



# TGA ASSOCIATION MANAGEMENT SOLUTIONS, LLC

**TO:** Railway Systems Suppliers, Inc. (“RSSI”)  
**FROM:** TGA Association Management Solutions, LLC (“TGA AMS”)  
**RE:** Monthly Legislative Report for May 2024  
**DATE:** June 3, 2024

## KEY UPDATES

- On May 20, FRA finalized its rule on safety training and certification for dispatchers and signal employees, see more info [here](#)
- Railroad Day on Capitol Hill was held on May 8, 2024. See [here](#) for a recap
- Federal discretionary grants:
  - FY25-26 \$5.1 billion Multimodal Project Discretionary grant program (MEGA, INFRA, Rural) apps were due on May 6
  - FY23-24 \$2.4 billion in CRISI grant apps were due on May 28
  - New [FRA grant NOFO and award tracker here](#)
    - FRA Rail Crossing Elimination (RCE) grant program NOFO expected June 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 Senate floor vote has been held yet on the Railway Safety Act
  - NTSB final report is expected in late June 2024
- On April 30, the STB issued its final rule on reciprocal switching, see [here](#)

## FY2025 APPROPRIATIONS

- On March 11, President Biden released his [FY2025 proposed budget](#)
  - House Appropriations Committee will markup its FY25 T-HUD appropriations bill on June 27 (Subcommittee) and July 10 (Full Committee)
- 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:
  - **Acting Chair 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
  - **Open Seat (Democrat):** Former Chair Marty Oberman stepped down, awaiting nomination from President
  - **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 years 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, 2024, House Agriculture Committee marked up its farm bill with no TSW provisions in the base bill
- 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:

<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

- May 8, 2024. The House Committee on Appropriations, Subcommittee on Transportation, Housing and Urban Development (THUD) held a [Member Day Hearing](#) to allow House members to testify on their FY 2025 spending priorities. [Committee Link](#).
- May 7, 2024. The House Committee on Transportation and Infrastructure (T&I) held a Full Committee Markup to consider an approval of an updated Committee roster due to changes on the Minority side, i.e., revised membership and leadership of the Subcommittee on Railroads, Pipelines, and Hazardous Materials of the Committee on Transportation and Infrastructure. [Committee Link](#). The updated roster was needed due to the slot left vacant by the death of former Congressman Donald Payne (D-NJ). *It was [announced that Rep. Frederica Wilson \(D-](#)*

*Fla.) will replace the late Rep. Donald Payne (D-N.J.) as the ranking member of the House Transportation and Infrastructure Committee's Railroads, Pipelines, and Hazardous Materials Subcommittee. Wilson has served in the U.S. House of Representatives since January 2011.*

- May 2, 2024. The Senate Committee on Appropriations, Subcommittee on Transportation, Housing and Urban Development held a hearing to discuss and receive testimony on matters pertaining to, "A Review of the President's Fiscal Year 2025 Budget Request for the U.S. Department of Transportation." [Committee Link and Testimony](#). **Covered by TGA AMS – Summary Available Upon Request**
- 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](#).

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

- May 28, 2024. The Federal Transit Administration (FTA) [announced](#) the award of \$343 million in funding to eight transit systems in eight States under the [FY 2024 All Stations Accessibility Program](#). The All-Stations Accessibility Program makes competitive funding available to assist in the financing of capital projects to repair, improve, modify, retrofit, or relocate infrastructure of stations or facilities to make all public areas of the station accessible to people with disabilities, including those who use wheelchairs. See a list of awardees [here](#).
- May 22, 2024. The Federal Railroad Administration (FRA) [announced](#) that it has finalized three reports on the safety and performance of long trains. FRA recently sent these reports to the National Academy of Sciences (NAS) to inform an ongoing NAS study mandated by Congress in the IJIA to look at the impact of trains longer than 7,500 feet. FRA's reports include findings from tests conducted on air brake racks and the air brake system of a stationary train to examine how the length of long trains affects air brake system behavior and performance. FRA's research team also conducted tests on a moving train to better understand the dynamic performance of long trains and collect data on train dynamics and brake system performance. The FRA reports, titled [Phase II](#), [Phase III](#), and [Phase IV](#), are available online.
- May 22, 2024. The Federal Transit Administration (FTA) issued a [Notice of Funding Opportunity](#) (NOFO) making available \$10,496,164 in FY 2024 funding under the Pilot Program for Transit-Oriented Development Planning (TOD Pilot Program). The TOD Pilot Program provides funding to eligible applicants to create comprehensive planning or site-specific planning studies associated with a new fixed guideway or core capacity improvement project. In general, the maximum Federal funding share for proposals is 80 percent. However, proposals that support planning activities that assist parts of an urbanized area or rural area with lower population density or lower average income levels compared to the adjoining area are eligible to receive a Federal funding share of no less than 90 percent and applicants may request a share up to 100 percent if certain requirements are met. See FTA press release [here](#). FTA will host a [webinar](#) (passcode 838768) on Wednesday, June 5, at 2:00 p.m. ET. **Applications are due by July 22, 2024.**
- May 20, 2024. The Federal Railroad Administration (FRA) [announced](#) two final rules that will require railroads to develop certification and training programs for train dispatchers and signal employees. There are currently no federal regulations mandating specific training requirements, safety and knowledge checks, and verification of safety records for dispatchers

and signal employees. Under the final rules, railroads must submit certification programs for FRA approval that will evaluate the knowledge, skills, and prior safety records of dispatchers, who allocate and assign track use and route trains, and signal employees, who install, repair, and maintain signal systems that direct train movements. In addition, the certification programs will help ensure that dispatchers and signal employees periodically receive training on railroad safety and operating rules and practices as well as on new systems and technology. Class I railroads, Amtrak and commuter railroads will have to submit their written certification programs to FRA no later than 240 days after the effective date of the rule. **The new rules go into effect July 22, 2024.** The final rule on dispatcher certification can be found [here](#) (and [here](#)), and the final rule for signal employees can be viewed [here](#) (and [here](#)). See Fact Sheet on Rail Safety [here](#).

- **May 17, 2024.** The Federal Railroad Administration (FRA) issued a [Notice of Funding Opportunity](#) (NOFO) making available \$1,684,000 for the [FY 2024 Supplemental Northeast Corridor Commission](#) (NECC) project. The Passenger Rail Investment and Improvement Act of 2008 (PRIIA) Section 212 requires establishment of a Northeast Corridor Commission (NEC Commission). The NEC Commission was established “to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor.” The NEC Commission is comprised of 18 voting members, nine of which represent each of the eight states and the District of Columbia, five of which represent the US DOT, and four of which represent Amtrak. Amtrak is the only entity eligible to apply. **The application is due May 24, 2024.**
- **May 14, 2024.** The Federal Railroad Administration (FRA) issued a [Notice of Funding Opportunity](#) (NOFO- and [here](#)) making available \$2,034,420,932 for projects located on the [Northeast Corridor for the FY 2024 Federal-State Partnership for Intercity Passenger Rail Program](#). The purpose of the FSP Program is to reduce the State of Good Repair backlog, improve performance, or expand or establish new intercity passenger rail service. Program funding and selections are provided separately for projects located on and off the NEC. **This NOFO solicits applications for projects located on the NEC.** There are no predetermined minimum or maximum dollar thresholds for awards. The Federal share of total costs for FSP projects funded under this notice shall not exceed 80 percent. FRA anticipates making multiple awards with the available funding. **Applications are due July 15, 2024.** See FRA press release [here](#). The latest NEC Project Inventory can be found [here](#).
- **May 13, 2024.** The Office of the Assistant Secretary for Research and Technology (OST-R), US DOT issued a [Notice of Funding Opportunity](#) (NOFO – and [here](#)) making available \$50 million for [FY 2024 Stage 1 \(Planning and Prototyping\) grants under the SMART Grants Program](#). The [SMART Grants Program](#) funds projects that focus on using technology interventions to solve real-world challenges facing communities, always with a focus on purpose-driven innovation and supporting technologies that provide clear, near-term benefits. US DOT expects to award approximately 30 Stage 1 grants of up to \$2,000,000 per award. The funding opportunity is open to **public sector entities** seeking to carry out transportation projects that demonstrate [technology areas, such as connected vehicles, smart grid and traffic signals](#). There is an anticipated minimum award size of \$250,000. A [webinar](#) on How to Apply for the FY 2024 Stage 1 SMART Grant NOFO will be held on May 28th, 2024, at 1pm ET. US DOT anticipates up to approximately \$50,000,000 will be awarded for **Stage 2** projects in a future NOFO to be issued later in calendar year 2024. **The application deadline is July 12, 2024.**
- **May 13, 2024.** The Biden Administration [released](#) an [updated map](#) showcasing 56,000 infrastructure projects, \$454 billion in IJJA funding, and [new Investing in America State-by-State Fact Sheets](#). See the aforementioned release for accomplishments across key transportation

modal sectors, i.e., Roads/Bridges, Rail, Airports, Ports/Waterways, Transit and School buses, Electric Vehicle Charging, Clean Water, et al.

- **May 9, 2024.** House Transportation and Infrastructure Committee Chairman Sam Graves (R-MO) and Highways and Transit Subcommittee Chairman Rick Crawford (R-AR) are seeking more information from the Federal Transit Administration (FTA) about how the agency is responding to and mitigating an “unacceptable safety threat” to passengers at many of the nation’s major transit systems. The House Members [sent a letter](#) to FTA Acting Administrator Veronica Vanterpool seeking information about FTA’s actions taken in response to this rise in crime on transit systems and plans to ensure the safety of transit riders and workers. According to the Bureau of Transportation Statistics, from 2020 to 2022 reports of homicides on urban transit systems increased by 61 percent, assaults increased by 70 percent, and other crimes, including burglary, increased by 34 percent.
- **May 3, 2024.** The [White House Council on Environmental Quality](#) (CEQ) issued a [Final Rule](#) finalizing its Phase Two “Bipartisan Permitting Reform Implementation Rule” to revise its regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA), including the recent amendments to NEPA in the Fiscal Responsibility Act. For the first time, climate change and environmental justice principles are codified for NEPA purposes, including a definition of “environmental justice.”

The CEQ released its proposed Phase Two revisions on July 31, 2023. For the most part, the Final Rule adopts the proposed Phase Two rule with relatively minor revisions in response to comments. [Phase One of CEQ’s NEPA rulemaking](#), finalized April 20, 2022, was a targeted reversal of three of the agency’s changes made in the last year of the Trump administration (2020 Rule). The CEQ noted that the new NEPA reforms will apply to projects beginning environmental reviews on or after July 1 (**July 1, 2024 is the effective date**) this year, but will not disrupt ongoing environmental review processes. See ARTBA concerns [here](#) , ARTBA Regulatory Summary [here](#), and AASHTO concerns [here](#).

**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>
May 2024	<a href="#">Railroad Crossing Elimination Grant Program</a>	FRA
May 2024	<a href="#">FY 2024 Federal-State Partnership – NEC/National – NOFO on 5/14/24 for NEC.</a>	FRA
May 2024	Pilot Program for Transit Oriented Development Planning– <a href="#">NOFO on 5/23/24</a>	FTA
Winter 2024	Building Resilient Infrastructure and Communities Program	DHS/FEMA
Winter 2024	<a href="#">FY 2022-23 Restoration &amp; Enhancement</a>	FRA
May 2024	<a href="#">National Culvert Removal, Replacement, and Restoration Grants</a>	FHWA
May 2024	SMART Grants Stage 1 – <a href="#">NOFO on 5/13/24</a>	US DOT Office of the Sec.
July 2024	Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT)	FHWA
Summer 2024	SMART Grants Stage 2	US DOT Office of the Sec.
Summer 2024	Neighborhood Access and Equity Grants	Office of the Sec.
Summer 2024	Reconnecting Communities Pilot Program	Office of the Sec.
Fall 2024	Federal-State Partnership for Intercity Passenger Rail (National)	FRA
Fall 2024	Local and Regional Project Assistance Grants (RAISE)	Office of the Sec.

**POLITICAL ENVIRONMENT**

- Current split for the 118<sup>th</sup> 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 recently
  - With recent House retirements, House Republicans only have a narrow 1 vote majority