

WSP Washington Update - May 23, 2019 - Interim Update

In very unfortunate news, the potential bi-partisan deal for a \$2T infrastructure bill has fallen apart. When Democratic congressional leaders arrived at the White House yesterday afternoon for the follow-up meeting with President Trump to discuss how to identify the necessary funding, the President called off the meeting and said that he would not work on an infrastructure bill until the Democrats stop investigating him and his Administration. Earlier in the week, the President had said he would not negotiate on an infrastructure bill until the controversial USMCA trade deal with Canada and Mexico had been ratified by Congress. This is not an unexpected outcome, but none the less very disappointing.

FY'20 US DOT Appropriations:

The House and Senate must agree on a new budget deal (preferably a two-year deal) to raise the defense and domestic budget caps in order to avoid a significant across the board cut in FY'20 funding referred to as sequestration. While the budget negotiations drag on, the House is taking the approach of moving ahead with its FY'20 federal agency appropriations bills in the absence of a budget agreement while the Senate has opted to wait until a deal is in place. The House THUD (US DOT) Appropriations Subcommittee approved its FY'20 appropriations bill this morning. House full committee action will take place after the Memorial Day recess. Here is a [link](#) to the text of the bill.

Program	FY'17 Enacted	FY'18 Enacted	FY'19 Enacted	FY'20 House Subcommittee Version
Highway Program	\$43.26B	\$47.5BB	\$49.3B	\$48.85B
BUILD (TIGER) Grants	\$500M	\$1.5B	\$900M	\$1B
FTA CIG Grants – New Starts/Small Starts/Core Capacity	\$2.41B	\$2.65B	\$2.55B Total - \$1.27B for New Starts, \$635M for Core Capacity, \$527M for Small Starts	\$2.3B – Fully funds all FFGAs, \$703M for proposed NS, \$300M for Core Capacity, \$431M for SS, \$50M for Expedited Project Del.
FTA Formula Grants	\$9.73B	\$10.5B	\$10.64B	\$10.8B
MARAD Port Infrastructure	NA	NA	\$293M	\$225M
FAA Airport Improvement Program (AIP)	\$3.35B	\$4.35B	\$3.85B	\$3.85M
Amtrak NEC	\$328M	\$650M	\$650M	\$700M
Amtrak National Network	\$1.16B	\$1.29B	\$1.29B	\$1.3B
FRA CRISI Grants	\$68M	\$593M	\$255M	\$350M
FRA SOGR Grants	\$25M	\$250M	\$400M	\$350M

Additional details in House bill:

FTA –

Transit Infrastructure Grants - \$750M from the General Fund to plus-up the following accounts:

- o \$389M for Bus and Bus Facilities grants (with a minimum award of \$1M)
- o \$94M for No and Low Emission Bus grants (with a minimum award of \$1.M)
- o \$250M for State of Good Repair grants
- o \$1M for the Altoona Bus Testing Facility
- o \$6M for operation and testing of bus testing facilities by institutions of higher learning
- o \$10M for competitive grants to eligible entities to assist with persistent poverty

Of the \$2.3B for the FTA CIG program, \$1.84B shall be obligated by December 31, 2021 and shall remain available until September 30, 2024.

FTA is to follow the statutory requirements for administering the CIG program. Any monies unallocated by December 21, 2021 shall be used for projects in Engineering at that date based; monies will be allocated by a formula based on project request and total pot of unallocated monies.

FTA is to provide within 90 days of enactment a list of projects for which it expects to issue an FFGA in FY'20 and similar information upon submission of the FY'21 budget.

No FTA monies can be used to request or require a project sponsor to have a maximum project share of less than 50 percent.

No FTA monies can be used to determine a maximum CIG share until at least 180 days after a project has entered into Engineering.

No FTA monies can be used to base a project cost using a probability of higher than 50 percent for projects in Project Development or Engineering.

BUILD -

Of the total \$1B allocated, \$15M of that is made available to be used on "the planning, preparation or design of projects eligible for funding under this heading, with an emphasis on transit, transit oriented development, and multimodal projects." Additionally, \$20M should be used for "the planning, preparation or design or projects eligible for funding under this heading located in areas of "persistent poverty."

The House has again mandated a 50/50 split between urban and rural areas and required that US DOT rely upon the selection criteria from the FY'17 Notice of Funding Opportunity.

Additionally, the bill mandates that US DOT not use Federal share or an applicant's ability to generate non-Federal revenue as selection criteria.

FHWA –

The House bill includes \$5M for a National Road Network Pilot Program.

FRA –

Within the \$700M for the NEC is \$5M for the Northeast Corridor Commission.

The bill provides \$10M for Mag Lev technology.

The bill requires that Notices of Funding Opportunity for the CRISI and SOGR discretionary grant programs be issued within 30 days of enactment and that project selections be announced within 180 days of enactment.

The bill prohibits any funding to be used to terminate a grant or cooperative agreement with the California High Speed Rail Authority or to deobligate funding or require the state of California to repay funding previously obligated and expended.