rapid Transit Silicon Valley Phase II Project. FTA issued a Letter of Intent to VTA announcing the intention to obligate funds for the project and laying out several conditions that VTA must meet within two years to allow the project to be considered for a Full Funding Grant Agreement.

### **DOT Announces Newly Released Biden Administration Climate Adaptation and Reliance Plan**

On Thursday, October 7, the U.S. Department of Transportation released its climate adaptation and resilience plan. The plan is focused on ensuring that federally supported transportation infrastructure—as well as USDOT programs, policies, and operations— both consider climate change impacts and incorporate adaptation and resilience solutions whenever possible. Among the priorities included in the USDOT Climate Adaptation and Resilience Plan:

- Incorporate resilience into USDOT grantmaking programs
- Enhance resilience through the project planning and development process
- Ensure resiliency of USDOT facilities and thousands of operational assets
- Ensure climate-ready services and supplies
- Improve climate education and research on resilience

[The entire plan can be found in this hyperlink.](#)

### **FTA Announces \$3.5 million Funding Opportunity for Innovative Coordinated Access and Mobility Grants**

On Thursday, October 7, the U.S. Department of Transportation's Federal Transit Administration (FTA) announced the availability of \$3.5 million in Fiscal Year 2021 competitive grant funding for projects that improve access to vital services for older adults and people with disabilities, and in low-income communities. [The announcement can be found in this hyperlink.](#) The Innovative Coordinated Access and Mobility (ICAM) pilot program supports public transportation projects that improve state and regional coordination and will help advance the goals of the President's Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government. Applications for Fiscal Year 2021 funding will be evaluated based on criteria outlined in the Notice of Funding Opportunity (NOFO) in the Federal Register, including how the project will enhance access and mobility to vital community services for older adults, people with disabilities, and people of low income. [The Federal Register's NOFO can be found in this hyperlink.](#) Applications are due on December 6, 2021



### **HUD Releases Agency Climate Adaptation and Resilience Plan**

On Thursday, October 7, the U.S. Department of Housing and Urban Development (HUD) released its climate adaptation and resilience plan to ensure its facilities and operations adapt and are increasingly resilient to climate change impacts. Some of the key points of the plan include:

- Updating climate risk data and research: HUD will update its policies and operations to create a more climate-resilient system. HUD's Office of Policy Development and Research will work to assess the effectiveness of current building efficiency codes and recovery programs and identify resilience best practices that the agency can adopt to promote investments in climate resilience.
- Reducing climate-related financial risks in mortgage financing: HUD is also exploring market strategies to incentivize both energy and water efficiency and climate-resilient building practices.
- Strengthening disaster recovery and resilience: HUD will update Disaster Recovery and Mitigation grant requirements to promote resilience and environmental justice, ensuring that communities recovering from disasters are more resilient in the future. HUD will also strengthen its floodplain management regulations to focus on increasing flood resilience, promoting environmental justice, improving fiscal security, and minimizing adverse impacts to the beneficial functions of floodplains and wetlands.

### **National Transportation News Roundup (links to articles)**

- [Build Back Bill contains nearly \\$20 billion for better transit and high-speed rail \(Mass Transit\)](#)
- [MTA checks subway fleet by manufacturer of faulty DC Metro trains \(AM NY\)](#)
- [U.S. Asks Transit Agencies to Conduct Inspections After Washington Subway Derailment \(USA Today\)](#)
- [Construction Firms, States Fret as Highway Patch Nears Lapse \(Bloomberg\)](#)
- [With negotiations ongoing, Congress moves to avert furloughs for thousands of federal transportation workers \(Washington Post\)](#)
- [Lawmakers split on next steps to secure transportation sectors against hackers \(The Hill\)](#)