

Comparison of the Senate and House Versions of the Proposed Transportation Bill Reauthorization¹

Actions in the US Senate and the House of Representatives in the past few weeks have led to two complete reauthorization bills reported out of committee for consideration by the two houses. This presents the possibility that reauthorization may take place before the fall elections.

Key planning-related provisions are described below.

- **MPO Designation Thresholds and Status of Existing MPOs:** The Senate proposal (MAP 21) sets the threshold for new MPOs at 200,000; the House proposal (the American Energy and Infrastructure Jobs Act) at 100,000. Both represent a change from the historic 50,000 level. The Senate proposal requires re-designation of existing MPOs serving a metropolitan planning area less than 200,000 by the Governor, provided that yet-to-be-defined USDOT technical requirements can be met. The House proposal grandfathers existing MPOs. Impact on CDTC: none likely, assuming NYS does reaffirms all its MPOs and intrastate funding formulas remain roughly as currently established.
- **Core Program Consolidation and Revised Eligibility:** Both the Senate and House proposals combine the National Highway System, Interstate Maintenance, and Highway Bridge programs into a single program primarily for projects on the National Highway System. The House proposal revises the Surface Transportation Program and the Senate proposal replaces it with the Transportation Mobility Program which also includes increases in funding for non-NHS bridges that would need handled through the TMP. Suballocation of STP and TMP funds to urbanized areas over 200,000 would be reduced from 62.5 to 50 percent; the actual amount suballocated to these MPOs would increase because the TMP and STP would be funded at substantially higher levels. Impact on CDTC: changes in suballocation should have little effect on CDTC practices, because CDTC and NYSDOT treat the entire STP program as a whole as much as possible for programming purposes. Program consolidation would lead to TIP activities focusing on two major fund sources: one for the NHS system and another for everything else.
- **Project Selection Authority:** The Senate proposal creates a two-tier classification for MPOs. Tier 1 MPOs (1 million or more) would have project selection for TMP and CMAQ; Tier 2 (under 1 million or qualified smaller MPOs) would have project selection for TMP only. The House proposal retains current regulations. Impact on CDTC: little likely. CDTC would be an early candidate to be qualified as a Tier 1 MPO. Further, CDTC and NYSDOT program projects collaboratively without regard to formal “project selection” authority.

¹ Comparison draws from information from the Association of Metropolitan Planning Organizations 2/10/12.

- **Transportation Enhancements and Safe Routes to School Programs:** Both versions eliminate the Enhancements set-aside and the Safe Routes to School program. The Senate proposal adds approximately \$900 million per year to CMAQ for transportation enhancements, recreational trails, safe routes to schools, and planning/designing/constructing boulevards, main streets and other roadways. States and MPOs could choose to spend all of the CMAQ set-aside on the latter option and none on enhancements, recreational trails, or safe routes to school; there is no guarantee in the Senate version that funds would be applied to enhancements, etc. Impact on CDTC: unclear. The amount of CMAQ funding available to CDTC is affected greatly by differences between the bills, broad latitude given to states and the uncertain non-attainment status for the Capital District after new air quality standards are in place.
- **Provision to Allow Governors to Modify TIPs for Projects on the Interstate System:** The House proposal contains a provision that would allow a Governor to modify a TIP without approval of an MPO if the State and MPO fail to agree on programming a project of statewide significance on the Interstate system; as written, fiscal constraint and conformity requirements would still be the responsibility of the MPO. Impact on CDTC: none likely because of strong collaboration between CDTC and NYSDOT on long-range plans for the Interstate System in the Capital District. (The I-87 / US9 Integrated Corridor Study is an example.) Provision has the potential to seriously damage MPO authority nationwide.
- **Performance Based Planning:** The Senate proposal contains a number of performance-driven criteria with which States and Tier 1 MPOs must comply. For example, in the new National Highway performance program, States must develop targets for the condition and performance of the NHS, and develop asset management plans to make progress towards these targets. Within the TMP, the Senate version creates penalties if the total deck area of deficient off-system bridges increases over two years. The House proposal requires USDOT to work with States and MPOs to develop performance targets that States must monitor and report. Impact on CDTC: a modest rearranging of CDTC technical activity and TIP evaluation would be required if CDTC (as expected) is qualified as a Tier 1 MPO. CDTC has a strong foundation in performance measurement, but would likely need to tailor measures to meet Congressional requirements and to help frame the national dialogue to include other measures related to New Visions objectives. The requirements would also require staffing investment by NYSDOT to work collaboratively with MPOs statewide in developing effective performance measurement and reporting methods.
- **Creation of the Alternative Transportation Account:** The House proposal eliminates the Mass Transit Account of the Highway Trust Fund, and creates the Alternative Transportation Account to fund public transit and CMAQ through a one-time transfer of approximately \$40 billion from the general fund. The 2.86 cents per gallon of federal gas tax receipts that are currently applied to the mass transit account would be deposited into the highway account. The Senate has yet to release the transit portions of their bill (because it is handled by a different Senate Committee). Impact on CDTC: This provision – and the broader issue of revenue generation for the transportation program in

general – is the most controversial aspect of reauthorization. Local impact will depend upon the outcome of this broad debate, in terms of timing, scale and nature of the program. Eliminating the mass transit account is proving to be unpopular in early discussions of the Senate bill.

- **Emphasis on Freight:** Both proposals included an increased emphasis on freight. The Senate proposal establishes a freight program with dedicated funding. The House proposal encourages States to create freight advisory committees and develop freight plans. Impact on CDTC: an increased freight emphasis may require CDTC's re-dedication to a meaningful, ongoing working relationship with the freight community and would increase the merit of finding resources for a regional operations initiative. It would also have a significant impact on NYSDOT's staffing requirements for a statewide freight program.
- **Length of Proposed Legislation:** The Senate version is a two-year bill and would expire at the end of FFY 2013 at approximately \$109 billion in contract authority. The House version is a five year bill, expiring at the end of FFY 2016 at approximately \$260 billion contract authority. Impact on CDTC: Under either bill, even if signed into law before the fall elections, CDTC will enter the upcoming 2014-19 TIP development effort with most or all of the programming period falling **beyond the end of the new act.** CDTC and NYSDOT will be faced with a challenging effort under any scenario – revisiting the need to speculate about future federal funding while also grappling with a federal program that has not grown over time as was hoped when the 2012-17 TIP was adopted.