

December 1, 2015

5-Year Surface Transportation Conference Report Filed

Dear NEC Transportation Committee Member:

This afternoon, the Conference Report accompanying H.R. 22, the Fixing America's Surface Transportation (FAST) Act was filed in the House of Representatives after House and Senate conferees gave their final approval to the measure. Conference leaders from both the House and Senate released [a statement](#) describing the FAST Act as "a five-year, fully paid-for surface transportation reauthorization of federal highway, transit, highway safety, motor carrier safety, hazardous materials, and passenger rail programs. The bill reforms and strengthens transportation programs, refocuses on national priorities, provides long-term certainty and more flexibility for states and local governments, streamlines project approval processes, and maintains a strong commitment to safety."

The Conference Report will likely be voted upon and – barring unforeseen circumstances – adopted in the House of Representatives later this week. It is also anticipated that the Senate will have the Conference Report on its calendar thereafter, and could be adopted by Friday, which would coincide with the expiration of a short term authorization of transportation programs. As a rule, Conference Reports are "unamendable" and thus can only be voted upon in their entirety, up-or-down.

Upon filing the Conference Report, House and Senate transportation leaders made public the [1,300 page text](#), along with an [explanation of the agreed-upon provisions](#). In addition, [a summary](#) of the agreed-upon FAST Act Conference Report was included and the text as provided by the conferees is as follows:

SUMMARY – THE FAST ACT

The Fixing America's Surface Transportation (FAST) Act is five-year legislation to improve the Nation's surface transportation infrastructure, including our roads, bridges, transit systems, and rail transportation network. The bill reforms and strengthens transportation programs, refocuses on national priorities, provides long-term certainty and more flexibility for states and local governments, streamlines project approval processes, and maintains a strong commitment to safety.

ROADS & BRIDGES

- Facilitates commerce and the movement of goods by refocusing existing funding for a National Highway Freight Program and a Nationally Significant Freight and Highway Projects Program;
- Expands funding available for bridges off the National Highway System;
- Streamlines the environmental review and permitting process to accelerate project approvals, without sacrificing environmental protections;
- Eliminates or consolidates at least six separate offices within the Department of Transportation and establishes a National Surface Transportation and Innovative Finance Bureau to help states, local governments, and the private sector with project delivery;
- Increases transparency by requiring the Department of Transportation to provide project-level information to Congress and the public;
- Promotes private investment in our surface transportation system;
- Promotes the deployment of transportation technologies and congestion management tools;
- Encourages installation of vehicle-to-infrastructure equipment to improve congestion and safety;
- Updates research and transportation standards development to reflect the growth of technology.

PUBLIC TRANSPORTATION

- Increases dedicated bus funding by 89% over the life of the bill;
- Provides both stable formula funding and a competitive grant program to address bus and bus facility needs;
- Reforms public transportation procurement to make federal investment more cost effective and competitive;
- Consolidates and refocuses transit research activities to increase efficiency and accountability;
- Establishes a pilot program for communities to expand transit through the use of public-private partnerships;
- Eliminates the set aside for allocated transit improvements;
- Provides flexibility for recipients to use federal funds to meet their state of good repair needs;
- Provides for the coordination of public transportation services with other federally assisted transportation services to aid in the mobility of seniors and individuals with disabilities;
- Requires a review of safety standards and protocols to evaluate the need to establish federal minimum safety standards in public transportation and requires the results to be made public.

HIGHWAY & MOTOR VEHICLE SAFETY

- Focuses funding for roadway safety critical needs;
- Increases percentage of National Priority Safety Program states can spend on traditional safety programs;

- Ensures more states are eligible for safety incentive grant funds and encourages states to adopt additional safety improvements;
- Encourages states to increase safety awareness of commercial motor vehicles;
- Increases National Highway Traffic Safety Administration civil penalties cap;
- Increases funding for highway-railway grade crossings;
- Requires a feasibility study for an impairment standard for drivers under the influence of marijuana;
- Improves the auto safety recall process to better inform and protect consumers;
- Increases accountability in the automobile industry for safety-related issues;
- Prevents the rental of cars with safety defects.

TRUCK & BUS SAFETY

- Overhauls the rulemaking process for truck and bus safety to improve transparency;
- Consolidates truck and bus safety grant programs and provides state flexibility on safety priorities;
- Incentivizes the adoption of innovative truck and bus safety technologies;
- Requires changes to the Compliance, Safety, Accountability program to improve transparency in the FMCSA's oversight activity;
- Improves truck and bus safety by accelerating the introduction of new transportation technologies.

HAZARDOUS MATERIALS

- Grants states more power to decide how to spend training and planning funds for first responders;
- Requires Class I railroads to provide crude oil movement information to emergency responders;
- Reforms an underutilized grant program for state and Indian tribe emergency response efforts;
- Better leverages training funding for hazmat employees and those enforcing hazmat regulations;
- Requires real-world testing and a data-driven approach to braking technology;
- Enhances safety for both new tank cars and legacy tank cars;
- Speeds up administrative processes for hazmat special permits and approvals;
- Cuts red tape to allow a more nimble federal response during national emergencies.

RAILROADS

- Provides robust reforms for Amtrak, including reorganizing the way Amtrak operates into business lines;
- Gives states greater control over their routes, by creating a State-Supported Route Committee;
- Speeds up the environmental review process for rail projects, without sacrificing environmental protections;
- Creates opportunities for the private sector through station and right-of-way development;

- Consolidates rail grant programs for passenger, freight, and other rail activities;
- Establishes a Federal-State Partnership for State of Good Repair grant program;
- Strengthens Northeast Corridor planning to make Amtrak more accountable and states equal partners;
- Allows competitors to operate up to three Amtrak long-distance lines, if at less cost to the taxpayer;
- Strengthens passenger and commuter rail safety, and track and bridge safety;
- Preserves historic sites for rail while ensuring that safety improvements can move forward;
- Unlocks and reforms the Railroad Rehabilitation and Improvement Financing (RRIF) loan program;
- Includes reforms to get RRIF loans approved more quickly with enhanced transparency;
- Provides commuter railroads with competitive grants and loans to spur timely Positive Train Control implementation;
- Provides competitive opportunities for the enhancement and restoration of rail service;
- Increases the rail liability cap.

ADDITIONAL PROVISIONS

- Includes strongly bipartisan measures to simplify rules and regulations, aid consumers, enhance our capital markets, assist low-income housing residents, and help build a healthier economy;
- Includes bipartisan provisions to provide energy infrastructure and security upgrades;
- Streamlines the review process for infrastructure, energy, and other construction projects.

FINANCING PROVISIONS

- Includes fiscally responsible provisions to ensure the bill is fully paid for;
- Ensures the Highway Trust Fund is authorized to meet its obligations through FY 2020;
- Directs offsets from the FAST Act into the Highway Trust Fund to ensure fund solvency;
- Reauthorizes the dedicated revenue sources to the Highway Trust Fund, which periodically expire.

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