

THE LEGISLATIVE SERVICES GROUP'S

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MONITORING AND ANALYZING DEVELOPMENTS IN FEDERAL TRANSPORTATION AND PUBLIC WORKS POLICY

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Legislative Schedules
Week of April 13, 2009

The House and Senate are away for their annual two-week Easter/Passover recess (a.k.a. District Work Period). Congress will return to Washington for business next week.

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Obama Transportation Team Taking Shape

Deputy Sec., FHWA, FTA, NHTSA, RITA Nominations Made In Last Two Weeks

President Obama's transportation policy team has taken much more detailed shape over the last two weeks, with five key transportation nominations (and one key public works nomination) being announced.

The biggest nomination was that of well-regarded Maryland Secretary of Transportation John Porcari (pictured at right) to be U.S. Deputy Secretary of Transportation. In his new job, Porcari will be responsible for the day-to-day management of the Department while Secretary LaHood focuses more on overall policy and on communicating the Administration's transportation priorities to Congress and the public.

The Deputy Secretary job was earlier slated to go to former FAA and FHWA head Jane Garvey, but the Obama Administration's new ethics rules would have required her to liquidate such a large percentage of the stocks in her retirement portfolio (near those stocks' recent trading lows) and to recuse herself from a so many key policy decisions, that she decided not to take the job.

Porcari served as Secretary of MDOT once before, under Governor Parris Glendonning (D) from 1999-2002. Before taking his old job back under new Governor Martin O'Malley (D) in 2007, Porcari served as Vice President for Administrative Affairs at the Univer-



John Porcari, the Maryland Secretary of Transportation, is being nominated by President Obama to be U.S. Deputy Secretary of Transportation.

sity of Maryland, College Park.

Before joining MDOT, Porcari worked in a wide variety of posts in business and economic development, environmental planning and public pol-

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House Panel Requests Highway Bill Projects

The House Transportation and Infrastructure Committee on April 2 announced its revised procedures for handling requests by House members for earmarked projects in the upcoming surface transportation reauthorization bill. In so doing, the panel's leaders revealed a few insights about how the bill will be handled.

The letter (reprinted in full on pages 6-7 of this issue) says that the T&I Committee will begin accepting project requests from Member offices on the panel's House-only intranet site on April 27 and will accept no requests after May 8.

The deadline raises an interesting question about the timing of the

committee's action on the bill. In compliance with a directive from the House Democratic leadership, the T&I letter says that the proper executive branch agency (in this case, the Department of Transportation) will be given "at least 20 days to review all project requests to ensure that the pro-

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DOT Nominations

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icy . He received his Bachelor of Arts degree from the University of Dayton, Ohio, in 1981 and his Master of Public Administration from the State University of New York at Albany in 1985.

FHWA. President Obama has nominated Victor Mendez, who until recently was Director of the Arizona Department of Transportation, to be Administrator of the Federal Highway Administration.

Mendez was named Director of ADOT by Gov. Jane Hull (R) in 2001 to replace Mary Peters, who had quit ADOT to be named (you guessed it) FHWA Administrator. Gov. Janet Napolitano (D) kept Mendez on, and he left ADOT last month.

Mendez was chosen to lead ADOT after a career there that included a tour as the Deputy State Engineer to lead the implementation of the Phoenix area's freeway system. Mendez earned a Masters of Business Administration degree from Arizona State University and a Bachelors of Science in Civil Engineering degree from the University of Texas at El Paso.



Victor Mendez

FTA. The President's nominee to run the Federal Transit Administration is a familiar face for inside-the-Beltway transportation stakeholders. He is Peter Rogoff, who has been the head Democratic staffer on transportation matters for the Senate Appropriations Committee for the last fourteen years.

Rogoff's title has changed over the years as party control of the chamber changed hands and the other-than-DOT jurisdiction of the subcommittee changed, but during that entire time period he has been the staffer principally responsible for implementing Senate Democrats' funding priorities for the U.S. Department of Transportation.

Rogoff started working on the staff of the another Appropriations subcommittee in 1987 and moved to Transportation at the start of 1990, where he handled several accounts including FTA and Amtrak. He became Democratic staff director in 1995 following the change in party control of the

Senate and the related staff shake-ups there.

Senate appropriators have much more input into authorization legislation than do House appropriators, due to the differing rules and traditions of the upper chamber (necessitated by the fact that all Senate appropriators also serve on multiple authorizing committees). As such, Rogoff has had a hand in most of the major authorization legislation for the last 20+ years, including the 1991, 1998, and 2005 highway bills, as well as all of the funding and policy decisions carried in the annual appropriations bills during that time.

Rogoff is a recipient of the U.S. Coast Guard Distinguished Public Service Award and the Lester P. Lamm Memorial Award for outstanding leadership and dedication to U.S. highway transportation programs. He earned his MBA degree, with honors, at the McDonough School of Business at Georgetown University and his B.A. degree in American Studies at Amherst College.

(Ed. Note: it says something about the relative power of Appropriations clerks that the as-yet-unresolved question of who replaces Rogoff as subcommittee clerk is as important to many staff and stakeholders as is the identity of DOT modal administrators.)

NHTSA. The President is nominating the chief executive officer of Mothers Against Drunk Driving, Charles "Chuck" Hurley, to be the Administrator of the National Highway Traffic Safety Administration.

(The formal leadership of MADD always consists, naturally, of women who have lost family members in DWI tragedies. But the CEO runs the day-to-day operations of the organization.)

Hurley has been the CEO of MADD since 2005 and previously held senior leadership positions with the National Safety Council and the Insurance Institute for

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U.S. DEPARTMENT OF TRANSPORTATION POSITIONS SUBJECT TO SENATE CONFIRMATION	
USDOT - Agency-Wide Positions (9)	
Secretary	Confirmed
Deputy Secretary	Nomination Made
Under Secretary for Policy	Nomination Made
Asst. Sec. for Transportation Policy	No Nominee Yet
Asst. Sec for Aviation and Intl. Affairs	No Nominee Yet
General Counsel	Nomination Made
Asst. Sec. for Budget and Programs	No Nominee Yet
Asst. Sec. for Governmental Affairs	Nomination Made
Inspector General	No Nominee Yet
USDOT - Modal Administrations (11)	
Administrator, FAA	Nomination Made
Deputy Administrator, FAA	No Nominee Yet
Administrator, FHWA	Nomination Made
Administrator, FMCSA	No Nominee Yet
Administrator, NHTSA	Nomination Made
Administrator, FRA	Nomination Made
Administrator, FTA	Nomination Made
Administrator, MARAD	No Nominee Yet
Administrator, PHMSA	No Nominee Yet
Administrator, RITA	Nomination Made
Administrator, StLSDC	No Nominee Yet
Surface Transportation Board*	
Member (term ending 12/31/2013)	No Nominee Yet

*Also, the position of Chairman of the STB is not confirmable by the Senate but is subject to a designation by the President. Frank Mulvey is serving a term as a Member of the STB until December 31, 2012, and the President on March 12 designated him Acting Chairman, but it is still not clear if the forthcoming nominee for the term ending December 31, 2013 will be designated permanent Chairman or not.

DOT Nominations

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Highway Safety over the last thirty years. In addition to his work on drunk driving issues, he has worked extensively with law enforcement on air bag and seat belt issues, teen driving, and child passenger safety. He worked with then State Senator Obama on his successful efforts in 2003 to strengthen Illinois' seat belt, teen driving, child passenger safety, and racial profiling laws. Prior to his career in highway safety, Hurley worked for a Governor, State Speaker, Mayor, and Member of Congress and was a naval intelligence officer.

The appointment of the MADD CEO sends an important signal about where the Obama Administration's safety priorities are likely to lie during the surface transportation reauthorization process.

RITA. President Obama is nominating Peter H. Appel to be Administrator of the Research and Innovative Technology Administration at USDOT.

Appel is a Principal with the global management consulting firm of A.T. Kearney, Inc. with a focus on transportation and infrastructure. Appel has over 20 years of experience in Transportation, and has supported organizations in the railroad, trucking, airline, and ocean shipping industries with growth strategy, supply chain improvement, post-merger integration, public-private partnerships, and other key business and policy issues. Previously, Appel served as the Special Assistant to the Administrator of the Federal Aviation Administration, and as Assistant Director for Pricing and Yield Management at Amtrak. Appel earned his bachelor's degree from Brandeis University in Economics and Computer Science with Highest Honors, and received his Master of Science in Transportation from the Massachusetts Institute of Technology.

Corps of Engineers. The President has nominated one of Sen. Max Baucus's (D-MT) staff members from the Senate Finance Committee to be the civilian overseer of the

U.S. Army Corps of Engineers' civil works (water resources infrastructure) program.

Jo-Ellen Darcy is currently Senior Environmental Advisor to the Finance panel, working to develop energy, environmental and conservation initiatives using the tax code. Previously, she served as Senior Policy Advisor, Deputy Staff Director and Professional Staff on the Senate Committee on Environmental and Public Works under Baucus and then under Sen. Jim Jeffords (I-VT).

Darcy has held a number of other positions, including Executive Director at the Great Lakes and Water Resources Planning Commission in Michigan, Assistant to the Director of Personnel for gubernatorial appointments for the Office of the Michigan Governor and Legislative and Policy Analyst in the U.S. House of Representatives Banking Subcommittee on Economic Stabilization. Darcy holds a Master of Science in Resource Development from Michigan State University.

New Data Show Highway Trust Fund Finances Worse Than Last Year

New data from the Federal Highway Administration shows that the actual flow of dollars in and out of the federal Highway Trust Fund puts the total Trust Fund almost \$3.5 billion deeper in the red than was the case in the first six months of the last fiscal year.

FHWA has released the actual performance of the Trust Fund for the first half of fiscal year 2009, from October 1, 2008 to March 31, 2009.

As the table at right shows, the actual net tax receipts for the Highway Account of the HTF are almost \$1.5 billion lower than last year, while the cash outlays from the Highway Account are \$763 million higher than last year.

In FY 2008, the total net receipts of the Highway Account were \$31.3 billion (not counting the \$8.0 billion federal bailout from the general fund). The Congressional Budget

Office's (thoroughly depressing) baseline for FY 2009 anticipates total Highway Account net receipts increasing to \$31.6 billion. The evidence to date indicates that so far, receipts are not performing up to the CBO anticipated level.

On the outlay side, CBO anticipates that the rate of outlays from the Highway Account may slow down as temporary stimulus spending from the general fund "crowds out" spending from the Trust Fund, mitigating the actual increase in outlays to date.

Mass Transit Account figures are difficult to compare (see footnote).

ACTUAL HIGHWAY TRUST FUND RECEIPTS AND OUTLAYS FOR THE FIRST SIX MONTHS OF FISCAL YEAR 2009 (10/1/08 TO 3/31/09)

Highway Account	Million \$
HTF-HA Actual FY 2009 Net Receipts to Date	13,148
HTF-HA Actual Net Receipts, First 6 Months of FY 2008	14,609
FY 2009 to Date Worse Than Comparable FY 2008 by:	-1,461
HTF-HA Actual FY 2009 Outlays to Date	17,356
HTF-HA Actual Outlays, First 6 Months of FY 2008	16,593
FY 2009 to Date Worse Than Comparable FY 2008 by:	-763
Mass Transit Account	Million \$
HTF-MTA Actual FY 2009 Net Receipts to Date	2,101
HTF-MTA Actual Net Receipts, First 6 Months of FY 2008	2,324
FY 2009 to Date Worse Than Comparable FY 2008 by:	-223
HTF-MTA Actual FY 2009 Outlays to Date	3,227
HTF-MTA Actual Outlays, First 6 Months of FY 2008	2,284
FY 2009 to Date Worse Than Comparable FY 2008 by:	-3,227
Highway Account, FY 2009 to Date Worse Than FY 2008 by:	-2,224
Mass Transit Acct, FY 2009 to Date Worse Than FY 2008 by:	-3,450

NOTE: the Mass Transit Account outlay and balance totals are somewhat misleading - due to the accounting change in the SAFETEA-LU law, annual outlays credited to the Trust Fund dropped to near zero in October 2006 and slowly built back up (actual outlays from the Treasury stayed the same since outlays credited to the general fund increased to compensate). The percent of outlays credited to the Trust Fund is still increasing each year as the percent of outlays credited to the general fund shrinks.

House Highway Bill

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jects meet program eligibility criteria.”

Since the last of the project requests doesn't have to be filed until May 8, this would presumably give DOT until May 28 to raise objections to a project. However, the T&I leaders appear hell-bent on getting their committee to approve a reauthorization bill in May, and Congress is scheduled to be in recess during the last week of May, so the last day T&I could mark up a bill is May 22.

This means two things:

1. If T&I marks up a bill in May, it means that they really don't care what DOT thinks of the specifics of some of the earmarks.
2. The dirty little secret is, they don't have to care. Unlike Appropriations Committee earmarks, which are usually contained in extralegal report language and must comply with existing law, highway bill earmarks are written into the text of the law and have the force of law. So even if a highway bill earmark doesn't fit into the right category, the money can usually be used. The FHWA guidance document on SAFETEA-LU earmarks noted this by saying that “For non-traditional projects unrelated to highway improvements or other ineligible activities under 23 U.S.C., the receiving Federal agency can administer the project in accordance with their own Federal Regulations.”

(*Ed. Note:* The question of “when will the Ways and Means Committee mark up a revenue title for the highway bill” is a much more interesting question than “when will T&I mark up its highway bill”. In the current political climate, it is a lot easier to write a bill spending \$450 billion than it is to write a revenue title raising perhaps \$100 billion (under House budget rules) or \$200 billion (if the Senate Budget Committee has its way) in

new taxes on highway users to pay for that \$450 billion in spending. And while the T&I leaders claim to have been given the go-ahead by Speaker Pelosi to move a bill and have it on the House floor in June, Ways and Means aides tell reporters that they are getting no such urgency from the leadership in regards to writing a revenue title for the bill, and without a revenue title, the bill cannot go to the floor.)

The letter was signed by Chairman James Oberstar (D-MN), ranking minority member John Mica (R-FL), and the chairman and ranking member of the Highways and Transit Subcommittee, Peter DeFazio (D-OR) and Jimmy Duncan (R-TN). The contains a ringing justification for the practice of earmarking, to wit:

As elected Members of Congress, we are uniquely responsible and accountable to our constituents; as such, we must be responsive to them by investing in worthwhile projects critical to our districts that may otherwise not be funded. The Committee will accept requests from Members of Congress to designate funding for High Priority Projects to ensure that the diverse transportation needs of our districts – urban, suburban, and rural – are addressed with the investment provided in this legislation.

However, the letter and the accompanying questionnaire make clear that the committee is making some much-needed changes in the process designed to blunt the more substantive criticism of past earmarks. (This is separate from the political critique of earmarks — that they reward Congressional seniority over all other considerations, that they provide great incentive to corruption, and that they just plain look *bad*. That critique is not addressed here.)

The substantive critique of earmarking is that Congressional earmarks often bypass federal, state and local planning processes prescribed by law. Not only does this often lead to ill-chosen projects (Coconut Road, anyone?), but funding a project that does not have its

paperwork complete can cause years of delays, which is an inefficient use of federal money. Also, earmarks often only provide a pittance of funding — \$1 million, say, towards a total project cost of \$20 million — and such earmarks rarely get spent.

In response to these criticisms, the T&I Committee is taking the following new steps:

- Requiring all projects to meet eligibility criteria under title 23 (highways) or title 49 (transit and rail) of the United States Code, and requiring Member offices to give the name and phone number of the DOT official who assured them that the project was eligible.
- Requiring all requesting offices to site the date and section of the state or metropolitan Transportation Improvement Plan on which the project appears.
- Requiring Members to line up at least 80 percent of the total project or segment cost at the time of the request. The amount the Member is requesting as an earmark will count towards that 80 percent total, and for the rest, the Member must provide a letter from a state, regional or local government official promising to put up the remainder of the necessary funding.
- Requiring Members to provide a letter from a state, regional or local official explicitly requesting the project. (No more letters from the state DOT saying that they “have no objection” to the project, and no more projects requested directly by real estate developers without the full knowledge of state and local government.)
- Prohibiting funding for “non-surface transportation projects, such as funding of transportation museums, horse trails, historic battlefields, and other non-transportation projects”. (*Ed. Note:* they don't mention parking lots, which are often a source of

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House Highway Bill

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“is it a transportation project or isn't it” confusion.)

Another unusual break with tradition is that the Committee is now explicitly requesting rail projects in addition to highway and transit projects — asking if a passenger project is on a specific high-speed rail corridor, and whether a freight rail project is for a Class I or a Class II/III railroad.

This raises the logical question: how does the T&I Committee intend to fund rail projects in the bill? What makes highway bill earmarks different than all other earmarks in authorization bills is that due to a grandfather clause left in the 1974 Budget Act, the highway bill is able to provide its own dedicated budget authority for its programs and earmarks because the

highway and transit programs are supported by a trust fund account financed by dedicated excise taxes levied on system users.

So, either the Committee intends to fund passenger rail and freight rail projects out of the Highway Trust Fund, or else the panel intends to come up with some other source for dedicated mandatory funding for rail projects (instead of leaving them to the discretion of the annual appropriations process).

And the T&I letter makes clear that the committee intends to offset some of the cost of new earmarks by canceling “dead” earmarks from past authorization laws. Specifically, the panel proposes to rescind unobligated funding remaining from earmarks in the 1991 ISTEA law and the 1998 TEA21 law. (Last year, DOT estimated that at least \$175 million in unused ISTEA earmarks and at least \$626 million in

unused TEA21 earmarks were unobligated.)

Rescinding this money does not actually reduce real federal spending, since the projects are dead and not going anywhere, but using it as an offset can allow the future commitment of other money that will eventually turn into real spending.

One of the new T&I practices, however, is similar to prior years. Member offices will still be responsible for writing their own project descriptions to appear in the reauthorization bill. It is faulty project descriptions written by Member offices (by staff who are unfamiliar with titles 23 and 49, the nature of the construction process, or geography) that necessitate the vast majority of project corrections in subsequent corrective legislation.

EXCERPTS FROM THE T&I EARMARK QUESTIONNAIRE

The Transportation and Infrastructure Committee's questionnaire on high priority projects contains nineteen detailed, multi-part questions that Congressional staff must answer for every earmark request. Most of them are similar to project request forms in previous years, but some have gotten more interesting:

- Question 6 asks “Did the Federal Highway Administration, Federal Transit Administration, or State Department of Transportation, or public transit agency confirm that the project is eligible under Title 23 (Highways) or Chapter 53 of Title 49 (Public Transit) of the United States Code?” And it requires staff to give the name and phone number of the DOT employee who gave the OK, so staff are not free to fib and say “sure, it's eligible, no problem” on this question as they were in past authorization cycles.
- Question 8 asks how much money the Member is requesting for the specific project or project segment, and then says “The request must finance at least 80 percent of the total estimated cost of the specific segment or activity by either (1) the amount requested by the Member; or (2) the amount requested by the Member and other specifically designated Federal, state, local, or private funding sources.” This is a *huge* change from previous practice and is intended to stop the practice of Members giving ten projects in their district \$500 thousand apiece to spread the wealth, when each project's total cost is north of \$10 million, so the money never gets used.
- Question 14 says that “Please provide a letter of support from a state, regional, or local governmental official specifically supporting the project request. This letter should discuss the merits of the project; specify the process to provide the public with an opportunity to comment on the project; and identify the other sources of Federal, state, or private funding that will be used to complete this project or project phase. **This letter must contain an explicit statement of support for the project. In addition, if the Member is requesting less than 80 percent of the total estimated cost of the specific segment or activity, the letter must identify other specifically designated Federal, state, local, or private funding sources that, combined with the Member request, equal at least 80 percent of the total estimated cost.**” The requirement for “explicit support” is new (in the past, clever Members made an art form out of getting letters from their state DOT saying that the agency “had no objection” to the project). And putting a state, regional or local official on the spot, in writing, to identify where the remainder of the project money is going to come from for a particular earmark will likely prove to be an extremely high hurdle for Member offices to cross when requesting projects.
- Questions 17 and 18 ask not only how much federal, state and local funding a project has received in the past, but how much of that funding has actually been obligated, which will entail a lot of tedious telephone work with federal, state and local agencies for each project.

T&I Committee Letter Announcing Highway Bill Earmark Rules, p. 1 of 2

April 2, 2009

Dear Colleague:

The Committee on Transportation and Infrastructure is crafting new surface transportation authorization legislation to replace the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 109-59), which expires on September 30, 2009.

This legislation will transform our surface transportation programs by strengthening the current Federal-state-local partnership, ensuring that programs meet specific performance-based metrics, and providing for greater transparency and accountability for Federal, state, and local decision-making.

Under current law, the U.S. Department of Transportation, States, Metropolitan Planning Organizations, and public transit agencies are responsible for the vast majority of surface transportation investment decisions. Although the current Federal-state-local partnership has served highway and transit systems well, not all communities are treated equally in the decision-making process.

To complement the work done by these agencies, and to ensure that the needs of the communities that we represent are full partners in these important programs, a small percentage of the overall investment of the authorization bill will be available for Member-designated, High Priority Projects ("HPPs"). As elected Members of Congress, we are uniquely responsible and accountable to our constituents; as such, we must be responsive to them by investing in worthwhile projects critical to our districts that may otherwise not be funded. The Committee will accept requests from Members of Congress to designate funding for High Priority Projects to ensure that the diverse transportation needs of our districts – urban, suburban, and rural – are addressed with the investment provided in this legislation.

The new authorization legislation will include a strong focus on performance and accountability, and these same high standards will be applied throughout the High Priority Project submission and selection process. To address concerns that have been raised with the Member-designated Surface Transportation High Priority Project (HPP) program authorized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and prior surface transportation legislation and to ensure that projects that receive funding in this surface transportation authorization act result in tangible transportation and safety benefits, the Committee on Transportation and Infrastructure has adopted the following principles for Member-designated High Priority Projects:

- ⇒ **The Committee requires all projects to meet eligibility criteria** under Title 23 (Highways) or Chapter 53 of Title 49 (Public Transit) of the United States Code to ensure that HPPs comply with highway and transit program objectives. In addition, **the Committee specifically prohibits HPP funding for non-surface transportation projects, such as funding of transportation museums, horse trails, historic battlefields, and other non-transportation projects.**
- ⇒ **The Committee requires Members to provide specific information on the type, location, total cost, percentage of total cost that the request would finance, and benefits of the project**, in order for the Committee to effectively analyze the merits of project requests.
- ⇒ **The Committee requires Members to specifically identify funding to finance at least 80 percent of the total cost of the phase or segment of the project requested by either (1) the amount requested by the Member; or (2) the amount requested by the Member and other specifically designated Federal, state, local, or private funding sources.** The intent of this provision is to increase the likelihood that construction of the project will be underway during the term of the Act.
- ⇒ To ensure that HPPs have significant state or local support, **the Committee requires Members to provide at least one letter of support for the project from the state Department of Transportation or affected local government or governmental agency.**

The Committee requires such government to specify the process which will be followed to **provide an opportunity for public comment** (such as the Environmental Impact Statement or other permitting process that requires public review) on the project.

The Committee also requires such government to **identify other Federal, state, local, or private funding sources** that may be used to advance the project.

T&I Committee Letter Announcing Highway Bill Earmark Rules, p. 2 of 2

- ⇒ To ensure greater transparency and accountability for HPPs, the Committee establishes the following transparency and accountability principles:
- Members are required to certify that neither the Member nor his or her spouse has any financial interest in a project requested;
 - Members are required to post requests for projects on the Member's website;
 - The Committee will afford the U.S. Department of Transportation at least 20 days to review all project requests to ensure that the projects meet program eligibility criteria;
 - A list of all Member-designated Surface Transportation High Priority Projects that are included in the bill will be posted on the Committee website; and
 - A copy of all Member financial interest certifications for HPPs that are included in the bill will be posted on the Committee website.
- ⇒ The Committee intends to repeal prior ISTEA and TEA 21 project designations that have not proceeded to construction or have remaining unused funds to ensure the effective use of highway and transit funds.

The Committee will accept HPP requests that adhere to these specific principles beginning on **April 27, 2009**, and ending on **May 8, 2009**. Members will have the opportunity to submit project requests through the Committee's online database, which will be located at <http://hpp.transportation.house.gov>. Members will be required to submit both electronic and hard copies of all High Priority Project requests. Online answers to the enclosed questionnaire will be required for each project submission.

We strongly recommend that Members immediately begin to compile the information and letters of support necessary to complete their project requests.

To assist Members in this process, the Committee will hold a series of staff briefings and question-and-answer sessions for Congressional staff, as follows:

[There follows a schedule of meetings on April 8, April 15, April 24, and May 1, 2009.]

In addition, on April 28, 2009 in room 2167 of the Rayburn House Office Building, the Subcommittee on Highways and Transit will hold a hearing to receive testimony from Members of Congress regarding project requests. Although participating in this hearing will not impact the inclusion of a requested project in this legislation, the hearing will provide an opportunity for Members to publicly discuss the needs of their district and the merits of their project requests. If you are interested in participating in this hearing, please contact the Subcommittee on Highways and Transit at (202) xxx-xxxx.

[There follows staff contact information for the Subcommittee.]

We believe that Member-designated projects can play an appropriate role in the upcoming surface transportation authorization act, and that the High Priority Project reform principles will ensure that projects that receive funding will result in tangible transportation and safety benefits. We appreciate your willingness to work with us to ensure that this process meets the highest standards of transparency and accountability.

Sincerely,

James L. Oberstar
Chairman

John L. Mica
Ranking Minority Member

Peter A. DeFazio
Chairman, Highways & Transit Subcommittee

John J. Duncan, Jr.
Ranking Minority Member, H&T Subc.

A printout of the project questionnaire can be found here:

<http://transportation.house.gov/Media/file/Highways/HPP/HPP%20Questionnaire.doc>

House, Senate Budget Plans Similar on Transportation Funding

When Congress returns from its two-week Easter/Passover recess next week, its first major item of business will be to finalize a budget blueprint for fiscal year 2010 and beyond.

Before recessing, the House and Senate each passed their own version of a blueprint by a party-line vote. (The House version is H. Con. Res. 95; the Senate version is S. Con. Res. 13.)

Once negotiators from the Budget Committees have informally agreed on the major points of contention, the House will take up the Senate resolution and move it to a House-Senate conference committee which will quickly bless the deal and move it before each chamber for a final vote.

The table at the bottom of this page shows the House-passed and Senate-passed budgetary totals for the transportation functional category (function 400).

As you can see, the House and Senate plans for transportation are very similar in most respects. In

terms of discretionary spending, only the first year of the resolution (FY 2010) really matters, and in that year, the assumptions are identical.

Both plans assume \$31.4 billion in discretionary budget authority for transportation in FY 2010. This is \$1.1 billion more than the Congressional Budget Office's last-year-plus-inflation baseline, but is only \$200 million more than the baseline if one assumes that Congress will agree to President Obama's proposal to increase spending on high-speed rail to \$1 billion in the FY 2010 appropriations bill.

(Of course, it goes without saying that the categorical assumptions for discretionary spending in the budget are not binding on the Appropriations Committees, which have the final say.)

Likewise, both the House and Senate plans have identical assumptions for the outlays of cash from the Treasury for transportation in FY 2010. Both plans assume \$95.7 billion, much of which is

“uncontrollable” spending resulting from commitments made in prior years.

This is about \$600 million higher than the baseline, which would accommodate the extremely slow-spending new high-speed rail money plus some growth in fast-spending accounts like FAA Operations.

The principal difference between the categorical totals is the House's decision to raise the mandatory budget authority total in its resolution by \$67 billion over five years over the CBO baseline to make up for a scorekeeping problem (the baseline is required to assume that the huge contract authority rescissions taking place in FY 2009 will recur every year). The Senate resolution does not include the fix and assumes the Senate baseline for mandatory transportation BA.

While the dollar difference is stark, the problem has no net effect on assumed outlays (real spending) due to other odd scorekeeping rules.

The other big difference in the budget plans where transportation funds is the nature of the “reserve fund” that will allow highway and transit spending to increase in the reauthorization bill if new revenues can be found.

The House plan makes Highway Trust Fund sufficiency its “solvency test” and under the House reserve fund, about \$65.5 billion in new taxes would be required over six years to pay for baseline Trust Fund spending levels.

Under the Senate reserve fund's different structure, about \$84 billion in new taxes would be required to pay for the baseline amount of new highway and transit spending.

COMPARISON OF HOUSE-PASSED AND SENATE-PASSED BUDGET RESOLUTIONS FOR FUNCTIONAL CATEGORY 400 (TRANSPORTATION)

Budget Authority and Outlays, in Millions of Dollars

		<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>	<u>5-Year</u>
Mandatory BA	House	43,396	56,715	57,146	57,604	57,933	58,514	287,912
Mandatory BA	Senate	43,396	43,810	43,991	44,199	44,318	44,525	220,843
House more than Senate by:		-	12,905	13,155	13,405	13,615	13,989	67,069
Discretionary BA	House	79,061	31,436	31,925	32,443	32,933	33,295	162,032
Discretionary BA	Senate	79,061	31,436	31,310	31,686	31,440	31,117	156,989
House more than Senate by:		-	-	615	757	1,493	2,178	5,043
Mandatory Outlays	House	2,116	2,233	2,279	2,414	2,536	2,690	12,152
Mandatory Outlays	Senate	2,116	2,233	2,279	2,414	2,536	2,690	12,152
House more than Senate by:		-	-	-	-	-	-	-
Discretionary Outlays	House	85,668	93,462	94,195	93,437	93,614	94,103	468,811
Discretionary Outlays	Senate	85,668	93,462	93,868	92,770	92,481	92,282	464,863
House more than Senate by:		-	-	327	667	1,133	1,821	3,948
Total BA	House	122,457	88,151	89,071	90,047	90,866	91,809	449,944
Total BA	Senate	122,457	75,246	75,301	75,885	75,758	75,642	377,832
House more than Senate by:		-	12,905	13,770	14,162	15,108	16,167	72,112
Total Outlays	House	87,784	95,695	96,474	95,851	96,150	96,793	480,963
Total Outlays	Senate	87,784	95,695	96,147	95,184	95,017	94,972	477,015
House more than Senate by:		-	-	327	667	1,133	1,821	3,948

House Hearing Explores Sky-High Costs of High Speed Rail

A House Appropriations subcommittee hearing on April 1 explored reasons why the \$8 billion provided by the stimulus law for high-speed rail, and the \$1 billion per year promised for the program in future Obama budgets, may not go very far.

Matt Rose, the CEO of BNSF, spoke on behalf of both the rail industry and the blue-ribbon transportation commission he served on, calling the prospect of building European-style high-speed rail corridors in the U.S. "a trillion-dollar funding proposition."

A GAO representative summed up the findings of GAO's recent 108-page report on high-speed rail by saying that "...high speed rail does not offer a quick or simple solution to relieving congestion on our nation's highways and airways. High speed rail projects are costly, risky, take years to develop and build, and require substantial up-front public investment as well as potentially long-term operating subsidies"

But the most interesting testimony came from Amtrak President Joe Boardman, who said that at present, if all goes well, the Acela Express should make it from DC's Union Station to New York City's Penn Station in 2 hours and 45 minutes. Five stops in between are built into that timetable. The average speed of the Acela Express once those stops are included is 82 miles per hour (the peak speed in places is north of 120 mph).

In order to shave fifteen minutes off that transit time (to two-and-a-half hours, or an average speed of 90 mph including stop time and a peak speed closer to 150 mph), Boardman said that a total of \$625 million of capital improvements would be needed (\$240 million to upgrade the track to handle a peak speed of 150 mph, \$40 million in trainset modifications, \$75 million for positive train control on Acelas and commuter trains, and \$270 million in electrical catenary upgrades).

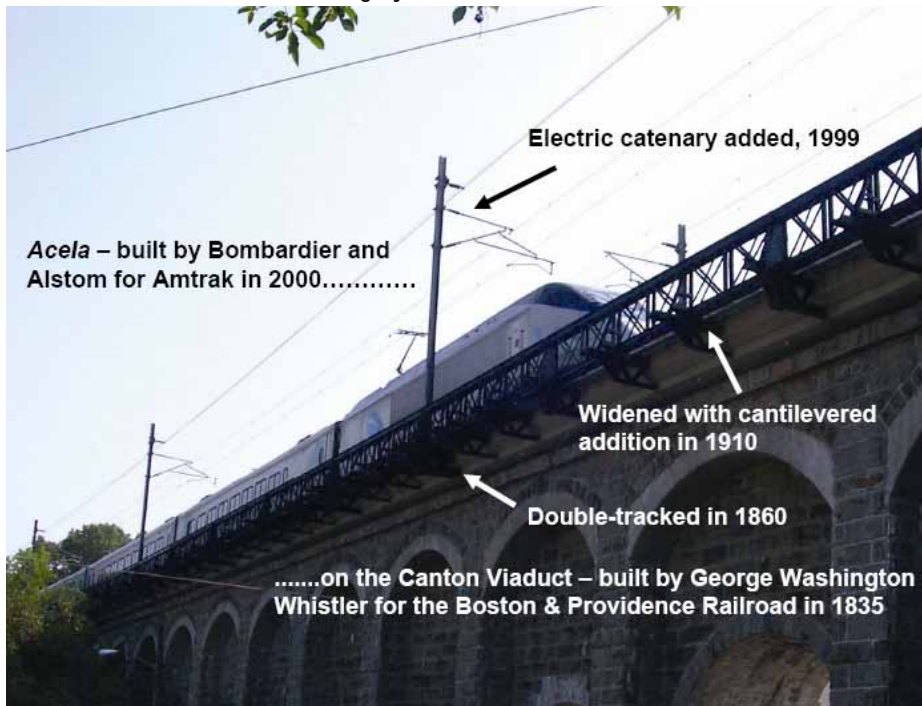
But Boardman went on to say that if you wanted to cut the DC-NYC Acela Express time by a half-hour, from 2:45 to 2:15, it would require \$5 billion in capital improvements, including the replacement of several expensive bridges.

This raises obvious questions: is getting from DC to NYC fifteen minutes sooner worth \$675 million? Is getting there thirty minutes sooner really worth \$5 billion?

This is especially important since Acela's share of the DC-NYC business travel market is based on two things: price and time. Although the DCA-LGA US Airways shuttle only takes 1 hour and 15 minutes, its walk-up coach fare is \$150 higher than Acela's, and one has to budget at least an hour of time and \$50 or more for cab fares between airports and downtown and security check-ins. At that point, assuming no delays, Acela is already almost as quick from downtown to downtown as the shuttle and is about \$200 cheaper. Would making the Acela five or ten minutes faster than the total trip time for the shuttle be worth \$625 million? Would making the total downtown-to-downtown trip time for Acela 20 to 30 minutes faster than the shuttle be worth \$5 billion?

(*Ed. Note:* Of course, this presumes a paradigm that assumes that Amtrak is a business, not a government subsidiary. And federal ethics rules agree — even though Amtrak receives hundreds of millions of dollars in annual federal subsidies every year (closer to \$2 billion this year), it is technically a private company. As such, since Amtrak President Joe Boardman was a DOT employee until five months ago, no one from DOT is allowed to be in the same room with him when he speaks in public about Amtrak's funding needs, at least until his revolving-door lobbying period expires. Nor is anyone from DOT allowed to be in Amtrak Board of Directors meetings while Boardman is talking. Seriously.)

Amtrak President Joe Boardman made the point that high-speed rail in Europe and Japan utilizes new right-of-way, tracks and bridges built from the ground up for high-speed rail, while the Acela must use older "legacy" structures like the Canton Viaduct, below...



FEMA Issues FY 2009 Port, Transit, Rail, Bus, Trucking Security Grants

Last week, the Federal Emergency Management Agency released almost \$800 million in transportation-related security grants for fiscal year 2009.

“Today’s grant allocations provide more transparency and openness than ever before, as stakeholder feedback drove significant improvements in the grant guidance and peer review process, increasing the value of what states get with their dollars,” said Homeland Security Secretary Janet Napolitano. “As we continue to expand our state, local, tribal and private sector partnerships, our combined efforts will improve and hone our grant programs – which helps us strengthen and protect individual communities and the entire nation.”

In the Homeland Security Appropriations Act for fiscal year 2009 (Division D of Public Law 110-329), Congress appropriated a total of \$820 million for security grants for ports, public transit, intercity rail, over-the-road buses, and trucking. FEMA was given authority to deduct up to three percent from each individual appropriation for oversight and administrative overhead (they only took 2.85 percent).

The table at right and the tables on the following page show the disposition of the FY 2009 appropriations. The April 8 FEMA announcement disburses the entire FY 2009 appropriations for port, transit, rail, and bus security. Of the \$7.77 million available for trucking security grants, last week’s announcement only gave out \$2.22 million of that amount. DHS said that not enough applications were received to fulfill the entire amount of the program and that more money will be given out when future applications are received and approved.

Ports were put into groups by FEMA — the highest-risk into Group I, other identifiable at-risk ports in Group II, and all other ports in Group III or in “Other Areas” along with some ferry services.

Ferry boat operators applying for port security grants were ineligible to apply for funding under the transit security grants, and vice versa. In addition to the funds announced last week, another \$300 million in

stimulus funding for these programs (\$150 million for transit and rail security and \$150 million for port security) is in the works. Those funds could be awarded as early as September of this year.

FY 2009 PORT SECURITY GRANT ALLOCATIONS

State	Port	Entity Receiving Grant	Grant Amount
CA	L.A.-Long Beach	Marine Exchange of Los Angeles Long Beach Harbor, Inc	\$37,916,246
CA	San Francisco Bay	Marine Exchange of the San Francisco Bay Region	\$26,456,926
DE/NJ/P	Delaware Bay	Maritime Exchange for the Delaware River and Bay	\$19,912,982
LA	New Orleans	Lower Mississippi River Port-wide Strategic Security	\$30,370,227
NY/NJ	New Yor/N.J.	The Port Authority of New York & New Jersey	\$45,032,145
TX	Houston-Galveston	Harris County, Texas	\$32,179,975
WA	Puget Sound	Northwest Maritime Advisory Services(DBA Marine	\$26,888,749
Total, Group I			\$218,757,250
AK	Anchorage	Port of Anchorage - Municipality of Anchorage	\$639,874
AL	Mobile	Alabama Department of Homeland Security	\$2,987,033
CA	Port Hueneme	Oxnard Harbor District (Port of Hueneme)	\$839,923
CA	San Diego	San Diego Unified Port District	\$3,508,217
CT	Long Island Sound	Connecticut Dept Emergency Management & Homeland	\$4,495,807
FL	Jacksonville	Jacksonville Marine Transportation Exchange, Inc.	\$6,147,751
FL	Miami	Miami River Marine Group	\$3,122,457
FL	Panama City	City of Panama City	\$1,680,679
FL	Pensacola	Pensacola Bay Area Chamber of Commerce	\$1,635,398
FL	Port Canaveral	Canaveral Port Authority -Finance Department	\$3,017,513
FL	Port Everglades	Broward County Board of County Commissioners	\$4,438,880
FL	Tampa Bay	Hillsborough County Port District (Tampa Port Authority)	\$2,408,909
GA	Savannah	Georgia Tech Research Corporation	\$5,360,784
HI	Honolulu	State Department of Defense Civil Defense Division	\$5,046,997
IL/IN	S. Lake Michigan	Inland Rivers Ports & Terminals, Inc.	\$6,764,459
KY	Louisville	Larry D Allen, LLC	\$1,533,012
LA	Lake Charles	Calcasieu Parish Sheriff's Office	\$4,162,236
LA	Morgan City	Morgan City Harbor and Terminal District	\$560,663
LA	Port Fourchon	Greater Lafourche Port Commission	\$2,956,219
MA	Boston	Massachusetts Executive Office of Public Safety and	\$4,711,752
MD	Baltimore	Maryland Emergency Management Agency	\$6,423,657
ME	Portland	City of Portland, Maine	\$1,137,543
MI	Detroit	Detroit/Wayne County Port Authority	\$1,554,102
MN	Minneapolis-St Paul	Minneapolis Department of Public Safety	\$1,909,050
MN/WI	Duluth-Superior	Minneapolis Department of Public Safety	\$2,062,750
MO	Kansas City	Mid-America Regional Council	\$1,621,783
MO	St. Louis	East-West Gateway Council of Governments	\$2,647,163
MS	Pascagoula	Mississippi Department of Public Safety	\$383,623
NC	Morehead City	North Carolina Dept. of Crime Control & Public Safety	\$1,726,918
NC	Wilmington	North Carolina Dept. of Crime Control & Public Safety	\$5,643,705
NY	Albany	The Port Authority of New York & New Jersey	\$2,080,975
NY	Buffalo	NYS Office of Homeland Security	\$1,464,325
OH	Cincinnati	Larry D Allen, LLC	\$1,878,972
OH	Cleveland	Board of County Commissioners	\$1,546,204
OH	Toledo	Toledo-Lucas County Port Authority	\$1,137,062
OR/WA	Columbia-Snake R.	Merchants Exchange of Portland	\$3,238,369
PA	Pittsburgh	Port of Pittsburgh Commission	\$2,600,348
PR	Ponce	Municipio Autonomo de Ponce	\$2,026,094
PR	San Juan	Puerto Rico Ports Authority	\$4,395,273
SC	Charleston	South Carolina Law Enforcement Division	\$5,553,759
TN	Memphis	Inland Rivers Ports & Terminals, Inc.	\$2,491,700
TN	Nashville	Metro Government of Nashville and Davidson County	\$1,560,071
TX	Corpus Christi	Port of Corpus Christi Authority	\$7,174,280
TX	Freeport	Port Freeport	\$3,410,916
TX	Sabine-Neches	Jefferson County, Texas	\$7,287,318
VA	Hampton Roads	Virginia Department of Emergency Management	\$7,426,689
WV	Huntington	West Virginia Public Port Authority	\$2,359,528
Total, Group II			\$148,760,740
Total, All Group III			\$10,335,282
Total, All Other			\$10,099,512
Total, Ferry			\$647,216
2.85% Administrative Overhead Set-Aside			\$11,400,000
TOTAL, PORT SECURITY GRANTS APPROPRIATION			\$400,000,000

FEMA FY 2009 Transit, Rail, Trucking & Bus Security Grants, Continued...

FY 2009 TRANSIT SECURITY GRANT ALLOCATIONS

State	Urban Area	Entity Receiving Grant	Amount
CA	Los Angeles	Los Angeles County MTA	\$8,458,478
CA	Los Angeles	Orange County Transportation Authority	\$880,000
CA	Los Angeles	Southern California Regional Rail Authority	\$1,895,200
CA	Los Angeles	Foothill Transit System	\$2,100,000
CA	San Francisco	Bay Area Rapid Transit	\$14,235,223
CA	San Francisco	San Francisco MTA	\$7,996,664
CA	San Francisco	Alameda-Contra Costa Transit District	\$1,936,142
CA	San Francisco	Santa Clara Valley Transportation Authority	\$3,291,693
CA	San Francisco	Transbay Joint Powers Authority	\$100,000
CA	San Francisco	Altamont Commuter Express	\$700,000
DC/MD/VA	Capital Region	Washington Metropolitan Area Transit Authority	\$24,294,621
DC/MD/VA	Capital Region	Maryland Transit Administration	\$13,150,000
DC/MD/VA	Capital Region	Virginia Railway Express	\$635,719
GA	Atlanta	Metropolitan Atlanta Rapid Transit Authority	\$6,399,055
IL	Chicago	CPD (thru CTA)*	\$9,838,973
IL	Chicago	Chicago Transit Authority	\$4,000,000
IL	Chicago	Northeast Illinois Commuter Railroad Corporation	\$9,329,853
IL	Chicago	PACE Suburban Bus	\$1,688,003
MA	Boston	Massachusetts Bay Transportation Authority	\$29,259,896
NY/NJ/CT	New York City	Port Authority of New York and New Jersey	\$23,850,000
NY/NJ/CT	New York City	Metropolitan Transportation Authority	\$112,771,968
NY/NJ/CT	New York City	New York Police Department	\$5,500,500
NY/NJ/CT	New York City	Connecticut Department of Transportation	\$4,575,000
NY/NJ/CT	New York City	Connecticut Transit	\$483,500
NY/NJ/CT	New York City	Westchester County Department of Transportation	\$500,000
NY/NJ/CT	New York City	New Jersey Transit Corp.	\$5,575,696
PA	Philadelphia	New Jersey Transit	\$4,209,515
PA	Philadelphia	Southeast Pennsylvania Transportation Authority	\$9,038,209
PA	Philadelphia	Delaware River Port Authority	\$5,306,092
Total, Tier I Transit Security Grants			\$312,000,000
AZ	Phoenix	City of Phoenix Public Transit Department	\$1,157,125
AZ	Tucson	City of Tucson Transit	\$740,867
CA	Sacramento	Sacramento Regional Transit District	\$82,434
CA	San Diego	San Diego MTS	\$896,000
CA	Fresno	Fresno Area Express	\$495,000
CO	Denver	Denver Regional Transportation District	\$613,000
FL	Jacksonville	Jacksonville Transportation Authority	\$1,024,078
FL	Miami/Ft. Laud.	Broward County Division of Mass Transit	\$4,168,626
FL	Miami/Ft. Laud.	South Florida Regional Transportation Authority	\$679,310
FL	Orlando	Central Florida Regional Transportation Authority	\$1,696,404
KY	Louisville	Transit Authority of River City	\$145,460
LA	New Orleans	Jefferson Parish Department of Transit Admin.	\$594,711
MA	Springfield	Pioneer Valley Transit Authority	\$1,783,608
MN	Twin Cities	Metro Transit	\$1,520,898
MO	St. Louis	Bi-State Development Agency	\$1,992,725
NC	Charlotte	Charlotte Area Transit System	\$364,373
NV	Las Vegas	Regional Transportation Comm. of Southern Nevada	\$375,279
NY	Albany	Capital District Transportation Authority	\$173,120
NY	Buffalo	Niagara Frontier Transportation Authority	\$3,587,235
NY	Rochester	Rochester Genesee Regional Transportation Auth.	\$559,140
OH	Cleveland	Greater Cleveland Regional Transportation Auth.	\$1,075,236
OH	Cincinnati	Southwest Ohio Regional Transit Authority	\$759,316
OR	Portland	Tri-Country Metropolitan Transportation District	\$1,951,436
PA	Pittsburgh	Port Authority of Allegheny County	\$1,189,849
TX	Dallas/Ft. Worth	Dallas Rapid Area Transit	\$2,261,025
TX	Dallas/Ft. Worth	Fort Worth Transportation Authority	\$57,153
TX	Houston	Metropolitan Transit Authority of Harris County	\$948,427
UT	Salt Lake City	Utah Transit Authority	\$2,061,920
WA	Seattle	King County Department of Transportation	\$2,130,790
WA	Seattle	Central Puget Sound Regional Transit Authority	\$829,280
WA	Seattle	Pierce County Public Transp. Benefit Area Corp.	\$400,000
WA	Seattle	Snohomish County Transp. Benefit Area Corp.	\$53,395
WI	Milwaukee	Milwaukee County Transit System	\$232,780
Total, Tier II Transit Security Grants			\$36,600,000
Rail Security Grants (See Separate List)			\$40,000,000
2.85 Percent Administrative Overhead			\$11,400,000
Total, Transit/Rail Security Grant Appropriation			\$400,000,000

FY 2009 OVER-THE-ROAD BUS SECURITY GRANTS

FEMA has announced a total of \$11.658 million in FY 2009 over-the-road bus security grants. \$3.675 million went to Greyhound; \$1.348 million went to Academy Express, and the remaining \$6.634 million was distributed amongst 69 other bus companies.

TRUCKING SECURITY GRANTS

Trucking Security Program Grants Allocated 4/09 (split amongst Grammer Industries, Honeywell, SLT Express Way, T.F. Boyle, General Dynamics, and Total Security Services) \$ 2,224,750

Trucking Security Program Funds Not Yet Allocated \$ 5,547,250

2.85 Percent Administrative Overhead \$ 228,000

Total, Trucking Security Grant Appropriation \$ 8,000,000

RAIL SECURITY GRANT SET-ASIDE FROM TRANSIT SECURITY

CA	Richmond Pacific Railroad	\$100,000
CA	California Northern Railroad Co	\$75,000
CT	Connecticut Southern Railroad	\$75,000
FL	CSX Transportation, Inc.	\$1,194,274
FL	CSX Transportation, Inc.: RR Research	\$2,254,293
FL	Florida East Coast Railway	\$100,000
IL	Union Tank Car Company	\$1,729,788
IL	Chicago Fort Wayne & Eastern Railroad	\$75,000
IL	Chicago South Shore and South Bend RR	\$100,000
IN	Indiana Rail Road Company	\$100,000
IN	Indiana Southern Railroad	\$75,000
KY	The Louisville and Indiana Railroad	\$100,000
MN	Soo Line RR/Delaware and Hudson RR	\$186,356
MO	Alton & Southern Railway	\$100,000
MO	Missouri & Northern Arkansas Railroad	\$75,000
MO	Dakota, Minnesota & Eastern Rr	\$16,000
NJ	Morristown and Erie Railway Inc.	\$100,000
NY/PA	Buffalo & Pittsburgh Railroad, Inc.	\$83,450
OH	Indiana & Ohio Railway	\$100,000
OR	Portland & Western Railroad, Inc.	\$85,677
PA	PPG Industries Inc.	\$955,006
RI	Providence and Worcester Railroad Co	\$100,000
TN	Olin Corporation	\$2,492,445
TX	Trinity Rail Group, LLC	\$974,142
TX	Occidental Chemical Corporation	\$3,392,892
TX	Dallas, Garland & Northeastern RR	\$100,000
UT	Utah Railway Company	\$85,677
WA	Puget Sound & Pacific Railroad	\$75,000
WI	Wisconsin & Southern Railroad Co	\$100,000
Total, Freight Rail Security Grants		\$15,000,000
Amtrak Security Grant Set-Aside		\$25,000,000
TOTAL RAIL SECURITY SET-ASIDE		\$40,000,000

NEW AND NOTABLE ON THE INTERNET

FEMA Transportation Security Grants

More detail on the FY 2009 transportation security grants from FEMA may be found here:

http://www.fema.gov/pdf/government/grant/fy09_grants_overview.pdf

High-Speed Rail Hearing

The Amtrak President's presentation before the House Appropriations Committee is here:

http://appropriations.house.gov/Witness_testimony/TH/Joe_Boardman_04_01_09.pdf

And the full 108-page GAO report on the future of high-speed rail in the U.S. is here:

<http://www.gao.gov/new.items/d09317.pdf>

STATUS OF TRANSPORTATION-RELATED NOMINATIONS

Agency	Nominee	Position	Senate Committee	Latest Action
Department of Transportation	Ray LaHood	Secretary	Commerce, Science and Transportation	Sworn into office 1/23/09
Department of Transportation	John Porcari	Deputy Secretary	Commerce, Science and Transportation	Nomination announced 4/10/09
Department of Transportation	Roy Keinitz	Under Secretary for Policy	Commerce, Science and Transportation	Nomination transmitted 3/16/09
Department of Transportation	Robert Rivkin	General Counsel	Commerce, Science and Transportation	Nomination announced 3/19/09
Department of Transportation	Dana Gresham	Assistant Secretary for Governmental Affairs	Commerce, Science and Transportation	Nomination transmitted 3/10/09
DOT-Federal Aviation Administration	J. Randolph Babbitt	Administrator	Commerce, Science and Transportation	Nomination announced 3/27/09
DOT-Federal Highway Administration	Victor Mendez	Administrator	Environment and Public Works	Nomination announced 4/2/09
DOT-Federal Railroad Administration	Joseph Szabo	Administrator	Commerce, Science and Transportation	Nomination transmitted 3/26/09
DOT-Federal Transit Administration	Peter Rogoff	Administrator	Banking, Housing and Urban Affairs	Nomination announced 4/8/09
DOT-National Highway Traffic Safety Admin.	Charles Hurley	Administrator	Commerce, Science and Transportation	Nomination announced 4/8/09
DOT-Research & Innovative Tech. Admin.	Peter Appel	Administrator	Commerce, Science and Transportation	Nomination announced 4/2/09
Department of the Army	Jo-Ellen Darcy	Assistant Secretary for Civil Works	Armed Services <i>and</i> Enviro. & Public Works	Nomination transmitted 4/2/09

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Congress is in recess this week, as it was last week, and no hearings are scheduled.

NEXT WEEK IN COMMITTEE

Wednesday, April 22, 2009 — House Appropriations — Subcommittee on Homeland Security — subcommittee hearing on Coast Guard procurement — *10:00 a.m., 2358-B Rayburn.*

House Transportation and Infrastructure — Subcommittee on Aviation — subcommittee hearing on oversight of helicopter medical services — *10:00 a.m., 2167 Rayburn.*

Senate Homeland Security and Governmental Affairs — full committee hearing on pending nominations, including that of William Fugate to be head of FEMA — *10:00 a.m., SD-342 Dirksen.*

House Transportation and Infrastructure — Subcommittee on Railroads — subcommittee hearing on the RRIF program — *2:00 p.m., 2167 Rayburn.*

Thursday, April 23, 2009 — House Transportation and Infrastructure — full committee hearing on an independent FEMA — *11:00 a.m., 2167 Rayburn.*

STATUS OF MAJOR TRANSPORTATION BILLS — 111th CONGRESS

BILL	HOUSE ACTION	SENATE ACTION	RESOLUTION
FY 2009 Omnibus Appropriations Act	H.R. 1105 passed House 2/25/09 by a vote of 245-178	H.R. 1105 passed Senate 3/10/09 by voice vote	Public Law 111-8 3/11/09
Economic Stimulus Appropriations & Tax Cuts	H.R. 1 conference report passed House 2/13/09 by 246-183-1	H.R. 1 conference report passed Senate 2/13/09 by a vote of 60-38	Public Law 111-5 2/17/09
FY 2010 Congressional budget resolution	H. Con. Res. 95 passed House 4/2/09 by vote of 233-196	S. Con. Res. 13 passed Senate 4/2/09 by vote of 55-43	
FY 2010 Transportation-HUD Appropriations			
FY 2010 Energy and Water Appropriations			
FY 2010 Homeland Security Appropriations			
Federal Aviation Admin. Reauthorization Bill	H.R. 915 ordered reported 3/5/09 by House T&I Committee		
Surface Transportation Reauthorization Bill			
Water Resources Development Act			
FY 2010 Coast Guard Authorization			