

# The Federal Flyer

## Congress Folds Its Tent for Elections

### Latest Continuing Resolution Funds Government Programs Through November 22

On Thursday, Congress passed a continuing resolution (CR) that will fund the government through November 22. Under the CR, the Federal Highway Administration can continue to distribute highway program funds pro rata based on an obligation limitation of \$31.8 billion. However, the CR still contains language that keeps an overall highway funding cap of \$27.7 billion for FY 2003 unless that is later changed by the passage of a FY 2003 Transportation Appropriations bill. For all other federal transportation programs, the USDOT agencies are authorized under the CR to distribute program funds pro rata based on the FY 2002 spending levels.

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The House of Representatives adjourned on Thursday and the Senate followed suit later that evening, giving up on efforts to finish the homeland security bill and perhaps resolve work on pending conference reports. While members will remain “on-call” to return to Washington, it appears unlikely that they will have to do so.

The November 22 CR deadline means that Congress will return for a “lame duck session” after the elections. With only the FY 2003 defense and military construction appropriations bills in a position to reach the president’s desk this year, House Appropriators have vowed to finish work on the 11 remaining spending bills before the new year. However, additional individual appropriations bills are not likely to pass this year.

**House Appropriations Committee Chairman C.W. “Bill” Young (R - FL)** has suggested the House could complete its appropriations work by writing omnibus legislation. A draft version being developed would fund all aspects of the government in one bill.

## Alaska Hosts AASHTO Annual Meeting

### TEA 21 Reauthorization Agenda Adopted; All Financing Options Left On the Table

The **American Association of State Highway and Transportation Officials (AASHTO)** held its annual meeting this week in Anchorage, Alaska. The Board of Directors, representing state DOTs across the country, endorsed the association’s comprehensive surface transportation reauthorization agenda, including a full range of potential funding options to boost the size of the federal programs. AASHTO will soon update its reauthorization website (<http://transportation.org/community/reauthorization>) to reflect changes made at the Anchorage meeting.

## House Subcommittee Holds Hearing on ExPDITE Bill Industry, Environmentalists on Opposite Sides of Streamlining Issue

As reported last week, **U.S. House Transportation and Infrastructure Committee Chairman Don Young** (R - Alaska) recently introduced H.R. 5455, "Expediting Project Delivery to Improve Transportation and the Environment Act (ExPDITE Act)." The primary purpose of this legislation is to expedite the project delivery process without amending environmental statutes or decreasing public involvement. The goal is to reduce delays in the planning and approval of federally funded highway and transit improvement projects by streamlining the current environmental review process.

The **House T&I Committee's Subcommittee on Highways and Transit** held a hearing on the bill on October 8. At the hearing, transportation industry and environmental groups took opposite stands on the need for legislation to address streamlining the environmental review process for transportation projects and whether the ExPDITE Act would improve the environmental review process.

Industry groups argued that streamlining provisions enacted in TEA 21 have been ineffective and supported H.R. 5455 as a "moderate" solution to expedite projects while continuing to ensure environmental protections. **AASHTO**, the **American Road and Transportation Builders Association**, the **American Highway Users Alliance**, and the **American Council of Engineering Companies** unanimously support H.R. 5455. Greg Cohen, AHUA vice president and a former T&I minority staff member, said momentum is building for broad support of streamlining legislation, citing the administration's recent executive order as well as legislation (S. 3031) introduced by **Senator Max Baucus** (D - Montana).

Environmental groups, on the other hand, called the legislation "unnecessary" and warned that the measure would 1) seriously undermine NEPA by imposing deadlines on regulatory agencies and favoring transportation objectives over environmental concerns and 2) be ineffective in expediting transportation projects because environmental reviews are not the primary cause for project delay. Officials from the **Tri-State Transportation Campaign**, **Environmental Defense**, **Defenders of Wildlife**, and the **Natural Resources Defense Council** all warned that the bill would threaten environmental protections and limit public involvement in the review process.

Several T&I committee members and transportation group representatives stressed that the ExPDITE Act would not change a single word of any environmental law and would serve to improve the NEPA process through requirements including concurrent agency reviews.

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 107th 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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