



TGA ASSOCIATION MANAGEMENT SOLUTIONS, LLC

TO: Railway Systems Suppliers, Inc. (“RSSI”)
FROM: TGA Association Management Solutions, LLC (“TGA AMS”)
RE: Monthly Legislative Report for February 2024
DATE: March 1, 2024

KEY UPDATES

- Fourth Continuing Resolution (CR) of FY24 to fund transportation appropriations was passed before March 1 deadline and now runs out on March 8, 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 passed, President Biden [visited](#) East Palestine
- 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 here](#)
 - FRA Rail Crossing Elimination (RCE) grant program NOFO expected May 2024
 - FRA CRISI grant NOFO expected late March 2024
 - USDOT calendar for key NOFOs [here](#)
 - RAISE NOFO released on November 30, applications were due February 28
 - FTA Rail Vehicle Replacement [awards were announced](#) on February 21
 - FTA partial year FY2024 apportionments [were released](#) on February 29
 - House T&I Committee holding a hearing on IJJA grants on March 7

FY2024 APPROPRIATIONS

- The fourth 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 8, 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 22, 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	IJJA 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 visited EP 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 25, 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

- [February 15, 2024](#). The House Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit held a hearing to discuss and receive testimony on matter pertaining to, “[Implementation of Buy America Provisions: Stakeholder Perspectives](#).” See ARTBA letter [here](#), where the appealed to the Biden Administration to fix the “opaque and unbalanced implementation” of Buy America requirements for construction products and materials. [Committee Link and Testimony](#). **Covered by TGA AMS – Summary Available Upon Request**

U.S. DEPARTMENT OF TRANSPORTATION/FRA/FTA

- February 23, 2024. The US DOT issued an [amendment](#) to the FY 2024 RAISE NOFO that was originally issued on November 30, 2023. The amendment reflects that the Department may consider, on a case-by-case basis, recipient requests for advance payment, as described in 2 CFR 200.305(b), and to make clerical corrections. The amendment does not change application requirements or project selection factors. The FY 2024 RAISE program has \$1.5 billion to be awarded to projects with significant local or regional impact. Applicants are encouraged to consider how climate change may impact their project as well as any equity considerations. Half of the FY 2024 RAISE funding will go to projects in rural areas and half will go to projects located in urban areas. **The deadline for applications is 11:59 PM eastern on February 28, 2024.**
- February 21, 2024. The Federal Transit Administration (FTA) [announced](#) \$630,856,341 in grants to three projects in three states from funding made available from the [FY 2024/2025 and Partial FY 2026 Rail Vehicle Replacement Program](#). [Award recipients](#) were Metra (IL) for \$100 million, MDOT/MTA for \$213.7 million, and the Southeastern Pennsylvania Transportation Authority for \$317.16 million. The grants were made available to improve rail transit safety, and reliability for passengers through the purchase of new American-made rail cars on subways, commuter rail, and light rail systems. The selections represent second-time funding from the program; in May 2023, FTA allocated approximately \$703.1 million to six projects through the program. In response to the [NOFO](#), FTA received nearly \$1.97 billion in requests.
- February 16, 2024. The Federal Railroad Administration (FRA) wrapped-up its third set of FRA Long-Distance Service Study working group meetings. A 163-page PowerPoint overview ([FRA Long-Distance Service Study Regional Working Group Mtg. 3](#)) is available. Information in the PowerPoint includes a review of feedback received from previous outreach efforts and identification of the proposed network of preferred new long-distance routes. The presentation includes methodologies for conceptual route development, route evaluation, run times, capital cost estimating, and operations and maintenance cost estimating. The next series of meetings (No. 4) are scheduled for spring 2024. In that upcoming meeting, costs and public benefits of the preferred routes, the implementation of schedules for the preferred routes and the presentation of long-distance study recommendations will be addressed. Regarding comments on Meeting No. 3, **submit any feedback on the topics and materials from the meeting via the project website ([here](#)) by March 8, 2024**, for inclusion in the analysis/report.
- February 15, 2024. The Federal Railroad Administration (FRA) issued a [Notice of Funding Opportunity](#) (NOFO) making available \$1,189,000,000 in [FY 2024 Northeast Corridor IJJA Supplemental Cooperative Agreement to Amtrak](#). Amtrak is the only entity eligible to apply. The funding is for activities related to Northeast Corridor rolling stock acquisition and facilities; on-corridor sole benefit deferred capital work, capital renewal of backlogged projects and activities undertaken to bring Amtrak –served stations into full compliance with the Americans with Disabilities Act.
- February 15, 2024. The Federal Railroad Administration (FRA) issued a [Notice of Funding Opportunity](#) (NOFO) making available \$3,128,000,000 in [FY 2024 National Network IJJA Supplemental Cooperative Agreement to Amtrak](#). Amtrak is the only entity eligible to apply. The funding is for activities related to National Network replacement of single-level passenger rolling stock; the backlog of deferred capital work including backlogged obsolete assets and activities undertaken to bring Amtrak –served stations into full compliance with the Americans with Disabilities Act.

- February 15, 2024. the American Public Transportation Association (APTA); the American Road & Transportation Builders Association (ARTBA); the Associated General Contractors of America (AGCA); and the National Association of Home Builders (NAHB), [sent a petition to the White House](#) requesting an amended Build America, Buy America Act implementation guidance under the Administrative Procedure Act and Request under the Paperwork Reduction Act review of 19 agencies' BABAA Waiver information collections. All four organizations said they had experienced difficulty navigating the White House Office of Management and Budget's (OMB) "opaque and unbalanced implementation" which could create delays and cost increases for housing, transportation and water infrastructure projects across the country that are part of the Bipartisan Infrastructure Law.
- February 14, 2024. The Federal Railroad Administration (FRA) issued a [Safety Bulletin 2024-01 – Employee Fatality – Securement of Rolling Equipment](#). The FRA is issued the bulletin to remind railroads and railroad employees of the importance of ensuring rolling equipment is properly secured at all times
- February 8, 2024. President Joe Biden [announced](#) his nomination of Sarah Elizabeth Baker to be General Counsel of the Department of Transportation. Sarah Baker currently serves as the Principal Deputy General Counsel of the U.S. Department of Transportation (DOT), after previously serving as the Department's Deputy General Counsel and Senior Counsel to the General Counsel.
- February 7, 2024. The National Transportation Safety Board (NTSB) [announced](#) that it will return to East Palestine, Ohio, on June 25 for its final board meeting on the 2023 train derailment and subsequent hazardous material release and fires. [*NTSB held a two-day investigative hearing June 2023 in East Palestine as part of the agency's investigation.*] During the public meeting, [NTSB Board Members](#) will vote on the final findings, probable cause, and recommendations. The board will also vote on any changes to the draft final report.
- February 6, 2024. The Congressional Research Service (CRS) released a report entitled, "[Freight Rail Safety Legislation in the 118th Congress](#)." The February 3, 2023, train derailment and chemical spill in East Palestine, OH, raised the profile of rail safety issues. Bills introduced in the 118th Congress concern hazardous materials (hazmat) transportation by rail, derailment prevention, train length, crew size, and blocked crossings, among other issues. Some of the proposed legislation aligns with indicators that show a decline in rail safety. Derailments account for roughly two-thirds of rail safety incidents (not including grade crossing incidents). In raw terms and on a per-train-mile basis, most derailments tend to occur on yard, siding, or industry tracks, as opposed to occurrences on main line tracks like in the East Palestine derailment.
- February 6, 2024. The Surface Transportation Board (STB) issued a [Notice of Railroad-Shipper Transportation Advisory Council \(RSTAC\) Vacancy](#) for a large railroad representative. RSTAC focuses on issues of importance to small shippers and small railroads, including car supply, rates, competition, and procedures for addressing claims. RSTAC's 15 appointed members consist of representatives of small and large shippers, and small and large railroads. These members are appointed by the Chair. Meetings of RSTAC are required by statute to be held at least semi-annually. **Nominations are due on March 7, 2024.**
- February 5, 2024. The Congressional Research Service (CRS) released a report entitled, "[National Infrastructure Bank: Proposals in the 118th Congress](#)." A national infrastructure bank is typically seen as a way for the federal government to provide loans, loan guarantees, and lines of credit to support infrastructure projects carried out by nonfederal entities. National infrastructure bank bills introduced in the 118th Congress include the Federal Infrastructure Bank

Act of 2023 (H.R. 490); the National Infrastructure Investment Corporation Act of 2023 (H.R. 3360); and the National Infrastructure Bank Act of 2023 (H.R. 4052).

- February 1, 2024. The Federal Railroad Administration (FRA) published the following technical reports to its eLibrary in December 2023 and January 2024:
 - [PTC Communications: Cybersecurity Technology Review and Concept of Operations](#)
 - [Stakeholder Perceptions of the Fatigue and Safety of Locomotive Engineers](#)
 - [Virtual Block Track Circuit Assessment Report](#)
 - [Full Moving Block Concept and Requirements Specification for Railroad Operations](#)
 - [Side Impact Test and Analyses of a DOT-113C120W9 Tank Car with Cryogenic Lading](#)
 - [Improving Thermal Protection of Cryogenic Tank Cars Through Testing, Analysis, and Evaluation of Pressure Relief Valve System Performance](#)

Selected/Anticipated Transportation-Related NOFO Announcement Dates in 2024

Month Est.	Notice of Funding Opportunity (NOFO)	Operating/Admin. Office
Spring 2024	Railroad Crossing Elimination Grant Program	FRA
Spring 2024	Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program	FRA
Summer 2024	FY 2024 Federal-State Partnership – NEC/National	FRA
Winter 2024	Transportation Access Pilot Program	FHWA
Winter 2024	Building Resilient Infrastructure and Communities Program	DHS/FEMA
Winter 2024	FY 2022-23 Restoration & Enhancement	FRA
February 2024	FY 2024 Safe Streets and Roads for All (SS4A) Program	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 118th 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