TRANSPORTATION:

Senate panel unanimously approves $109B reauthorization bill

Jason Plautz, E&E reporter

Published: Wednesday, November 9, 2011

Although a funding dispute was not settled, the Senate Environment and Public Works Committee this morning unanimously approved a two-year, $109 billion surface transportation reauthorization bill.

The vote occurred with little controversy, and the bill's only adjustments came in a unanimous vote on a bloc of 18 amendments, including language that would improve flexibility of funds for transit projects and another mandating a report on electric vehicle corridors. Several other amendments were offered but withdrawn in a bid to ensure a cooperative markup.

The "Moving Ahead for Progress in the 21st Century" (MAP-21) bill offers the first significant legislative step toward a long-term reauthorization of the nation's transportation program. If passed, the bill would keep funding at current levels, indexed to inflation, while also making tweaks to the project delivery and funding process. The bill also contains a $1 billion annual expansion of the popular Transportation Infrastructure Finance and Innovation Program (TIFIA) loans.

EPW Chairwoman Barbara Boxer (D-Calif.) said the bill was "completely bipartisan" and that there was so much compromise that "no one is going to think it's perfect." However, she said the bill would protect 1.8 million jobs and create another million by leveraging the TIFIA loans into projects, figures that she said were "momentous."

Committee ranking member James Inhofe (R-Okla.), the traditional spending hawk who has backed investment in infrastructure, said the bill's compromise was "a very good one" and called the vote a "critical first step towards passing our bill."

However, the bill does require an additional $12 billion over two years above the existing revenue from the Highway Trust Fund that must be approved by the Senate Finance Committee. Finance Chairman Max Baucus (D-Mont.), a co-sponsor of the transportation bill, said his committee was still working on a solution but that members would "by hook or by crook, find the resources."
After the markup, Boxer dismissed a proposed plan from House Speaker John Boehner (R-Ohio) that would expand domestic energy production and turn the revenues over to infrastructure projects. That plan, which has not been explicitly linked to the transportation bill yet, will not work because the Senate does not "want to ... have this terrific jobs bill be paid for by the loss of" other jobs, Boxer said.

The bill will also require input from the Banking, Housing and Urban Affairs and the Commerce, Science and Transportation committees.

During the markup, Boxer and Inhofe repeatedly pointed to their compromise on the controversial transportation enhancements (TE) set-asides as a sign of the give and take in crafting the bill. The bill reforms the scope of programs eligible for the funds -- eliminating museums -- but also opens up some TE money to other types of projects. Boxer and Inhofe both said the compromise offered states more flexibility to spend the money how they wanted, whether it was on roads or bike paths.

Amendments

Early in the markup, the committee approved a bloc of amendments that had been agreed upon by the bill's "big four" legislators: Boxer; Inhofe; Baucus, the chairman of the Highways and Transit Subcommittee; and the subpanel's ranking member, David Vitter (R-La.). Among those was language from Sen. Bernie Sanders (I-Vt.) that would require the secretary of Transportation to produce a report on the potential for electric vehicle corridors and charging stations across the country in an attempt to expand the market for the clean cars.

Another amendment from Sen. Ben Cardin (D-Md.) would improve the flexibility of existing highway funds to be used on transit projects that can reduce congestion on the nation's highways.

Two amendments would target the Congestion Mitigation and Air Quality Improvement Program, which provides funding for state projects that reduce traffic congestion and improve air quality. One, from Sen. John Boozman (R-Ark.) would require $1.25 million per year be spent on an independent assessment of the outcomes of the CMAQ projects to improve the accountability of the program. Another, from Sen. Tom Carper (D-Del.) would make changes to the construction equipment and vehicles section of CMAQ.

The bill already adds particulate matter as one of the pollutants addressed by the program and requires some performance plans from large metropolitan areas spending CMAQ dollars.

Recognizing the spirit of cooperation at the markup, several legislators chose to offer up, then immediately withdraw, amendments, saying they would bring them back on the Senate floor. Sen. Sheldon Whitehouse (D-R.I.) said he would offer one that would extend CMAQ funding from three to five years, saying that it currently took too long for projects to get approved and built and that the funds should allow for more long-term planning.
Carper said he would bring up an amendment that would ensure a reduction in the oil used for transportation by requiring states and metropolitan areas to craft oil reduction plans and integrate them into their traditional transportation plans.

Sen. Jeff Merkley (D-Ore.) also detailed an amendment that would make small investments in bike lanes and infrastructure, which he said would get more drivers out of their cars. However, he said he recognized that the language would be controversial because many rural senators and Republicans have balked at the idea of spending federal highway money on bike or pedestrian infrastructure.

One amendment from Sen. Frank Lautenberg (D-N.J.) would make rail projects eligible under the transportation mobility program, while another would ensure a greater investment in high-speed passenger rail. Lautenberg said that "investing in faster and better train systems will give Americans more choices" and said he was concerned that the bill did not do enough to ensure multi-modal choices.

Cardin said he also would offer two amendments on the floor, including one that would expand the federal government's role in addressing stormwater runoff from roads.

Republican Sen. Jeff Sessions of Alabama said he had four amendments that he would work to resolve with other committee members before bringing them up on the Senate floor, although he did not offer details.