

## What's in the Senate Transportation Housing and Urban Development Budget?

This article covers:

Overview

- Specific discretionary programs (Transportation Investment Generating Economic Recovery (TIGER), Transit)

Report language on:

- Motorized vehicles on trails
- TIGER
- Safe Streets
- Storm resiliency
- Sustainable Transportation funding

### Overview

The Senate appropriations committee met last week and passed the Transportation Housing and Urban Development (THUD or T- HUD bill) appropriations bill out of committee. The next steps will be for the bill to get a vote on the floor of the Senate, and then to conference with the House bill. The votes on the Senate and House floor can be dangerous. That is, amendments have been introduced that would strip bicycle and pedestrian funding or eligibility. These votes will, at the earliest, come in September.

The bill, lead by sub committee chair Susan Collins (R-ME) and ranking member Jack Reed (D-RI) included increased funding for TIGER, transit and Amtrak. This is a stark difference to the House bill which zeroed out TIGER and cut the other programs. Both the House and Senate fully funded core programs covered by the Highway Trust Fund, including transportation alternatives, Congestion Mitigation and Air Quality (CMAQ) and Surface Transportation Block Grant Program (STBGP).

### **Funding levels for discretionary programs for Fiscal Year 2018**

(Funding in millions)	2017 Funding levels	President's Budget	House Budget	Senate Budget
TIGER	\$500	0	0	\$550
CIG Transit grants	\$2413	\$1232	\$1753	\$2133
Amtrak	\$1495	\$760	\$1428	\$1600
State Fed Partnership	\$25	\$26	\$500	\$26

How were Collins and Reed able to do that? First of all, they advocated for and won a higher overall number for the full THUD budget. The Senate budget was roughly \$1.5 billion higher than the House bill. This allowed for less cuts. They also did not set aside nearly as much funding for Gateway projects in the Northeast.

### **Specific programs**

#### **TIGER**

The Senate bill includes \$550 million for TIGER in fiscal year 2018. Since TIGER was created, the House has always underfunded or zeroed out funding for TIGER, and the Senate puts it back. This year is no exception.

### **TRANSIT**

The Senate bill includes a slight decrease to Capitol Investment Grants (New Starts and Small Starts). However, this is higher than the House and the cuts included in the President's budget. While the House included funding for transit projects that have signed funding agreements with the Federal Transit Administration in 2017, the House also sets aside \$400 million of CIG for Gateway projects - a set of projects between New Jersey and New York. The Senate bill does not specify funding for gateway projects but does include funding for any new FTA agreements signed in fiscal year 2018.

### **AMTRAK**

The Senate also included a slight increase for Amtrak, and includes report language directing some of this funding to go Gateway projects.

### **STATE-FEDERAL PARTNERSHIP PROJECTS**

This is a new program included in the Fixing America's Surface Transportation (FAST) Act to help with projects of national and regional significance, like the gateway projects. The Senate bill increases funding by only one million, while the House bill increased it significantly - from \$25 million to \$500 million. The chairman of the House appropriations committee is from NJ, and after the White House stated the federal government would pull out of its deal to help fund Gateway projects, the increased funding to this program in the House bill is believed to be an effort by the House legislators to reinvest federal funding for this.

### **REPORT LANGUAGE HIGHLIGHTS**

The appropriations bills are supposed to be only about funding levels, and not about policy, however lawmakers do give directives in the form of report language. Report language is not legislative language - it doesn't technically have the power of law. However, it is a directive from Congress to the agencies. It's as if your boss 'asks' you to do something...if you don't do it, there may be consequences in the future.

In addition to language directing DOT to use the same criteria and eligibility in TIGER, the Senate appropriators included report language on:

#### **Motorized Vehicles on Trails**

Section 217(h) of US Code Title 23 states that motorized vehicles are not allowed on trails and pedestrian walkways with the exception of a few cases (electric wheelchairs; maintenance; e-bikes and snowmobiles where local laws allow; and at the discretion of the Secretary of Transportation).

The Senate THUD bill includes report language that directs the Federal Highway Administration to, when limiting motor vehicle use, consider/research study of benefits to local economy of ATVs AND user response to ATVs being on the trail. I believe this is the first in a couple of different legislative actions to open trails to ATVs.

### **TIGER**

The bill includes report language directing US DOT to not change the criteria, eligible projects, or flow of funding for TIGER. (In testimony to Congress Secretary of Transportation Chao has stated she would restructure TIGER in conjunction with any new infrastructure initiative).

### **Safe Streets**

The committee included language on changes made in the FAST Act that: 1) allowed for the adoption of the NACTO urban streets guide, 2) required that all users be considered in the construction or reconstruction of all National Highway System non-interstate roads, and 3) directed the Secretary to encourage states to adopt complete street-like policies.

In the report language on the THUD bill, the committee directs the Federal Highway Administration (FHWA) to conduct training at state offices on topics relating to these FAST Act changes, including:

- Design guide/flexibilities allowed
- Lessons learned from Secretary Foxx's safer people/safer streets initiative
- Context sensitive solutions in planning
- Road diets
- The evolving use of level of service metrics in transportation analysis

### **Resilience to Natural Disasters**

The bill also requires the US DOT to report to Congress with recommendations to cities, states, and metropolitan planning organizations on how to improve resiliency of infrastructure to natural disasters and storms. The report will be due 12 months after the law passes.

### **Research Funds for Sustainable Transportation Funding**

The report language also directs the US DOT to ensure the "Notice of Funding Opportunity" (RFP) announcement for funds to research and test out alternative funding mechanisms for transportation (think Vehicle Miles Traveled pilots) to align with state legislative schedules to give states more time to apply. It also allows for more time for planning and research during the grant.

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