



Transportation/Aviation Update
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NEXT WEEK

The Senate began the Second Session of the 116th Congress this week to session and the House will return on Tuesday, January 7. As of today, no transportation-related hearings have been scheduled for next week.

LAST MONTH

State of the Union. House Speaker Nancy Pelosi has invited President Trump to deliver the annual State of the Union address on Tuesday, February 4.

Final Passage: FY 2020 Budget. Before adjourning in late December, the House and Senate sent to the President two bills that funded the federal government through September 30, the end of FY 2020. Brief summaries of the transportation-related provisions are highlighted below.

Department of Transportation – The final bill provides \$86.2 billion in total for DOT, \$325 million below the 2019 enacted level. The Statement of Managers for DOT is [here](#). The bill includes:

- \$1 billion for **National Infrastructure Investments (TIGER/BUILD)**, \$100 million above the 2019 level. The bill ensures parity between urban and rural awards.
- \$5 million to start new **Highly Automated Systems Safety Center of Excellence**.

- \$17.6 billion for **Federal Aviation Administration**, \$166 million above the 2019 level.
 - \$1.4 billion for **Aviation Safety**, \$67 million above the 2019 level.
 - \$400 million for discretionary **Airport Improvement Grants**, which is provided along with the authorized \$3.35 billion, bringing the total to \$3.75 billion.
 - \$170 million for the Contract Tower Program.

- \$48.6 billion for the **Federal Highway Administration**. This fully funds the FAST Act authorization.
 - \$2.2 billion for discretionary **Highway Infrastructure Programs**
 - \$1.15 billion for a risk-based bridge rehabilitation and reconstruction program.

- \$2.8 billion for the **Federal Railroad Administration**, \$80 million below the 2019 level
 - \$325 million for **Consolidated Rail Infrastructure and Safety Improvements**, \$70 million above the 2019 level.



- \$200 million for **Federal-State Partnership for State of Good Repair**, \$200 million below the 2019 level.
- \$2 billion for **Amtrak**, \$58.4 million above the 2019 level.
- \$700 million for **Northeast Corridor Grants**, \$50 million above the 2019 enacted level.
- \$1.3 billion for **National Network Grants**, \$8.4 million above the 2019 level.
- \$12.9 billion for the **Federal Transit Administration**, \$503 million below the 2019 level.
 - \$1.978 billion for **Capital Investment Grants**, \$575 million below the 2019 level.
 - \$510 million for **Transit Infrastructure Grants**, which are provided in addition to the FAST Act authorized funding levels. This amount includes \$168 for formula bus grants, \$170 million for competitive bus grants, \$40 million for rural formula grants, \$75 million for low- and no-emission buses, and \$8.5 million for competitive grants to areas of persistent poverty.
- \$1 billion for the **Maritime Administration**, \$67.5 million below the 2019 level.
 - Includes \$225 million for the **Port Infrastructure Development Program**, \$67.7 million below the 2019 level. The President’s budget did not fund this program.

Department of Homeland Security. The Statement of Managers for the DHS section of the bill is [here](#). Transportation highlights include:

- \$14.9 billion for **Customs and Border Protection**, \$43.7 million below the FY 2019 level.
 - Includes \$104 million to support 800 new positions in the Office of Field Operations.
- \$4.9 billion for the **Transportation Security Administration**, \$53 million above the FY 2019 level.
 - The bill rejects the proposed increase to the airline passenger fee.
 - \$77.7 million to hire 1090 new Transportation Security Officers for airport screening.
 - \$68.6 million to deploy 320 new CT screening units.
 - \$83.5 million to continue TSA exit lane staffing.
 - \$59 million to sustain 31 Visible Intermodal Prevention and Response teams.
 - \$25.4 million to fund the Screening Partnership Program.

House

Floor Vote: Small Airports Mothers’ Rooms. On December 16, the House approved H.R. 3362, the Small Airports Mothers’ Rooms Act on a voice vote. The bill would require small-hub airports to construct areas for nursing rooms, giving them three years to comply with this requirement. The bill text and Committee report are [here](#).

Floor Vote: Smoking Ban on Amtrak. On December 16, the House approved H.R. 2726, the Banning Smoking on Amtrak Act of 2019 on a voice vote. The bill would prohibit smoking on board Amtrak trains, including smoking electronic cigarettes. The bill text and Committee report are [here](#).



Senate

Confirmation: NTSB Board Members. On December 19, the Senate confirmed Thomas Chapman and Michael Graham to be Members of the National Transportation Safety Board, which has five members. Mr. Chapman, who was confirmed for a seat that runs until the end of 2023, previously served on the staff of the Senate Aviation and Space Subcommittee. Mr. Graham, who was confirmed for a full five-year term, previously served as director, flight operations safety, security, and standardization for Textron Aviation.

Department of Transportation

DOT: Regional Freight Rail Loan Program. On December 13, DOT announced a new Railroad Rehabilitation and Investment Financing Express (RRIF Express) program intended to expedite applications for loans meant to modernize aging short line and regional freight railroads. The RRIF Express Program will be administered by the DOT's National Surface Transportation and Innovative Finance Bureau (Build America Bureau). The notice of funding availability is [here](#).

Inspector General: FAA ADS-B Equipage Mandate. On December 18, DOT's Inspector General issued a report on ADS-B Out equipage rates for aircraft. ADS-B Out allows an aircraft to broadcast its position to air traffic controllers using satellite-based GPS technology rather than ground-based radar and the FAA mandated all operators who intend on flying in most controlled domestic airspace install by January 1, 2020. The IG found that while equipage rates increased for all operators, they varied among the different segments of the industry, with 89 percent of commercial aircraft, 70 percent of international aircraft, and 51 percent of general aviation aircraft being deemed compliant. The IG report is [here](#).

FHWA: Uniform Relocation Assistance and Real Property Acquisition. On December 18, FHWA issued a Notice of Proposed Rulemaking (NPRM) to amend and update its regulations to reflect experience with the Federal-aid highway program since the last comprehensive rulemaking for the part, which occurred in 2005. The updates include streamlining processes to better meet current Uniform Act implementation needs and eliminating duplicative and outdated regulatory language. Comments are due March 17. The NPRM is [here](#).

DOT: Blocked Rail-Grade Crossings. On December 20, FRA launched a web site intended to allow individuals to report blocked rail-grade crossings, including the date, time, location and duration of blocked crossings. The data FRA collects could be used to corroborate problems where communities seek federal funds for grade separation projects. The web page is [here](#).

DOT: National Freight Strategic Plan. On December 27, DOT issued a Request for Information (RFI) seeking input for the development of a National Freight Strategic Plan, which was required by Congress in the FAST Act. DOT is seeking information from the public, including stakeholders (e.g., State and local agencies, private owners and operators, industry trade groups, shippers and beneficial cargo owners, etc.) to aid development of the National Freight Strategic Plan. Comments are due February 20. The RFI is [here](#).



DOT: Air Ambulance and Patient Billing. On December 30, DOT announced a January 15 meeting of the Air Ambulance and Patient Billing Advisory Committee. The Advisory Committee was created by Congress in the FAA Reauthorization Act of 2018, to review options to improve the disclosure of charges and fees for air medical services, better inform consumers of insurance options for such services, and protect consumers from balance billing. The meeting notice is [here](#).

FAA: Remote Identification of Drones. On December 31, FAA issued a Notice of Proposed Rulemaking to require the remote identification of unmanned aircraft systems. The proposed rule would establish requirements for the remote identification of unmanned aircraft systems (UAS) operated in the airspace of the United States. Remote identification is the ability of a UAS to provide identification and location information for people on the ground and other airspace users. The proposed rules call for a new tracking network for everything from toys to larger commercial drones so that law enforcement can spot the devices flying anywhere, from congested urban areas to the most rural zones. The FAA is proposing that private companies approved by the agency would set up tracking systems for drones, replicating the existing air-traffic control system for traditional aircraft. The FAA Remote ID NPRM is [here](#). Comments are due March 2.

DOT: Rural Opportunities. On December 31, DOT announced it was extending the comment period to its Request for Information on unmet transportation infrastructure needs in rural transportation, barriers that rural communities face in addressing these needs. The new deadline for submitting comments is January 27. The notice is [here](#).

FRA: Rail Integrity and Rail Safety Standards. On December 31, FRA issued a NPRM proposing to revise the minimum safety requirements for railroad track. According to FRA, the proposed revisions would benefit track owners, railroads, and the public by reducing unnecessary costs and incentivizing innovation, while not negatively affecting rail safety. Comments are due March 2. The NPRM is [here](#).

FRA: Restoration and Enhancement Grant NOFO. On January 2, FRA issued a notice with additional funds and extending the application deadline for the Restoration and Enhancement grant program. The funding increase and extension is due to the completion of the FY 2020 appropriations. The original due date for applications was January 6; applications are now due by February 5. The announcement is [here](#).

FAA: Accessible Lavatories on Small Aircraft. On January 2, DOT issued a NPRM proposing measures for improving accessibility of lavatories on single-aisle aircraft for passengers with disabilities. These improvements include changes to the interior of the lavatory, additional services that airlines would provide with respect to lavatory access, training requirements, and improvements to the aircraft's onboard wheelchair. Comments are due by March 2. The NPRM is [here](#).

Government Accountability Office

Report: Unmanned Aerial Systems. On December 27, the Government Accountability Office (GAO) issued a report examining the costs of integrating unmanned aerial systems (UAS) into the national



airspace and ways to recover those costs. Congress, in the FAA Reauthorization Act of 2018 directed GAO to examine 1) FAA efforts to track the costs of current and planned activities related to UAS and 2) key considerations and options for designing user fee mechanisms that could recover FAA's costs. The report and recommendations are [here](#).

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