

July 21, 2015

Senate Introduces 6-Year Surface Transportation Bill

Dear NEC Transportation Committee Member:

After months of discussion on how best to proceed on replacing the current surface transportation law, the Moving Ahead for Progress in the 21st Century Act ([MAP-21](#)), Senate leaders on Tuesday afternoon introduced the text of a six-year surface transportation bill. The Senate Environment and Public Works Committee posted [a summary](#) of the more than 1,000 page bill on its website. While the sponsors say this legislation ([H.R. 22](#)) contains six years of policy provisions, as introduced it only has [guaranteed funding](#) for 3 years. Lawmakers would need to find additional funding to make up the shortfall. The Senate is expected to spend the remainder of this week and a significant portion of next week discussing H.R. 22 and potential amendments to the bill.

House Speaker John Boehner (R-OH) has indicated that he will monitor the Senate debate on H.R. 22, and make a determination if the House would be able to accept what the Senate adopts as a final version of this bill. Last week, the House passed a five month \$8.1 billion extension of MAP-21 until December 18, 2015 for further discussions with the Senate on a long-term bill. It would maintain current funding levels for the programs under MAP-21's purview over that time while discussions occur.

Congress has until the end of the month until MAP-21 expires.

The following is the description of the bill as posted by the Environment and Public Works Committee:

Overview – Main Components of the DRIVE Act:

Infrastructure/Transportation (Environment & Public Works Committee):

The DRIVE Act builds on the success of the comprehensive reforms and performance-based approach to transportation investment included in the 2012 Moving Ahead for Progress in the 21st Century Act (MAP-21). It provides six years of increased funding, giving state and local governments the certainty and stability they need to improve and develop our nation's transportation infrastructure. These investments will create new jobs, provide a sustained boost to our nation's economy, and keep America competitive in the global marketplace. An overview can be found [HERE](#).

TITLE I:

- **Supports core formula programs:** The DRIVE Act reauthorizes the federal aid highway program, maintains formula program structure and increases the amounts each state will receive each fiscal year.
- **Prioritizes bridges and large facilities of national importance:** The DRIVE Act increases the funding to maintain bridges of national importance and shifts additional revenue towards the Interstate System and the National Highway System.
- **Dedicates funding for freight programs:** The DRIVE Act establishes a formula-based freight program and expands flexibility for both rural and urban areas to designate key freight corridors that match regional goods movement on roads beyond the Primary Highway Freight System.
- **Provides assistance for major projects:** The DRIVE Act provides funds for major projects of high importance to a community, region, or the nation through a competitive grant program.
- **Extends new user fee to electric vehicles:** The DRIVE Act ensures all users of the roads and bridges pay their fair share with a new federal share program initializing new state controlled user fees.
- **Funds rural land, federal lands and tribal projects program:** The DRIVE Act empowers states to work with the Department of Transportation to develop ways to effectively utilize flexibilities for small projects, with new options to bundle rural road and bridge projects to increase efficiencies and better respond to community needs. The bill also authorizes funds for nationally significant federal lands and tribal transportation projects.
- **Streamlines the environmental review process:** To make the NEPA process more efficient, the legislation cuts red tape and streamlines project delivery while improving collaboration between federal agencies.

TITLE II:

- **Supports transportation research:** The DRIVE Act advances education and welcomes innovation by requiring at least half of the grants in the Technology and Innovation Development Program to be distributed to outside entities. By focusing the research program on deployment and innovation, the DRIVE Act ensures that states and local governments will receive the most usable research products that will facilitate cost-effective and efficient project delivery in the future.
- **Enforces transparency:** The DRIVE Act includes new provisions to improve the transparency of how and where transportation projects are selected and funded, to ensure that stakeholders and the public have faith in the integrity of highway programs and the use of federal tax dollars. The legislation also ensures public accountability on Federal Highway Administration administrative expenses as well as progress towards achieving national goals and improving federal reviews of highway projects.

TITLE III:

- **Improves TIFIA program:** The DRIVE Act updates the Transportation Infrastructure Finance and Innovation Act (TIFIA) program and provides state and local governments new options for stretching transportation dollars and increasing efficiency and utilization. It also improves the process whereby a TIFIA loan can be used to capitalize a State Infrastructure Bank, providing increased leverage for small, rural projects that was previously unavailable.

Safety/Regulatory (Commerce Committee):

The bill's safety and regulatory title make important enhancements for safer highways as well as freight and passenger rail service through effective implementation of new technologies, new tools for federal safety watchdog agencies, reforming grant programs for states, and transparency that promotes accountability. An overview can be found [HERE](#).

- **Railroad Safety** – The bipartisan Railroad Reform Enhancement and Efficiency Act introduced by Sen. Roger Wicker (R-Miss.) and Sen. Cory Booker (D-N.J.) increases safety, improves infrastructure, facilitates the implementation of new technology, and cuts red tape.
- **Auto Safety** – Reforms focus on fixing both systemic problems at the federal government's troubled auto safety regulator by requiring the Secretary of Transportation to certify that fundamental reforms have occurred before any additional funding is authorized and providing new targeted authorities to protect the traveling public, increase consumer awareness, and hold the auto industry accountable for safety violations.
- **Reforming Grants and Project Permitting** – Building on the Obama Administration's proposed GROW AMERICA Act, the bill provides additional authority to streamline the delivery of infrastructure projects, consolidates state trucking enforcement grants to provide additional flexibility to states, and helps each state address unique safety and multimodal challenges for highways, railroads, ports, airports, and pipelines.

Public Transit (Banking Committee):

- Increases public transportation funding nearly \$2 billion over MAP-21 levels.
- Restores more than \$387 million to the Bus and Bus Facilities Program to bring the total program level back up to \$815 million by fiscal year 2021. This increase includes the reinstatement of a bus discretionary program totaling \$190 million per year to address the capital investment needs of transit systems across the country.
- Provides an additional \$862 million for Urbanized Area Formula grants to meet the increasing demands of public transportation systems across the country.
- Includes a 7.5 percent increase, or \$162 million, in fiscal year 2016 to allow public transportation agencies with rail fixed guideway systems to continue to address their most pressing state of good repair needs. The total program grows an additional \$292 million over the remainder of the authorization period.
- Streamlines the Capital Investment Grant program for projects employing innovative project delivery and financing methods by creating a new, expedited project delivery program for projects seeking minimal federal funding.
- Increases funding for rural areas by \$105 million, including additional funding for Public Transportation on Indian Reservations.
- Includes a dedicated program for the procurement of innovative vehicles and innovative vehicle technology for use in public transportation.
- Commits \$4 million annually to address training deficiencies and workforce shortages impacting the public transportation industry.
- Incentivizes innovative procurement methods for the purchase of public transportation vehicles by enabling state purchasing schedules, non-profit cooperative procurement

programs, and new leasing options.

- Grants the Federal Transit Administration the authority to set minimum safety standards to ensure the safe operation of public transportation systems.
- Permits revenue generated from value capture financing to be counted towards the local share of a project cost.

Federal Permitting Reform (Homeland Security/Governmental Affairs):

The Federal Permitting Improvement Act, which is included in the DRIVE Act, is modeled on the commonsense, bipartisan permit-streamlining reforms of the 2006 and 2012 transportation bills, recommendations from the President’s Jobs Council, and other recent studies on this issue. The bill would improve the permitting process for major capital projects in three ways: better coordination and deadline-setting for permitting decisions; enhanced transparency; and reduced litigation delays. The bill is limited to economically significant capital projects, defined based on the size of the total investment (more than \$200 million), or other projects likely to benefit from increased agency coordination. It covers major capital projects across sectors, including renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resources, broadband, pipelines, and manufacturing. An overview can be found [HERE](#).

Funding Sources:

The bill is fully offset with spending reductions or changes in federal programs. It does not increase the deficit or raise taxes. A list of how the legislation is funded can be found [HERE](#).

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