



December 4, 2015

House & Senate Pass 5-Year Surface Transportation Bill *President Expected to Sign Into Law*

Dear NEC Transportation Committee Member:

On Thursday, both Chambers of Congress adopted the Conference Report accompanying H.R. 22, the Fixing America's Surface Transportation (FAST) Act giving final congressional approval to a 5-year reauthorization of our nation's highway, bridge, transit, safety, and passenger rail programs. The House vote on the measure occurred on Thursday afternoon and passed by [a tally of 359 to 65](#). All twenty-one members of the six-state New England delegation voted in favor of the legislation. The vote in the Senate occurred on Thursday night and passed in that chamber by [a vote of 83 to 16](#). Ten of New England's twelve senators voted in favor of the legislation. Leaders in both the [House](#) and the [Senate](#) praised the passage of this Conference Report, with many noting that the last long-term surface transportation bill was considered by Congress 10 years ago.

As passed, this conference report will extend the gamut of federal surface transportation programs through the end of fiscal year (FY) 2020 and will provide funds totaling \$305 billion. The conference report renews the authority to collect the federal gas tax through fiscal year 2022, and allows the expenditure of funds from the Highway Trust Fund (HTF) through FY 2020. It sets overall obligation limits for federal highway and highway construction safety programs totaling \$221.9 billion in that timeframe, beginning with \$42.4 billion in the current fiscal year and climbing to \$46.4 billion for fiscal year 2020. For transit programs, the obligation ceiling from funds emanating from the HTF would total \$48.9 billion over the five year span of the bill beginning with \$9.35 billion in fiscal year 2016 and climbing to \$10.15 billion by fiscal year 2020.

To augment the funds from the HTF to pay for these programs, the conferees adopted language to transfer approximately \$70 billion from the general fund. To help pay for that transfer, lawmakers applied offsets from the Federal Reserve's surplus fund and a reduction to its dividend rate, as well as a sell-off from the Strategic Petroleum Reserve and an adjustment to Customs and Border Patrol user fees and a minimal transfer of funds from the Leaking Underground Storage Tank (LUST) Fund. There is no increase in the gas tax. Further, the conference report includes a continuation of environmental reforms from previous transportation laws to enhance and streamline project planning. In addition, the conference report contains a five-year

reauthorization of Amtrak with a particular emphasis on providing support to the Northeast Corridor rail network that serves Washington to Boston. Finally, the conference report includes language to renew the charter of the Export-Import Bank for 4 years.

The New England Council is pleased that Congress has acted on this legislation and that President Obama will sign this bill into law.

Please click on the highlighted portion to view the [1,300 page text](#) of the Conference Report and/or the conferees' [explanation of the agreed-upon provisions](#). In addition, you may access this [two-page summary](#) of the agreed-upon FAST Act Conference Report, or peruse the following text:

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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