

Transportation/Aviation Update

August 2, 2019

*Steven O. Palmer, Vice President**David Haines, Director***NEXT WEEK**

August Recess. The House has recessed for its six-week August recess. The Senate recessed today and now begins its August recess. Both the House and Senate return September 9.

THIS WEEK**Senate**

Floor Vote: Debt Limit / Budget Agreement. On August 1, the Senate voted 67-28 to approve H.R. 3877, the Bipartisan Budget Act of 2019, legislation to increase the federal debt limit until July 31, 2021, to increase spending caps by \$324 billion over two years, and avoid budget sequestration. Bill text is [here](#). On July 25, the House voted 284-149 to approve the bill. The bill now goes to the President, who has said he will sign the bill.

- H.R. 3877 does not fund the federal government. Senate Appropriations Committee Chairman, Senator Richard Shelby, will use these new spending caps to allocate funds among the various FY 2020 appropriations bills. He will convene the Committee for a series of markup sessions in September. After that, the House and Senate Appropriations Committees will meet to reconcile differences in their respective funding bills. Fiscal Year 2020 starts on October 1.

Floor Vote: NTSB Nominations. On August 1, the Senate approved the nomination of Robert Sumwalt to serve another term as Chairman of the National Transportation Safety Board (NTSB). In addition, Jennifer Homendy was confirmed for a full five-year term.

Markup: America's Transportation Infrastructure Act. On July 30, the Environment and Public Works Committee voted 21-0 to advance S. 2302, the America's Transportation Infrastructure Act (ATIA). During the markup, the Committee approved on voice vote a substitute amendment and five non-controversial [amendments](#). Bill text is [here](#) and a section-by-section of the bill is [here](#). Some of the provisions of the bill include:

- The bill would provide \$287 billion in highway spending over FY 2021-2025. The majority of those funds (90 percent) would be distributed to the states by current formulas.
- It would authorize \$10.8 billion for programs addressing resiliency and other climate issues, including \$1 billion for electric, hydrogen, and natural gas vehicle charging and fueling infrastructure.
- It would authorize \$6 billion over five years for a new competitive bridge program.
- The bill would codify the President's "One Federal Decision" directing that DOT complete project environmental reviews and federal agency permitting within two a year period.
- The bill would authorize \$15 million per year to fund state and regional pilots testing "user-based alternative revenue mechanisms" to the gas tax.

- The bill would reauthorize the Diesel Emissions Reduction Act, for rehabilitating or replacing diesel-powered equipment and vehicles, and would create a new program to help reduce truck idling at ports.

Before S. 2302 is considered by the full Senate, several other Committees will need to develop their titles, including Finance (revenue), Banking, Housing and Urban Affairs (transit), Commerce, Science and Transportation (rail, motor carrier, and auto safety).

Markup: Highway Rescission. On July 30, the Environment and Public Works Committee approved S. 1992, legislation to repeal a planned FY 2020 rescission of \$7.6 billion in federal highway funds. This rescission was included in the FAST Act as a way to help offset expenditures. Repealing the rescission will restore the \$7.6 billion in FY 2020 and ensure that the baseline for highway spending is not reduced for FY 2021 and future years. Bill text is [here](#).

Hearing: PTC Implementation. On July 31, the Committee on Commerce, Science and Transportation held a hearing entitled, “Next Steps for Positive Train Control Implementation”. Testimony focused on whether the freight and passenger railroads would reach 100 percent compliance by the end of 2020, as Congress has mandated, as well as the inability of railroads to develop interoperable systems. Witnesses included Ron Batory, Administrator of the Federal Railroad Administration (FRA), and representatives from the Government Accountability Office, Wabtech Corporation, Metra, and BNSF Railway. Information on the hearing is posted [here](#).

Hearing: FAA Oversight. On July 31, the Appropriations Subcommittee on Transportation, Housing and Urban Development held a hearing on the FAA certification process of the Boeing 737 MAX aircraft. Senator Susan Collins, the Subcommittee Chair, expressed her concerns about the effectiveness of the FAA regulatory framework, adding that, while FAA’s safety oversight leadership has been damaged, she was waiting for reports by the NTSB and DOT Inspector General before reaching a final verdict. Witnesses included FAA officials including Carl Burleson, Acting Deputy Administrator; Winsome Lenfert, Administrator for Airports and Ali Bahrami, Associate Administrator for Safety. Testimony and the video of the hearing is [here](#).

Department of Transportation

FAA: Airport Enplanement/Cargo Data. On July 25, the FAA posted preliminary data on passenger enplanements and cargo landed weight data at U.S. airports in 2018. The data can be found [here](#).

FAA: AIP Grant Awards. On July 31, the FAA announced the award of \$478 million in airport improvement program (AIP) grants to 232 airports in 43 states. This is the fourth allocation of the \$3.18 billion in AIP funds in FY 2019. Information on these grants can be found [here](#).

FTA: Rural Transit. On July 31, FTA issued a Notice of Funding Opportunity for proposals under the agency’s Formula Grants for Rural Areas Program to select an organization to administer a National Rural Transit Assistance Program (RTAP). The National RTAP will design and implement training and technical assistance projects and other support services tailored to meet the specific needs of transit operators in rural areas. FTA is authorized to use two percent of funds appropriated for its Formula Grants for Rural Areas Program for research, technical assistance, training, and related support services in rural areas. Applications are due by August 30. The FTA notice is [here](#).

DOT: Civil Penalties. On July 31, DOT issued a final rule that provides the 2019 inflation adjustment to civil penalty amounts that may be imposed for violations of certain DOT regulations. The DOT modes covered by this rule includes the FAA, FRA, Federal Motor Carrier Safety Administration, Maritime

Administration, Pipeline and Hazardous Materials Administration, National Highway Traffic Safety Administration, St. Lawrence Seaway Administration, and Office of the Secretary. The rule is [here](#).

MARAD: Automated Transportation at Ports. On August 2, the Maritime Administration (MARAD) published a Request for Information (RFI) to solicit views from the public, including stakeholders, on a range of issues related to the safety effects, opportunities, challenges and impacts of automated transportation in a port environment. The RFI is [here](#).

MARAD: Marine Highway NOFO Extended. On August 2, MARAD extended the response time to the Notice of Funding Opportunity (NOFO) for the Short Sea Transportation Program, which provides grants that support the development and expansion of documented vessels, as well as port and landside infrastructure. The new application deadline is September 20. The notice is [here](#).

Department of Homeland Security

CISA: Aircraft Cybersecurity. On July 30, the Cybersecurity and Infrastructure Security Agency (CISA) in the Department of Homeland Security issued a public report stating that an aircraft's avionics can be exploited when an attacker has access to an aircraft. According to the report, an attacker could attach a device to avionics that could be used to inject false data, resulting in incorrect avionics readings. A pilot relying on instrument readings would be unable to distinguish between false and legitimate readings, which could result in loss of control of the affected aircraft. A summary of the report is [here](#).

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