

**Item #14**

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**Memorandum**

**DATE:** March 16, 2005

**TO:** Transportation Planning Board

**FROM:** Ronald F. Kirby *RFK*  
Director, Department of  
Transportation Planning

**RE:** Recent Congressional Actions to Reauthorize the Transportation  
Equity Act for the 21st Century (TEA-21)

The six-year law authorizing federal highway and transit programs (TEA-21) expired September 30, 2003. Federal transportation funding has been continued since that time through a series of six short-term extensions of TEA-21, the latest of which will expire on May 31, 2005.

As reported in the attached "legislative alerts" of March 11 and March 14, 2005 from the Association of Metropolitan Planning Organizations (AMPO), the House passed its version of the reauthorization, H.R.3 the "Transportation Equity Act: A Legacy for Users" (TEA-LU) on March 10. The Senate Environment and Public Works Committee is scheduled to mark up its version of the bill on March 16 (today). The entire Senate is not expected to consider the bill until mid-April, allowing only about one month for a conference committee to draft a final version of the bill before the extension expires on May 31, 2005.

The TPB has sent two recent letters to the Congress related to this reauthorization: one on September 8, 2005 regarding tolling provisions, and one on February 28, 2005 regarding the proposed CapCom regional transportation operations coordination center. Copies of these two letters are attached to this memorandum. The Board will be briefed at today's meeting on how the TEA-LU bill approved by the House addresses these two topics, and on other key aspects of this new legislation.

Attachment



## LEGISLATIVE ALERT!

**Date:** March 11, 2005  
**To:** Policy Committee  
**Cc:** AMPO Membership  
**From:** Debbie Singer  
**RE: LEGISLATIVE ALERT! HOUSE PASSES TEA-LU**

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Yesterday, the House passed its version of the Transportation Reauthorization Bill, or TEA-LU, by a vote of 417-9. The AMPO policy workshop happened to coincide with this event, and some of our members who were able to travel to Washington, DC on local funds were in the House Gallery watching the vote as it unfolded.

TEA-LU would authorize \$283.9 billion from FY04 through FY09. It is quite similar to the Bill that the House passed last year. However, a provision in the House Bill won over a number of representatives from donor states. Language in the Manager's Amendment will count approximately \$11 billion in "high-priority projects" earmarked by individual lawmakers in the total funds allocated by formula to the states. Including these earmarks means that formula funds would be drawn from 92.6 percent of the \$225.5 billion in available highway funding. This is different than last year's bill, which left the earmarks out of the formula allocation. The rate of return would remain at 90.5 cents on the dollar, but insiders expect that the rate of return will be raised during the conference.

The list of earmarks in TEA-LU grew to 3,676 by the time the bill was approved on the House floor. In addition, several earmarks got significantly more money than the committee approved. Prior to Bill passage, Representative Higgins (D-NY) moved to recommit the bill, with instructions to increase the bill to \$318 billion in spending authority and \$301 billion in guaranteed spending, but this motion was defeated by a vote of 190-235.

Several amendments to the bill were offered on the House floor. Some of the most significant include provisions that allow states to enact laws to prevent "pay-to-play" political contributions by contractors seeking state contracts; encourage states to provide additional incentives for drivers to purchase gas-electric hybrid cars or other fuel efficient vehicles; strike language from the bill that would have required states that establish high-occupancy toll lanes to set a lower toll for low-income people. Representative Shadegg (R-AR) had offered a CMAQ amendment that would have revised the formula by which funds are allocated under CMAQ to include areas in non-attainment or maintenance for PM-2.5 and PM-10, but this amendment was withdrawn.

Insiders expect the Senate Environment & Public Works Committee to mark up its version of the transportation bill on Wednesday, March 16<sup>th</sup>, however the entire Senate will likely not consider the bill until the beginning to middle of April, as there are several other pieces of legislation that the Senate must consider prior to transportation reauthorization. If this is the case, then the earliest a conference committee could be established would be mid to late April, giving the conference committee approximately one month to draft a final version of the bill, before the extension expires. This process may move quicker than last year if the House and the Senate can rapidly agree on a funding level, however it remains to be seen whether that is possible.

We will keep you informed as we learn of additional information.

**1730 Rhode Island Avenue, NW • Suite 608 • Washington, DC 20036  
Phone: 202-296-7051 • Fax: 202-296-7054**



## LEGISLATIVE ALERT!

**Date:** March 14, 2005  
**To:** Policy Committee  
**Cc:** AMPO Membership  
**From:** Debbie Singer

**RE: LEGISLATIVE ALERT! SENATE EPW COMMITTEE TO MARK UP  
TRANSPORTATION BILL WEDNESDAY**

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The Senate Environment & Public Works Committee (EPW) is scheduled to mark up its version of the transportation bill on Wednesday, March 16<sup>th</sup>. EPW staff members have indicated that the bill will be nearly identical to the one that the Senate passed by a wide margin in 2004. Senator James Inhofe (R-OK), the Chairman of the EPW Committee, has agreed to work on a \$284 billion bill, the same as the House funding level, which is the maximum amount that the Administration has said that it would support. Committee Ranking Member James Jeffords (I-VT) and Senator Max Baucus (D-MT), the ranking Democrat on EPW's Transportation & Infrastructure Subcommittee, have indicated that they would not try to block a \$284 billion bill, although like Senator Inhofe, they would prefer a bill at the \$318 billion level that was approved last year. Few amendments are expected during the bill markup, but one that may be added is drawn from a bill sponsored by Senator Frank Lautenberg (D-NJ) that allows states to ban "pay to play" practices by contractors who are attempting to secure road contracts through large political contributions. This language was added to the House version of the transportation bill as an amendment.

The Senate EPW committee is one of three committees that have jurisdiction in the Senate over surface transportation issues. The Banking, Housing, and Urban Affairs Committee will schedule a markup of public transportation programs this week and the Commerce, Science, and Transportation Committee will likely mark up the safety provisions of the bill in early April.

03/14/05

*AMPO Memo Form*

It appears that the objective of both the Republicans and Democrats is to get the bill to the Senate floor as quickly as possible so that the conference committee has sufficient time to develop a compromise bill before the May 31<sup>st</sup> deadline. First, however, the bill must make it to the Senate floor, something that will likely happen during the last two weeks in April. While Senator Majority Leader Bill Frist (R-TN) has threatened to pull a bill from the Senate floor if the funding level exceeds \$284 billion, Senator Inhofe has stated that he expects action on the floor to raise the funding level, likely to the \$318 billion level that the Senate passed last year.

We will keep you posted as we learn of additional information.

**1730 Rhode Island Avenue, NW • Suite 608 • Washington, DC 20036  
Phone: 202-296-7051 • Fax: 202-296-7054**



*Local governments working together for a better metropolitan region*

February 28, 2005

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Prince William County

The Honorable James P. Moran, Jr.  
U.S. House of Representatives  
2239 Rayburn House Office Building  
Washington, D.C. 20515

Subject: Funding in Federal Reauthorization to Support for a Regional  
Transportation Coordination Program

Dear Congressman Moran:

On behalf of the National Capital Region Transportation Planning Board (TPB), I request your support for inclusion of funding in the pending federal transportation reauthorization legislation to establish a formal Regional Transportation Coordination Program in the Washington metropolitan area, provisionally called "CapCom". The goals of CapCom are to improve the availability and accuracy of real-time transportation information for the public, in support of decision-makers, transportation agencies, public safety agencies, emergency management agencies, and the media. This will help support the region's responses to incidents, as well as facilitate coordination among regional transportation decision-makers while an incident is in progress. CapCom will be a new entity, accomplishing its goals by implementing a unified "Regional Transportation Operations Coordination Center" that will manage and disseminate incident-related transportation systems condition and impact information.

The TPB has expressed its support for such a regional program both in a November 17, 2004 resolution endorsing actions to improve regional transportation communications and coordination during incidents, as well as a January 19, 2005 resolution endorsing a work plan of action to implement CapCom. CapCom has broad support in the region, including a strong endorsement by the Greater Washington Board of Trade.

CapCom will take advantage of an institutional and technical foundation already developed under the Capital Wireless Integrated Network (CapWIN) Program. By leveraging the investment already made in the CapWIN Program's current governance structure, staff, and technical infrastructure, CapCom can be implemented quickly and efficiently. With adequate funding, a CapCom prototype could be up and running within nine months with full implementation of a 24/7 Regional Transportation Operations Coordination Center occurring within an additional twelve months.

The Honorable James P. Moran, Jr.

February 28, 2005

Page Two

Considerable work has been done to define CapCom and its role in the coordination of transportation operations and response. We would be happy to provide a briefing to you and your staff or to answer any questions you may have. Please feel free to contact Mr. Ronald Kirby, TPB Transportation Planning Director at (202) 962-3310. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Mendelson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Phil Mendelson

Chairman

National Capital Region Transportation Planning Board

Cc: Senator Barbara Mikulski  
Senator John Warner  
Senator Paul Sarbanes  
Senator George F. Allen  
Congressman Roscoe Bartlett  
Congressman Thomas Davis  
Congressman Steny Hoyer  
Congressman Chris Van Hollen  
Congressman Frank R. Wolf  
Congressman Albert R. Wynn  
Delegate Eleanor Holmes Norton



September 8, 2004

*District of Columbia*

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*Rockville*

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*Loudoun County*

*Manassas*

*Manassas Park*

*Prince William County*

The Honorable Don Young  
Chair, House Transportation and  
Infrastructure Committee  
2111 Rayburn House Office  
Building  
Washington, DC 20515

The Honorable James M. Inhofe  
Chair, Senate Environment and  
Public Works Committee  
453 Russell Senate Office Building  
Washington, DC 20510

The Honorable James Oberstar  
Ranking Member, House  
Transportation and Infrastructure  
Committee  
2365 Rayburn House Office Building  
Washington, DC 20515

The Honorable James Jeffords  
Ranking Member, Senate Environment  
and Public Works Committee  
413 Dirksen Senate Office Building  
Washington, DC 20510

Re: Tolling Provisions in the Federal Transportation Bill

Dear Chairs and Ranking Members:

On behalf of the National Capital Region Transportation Planning Board (TPB), the metropolitan planning organization (MPO) for the Washington region, I am writing to urge your support for maximum discretion for states and local jurisdictions regarding toll road design and revenue use on the Interstate system, as provided for in the Senate version of the transportation reauthorization bill (S 1072, Section 1609) currently before the conference committee.

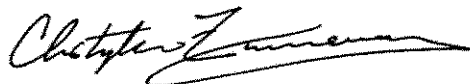
The Washington region continues to face significant transportation funding shortages and severe congestion. Value pricing can provide an alternative source of funding, and value pricing approaches such as High Occupancy/Toll (HOT) lanes and other types of toll roads and innovative road pricing techniques can be an effective long-term congestion management tool. For these reasons, TPB member jurisdictions are seriously considering applying value pricing to both new and existing roadways.

The TPB enthusiastically supports value pricing approaches to transportation funding and congestion management. At its July 21, 2004, meeting, the Board recognized that creative problem solving is possible only if states and local governments retain key decision-making powers. Restrictions on toll road design and revenue use on the Interstate system, as contained in HR 3550 (Section 1603), would prevent state and local communities from implementing value pricing as a congestion management tool and as an effective means to address critical funding shortfalls.



Therefore, as the conference committee works to reconcile the toll provisions of S 1072 and HR 3550 and develop a final conference bill, we urge you to provide the flexibility to state and local leaders included in the Senate bill, Section 1609. Thank you for considering the TPB's views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Zimmerman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Christopher Zimmerman  
Chairman  
National Capital Region Transportation Planning Board

cc: Members of the Congressional Delegation for the Washington Region