



TGA ASSOCIATION MANAGEMENT SOLUTIONS, LLC

TO: Railway Systems Suppliers, Inc. (“RSSI”)
FROM: TGA Association Management Solutions, LLC (“TGA AMS”)
RE: Monthly Legislative Report for December 2023
DATE: December 29, 2023

KEY UPDATES

- Continuing Resolution (CR) to fund transportation appropriations runs out on January 19, 2024
 - Congress must act by then to head off a government shutdown
- No floor vote was held in Senate on the Railway Safety Act in 2023
- Railroad Day on Capitol Hill is scheduled for May 8, 2024. See more [here](#)
- Federal discretionary grants:
 - FRA [grant NOFO/award tracker](#)
 - RAISE NOFO released on November 30, applications due February 28, 2024
 - FRA FSP-National grant awards were made earlier in December:
 - [NEC](#)
 - [National](#)
 - [Corridor ID planning grants](#)
 - USDOT MEGA grant awards imminent
 - FRA Rail Crossing Elimination (RCE) grant program NOFO expected in early January 2024
 - FRA CRISI grant NOFO expected early January 2024

FY2024 APPROPRIATIONS

- The second 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 **January 19, 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 **February 2, 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 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

- 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:

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

CONGRESSIONAL HEARINGS

- [December 13, 2023](#). The House Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit held a hearing to discuss and receive testimony on matters pertaining to “[Oversight of the Infrastructure Investment and Jobs Act: Modal Perspectives](#).” The hearing examined how the IIJA is being implemented by the modal administrations of US DOT. [Committee Link and Testimony](#). **Covered by TGA AMS – Summary Available Upon Request**
- [December 12, 2023](#). The House Committee on Transportation and Infrastructure held a Full Committee markup to approve an updated Committee roster. [Committee Link](#). **Covered by TGA AMS – Summary Available Upon Request**
- [December 7, 2023](#). The Senate Committee on Commerce, Science and Transportation held a Full Committee Executive Session to consider several [Presidential Nominations](#): i.e., Todd Inman to be a Member of the National Transportation Safety Board (NTSB), and several Coast Guard Promotions. The Committee approved J. Todd Inman to be a Member of the NTSB. The Committee’s approval of the nominee sets up a vote on the Senate floor. Senate Democratic leaders have yet to schedule a floor confirmation vote. [Committee Link](#). **Covered by TGA AMS – Summary Available Upon Request**

U.S. DEPARTMENT OF TRANSPORTATION/FRA/FTA

- December 20, 2023. The Federal Transit Administration (FTA) published an [Extension of Comment Period Notice](#) that is extending the comment period for the advance notice of proposed rulemaking regarding transit worker hours of service and fatigue risk management, published on October 30, 2023, with the original comment period closing on December 29, 2023.
- December 8, 2023. The Federal Railroad Administration (FRA) [announced](#) that it awarded \$8.2 billion for 10 passenger rail projects across the country. The program provides funding for capital projects that reduce the state of good repair backlog, improve performance, or expand or establish new intercity passenger rail service, including privately operated intercity passenger rail service. The [FY 2022-2023 Federal State Partnership](#) (National) Grant Program Selections funding was split via a total of \$4.5 billion in FY 2022/2023 funding, and an additional \$3.6 billion in funding under Phased Funding Agreements (the Secretary can enter into a multiyear funding agreements for prioritized projects.) for a total of \$8.2 billion. See a Pdf of the grant recipients [here](#). The FRA also announced 69 [FY 2022 Corridor Identification and Development Program](#) projects. The selections were awarded up to \$500,000 for further study and planning activities. The Corridor Identification and Development Program is a comprehensive intercity passenger rail planning and development program that guides intercity passenger rail development throughout the country.
- December 7, 2023. The Federal Railroad Administration (FRA) issued a [Notice of Proposed Rulemaking](#) (NPRM – and [here](#)) proposing to amend the Freight Car Safety Standards (FCSS) to implement section 22425 of the Infrastructure Investment and Jobs Act (Act). The Act places certain restrictions on newly built freight cars placed into service in the United States (U.S.) including limiting content that originates from a country of concern (COC) or is sourced from a state-owned enterprise (SOE) and prohibiting the use of sensitive technology that originates from a COC or SOE. The Act mandates that FRA issue a regulation to monitor and enforce industry’s compliance with the standards of the Act. **Comments are due on February 6, 2024.**
- December 6, 2023. The Federal Highway Administration (FHWA) issued a [Final Rule](#) (and [here](#)) amending FHWA’s regulations governing national performance management measures and establishes a method for the measurement and reporting of greenhouse gas (GHG) emissions associated with transportation (GHG measure). It requires State departments of transportation (State DOT) and metropolitan planning organizations (MPO) to establish declining carbon dioxide (CO2) targets for the GHG measure and report on progress toward the achievement of those targets. The rule does not mandate how low targets must be. **The final rule is effective January 6, 2024.**
- December 6, 2023. A [joint statement was issued](#) by the US Department of Energy, the US Department of Transportation and Transport Canada on taking action to reduce rail sector emissions. On the margins of COP28, United States Secretary of Energy Jennifer M. Granholm, United States Secretary of Transportation Pete Buttigieg, and Canada’s Minister of Transport, Pablo Rodriguez noted that, “Recognizing the important role transportation plays in reducing greenhouse gas emissions, the United States and Canada have created a **Rail Decarbonization Task Force** to develop a common vision to reduce emissions from the rail sector.”
- December 5, 2023. On Friday, December 7, FTA will update its [Transit Award Management System](#) (TrAMS) to include new and updated urbanized areas (UZAs) resulting from the 2020 Census. FTA will apportion FY 2024 formula funding – expected in the first quarter of 2024 -- based on this new Census data. To assist with the transition, FTA will provide a variety of resources, including a [summary document](#) describing the changes in further detail.
- November 30, 2023. Amtrak [announced](#) that in FY 2023, more than 28 million customers rode Amtrak nationwide, a 24.6 percent increase over FY 2022. In fact, FY 2023 4th Quarter NEC

ridership levels were 8 percent above pre-pandemic levels, demonstrating the strong velocity built over the Fiscal Year. State Supported ridership grew nearly 23%, serving more than 12.5 million customer trips. Full ridership can be found [here](#). Total Operating Revenue was \$3.4 billion, an increase of 20 percent over FY 2022, driven by higher ridership and ticket revenue across all service lines. Amtrak also partnered with renowned [restauranteur Stephen Starr](#) to elevate the Acela First Class dining experience, featuring popular items onboard from his restaurants along the NEC, and launched a [Cart Service pilot](#) on select Acela routes, featuring a new, wine-by-the-glass offering and exclusive fresh food options customers can purchase directly at their seat. Finally, Amtrak dedicated more than \$114 million to its ADA Stations Program, which has now brought 119 stations to full compliance and another 65 to compliance excluding platforms, which require additional work. Nearby Amtrak Ridership Table and Amtrak Operating Finances from the ENO Center for Transportation.

Selected/Anticipated Transportation-Related NOFO Announcement Dates in 2023

See [White House](#) Document on [Open/Upcoming NOFOs](#)

Month Est.	Notice of Funding Opportunity (NOFO)	Operating/Admin. Office
December 2023	Railroad Crossing Elimination Grant Program	FRA
Early Winter 2024	Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program	FRA
Fall 2023	Transportation Access Pilot Program	FHWA
Fall 2023	Building Resilient Infrastructure and Communities Program	DHS/FEMA
Winter 2023	Rebuilding America Infrastructure/Sustainability/Equity (RAISE) Gnt. – NOFO 11/30/23.	OST
December 2023	FY 2022-23 Restoration & Enhancement	FRA
Winter 2023	Innovative Coordinated Access & Mobility Program – NOFO 11/14/23.	FTA
February 2024	FY 2024 Safe Streets and Roads for All (SS4A) Program	US DOT
December 2023	Railroad Crossing Elimination Grant Program	FRA

POLITICAL ENVIRONMENT

- Current split for the 118th Congress
Senate: **51 Democrats** – **49 Republicans**
House: **221 Republicans** – **213 Democrats**
- Many incumbents in both chambers and parties have announced their [retirements](#), many of which were announced in the last month