

THE LEGISLATIVE SERVICES GROUP'S

Transportation Weekly

MONITORING AND ANALYZING DEVELOPMENTS IN FEDERAL TRANSPORTATION AND PUBLIC WORKS POLICY

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Monday, May 11, 2009

Legislative Schedules *Week of May 11, 2009*

House

Tuesday — meets at 2 p.m. for legislative business — 14 measures under suspension of the rules — no votes until 6:30 p.m.

Wednesday and the balance of the week — meets at 10 a.m. (9 a.m. Friday) — four suspensions plus H.R. 2187, green school facilities, and H.R. ____, supplemental appropriations for Iraq and Afghanistan.

Senate

The Senate will convene at 2 p.m. today for morning business. At 3 p.m. the Senate will resume consideration of H.R. 627, rights of credit card holders.

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Obama Proposes \$73.25 Billion USDOT Budget

Would Replace Highway Trust Fund Dollars With General Fund Appropriations Unless Congress Raises Additional Highway Revenues (Or Passes Another Bailout)

Last week, the White House released the full details of the portion of the President's fiscal year 2010 budget request handled through the appropriations process.

The President proposes a gross total of \$73.25 billion in gross budgetary resources in FY 2010 for the U.S. Department of Transportation, an increase of \$1.69 billion (or 2.4 percent) over the equivalent FY 2009 number once stimulus appropriations are removed from the current year total.

However, due to the declining balances in the Highway Trust Fund, the President's budget proposes a massive shift in



From left, OMB Director Peter Orszag, Deputy Director Rob Nabors, and President Obama discuss the release of the FY 2010 budget on May 7. (White House photo by Chuck Kennedy.)

the composition of those budgetary resources. The budget proposes that new spending obligation limitations from the Trust Fund drop to 15 percent of the \$73.25 billion total. In 2009, Highway Trust

Fund obligation limitations are 70 percent of the USDOT total.

Instead, new appropriations from the general fund of the Treasury for

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T&I Leaders Facing Resistance To Gas Tax Hike

The chairman of the House Transportation and Infrastructure Committee is facing internal Democratic resistance to increased federal taxes on gasoline and diesel fuel in order to pay for increased spending on surface transportation programs.

Chairman James Oberstar (D-MN) and other senior Democratic mem-

bers of the committee held meetings with Democratic members of the House Ways and Means Committee last week and discussed financing options for the forthcoming surface transportation reauthorization bill.

According to persons with knowledge of the talks, during an earlier meeting with Oberstar, Ways and Means chair-

man Charles Rangel (D-NY) expressed reservations about enacting any kind of fuel tax increase this year and encouraged Oberstar to consider other revenue options that could not be construed as a tax increase. Accordingly, the meeting with the majority Ways and Means caucus focused on the overall revenue num-

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2010 Budget

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USDOT would rise from \$17 billion in 2009 to \$57.6 billion under the 2010 budget proposal, creating a massive headache for the Appropriations Committees if they try to accommodate the President's proposal. (See article on pages 13-14 of this issue for more information.)

President Obama's public remarks on the budget focused on cost-cutting, with the President emphasizing that "We can no longer afford to spend as if deficits don't matter and waste is not our problem. We can no longer afford to leave the hard choices for the next budget, the next administration — or the next generation."

Obama made those remarks while calling attention to some \$17 billion in proposed program terminations and cancellations in the budget. Some \$258 million of those terminations and cancellations are in transportation-related areas (see box on the top of page 5 of this issue), but \$177 million of the \$258 million are simply proposals to stop stand-alone ap-

propriations for Senate highway earmarks in the annual appropriations bill — a proposal which Obama may have difficulty getting the Senate to agree to.

The budget punts the issue of the surface transportation reauthorization legislation down the road, giving most highway, safety and mass

passenger rail grants, following up on the \$8 billion in start-up money in the economic stimulus act.

Following is a mode-by-mode summary of last week's budget request.

Highways. The President's budget requests a total of \$41.107 billion in discretionary spending for the main Federal-aid Highways program, a one percent increase over 2009's \$40.700 billion. However, due to the sad financial state of the Highway Trust Fund, the budget proposes to lower the obligation limitation on Highway Trust Fund contract authority to an even \$5 billion and instead provide a new general fund appropriation for the remaining \$36.107 billion. (See article on pages 15-16 of this issue for more on what the budget says about the Trust Fund.)

The budget assumes the continuation of the baseline \$739 million per year in additional new highway obligations exempt from limitation, and proposes to kill off the other general fund appropriations for the Federal Highway Administration that were funded by Congress in 2009 — Senate earmarks (\$161 million), Appalachian corridor H (\$9.5 million), and Denali roads (\$6.5 million).

The budget does not propose any further rescissions of highway contract authority as a budget-balancing maneuver (the new OMB team has been critical of such transparent fiscal gimmicks, and that was one of the reasons behind their proposed change of scorekeeping practices relating to contract authority). In any case, after the big \$8.7 billion rescission of contract authority held by states takes effect on September 30 of this year, and if the highway program is governed by a short-term extension starting on October 1, there won't be much contract authority out there to rescind in FY 2010.

U.S. Department of Transportation Budget

Gross Discretionary Resources, By Type

	FY 2008 Actual	FY 2009 Enacted	FY 2010 Request
Off-Budget			
Emergency Appropriations	\$1.1 billion	\$48.1 billion	Zero
Non-Emergency Discretionary Appropriations	\$15.6 billion	\$17.0 billion	\$57.6 billion
Obligation Limitations on Contract Authority	\$53.7 billion	\$53.7 billion	\$14.8 billion

transit programs funded by the legislation the same baseline increase of about one percent over last year as a placeholder while the Administration works on its reauthorization proposal.

And the budget does fulfill the White House's earlier promise of \$1 billion for intercity and high-speed

Major U.S. Department of Transportation Accounts

(Gross totals, excluding stimulus and other emergency appropriations)

	FY 2008 Actual	FY 2009 Enacted	FY 2010 Request
Fed-aid Highways (Ob Limit)	\$41.216 billion	\$40.700 billion	\$5.000 billion
Fed-aid Highways (GF Approp.)	Zero	Zero	\$36.107 billion
FAA Operations	\$8.740 billion	\$9.042 billion	\$9.336 billion
FAA Facilities & Equipment	\$2.514 billion	\$2.742 billion	\$2.925 billion
FAA Airport Improvement Progr.	\$3.515 billion	\$3.515 billion	\$3.515 billion
FTA Formula & Bus (Ob Limit)	\$7.768 billion	\$8.261 billion	\$5.000 billion
FTA Formula & Bus (GF Approp.)	Zero	Zero	\$3.343 billion
FTA Capital Investment Grants	\$1.569 billion	\$1.809 billion	\$1.827 billion
Amtrak Capital Grants	\$850 million	\$940 million	\$930 million
Amtrak Operating Grants	\$475 million	\$550 million	\$572 million
Intercity Passenger Rail	\$30 million	\$90 million	\$1.000 billion
FMCSA (Admin. total)	\$530 million	\$541 million	\$550 million
NHTSA (Admin. total)	\$838 million	\$856 million	\$867 million

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2010 Budget

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No specifics are given on any Highway Trust Fund programs — instead, the boilerplate paragraph shown in the box at right is included in the budget for each Trust Fund account.

And for highways and the other Trust Fund accounts where new appropriations are proposed to supplant obligation limitations, the Administration proposes language to make the new appropriations contingent on Congress failing to fix the hole in the Highway Trust Fund. Each appropriations paragraph would begin with the following sentence: “Unless other legislation is enacted that authorizes a change that results in a positive cash balance in the Highway Trust Fund, projected through the end of fiscal year 2010, an appropriation is provided as follows:”

Three quick notes on the proposed contingency clause:

1. It will take several months, at the earliest, for Congress to work through a Trust Fund fix. But the Appropriations Committees must decide on budget allocations in a matter of weeks, and no procedure exists for the committees to allocate money to their subcommittees on a contingency basis, in case the authorizing committees fail in their task.
2. Under the proposed contingency language, the Highway Account could go into deficit as long as

the Mass Transit Account held enough of a positive balance to make sure that the total for the Trust Fund stays positive.

3. This language does not seem to preclude another general fund bailout of the Trust Fund, and practically speaking, it encourages such a bailout as the path of least resistance.

Transit. The 2010 budget proposes a total of \$10.336 billion for the Federal Transit Administration, an increase of \$104 million (one percent) above the non-stimulus 2009 level.

The big account, Formula and Bus Grants, gets a request totaling \$8.343 billion, an increase of \$83 million (one percent) over 2009. However, the obligation limit on Trust Fund money would drop from \$8.261 billion to \$5.000 billion, while a general fund appropriation would replace the remaining \$3.343 billion.

The budget proposes an appropriation of \$1.827 billion for Capital Investment Grants (a.k.a. new start projects), up one percent from 2009's non-stimulus \$1.809 billion.

Although not spelled out in the budget materials from OMB, the FTA last week issued its annual report on how it plans to spend that money (in addition, FTA also

announced how it has spent the \$750 billion in stimulus money for new starts. The table on page 10 of this issue lists every proposed new start project for 2010. \$1.123 billion would be spent on projects with existing full funding grant agreements (FFGAs). \$412 million of that amount would go to the two New York City megaprojects (those two projects still have almost \$1.5 billion more to go, but there are limits to how much money

FTA can commit to those projects until a reauthorization law is enacted). \$430 million would go to five new projects with proposed FFGAs — the Sacramento, CA South Corridor Phase 2, the Orlando, FL Commuter Rail IOS, the New Jersey –NYC ARC project (getting \$200 million), and two Houston, TX projects.

The budget proposes \$97.5 million for FTA administrative expenses (a 3.2 percent increase over 2009) and \$67.7 million for FTA research activities (a one percent increase).

Rail. The budget proposes \$2.705 billion in appropriations for the Federal Railroad Administration in 2010, a 50 percent increase over FY 2009's non-stimulus \$1.798 billion.

The increase, of course, is due to the new \$1 billion Capital Assistance for High-Speed Rail Corridors and Intercity Passenger Rail Service program. The money is to remain available until expended. In the proposed appropriations paragraph (on p. 938 of the *Appendix*) some interesting funding conditions are proposed, including:

- FRA is allowed to issue grants under interim regulations.
- The federal share of project costs is capped at 80 percent..
- Projects do not need to be on a state rail plan.

“The Administration is working to develop a comprehensive approach for surface transportation reauthorization. Consequently, the Budget contains no policy recommendations for surface programs subject to reauthorizations. Instead, the Budget conservatively displays baseline funding levels for all surface programs.”

“To reflect the growing imbalance between projected Highway Trust Fund (HTF) revenues and baseline spending in the most transparent manner, the Budget shows only the HTF funding that can be supported while maintaining positive annual cash balances in the HTF. The remaining spending compared to the baseline for the program is shown as discretionary budget authority from the General Fund. Specifically, for 2010 the Budget includes \$5.0 billion in new contract authority and obligation limitation in the existing Federal Aid Highways account and \$36.1 billion in a new General Fund share account. Again, this presentation does not represent the Administration's recommended funding levels or a budgeting approach for the upcoming reauthorization. Rather, it is intended to accurately depict the condition of the HTF and recognize that, under current law, maintaining baseline spending would require support from the General Fund.”

—Budget *Appendix*, p. 921.

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2010 Budget

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- Sections 24402(a)(2), 22402(f), 22402(i), and 24403(a) and (c) of title 49 U.S.C. apply to projects.

The budget requests a total of \$1.502 billion in subsidies for Amtrak in 2010, an increase of 0.8 percent over 2009. Capital and Debt Service Grants would actually drop slightly, from 2009's \$940 million to \$930 million, made possible because Amtrak paid back some loans last year ahead of schedule, reducing its debt service cost from \$285 million per year to \$264 million per year. (Amtrak also got \$1.3 billion in capital and security appropriations in the stimulus act.) Operating subsidies would increase by 4.1 percent from 2009, from \$550 million to \$572 million.

The previous intercity rail grant program (\$90 million in 2009) would be rolled into the new \$1 billion program, and 2009's \$25 million for rail line relocation would not be repeated.

FRA's Safety and Operations account would receive a 5.8 percent increase to \$169 million, and Railroad R&D would receive a \$195 thousand increase to \$34.1 million.

The Surface Transportation Board would receive a net appropriation of \$25.8 million under the budget, an increase of \$185 thousand over 2009.

Aviation. The President's budget proposes a gross total of \$15.956 billion in budgetary resources for the Federal Aviation Administration, an increase of 3.1 percent (\$486 million) over FY 2009. The table at right shows the specific breakdown of proposed appropriations and obligation limitation in the FAA budget.

The big account, FAA Operations, would receive \$9.336 billion under the budget, an increase of \$293 million (3.2 percent) over 2009.

Within the Operations account, the budget proposes to lower the general fund's share of the account from \$3.804 billion in 2009 to \$3.128 billion. (The reauthorization bill recently approved by the House Transportation and Infrastructure Committee, H.R. 915, would encourage a general fund share of \$6.7 billion — see article on page 21 of this issue.)

The budget proposes a new proviso allowing all fees collected under chapter 453 of title 49 (other than overflight fees) to be credited as offsetting collections against the Operations account.

The Administration continues to propose to switch most of the taxes that support the Airport and Airway Trust Fund over to user fees starting in FY 2011. Some details of that proposal may be forthcoming in budget documents released later this week, but a full explanation will probably have to wait until an FAA Administrator is confirmed by the Senate, as he would have to sell the program to Congress.

The budget proposes an appropriation of \$2.925 billion for FAA procurement (the Facilities & Equipment account) in 2010, up 6.7 percent from 2009's non-stimulus \$2.742 billion. Most of the increase would go to NextGen engineering and development.

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FEDERAL AVIATION ADMINISTRATION APPROPRIATIONS COMPARISON				
	FY 2009	FY 2010	Proposed Increase	
	Omnibus	Request	Dollars	Percent
Operations				
Air Traffic Organization	\$ 7,099,019,000	\$ 7,302,739,000	\$ 203,720,000	2.9%
Aviation Safety	\$ 1,164,597,000	\$ 1,216,395,000	\$ 51,798,000	4.4%
Commercial Space Transportation	\$ 14,094,000	\$ 14,737,000	\$ 643,000	4.6%
Financial Services	\$ 111,004,000	\$ 113,681,000	\$ 2,677,000	2.4%
Human Resources	\$ 96,091,000	\$ 100,428,000	\$ 4,337,000	4.5%
Region and Center Operations	\$ 331,000,000	\$ 341,977,000	\$ 10,977,000	3.3%
Staff Offices	\$ 180,859,000	\$ 196,063,000	\$ 15,204,000	8.4%
Information Services	\$ 46,500,000	\$ 49,778,000	\$ 3,278,000	7.0%
Adjustments	\$ (697,000)	\$ -	\$ 697,000	-100.0%
Total, Operations	\$ 9,042,467,000	\$ 9,335,798,000	\$ 293,331,000	3.2%
Facilities and Equipment				
Engineering, Development, Testing	\$ 345,100,000	\$ 523,914,000	\$ 178,814,000	51.8%
Air Traffic Control F&E	\$ 1,568,290,000	\$ 1,570,871,000	\$ 2,581,000	0.2%
Non-Air Traffic Control F&E	\$ 141,800,000	\$ 130,417,000	\$ (11,383,000)	-8.0%
F&E Mission Support	\$ 226,405,000	\$ 230,000,000	\$ 3,595,000	1.6%
Personnel and Related Expenses	\$ 460,500,000	\$ 470,000,000	\$ 9,500,000	2.1%
Total, Facilities & Equipment	\$ 2,742,095,000	\$ 2,925,202,000	\$ 183,107,000	6.7%
Research, Engineering & Develop.	\$ 171,000,000	\$ 180,000,000	\$ 9,000,000	5.3%
Airport Improvement Program				
Grants-in-aid to Airports	\$ 3,384,698,000	\$ 3,384,106,000	\$ (592,000)	0.0%
Office of Airports	\$ 87,454,000	\$ 93,422,000	\$ 5,968,000	6.8%
Airport Technology Research	\$ 19,348,000	\$ 22,472,000	\$ 3,124,000	16.1%
Airport Cooperative Research	\$ 15,000,000	\$ 15,000,000	\$ -	0.0%
Small Community Air Service (to OST)	\$ 8,000,000	\$ -	\$ (8,000,000)	-100.0%
Total, AIP	\$ 3,514,500,000	\$ 3,515,000,000	\$ 500,000	0.0%
GRAND TOTAL, FAA (Gross)	\$ 15,470,062,000	\$ 15,956,000,000	\$ 485,938,000	3.1%
<i>General Fund</i>	\$ 3,804,462,000	\$ 3,128,000,000	\$ (676,462,000)	-17.8%
<i>Airport and Airway Trust Fund</i>	\$ 11,665,600,000	\$ 12,828,000,000	\$ 1,162,400,000	10.0%
<i>General Fund (% of Total FAA)</i>	24.6%	19.6%		
<i>Trust Fund (% of Total FAA)</i>	75.4%	80.4%		
Rescission, Offsets and "Other"				
Rescission of excess AIP CA	\$ (80,000,000)	\$ -	\$ 80,000,000	-100.0%
Total, Rescissions/Offsets/Other	\$ (80,000,000)	\$ -	\$ 80,000,000	-100.0%
GRAND TOTAL, FAA (Net)	\$ 15,390,062,000	\$ 15,956,000,000	\$ 565,938,000	3.7%

2010 Budget

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The budget proposes a flat \$3.515 billion obligation limitation for the Airport Improvement Program for the fifth year in a row. (H.R. 915 would urge the appropriators to set a \$4.000 billion limit in 2010.)

FAA Research, Engineering and Development would rise to a spending level of \$180 million under the budget, an increase of \$9 million (or 5.3 percent) over 2009.

Within the Office of the Secretary of Transportation, the budget proposes to increase discretionary Essential Air Service subsidies by 71 percent, from \$73 million in 2009 to \$125 million in 2010 (to be coupled with the usual \$50 million in mandatory spending for the program).

Highway Safety. The total budget for the National Highway Traffic Safety Administration would rise from \$856 million to \$867 million, a 1.3 percent increase. The budget for Operations and Research and the National Driver Register would increase by two percent each, while the biggest account (Highway and Traffic Safety Grants) would increase by 1.1 percent.

These numbers, of course, are a placeholder pending the finaliza-

PROPOSED PROGRAM TERMINATIONS IN THE BUDGET

DOT FHWA	Appalachian Corridor H	\$9.5 million
DOT FHWA	Denali Access Highways	\$5.7 million
DOT FHWA	Surface Transportation Priorities earmarks	\$161.3 million
DOT FRA	Rail Line Relocation grants	\$25 million
DHS FEMA	Trucking Security Grants	\$8.0 million
DHS FEMA	Over-the-Road Bus Security Grants	\$12.0 million
DHS USCG	LORAN-C Radar	\$36.0 million
Total Transportation-Related Proposed Terminations		\$257.5 million

tion of the Administration's proposed surface transportation reauthorization proposal.

Motor Carrier Safety. The budget proposes to increase spending for the Federal Motor Carrier Safety Administration by 1.6 percent, from 2009's \$541 million to \$550 million. As with NHTSA, no programmatic changes are proposed, pending the finalization of the reauthorization proposal.

Pipeline and Hazmat Safety. The budget proposes a total budget of \$188 million for the Pipeline and Hazardous Materials Safety Administration, an 8.8 percent increase over 2009. This is largely driven by a 15.9 percent increase in pipeline safety spending from the Pipeline Safety Fund and a 10.9 percent in hazardous materials safety funding.

Maritime. The budget proposes total funding of \$345.5 million for the Maritime Administration in FY

2010, a 3.6 percent increase over FY 2009's \$333.4 million non-stimulus total.

The big change is a proposed 23.9 percent increase in the Operations and Training account. The increase is for capital expenses and operating reforms at the Merchant Marine Academy and \$15 million for "a Presidential Initiative to support integrated planning with the Department of Homeland Security for development and modernization of intermodal freight infrastructure linking coastal and inland ports to highway and rail networks."

The budget proposes to kill the Assistance for Small Shipyards program.

Miscellaneous USDOT. The Office of the Secretary would receive a five percent increase in its Salaries and Expenses account in the budget request (an increase from \$98 million to \$103 million). The Office of Inspector General would receive a \$3.4 million increase (a 4.8 percent jump). The Research and Innovative Technology Administration would receive a 2.2 percent increase under the budget proposal. And the St. Lawrence Seaway Development Corporation would receive \$32.2 million, a 1.5 percent increase over 2010.

The budget proposes \$95.4 million for the National Transportation Safety Board in 2010, a 5.2 percent increase over 2009.

A full table showing every USDOT appropriations account is on pages 7-9 of this issue.

Transportation Security. Within the Department of Homeland Security, the Transportation Security Administration would in-

NATIONAL INFRASTRUCTURE BANK

Yes, the President's budget proposes \$5 billion of new budget authority in fiscal 2010 for a new National Infrastructure Bank. However, the budget *Appendix* contains no details of the proposed legislation, saying only that:

The National Infrastructure Bank will invest funds directly into large capital infrastructure projects that promise significant national or regional economic benefits. Federal funds are to be delivered through a variety of credit and grant mechanisms designed to not only provide Federal resources but also attract and coordinate State, local, and private co-investment. The Administration has reserved these funds to ensure adequate resources are available to capitalize the Bank and enable multi-year commitments.

Transportation advocates should not get too excited about the proposal until they see the legislation itself, because the Office of Management and Budget has classified the NIB proposal under budget subfunction 452, "Area and regional development" — *not* under function 400 (transportation) or any of the transportation subfunctions.

The GAO *Glossary* describes programs classified under subfunction 452 as being "Grants, loans, subsidies, and related aids for the economic development of depressed areas...All these aids are generally for rural areas or are more regional than the community development programs."

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2010 Budget

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crease by 11.4 percent in gross terms under the budget, up to \$7.794 billion from 2009's \$6.994 billion.

Funding for aviation security would increase from \$4.990 billion in 2009 to \$5.580 billion, an 11.8 percent increase, before being offset by an estimated \$2.5 billion in security fees.

Within that account, the budget proposes a major increase in funding for the procurement and installation of in-line EDS equipment at airports — from \$294 million in FY 2009 (not counting stimulus funding) to \$857 million in 2010.

The budget proposes language capping the federal cost share of EDS projects at small and non-hub airports at 90 percent, not the statutory 95 percent.

The budget also proposes several smaller new fee-funded programs for certified cargo screening, large aircraft security, secure ID display checks, and other security threat assessments.

Within surface transportation security, the budget also proposes to almost triple spending rail inspectors and canine teams.

The budget proposes a 6.1 percent increase in funding for Federal Air Marshals.

A table on page 12 of this issue gives full details of the TSA's budget request.

Coast Guard. The budget proposes to increase discretionary spending for the United States Coast Guard by 3.1 percent, from 2009's \$8.124 billion to \$8.373 billion in 2010. The biggest increases come in operational accounts for military and civilian salaries, with procurement spending being reduced by 7.4

percent (although the Deepwater program gets a 1.3 percent increase).

Security Grants. Within FEMA, the budget proposes to cut funding for port security grants and rail/transit security grants, from \$400 million each in FY 2009 to \$250 million each in 2010, and to eliminate funding for trucking security grants and over-the-road bus security grants.

Tables on page 11 of this issue give full details of the Coast Guard and security grant budget requests.

Corps of Engineers. There has been so much off-budget emergency funding for the civil works program of the U.S. Army Corps of Engineers in recent years that discussing the "regular" Corps budget is difficult. In the new budget, the White House proposes to cut the regular Corps budget from 2009's

\$5.402 billion to \$5.125 billion. However, the Corps will be working through the \$10.3 billion in emergency funding given the Corps in 2009 for a while, so the proposed cut shouldn't have that big an effect on the overall construction numbers.

The budget does propose to cut the Investigations account by 40.5 percent. This is important, as this account funds the feasibility studies that, if successful, eventually turn into construction projects. By cutting \$70 million out of that account in 2010, the Obama Administration could save billions of dollars in construction costs years down the road.

Operations and Maintenance funding would rise by 13.7 percent under the budget, to \$2.504 billion.

The table below shows the detailed Corps of Engineers request.

U.S. ARMY CORPS OF ENGINEERS (CIVIL WORKS) APPROPRIATIONS

	FY 2008	FY 2009	FY 2010	Request vs. FY 2009	
	<u>Enacted</u>	<u>Total</u>	<u>Request</u>	<u>000 \$\$</u>	<u>Pct.</u>
Investigations - Regular Appropriation	167,271	168,100	100,000	(68,100)	-40.5%
Rescissions	(100)	-	-	-	n/a
Emergency Funding	-	25,000	-	(25,000)	-100.0%
Total, Investigations	167,171	193,100	100,000	(93,100)	-48.2%
Construction - Regular Appropriation	2,294,029	2,141,677	1,718,000	(423,677)	-19.8%
Rescission	(4,688)	-	-	-	n/a
Emergency Funding	1,838,800	4,835,000	-	(4,835,000)	-100.0%
Total, Construction	4,128,141	6,976,677	1,718,000	(5,258,677)	-75.4%
Mississippi River and Tributaries - Regular	387,402	383,823	248,000	(135,823)	-35.4%
Emergency Funding	82,400	375,000	-	(375,000)	-100.0%
Total, Mississippi River	469,802	758,823	248,000	(510,823)	-67.3%
Operations and Maintenance - Regular	2,243,637	2,201,900	2,504,000	302,100	13.7%
Emergency Funding	740,000	2,075,000	-	(2,075,000)	-100.0%
Total, O & M	2,983,637	4,276,900	2,504,000	(1,772,900)	-41.5%
Regulatory Program - Regular	180,000	183,000	190,000	7,000	3.8%
Emergency Funding	-	25,000	-	(25,000)	-100.0%
Total, Regulatory Program	180,000	208,000	190,000	(18,000)	-8.7%
FUSRAP - Regular	140,000	140,000	134,000	(6,000)	-4.3%
Emergency Funding	-	100,000	-	(100,000)	-100.0%
Total, FUSRAP	140,000	240,000	134,000	(106,000)	-44.2%
Flood Control and Coastal Emergencies - Regular	-	-	41,000	41,000	n/a
Emergency Funding	415,600	2,926,000	-	(2,926,000)	-100.0%
Total, FC&CE	415,600	2,926,000	41,000	(2,885,000)	-98.6%
Expenses	174,046	179,365	184,000	4,635	2.6%
Office of the Assistant Secretary	4,500	4,500	6,000	1,500	33.3%
TOTAL, USACE CIVIL WORKS	8,662,897	15,763,365	5,125,000	(10,638,365)	-67.5%
Total, Non-Emergency Only	5,586,097	5,402,365	5,125,000	(277,365)	-5.1%

U.S. DEPARTMENT OF TRANSPORTATION BUDGET, P. 1 OF 3

Dollar amounts in thousands.

	FY 2008 Enacted	FY 2009 Enacted	FY 2010 Request	Request vs. 2009 ,000 Dollars	Percent
Office of the Secretary					
Salaries and Expenses	91,782	98,248	103,184	4,936	5.0%
Financial Management Capital	-	5,000	5,000	-	0.0%
Office of Civil Rights	9,141	9,384	9,667	283	3.0%
Rescission of 9/11 airline bailout cash	(22,000)	(848)	-	848	-100.0%
Transportation Planning, Research & Dev.	13,884	18,300	10,233	(8,067)	-44.1%
Minority Business Resource Center	893	912	912	-	0.0%
Minority Business Outreach	2,970	3,056	3,074	18	0.6%
Essential Air Service (discretionary)	60,000	73,013	125,000	51,987	71.2%
Essential Air Service (mandatory/from overflight fees)	50,000	50,000	50,000	-	0.0%
Essential Air Service (mandatory/spectrum auction)	15,000	-	-	-	n/a
Discretionary Intermodal Projects (GF stimulus)	-	1,500,000	-	(1,500,000)	-100.0%
Total, OST (Gross new budgetary resources)	243,670	1,757,913	307,070	(1,450,843)	-82.5%
Total, OST (Gross NBR without stimulus funds)	243,670	257,913	307,070	49,157	19.1%
Total, OST (Net after rescissions & offsets)	221,670	1,757,065	307,070	(1,449,995)	-82.5%
Federal Aviation Administration					
Operations (General Fund)	2,342,939	3,804,462	3,128,000	(676,462)	-17.8%
Operations (Airport & Airway Trust Fund)	6,397,061	5,238,005	6,207,798	969,793	18.5%
Operations - Total	8,740,000	9,042,467	9,335,798	293,331	3.2%
Facilities & Equipment (Trust Fund)	2,513,611	2,742,095	2,925,202	183,107	6.7%
Facilities & Equipment (GF Stimulus)	-	200,000	-	-	
Research, Engineering & Development (Trust Fund)	146,828	171,000	180,000	9,000	5.3%
Airport Improvement Program (Ob Limit)	3,514,500	3,514,500	3,515,000	500	0.0%
Airport Improvement Program (GF Stimulus)	-	1,100,000	-	(1,100,000)	-100.0%
Rescission of AIP C.A.	(185,500)	-	-	-	n/a
Rescission of AIP C.A.	(85,000)	(80,000)	-	80,000	-100.0%
Offset: Extension of War Risk Insurance	(120,000)	-	-	-	n/a
Total, FAA (Gross new budgetary resources)	14,914,939	16,770,062	15,956,000	(814,062)	-4.9%
Total, FAA (Gross NBR without stimulus funds)	14,914,939	15,470,062	15,956,000	485,938	3.1%
Total, FAA (Net after rescissions and offsets)	14,524,439	16,690,062	15,956,000	(734,062)	-4.4%
Federal Highway Administration					
Sub-limitation on administrative expenses (non-add)	377,556	390,000	415,396	25,396	6.5%
Sub-limitation on research (non-add)	429,800	429,800	429,800	-	0.0%
Federal-aid Highways (Ob Limit)	40,216,051	40,700,000	5,000,000	(35,700,000)	-87.7%
Federal-aid Highways (Extra Ob Limit for Bridges)	1,000,000	-	-	-	n/a
Federal-aid Highways (GF Stimulus)	-	27,500,000	-	(27,500,000)	-100.0%
Federal-aid Highways (GF share if no new HTF \$)	-	-	36,107,000		
Exempt Obligations (mandatory)	739,000	739,000	739,000	-	0.0%
Appalachian Highways	15,680	9,500	-	(9,500)	-100.0%
Delta Regional Authority	14,014	-	-	-	n/a
I-35W Bridge Replacement (GF) (Emergency)	195,000	-	-	-	n/a
Emergency Relief (GF) (Emergency)	850,000	-	-	-	n/a
Denali Access System Program	-	5,700	-	(5,700)	-100.0%
Surface Transportation Priorities	-	161,327	-	(161,327)	-100.0%
Additional Funding for TCSP	-	143,031	-	(143,031)	-100.0%
Rescission of Contract Authority (THUD bill)	(3,150,000)	(3,150,000)	-	3,150,000	-100.0%
Rescission of ISTEA Contract Authority	(1,292)	-	-	-	n/a
Rescission of TEA21 High Priority Projects	-	-	-	-	n/a
Rescission of Miscellaneous HTF Appro.	(4,765)	-	-	-	n/a
Rescission of Misc. Allocated Contract Authority	(545,954)	(45,158)	-	45,158	-100.0%
Rescission of SAFETEA-LU sec. 1305 & 1502	(39,350)	-	-	-	n/a
Rescission of FY 2008 RABA Budget Authority	(370,488)	-	-	-	n/a
Total, FHWA (Gross new budgetary resources)	42,179,745	69,258,558	41,846,000	(27,412,558)	-39.6%
Total, FHWA (Gross NBR without stimulus funds)	42,179,745	41,758,558	41,846,000	87,442	0.2%
Total, FHWA (Net after rescissions & offsets)	38,917,896	66,063,400	41,846,000	(24,217,400)	-36.7%

U.S. DEPARTMENT OF TRANSPORTATION BUDGET, P. 2 OF 3

	FY 2008 Enacted	FY 2009 Enacted	FY 2010 Request	Request vs. 2009 ,000 Dollars	Percent
Federal Motor Carrier Safety Administration					
Operations and Programs (Ob Limit)	229,654	234,000	239,828	5,828	2.5%
Motor Carrier Safety Grants (Ob Limit)	300,000	307,000	310,070	3,070	1.0%
Rescissions of Contract Authority	(50,477)	(33,145)	-	33,145	-100.0%
Total, FMCSA (Gross new budgetary resources)	529,654	541,000	549,898	8,898	1.6%
Total, FMCSA (Net after rescissions & offsets)	479,177	507,855	549,898	42,043	8.3%
National Highway Traffic Safety Administration					
Operations and Research (general fund)	126,572	127,000	129,774	2,774	2.2%
Operations and Research (HTF)	107,750	105,500	107,329	1,829	1.7%
Operations and Research - Total	234,322	232,500	237,103	4,603	2.0%
National Driver Register	4,000	4,000	4,078	78	2.0%
Highway Traffic Safety Grants	599,250	619,500	626,047	6,547	1.1%
Rescissions of Contract Authority	(22,846)	(71,644)	-	71,644	-100.0%
Total, NHTSA (Gross new budgetary resources)	837,572	856,000	867,228	11,228	1.3%
Total, NHTSA (Net after rescissions & offsets)	814,726	784,356	867,228	82,872	10.6%
Federal Railroad Administration					
Safety and Operations	150,193	159,445	168,770	9,325	5.8%
Railroad Research & Development	35,964	33,950	34,145	195	0.6%
Rail Line Relocation and Improvement	20,145	25,000	-	(25,000)	-100.0%
Amtrak Operating Subsidy Grants	475,000	550,000	572,348	22,348	4.1%
Amtrak Capital Grants	850,000	940,000	929,625	(10,375)	-1.1%
Grants to Amtrak - Total	1,325,000	1,490,000	1,501,973	11,973	0.8%
Grants to Amtrak (GF Stimulus)	-	1,300,000	-	(1,300,000)	-100.0%
Intercity Passenger Rail Grant Program	30,000	90,000	-	(90,000)	-100.0%
High-Speed and Intercity Passenger Rail	-	-	1,000,000	1,000,000	n/a
High-Speed and Intercity Passenger Rail (GF Stimulus)	-	8,000,000	-	(8,000,000)	-100.0%
Railroad Rehab. And Repair (Emergency)	20,000	-	-	-	n/a
Rescission of Prior-Year Amtrak Efficiency Grants	-	(36,834)	-	36,834	-100.0%
Total, FRA (Gross new budgetary resources)	1,561,303	11,098,395	2,704,888	(8,393,507)	-75.6%
Total, FRA (Gross NBR without stimulus funds)	1,561,303	1,798,395	2,704,888	906,493	50.4%
Total, FRA (Net after rescissions & offsets)	1,581,303	11,061,561	2,704,888	(8,356,673)	-75.5%
Federal Transit Administration					
Administrative Expenses	89,300	94,413	97,478	3,065	3.2%
Formula and Bus Grants (Ob Limit)	7,767,887	8,260,565	5,000,000	(3,260,565)	-39.5%
Formula and Bus Grants (GF Share if no new HTF \$)	-	-	3,343,171		
Formula Grants (GF Stimulus)	-	6,900,000	-	(6,900,000)	-100.0%
Fixed Guideway Modernization Grants (GF Stimulus)	-	750,000	-	(750,000)	-100.0%
Rescission of Formula and Bus Grant Contract Authority	(28,661)	-	-	-	n/a
Research and University Research Centers	65,363	67,000	67,670	670	1.0%
Capital Investment Grants	1,569,092	1,809,250	1,827,343	18,093	1.0%
Capital Investment Grants (GF Stimulus)	-	750,000	-	(750,000)	-100.0%
Rescission of unused contract authority	(105,006)	(100,000)	-	100,000	-100.0%
Total, FTA (Gross new budgetary resources)	9,491,642	18,631,228	10,335,662	(8,295,566)	-44.5%
Total, FTA (Gross NBR without stimulus funds)	9,491,642	10,231,228	10,335,662	104,434	1.0%
Total, FTA (Net after rescissions & offsets)	9,357,975	18,531,228	10,335,662	(8,195,566)	-44.2%
St. Lawrence Seaway Development Corporation					
Operations and Maintenance	17,392	31,842	32,324	482	1.5%
Total, StLSDC	17,392	31,842	32,324	482	1.5%
Maritime Administration					
Maritime Security Program	156,000	174,000	174,000	-	0.0%
Operations and Training	121,992	123,360	152,900	29,540	23.9%
Ship Disposal	17,000	15,000	15,000	-	0.0%
Assistance for Small Shipyards	10,000	17,500	-	(17,500)	-100.0%
Assistance for Small Shipyards (GF Stimulus)	-	100,000	-	(100,000)	-100.0%
Title XI Shipbuilding Loan Program	8,408	3,531	3,630	99	2.8%
Rescission of Ship Construction funds	(6,673)	(1,383)	-	1,383	-100.0%
Total, MARAD (Gross new budgetary resources)	313,400	433,391	345,530	(87,861)	-20.3%
Total, MARAD (Gross NBR without stimulus funds)	313,400	333,391	345,530	12,139	3.6%
Total, MARAD (Net after rescissions & offsets)	306,727	432,008	345,530	(86,478)	-20.0%

U.S. DEPARTMENT OF TRANSPORTATION BUDGET, P. 3 OF 3

	FY 2008 Enacted	FY 2009 Enacted	FY 2010 Request	Request vs. 2009 ,000 Dollars	Percent
Pipeline and Hazardous Materials Administration					
Hazardous Materials Safety	28,000	32,000	35,500	3,500	10.9%
<i>Administrative Expenses (General Fund)</i>	17,491	18,491	18,329	(162)	-0.9%
<i>Administrative Expenses (Pipeline Safety Fund)</i>	639	639	639	-	0.0%
Administrative Expenses - Total	18,130	19,130	18,968	(162)	-0.8%
<i>Pipeline Safety (Pipeline Safety Fund)</i>	61,018	74,481	86,334	11,853	15.9%
<i>Pipeline Safety (Oil Spill Liability Trust Fund)</i>	18,810	18,810	18,905	95	0.5%
Pipeline Safety - Total	79,828	93,291	105,239	11,948	12.8%
Emergency Preparedness Fund (discr. appropriation)	188	188	188	-	0.0%
Emergency Preparedness Fund (mandatory BA)	28,130	28,130	28,130	-	0.0%
Total, PHMSA	154,276	172,739	188,025	15,286	8.8%
Research and Innovative Technology Administration					
Research and Development	12,000	12,900	13,179	279	2.2%
Total, RITA	12,000	12,900	13,179	279	2.2%
Office of Inspector General					
Salaries and Expenses	66,400	71,400	74,839	3,439	4.8%
Salaries and Expenses (GF Stimulus)	-	20,000	-	(20,000)	-100.0%
Total, OIG	66,400	91,400	74,839	(16,561)	-18.1%
Total, OIG without stimulus funds	66,400	71,400	74,839	3,439	4.8%
Surface Transportation Board					
Salaries and Expenses	26,425	26,847	27,032	185	0.7%
Offsetting collections	(1,250)	(1,250)	(1,250)	-	0.0%
Total, STB	25,175	25,597	25,782	185	0.7%
Sec. 186 - 2% Rescission of all C.A. earmarks	(68,799)	-	-	-	n/a
TOTALS FOR TITLE I (USDOT):					
<i>Discretionary Budgetary Resources</i>					
New Discretionary Budget Authority - Non-Emergency	15,580,945	16,998,830	57,626,943	40,628,113	239.0%
New Discretionary Budget Authority - Emergency	1,065,000	48,120,000	-	(48,120,000)	-100.0%
New Transportation Obligation Limitations	53,739,092	53,745,065	14,802,352	(38,942,713)	-72.5%
GROSS DISCRETIONARY BUDGETARY RESOURCES	70,385,037	118,863,895	72,429,295	(46,434,600)	-39.1%
<i>Mandatory Budgetary Resources</i>					
Contract Authority Exempt From Obligation Limit	739,000	739,000	739,000	-	0.0%
Mandatory Budget Authority for Essential Air Service	65,000	50,000	50,000	-	0.0%
Mandatory Budget Authority for PHMSA EPF	28,130	28,130	28,130	-	0.0%
GROSS MANDATORY BUDGETARY RESOURCES	804,000	817,130	817,130	-	0.0%
TOTAL GROSS BUDGETARY RESOURCES, USDOT	71,189,037	119,681,025	73,246,425	(46,434,600)	-38.8%
<i>Rescissions and Budgetary Offsets:</i>					
Rescissions of Appropriated Budget Authority	-33,438	-39,065	-	39,065	-100.0%
Rescissions of Contract Authority	-4,653,373	-3,479,947	-	3,479,947	-100.0%
Offsetting Receipts From War Risk Extension	-120,000	-	-	-	n/a
Subtotal: Rescissions and Offsets	-4,806,811	-3,519,012	-	3,519,012	-100.0%
TOTAL NET BUDGETARY RESOURCES, USDOT	66,382,227	116,162,013	73,246,425	(42,915,588)	-36.9%
Total Subject to 302(b) Ceiling (Disc. BA less Offsets)	10,774,135	13,479,818	57,626,943	44,147,125	327.5%
Gross Discretionary Resources By Type and Source:					
New Appropriations (Airport & Airway Trust Fund)	9,117,500	8,224,113	9,438,000	1,213,887	13.3%
New Appropriations (General/Other Funds)-Non-Emerg.	6,463,445	8,774,717	48,188,943	39,414,226	609.8%
New Appropriations (General/Other Funds)-Emergency	1,065,000	48,120,000	-	(48,120,000)	-4518.3%
Obligation Limitations (Highway Account - HTF)	42,456,705	41,970,000	6,287,352	(35,682,648)	-84.0%
Obligation Limitations (Mass Transit Account - HTF)	7,767,887	8,260,565	5,000,000	(3,260,565)	-42.0%
Obligation Limitation (Airport & Airway Trust Fund)	3,514,500	3,514,500	3,515,000	500	0.0%
Gross Discretionary Budget Resources, USDOT	70,385,037	118,863,895	72,429,295	(46,434,600)	-66.0%

PROPOSED MASS TRANSIT NEW START PROJECTS IN THE BUDGET

The list below not only shows which projects get money in the proposed FY 2010 budget but also shows the disposition of the new start money from the economic stimulus bill, also announced last week.

Project	Overall Project Rating	FY 2008 and Previous Funding	FY 2009 Omnibus Appropriations Act	FY 2009 Stimulus Act	FY 2010 President's Budget
Totals by Phase					
Existing New Starts Full Funding Grant Agreements		\$5,247,730,047	\$1,273,243,053	\$739,560,000	\$1,123,028,374
Recommended Full Funding Grant Agreements and Early System Work Agreements		70,628,756	82,170,000	0	430,000,000
Project Construction Grant Agreements		0	293,040	2,940,000	0
Pending Project Construction Grant Agreements		30,450,000	44,550,000	0	0
Small Starts Project Development		67,331,890	139,411,768	0	174,251,117
Other New Starts/Small Starts Projects		0	0	0	81,790,079
Oversight Activities		46,230,000	18,092,500	7,500,000	18,273,430
Ferry Capital Projects (AK or HI)		54,910,000	14,850,000	0	0
Denali Commission		14,900,000	4,950,000	0	0
GRAND TOTAL		\$5,532,180,693	\$1,577,560,361	\$750,000,000	\$1,827,343,000
Existing New Starts with Full Funding Grant Agreements					
AZ Phoenix, Central Phoenix/East Valley Light Rail	FFGA	\$399,068,097	\$90,882,000	\$36,000,000	\$61,249,903
CA Los Angeles, Metro Gold Line Eastside Extension	FFGA	333,593,449 (1)	80,784,000	66,740,000	9,582,551
CO Denver, Southeast Corridor LRT	FFGA	523,968,790	1,020,898		10,312
CO Denver, West Corridor LRT	FFGA	79,101,000	59,400,000	40,000,000	100,000,000
DC Washington DC Metropolitan Area, Largo Metrorail Extension	FFGA	329,300,000 (2)	34,353,000		347,000
IL Chicago, Ravenswood Line Extension	FFGA	215,045,596	30,169,660		304,744
MN Minneapolis-Big Lake, Northstar Corridor Rail	FFGA	85,643,940	70,454,399		711,661
NJ Northern New Jersey, Hudson-Bergen MOS-2	FFGA	498,896,140	1,092,821		11,039
NY New York, Long Island Rail Road East Side Access	FFGA	1,098,466,826	207,527,659	195,410,000	215,000,000
NY New York, Second Avenue Subway Phase I	FFGA	201,228,349	274,920,030	78,870,000	197,182,000
OR Portland, South Corridor I-205/Portland Mall LRT	FFGA	158,400,000	80,784,000	32,000,000	74,229,000
PA Pittsburgh, North Shore LRT Connector	FFGA	235,029,671 (3)	664,176		6,153
TX Dallas, Northwest/Southeast LRT MOS	FFGA	185,716,000	87,094,969	78,390,000	86,249,717
UT Salt Lake City, Mid Jordan LRT	FFGA	20,090,050	19,800,000	90,890,000	100,000,000
UT Salt Lake City to Weber County Commuter Rail	FFGA	180,014,510	80,784,000		80,000,000
VA Northern Virginia, Dulles Corridor Extension to Wiehle Ave.	FFGA	213,414,364	28,809,000	77,260,000	85,000,000
WA Seattle, Central Link Initial Segment	FFGA	471,153,265	25,702,441		3,144,294
WA Seattle, University Link LRT Extension	FFGA	19,600,000	99,000,000	44,000,000	110,000,000
Total Existing New Starts Full Funding Grant Agreements		\$5,247,730,047	\$1,273,243,053	\$739,560,000	\$1,123,028,374
Recommended FFGAs and Early System Work Agreements					
CA Sacramento, South Corridor Phase 2 (FFGA)	Medium	\$4,410,000	\$6,930,000		\$40,000,000
FL Orlando Commuter Rail Transit -- Init. Oper. Seg. (FFGA)	Medium	13,753,030	12,870,000		40,000,000
NJ Northern New Jersey, Access to the Region's Core (ESWA)	Medium-High	32,865,726	47,520,000		200,000,000
TX Houston, North Corridor LRT (FFGA)	Medium	\$9,800,000	7,425,000 (4)		75,000,000
TX Houston, Southeast Corridor LRT (FFGA)	Medium	\$9,800,000	7,425,000 (4)		75,000,000
Total Recommended FFGAs and Early System Work Agreements		\$70,628,756	\$82,170,000	\$0	\$430,000,000
Project Construction Grant Agreements					
OR Springfield, Pioneer Parkway EmX BRT	PCGA		\$293,040	\$2,940,000	
Total Project Construction Grant Agreements		\$0	\$293,040	\$2,940,000	\$0
Pending Project Construction Grant Agreements					
OR Portland, Streetcar Loop	Medium	\$30,450,000 (5)	\$44,550,000		
Total Project Construction Grant Agreements		\$30,450,000	\$44,550,000	\$0	\$0
Small Starts Projects					
AZ Flagstaff, Mountain Links BRT	Medium		\$5,558,058		\$681,942
CA Livermore, Livermore-Amador Route 10 BRT	Medium	2,940,000	7,910,100		79,900
CA Los Angeles, Metro Rapid Bus System Gap Closure	Medium-High	16,347,380	329,294		23,326
CA Los Angeles, Wilshire Boulevard Bus-Only Lane	Medium		9,758,526		13,558,474
CA Monterey, Monterey Bay Rapid Transit	Medium		0		2,830,042
CA Riverside, Perris Valley Line	Medium-High	1,960,000	44,550,000 (6)		0
CA San Bernardino, E Street Corridor sbX BRT	Medium		0		32,370,000
CA San Diego, Mid-City Rapid	Medium-High		19,290,150		2,359,850
CA San Joaquin, Metro Express - Airport Way Corridor BRT	Medium-High		0		2,808,825
CO Fort Collins, Mason Corridor BRT	Medium		11,070,180		54,505,728
CO Roaring Fork Valley, BRT Project	Medium-High		0		810,000
MA Fitchburg, Commuter Rail Improvements	Medium-High	7,840,000	29,700,000		37,452,000
MO Kansas City, Troost Corridor BRT	Medium	24,450,030	123,948		6,022
TX Austin, MetroRapid BRT	Medium		0		17,390,000
WA King County, Bellevue - Redmond BRT	Medium		10,842,807		9,368,193
WA King County, Pacific Highway South BRT	Medium	13,794,480	278,705		6,815
Total Small Starts Projects		\$67,331,890	\$139,411,768	\$0	\$174,251,117
Other New Starts/Small Starts Projects					
Total Other New Starts/Small Starts Projects		\$0	\$0	\$0	\$81,790,079

INDEPENDENT TRANSPORTATION AGENCIES' FY 2010 BUDGET REQUESTS (thousands of \$\$\$)

	FY 2008 Enacted	FY 2009 Enacted	FY 2010 Request	Request vs. 2009 ,000 Dollars	Percent
Independent Agencies (excerpt)				-	
National Transportation Safety Board				-	
Salaries and Expenses	84,499	91,000	95,400	4,400	5.2%
Rescission of unobligated balances	-	(671)	-	671	n/a
Net Total, NTSB	84,499	90,329	95,400	5,071	6.0%
Federal Maritime Commission					
Salaries and Expenses	22,072	22,800	24,558	1,758	8.0%
Total, FMC	22,072	22,800	24,558	1,758	8.0%

U.S. COAST GUARD AND FEMA TRANSP. GRANT FY 2010 BUDGET REQUEST (thousands of \$\$\$)

	FY 2008 <u>Enacted</u>	FY 2009 <u>Enacted</u>	FY 2010 <u>Request</u>	Request vs. 2009 <u>K \$\$\$</u>	<u>Pct.</u>
United States Coast Guard					
Operating Expenses					
Military pay and allowances	2,938,835	3,061,663	3,244,861	183,198	6.0%
Civilian pay and benefits	604,421	645,350	699,594	54,244	8.4%
Training and recruiting	188,521	195,919	205,970	10,051	5.1%
Operating funds and unit-level maintenance	1,164,427	1,177,406	1,149,513	(27,893)	-2.4%
Centrally managed accounts	232,727	262,294	353,071	90,777	34.6%
Intermediate and depot-level maintenance	762,416	823,793	903,179	79,386	9.6%
Port/vessel security and environmental response	-	23,500	-	(23,500)	-100.0%
Aviation mission hour gap	-	5,000	-	(5,000)	-100.0%
Transfers from Defense Department	110,000		-	-	n/a
Total, Operating Expenses	6,001,347	6,194,925	6,556,188	361,263	5.8%
Environmental Compliance & Restoration	13,000	13,000	13,198	198	1.5%
Reserve Training	126,883	130,501	133,632	3,131	2.4%
Acquisition, Construction & Improvements					
Vessels	45,000	113,000	103,000	(10,000)	-8.8%
Other equipment	173,100	89,174	119,500	30,326	34.0%
Personnel compensation and benefits	82,720	92,830	17,785	(75,045)	-80.8%
Integrated Deepwater System	783,266	1,033,994	1,047,621	13,627	1.3%
New Coast Guard headquarters facility	-	97,578	-	(97,578)	-100.0%
Rescissions from AC&I account	(132,449)	-	-	-	n/a
Shore facilities and aids to navigation	40,997	68,000	10,000	(58,000)	-85.3%
Total, AC&I	992,634	1,494,576	1,383,980	(110,596)	-7.4%
Alteration of Bridges	16,000	16,000	-	(16,000)	-100.0%
Research, Development, Test & Evaluation	25,000	18,000	19,745	1,745	9.7%
Health Care Fund Contribution	272,111	257,305	266,006	8,701	3.4%
Subtotal, USCG Discretionary	7,446,975	8,124,307	8,372,749	248,442	3.1%
Retired Pay (mandatory)	1,184,720	1,236,745	1,361,245	124,500	10.1%
Total, United States Coast Guard	8,631,695	9,361,052	9,733,994	372,942	4.0%
Federal Emergency Management Agency (excerpt)					
State and Local Programs (excerpt)					
Discretionary Grants (excerpt)					
Port security grants	400,000	400,000	250,000	(150,000)	-37.5%
Rail and transit security grants	400,000	400,000	250,000	(150,000)	-37.5%
Trucking security grants	16,000	8,000	-	(8,000)	-100.0%
Over-the-road bus security grants	11,500	12,000	-	(12,000)	-100.0%
Subtotal, Transportation Security Grants	827,500	820,000	500,000	(320,000)	-39.0%

TRANSPORTATION SECURITY ADMINISTRATION FY 2010 BUDGET REQUEST (thousands of \$\$\$)

EXCLUDES STIMULUS FUNDING

	<u>FY 2008</u> <u>Enacted</u>	<u>FY 2009</u> <u>Enacted</u>	<u>FY 2010</u> <u>Request</u>	<u>Request vs. 2009</u> <u>K \$\$\$</u>	<u>Pct.</u>
Transportation Security Administration					
Aviation Security					
Screening Operations					
<i>Screener workforce - Privatized Screening</i>	143,385	151,272	149,643	(1,629)	-1.1%
<i>Screener workforce- PC&B</i>	2,636,104	2,716,014	2,788,575	72,561	2.7%
Screener workforce - Total	2,779,489	2,867,286	2,938,218	70,932	2.5%
Screener training and other	223,766	197,318	203,463	6,145	3.1%
Human resource services	182,234	-	-	-	n/a
Checkpoint support	-	250,000	128,739	(121,261)	-48.5%
<i>EDS/ETD procurement and installation</i>	294,000	294,000	856,591	562,591	191.4%
<i>EDS/ETD maintenance and other equipment</i>	264,000	305,625	326,625	21,000	6.9%
<i>Operation integration</i>	25,000	21,481	21,481	-	0.0%
EDS/ETD systems - Total	583,000	621,106	1,204,697	583,591	94.0%
Subtotal, Screening Operations	3,768,489	3,935,710	4,475,117	539,407	13.7%
Aviation Security Direction and Enforcement					
Aviation regulation/other enforcement	255,953	248,943	254,064	5,121	2.1%
Airport management, IT and support	651,933	401,666	448,424	46,758	11.6%
FFDO and flight crew training	25,091	25,025	25,127	102	0.4%
Air cargo security	73,000	122,849	108,118	(14,731)	-12.0%
Implementation of 9/11 Act	30,000	-	-	-	n/a
Airport perimeter security	4,000	4,000	-	(4,000)	-100.0%
Subtotal, Aviation Security Direction and Enforcement	1,039,977	802,483	835,733	33,250	4.1%
Discretionary Fee Programs:					
General aviation at DCA	25	120	100	(20)	-16.7%
Indirect air cargo	200	2,600	2,600	-	0.0%
Certified cargo screening	-	-	5,200	5,200	n/a
Large aircraft security program	-	-	1,600	1,600	n/a
Secure identification display checks	-	-	10,000	10,000	n/a
Other security threat assessments	-	-	100	100	n/a
Subtotal, Discretionary Fee Programs	225	2,720	19,600	16,880	620.6%
Rescission of employee screening pilot program funds	-	-	-	-	n/a
Checkpoint Screening Security Fund (mandatory)	250,000	-	-	-	n/a
Aviation Security Capital Fund (mandatory)	250,000	250,000	250,000	-	0.0%
Total, Aviation Security (gross)	5,308,691	4,990,913	5,580,450	589,537	11.8%
Discretionary Fee Collections:					
Aviation Passenger Security Fees	(1,664,000)	(1,872,000)	(1,780,941)	91,059	-4.9%
Aviation Security Infrastructure Fee	(546,000)	(448,000)	(448,000)	-	0.0%
Other fees	(225)	(275)	(19,600)	(19,325)	7027.3%
Mandatory Fee Collections:					
Checkpoint Screening Capital Fund	(250,000)	-	-	-	n/a
Aviation Security Capital Fund	(250,000)	(250,000)	(250,000)	-	0.0%
Total, Aviation Security (net discretionary)	2,598,466	2,420,638	3,081,909	661,271	27.3%
Surface Transportation Security					
Staffing and operations	24,485	33,711	42,293	8,582	25.5%
Rail security inspectors and canines	22,128	29,720	86,123	56,403	189.8%
Total, Surface Transportation Security	46,613	63,431	128,416	64,985	102.4%
Transportation Threat Assessment and Credentialing					
Secure Flight	50,000	82,211	84,363	2,152	2.6%
Crew vetting ('08)/Crew and other vetting (FY 09)	14,990	33,807	107,636	73,829	218.4%
Screening administration and operations	9,500	-	-	-	n/a
Transportation Worker ID Card (direct appropriation)	8,100	-	-	-	n/a
Registered Traveler program fees	3,500	3,500	-	(3,500)	-100.0%
TWIC fees	64,400	31,700	9,000	(22,700)	-71.6%
Hazardous materials fees	19,000	18,000	15,000	(3,000)	-16.7%
Alien flight school fees	2,000	3,000	4,000	1,000	33.3%
Total, TTAC (gross)	171,490	172,218	219,999	47,781	27.7%
Offsetting fee-funded programs	(82,601)	(40,000)	(28,000)	12,000	-30.0%
Total, TTAC (net)	88,889	132,218	191,999	59,781	45.2%
Transportation Security Support					
Administration	293,191	234,870	248,929	14,059	6.0%
Human Capital Services	-	218,105	226,338	8,233	3.8%
Information Technology	209,324	472,799	501,110	28,311	6.0%
Intelligence (net)	21,000	21,961	28,223	6,262	28.5%
Total, Transportation Security Support	523,515	947,735	1,004,600	56,865	6.0%
Federal Air Marshals					
Management and administration	674,173	725,081	762,569	37,488	5.2%
Travel and training	95,327	94,400	97,542	3,142	3.3%
Total, Federal Air Marshals	769,500	819,481	860,111	40,630	5.0%
Total, Transportation Security Administration (gross)	6,819,809	6,993,778	7,793,576	799,798	11.4%
Mandatory fee collections:	(500,000)	(250,000)	(250,000)	-	0.0%
Discretionary fee collections:	(2,210,225)	(2,320,275)	(2,248,541)	71,734	-3.1%
Fee-funded accounts	(82,601)	(40,000)	(28,020)	11,980	-30.0%
Total, Transportation Security Administration (net disc.)	4,026,983	4,383,503	5,267,015	883,512	20.2%

White House's DOT Budget Will Cause Appropriators Major Headaches

The dwindling cash balances in the Highway Trust Fund have led the White House to propose shifting \$39.5 billion in highway and transit spending from the Highway Trust Fund to the general fund of the Treasury in fiscal year 2010.

If the House and Senate Appropriations Committees attempt to accommodate the Obama Administration's approach to the problem, it will cause great difficulty when the committees attempt to divide up the \$1.083 trillion in discretionary spending provided by the FY 2010 budget resolution.

The problem is this — in an attempt to prevent the Trust Fund from running out of cash at any time during FY 2010, the Administration proposes to replace most Trust Fund spending obligations (which are not subject to the annual discretionary spending cap) with new appropriations which are subject to the discretionary cap.

The overall \$1.082 billion ceiling is called the Appropriations "302(a)" budget allocation, and each committee must meet in a few weeks to subdivide that budget authority amongst its twelve subcommittees (the "302(b)" allocation process).

In FY 2009, the as the table above at right shows, the total U.S. De-

Obama DOT Budget Gives Appropriators Big 302(b) Problem

	FY 2008 <u>Actual</u>	FY 2009 <u>Enacted</u>	FY 2010 <u>Request</u>
Gross total (non-emergency) discretionary BA, USDOT.....	\$15.6 billion	\$17.0 billion	\$57.6 billion
Minus: rescissions and offsets	-\$4.8 billion	-\$3.5 billion	Zero
Equals: net discretionary BA subject to 302(b) ceiling, USDOT...	\$10.8 billion	\$13.5 billion	\$57.6 billion
Obligation limitations on contract authority (which are <i>not</i> subject to 302(b) ceiling), USDOT.....	\$53.7 billion	\$53.7 billion	\$14.8 billion

partment of Transportation net discretionary budget authority subject to the 302(b) ceiling for the Transportation-HUD subcommittee was \$13.5 billion. When added to a net total of \$41.5 billion in discretionary BA for the Department of Housing and Urban Development and the independent agencies funded by the bill, the total THUD subcommittee for FY 2009 was an even \$55.0 billion.

As the table below at left shows, this \$55.0 billion was 5.4 percent of total \$1.012 trillion in on-budget discretionary budget authority enacted for FY 2009.

Under the Obama Administration's proposed budget, the USDOT total has jumped from \$13.5 billion in FY 2009 to \$57.6 billion in FY 2010.

percent in FY 2009, as noted above).

If the Appropriations Committees are to try to accommodate the President's budget request for the Department of Transportation in the manner proposed by the White House, the extra \$40 billion from the general fund for highways and transit would have to come from *somewhere*. And as the table at bottom left makes clear, the big money is in defense (hard to cut during wartime), Labor-HHS-Education (hard to cut when Democrats are in charge), and Military Construction-VA (also hard to cut during wartime).

Normally, if the appropriators are caught a few billion short somewhere, they can use a variety of budget transfers and gimmicks to try and paper over the problem. But a \$39.5 billion gap in a subcommittee that only got \$55 billion last year is too big to be dealt with in this manner, and most of the money has to be found by real reductions elsewhere.

In its initial budget outline in February 2009, the Obama Administration proposed to change the scoring of transportation trust fund spending, to increase the overall discretionary spending total by \$54.3 billion and make it easy for the appropriators to substitute appropriations for obligation limitations and vice versa. But the recently enacted Congressional

<u>Subcommittee</u>	<u>Million \$</u>	<u>Pct.</u>
Agriculture	20,456	2.0%
Commerce-Justice-Science	57,652	5.7%
Defense	487,737	48.2%
Energy and Water	33,261	3.3%
Financial Services	22,697	2.2%
Homeland Security	42,164	4.2%
Interior and Environment	27,579	2.7%
Labor-HHS-Education	152,255	15.0%
Legislative Branch	4,402	0.4%
Military Construction/VA	72,863	7.2%
State, Foreign Operations	36,620	3.6%
Transportation-HUD	55,000	5.4%
Total FY 2009 Discretionary	1,012,686	100.0%
FY 2010 Discretionary Cap:	1,082,540	

Adding \$57.6 billion to the 2009 non-DOT total of \$41.5 billion gives us \$99.1 billion, and the HUD budget summary indicates that the proposed net HUD total for 2010 is \$3.2 billion higher than 2009, so that raises the total request for the THUD subcommittee up to at least \$102.3 billion.

This is a *huge* jump from 2009. \$102.3 billion would be 9.4 percent of the \$1.083 trillion FY 2010 discretionary spending total in the just-agreed-to Congressional budget resolution (up from 5.4

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302(b) Problem

CONTINUED FROM PAGE 13

budget resolution rejected this scorekeeping change, and the Obama Administration has acquiesced and is no longer pushing the change.

Because of this, the budget resolution only envisions \$31.4 billion in discretionary budget authority for the transportation function in 2010, above the \$30.3 billion CBO baseline but a far cry from the estimated \$71.3 billion in the Obama Administration's budget request. (See table below.)

Although the assumptions in the budget resolution are not binding on the Appropriations 302(b) process, it's hard for the committee to find room when the budget request for a category is 127 percent higher than the amount envisioned by the budget resolution.

Function 400 (Transportation): President's FY 2010 Budget vs. CBO Baseline

Discretionary budget authority only - in millions of dollars

	<u>CBO</u>	<u>Pres.</u>		<u>CBO</u>	<u>Pres.</u>
	<u>Baseline</u>	<u>Budget</u>		<u>Baseline</u>	<u>Budget</u>
Ground Transportation			Water Transportation		
FRA Amtrak Operating Subsidy Grants	555	572	FMC Salaries and Expenses	24	25
FRA Amtrak Capital and Debt Service	948	930	MARAD Operations and Training	126	174
FRA Safety and Operations	164	169	MARAD Title XI Loans	4	4
FRA Intercity Passenger Rail Grants	91	-	MARAD Ship Disposal	15	15
FRA Rail Line Relocation Program	25	-	MARAD Assistance to Small Shipyards	18	-
FRA Railroad R & D	34	34	StLSDC Operations and Maintenance	32	33
FRA High-Speed and Intercity Rail Grants	-	1,000	U.S. Coast Guard Operating Expenses	5,987	6,216
STB Salaries and Expenses	27	27	U.S. Coast Guard Reserve Training	136	134
NHTSA Operations and Research	130	130	U.S. Coast Guard AC&I	1,490	1,384
FTA Administrative Expenses	97	97	U.S. Coast Guard Alteration of Bridges	16	-
FTA Capital Investment Grants	1,825	1,827	U.S. Coast Guard RDT&E	17	20
FTA Formula and Bus Grants	-	3,343	U.S. Coast Guard Health Care Contrib.	261	266
FTA Research and URCS	68	68	Misc. Adjustments/Rescissions	(20)	???
FHWA Federal-aid Highways	-	36,107	Subtotal, Water Transportation	8,106	8,270
FHWA Appalachian Highway System	10	-	Other Transportation		
FHWA Misc. Senate Earmarks	162	-	OST Salaries and Expenses	101	103
FHWA Denali Access System	6	-	OST Financial Management Capital	5	5
TSA Surface Transportation Security	52	128	OST Office of Civil Rights	9	10
TSA Assessment and Credentialing	118	192	OST Minority Business Outreach	3	3
Subtotal, Ground Transportation	4,312	44,625	OST Transp. Planning, R & D	18	10
Air Transportation			OST Minority Business Resource Center	1	1
FAA Operations			USDOT OIG Salaries and Expenses	74	75
FAA Operations (General Fund)	3,940	3,128	PHMSA Operations	18	19
FAA Operations (Trust Fund)	5,425	6,208	PHMSA Hazardous Materials Safety	33	36
Total, FAA Operations	9,365	9,336	PHMSA Pipeline Safety (General Fund)	76	86
FAA Facilities and Equipment	2,784	2,925	PHMSA Pipeline Safety (Trust Fund)	19	19
FAA Research, Eng. & Develop.	174	180	PHMSA Pipeline User Fees	(76)	(76)
OST Essential Air Service	74	125	RITA Research and Development	13	13
TSA Federal Air Marshals	851	860	NTSB Salaries and Expenses	93	95
TSA Aviation Security (net of fees)	2,781	3,082	Subtotal, Other Transportation	387	399
TSA Transportation Security Support	971	1,005			
NASA Aeronautics	507	507	Total, Function 400 (Transportation)	30,312	71,314
Subtotal, Air Transportation	17,507	18,020	Amount in FY 2010 Budget Resolution:	31,436	

NOTE: The final scoring of the President's budget request will come from CBO and may include adjustments and offsets that are not apparent in a simple read-through of the Appendix. So the CBO scoring of the President's total may be a couple of hundred million dollars higher or lower than the \$71.314 billion shown above. But the difference shouldn't be much more than that, so the delta between the budget resolution assumption and the President's request will still be more than 100 percent.

Budget Projects \$8.6 Billion Highway Default in 2010 If No Steps Taken

The full spending and revenue forecasts for the Highway Trust Fund and the Airport and Airway Trust Fund over the next five fiscal years will not be released by the Office of Management and Budget until later this week.

However, the budget *Appendix* released last week did contain projected trust fund totals for the remainder of fiscal year 2009 and for fiscal year 2010.

Reading between the lines: *the Obama Administration's budget indicates that if the Highway Trust Fund continues to pay for all new highway spending, a gas tax increase of about five cents per gallon — or some other tax increase raising equivalent revenue (or another bailout of the Trust Fund by the general fund) — will be required to support baseline spending levels in fiscal year 2010.*

As the math in the tables on the following page demonstrates, the Obama Administration proposes to substitute \$36.1 billion in general fund appropriations for an identical amount of new federal-aid highways obligations from the Trust Fund in FY 2010.

Highway obligations, like other capital programs, spend out slowly. The scorekeeping rule of thumb is to multiply new obligations (or appropriations) by 0.27 to get the amount of outlays that will occur in the first fiscal year that the obligation authority/appropriation is available.

$\$36.1 \text{ billion} \times 0.27 = \text{about } \9.75 billion . When the projected end-of-2009 and end-of-2010 balances are taken into account, if Congress decides to dispense with the \$36.1 billion general fund appropriation and instead fund the entire highways account from the Trust Fund at a \$41.1 billion level, the Highway Account will need about \$8.6 billion in extra revenues (or further bailouts from the general fund) in order to finish 2010 with a cash balance greater than zero.

HIGHWAY ACCOUNT OF THE HIGHWAY TRUST FUND

OMB-estimated cash shortfall by the end of FY 2010 (September 30, 2010) if highway ob limit is \$41.1 billion:	\$8.6 billion
Times: cent increase in gasoline and diesel taxes necessary to raise each additional \$1 billion:	x 0.56 cpg
Gas & diesel tax increase needed to pay for OMB baseline highway spending levels in 2010:	5 cents per gallon

The table at the top of this page shows that using the estimates for revenues raised by increased gasoline and diesel taxes used by the National Surface Transportation Infrastructure Financing Commission in its final report this year, if Congress were to try and close that revenue gap by raising the needed \$8.6 billion through increasing fuel taxes, an increase of about five cents per gallon would be needed — just in order to make it through 2010 at the baseline spending level (which is a one percent increase over FY 2009).

But as the events of last September proved, getting through the close of the fiscal year with a (barely) positive cash balance in the Highway Account is no guarantee that the Federal Highway Administration won't run out of cash on a day-to-day basis towards the end of the fiscal year. (Last year, FHWA had to shut off same-day reimbursements of states while waiting for biweekly and then weekly tax deposits to come through. Congress had to step in and bail out the Trust Fund with an \$8 billion cash infusion from the general fund.)

In order to ensure that FHWA does not face an end-of-fiscal year cash crunch, an additional \$2-3 billion (at least) would be needed, which would increase the required gas tax increase to around six cents per gallon (or a general fund bailout of at least \$11 billion).

Also, OMB projects that the Highway Account of the Trust Fund will have a cash balance of only \$940 million as of the end of fiscal year

2009. This is less than one week's worth of outlays at the September outlay rate, making it highly likely that FHWA will have a cash crunch in September or August 2009 if the OMB/Treasury revenue and outlay assumptions for the current year hold true. (More on that below).

This would require some kind of further bailout action perhaps before Congress takes its five-week August recess.

While the Mass Transit Account of the Trust Fund does not face as quick a cash crunch as the Highway Account, the Administration proposes to reduce obligations from that account as well. The budget projects that if \$3.3 billion in transit obligations are shifted to the general fund in 2010, the end-of-FY-2010 balance in the MTA will be \$1.9 billion.

If the full \$8.3 billion for Formula and Bus Grants is taken out of the Trust Fund, our calculations project a balance of \$1.4 billion at the end of FY 2010, using the OMB assumptions.

However, transit outlays exceed revenues by a much greater percentage than do highway outlays (even with a \$5.0 billion transit ob limit, FY 2010 outlays would be 149 percent of 2010 receipts using OMB numbers — with an \$8.3 billion ob limit, it would be 158 percent) that an outlay slowdown in 2010 may be necessary to prevent certain disaster in 2011 (assuming the program runs along through extensions, as happened at the expiration of TEA21 in 2003-2004).

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Highway Trust Fund

CONTINUED FROM PAGE 15

The numbers for the Airport and Airway Trust Fund were not released in the Appendix, but annual appropriations action relating to Trust Fund balances is traditional there (see article on page 21 of this issue).

While the balance numbers from OMB and Treasury are bad, the revenue numbers are rosier than

the Congressional Budget Office's numbers (see comparison at the bottom of this page). And the table at right shows that as of ten days ago, Highway Account receipts to date for fiscal year 2009 were running 9.7% below the actual FY 2008 levels, and if that trend were to continue, the FY 2009 HA receipts would be \$3.2 billion below the OMB projection, putting the Highway Account in default sooner (if OMB's outlay projections are right).

HIGHWAY TRUST FUND - HIGHWAY ACCOUNT	
	<u>Million \$</u>
FY08 net HA receipts	31,344
FY09 as of April 30 is 9.7% below FY08 actual:	x 0.903
Annualized FY09 HA receipts as of April 30, 2009:	28,304
OMB estimate of FY09 net HA receipts:	31,459
Actual FY09 HA receipts to date are on a pace to be below the OMB estimate by:	3,155

HIGHWAY TRUST FUND STATUS UNDER ADMINISTRATION ASSUMPTIONS

Highway Account Only

From Appendix p. 919

(Assumes \$5b ob limit and \$36.1b GF appropriation)

	<u>FY 2009</u>	<u>FY 2010</u>
Beginning-of-FY Balance	10,032	940
Receipts	31,459	32,595
Outlays	40,551	32,413
End-of-FY Balance	940	1,122

Question: What would FY 2010 outlays be if the highway ob limit were \$41.1 billion?

Size of proposed GF appropriation:	36,107
Times year 1 outlay rate for account:	<u>x 0.27</u>
Equals: FY 2010 outlays from \$36.1 billion	9,749
Plus: FY 2010 outlays from above	<u>+32,413</u>
Equals: outlays under \$41.1 billion ob limit	42,162

Scenario: assume \$41.1b ob limit in FY 2010:

	<u>FY 2009</u>	<u>FY 2010</u>
Beginning-of-FY Balance	10,032	940
Receipts	31,459	32,595
Outlays	40,551	42,162
End-of-FY Balance	940	(8,627)

Mass Transit Account Only

From Appendix p. 948

(Assumes \$5b ob limit and \$3.3b GF appropriation)

	<u>FY 2009</u>	<u>FY 2010</u>
Beginning-of-FY Balance	6,787	4,469
Receipts	5,360	5,308
Outlays	7,678	7,885
End-of-FY Balance	4,469	1,892

Question: What would FY 2010 outlays be if the FTA Formula and Bus Grants ob limit were \$8.3 billion?

Size of proposed GF appropriation:	3,343
Times year 1 outlay rate for account:	<u>x 0.15</u>
Equals: FY 2010 outlays from \$3.3 billion	501
Plus: FY 2010 outlays from above	<u>+7,885</u>
Equals: outlays under \$8.3 billion ob limit	8,386

Scenario: assume \$8.3b ob limit in FY 2010:

	<u>FY 2009</u>	<u>FY 2010</u>
Beginning-of-FY Balance	6,787	4,469
Receipts	5,360	5,308
Outlays	7,678	8,386
End-of-FY Balance	4,469	1,391

COMPARING ADMINISTRATION ASSUMPTIONS AND CONGRESS'S ASSUMPTIONS

Highway Account Receipt Assumptions

	<u>FY 2009</u>	<u>FY 2010</u>
CBO/Joint Tax	31,610	31,703
OMB/Treasury	31,459	32,595

Highway Account Outlay Assumptions

	<u>FY 2009</u>	<u>FY 2010</u>
CBO/Joint Tax	39,384	37,832
OMB/Treasury	40,551	42,162

Mass Transit Account Receipt Assumptions

	<u>FY 2009</u>	<u>FY 2010</u>
CBO/Joint Tax	5,343	5,474
OMB/Treasury	5,360	5,308

Mass Transit Account Outlay Assumptions

	<u>FY 2009</u>	<u>FY 2010</u>
CBO/Joint Tax	6,877	7,738
OMB/Treasury	7,678	8,386

Highway Account outlay numbers and Mass Transit Account receipt numbers include the flex transfer of funds from FHWA to FTA. Note that CBO assumes that stimulus funding will "crowd out" Trust Fund spending and lower Highway Account outlays by \$3.465 billion and Mass Transit Account outlays by \$365 million in FY 2010 below what they would have been had no stimulus law been enacted. Apparently OMB does not share this assumption.

Highway Bill

CONTINUED FROM FRONT PAGE

bers needed for the bill Oberstar is trying to shape, rather than specific revenue options.

The Ways and Means members, as well as House leaders, are concerned about being "BTU'd" on the issue by the Senate and the President — if the House were to put its members on record in favor of an unpopular gas tax increase, and the Senate or President were then to kill the increase, many House Democrats would pay a political price.

But waiting for the Senate to act first to test the political viability of a tax increase in that chamber would not comply with the accelerated House timetable that Oberstar wants his bill to follow.

Also, House Democratic leadership aides are clear that the leadership is very, very unlikely to push for a gas tax increase unless President Obama first reverses course and advocates such an increase in order to give Congressional Democrats political cover.

It should be noted that the T&I Democratic leadership has never formally advocated any specific gas tax increase, but if you get Oberstar and other members talking, they are quick to note that the federal fuels taxes have not been increased since 1993 and have lost much of their buying power since then.

Also, both blue-ribbon panels that reported in the last eighteen months on the issue concluded that in the short run (over the next five to ten years), there is no practical alternative to a gas tax increase if one wants to increase federal surface transportation spending to needed levels while maintaining the principle that the system should be financed by users.

The lack of consensus on a revenue title (indeed, a lack of consensus on any kind of dollar amount for the bill) is a reason that the target markup date for the surface trans-

portation bill has been moved from May 21 to early June.

(*Ed. Note:* the main publicly acknowledged reason for the delay is the malfunctioning of the T&I computer database for earmark requests, which was supposed to go online on April 27 but which was acting up until late last week. As of late on May 8, over 1,500 earmark requests had been submitted, with thousands more to come over the coming days and weeks.)

The resistance to any significant tax increase at this time to pay for the reauthorization bill gives the T&I Committee two Big Questions to answer.

Big Question #1: Should we continue to rely on taxes on highway users to pay for 100 percent of regular federal highway spending and 80 percent of federal transit spending, or should we start spending money out of general revenues?

The President's budget suggests that unless additional revenues can be found for the Trust Fund (upwards of \$10 billion) before the start of fiscal 2010 on September 30, there will be no choice but to switch over to reliance on the general fund for 86 percent of new highway spending and 52 percent of new transit spending in FY 2010. Beyond that, the general fund share could drop in subsequent years, but the Trust Fund cannot sustain current spending levels without significant new tax increases, leaving general fund support (whether through direct appropriations, as proposed by the President, or through continued general fund bailouts of the Trust Fund) as the only option.

In either case, continued reliance on general fund appropriations or bailouts would mean an end to the user-pays system put in place in 1956 that has been used as the political justification for the greatly increased spending on highways and transit that has taken place since 1998.

And from a procedural point of view, reliance on the general fund puts the Appropriations Commit-

tees in the drivers seat for growth in transportation programs and would force advocates of such spending to fight it out with all other discretionary needs for a share of the funding pie each year.

Big Question #2: Should direct federal subsidies for highways and transit continue to be their primary means of support, or should we make states responsible for future program growth?

The non-tax funding options reportedly being explored by Oberstar include things like state infrastructure banks, public-private partnerships, greater reliance on tolling, and a national infrastructure bank and other options related to the federal guarantee of state, local or private bonds.

All of these options have one thing in common: they cannot be used to liquidate federal appropriations or contract authority.

Instead, all of these options would, in one form or another, shift much of the burden for raising revenues to the states, whether now (tolls and PPPs) or later (when the states have to pay back bonds or federal loans, albeit with a federal interest subsidy). Also, PPP and toll-based options are really only valid in heavily-traveled urban and suburban areas, which means that a reliance on these options does not benefit rural states as much.

Another option is a throwback to the original Clay Commission proposal for financing the Interstate System in 1955: to have the federal government issue tens of billions of dollars in new bonds directly and use the proceeds to pay for appropriations or contract authority grants to states to pay for highways and transit.

This would be accompanied, ideally, by a shift from cash budgeting to capital budgeting for these programs (this would bring heavy opposition from OMB, which treats the 1967 Budget Concepts Commission as holy writ — the Commission strongly opposed capital budgeting).

Homeland Subcommittee Approves TSA Reauthorization Bill

A House subcommittee last week approved bipartisan legislation authorizing funding and altering some policies of the Transportation Security Administration for fiscal years 2010 and 2011.

On May 6, the Transportation Security and Infrastructure Protection Subcommittee of the House Homeland Security Committee ordered reported H.R. 2200, as amended, by a unanimous vote.

The bill was introduced on April 30 by subcommittee chair Sheila Jackson-Lee (D-TX).

The bill does not authorize a specific dollar amount of overall authorization for TSA, instead simply authorizing the appropriation of "such sums as necessary," nor does it amend the user fee system that supports a portion of TSA's aviation security operations (but which was intended to support a greater share.)

During the markup, the subcommittee considered a Jackson-Lee amendment in the nature of a substitute to the bill as base text which contained many departures from the original text of H.R. 2200 as introduced.

During the markup, the following amendments to the Jackson-Lee substitute were offered:

- Jackson-Lee amendment adding a sec. 232 to the bill making changes in the Registered Traveler program — *agreed to en bloc by voice vote.*
- Jackson-Lee amendment adding a new section 212 to bill requiring specific amounts of security training for cabin crew — *agreed to en bloc by voice vote.*
- Lungren (R-CA) amendment to require CMV truck drivers to hold Transportation Security Cards in order to transport secu-

urity sensitive goods, requiring background checks for Canadian and Mexican drivers carrying security sensitive goods, requiring DHS to begin issuing cards no later than May 31, 2010, and requiring a re-assessment of the crimes disqualifying individuals from certain jobs — *withdrawn.*

- Olson (R-TX) requiring DHS to get a written report from an advisory committee before issuing a rule on the Large Aircraft Security Program — *withdrawn.*

The Lungren and Olson amendments were withdrawn but are likely to be offered again in some form when the full Homeland Security Committee marks up the legislation, which is tentatively scheduled for Thursday, May 14.

A summary of the bill, as amended in subcommittee, is below and on the following two pages.

Summary of H.R. 2200 As Reported From Subcommittee

Sec. 101. Authorization of appropriations. Authorizes the appropriation of such sums as necessary for TSA expenses in fiscal years 2010 and 2011.

Sec. 102. Risk-based system for allocation of resources. Requires TSA to report to Congress within 180 days on the status of its transition to a risk-based system of resource allocation.

Sec. 103. Ensuring contracting with small business concerns and disadvantaged

business concerns. Requires TSA to include DBE award plans for subcontractors in each contract and requiring contractors to submit DBE compliance information to TSA. Requires TSA to report to Congress once per year statistical data on DBE contracts and subcontracts.

TITLE II—AVIATION SECURITY

Subtitle A—Amendments to Chapter 449

Sec. 201. Elimination of alternate baggage security screening. Amends 49 U.S.C. 44901(e)(1) to prohibit positive bag match from being used as an alternative to EDS screening where EDS equipment is available unless there are exigent circumstances as determined by the Assistant Secretary.

Sec. 202. Prohibition of advance notice of covert testing to security screeners. Adds a new 49 U.S.C. 44935(j) prohibiting advance notice of IG or GAO covert tests of transportation security systems except under certain limited circumstances.

Sec. 203. Secure verification system for law enforcement officers. Adds a new 49 U.S.C. 44917(e) directing TSA to develop a plan for a system of secure ID verification for law enforcement officers flying while armed, including a biometric component. Authorizes the appropriation of up to \$10 million to carry out this directive and requires a report to Congress on the progress of the program.

Sec. 204. Ombudsman for Federal Air Marshal Service. Adds a new 49 U.S.C. 44917(f) establishing an Office of the Ombudsman within the Federal Air Marshal Service, to be appointed by the Assistant Secretary.

Sec. 205. Federal flight deck officer program enhancements. Amends 49 U.S.C. 44921(b) to require TSA to hire at least two full-time employees, with expertise, to administer the FFDO program. Amends 49 U.S.C. 44921(c)(2)(C) to require Federal Air Marshal Service field offices to allow the use of their facilities for FFDO program training.

Sec. 206. Foreign repair stations. Amends 49 U.S.C. 44924(f) to require TSA to issue regulations within 6 months of enactment establishing security standards for foreign repair stations performing

CONTINUED ON NEXT PAGE

Summary of H.R. 2200 As Reported From Subcommittee, Continued

maintenance for aircraft used to provide air transportation.

Sec. 207. Assistant Secretary defined. Adds a new 49 U.S.C. 44931 redefining all existing references to the TSA Administrator to be references to the Assistant Secretary of Homeland Security (Transportation Security Administration).

Sec. 208. TSA and homeland security information sharing. Amends 49 U.S.C. 44933 to rename Federal Security Managers as Federal Security Directors and to require all airport security plans to be amended within one year of enactment to require clear reporting procedures for all airport security incidents and quarterly meetings between each FSD and local law enforcement agencies.

Sec. 209. Aviation security stakeholder participation. Adds a new 49 U.S.C. 44946 establishing an Aviation Security Advisory Committee to assist the Assistant Secretary with issues pertaining to aviation security, including credentialing. The Committee shall consist of up to 27 members from a variety of stakeholder groups, none of which can have more than three members on the Committee. The Committee shall establish an Air Cargo Security Working Group.

Sec. 210. General aviation security. Adds a new 49 U.S.C. 44947 establishing a general aviation security grant program. Requires the Aviation Security Advisory Committee to establish a general aviation working group to report to TSA on ways to improve GA airport security, and once that report is issued, TSA shall develop and make publically available a list of approved eligible projects for such grants based upon recommendations made by the working group in such report. The federal share of project costs shall be 90 percent. Authorizes the appropriation of up to \$10 million per year to carry out the program.

Sec. 211. Reimbursement for airports that have incurred eligible costs. Amends sec. 1604(b)(2) of the 9/11 Commission Act of 2007 to require TSA to establish a process for resolving reimbursement claims for airports with existing claims of eligible costs for in-line EDS deployment.

Sec. 212. Security and self-defense training. Amends 49 U.S.C. 44918(b) to require at least 5 hours per year of advanced self-defense training for all cabin crew members choose to participate. Requires development of a cost-sharing system to pay for the training.

Subtitle B—Other Matters

Sec. 221. Security risk assessment of airport perimeter access controls. Requires TSA to develop a strategic risk-based plan to improve transportation security at airports that includes best practices to make airport perimeter access controls more secure at all commercial service and general aviation airports.

Sec. 222. Advanced passenger prescreening system. Requires a GAO report to Congress within 90 days of enactment on DHS's progress in implementing the advanced passenger pre-screening system, with subsequent GAO reports every 90 days until implementation is complete.

Sec. 223. Biometric identifier airport access enhancement demonstration program. Requires TSA to carry out a demonstration program at 7 airports (2 of which shall be large airports) under which biometric identifier access systems for individuals with unescorted access to secure or sterile areas of an airport, including airport employees and flight crews, are evaluated for the purposes of enhancing transportation security at airports and to determine how airports can implement uniform biometric identifier and interoperable security systems. The pilot program shall begin within one year of enactment and shall last between 180 days and one year. Authorizes a total of \$20 million to be appropriated to carry out the program.

Sec. 224. Transportation security training programs. Requires TSA to establish, within one year of enactment, recurring training of transportation security officers on updates to screening procedures and technologies in response to weaknesses identified in covert tests at airports.

Sec. 225. Deployment of technology approved by Science and Technology Directorate. Requires TSA to submit to Congress a strategic plan for the certification and integration of technologies for transportation security with high approval or testing results from the DHS Science and Technology Directorate and the Transportation Security Laboratory.

Sec. 226. In-line baggage screening study. Requires TSA to consult with the Aviation Security Advisory Committee and report to Congress on deploying optimal baggage screening solutions and replacing baggage screening equipment nearing the end of its life cycle at commercial service airports.

Sec. 227. GAO report on certain contracts and use of funds. Requires GAO to report to Congress within 60 days of enactment and every 6 months thereafter on funds made available by Congress for FY 2008 and 2009 used by TSA to award EDS or other screening or airport technology contracts.

Sec. 228. IG report on certain policies for Federal air marshals. Requires the DHS Inspector General to report to Congress within 120 days of enactment on recommendations for changes to minimum standards and policies regarding rest periods between deployments and any other standards or policies applicable to Federal air marshals reporting to duty.

Sec. 229. Explosives detection canine teams minimum for aviation security. Requires that a minimum of 250 canine explosives detection teams be deployed through FY 2011.

Sec. 230. Status of efforts to promote air cargo shipper certification. Requires TSA to report to Congress within 180 days of enactment on the status of the program to certify the screening methods used by shippers in a timely manner, in accordance with section 44901(g) of title 49, United States Code, including par-

CONTINUED ON NEXT PAGE

Summary of H.R. 2200 As Reported From Subcommittee, Continued

ticipation by shippers with robust and mature internal security programs.

Sec. 231. Full and open competition in security background screening service. Requires DHS to publish a Federal Register notice within 6 months of enactment announcing that the selection process for security background screening services for persons requiring background screening in the aviation industry are subject to full and open competition.

Sec. 232. Registered Traveler. Requires TSA, within 120 days of enactment, to reinstate an initial and continuous security threat program as part of the Registered Traveler enrollment process and allow RT providers to perform private sector background checks. Prohibits TSA from reinstating the threat assessment component of Registered Traveler unless the Assistant Secretary determines that RT is integrated into risk-based security operations and expedites checkpoint screening.

TITLE III—SURFACE TRANSPORTATION SECURITY

Sec. 301. Assistant Secretary defined. Defines “Assistant Secretary” for purposes of the 9/11 Commission Act of 2007.

Sec. 302. Surface transportation security inspection program. Amends sec. 1304 of the 9/11 Commission Act of 2007 to establish a Surface Transportation Security Inspection Office to employ all surface transportation security inspectors. The Office shall be headed by a Director and a Deputy Director and shall establish primary field offices (each headed by a chief surface transportation security inspector and containing at least 6 subordinates) and secondary field offices (each headed by a senior surface transportation security inspector and containing at least 4 subordinates). Directs TSA to hire at least 200 additional inspectors in FY 2010 and at least 100 additional inspectors in FY 2011. Authorizes the appropriation of such sums as necessary to carry out this section.

Sec. 303. Strengthening visible intermodal prevention and response teams. Amends sec. 1303 of the 9/11 Commission Act of 2007 to require TSA to develop a system of qualitative performance measures and objectives by which to assess the roles, activities, and effectiveness of VIPR team operations. Requires TSA to submit a plan to Congress within 180 days of enactment for interactive VIPR communications capability.

Sec. 304. Surface Transportation Security Advisory Committee. Establishes a Surface Transportation Security Advisory Committee to assist the Assistant Secretary with surface transportation security issues. The Committee shall consist of up to 27 members from a variety of stakeholder groups, none of which can have more than three members on the Committee. The Committee shall establish a Passenger Rail and Public Transportation Security Working Group and a Freight Rail Security Working Group.

Sec. 305. Human capital plan for surface transportation security personnel. Requires TSA to submit a report to Congress within one year of enactment on a human capital plan for hiring, training, managing, and compensating surface transportation security personnel, including surface transportation security inspectors.

Sec. 306. Surface transportation security training. Requires DHS to report to Congress within 30 days of enactment on the status of the Department’s implementation of sections 1408, 1517, and 1534 of the 9/11 Commission Act of 2007. Requires TSA to develop, within one year of enactment, criteria for approving and maintaining a list of approved third-party providers of security training.

Sec. 307. Security assistance IG report. Requires a DHS Inspector General report to Congress within 180 days of enactment on the roles and responsibilities of TSA and any other relevant DHS component in administering security assistance grants under section 1406 of the 9/11 Commission Act of 2007.

Sec. 308. International lessons learned for securing passenger rail and public transportation systems. Requires GAO to study and report to Congress within one year of enactment on the efforts undertaken by DHS and TSA to learn from foreign nations that have been targets of terrorist attacks on passenger rail and public transportation systems.

Sec. 309. Underwater tunnel security demonstration project. Requires TSA to conduct a full-scale demonstration project to test and assess the feasibility and effectiveness of certain technologies to enhance the security of underwater public transportation tunnels against terrorist attacks involving the use of improvised explosive devices.

Sec. 310. Passenger rail security demonstration project. Requires TSA to conduct a demonstration project in a passenger rail system to test and assess the feasibility and effectiveness of technologies to strengthen the security of passenger rail systems against terrorist attacks involving the use of improvised explosive devices.

Sec. 311. Report and recommendation for uniform security background checks. Requires GAO to report to Congress within one year of enactment a review of state and local security background check programs and forms of required identification.

Sec. 312. Explosives detection canine teams. Amends sec. 1307 of the 9/11 Commission Act of 2007 to increase the number of TSA-certified dedicated to public transportation to not less than 100 by the end of FY 2011.

Sec. 313. Animal-propelled vessels. Exempts operators of vessels propelled by live animals from the requirement to hold a Transportation Security Card, notwithstanding 46 U.S.C. 70105. (Evidently some Amish still use mule-drawn boats on canal tow paths.)

House Ways and Means Holds Aviation Trust Fund Hearing

The House Ways and Means Committee held a hearing on May 7 to examine the finances of the federal Airport and Airway Trust Fund.

At the hearing, the committee members showed little enthusiasm for eliminating the current system of excise taxes that support the Trust Fund and replacing those taxes with user fees, as was proposed by the Bush Administration unsuccessfully and which is surprisingly included in the Obama Administration's budget (the Obama proposal has absolutely no details yet and would not begin until fiscal year 2011).

The leadership of the House Transportation and Infrastructure Committee asked Ways and Means for a revenue title for their FAA reauthorization bill (H.R. 915) identical to the plan from the last Congress — an extension of existing taxes, plus an increase in the tax on general aviation kerosene to 35.9 cents per gallon (raising about \$166 million in FY 2010) and an increase in the tax on aviation gasoline to 24.1 cents per gallon (raising about \$8

million per year). This would be more than enough extra revenue to fix the small PAYGO problem that H.R. 915 currently has.

The head of the Congressional Budget Office testified on the future financial stability of the Trust Fund. He said that the projections of future balances in the Trust Fund are highly speculative because they vary so greatly depending on what assumptions you use for the annual general fund contribution towards FAA Operations.

The table below at left shows how the different assumptions in the CBO baseline (the 2009 level plus inflation) and under H.R. 915 have on future uncommitted balances in the Trust Fund. And the Obama Administration proposes a much lower general fund contribution in 2010 than even the CBO baseline projects (see box at right).

The Ways and Means Committee seemed receptive to higher general fund contributions, since it would spare them from having to raise unpopular taxes.

(*Ed. Note:* the Appropriations Committees, however, are likely to oppose increasing the general fund share of the FAA to the level called for in H.R. 915. In essence, here are each side's arguments:

Authorizers: It's the appropriators' job to adjust the general fund

General Fund Appropriation for FAA Operations

The future balances of the Airport and Airway Trust Fund largely depend on how much money from the general fund is appropriated for FAA operations. There is a wide discrepancy between the Obama Administration and the T&I Committee's FAA bill (H.R. 915) over the size of that general fund contribution in 2010:

FY 2009 actual	\$3.8 billion
FY 2010 CBO	\$3.9 billion
FY 2010 Obama	\$3.1 billion
FY 2010 H.R. 915	\$6.7 billion

contribution each year in order to protect the viability of the Trust Fund

Appropriators: It's the authorizers' job to ensure that the taxes and fees on levied on commercial and general aviation users are adjusted to make sure that they pay their fair share, so that the general fund only pays for the public benefits that come from the air traffic control system.)

That argument is not likely to be settled anytime soon.

The Ways and Means Committee is expected to meet soon to report a revenue title for H.R. 915 along the lines of the one the committee produced in September 2007 for the 110th Congress's FAA bill.

General Fund Contribution to FAA Operations						
	2003	2004	2005	2006	2007	2008
Actual	3.2	3.0	2.8	2.6	2.7	2.3
	2009	2010	2011	2012	2013	2014
CBO Baseline	3.8	3.9	4.0	4.1	4.2	4.2
H.R. 915	3.8	6.7	6.8	5.7	5.2	4.8
End-of-FY Aviation Trust Fund Uncommitted Balance						
	2009	2010	2011	2012	2013	2014
CBO Baseline	0.8	0.4	0.6	1.4	2.8	4.8
H.R. 915	0.8	1.8	2.9	3.0	3.2	3.3

CBO/Joint Tax Committee Revenue Baseline for Airport and Airway Trust Fund

(Millions of Dollars, by Fiscal Year)

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Transportation of persons by air	8,243	7,654	8,110	8,559	9,027	9,504	9,983	10,434	10,892	11,361	11,836	12,323
Transportation of property by air	535	535	557	594	635	679	724	767	811	857	903	952
Use of international air facilities	2,313	2,296	2,341	2,449	2,599	2,756	2,913	3,066	3,226	3,397	3,555	3,733
Commercial aviation fuel	536	520	528	549	572	595	617	634	650	666	681	696
General aviation kerosene	234	227	231	240	250	260	269	277	284	291	297	304
General aviation gasoline	35	34	34	35	36	37	39	39	40	40	41	41
Refunds	(56)	(56)	(56)	(56)	(56)	(56)	(56)	(56)	(56)	(56)	(56)	(56)
Net Total Trust Fund Receipts	11,839	11,210	11,746	12,371	13,063	13,774	14,489	15,162	15,847	16,556	17,257	17,994

NEW AND NOTABLE ON THE INTERNET

Budget of the United States Government

The *Appendix* to the 2010 budget, containing detailed appropriations data, is here:

<http://www.gpoaccess.gov/usbudget/fy10/appendix.html>

A separate book called *Terminations, Reductions and Savings* is here:

<http://www.whitehouse.gov/omb/budget/fy2010/assets/trs.pdf>

The thousands of pages of detailed Department of Transportation budget justifications can be found here:

<http://www.dot.gov/budget/2010/budgetestimates/index.htm>

The 3,500-page Department of Homeland Security budget justification document can be found here:

http://www.dhs.gov/xlibrary/assets/dhs_congressional_budget_justification_fy2010.pdf

The Budget-in-Brief for the Department of Transportation can be found here:

<http://www.dot.gov/budget/2010/bib2010.pdf>

The Budget-in-Brief for the Department of Homeland Security can be found here:

http://www.dhs.gov/xlibrary/assets/budget_bib_fy2010.pdf

Congressional Budget Office

CBO's testimony on the status of the Airport and Airway Trust Fund is here:

http://www.cbo.gov/ftpdocs/101xx/doc10116/FAA_Testimony.pdf

The Joint Committee on Taxation briefing document on the Trust Fund is here:

http://www.jct.gov/publications.html?func=download&id=3556&chk=64e88164f1cb88fdf12c92c80c53cbef&no_html=1

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 transmitted 4/27/09
Department of Transportation	Roy Keinitz	Under Secretary for Policy	Commerce, Science and Transportation	Nomination confirmed 4/29/09
Department of Transportation	Robert Rivkin	General Counsel	Commerce, Science and Transportation	Nomination confirmed 4/29/09
Department of Transportation	Dana Gresham	Assistant Secretary for Governmental Affairs	Commerce, Science and Transportation	Nomination confirmed 4/29/09
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 transmitted 4/23/09
DOT-Federal Railroad Administration	Joseph Szabo	Administrator	Commerce, Science and Transportation	Nomination confirmed 4/29/09
DOT-Federal Transit Administration	Peter Rogoff	Administrator	Banking, Housing and Urban Affairs	Nomination transmitted 4/29/09
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 confirmed 4/29/09
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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THIS WEEK IN COMMITTEE

Tuesday, May 12, 2009 — House Appropriations — Subcommittee on Homeland Security — subcommittee hearing on the FY 2010 DHS budget request — 1:00 p.m., 2359 Rayburn.

Senate Environment and Public Works — full committee hearing on pending nominations including Jo-Ellen Darcy to be Assistant Secretary of the Army — 2:30 p.m., SD-406 Dirksen.

Senate Homeland Security and Governmental Affairs — full committee hearing on the FY 2010 Homeland Security budget request — 4:00 p.m., SD-342 Dirksen.

Wednesday, May 13, 2009 — House Homeland Security — full committee hearing on the FY 2010 Homeland Security budget request — 10:00 a.m., 311 Cannon.

House Transportation and Infrastructure — Subcommittee on Aviation — subcommittee hearing on the Civil Reserve Air Fleet — 10:00 a.m., 2167 Rayburn.

Senate Commerce, Science and Transportation — Subcommittee on Aviation Operations, Safety and Security — subcommittee hearing on FAA reauthorization from the stakeholder perspective — 2:15 p.m., SR-253 Russell.

House Transportation and Infrastructure — Subcommittee on Coast Guard and Maritime Transportation — subcommittee hearing on the FY 2010 budget requests for the Coast Guard, Maritime Administration, and FMC — 2:00 p.m., 2167 Rayburn.

Senate Banking, Housing and Urban Affairs — full committee hearing on the nomination of Peter Rogoff to be Federal Transit Administrator — 2:30 p.m., SD-538 Dirksen.

Thursday, May 14, 2009 — House Transportation and Infrastructure — full committee hearing on making FEMA independent — 11:00 a.m., 2167 Rayburn.

House Transportation and Infrastructure — Subcommittee on Railroads, Pipelines, and Hazardous Materials — subcommittee hearing on DOT's hazmat safety program — 2:00 p.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. 85 passed House 4/2/09 by vote of 233-196	S. Con. Res. 13 passed Senate 4/2/09 by vote of 55-43	Conference report (H. Rept. 111-89) agreed to 4/29/09
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			
Transportation Security Admin. Reauthorization	H.R. 2200 marked up on 5/6/09 by HSC subcommittee		