

The Federal Flyer

Senate Committee Passes FY 2002 Transportation Spending Bill *Bill Exceeds TEA 21, Funds SW Border Safety Inspection Activities*

Thursday, the Senate Committee on Appropriations approved the FY 2002 appropriations bill for the U.S. Department of Transportation and Related Agencies. The measure provides \$60.063 billion for the nation's federal transportation programs (compared to the House's \$59.081 billion bill).

Bill Exceeds TEA 21 Funding Levels. The obligation limitation for highway programs is set at \$31.919 billion, an increase of \$2.257 billion over FY 2001, \$355.946 million over the budget request, and \$153.232 million over the House bill. The Senate bill fully funds the Bush Administration's proposals for a \$145 million New Freedom Initiative for the disabled and some \$88 million in investments in new motor carrier safety inspection facilities along the US-Mexico border. New **Transportation Subcommittee chairwoman Patty Murray** (D - Washington) stated that "in order to ensure that funding for these initiatives is not provided at the expense of highway construction funds in all 50 states, the bill increases funding for highways to a level to hold all states harmless. In fact, under the Committee bill, every state will receive more highway construction funding than they would receive either under the President's budget or under the levels assumed in TEA-21." The committee report states that they achieve this goal by "funding the President's initiatives while simultaneously increasing the overall highway obligation ceiling to a level that exceeds the President's request level by more than \$350 million and exceeds the TEA 21 guarantee level by more than \$200 million." The bill states that Texas would receive \$2.170 billion in obligation limitation under this funding arrangement, compared to \$2.160 billion under TEA 21, \$2.129 under the President's budget estimate, and \$2.071 under the House version.

Earmarks Galore. In providing additional highway funds, the Senate Committee took the opportunity to earmark nearly all available funds in the federal highway discretionary programs. The bill would provide some \$936 million for highway discretionary programs, including \$370 million for the National Corridor Planning and Development and Coordinated Border Infrastructure programs, \$113 million for the Bridge Discretionary Program, \$113 million for the Interstate Maintenance Discretionary Program, and \$80 million for the Transportation and Community and Systems Preservation Pilot Program. In each case, appropriations would far exceed the spending level authorized in TEA 21, at least before adjustment as required by TEA 21's RABA provision.



FY 2002 House/Senate Appropriations Highway Discretionary Earmarks

House FY 2002 FHWA Discretionary Program Earmarks	Texas Amount	Program/Total Earmarked	Texas Share	Senate FY 2002 FHWA Discretionary Program Earmarks	Texas Amount	Program/Total Earmarked	Texas Share
Austin	\$250,000	ITS		Texas Statewide	\$4,000,000	ITS	
Brownsville	\$500,000	ITS				ITS	
Harris County 911 emergency network	\$1,000,000	ITS				ITS	
Pharr bridge toll connector	\$830,000	ITS				ITS	
Seabrook traffic management control	\$1,200,000	ITS				ITS	
5 ITS projects for Texas	\$3,780,000	\$119,700,000	3.16%	1 ITS projects for Texas	\$4,000,000	\$120,000,000	3.33%
I-35West/US 287 interchange	\$4,000,000	IMD		Woodall Rogers Extension Bridge	\$10,000,000	IMD	
I-10 Katy Freeway	\$6,000,000	IMD				IMD	
I-35 East/I-635 interchange	\$5,400,000	IMD				IMD	
IH 610 bridge	\$1,500,000	IMD				IMD	
4 IMD projects for Texas	\$16,900,000	\$102,000,000	16.57%	1 IMD projects for Texas	\$10,000,000	\$113,129,000	8.84%
Leon River Bridge	\$1,500,000	BDP				BDP	
1 BDP project for Texas	\$1,500,000	\$75,000,000	2.00%	0 BDP projects for Texas	\$0	\$113,130,000	0.00%
Amistad NRA, Box Canyon Ramp Rd.	\$6,000,000	FLH				FLH	
Ivy Mountain Road paving	\$1,000,000	FLH				FLH	
2 FLH projects for Texas	\$7,000,000	\$83,700,000	8.36%	0 FLH projects for Texas	\$0	\$71,575,000	0.00%
Ports-to-plains corridor development plan	\$2,000,000	NCPD/CBI		State Border Safety inspection facilities	\$15,000,000	\$314,381,000	4.77%
I-69 Corridors 18 & 20	\$1,250,000	NCPD/CBI		SW Border Inspection Stations	TBD	\$56,000,000	TBD
I-35 expansion, Hillsboro County (error)	\$2,000,000	NCPD/CBI				NCPD/CBI	
Freeport Business Center off ramp	\$1,000,000	NCPD/CBI				NCPD/CBI	
FM 1016 from US 83 to Madero	\$1,000,000	NCPD/CBI				NCPD/CBI	
I-35 replacement bridge	\$1,000,000	NCPD/CBI				NCPD/CBI	
6 NCPD/CBI projects for Texas	\$8,250,000	\$143,000,000	5.77%	1 NCPD/CBI projects for Texas	\$15,000,000	\$370,381,000	TBD
Corpus Christi ferry landings	\$200,000	FBD				FBD	
1 FBD project for Texas	\$200,000	\$18,000,000	1.11%	0 FBD projects or Texas	\$0	\$42,989,000	0.00%
Trinity River Visions	\$100,000	TCSP				TCSP	
City of Frisco	\$550,000	TCSP				TCSP	
Houston Main Street corridor master plan	\$300,000	TCSP				TCSP	
3 TCSP projects for Texas	\$950,000	\$27,856,600	3.41%	0 TCSP projects for Texas	\$0	\$80,000,000	0.00%
				(Texas not eligible for Scenic Byways)		SB	
				0 SB projects for Texas	\$0	\$25,282,829	
Grand Total	\$38,580,000	\$569,256,600	6.78%	Grand Total Earmarked	\$29,000,000	\$880,486,829	3.29%
				GT (with SW BIS)	TBD	\$936,486,829	TBD
<u>Programs Not Earmarked In House Bill:</u>				<u>Programs Not Earmarked in Senate Bill:</u>			
\$25 for seismic retrofit - Bridge				\$21 million Innovative Bridge Research & Construction			
\$20 million FBD set-aside for AK, NJ, WA				\$11 million Value Pricing Pilot Program			
\$21 million Innovative Bridge Research & Construction				\$25 for seismic retrofit - Bridge			
\$11 million Value Pricing Pilot Program							
Subtotal (not included in House Bill)		\$77,000,000		Subtotal		\$53,000,000	
All other authorized FHWA discretionary funds are earmarked in the House Bill.				All other authorized FHWA discretionary funds are earmarked (and then some).			
Total Annual Discretionary Program Funds		\$646,256,600		Total Annual Discretionary Program Funds		\$989,486,829	

ITS - Intelligent Transportation Systems; IMD - Interstate Maintenance Discretionary; BDP - Bridge Discretionary Program; FLH - Federal Lands Highways; NCPD/CBI - National Corridor Planning & Development/Coordinated Border Infrastructure discretionary programs; FBD - Ferry Boats & Facilities; TCSP - Transportation and Community and System Preservation Pilot Program; and SB - Scenic Byways

Of these additional funds, Texas is slated to receive at least \$29 million in Texas-specific highway earmarks. (See table on preceding page for details.) Texas also stands to receive part of a \$56 million earmark from the NCPD/CBI discretionary program for safety inspection facilities along the Southwest border. Since most of the border crossings along the border are in Texas, we can expect a significant, yet undetermined, share of these funds administered by the FHWA and Federal Motor Carrier Safety Administration (FMCSA).

Other Funding Highlights. Transit programs would see spending in FY 2002 of \$6.847 billion, \$100 million more than the obligation limitation authorized under the mass transit category in TEA 21. These additional funds are targeted to the New Starts discretionary capital improvement program.

The Federal Aviation Administration and its programs would receive \$13.044 billion in FY 2002, for an increase of \$1.062 billion over FY 2001 levels, as a result of the higher spending levels authorized under AIR 21 and rescission of certain funds. Within the FAA total, the Senate bill matches the House bill by providing \$3.3 billion for the Airport Improvement Program, an increase of \$100 million over FY 2001. Like the House version, the Senate bill includes \$20 million for the Small Community Air Service Development Pilot Program authorized by AIR 21. Finally, the bill would provide a total of \$5.101 billion for the Coast Guard, some \$55 million higher than the House bill and a \$591 million increase over FY 2001.

Border Truck Safety Issues. As mentioned above, the Senate committee provides funding for the president's proposal to direct \$88 million to border safety inspection activities, including \$56 million for construction of motor carrier safety inspection facilities along the Southwest border. This provision had been included in the House committee bill but was stricken from the bill by a point of order on the House floor. At the same time, the House added a provision which prohibited the use of funds in the bill to process applications for Mexican motor carriers to obtain authority to operate in the United States under the Bush Administration's proposed rulemaking. This provision, authored by **Congressman Martin Sabo** (D - Minnesota), would effectively keep the border closed to cross-border truck traffic, contrary to the NAFTA arbitration panel's ruling earlier this year. The Senate did not accept that prohibition, establishing instead several enhanced truck safety requirements that are intended to ensure that this new cross-border trucking activity does not pose a safety risk.

What's Next? The measure should come to the Senate floor before the end of the month. At that time, we can expect to see some reaction from budgeters regarding the additional funding provided in the bill above authorized levels. In addition, we anticipate significant debate over the cross-border motor carrier safety language, as the Bush Administration is unhappy with both the Sabo amendment in the House version and the Senate committee's limiting language.

Once the Senate finishes its work on the bill, the stage will be set for a conference committee between the House and Senate appropriators to iron out the tremendous differences in the two bills in terms of both spending levels and project earmarks. Committee staffs will get to work on the matter during the traditional August congressional recess, and committee members will begin participating in the conference in earnest in early September.



The *Federal Flyer* is a publication of the TxDOT Legislative Affairs Office. It is intended to provide up-to-date information on major legislative activities in the 106th Congress for the management of the Texas Department of Transportation, state leaders, and others interested in Texas transportation issues. This report will also feature key activities in the national transportation community. Sources include news services and staff reports.

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