THE LEGISLATIVE SERVICES GROUP'S

Transportation Weekly

MONITORING AND ANALYZING DEVELOPMENTS IN FEDERAL TRANSPORTATION AND PUBLIC WORKS POLICY

Volume 11, Issue 2 — Wednesday, October 14, 2009

Legislative Schedules
Week of October 12, 2009

House

Tuesday — meets at 2 p.m. for legislative business — 15 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. on Friday) — conference report to accompany H.R. 2892, Homeland Security appropriations; H.R. 2442, Bay Area water quality; and possible conference report on H.R. 2996, Interior-Environment appropriations.

Senate

The Senate convenes at 10 a.m. today for morning business. At 11 a.m. the Senate will begin consideration of the conference report on H.R. 3183, Energy and Water appropriations, with a vote on a motion to invoke cloture on the conference report at 11:15 a.m.

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FHWA Gives Out Highway Funds To States Under CR

New Obligation Authority Exceeds New Contract Authority By 40 Percent

The Federal Highway Administration has given state departments of transportation their apportionments of highway funding under the 31-day continuing resolution.

In notices sent to states last Friday evening, FHWA apportioned a total of $2.033 billion in highway contract authority to states via formula.

$1.979 billion of that money is subject to an overall limitation on obligation, and since obligation limitations were first implemented in 1975, those limitations have always been lower than the amount of new contract authority provided to states at the same time.

But under the "CR", the amount of obligation limitation provided to accompany this contract authority is $2.776 billion — $797 million higher than the corresponding amount of contract authority.

Therefore, in order to use that extra $797 million in obligation limitation, states will have to obligate formula contract authority apportioned in prior fiscal years that has not yet lapsed.

Some states may not have much of that old contract authority laying around, as Congress rescinded $8.708 billion of that money held by states on September 30, the latest and largest in a long line of rescissions to help Congress balance its spending books (on paper, at least).

However, an extremely overworked FHWA budget office has not yet had time to produce state-by-state and program-by-program numbers showing exactly much contract authority each state had left in each highway program after the September 30 rescissions took place.

It is possible that some states might not have enough contract authority left in all programs to use all of their obligation limitation under the CR.

And as long as the highway program continues to be funded under a con-

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Final FY 2010 Homeland Security Budget Ready For Vote

Congress is poised to act on a $44.1 billion appropriations bill this week that will provide the final annual budget for the Department of Homeland Security for fiscal year 2010.

The House-Senate conference report on the DHS appropriations bill (H.R. 2892) will go to the House Rules Committee today and should be on the House floor tomorrow, where it faces a fight because the conference committee refused to go along with the complete ban on admission of Guantanamo Bay detainees into the U.S. (for any reason) that the House voted by a wide margin to approve on two occasions.

However, the bill has funding and important provisions for the Transportation Security Administration, the United states Coast Guard, and the transportation security grant programs of FEMA which are largely noncontroversial.

TSA. The conference report appropriates or allows a gross total of $7.656 billion for the Transportation Security Administration in fiscal 2010, a 9.7 percent increase over 2009 and 1.8 percent below the budget

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Highways Under CR

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tinuing resolution provided by the Appropriations Committees (instead of under separate authorizing legislation provided by authorizing committees), budget rules require that contract authority continue to be given out at a lower rate than obligation limitation.

So when the CR is extended for a week or two at the end of this month, as is likely, the mismatch will continue and worsen.

House and Senate authorizing committees, however, appear no closer to getting a deal on a free-standing extension bill than they were a month ago, which makes it likely that they won't come to the table in earnest before the absolute deadline, which will be the expiration of the final CR. We expect the final CR to expire by Thanksgiving.

The $2.776 billion is not the entire amount of total highway spending provided by the CR. An extra $54 million in contract authority for the equity bonus program was apportioned in the notice that is mandatory spending exempt from limitation, so that amount is added to the obligation limitation. Plus, the CR provides that 31/365ths of the funds in the major earmarked accounts be given to states subject to separate obligation limitation. We estimate that amount will total $343.5 billion in obligation limitation (though we are not sure when that will be distributed to states).

Add it all together, and the CR provides at least $3.174 billion in budgetary resources for highways to states. About $344 million more is held at FHWA for allocated programs.

Contract authority was apportioned so states in all of the highway programs — large (Interstate Maintenance, STP, NHS) and small (Safe Roads to Schools, Rail-Highway Crossings). A full list of state apportionments by program is linked on page 12 of this issue.

Aggregate Totals from FHWA Contract Authority Apportionment Notice N.4510.713 and Draft Obligation Limitation Notice for FY 2010

Appalachian Highways CA	$	26,695,555
Appalachian Highways Ob Limit	$	37,349,208
Ob Limit as a % of New CA		139.91%
No-Year Equity Bonus CA	$	169,863,014
No-Year Equity Bonus Ob Limit	$	169,800,000
Ob Limit as a % of New CA		99.96%
Other New Formula CA Subject to Limit	$	1,782,558,316
Other Formula Ob Limit	$	2,569,091,606
Ob Limit as a % of New CA		144.12%
Total Formula CA Subject to Limit	$	1,979,116,885
Total Formula Obligation Limitation	$	2,776,240,814
Ob Limit as a % of New CA		140.28%
Plus Mandatory EB CA Exempt from Limit	$	54,271,233
TOTAL NEW BUDGETARY RESOURCES FROM NOTICE 4510.713 AND NEW OB LIMIT (Ob Limit plus Exempt EB CA)	**$**	**2,830,512,047**
Plus obligation limitation estimated to be given to states for use as STP money in the ratios given as earmarks in 2009 under secs. 1114, 1301, 1302, 1702 and 1934 of the SAFETEA-LU law:	$	343,521,105
Plus obligations for FHWA allocated programs	$	344,161,232
TOTAL FHWA OBLIGATIONS UNDER THE C.R.	**$**	**3,518,194,384**

One bit of weirdness struck us upon reading the initial notices: for the first time ever, there is a mismatch between the amount of special "no-year" equity bonus contract authority and its corresponding obligation limitation. Normally, exactly $2.000 billion per year of contract authority goes for this purpose, and each dollar of "CA" is matched with one dollar of obligation limitation that never expires. (This is why the rescission of that contract authority alone on September 30 cost states real money — because only those special equity bonus dollars had corresponding obligation authority.)

Under the notices, the new CA for this purpose totals $169,863,014 but the obligation limitation totals $169,800,000. So, at present, each state only gets 99.96 cents of obligation limitation for each those dollars of contract authority.

FHWA explained that the CR specifies that all FY 2009 annual amounts of contract authority are to be multiplied by 31 and divided by 365 to determine the amounts under the CR. (31 divided by 365 is 8.493151 percent.) However, the CR did not specify to use this method of calculation for the obligation limitation, and an Office of Management and Budget bulletin directing agencies on how to implement the CR instructed them to round off that fraction to the nearest hundredth — an even 8.49 per-

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Highways Under CR

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cent — unless otherwise specified. So the $2 billion in CA was multiplied by the slightly higher, unrounded fraction while the $2 billion in ob limit was multiplied by the slightly lower, rounded fraction, resulting in the discrepancy.

This discrepancy will be corrected once Congress enacts a year-long Transportation-HUD appropriations bill, which will hopefully happen in the next few weeks.

Obligation limitation distributed to states for the formula programs is divided into three categories — the "special" equity bonus (dollar for dollar), a special no-year limitation for the Appalachian Development Highway System, and a lump sum obligation limitation that applies to all other formula money.

Because some states get a greater share of their formula money from equity bonus than others, and since most states don't get Appalachian money at all, the percentage ratio of total obligation limitation to total contract authority subject to that limitation varies from state to state. We have divided that up into a two-part table. Part one, at right, shows each state's apportionment of total contract authority from all programs subject to limitation except special equity bonus and ADHS along with that state's distribution of obligation limitation covering that funding (and similar funding apportioned in prior years) and also shows each state's special equity bonus CA and obligation limitation.

Part two, on the following page, shows Appalachian CA and ob limit and the state totals (equity bonus plus ADHS plus everything else) for contract authority and obligation limitation. It then adds the mandatory portion of equity bonus (which is not subject to any obligation limitation) for each state to get the total budgetary resources given to each state under the formulas (ob limit plus exempts).

Any problems with the obligation limitation can be fixed in the final THUD appropriations bill. But problems with the contract authority really have to be fixed by the authorizing committees, which makes it even more imperative for those committees to produce some kind of separate short-term extension legislation in the coming weeks.

Official Highway Funding Apportioned to States Via Formula and Limited Under the 31-Day CR, p. 1 of 2

	New Regular Formula CA Subject to Limit	Regular Formula Ob Limit	Ob Lim as % of New CA	Special Equity Bonus New CA	Special Equity Bonus Ob Limit*
ALABAMA	30,357,141	44,116,869	145.33%	2,935,950	2,934,860
ALASKA	14,359,526	21,157,564	147.34%	3,525,623	3,524,315
ARIZONA	35,433,184	52,313,777	147.64%	4,772,596	4,770,825
ARKANSAS	23,004,907	32,682,436	142.07%	2,199,292	2,198,476
CALIFORNIA	172,859,342	243,419,325	140.82%	11,520,779	11,516,506
COLORADO	25,535,806	36,624,091	143.42%	1,671,978	1,671,358
CONNECTICUT	23,426,331	33,590,812	143.39%	2,308,205	2,307,349
DELAWARE	7,548,622	10,564,166	139.95%	464,351	464,179
DISTRICT OF COLUMBIA	7,652,535	10,705,271	139.89%	57,695	57,673
FLORIDA	86,497,122	129,272,548	149.45%	14,222,963	14,217,687
GEORGIA	58,801,293	87,359,563	148.57%	8,814,368	8,811,098
HAWAII	8,057,666	11,353,292	140.90%	194,117	194,045
IDAHO	12,961,912	19,100,922	147.36%	1,686,594	1,685,968
ILLINOIS	61,416,965	89,270,381	145.35%	5,965,246	5,963,033
INDIANA	44,100,636	65,613,772	148.78%	6,765,947	6,763,437
IOWA	22,153,643	31,551,758	142.42%	1,086,978	1,086,575
KANSAS	19,499,639	27,424,646	140.64%	386,998	386,854
KENTUCKY	28,811,580	42,048,578	145.94%	3,078,261	3,077,119
LOUISIANA	32,335,979	44,885,138	138.81%	2,284,090	2,283,243
MAINE	8,635,510	12,040,695	139.43%	0	0
MARYLAND	29,039,013	41,416,254	142.62%	1,520,286	1,519,722
MASSACHUSETTS	31,514,062	44,401,754	140.90%	756,395	756,114
MICHIGAN	51,752,139	74,636,635	144.22%	4,065,276	4,063,768
MINNESOTA	29,571,011	41,822,971	141.43%	2,618,781	2,617,810
MISSISSIPPI	22,246,501	31,190,949	140.21%	1,454,920	1,454,381
MISSOURI	42,349,059	60,361,037	142.53%	4,336,411	4,334,802
MONTANA	16,510,297	24,456,972	148.13%	2,356,842	2,355,968
NEBRASKA	14,189,988	20,156,227	142.05%	608,454	608,229
NEVADA	13,910,775	20,284,873	145.82%	1,458,386	1,457,845
NEW HAMPSHIRE	8,302,248	11,891,221	143.23%	517,224	517,032
NEW JERSEY	47,066,327	68,415,650	145.36%	4,578,158	4,576,459
NEW MEXICO	17,503,691	24,735,600	141.32%	1,599,653	1,599,059
NEW YORK	82,933,349	118,186,909	142.51%	4,186,018	4,184,465
NORTH CAROLINA	48,325,528	70,794,733	146.50%	5,601,037	5,598,959
NORTH DAKOTA	12,018,350	17,078,005	142.10%	525,984	525,789
OHIO	62,607,985	89,281,489	142.60%	6,327,657	6,325,310
OKLAHOMA	28,357,347	40,795,636	143.86%	2,061,543	2,060,779
OREGON	21,994,463	30,639,918	139.31%	991,055	990,687
PENNSYLVANIA	76,015,147	108,912,628	143.28%	4,796,330	4,794,551
RHODE ISLAND	10,124,460	13,907,462	137.36%	0	0
SOUTH CAROLINA	28,878,865	42,452,147	147.00%	3,586,541	3,585,210
SOUTH DAKOTA	12,358,974	17,424,104	140.98%	1,031,393	1,031,011
TENNESSEE	37,462,838	53,553,317	142.95%	4,276,058	4,274,472
TEXAS	150,069,655	222,236,138	148.09%	21,316,601	21,308,693
UTAH	14,401,702	20,817,183	144.55%	1,208,636	1,208,188
VERMONT	8,280,544	11,354,093	137.12%	32,358	32,346
VIRGINIA	45,459,657	64,981,487	142.94%	4,967,605	4,965,762
WASHINGTON	32,868,682	46,364,844	141.06%	878,343	878,017
WEST VIRGINIA	16,715,856	24,346,675	145.65%	2,503,130	2,502,201
WISCONSIN	33,423,453	49,617,209	148.45%	4,945,959	4,944,124
WYOMING	12,856,879	17,481,882	135.97%	813,949	813,647
TOTAL	**1,782,558,183**	**2,569,091,606**	**144.12%**	**169,863,014**	**169,800,000**

**For each state, the new special no-year equity bonus obligation limitation is 99.96 percent of the state's new special no-year equity bonus contract authority apportionment.*

Official Highway Funding Apportioned to States Via Formula and Limited Under the 31-Day CR, p. 2 of 2

	Appalachian Highways New CA	Appalachian Highways Ob Limit**	Total New Formula CA Subject to Limit	Total New Formula Ob Limit	Ob Lim as % of New CA	New EB CA Exempt from Limitation	TOTAL NEW BUDGETARY RESOURCES
ALABAMA	6,673,922	9,337,302	39,967,013	56,389,031	141.09%	938,036	**57,327,067**
ALASKA	0	0	17,885,149	24,681,879	138.00%	1,126,436	**25,808,315**
ARIZONA	0	0	40,205,780	57,084,602	141.98%	1,524,844	**58,609,446**
ARKANSAS	0	0	25,204,199	34,880,912	138.39%	702,674	**35,583,586**
CALIFORNIA	0	0	184,380,121	254,935,831	138.27%	3,680,889	**258,616,720**
COLORADO	0	0	27,207,784	38,295,449	140.75%	534,197	**38,829,646**
CONNECTICUT	0	0	25,734,536	35,898,161	139.49%	737,471	**36,635,632**
DELAWARE	0	0	8,012,973	11,028,345	137.63%	148,360	**11,176,705**
DISTRICT OF COLUMBIA	0	0	7,710,230	10,762,944	139.59%	18,434	**10,781,378**
FLORIDA	0	0	100,720,085	143,490,235	142.46%	4,544,237	**148,034,472**
GEORGIA	673,009	941,589	68,288,670	97,112,250	142.21%	2,816,190	**99,928,440**
HAWAII	0	0	8,251,783	11,547,337	139.94%	62,021	**11,609,358**
IDAHO	0	0	14,648,506	20,786,890	141.90%	538,867	**21,325,757**
ILLINOIS	0	0	67,382,211	95,233,414	141.33%	1,905,896	**97,139,310**
INDIANA	0	0	50,866,583	72,377,209	142.29%	2,161,720	**74,538,929**
IOWA	0	0	23,240,621	32,638,333	140.44%	347,289	**32,985,622**
KANSAS	0	0	19,886,637	27,811,500	139.85%	123,646	**27,935,146**
KENTUCKY	2,219,765	3,105,613	34,109,606	48,231,310	141.40%	983,504	**49,214,814**
LOUISIANA	0	0	34,620,069	47,168,381	136.25%	729,767	**47,898,148**
MAINE	0	0	8,635,510	12,040,695	139.43%	0	**12,040,695**
MARYLAND	777,950	1,088,408	31,337,249	44,024,384	140.49%	485,732	**44,510,116**
MASSACHUSETTS	0	0	32,270,457	45,157,868	139.94%	241,668	**45,399,536**
MICHIGAN	0	0	55,817,415	78,700,403	141.00%	1,298,856	**79,999,259**
MINNESOTA	0	0	32,189,792	44,440,781	138.06%	836,701	**45,277,482**
MISSISSIPPI	285,091	398,863	23,986,512	33,044,193	137.76%	464,847	**33,509,040**
MISSOURI	0	0	46,685,470	64,695,839	138.58%	1,385,483	**66,081,322**
MONTANA	0	0	18,867,139	26,812,940	142.11%	753,011	**27,565,951**
NEBRASKA	0	0	14,798,442	20,764,456	140.32%	194,401	**20,958,857**
NEVADA	0	0	15,369,161	21,742,718	141.47%	465,954	**22,208,672**
NEW HAMPSHIRE	0	0	8,819,472	12,408,253	140.69%	165,253	**12,573,506**
NEW JERSEY	0	0	51,644,485	72,992,109	141.34%	1,462,721	**74,454,830**
NEW MEXICO	0	0	19,103,344	26,334,659	137.85%	511,089	**26,845,748**
NEW YORK	533,839	746,880	87,653,206	123,118,254	140.46%	1,337,433	**124,455,687**
NORTH CAROLINA	1,869,945	2,616,189	55,796,510	79,009,881	141.60%	1,789,531	**80,799,412**
NORTH DAKOTA	0	0	12,544,334	17,603,794	140.33%	168,052	**17,771,846**
OHIO	1,289,532	1,804,150	70,225,174	97,410,949	138.71%	2,021,687	**99,432,636**
OKLAHOMA	0	0	30,418,890	42,856,415	140.89%	658,663	**43,515,078**
OREGON	0	0	22,985,518	31,630,605	137.61%	316,642	**31,947,247**
PENNSYLVANIA	6,348,352	8,881,806	87,159,829	122,588,985	140.65%	1,532,427	**124,121,412**
RHODE ISLAND	0	0	10,124,460	13,907,462	137.36%	0	**13,907,462**
SOUTH CAROLINA	407,494	570,113	32,872,900	46,607,470	141.78%	1,145,900	**47,753,370**
SOUTH DAKOTA	0	0	13,390,367	18,455,115	137.82%	329,530	**18,784,645**
TENNESSEE	1,400,579	1,959,511	43,139,475	59,787,300	138.59%	1,366,201	**61,153,501**
TEXAS	0	0	171,386,256	243,544,831	142.10%	6,810,654	**250,355,485**
UTAH	0	0	15,610,338	22,025,371	141.09%	386,159	**22,411,530**
VERMONT	0	0	8,312,902	11,386,439	136.97%	10,338	**11,396,777**
VIRGINIA	2,163,535	3,026,944	52,590,797	72,974,193	138.76%	1,587,150	**74,561,343**
WASHINGTON	0	0	33,747,025	47,242,861	139.99%	280,631	**47,523,492**
WEST VIRGINIA	2,052,674	2,871,840	21,271,660	29,720,716	139.72%	799,750	**30,520,466**
WISCONSIN	0	0	38,369,412	54,561,333	142.20%	1,580,234	**56,141,567**
WYOMING	0	0	13,670,828	18,295,529	133.83%	260,057	**18,555,586**
TOTAL	**26,695,688**	**37,349,208**	**1,979,116,885**	**2,776,240,814**	**140.28%**	**54,271,233**	**2,830,512,047**

***For each state, the new special Appalachian obligation limitation is 139.91 percent of the state's new special no-year equity bonus contract authority apportionment.*

Senate Cap-and-Trade Bill Would Make Funds Available For Transit

The Senate cap-and-trade greenhouse gas reduction bill introduced on September 30 by Sens. John Kerry (D-MA) and Barbara Boxer (D-CA) contains several significant proposals that would devote an as-yet-undetermined portion of the proceeds towards reducing greenhouse gas emissions from transportation, principally through transit.

The key provisions are outlined in the box below and are originally based on the “CLEAN TEA” legislation introduced by Sen. Tom Carper (D-DE) and in the House by Rep. Earl Blumenauer (D-OR).

The Kerry-Boxer bill is very vague on actual dollar amounts and does not say how much of the total proceeds of the bill will go to the transportation set-asides. (That will be left up to future negotiations and the input from the Finance Committee.) But it represents a significant advance over the House-passed version of the bill, which only allowed payments for the non-federal share of certain transit projects.

However, discussion of the energy use and greenhouse gas emission of various transportation modes brings up an important point (which is an article *TW* has been meaning to write for several months and which might as well be

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KEY TRANSPORTATION-RELATED SECTIONS OF S. 1733, KERRY-BOXER CLIMATE CHANGE BILL

Division A

Title I - Greenhouse Gas Reduction Programs

Sec. 111. Emission standards. Adds a new sec. 821 to the Clean Air Act to require EPA to establish new greenhouse gas emission standards for new heavy-duty vehicles and engines, and for non-road vehicles and engines by December 31, 2010.

Sec. 112. Greenhouse gas emission reductions through transportation efficiency. Adds a new sec. 831 to the Clean Air Act to require EPA, in consultation with DOT, to establish by rule: national transportation-related greenhouse reduction emissions and goals, standardized emission models, methods for data collection, and dissemination of successful reduction strategies. Requires DOT, in consultation with EPA, to issue rules to improve transportation models and tools to address greenhouse gas emissions, assess projected transportation activity, and update transportation planning requirements to carry out this section. Amends 23 U.S.C. 134 and 135 and amends 49 U.S.C. 5303 and 5304 to add greenhouse gas reduction goals to MPO and state planning requirements, targets and strategies and emission submit reduction plans to DOT for approval. Such plans can include a variety of new projects of types delineated in this section. Declares that sec. 304 of the Clean Air Act shall not apply to the planning requirements of this section. Provides that nothing in this section infringes on the existing authority of local governments to plan or control land use or provides or transfers authority over land use to any other entity.

Sec. 113. Transportation greenhouse gas emission reduction program grants. Adds a new sec. 832 to the Clean Air Act directing DOT to provide grants to states and MPOs to "support the developing and updating of transportation greenhouse reduction targets and strategies" (up to 5 percent of the funds available) and to provide financial assistance to implement transportation greenhouse reduction plans submitted pursuant to 23 U.S.C. 134 and 135, as amended by this Act, and 49 U.S.C. 5303 and 5304, as amended (the other 95 percent of the funds available). DOT shall establish criteria for distributing the 95 percent of the funds dedicated to implementation of state and MPO reduction plans that take into consideration quantity of emissions reduced both by weight and per capita, cost-effectiveness, progress towards meeting targets, previous emission reduction achievements, mobility criteria, and other factors. Such grants must go to strategies that demonstrate sustainable reductions in emissions. The federal share of costs under such grants shall be 80 percent. Requires grant recipients to comply with applicable laws including Davis-Bacon and titles 23 and 49. Requires the transit employees paid under the grants to be paid equivalent to 49 U.S.C. 5333(b).

Sec. 114. SmartWay transportation efficiency program. Adds a new sec. 822 to the Clean Air Act to establish within EPA a SmartWay Transportation Efficiency Program to "quantify, demonstrate, and promote the benefits of technologies, products, fuels, and operational strategies that reduce petroleum consumption, air pollution, and greenhouse gas emissions from the mobile source sector. Requires EPA to establish a SmartWay Transport Partnership program with shippers and freight carriers "to promote energy-efficient, low-greenhouse gas transportation." The partnership shall verify energy use and gas emissions of participating carriers, puslibh a comprehensive energy and emission index of freight modes, develop tools for carriers to calculate their performance and for shippers to calculate the energy and emissions impacts of moving their products by various modes, and provide opportunities for recognition of shippers and carriers who have best practices. Directs EPA to establish a SmartWay Financing Program to competitively award funding for grants and loans to reduce greenhouse gas emissions in the freight sector. Authorizes the appropriation of such sums as may be necessary from the general fund of the Treasury to carry out this section.

Division B

Sec. 202. State and local investment in energy efficiency and renewable energy. Directs EPA to take one percent of each year's allowances under sec. 771(a)(8) of the Clean Air Act as amended to give to Indian tribes. The remaining allowances under sec. 771(a)(8) for each year are to be distributed as follows: 62.5 percent allocated to states for energy efficiency programs, renewable energy programs, grid improvement, end-use consumers, energy-efficient housing retrofitting, and thermal energy efficiency; 25 percent to local governements for energy conservation and efficiency grants; 2.5 percent to renewable energy generating companies; and 10 percent to the Department of Transportation for grants to states and MPOs for greenhouse gas reduction programs in the transportation sector under sections 831 and 832 of the Clean Air Act as amended.

Sec. 211. Establishes a separate fund in the U.S. Treasury called the State Climate Change Response and Transportation Fund. Directs the EPA to deposit the proceeds of the auction held under section 771(b)(7) of the Clean Air Act as amended into the Fund and distribute each year's auction proceeds as follows: 10 percent for coastal and Great Lakes states; 1 percent for Indian tribes; and the remaining 89 percent to be distributed 50-50 -- half to states based on population for non-transportation programs and half as formula grants to transit agencies in the following formulas (80 percent under 49 U.S.C. 5307, 10 percent under 49 U.S.C. 5311, and 10 percent under 49 U.S.C. 5340).

Cap-and-Trade

CONTINUED FROM PAGE FIVE

written right now). A groundbreaking June 2009 study by UC-Berkeley engineers Mikhail Chester and Arpad Horvath points out the large role that the energy and environmental costs of the whole life-cycle of a finished good or system contribute to its use.

For an example, look at cash-for-clunkers. At first glance, replacing your old car with one that gets 20 percent better mileage sounds like a great idea. But if your existing car has 5 years of useful life left, pay attention — the energy used to manufacture a new sedan in the study is 121 gigajoules. Increasing your mileage by 20 percent saves you 0.96 megajoules per VMT, times the average 13,500 miles per year equals 13 gigajoules of energy saved each year. So you would have to drive the new car 9 years (121 ÷ 12.96 = 9.3) before the energy saved by the new car dug you out of the hole created by building a new car from scratch. This is a grievous sin against Mother Earth.

Chester and Horvath argue that it is not enough to measure the energy and environmental costs of operational use of various transportation modes (fuel consumed and tailpipe emissions for motor vehicles and diesel locomotives; electricity consumed by electric vehicles and rail systems). In order to measure the true energy and environmental costs of a mode of transportation, they say, one must consider the life-cycle costs — the energy and environmental costs of producing and maintaining the vehicle(s) <u>and the underlying infrastructure</u>. The energy and greenhouse gas emissions you use/create when you drive your car include those incurred to make and maintain your car and those incurred by the production of your share of the roads on which you drive. Similarly, if you take the subway, the energy and environmental costs of digging those tunnels, building those stations, making and laying that track and most especially generating that electricity must also be taken into account.

The most striking (though utterly predictable, when you think about it) feature of the Chester and Horvath study is that the energy efficiency of your trip on public transportation can depend mightily on how crowded it is when you take your trip. The problem is most severe on buses. According to the study, if you take your average urban diesel bus at an off-peak hour with only five or fewer passengers on board, your personal share of the trip produces more greenhouse gases than it would if you drove alone in an SUV. Two persons driving together in one average sedan release half of the greenhouse gases that they would produce if both rode a near-empty bus.

At peak density, of course, diesel buses produce far fewer emissions per person-mile than do any combination of personal motor vehicle trips.

And all electricity is not created equal. The most surprising results of the study related to the relative "cleanliness" of electricity in various parts of the country. The study's analysis of Boston's Green Line light rail concluded that riding on the Green Line released more acid rain-causing sulfur dioxide than any other mode of transportation. This is because of the lower ridership density of the Green Line and because the electricity consumed in Massachusetts is the most coal-dependent of any state analyzed in the study. (In 2007, 28.4 percent of Massachusetts' electrical generation came from coal, 59.5 percent from other carbon sources and just 12.1 percent from non-carbon sources. In California, statewide, only 1.6 percent comes from coal, with 52.1 percent coming from other carbon sources and 45.3 percent from non-carbon sources.)

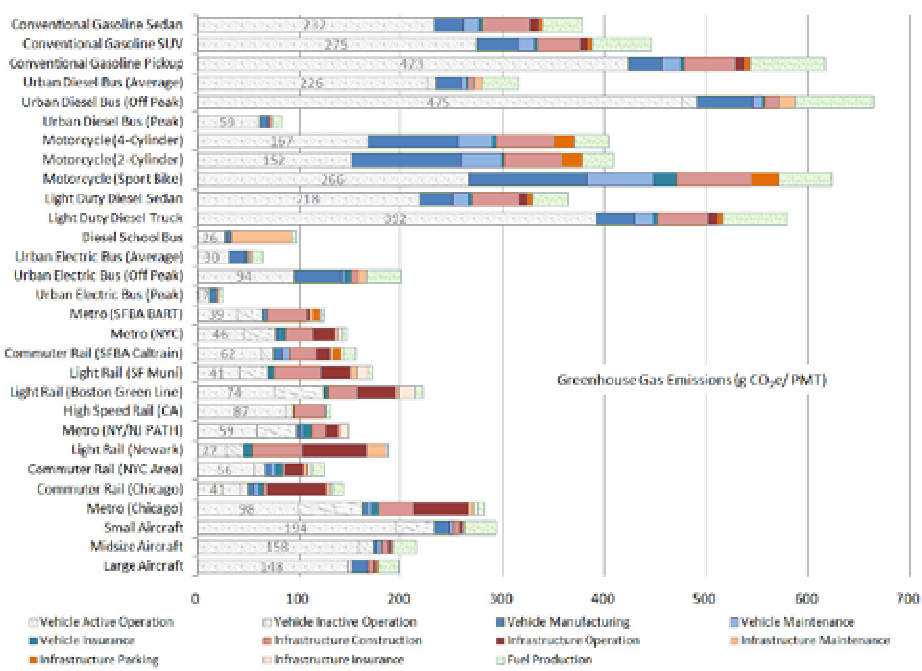
As a result, each kilowatt-hour of Bay State power produces 43 percent more SO2 than Golden State power, and produces 80 percent more greenhouse gases.

The point, of course, is that energy and emissions decisions are incredibly complicated, can involve many unseen tradeoffs, and deserves intensive and thoughtful study.

The whole study is linked on page 12 of this issue.

TOTAL GREENHOUSE GAS EMISSIONS BY TRANSPORTATION MODE

Including life-cycle costs, expressed in terms of grams of CO2 emitted per person-mile traveled.
Source: Mikhail Chester and Arpad Horvath, U. Cal.-Berkeley.



Editorial: Cap-and-Trade Revenues Make Sense For Transit Funding

Fiscal Year	HTF-MTA Share of FTA
FY 1984	28.89%
FY 1989	23.03%
FY 1994	48.44%
FY 1999	78.88%
FY 2004	80.00%
FY 2009	80.74%

Ever since Congress's landmark actions in December 1982, mass transit has received a regular percentage of its funding from a Mass Transit Account of the Highway Trust Fund. The table at right shows how transit has become more dependent on the Trust Fund over the years. The decision to start taking transit funding from the Trust Fund was a political one — throughout the 1970s , transit advocates had chafed at having to depend on unreliable general fund appropriations each year while highways coasted through the budget process relatively easily on multi-year contract authority supported by their own private piggy bank. As part of the grand deal in 1982, transit was given one cent per gallon of a five cent increase in the motor fuels taxes, and since then transit has been given exactly 20 percent of all subsequent federal motor fuels tax increases that were deposited in the Trust Fund. Transit advocates will certainly fight for 20 percent of any future fuels tax increase.

However, there has always been a potential for diminishing returns to the Trust Fund on its transit spending, based on a gaping conceptual hole that has never been addressed. Follow the steps of the syllogism:

A. All of the taxes that flow into the Highway Trust Fund are paid, directly or on a pass-through basis, by motorists, truck and (non-transit) bus drivers and truck and (non-transit) bus owners.

B. Persons who do not drive a car — like, for example, persons who habitually use mass transit — don't pay any gasoline taxes into the Highway Trust Fund. (Some indirect and smallish percentage of the cost of goods purchased by transit users in their daily lives represents the diesel and truck/trailer/tire/use taxes paid to transport those goods, but this is so small as to be practically *de minimis*.)

C. The stated purpose of increased levels of federal spending on mass transit is to allow or convince more persons to stop driving their cars so much and instead take mass transit more often. This results in fewer taxable gallons of fuel sold.

D. Increased spending out of the Trust Fund on mass transit, then, uses more Highway Trust Fund dollars in order to encourage people to pay fewer tax dollars into the Highway Trust Fund.

E. All of the important people in transportation — Congressional committee chairmen, federal and state DOTs, stakeholders, et cetera — say that the biggest transportation problem the U.S. faces is that there are no longer enough tax revenues flowing into the Highway Trust Fund to sustain the current level of federal funding commitments. (Lowering the level of federal funding commitments is not an option that any of these people appear willing to discuss.)

F. If point (E.) is true — if inadequate Trust Fund revenues are the big problem — then in what universe can it possibly be a good idea to spend a greater percentage of the Trust Fund's inadequate revenues on expanding transit systems in order to get more people to stop paying the taxes that support the Trust Fund, thus driving revenues down even further?

The policy justification that is most often used by transit advocates to explain why spending the tax dollars of motorists and truckers on mass transit brings important indirect benefits to those motorists and truckers is the issue of congestion. By subsidizing a competing mode of transportation for commuters, the transit advocates say, the number of cars on the road during rush hour is decreased and the number of hours wasted each week by those motorists and truckers due to traffic jams is lowered. This is undoubtedly true (though the extent of highway congestion relief brought by transit varies widely and is negligible in rural areas, whose motorists see almost zero direct or indirect benefit from transit spending).

But if it is so clearly in the interests of one mode of transportation to subsidize another in order to reduce the first mode's own congestion, let's carry out a little thought experiment. One of the principal arguments espoused by advocates of high-speed intercity passenger rail is the role that high-speed rail can play in reducing future congestion in the U.S. airspace system. Indeed, Amtrak's existing success in the Northeast Corridor already reduces congestion between many city-pairs in that crowded airspace much below the point it otherwise would be.

In that case, hypothetically, why not increase taxes on aviation to pay for more high-speed rail? Doubling the current excise taxes on airline tickets and the per capita flight charges would bring in about $8 billion per year, which is significantly more than the $2 to $3 billion that will likely be in the FY 2010 transportation appropriations bill for high-speed rail.

At first glance, the idea of increasing taxes on airlines and their passengers to pay for high-speed railroads that would then compete with those same airlines seems absurd, and is of course completely politically unrealistic. But conceptually, how is it so different than the existing practice of taxing highway users in order to pay for a competing mode of transportation?

Funding mass transit from the tax payments of motorists and truckers was at least easier to understand when the Trust Fund was the only game in town — it was the only dedicated revenue stream from an excise tax that had any kind of connection whatsoever to surface transportation. But the cap-and-trade bill is a $75+ billion per year bonanza of new revenues that have to go towards *something*. President Obama proposed to use $15 billion per year of the proceeds for clean energy research, which certainly goes along with the underlying purpose of the cap-and-trade program, and the other $60 billion per year for a middle-class tax credit, which has nothing at all to do with greenhouse gas emission reductions.

The House bill spent most of the money it raised on buying enough votes from various regional and economic blocs to get the bill through the House. The Kerry-Boxer Senate bill, by contrast, is designed to devote a fixed (though yet undetermined) percentage of its allocations on "green" transportation projects that lower greenhouse gas emissions — principally mass transit. Transit advocates also support separate legislation authored by Rep. Blumenauer and Sen. Carper that would allocate 10 percent of proceeds to such projects. But since transportation accounts for 28 percent of U.S. greenhouse gas emissions, perhaps this is a better target (up to $20 billion per year for transit, say). This could decrease or eliminate transit's share of Highway Trust Fund spending, which would make gas and diesel taxes more closely resemble real user fees again.

DHS Appropriations

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request. When mandatory and fee-offset programs are factored out and the 9/11 Security Fee receipts are used to offset aviation security costs, the net discretionary total drops to $5.254 billion. This is a 20.3 percent increase over 2009, but that is somewhat illusory since it is caused an estimated nine percent drop in those collections due to decreased air travel.

Within aviation security, the conference report adheres closely to the budget request on personnel issues, with privatized screening getting the exact amount of the request and screener pay and benefits getting a 1.6 percent increase over 2009, which is a slight (1.1 percent) cut below the request.

The big difference between last year and 2010 is in the procurement of explosive detection system (EDS) equipment at airports. In 2009, EDS and trace sniffer procurement and installation received $294 million. The President requested $857 million, and the conference report gives $778 million, an increase of 165 percent over last year's regular budget. (The stimulus act also threw an extra $1 billion at EDS/ETD procurement, and an additional $250 million is available each year from a mandatory spending program outside the direct control of the appropriators.)

The conference report directs that 28 percent of the $778 million go to medium– and small-sized airports, as proposed by the Senate, instead of 25 percent as proposed by the House.

The conference report provides $122.85 million for air cargo security, the same amount as last year. Within that amount, it programs $4.7 million for "testing, evaluation, and qualification of existing technologies for use in air cargo to assist the fresh fruit industry and others in complying with new cargo screening requirements" and adds 50 new inspectors.

HIGHLIGHTS OF THE FINAL 2010 HOMELAND APPROPRIATIONS BILL

	FY 2009	Request	Final
TSA—EDS procurement	$294 million	$857 million	$778 million
TSA—Screener workforce	$2.87 billion	$2.94 billion	$2.91 billion
TSA—Aviation security (gross)	$5.00 billion	$5.58 billion	$5.46 billion
TSA-Offsetting fees	-$2.82 billion	-$2.37 billion	-$2.35 billn.
TSA—Aviation security (net disc.)	$2.43 billion	$3.21 billion	$3.11 billion
TSA—Fed. Air Marshals	$819 million	$860 million	$860 million
USCG—Operations	$6.19 billion	$6.80 billion	$6.81 billion
USCG—A C & I (Deepwater)	$1.03 billion	$1.05 billion	$1.15 billion
USCG—A C & I (total)	$1.49 billion	$1.38 billion	$1.54 billion
USCG—Total	$9.36 billion	$9.97 billion	$10.14 billn.
FEMA—Port security grants	$400 million	$250 million	$300 million
FEMA—Rail/transit sec. grants	$400 million	$250 million	$300 million
FEMA—Bus security grants	$12 million	zero	$12 million

The conference report provides $110.5 million for surface transportation security, a 123 percent increase over last year (though 14 percent below the request). The President requested a $50 million increase for new rail inspectors; the conference report halves that due to TSA delays in hiring to add 15 new Visible Intermodal Protection and Response teams.

The transportation threat assessment and credentialing account receives a 48 percent increase in its net appropriation over 2009, which comes from a $54 million bump in the crew and other vetting activity over 2009. This account also includes a variety of fee-offset activities at no net cost to the government, and the conference report gives TSA permission to start a new program charging fees for handling of security sensitive information. This account provides $84 million for Secure Flight, the amount in the budget request.

The conference provides a 5.7 percent increase in transportation security support over 2009 and funds federal air marshals at $860 million, the requested amount which is a 5.0 percent increase over 2009.

A complete table of funding provided for TSA can be found on page 11 of this issue.

Coast Guard. The conference report makes available a total of $10.139 billion for the U.S. Coast Guard in fiscal 2010, an increase of 8.3 percent ($778 million) over last year and an increase of $169 million (1.7 percent) over the request.

$1.361 billion of that amount is a mandatory account (pay for Coast Guard retirees) which does not count against the discretionary budget, and an additional $261 million is the USCG health care fund payment that takes place without appropriations language but which does get charged to the discretionary budget.

The biggest account, operations, receives $6.805 billion in the conference report, which is $610 million (9.9 percent) more than last year and is basically identical to the request. $241.5 million of that amount is dedicated to overseas contingency operations supporting conflicts in Iraq and elsewhere. Within the remainder, the conference report withholds $50 million from the headquarters operating budget until the Coast Guard submits its revised Deepwater implementation plan and two other capital spending plans to the Appropriations Committees.

Increases over the budget request in operations include counternarcotics enforcement (+$4 million), critical level depot maintenance (+$10 million), and operations systems center expansion (+$3.6 million). The conference report also provides an additional $12 million for LORAN-C radar, which the budget request proposed to eliminate.

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The major procurement account is acquisition, construction and improvement (AC&I). The conference report provides $1.536 billion for this account, a 2.8 percent increase over 2009 and a 11.0 percent increase over the budget request.

By far the largest activity within AC&I is the perennially troubled Integrated Deepwater Systems project, the gradual replacement of all Coast Guard oceangoing assets. Deepwater receives $1.154 billion in the conference report, more than the $1.034 billion enacted in 2009 or the $1.048 billion requested by the President.

As the table below shows, the biggest single difference between the request and the conference report within Deepwater is the National Security Cutter, which receives $389 million, which is $108 million more than requested, in order to complete production of the fourth ship and buy long lead-time materials for the fifth. This ship continues to be a higher priority for Congress than for the Administration.

Also, the conference report continues the Senate priority of completing the reactivation and service life extension of the polar icebreaker POLAR STAR. The conference report says that the only active icebreaker only has five years of active life remaining and criticizes the Administration for refusing to request funding to reactive the POLAR STAR.

Within other AC&I accounts, the budget request proposed to cut funding for shore facilities and aids to navigation from $68 million in 2009 down to $10 million in 2010. The conference report increases that to $27 million, but that increase is almost entirely devoted to a $16.8 million earmark for the Cleveland Coast Guard Station requested by Sen. George Voinovich (R-OH).

Within the smaller Coast Guard accounts, reserve training and environmental compliance and restoration each receive the amount requested by the President. Research, development, test and evaluation receives a $5 million increase over the request (from $19.7 million to $24.7 million) to fund unmanned aircraft system research.

The President proposed to eliminate the alteration of bridges account, but the conferees continued it at $4 million, all going to replace a bridge in Fort Madison, Iowa.

A table of all Coast Guard funding can be found on the following page.

FEMA Transportation Security Grants. The conference report keeps the recent tradition of funding parity between the port security grant program and the rail/transit security grant program. Each account received $400 million in the regular FY 2009 budget and $250 million in the 2010 request. Both accounts receive $300 million in the conference report.

For port security grants, the conference waives the local cost share for grants, as proposed by the House, "in this fiscal year only due to the current economic conditions." The report notes that after this FY, the cost share requirement is not expected to be waived except on an individual hardship basis at the discretion of the Secretary.

Within the rail and transit security grants, while the conference report continues to direct that transit security grants be made directly to transit agencies, the conferees "note that States serve an integral role in coordinating regional interests in regard to transit security and therefore direct FEMA to allow transit agencies to permit States to act as sub-grantees to better facilitate regional planning and programs."

The conference report provides $12 million for over-the-road bus security grants, the same level as last year. The White House had proposed to kill the program. (Though the table does not show it, the Senate funded this program at $6 million as a set-aside within the rail/transit security program, while the House gave it the full $12 million separately.)

As proposed by the President, the conference report provides no funding for the trucking security grants program, and even rescinds the $5.57 million left in that account from prior years.

A table showing all FEMA transportation security grant funding levels can be found on the following page.

General provisions. The conference report contains the following general provisions of interest:

Sec. 514 modifies the previous provision on air cargo security. It now requires TSA to work with air carriers and airports to ensure that the percent of air cargo screened increases incrementally each quarter until the 100 percent requirement is met pursuant to law, directs reports to be issued thereon 45 days after the end of each quarter, and directs TSA to report to Congress within 180 days of enactment on how TSA plans to get to the 100 percent screening target.

Integrated Deepwater System Project

	FY 2009 Actual	FY 2010 Request	Conference
Aircraft			
Maritime Patrol Aircraft	$ 86,600,000	$ 138,500,000	$ 138,500,000
HH-60 Conversion	$ 52,700,000	$ 45,900,000	$ 45,900,000
HH-65 Conversion	$ 64,500,000	$ 38,000,000	$ 38,000,000
HC-130H Conversion	$ 24,500,000	$ 45,300,000	$ 45,300,000
C-130J Fleet Introduction	$ -	$ 1,300,000	$ 1,300,000
Unmanned aerial systems	$ 3,000,000	$ -	$ -
HC-130J fleet	$ 13,250,000	$ -	$ -
Surface			
National Security Cutter	$ 353,700,000	$ 281,480,000	$ 389,480,000
Offshore Patrol Cutter	$ 3,003,000	$ 9,800,000	$ 9,800,000
Fast Response Cutter	$ -	$ 243,000,000	$ 243,000,000
IDS Small Boats	$ 2,400,000	$ 3,000,000	$ 3,000,000
Medium Endurance Cutter	$ 35,500,000	$ 31,100,000	$ 31,100,000
Patrol Boat Sustainment	$ 30,800,000	$ 23,000,000	$ 23,000,000
Polar Icebreaker Sustain.	$ 30,300,000	$ -	$ 27,300,000
High Endurance Cutter	$ -	$ -	$ 4,000,000
Replacement patrol boat	$ 115,300,000	$ -	$ -
Other	$ 218,441,000	$ 154,600,000	$ 154,600,000
TOTAL	**$ 1,033,994,000**	**$ 1,014,980,000**	**$ 1,154,280,000**

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Sec. 523 continues the prohibition against TSA banning butane lighters unless TSA reverses its determination that they are not a threat.

Sec. 524 continues the prohibition against the Coast Guard reducing operations in any Civil Engineering Unit.

Sec. 529 continues the prohibition against cutting Coast Guard Operations Systems Center staff.

Sec. 538 continues the provision allowing TSA to certify no security risk if TSA lets an airport opt out of E-Verify.

Sec. 544 is a new Senate provision directing DHS to consult with the Pentagon and DOT and develop a "concept of operations" for unmanned aircraft systems for U.S. border and maritime security operations.

Sec. 545 is a new House provision directing DHS to make improvements to improve public access to the Buffalo Lighthouse and waterfront.

Sec. 559 is a Senate provision cutting off funding for LORAN-C after January 4, 2010 if the Commandant certifies that the loss will not adversely affect maritime safety and if the Secretary certifies that LORAN is not needed as a backup to GPS.

Sec. 561 is a new Senate provision amending title 46 U.S.C. relating to the security sensitive information treatment of port facility security plans, vessel security plans, and port vulnerability assessments.

Sec. 567 is a new Senate provision requiring any company that collects or retains personal information from individuals participating in the Registered Traveler program to safeguard and dispose of such information in accordance with federal regulations and best practices.

Sec. 573, 578, 579 rescind funds from various TSA, Coast Guard and FEMA accounts, all of which are shown in the tables below and on the following page.

The conference report drops sec. 512 of the Senate bill prohibiting funding for testing Secure Flight algorithms assigning risks to passengers whose names are not on a watchlist.

U.S. Coast Guard Funding Levels in the Final FY 2010 DHS Appropriations Conference Report

(Excludes FY 2009 stimulus—dollar amounts in thousands)

United States Coast Guard	FY 2009	FY 2010	FY 2010	FY 2010	FY 2010	Conf. vs. 2009		Senate vs. Request	
Operating Expenses	Enacted	Request	House	Senate	Conference	K $$$	Pct.	K $$$	Pct.
Military pay and allowances	3,061,663	3,244,861	3,270,978	3,255,955	3,254,512	192,849	6.3%	9,651	0.3%
Civilian pay and benefits	645,350	699,594	700,490	700,042	699,794	54,444	8.4%	200	0.0%
Training and recruiting	195,919	205,970	206,776	206,429	206,178	10,259	5.2%	208	0.1%
Operating funds and unit-level maintenance	1,177,406	1,149,513	1,159,562	1,154,569	1,152,950	(24,456)	-2.1%	3,437	0.3%
Centrally managed accounts	262,294	353,071	331,058	354,874	334,275	71,981	27.4%	(18,796)	-5.3%
Intermediate and depot-level maintenance	823,793	903,179	911,659	924,919	916,179	92,386	11.2%	13,000	1.4%
Port/vessel security and environmental response	23,500	-	-	-	-	(23,500)	-100.0%	-	n/a
Aviation mission hour gap	5,000	-	-	-	-	(5,000)	-100.0%	-	n/a
Overseas contingency operations		241,503	241,503	241,503	241,503	241,503	n/a	-	0.0%
Total, Operating Expenses	**6,194,925**	**6,797,691**	**6,822,026**	**6,838,291**	**6,805,391**	**610,466**	**9.9%**	**7,700**	**0.1%**
Environmental Compliance & Restoration	**13,000**	**13,198**	**13,198**	**13,198**	**13,198**	**198**	**1.5%**	**-**	**0.0%**
Reserve Training	**130,501**	**133,632**	**133,632**	**133,632**	**133,632**	**3,131**	**2.4%**	**-**	**0.0%**
Acquisition, Construction & Improvements						-		-	n/a
Vessels	113,000	103,000	103,000	123,000	121,000	8,000	7.1%	18,000	17.5%
Other equipment	89,174	119,500	119,500	147,500	129,500	40,326	45.2%	10,000	8.4%
Personnel compensation and benefits	92,830	100,000	100,000	105,200	105,200	12,370	13.3%	5,200	5.2%
Integrated Deepwater System	1,033,994	1,047,621	1,014,980	1,194,780	1,154,280	120,286	11.6%	106,659	10.2%
New Coast Guard headquarters facility	97,578	-	-	-	-	(97,578)	-100.0%	-	n/a
Shore facilities and aids to navigation	68,000	10,000	10,000	27,100	27,100	(40,900)	-60.1%	17,100	171.0%
Rescission of unobligated balances (GP - sec. 579)	-	-	-	-	(800)	(800)	n/a	(800)	n/a
Total, AC&I	**1,494,576**	**1,383,980**	**1,347,480**	**1,597,580**	**1,536,280**	**41,704**	**2.8%**	**152,300**	**11.0%**
Alteration of Bridges	**16,000**	**-**	**10,000**	**4,000**	**4,000**	**(12,000)**	**-75.0%**	**4,000**	**n/a**
Research, Development, Test & Evaluation	**18,000**	**19,745**	**19,745**	**29,745**	**24,745**	**6,745**	**37.5%**	**5,000**	**25.3%**
Health Care Fund Contribution	**257,305**	**261,000**	**261,000**	**261,000**	**261,000**	**3,695**	**1.4%**	**-**	**0.0%**
Subtotal, USCG Discretionary	**8,124,307**	**8,609,246**	**8,607,081**	**8,877,446**	**8,778,246**	**653,939**	**8.0%**	**169,000**	**2.0%**
Retired Pay (mandatory)	**1,236,745**	**1,361,245**	**1,361,245**	**1,361,245**	**1,361,245**	**124,500**	**10.1%**	**-**	**0.0%**
Total, United States Coast Guard	**9,361,052**	**9,970,491**	**9,968,326**	**10,238,691**	**10,139,491**	**778,439**	**8.3%**	**169,000**	**1.7%**

FEMA Transportation Security Grants in the Final FY 2010 DHS Appropriations Conference Report

(Excludes FY 2009 stimulus—dollar amounts in thousands)

Federal Emergency Management Agency (excerpt)									
State and Local Programs (excerpt)	FY 2009	FY 2010	FY 2010	FY 2010	FY 2010	Conf. vs. 2009		Conf. vs. Request	
Discretionary Grants (excerpt)	Enacted	Request	House	Senate	Conference	K $$$	Pct.	K $$$	Pct.
Port security grants	400,000	250,000	250,000	350,000	300,000	(100,000)	-25.0%	50,000	20.0%
Rail and transit security grants	400,000	250,000	250,000	356,000	300,000	(100,000)	-25.0%	50,000	20.0%
Trucking security grants	8,000	-	-	-	-	(8,000)	-100.0%	-	n/a
Over-the-road bus security grants	12,000	-	12,000	-	12,000	-	0.0%	12,000	n/a
Drivers license security grants	-	50,000	50,000	50,000	50,000	50,000	n/a	-	
Trucking security grants (rescission)	-	-	(5,572)	(5,500)	(5,572)	(5,572)	n/a	(5,572)	n/a
Subtotal, Transportation Security Grants	**820,000**	**550,000**	**556,428**	**750,500**	**656,428**	**(163,572)**	**-19.9%**	**106,428**	**19.4%**

Transportation Security Admin. Funds in the Final FY 2010 DHS Appropriations Conference Report

(Excludes FY 2009 stimulus—dollar amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	FY 2010 House	FY 2010 Senate	FY 2010 Conference	Conf. vs. 2009 K $$$	Conf. vs. 2009 Pct.	Conf. vs. Request K $$$	Conf. vs. Request Pct.
Transportation Security Administration									
Aviation Security									
Screening Operations									
Screener workforce - Privatized Screening	*151,272*	*149,643*	*149,643*	*149,643*	*149,643*	*(1,629)*	*-1.1%*	*-*	*0.0%*
Screener workforce- PC&B	*2,716,014*	*2,788,575*	*2,788,575*	*2,758,575*	*2,758,575*	*42,561*	*1.6%*	*(30,000)*	*-1.1%*
Screener workforce - Total	2,867,286	2,938,218	2,938,218	2,908,218	2,908,218	40,932	1.4%	(30,000)	-1.0%
Screener training and other	197,318	203,463	204,713	203,463	204,713	7,395	3.7%	1,250	0.6%
Checkpoint support	250,000	128,739	128,739	128,739	128,739	(121,261)	-48.5%	-	0.0%
EDS/ETD procurement and installation	*294,000*	*856,591*	*800,000*	*806,669*	*778,300*	*484,300*	*164.7%*	*(78,291)*	*-9.1%*
EDS/ETD maintenance and other equipment	*305,625*	*326,625*	*316,625*	*326,625*	*316,625*	*11,000*	*3.6%*	*(10,000)*	*-3.1%*
Operation integration	*21,481*	*21,481*	*21,481*	*21,481*	*21,481*	*-*	*0.0%*	*-*	*0.0%*
EDS/ETD systems - Total	621,106	1,204,697	1,138,106	1,154,775	1,116,406	495,300	79.7%	(88,291)	-7.3%
Subtotal, Screening Operations	3,935,710	4,475,117	4,409,776	4,395,195	4,358,076	422,366	10.7%	(117,041)	-2.6%
Aviation Security Direction and Enforcement						-		-	
Aviation regulation/other enforcement	245,268	254,064	254,064	254,064	254,064	8,796	3.6%	-	0.0%
Airport management, IT and support	401,666	448,424	453,924	448,424	453,924	52,258	13.0%	5,500	1.2%
FFDO and flight crew training	25,025	25,127	25,127	25,127	25,127	102	0.4%	-	0.0%
Air cargo security	122,849	108,118	122,849	115,018	122,849	-	0.0%	14,731	13.6%
Airport perimeter security	4,000	-	-	-	-	(4,000)	-100.0%	-	n/a
Subtotal, Aviation Security Direction and Enforcement	798,808	835,733	855,964	842,633	855,964	57,156	7.2%	20,231	2.4%
Discretionary Fee Programs:						-		-	
General aviation at DCA (moved under TTAC account)	75	100	100	100	-	(75)	-100.0%	(100)	-100.0%
Indirect air cargo (moved under TTAC account)	200	2,600	2,600	2,600	-	(200)	-100.0%	(2,600)	-100.0%
Certified cargo screening	-	5,200	-	5,200	-	-	n/a	(5,200)	-100.0%
Large aircraft security program	-	1,600	-	1,600	-	-	n/a	(1,600)	-100.0%
Secure identification display checks	-	10,000	-	10,000	-	-	n/a	(10,000)	-100.0%
Other security threat assessments	-	100	-	100	-	-	n/a	(100)	-100.0%
Subtotal, Discretionary Fee Programs	275	19,600	2,700	19,600	-	(275)	-100.0%	(19,600)	-100.0%
9/11 Act Implementation	20,000	-	-	-		(20,000)		-	n/a
Aviation Security Capital Fund (mandatory)	250,000	250,000	250,000	250,000	250,000	-	0.0%	-	0.0%
Total, Aviation Security (gross)	**5,004,793**	**5,580,450**	**5,518,440**	**5,507,428**	**5,464,040**	**459,247**	**9.2%**	**(116,410)**	**-2.1%**
Discretionary Fee Collections:						-		-	
Discretionary Aviation Security Fees	(2,320,000)	(2,100,000)	(2,100,000)	(2,100,000)	(2,100,000)	220,000	-9.5%	-	0.0%
Other fees	(275)	(19,600)	(2,700)	(19,600)	-	275	-100.0%	19,600	-100.0%
Mandatory Fee Collections:						-		-	
Aviation Security Capital Fund	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)	-	0.0%	-	0.0%
Total, Aviation Security (net discretionary)	**2,434,518**	**3,210,850**	**3,165,740**	**3,137,828**	**3,114,040**	**679,522**	**27.9%**	**(96,810)**	**-3.0%**
Surface Transportation Security						-		-	
Staffing and operations	24,885	42,293	42,293	42,293	42,293	17,408	70.0%	-	0.0%
Rail security inspectors and canines	24,721	86,123	61,123	100,323	68,223	43,502	176.0%	(17,900)	-20.8%
Total, Surface Transportation Security	**49,606**	**128,416**	**103,416**	**142,616**	**110,516**	**60,910**	**122.8%**	**(17,900)**	**-13.9%**
Transportation Threat Assessment and Credentialing						-		-	
Secure Flight	82,211	84,363	84,363	84,363	84,363	2,152	2.6%	-	0.0%
Crew and other vetting (FY 09)	33,807	107,636	87,636	87,636	87,636	53,829	159.2%	(20,000)	-18.6%
Registered Traveler program fees	10,000	-	-	-	-	(10,000)	-100.0%	-	n/a
TWIC fees	9,000	9,000	9,000	9,000	9,000	-	0.0%	-	0.0%
Hazardous materials fees	18,000	15,000	15,000	15,000	15,000	(3,000)	-16.7%	-	0.0%
Alien flight school fees	3,000	4,000	4,000	4,000	4,000	1,000	33.3%	-	0.0%
Certified cargo screening	-	-	5,200	-	5,200	5,200	n/a	5,200	n/a
Large aircraft security program	-	-	1,600	-	1,600	1,600	n/a	1,600	n/a
Secure identification display checks	-	-	10,000	-	10,000	10,000	n/a	10,000	n/a
Other security threat assessments	-	-	100	-	100	100	n/a	100	n/a
General aviation at DCA	-	-	-	-	100	100		100	
Indirect air cargo	-	-	-	-	2,600	2,600		2,600	
Security sensitive information (SSI) fees	-	-	-	-	20	20		20	
Total, TTAC (gross)	**156,018**	**219,999**	**216,899**	**199,999**	**219,619**	**63,601**	**40.8%**	**(380)**	**-0.2%**
Offsetting fees for fee-funded programs	(40,000)	(28,000)	(44,900)	(28,000)	(47,620)	(7,620)	19.1%	(19,620)	70.1%
Total, TTAC (net)	**116,018**	**191,999**	**171,999**	**171,999**	**171,999**	**55,981**	**48.3%**	**(20,000)**	**-10.4%**
Transportation Security Support						-		-	
Administration	234,870	248,929	248,929	248,929	248,929	14,059	6.0%	-	0.0%
Human Capital Services	218,105	226,338	226,338	226,338	226,338	8,233	3.8%	-	0.0%
Information Technology	472,799	501,110	489,510	496,110	498,310	25,511	5.4%	(2,800)	-0.6%
Intelligence (net)	21,961	28,203	28,203	28,203	28,203	6,242	28.4%	-	0.0%
Total, Transportation Security Support	**947,735**	**1,004,580**	**992,980**	**999,580**	**1,001,780**	**54,045**	**5.7%**	**(2,800)**	**-0.3%**
Federal Air Marshals						-		-	
Management and administration	725,081	762,569	762,569	762,569	762,569	37,488	5.2%	-	0.0%
Travel and training	94,400	97,542	97,542	97,542	97,542	3,142	3.3%	-	0.0%
Total, Federal Air Marshals	**819,481**	**860,111**	**860,111**	**860,111**	**860,111**	**40,630**	**5.0%**	**-**	**0.0%**
Total, Transportation Security Administration (gross)	**6,977,633**	**7,793,556**	**7,691,846**	**7,709,734**	**7,656,066**	**678,433**	**9.7%**	**(137,490)**	**-1.8%**
Mandatory fee collections:	**(250,000)**	**(250,000)**	**(250,000)**	**(250,000)**	**(250,000)**	**-**	**0.0%**	**-**	**0.0%**
Discretionary fee collections:	**(2,320,275)**	**(2,119,600)**	**(2,102,700)**	**(2,119,600)**	**(2,100,000)**	**220,275**	**-9.5%**	**19,600**	**-0.9%**
Fee-funded accounts	**(40,000)**	**(28,000)**	**(44,900)**	**(28,000)**	**(47,620)**	**(7,620)**	**19.1%**	**(19,620)**	**70.1%**
Rescission of prior-year TSA R&D balances (GP - sec. 578)	-	-	-	-	(4,000)	(4,000)	n/a	(4,000)	n/a
Total, Transportation Security Administration (net disc.)	**4,367,358**	**5,395,956**	**5,294,246**	**5,312,134**	**5,254,446**	**887,088**	**20.3%**	**(141,510)**	**-2.6%**

NEW AND NOTABLE ON THE INTERNET

Highway Apportionments Under the CR

The full FHWA notice apportioning contract authority to states under the 31-day continuing resolution is here:

http://www.fhwa.dot.gov/legsregs/directives/notices/n4510713.htm

Homeland Security Appropriations, FY 2010

The full text of the conference report on H.R. 2892, the Homeland Security appropriations bill, is here:

http://www.rules.house.gov/111/LegText/111_hrpt_homeland_cr_jes.pdf

Senate Cap-and-Trade Bill

The full text of the Kerry-Boxer cap-and-trade bill (S. 1733) is online here:

http://kerry.senate.gov/cleanenergyjobsandamericanpower/pdf/bill.pdf

And a section-by-section summary of the bill is here:

http://kerry.senate.gov/cleanenergyjobsandamericanpower/pdf/SectionbySectionSummary.pdf

Transportation Energy Usage and Greenhouse Gas Emissions, Including Life-Cycle Costs

Links to the various versions of the first major study to analyze energy use and gas emissions of various transportation modes, including life-cycle costs like vehicle construction and infrastructure construction, are here:

http://www.sustainable-transportation.com/

STATUS OF PENDING TRANSPORTATION-RELATED NOMINATIONS

Agency	Nominee	Position	Senate Committee	Latest Action
Department of Transportation	Chris Bertram	Assistant Secretary for Budget and Programs	Commerce, Science and Transportation	Nomination confirmed 8/7/09
Department of Transportation	Susan Kurland	Assistant Secretary for Aviation and Int'l Affairs	Commerce, Science and Transportation	Nomination confirmed 8/7/09
DOT-Federal Motor Carrier Safety Admin.	Anne Ferro	Administrator	Commerce, Science and Transportation	Hearing held on 9/23/09
DOT-National Highway Traffic Safety Admin.	Charles Hurley	Administrator	Commerce, Science and Transportation	Nomination reportedly will be withdrawn
DOT—Pipeline and Hazard. Materials Adm.	Cynthia Quarterman	Administrator	Commerce, Science and Transportation	Hearing held on 9/23/09
National Transport. Safety Board	Christopher Hart	Member for a term expiring 12/31/2012	Commerce, Science and Transportation	Nomination confirmed 8/7/09
National Transport. Safety Board	Mark R. Rosekind	Member for a term expiring 12/31/2014	Commerce, Science and Transportation	Nomination transmitted 10/1/09
Surface Transportation Board	Daniel Elliott	Chairman	Commerce, Science and Transportation	Nomination confirmed 8/7/09
Department of the Army	Jo-Ellen Darcy	Assistant Secretary for Civil Works	Armed Services *and* Enviro. & Public Works	Nomination confirmed 8/7/09
Department of Homeland Security	Erroll Southers	Assistant Secretary for Transport. Security	Commerce, Science and Transportation	Nomination transmitted 9/17/09

Transportation Weekly is a publication of:

THE LEGISLATIVE SERVICES GROUP

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Transportation Weekly is published every week the Congress is in session and sporadically when Congress is not in session.

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THIS WEEK IN COMMITTEE

Wednesday, October 14, 2009 — House Homeland Security — full committee hearing on diversity at the Department of Homeland Security — *10:00 a.m., 311 Cannon.*

House Transportation and Infrastructure — Subcommittee on Railroads, Pipelines and Hazardous Materials — subcommittee hearing on high-speed rail in the United States — *2:00 p.m., 2167 Rayburn.*

NOTE—THE SENATE COMMERCE HEARING ON DISTRACTED DRIVING SCHEDULED FOR WEDNESDAY AFTERNOON HAS BEEN POSTPONED UNTIL OCTOBER 28 AT 2:30 P.M.

Thursday, October 15, 2009 — House Transportation and Infrastructure — Subcommittee on Water Resources and Environment — subcommittee hearing on the 37th anniversary of the Clean Water Act — *10:00 a.m., 2167 Rayburn.*

Senate Commerce, Science and Transportation — full committee hearing on pending nominations, including that of Erroll Southers to head the Transportation Security Administration — *2:30 p.m., SR-253 Russell.*

STATUS OF MAJOR TRANSPORTATION BILLS — 111th CONGRESS

BILL	HOUSE ACTION	SENATE ACTION	RESOLUTION
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	H.R. 3288 passed House 7/23/09 by a vote of 256-168	H.R. 3288 passed Senate amended 9/17/09 by vote of 73-25	
FY 2010 Energy and Water Appropriations	H.R. 3183 passed House 7/17/09 by a vote of 320-97	H.R. 3183 passed Senate amended 7/29/09 by vote of 85-9	Conference report (H. Rept. 111-278) passed House 10/1/09
FY 2010 Homeland Security Appropriations	H.R. 2892 passed House 6/24/09 by a vote of 389-37	H.R. 2892 passed Senate amended 7/9/09 by a vote of 84-6	Conference committee meeting may be held this week
Federal Aviation Admin. Reauthorization Bill	H.R. 915 passed House 5/22/09 by a vote of 277-136	S. 1451 reported 9/29/09 S. Rept. 111-82	
Surface Transportation Reauthorization Bill	Subcommittee marked up draft bill on 6/24/09		
Short-Term Extension of Surface Transportation Laws	H.R. 3617 passed House 9/23/09 by a vote of 335-85	S. 1498 reported 7/22/09 S. Rept. 111-59	
Water Resources Development Act			
FY 2010 Coast Guard Authorization	H.R. 3619 ordered reported 9/24/09 by House T&I	S. 1194 ordered reported 7/8/09 by Senate Commerce Committee	
Transportation Security Admin. Reauthorization	H.R. 2200 passed House 6/4/09 by a vote of 397-25		