



TGA ASSOCIATION MANAGEMENT SOLUTIONS, LLC

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

KEY UPDATES

- On April 2, FRA finalized its Train Crew Size rule, see final rule [here](#)
- On April 30, the STB issued its final rule on reciprocal switching, see [here](#)
- 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](#)
- 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, an updated table for FY25 will be provided once the House and Senate funding levels are announced:

	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 April 30, 2024, the STB [announced](#) its final rule on reciprocal switching
- 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 was paired with NTSB Chair Homendy and has cleared the Senate Commerce Committee
- 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
 - Chairman Oberman has announced he will be stepping down on May 10, 2024. The White House is yet to name his successor
- 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

- May 1, 2024. The Senate Committee on Commerce, Science, & Transportation has scheduled an Executive Session to consider several pieces of legislation and to consider several nominations, such as: Jennifer Homendy to be Chair of the National Transportation Safety Board ([PN1499](#)) (reappointment), and Patrick Fuchs to be a Member on the Surface Transportation Board ([PN1372](#)) (reappointment). [Committee Link](#).
- April 30, 2024. The House Committee on Appropriations, Subcommittee on Transportation, Housing and Urban Development has scheduled a hearing to discuss and receive testimony on

matters pertaining to, “[Budget Hearing – Fiscal Year 2025 Request for the Department of Transportation](#).” US DOT Secretary Pete Buttigieg is scheduled to be a witness. [Committee Link and Testimony](#). **Covered by TGA AMS – Summary Available Upon Request**

- [April 17, 2024](#). The House Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines, and Hazardous Materials held to discuss and receive testimony on matters pertaining to, “[Getting to Work: Examining Challenges and Solutions in the Commuter Rail Industry](#).” [Committee Link and Testimony](#). **Covered by TGA AMS – Summary Available Upon Request**
- [April 16, 2024](#). The House Committee on Transportation and Infrastructure held a Full Committee Markup to approve an updated Committee Roster. The updated [Committee roster](#) (Kevin Kiley (R-CA)) was approved. [Committee Link](#).
- [April 10, 2024](#). The Senate Committee on Commerce, Science, & Transportation held a Full Committee hearing to consider the following Presidential renominations: [Jennifer Homendy](#), to be Chair of the National Transportation Safety Board (reappointment), and [Patrick Fuchs](#), to be a Member of the Surface Transportation Board (re-appointment). The NTSB and STB are both independent federal agencies tasked with conducting transportation oversight. The NTSB oversees transportation safety and conducts investigations of all civil aviation incidents as well as major incidents for all other modes of transportation. The STB handles economic regulation of surface transportation modes with a primary focus on freight rail. The nominees testified and answered questions in their own behalf. NTSB Chairwoman Jennifer Homendy revealed to the Committee that the report on the East Palestine, OH freight train derailment is expected to be released in June 2024. [Committee Link](#).

U.S. DEPARTMENT OF TRANSPORTATION/FRA/FTA

- [April 25, 2024](#). the Federal Railroad Administration (FRA) **announced** that the American Train Dispatchers Association (ATDA) and BNSF Railway (BNSF) will partner with FRA to join a pilot program of the Confidential Close Call Reporting System (C3RS). For more information on C3RS, including a full list of participating railroads, please see FRA’s webpage on the program [here](#).
- [April 22, 2024](#). The Federal Railroad Administration published the following technical reports to its eLibrary:
 - [Automated Train Operations Sensor Platform Framework Requirements](#)
 - [Improving Tank Car Crash Energy Management \(CEM\)](#)
 - [Mechanistic Investigation of Timber Crosstie Spike Fastener Failures – Phase I: The Magnitude of the Spike Failure Challenge](#)
 - [Automated Train Operations \(ATO\) Sensor Platform Data Analysis Rapid Prototype](#)
 - [Interoperable Employee-In-Charge Portable Remote Terminal \(EIC PRT\) Summary Report](#)
 - [Development of Railroad Trespassing Database Using Artificial Intelligence](#)
 - [Impact of Advanced Train Control Technologies on Rail Network Safety and Operational Performance](#)
 - [An Automation Awareness Assistant for Automated Train Operations](#)
 - [High-Strength, Reduced-Modulus, High-Performance Concrete for Prestressed Concrete Crosstie Applications](#)
 - [Fire Performance of a Cryogenic ISO UN-T75 Storage Tank Using Analytical Methods and Fire Testing – Phase 2: Testing with LNG in an ISO Tank](#)
 - [Modeling and Analysis of Phase Change in a DOT-113 Tank Car Surrogate Filled with Liquid Nitrogen](#)
 - [External Perception for Locomotives: Systems and Algorithm Development](#)
 - [Detailed Puncture Analyses of Tank Cars: Analysis of Different Impactor Threats and Impact Conditions](#)
 - [Full-scale Grade Crossing Impact of a Single-frame Highway Truck into an LNG Tender](#)

- [April 17, 2024](#). The Federal Railroad Administration (FRA) published a [Notice of Availability of the NEC Project Inventory](#) (and [here](#)) which is a requirement of the Federal-State Partnership for Intercity Passenger Rail Program for projects on the Northeast Corridor (FSP-NEC). See the 2024 Northeast Corridor Project Inventory [here](#).
- [April 15, 2024](#). The Federal Transit Administration (FTA) published a [Notice of Proposed Rulemaking](#) (NPRM) with proposed minimum safety standards for Rail Transit Roadway Worker Protection (RWP) in the Federal Register on March 25, 2024. To assist stakeholders in understanding the NPRM, FTA recorded an [informational video](#) that provides an overview of the NPRM and how you can submit comments to the Federal Register. See NPRM – Rail Transit Roadway Worker Protection slide deck [here](#).
- [April 12, 2024](#). The US DOT issued a [Notice/Request for Comments](#) seeking information from the public, and in particular multimodal freight system users, transportation providers, metropolitan planning organizations, local governments, ports, airports, railroads, freight forwarders, brokers, other supply chain logisticians, scholars, and States on the best approach to identify critical freight facilities and corridors that will make up a National Multimodal Freight Network (NMFN). **Comments must be received on or before June 11, 2024.**
- [April 8, 2024](#). The American Public Transportation Association (APTA) released an update on ridership trends via a Policy Brief found [here](#). The main findings were, 1.) after falling to 20 percent of pre-pandemic levels in April 2020, public transit ridership has recovered to 79 percent of pre-pandemic levels; 2.) transit riders took 7.1 billion trips on public transit in 2023, a 16 percent increase over 2022; and 3.) public transportation ridership levels increased throughout 2023, while office occupancy rates remained stagnant.
- [April 8, 2024](#). The US DOT issued a [Final Rule](#) (and [here](#)) amending its Disadvantaged Business Enterprise (DBE) and Airport Concession Disadvantaged Business Enterprise (ACDBE) program regulations. The DBE and ACDBE programs are designed to allow small businesses owned and controlled by socially and economically disadvantaged individuals to compete fairly for DOT funded contracts let by State and local transportation agencies and in airport concession opportunities. The final rule improves program implementation in major areas, including by updating the personal net worth and program size thresholds for inflation; modernizing rules for counting of material suppliers; incorporating procedural flexibilities enacted during the coronavirus (COVID-19) pandemic; adding elements to foster greater usage of DBEs and ACDBEs with concurrent, proactive monitoring and oversight; updating certification provisions with less prescriptive rules that give certifiers flexibility when determining eligibility; revising the interstate certification process to provide for reciprocity among certifiers; and making technical corrections to commonly misinterpreted rules. Nationwide, the program is implemented by 53 departments of transportation, over 500 transit agencies, and 3,200 eligible airport sponsors, of which nearly 400 are also ACDBE programs. Officials have said that there are nearly 50,000 certified DBEs and 3,500 certified ACDBEs, and many participate on federally assisted aviation, highway, and transit projects as well as airport concession opportunities in nearly every jurisdiction. See US DOT press release [here](#). For a deeper dive click [here](#). **The Final Rule becomes effective on May 9, 2024.** See CRS Report [here](#), a Final Rule Summary [here](#), and good article [here](#) and [here](#).
- [April 5, 2024](#). The Federal Transit Administration (FTA) issued a [Notice](#) (and [here](#)) of Proposed Policy Guidance for the Capital Investment Grants program. These revisions are intended to amend FTA's CIG Policy Guidance last published in January 2023 and are a comprehensive update of the CIG Policy Guidance for notice and comment, incorporating feedback FTA received in response to its Request for Information published in the Federal Register in July 2021. The

proposed guidance book can be found [here](#). **Comments are due by June 4, 2024.** See [FTA Webinar Capital Investment Grants Policy Grants](#).

- [April 4, 2024](#). The Federal Transit Administration (FTA) [announced FY 2024 Full-Year Apportionments](#) via [FY 2024 Apportionment Tables](#). The [tables reflect over \\$20 billion in funding](#) provided in the Consolidated Appropriations Act, 2024, which provides a full-year of spending authority.
- [April 2, 2024](#). The Federal Transit Administration (FTA) [announced](#) \$17.6 million in grants going to 20 communities in 16 states to support equitable transit-oriented development. The [Pilot Program for TOD Planning](#) supports FTA’s mission of improving America’s communities through public transportation by providing funding to local communities to integrate land use and transportation planning with a new fixed guideway or core capacity transit capital investment. This is the second round of TOD planning grants under the IJJA. A full list of this year's selected projects is available [here](#).
- [April 2, 2024](#). The [Biden Administration submitted](#) a [Final Rule](#) (and [here](#)) (Train Crew Size Safety Requirements) to the Federal Register (FR) establishing minimum safety requirements for the size of train crews depending on the type of operation. The final rule requires railroad operations to have a minimum of two crewmembers except for certain identified one-person train crew operations that do not pose significant safety risks to railroad employees, the public, or the environment. The final rule includes requirements for railroads seeking to continue certain existing one-person train crew operations and a special approval process for railroads seeking to initiate certain new one-person train crew operations. The final rule also requires each railroad receiving special approval for a one-person train crew operation to submit to FRA an annual report summarizing the safety of the operation. **The Final Rule becomes effective June 10, 2024.** See the [Association of American Railroads](#) statement [here](#) opposing the rule. See the Transportation Trades Department of the AFL-CIO statement [here](#) supporting the rule. Eleven states (NY, KS, OH, CA, WI, AZ, WV, MN, WA, NV, and CO) have already approved rules requiring two-person crews.
- [April 1, 2024](#). Operation Lifesaver (OLI) [announced](#) \$200,000 in competitive crossing safety awareness grants to Operation Lifesaver programs in 10 states. The FHWA-funded grants will be awarded to Operation Lifesaver organizations in California, Illinois, Indiana, Missouri, New York, Ohio, Pennsylvania, South Carolina, Tennessee, and Texas.
- [March 28, 2024](#). Operation Lifesaver (OLI) [announced](#) \$220,000 in competitive rail safety awareness grants to Operation Lifesaver programs in 11 states. The FRA provided \$175,000 of the total funding. The FRA-funded grants will be awarded to Operation Lifesaver organizations in California, Connecticut, Illinois, Indiana, Montana, New York, Ohio, Tennessee, and Washington. Funding from the Posner Foundation of Pittsburgh will fund Operation Lifesaver grant projects in Missouri and South Carolina and supplement the Connecticut grant project.

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 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