



TGA ASSOCIATION MANAGEMENT SOLUTIONS, LLC

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

KEY UPDATES

- On March 9, the Consolidated Appropriations Act of 2024 (HR 4366) was passed and signed into law, which will provide federal funding for the remainder of FY 2024 (September 30, 2024) for transportation accounts. More info in chart below.
- On April 2, [FRA released its final Train Crew Size rule](#)
- Railroad Day on Capitol Hill is scheduled for May 8, 2024. See more information [here](#)
- Federal discretionary grants:
 - FY25-26 \$5.1 billion Multimodal Project Discretionary grant program (MEGA, INFRA, Rural) joint [NOFO released](#) on March 28
 - FY23-24 \$2.4 billion [CRISI NOFO released](#) on March 29
 - New [FRA grant NOFO and award tracker here](#)
 - FRA Rail Crossing Elimination (RCE) grant program NOFO expected May 2024
 - USDOT calendar for key NOFOs [here](#)
 - House T&I Committee held a hearing on IJIA grants on March 7
- Rail industry continues to fight [California Air Resources Board \(CARB\) rule](#) mandating zero emissions locomotives by 2030 now under review at USEPA
- No floor vote was held in Senate on the Railway Safety Act
 - One year anniversary of East Palestine passed, President Biden [visited](#) East Palestine

FY2024 APPROPRIATIONS

- Consolidated Appropriations Act of 2024 (HR 4366) was passed and signed into law on March 9, 2024, which will provide federal funding for the remainder of FY 2024 (September 30, 2024) for the following six bills: Military Construction-VA, Agriculture, Commerce-Justice-Science, Energy & Water, Interior and Transportation-HUD
 - The remaining 6 appropriations bills were passed into law on March 23, 2024. These bills include Defense, Financial Services & General Government, the Legislative Branch, Homeland Security, Labor-HHS-Education, and State-Foreign Operations
- On March 11, President Biden released his [FY2025 proposed budget](#)
- See final FY24 Appropriations table below for more details:

	Final Omni FY23	IJA Advance Approps FY24	Final FY24 Approps bill	Total FY24 funding
USDOT RAISE	\$800m	\$1.5b	\$345m	\$1.8b
USDOT MEGA	\$0	\$1b	\$0	\$1b
USDOT INFRA	\$0	\$1.64b	\$0	\$1.64b
Amtrak NEC	\$1.260b	\$1.2b	\$1.14b	\$2.3b
Amtrak National Network	\$1.193b	\$3.2b	\$1.29b	\$4.5b
FRA CRISI	\$560m	\$1b	\$199m	\$1.2b
FRA Fed-State Partnership	\$100m	\$7.2b	\$75m	\$7.3b
FRA Rail Restoration/Enhancement	\$0	\$0	\$0	\$0
FRA Rail Crossing Elimination	\$0	\$600m	\$0	\$600m
FTA CIG	\$2.635b	\$1.6b	\$2.2b	\$3.8b
FTA Formula funds	\$13.6b	-	\$13.99b	\$13.99b
WMATA Special Appropriation	\$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 March 28, 2024, the STB [announced](#) the inaugural membership for its Passenger Rail Advisory Committee (PRAC)
- 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 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, 2023, 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 [ASLRRRA 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

- March 7, 2024. The House Committee on Transportation and Infrastructure held a Full Committee hearing to discuss and receive testimony on matters pertaining to, “Department of Transportation Discretionary Grants: Stakeholder Perspectives.” [Committee Link and Testimony](#). **Covered by TGA AMS – Summary Available Upon Request**
- March 6, 2024. The Senate Committee on Commerce, Science and Transportation held a Full Committee hearing to discuss and receive testimony on matters pertaining to, “National Transportation Safety Board Investigations Report.” Testimony will be offered by Jennifer Homendy, Chair of the NTSB. [Committee Link and Testimony](#). NTSB Chair Jennifer Homendy statement [here](#).

U.S. DEPARTMENT OF TRANSPORTATION/FRA/FTA

- March 26, 2024. The US DOT issued a Notice of Funding Opportunity (NOFO) making discretionary federal funding available under the FY 2025-2026 Multimodal Project Discretionary Grants program (MPDGs). The MPDG is comprised of three grant programs, and funding for FY 2025-2026 is as follows: **1.)** the [National Infrastructure Project Assistance Grants Program \(Mega - \\$1.7 billion\)](#), **2.)** the [Nationally Significant Multimodal Freight and Highway Projects grants program \(INFRA - \\$2.7 billion\)](#), and **3.)** the [Rural Surface Transportation Grant program \(Rural - \\$780 million\)](#). In addition to the FY 2025- 2026 funds, amounts from prior year INFRA authorizations may be made available and awarded under the solicitation. To help streamline the process for applicants, the Department has combined solicitations for the Mega, INFRA, and Rural programs into the MPDG opportunity. **The deadline for applications is May 6, 2024.**
- March 26, 2024. The Surface Transportation Board (STB) issued a [Solicitation for Nominations](#) (and [here](#)) for vacancies on the Railroad-Shipper Transportation Advisory Council (RSTAC). 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. Each RSTAC member is appointed for a term of three years. No member will be eligible to serve in excess of two consecutive terms. RSTAC members are appointed by the Chair. **Nominations are due on April 26, 2024.**
- March 22, 2024. The Federal Transit Administration (FTA) issued a [Notice of Proposed Rulemaking](#) (NPRM – and [here](#)) proposing g minimum safety standards for rail transit roadway worker protection (RWP) to ensure the safe operation of public transportation systems and to prevent accidents, incidents, fatalities, and injuries to transit workers who may access the roadway in the performance of work. The NPRM would apply to rail transit agencies (RTAs) covered by the State Safety Oversight (SSO) program, SSO agencies (SSOAs), and rail transit workers who access the roadway to perform work. The proposal would set minimum standards for RWP program elements, including an RWP manual and track access guide; requirements for on-track safety and supervision, job safety briefings, good faith safety challenges, and reporting unsafe acts and conditions and near-misses; development and implementation of risk-based redundant protections for workers; and establishment of RWP training and qualification and RWP compliance monitoring activities. According to data reported in the National Transit Database, between Jan. 1, 2008, and Oct. 31, 2022, 22 workers were killed and 120 workers were seriously injured in rail transit roadway safety events. **Comments are due by May 24, 2024.**

- March 21, 2024. The Congressional Research Service (CRS) issued a report entitled, “[Biden Administration Again Proposes Temporary Operating Assistance Authority for Larger Transit Agencies.](#)” In the [FY 2025 budget](#), the Biden Administration again has proposed allowing larger public transportation agencies greater flexibility in the use of [Urbanized Area Formula](#) funds to cope with the larger operating deficits caused by the Coronavirus Disease 2019 (COVID-19) pandemic.
- March 19, 2024. The Federal Railroad Administration (FRA) has a Blocked Crossing Portal that allows users to explain how blocked crossings impact your community. See [here](#) for the Public Blocked Crossing Incident Reporter.
- March 13, 2024. The US DOT [announced](#) \$3.331 billion in awards for 132 communities from the “[FY 2023 Reconnecting Communities and Neighborhoods \(RCN\) and Neighborhood Access & Equity Grants \(NAE\) Program.](#)” The awards included 52 Capital Construction Grants, 8 Regional Partnerships Challenge Grants and 71 Planning Grants. The RCN/NAE will provide funding in grant awards to connect communities by supporting neighborhood equity, safety, and affordable transportation access as well as mitigating negative environmental impacts. The NAE program will emphasize assisting economically disadvantaged or underserved communities with planning and capacity building. US DOT has already notified Reconnecting Communities & Neighborhoods Program FY 2024 applicants of their application status. The full list of Reconnecting Communities Pilot and Neighborhood Access and Equity awards can be viewed [here](#), with an Excel Spreadsheet [here](#), and Project Factsheets [here](#). The FY 2023 NOFO can be found [here](#).
- March 11, 2024. The Federal Transit Administration (FTA) released its [Annual Report on Funding Recommendations Fiscal Year 2025: Capital Investment Grants Program and Expedited Project Delivery Pilot Program](#). The report accompanied President Biden’s FY 2025 Budget Request. The listed projects, which require a local funding match, seek funding through FTA’s Capital Investment Grants and Expedited Project Delivery Pilot programs. The report recommends \$2.37 billion in annual appropriations requested from Congress and \$1.6 billion in FY 2025 funding provided through the Bipartisan Infrastructure Law advanced appropriations. FTA’s Annual Report on Funding Recommendations [includes links to individual project profiles](#). See FTA News Release [here](#). See American Public Transportation Association CIG Dashboard [here](#).
- March 5, 2024. The Federal Railroad Administration (FRA) released its [Preparing for Upcoming FRA Opportunities: Lessons Learned from CY23](#) video (and [here](#)) to help potential grantees prepare for upcoming funding opportunities. In addition, FRA recently updated the [Corridor Identification and Development \(Corridor ID\) Program Service Development Plan draft Statement of Work](#).

Selected/Anticipated Transportation-Related NOFO Announcement Dates in 2024

Month Est.	Notice of Funding Opportunity (NOFO)	Operating/Admin. Office
May 2024	Railroad Crossing Elimination Grant Program	FRA
March/April 2024	Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program	FRA
April 2024	FY 2024 Federal-State Partnership – NEC/National	FRA
April 2024	Pilot Program for Transit Oriented Development Planning	FTA
March/April 2024	National Infrastructure Project Assistance (MEGA) – NOFO on 3/26/24.	Office of the Sec.
March/April 2024	Nationally Significant Freight & Highway Projects (INFRA) - NOFO on 3/26/24.	Office of the Sec.

March/April 2024	Rural Surface Transportation Grant Program (Rural) - NOFO on 3/26/24.	Office of the Sec.
Winter 2024	Transportation Access Pilot Program	FHWA
Winter 2024	Building Resilient Infrastructure and Communities Program	DHS/FEMA

POLITICAL ENVIRONMENT

- Current split for the 118th Congress
 Senate: **51 Democrats – 49 Republicans**
 House: **218 Republicans – 213 Democrats**
 - Many incumbents in both chambers and parties have announced their [retirements](#), many of which were announced in the last month
 - With recent House retirements, House Republicans only have a narrow 1 vote majority