



# TGA ASSOCIATION MANAGEMENT SOLUTIONS, LLC

**TO:** Railway Systems Suppliers, Inc. (“RSSI”)  
**FROM:** TGA Association Management Solutions, LLC (“TGA AMS”)  
**RE:** Monthly Legislative Report for January 2024  
**DATE:** January 31, 2024

## KEY UPDATES

- Third Continuing Resolution (CR) of FY24 to fund transportation appropriations runs out on March 1, 2024
  - House and Senate working to finalize a bill before this deadline
- No floor vote was held in Senate on the Railway Safety Act
  - One year anniversary of East Palestine coming up, bill sponsors using opportunity to try to reinvigorate this legislative effort
- Railroad Day on Capitol Hill is scheduled for May 8, 2024. See more [here](#)
- Federal discretionary grants:
  - January 25, [USDOT announced](#) MEGA and INFRA grant awards
  - New FRA grant NOFO and award tracker out soon
  - USDOT calendar for key NOFOs [here](#)
    - FRA Rail Crossing Elimination (RCE) grant program NOFO expected Spring 2024
    - FRA CRISI grant NOFO expected Spring 2024
  - RAISE NOFO released on November 30, applications due February 28, 2024

## FY2024 APPROPRIATIONS

- The third CR of the year will continue to fund government operations in a two-tiered approach or “laddered” approach, and it also avoids the immediate threat of a government shutdown. That is, federal funding for: Agriculture-FDA, Energy and Water, Military Construction-VA, and Transportation-HUD is extended to **March 1, 2024**, while the remaining eight federal agencies (CJS, Defense, FSGG, Homeland Security, Interior, LHHSED, Legislative Branch, and State-Foreign Operations) are to be funded through **March 8, 2024**
  - Congress must pass FY24 approps bills before the dates above or risk a government shutdown
- The House Appropriations Committee approved their bill ([HR 4820](#)) on July 18, with a vote of 34 to 27, and the Senate approved their bill ([S 2437](#)) on July 20, with a vote of 29-0. Previously, on March 9, President Biden released his [FY2024 proposed budget](#)
  - A listing of [House Community Project Funding](#) requests can be found [here](#), and a listing of [Senate Congressionally Directed Spending](#) projects can be found [here](#)
- See current Appropriations table below for more details:

	Final Omni FY23	IJA Advance Approps FY24	Biden Budget Req. FY24	House FY24	Senate FY24
USDOT RAISE	\$800m	\$1.5b	\$0	\$0	\$800m
USDOT MEGA	\$0	\$1b	\$1.22b	\$0	\$0
USDOT INFRA	\$0	\$1.64b	\$0	\$0	\$0

Amtrak NEC	\$1.260b	\$1.2b	\$1.227b	\$99.23m	\$1.14b
Amtrak National Network	\$1.193b	\$3.2b	\$1.841b	\$776.4m	\$1.31b
FRA CRISI	\$560m	\$1b	\$510m	\$258.5m	\$572.9m
FRA Fed-State Partnership	\$100m	\$7.2b	\$560m	\$0	\$100m
FRA Rail Restoration/Enhancement	\$0	\$0	\$50m	\$0	\$0
FRA Rail Crossing Elimination	\$0	\$600m	\$250m	\$0	\$0
FTA New Starts	\$2.21b	\$1.6b	\$2.85b	\$392.2m	\$2.45b
FTA Formula funds	\$13.6b	-	\$14b	\$13.99b	\$13.99b
WMATA Special Appropriation	\$150m	-	\$150m	\$150m	\$150m

## SURFACE TRANSPORTATION BOARD

- Current STB members:
  - **Chairman Martin Oberman (Democrat):** Former Chairman of Metra in Chicago. Named STB Chairman at the beginning of the Biden administration
  - **Robert Primus (Democrat):** Career Democratic staffer on Capitol Hill, formerly served as Chief of Staff to Rep. Nanette Barragan (D-CA), Rep. Michael Capuano (D-MA), and Rep. Tony Cardenas (D-CA)
  - **Karen Hedlund (Democrat):** former Obama FRA Deputy Administrator
  - **Patrick Fuchs (Republican):** Former Senate Commerce Committee staffer under Chairman John Thune (R-SD) who is well versed on regulatory issues affecting the railroad industry. He has been very friendly to freight railroads and we know where he stands on the issues
  - **Michelle Schultz (Republican):** Previously spent 14 year in leadership roles with SEPTA and had a career in law before that
- On January 25, President Biden [nominated](#) Patrick Fuchs to serve a second term
  - Fuchs' nomination will likely be paired with the Democratic nominee to replace outgoing Chair Oberman
- On November 16, at the Railtrends conference, STB Chairman Oberman announced he will not seek another term on the STB but will remain on STB through the holdover authority until his replacement is named and confirmed
- On November 13, the STB [announced](#) that it is establishing a Passenger Rail Advisory Committee
- On September 5, the STB published a [Notice of Proposed Rulemaking](#) on reciprocal switching. On November 21, the STB [announced](#) it was extending the comment period until December 20
  - See AAR response [here](#)
- Regarding CP-KCS, on March 15 the STB [approved CP-KCS merger with conditions](#)

## RAIL SAFETY LEGISLATION/ACTION

- With one year anniversary of East Palestine, OH incident on Feb 3, 2024, President Biden will make a visit and proponents of this rail safety legislation will try to reinvigorate some momentum to try to pass a bill.
- Railway Safety Act of 2023 (S. 576) was introduced on March 1, 2023 by Senators Vance (R-OH), Brown (D-OH), Fetterman (D-PA), Casey (D-PA), Hawley (R-MO), and Rubio (R-FL)
  - [Revised bill](#) passed out of the Senate Commerce Committee by a vote of 16-11
    - Bill did not receive a vote on the Senate floor
  - House T&I is possibly writing its own version of the bill, likely to be after the release of the final NTSB report (est. June 2024)

- RAIL Act (H.R. 1633) was introduced on March 17 by Reps. Johnson (R-OH) and Sykes (D-OH)
- FRA Rail Safety Advisory Committee (RSAC) held a special meeting on March 27 in response to the NS East Palestine, OH derailment
- Reps. Stansbury (D-NM) and Bowman (D-NY) released a labor and [rail safety bill](#) on September 19

## TRUCK SIZE & WEIGHTS

- On May 23, the House Transportation and Infrastructure Committee passed two bills H.R. 3372 and H.R. 2948, both of which would allow heavier trucks on the interstate highway system. H.R. 3372 would allow states to increase the allowed weight of a commercial motor vehicle operating on interstate highways from the current maximum weight of 80,000 pounds up to 91,000 pounds. H.R. 2948 (CARS Act), would increase the permissible weight of an auto transporter by 10 percent, up to 88,000 pounds. See [ASLRRA letter](#) to the House Transportation and Infrastructure Committee and a Coalition Against Bigger Trucks (CABT) [letter](#) to committee leaders urging them to reject truck size increases.

## INFRASTRUCTURE BILL (IIJA)/BIPARTISAN INFRASTRUCTURE LAW (BIL)

See links below for some helpful summaries of programs and provisions contained in the IIJA/BIL:

<a href="#">CRS Report on Highway and Transit funding in IIJA (NEW)</a>	
<a href="#">WH technical asst guide</a>	<a href="#">USDOT BIL NOFO Tracker</a>
<a href="#">Section 130 program BIL fact sheet</a>	<a href="#">Brookings Online Hub</a>
<a href="#">CRS Report on FHWA programs in IIJA</a>	<a href="#">CRS Report on passenger rail programs in IIJA</a>
<a href="#">White House Guidebook</a>	<a href="#">Updated WH Fact Sheet</a>
<a href="#">White House Fact Sheet</a>	<a href="#">USDOT State Fact Sheets</a>
<a href="#">AASHTO IIJA Summary 9 15 2021</a>	<a href="#">APTA IIJA Passenger Rail Investment</a>
<a href="#">ARTBA IIJA Summary 8 2 2021</a>	<a href="#">FTA Key Priorities</a>
<a href="#">IIJA Summary</a>	<a href="#">CBO Score of IIJA</a>
<a href="#">National Association of Regional Councils</a>	<a href="#">Dept. of Energy IIJA Fact Sheet</a>
<a href="#">National Association of Counties NACo</a>	<a href="#">T&amp;I Links to Excel Apportionment Charts</a>
<a href="#">APTA IIJA Public Transportation Investment</a>	<a href="#">AASHTO Implementation Outline for IIJA</a>

## CONGRESSIONAL HEARINGS

- [January 18, 2024](#). The House Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines, and Hazardous Materials held a Full Committee hearing to discuss and receive testimony on matters pertaining to, "[Oversight and Examination of Railroad Grade Crossing Elimination and Safety](#)." [Committee Link and Testimony](#). **Covered by TGA AMS – Summary Available Upon Request**
- [January 17, 2024](#). The House Committee on Transportation and Infrastructure held a Full Committee hearing to discuss and receive testimony on matters pertaining to, "[The State of Transportation](#)." [Committee Link and Testimony](#). **Covered by TGA AMS – Summary Available Upon Request**

## U.S. DEPARTMENT OF TRANSPORTATION/FRA/FTA

- January 26, 2024. The Federal Railroad Administration (FRA) issued a [Final Rule](#) expanding regulations to require that railroads provide an appropriate atmosphere-supplying emergency escape breathing apparatus to every train crew member and certain other employees while they are occupying a locomotive cab of a freight train transporting a hazardous material that would pose an inhalation hazard in the event of release during an accident. The FRA advanced the rule after the Norfolk Southern Railway train derailment in East Palestine in February 2023. The final rule fulfills the mandate in the Rail Safety Improvement Act of 2008 that FRA issue regulations requiring railroads to provide EEBA's and training in their use.
- January 25, 2024. The US DOT [announced](#) more than \$4.9 billion in funding to 37 projects through two major discretionary grant programs, the [National Infrastructure Project Assistance \(Mega\) Grant Program](#) (\$2.045 billion) and the [Infrastructure for Rebuilding America \(INFRA\) Grant Program](#) (\$2.918 billion). The Department received 117 applications requesting \$24.7 billion in Mega funding and 190 applications requesting \$24.8 billion from the INFRA program, far exceeding the amounts of funding available. Within the INFRA awards was \$292 million in grants for truck parking. See a full list of Mega Program awards [here](#) and a full list of INFRA awards can be found [here](#).
- January 24, 2024. The US DOT (Office of the Secretary) issued a [Notice of Proposed rulemaking](#) (NPRM – and [here](#)) proposing to implement provisions of the Infrastructure Investment and Jobs Act (the "IIJA") that expand or modify the authorities applicable to the Railroad Rehabilitation and Improvement Financing ("RRIF") and Transportation Infrastructure Finance and Innovation Act ("TIFIA") programs, and make other necessary updates, by amending the RRIF program and TIFIA program regulations. **Comments are due by February 24, 2024.**
- January 24, 2024. The Surface Transportation Board (STB) issued a [Final Rule](#) that amends its emergency service regulations. Emergency service orders are designed to preserve rail service where there has been a substantial rail service issue or failure that requires immediate relief. If such a rail failure exists, the STB may 1.) direct the handling, routing, and movement of the traffic of a rail carrier and its distribution over its own or other railroad lines; 2.) require joint or common use of railroad facilities; 3.) prescribe temporary through routes; [and] 4.) give directions for—(A) preference or priority in transportation; (B) embargoes; or (C) movement of traffic under permits; or, *when the service failure is caused by a cessation of service by Amtrak, direct the continuation of operations and related functions.*
- January 17, 2024. The Federal Railroad Administration (FRA) published its "[FY 2023 Quarterly Report on the Performance and Service Quality of Intercity Passenger Train Operations.](#)" The report, covering the fourth quarter of FY 2023 from July 1, 2023 to September 30, 2023, includes data about Amtrak's on-time performance, minutes of delay, causes of delay, cost recovery, ridership, customer satisfaction, and station arrivals. The data in this report is provided to FRA by Amtrak. Past quarterly reports and other Intercity Passenger Rail Service Quality and Performance Reports can be found [here](#).
- January 12, 2024. Senator Chris Murphy (D-CT), et al, sent a [letter](#) to Senate Appropriation Committee leaders urging, "support [of] no less than \$100 million for the Federal Railroad Administration (FRA) Federal-State Partnership for Intercity Passenger Rail (IPR) grant program." The letter detailed the need for both Northeast Corridor and Non-NEC funding. The letter concludes, "we urge the Subcommittee to vigorously defend the \$100 million appropriation for FY 2024 for the Federal-State Partnership for IPR program."
- January 10, 2024. The General Accountability Office (GAO) issued a report entitled, "[Commuter Rail: Agencies' Estimates of Operations and Maintenance Costs for Positive Train Control \(PTC\).](#)" The GAO surveyed all 29 commuter rail agencies about the costs they incur to operate and maintain PTC. Of the 26 that responded, most told the GAO that it was challenging to

identify prior years' costs because PTC costs are integrated into other costs. Despite those challenges, more than half of those who responded were able to report their costs, which generally amounted to less than 5 percent of their total operations and maintenance costs. See highlights paper [here](#).

- January 10, 2024. The General Accountability Office (GAO) issued a report entitled, "[Discretionary Transportation Grants: DOT Should Improve Transparency in the Infrastructure for Rebuilding America Program](#)." The US DOT awarded \$1.5 billion in grants to 26 significant freight and highway projects in the FY 2022 Infrastructure for Rebuilding America program (INFRA). DOT combined some phases of the INFRA grant award process with 2 of its other competitive grant programs. [*DOT issued a combined NOFO and application for the INFRA, Rural, and Mega grant programs.*] The GAO found that US DOT has taken steps to improve the transparency of the INFRA award process—such as writing a new memo to explain the Secretary's grant award decisions. See highlights paper [here](#).
- January 3, 2024. The Surface Transportation Board (STB) issued a [Notice of Vacancies/Passenger Railroad Advisory Committee](#) (PRAC – and [here](#)). The Board is soliciting nominations from the public for candidates to fill these vacancies. The PRAC was officially formed on November 29, 2023, and currently has no members. The members of the PRAC will regularly serve a term of three years. However, under the PRAC charter, half of the initial PRAC members will serve a term of two years as designated by the Chair of the Board at the time of appointment. The PRAC will consist of 18 voting members who comprise a balanced representation of individuals knowledgeable regarding passenger rail transportation, freight rail transportation, commuter rail operations, and transportation public policy. Members are selected by the Chair of the Board with the concurrence of a majority of the Board. **Nominations for candidates for membership on the PRAC are due by February 5, 2024.**
- January 3, 2024. Federal Railroad Administration (FRA) has submitted its [Final Rule](#) on train crew staffing to the US Office of Management and Budget (OMB) for review, with the final rule potentially being released in March 2024. The rulemaking would address the potential safety impact of one-person train operations, including appropriate measures to mitigate an accident's impact and severity, and the patchwork of State laws concerning minimum crew staffing requirements. The rulemaking would address the issue of minimum requirements for the size of train crews, depending on the type of operations.
- December 26, 2023. The Federal Railroad Administration (FRA) issued a [Notice/Request for Comment](#) on whether to grant a waiver of its Buy America requirements to the Nevada DOT (NVDOT) for certain components that are not produced in the US for use in a high-speed passenger train project between Las Vegas, NV and Rancho Cucamonga, CA (Brightline West). FRA selected the project for funding under the Federal-State Partnership for Intercity Passenger Rail Program, and therefore, FRA's Buy America requirements apply to the project. The proposed waiver would apply to the trainset, signal systems, high-speed rail turnout and fire alarm systems based on the domestic nonavailability of such components, as identified by NVDOT's railroad operating partner Brightline West and the two potential suppliers (Alstom and Siemens) of the rolling stock and signaling systems for the project. NVDOT and Brightline estimate that over 95 percent of the total direct dollar expenditures for the project would be spent on domestically sourced products and labor, including 100% of the civil infrastructure costs. **Comments must be received by January 25, 2024.**

**Selected/Anticipated Transportation-Related NOFO Announcement Dates in 2024**

<b>Month Est.</b>	<b>Notice of Funding Opportunity (NOFO)</b>	<b>Operating/Admin. Office</b>
Winter 2024	<a href="#"><u>Railroad Crossing Elimination Grant Program</u></a>	FRA
Winter 2024	<a href="#"><u>Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program</u></a>	FRA
February 2024	<a href="#"><u>FY 2024 Federal-State Partnership – NEC/National</u></a>	FRA
Winter 2024	Transportation Access Pilot Program	FHWA
Winter 2024	Building Resilient Infrastructure and Communities Program	DHS/FEMA
Winter 2024	<a href="#"><u>FY 2022-23 Restoration &amp; Enhancement</u></a>	FRA
February 2024	<a href="#"><u>FY 2024 Safe Streets and Roads for All (SS4A) Program</u></a>	US DOT
Summer 2024	SMARTS Grants Stage 1	US DOT Office of the Sec.
Summer 2024	Smarts Grants Stage 2	US DOT Office of the Sec.

**POLITICAL ENVIRONMENT**

- Current split for the 118<sup>th</sup> Congress  
Senate: **51 Democrats** – **49 Republicans**  
House: **219 Republicans** – **213 Democrats**
- Many incumbents in both chambers and parties have announced their [retirements](#), many of which were announced in the last month