



Monthly Legislative Report – September 2021

September Advocacy Meetings

Chairman Peter DeFazio (D-OR) – We met with Congressman DeFazio, Chairman of the House Transportation and Infrastructure Committee, to discuss the prospects for the Infrastructure Investment and Jobs Act (IIJA) in the House. We specifically discussed the outlook for passing the IIJA before the House budget reconciliation package is finalized and potential changes to the House T&I's portion of the budget reconciliation bill.

Ranking Member Sam Graves (R-MO) – We met with Congressman Graves, Ranking Member of the House Transportation and Infrastructure Committee, and his senior committee staff the second week of September to discuss both the IIJA and the House T&I Reconciliation input and the outlook for a deal before the end of the fiscal year. We discussed support for the OCTA's infrastructure priorities, as well as the likelihood of an extension of the surface transportation authorizations in the FAST Act should that be necessary.

Congressman Garret Graves (R-LA) – We met with Congressman Garret Graves, another senior T&I Member, this month to discuss the infrastructure package in the House. We discussed the outlook for the bill's passage, and the possibility of a surface reauthorization extension. We discussed possible opportunities to provide input in the budget reconciliation process and the outlook for a final reconciliation passage in the House.

Congressman Lou Correa (D-CA) – We met with Congressman Correa and his staff multiple times this month to discuss FY22 appropriations, Surface Transportation Reauthorization, and the budget reconciliation process.

Office of Congressman Alan Lowenthal (D-CA) – We met with Congressman Lowenthal's senior staff to discuss House negotiations on the House budget reconciliation bill and the outlook on potential passage of the IIJA, as well as a possible extension of the FAST Act.

Office of Congressman Mike Levin (D-CA) – We have been in contact with Congressman Levin's office to discuss FY22 appropriations, the infrastructure package, and the budget reconciliation process. We discussed opportunities to provide input into the budget reconciliation process.

Office of Congresswoman Linda Sanchez (D-CA) – We met with Congresswoman Sanchez's legislative assistant to discuss FY22 appropriations and the budget reconciliation process in the House. We discussed the timeline for a final package, and how the negotiations with the Senate will be conducted. We also discussed support for tax provisions in the House Ways and Means' budget reconciliation draft that would extend the Alternative Fuel Tax Credit (AFTC) and reinstate of the tax-exempt status of the advanced refunding of bonds.

Congressman Pete Aguilar (D-CA) – We met with Congressman Aguilar and his senior staff to discuss FY22 appropriations and the process for negotiations during conference with regards to Members’ project requests. We also discussed the budget reconciliation process and the inclusions of funding for “local transportation projects” in a final bill that could be negotiated with the Senate.

Office of Congresswoman Young Kim (R-CA) – We met with Congresswoman Kim’s senior staff to discuss the FY22 appropriations process and the likelihood of GOP support for the IJA in the House.

Senator Dianne Feinstein (D-CA) – We met with Senator Feinstein’s office to discuss the timeline for FY22 appropriations in the Senate, and the need to increase funding for transit providers. We also discussed the budget reconciliation process in the Senate, and the outlook for a final deal.

Senator Alex Padilla (D-CA) – We have been in contact with Senator Padilla’s senior transportation staff to discuss the budget reconciliation process and FY22 appropriations. We discussed the outlook for the budget reconciliation process in the Senate, ongoing negotiations in the Democratic caucus.

Senate Appropriations Committee – We met with the Majority and Minority clerks for the Senate Appropriations Committee this month to discuss the timeline for the Senate’s bills, which are now expected to move through committee without subcommittee markups. We also discussed the process for considering House and Senate earmarks during conference negotiations.

FY22 Appropriations & Budget Reconciliation

On the last day of the fiscal year, September 30th, Congress passed a Continuing Resolution (CR) to fund the federal government. The CR ([H.R. 5305](#)) extends funding at existing levels through December 3rd, while also providing nearly \$35 billion in supplemental and emergency spending.

- The text of the bill (H.R. 5305) is [here](#).
- A summary of the bill is [here](#).
- A one-page fact sheet on the bill is [here](#).

As a recap, none of the 12 annual appropriations bills for FY22 have been signed into law. Thus far, the House has passed 9 of their 12 appropriations bills on the floor. The Senate has yet to pass any of their FY22 spending bills on the floor. In our conversations with Senate Appropriators and senior committee staff this week, we were told not to expect subcommittee markups on many (if any) Senate appropriations bills as they work to expedite the process and quickly bring a single package (or packages) of the 12 bills to the Senate floor for full consideration.

The enacted CR did not include an extension of the current surface transportation authorization (FAST Act), which briefly lapsed after the House failed to act on the Infrastructure Investment and Jobs Act (IIJA). A separate 30-day extension was enacted on October 2nd and can be found [here](#). This extension will expire on October 31st. Before October 31st House Democrats hope to pass IIJA and have a deal with the Senate to enact a budget reconciliation bill. At the time of this report, both the White House and House Democratic leadership have indicated that to pass IIJA a final budget reconciliation bill needs to be agreed to.

The \$3.5 trillion budget reconciliation package continues to face hurdles in Congress as Democratic Senators Manchin (D-WV) and Sinema (D-AZ) continue to oppose the package as proposed in the House. At the time of this report, negotiations are ongoing in the House and Senate and topline spending amounts may soon change as leaders work to secure support from both moderates and progressives.

Additionally, US Treasury Secretary Janet Yellen has issued a warning to Congress that a debt limit crisis is expected to occur by mid-October if no action is taken on the debt ceiling. The House-passed CR originally included a suspension of the debt ceiling through December 16th, 2022. Senate Minority Leader Mitch McConnell (R-KY) and 45 Senate Republicans opposed suspending the debt limit. As a result, the debt limit suspension was removed prior to Senate passage to secure the necessary votes to pass the CR and avoid a government shutdown on October 1st. House Democrats are considering a number of options to the debt ceiling issue to include transferring the authority of raising the debt ceiling from Congress to the Secretary of Treasury. The Debt Ceiling Reform Act introduced at the end of September by Rep. John Yarmuth (D-KY), chairman of the House Budget Committee, and Rep. Brendan Boyle (D-PA), the panel's vice chair, would eliminate the debt limit as we now know it and transfer the duty of raising the debt limit from Congress to the Secretary of the Treasury. This legislation has little chance of passing the Senate.

House T&I Hearing on COVID-19 and Transit

On September 30th, the House Transportation & Infrastructure Committee held a hearing entitled "*Assessing the Federal Government's COVID-19 Relief and Response Efforts and its Impact – Part II*". The purpose of the hearing was to examine testimony from industry groups and economists on the impacts of COVID-19 on the transportation sector, and the best paths forward. The economics of transportation investments was questioned by witness Michael Boskin, a professor of economics at Stanford University, who said that every \$1.00 invested in infrastructure only yielded a \$0.60 return. This statement received some attention from Chairman DeFazio, citing a S&P report that estimated a \$2.70 return for every dollar invested in infrastructure. A main topic for Republicans was the rate at which stimulus funding is being spent, and how it is being spent. While some Republicans were critical of the stimulus investments, a more common theme was a desire to see that transportation agencies are using their funding wisely. A full list of witnesses, their written testimony, and a video of the hearing can be found [here](#).

Senate Considers Senior DOT Nominees

On September 22nd, the Senate Commerce, Science, and Transportation Committee met to consider the nominations of the following DOT appointees:

- Victoria Marie Baecher Wassmer, to be Chief Financial Officer, DOT
- Mohsin Raza Syed, to be Assistant Secretary of Government Affairs, DOT
- Amitabha Bose, to be Administrator of the Federal Railroad Administration, DOT
- Meera Joshi, to be Administrator of the Federal Motor Carrier Safety Administration

Many of the senior roles at the Department of Transportation are still unfilled or are being led by “Acting” administrators who lack the necessary authority to make lasting decisions at the department. The last official to be confirmed for a senior DOT position was Carlos Monje Jr., who was confirmed in June to be the Under Secretary of Transportation Policy.

Federal Grant Opportunities

Federal Transit Administration

-FY 2021 Grants for Buses and Bus Facilities Program-

The Grants for Buses and Bus Facilities Program provides federal funding assistance to projects to replace, rehabilitate, purchase, or lease buses and related equipment and to rehabilitate, purchase, construct or lease bus facilities. Applications can include both vehicle and facility components, in addition to workforce development activities and the procurement of associated equipment. Funding recipients will be allowed to use up to 0.5 percent of funds for workforce development activities and 0.5 percent of funds for costs associated with training at the National Transit Institute. The Federal Transit Administration (FTA) will consider how projects will address significant repair and maintenance needs and improve the safety and efficiency of public transit systems. Additionally, the FTA may prioritize projects that support the strategic goals and initiatives of USDOT and FTA, including making investments in modern infrastructure and an equitable clean energy future, and advancing environmental stewardship and community partnerships.

Eligible Entities: Entities that allocate funds to fixed route bus operators, states, local governmental authorities that operate fixed route bus service, and Indian tribes.

Program Funding: \$409.59 million

Application Deadline: November 19th, 2021

Additional program information can be found [here](#).

-FY 2021 Route Planning Restoration Program-

The Route Planning Restoration grant program supports route planning designed to increase ridership and reduce travel times, while also expanding the number of vehicle miles

traveled in the planning period. Funds will support activities that increase the quality of vehicles and also provide expanded services to low-income riders and those in disadvantaged communities. Applicants are encouraged to partner with local government entities, non-profits, social service organizations, and housing agencies to identify areas in need and the best solutions to increase service. Applicants must have faced reduced ridership as a result of the COVID-19 pandemic.

Eligible Entities: Applicants must be eligible to receive funding under the FTA's Urbanized Area Formula Grants program) and applicants must have experienced a reduced transit ridership since the start of the COVID-19 pandemic.

Program Funding: \$25 million with an award ceiling of \$1 million

Application Deadline: November 15th, 2021

Additional program information can be found [here](#).

Federal Railroad Administration

-Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant Program-

The Consolidated Rail Infrastructure and Safety Improvements ("CRISI") grant program supports the improvement of rail safety, efficiency, reliability, and intercity passenger transit capabilities. Safety projects covered under the project include those that enhance grade crossings, relocate and improve rail lines, and install advanced safety technology. Other eligible projects include those that plan and perform environmental analysis, land research, and incorporate workforce development programs. In FY 2021 USDOT will prioritize projects that address climate change and environmental justice initiatives, address emission reduction, energy efficiency, and benefit low-income communities or communities that lack affordable transportation options.

Eligible Entities: States, Interstate Compacts, Public Agency or chartered authority established by one or more States, State Political Subdivisions (Counties, Cities), Class II railroads, Amtrak or other rail carriers that provide Intercity railroad transportation.

Total Program Funding Available: \$361 million

Application Deadline: November 29th, 2021

Additional program information can be found [here](#).