



NEXT WEEK

The 117th Congress will adjourn sine die today. The 118th Congress will convene on Tuesday, January 3.

THIS WEEK

Senate

Final Passage: FY 2023 Omnibus Appropriations Bill. On December 23, the House voted 225-201 and on December 22, the Senate voted 68-29 to approve the omnibus funding bill for FY 2023. Funding runs through September 30, 2023.

For the Transportation, Housing and Urban Development (THUD) Subcommittee here are the accompanying [Summary](#), [Fact Sheet](#), and [Explanatory Statement](#), with all earmarks included in the latter document.

The THUD Subcommittee portion of the bill includes:

- \$800 million for **RAISE** grants (which will be combined with the \$1.5 billion provided in the IJA), including not less than \$20 million for grants to assist areas of persistent poverty and historically disadvantaged communities.
- **FAA** will receive \$19 billion, \$564 million above FY 2022, including \$1.6 billion for Aviation Safety and \$558.6 million for discretionary Airport Improvement Grants, as well as \$3.35 billion in annual AIP grant funds.
- \$62.9 billion for **FWHA** for formula programs funded from the Highway Trust Fund that improve the safety and long-term viability of our nation's highway systems, consistent with the Infrastructure Investment and Jobs Act, and \$3.4 billion for Highway Infrastructure Programs and projects.
- \$873.6 million for the **Federal Motor Carrier Safety Administration** and \$1.2 billion for the National Highway Traffic Safety Administration to make trucks, cars, and the nation's roads safer, consistent with the Infrastructure Investment and Jobs Act.
- Advances the safety and reliability of **passenger and freight rail systems** by providing \$3.4 billion for FRA, an increase of \$78.9 million above FY 2022. This includes a total of \$560 million for the Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program, \$25 million above FY 2022, in addition to \$1 billion in FY 2023 advance appropriations. It also provides \$2.45 billion for Amtrak, \$121.6 million above FY 2022, including \$1.26 billion for Northeast Corridor Grants and nearly \$1.2 billion for National Network Grants.

- \$16.9 billion for **FTA**, including \$13.6 billion for Transit Formula Grants to expand bus fleets and increase the transit state of good repair, consistent with the IIJA; \$2.6 billion for Capital Investment Grants (which combined with the IIJA funds will mean a program level of \$4.2 billion); and \$542 million for Transit Infrastructure Grants and projects, to assist transit agencies in purchasing low and no emission buses, improving urban and rural ferry systems, and carrying out local projects.
- \$896.1 million for the **Maritime Administration**, \$56.4 million above the President's budget request, including \$318 million for the Maritime Security Program, \$60 million for the Tanker Security Program, and \$120.7 million to assist State Maritime Academies, including \$75 million for shore-side infrastructure. It also provides \$212 million for the Port Infrastructure Development Program, in addition to \$450 million in FY 2023 advance appropriations.
- Increases for **Research and Technology** to expand research on ways to create more equitable access to transportation systems, combat climate change, and reduce greenhouse gas emissions, including funds for the Advanced Research Projects Agency–Infrastructure (ARPA-I). An additional \$5 million to support the Highly Automated Systems Safety Center of Excellence to coordinate DOT's technical expertise around automated systems.
- The bill includes 7,234 **earmarks** totaling \$15.3 billion requested by 235 Members of Congress and 59 Senators on both sides of the aisle. A spreadsheet of all earmarks is [here](#). The THUD bill includes the most earmarks - 2,389 projects totaling almost \$5.6 billion.

Transportation Policy Provisions

Among the many policy provisions in the bill are:

- **Aviation Preparedness Plan.** Language was included that directs DOT to develop a national aviation preparedness plan for communicable-disease outbreaks, similar to H.R. 884, which passed the House in September.
- **Infrastructure Oversight.** The Government Accountability Office (GAO) will get \$5 million to conduct oversight of the Infrastructure Investment and Jobs Act, including investigations and audits.

Transportation Amendment Adopted

COVID Relief Flexibility. Among the amendments adopted by the Senate was one offered by Senators Alex Padilla (D-CA) and John Cornyn (R-TX) to allow state and local governments to use Covid relief funds enacted in March 2021 for additional infrastructure projects. The deadline for spending the relief funds was extended to September, 30, 2026. It was approved on a voice vote.

- Originally, the Infrastructure Investment and Jobs Act limited the use of COVID relief funds for water infrastructure projects. This change makes funding available for MPOs, transit, freight and highway projects, bridge investment, congestion mitigation, alternative fueling corridors, resiliency, and other projects outlined in the legislation. Operating expenses would not be considered an eligible expense.

House

Ranking Democrats Named. Incoming House Minority Leader, Representative Hakeem Jeffries (D-NY) announced the ranking minority members for the 118th Congress. Subcommittee leadership and membership will be announced in January.

- Transportation and Infrastructure – Rep. Rick Larsen (D-WA)
- Appropriations – Rep. Rosa DeLauro (D-CT)
- Ways and Means – Rep. Richard Neal (D-MA)

- Science, Space and Technology – Rep. Zoe Lofgren (D-CA)
 - The Science Committee has jurisdiction over aviation and transportation research programs.

Department of Transportation

FRA: Northeast Corridor NOFO. On December 22, FRA announced a Notice of Funding Opportunity (NOFO) making available nearly \$9 billion in funding to upgrade and expand passenger rail services along the Northeast Corridor (NEC). These funds will be issued through the Federal-State Partnership for Intercity Passenger Rail Grant Program. The NEC Partnership Program NOFO will be published in the *Federal Register* on December 27; the NOFO is [here](#). Applications are due no later than 90 days after the publication date in the *Federal Register*,

DOT: Rural Surface Transportation Grants Awarded. On December 21, DOT announced the award of \$273.9 million to 12 projects under the Rural Surface Transportation Grant Program. This new grant program is intended to help communities complete transportation projects that will increase connectivity, improve safety and reliability, support regional economic growth, and improve the quality of life for people living in rural areas. The list of grant recipients and project descriptions is [here](#).

FAA: Lithium Battery Ban. On December 21, FAA [published a final rule](#) related to the safe air transport of lithium cells and batteries. The final rule prohibits the transport of lithium ion cells and batteries as cargo on passenger aircraft; requires all lithium ion cells and batteries to be shipped at not more than a 30 percent state of charge on cargo-only aircraft and limits the use of alternative provisions for smaller lithium cells or batteries to one package per consignment. The Rule becomes effective on January 20.

FRA: Corridor Identification and Development Program. On December 20, FRA announced that it will begin soliciting proposal for its \$1.8 billion Corridor Identification and Development Program, in the IIJA to create new passenger rail corridors across the country. FRA will prioritize projects “that bring tangible public benefits” with an emphasis on rural and underserved communities. Project proposals must be submitted to FRA by March 20. The Federal Register notice is [here](#).

FTA: All Station Accessibility Grants Awarded. On December 19, FTA announced 15 grants for \$686 million to projects in nine states to help make it easier for people with disabilities and mobility needs to access some of the nation’s oldest and busiest rail transit systems through upgrades. FTA combined the FY 2022-2023 funds under the first round of funding from the new All Stations Accessibility Program, which is designed to improve the accessibility of transit rail stations so everyone, including those who use wheelchairs, push strollers, or cannot easily navigate stairs, can reliably access the rail systems in their communities. The project profiles of the grant recipients are [here](#).

Environmental Protection Agency

Final Rule: Heavy-Duty Vehicle Emissions: On December 20, the EPA issued a Final Rule establishing new limits on pollution from heavy-duty trucks, with requirements reducing smog- and soot-forming emissions. The new standards, which is the first update to clean air standards for heavy duty trucks in more than 20 years, are more than 80 percent stronger than current standards. The changes would apply beginning in model year 2027. The agency is now pursuing new greenhouse gas emissions limits on heavy-duty trucks separately. The Final Rule, fact sheets and background information are [here](#).

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