Top Stories

11/23/18 – The Trump administration released the second volume of the Fourth National Climate Assessment, a congressionally mandated report that was prepared by over 300 scientists from 13 federal government agencies. The report indicates that “without substantial and sustained global mitigation and regional adaptation efforts, climate change is expected to cause growing losses to American infrastructure and property and impede the rate of economic growth over this century.” Further, “because increased precipitation extremes elevate the risk of surface runoff, soil erosion, and the loss of soil carbon, additional protective measures are needed to safeguard the progress that has been made in reducing soil erosion and water quality degradation through the implementation of grassed waterways, cover crops, conservation tillage, and waterway protection strips.” The report’s findings, stand in contrast to President Donald Trump's climate change views, most recently highlighted on Nov. 22 when he tweeted, as record cold temperatures descended upon much of the United States, “Brutal and Extended Cold Blast could shatter ALL RECORDS — Whatever happened to Global Warming?” Additionally, at a White House press briefing on Nov. 27, press secretary Sarah Huckabee Sanders stated that the federal government’s report was “not based on facts.”

11/16/18 – Amtrak reported that its adjusted earnings—excluding depreciation and other expenses—showed an operating loss of $168 million, a 13 percent improvement from the previous year, with revenue growth of 2.2 percent to $3.4 billion while ridership held steady at about 31.7 million customer trips. The improvements came despite two deadly accidents where five people were killed and more than 160 injured, one last December in Washington and another in February 2018 in South Carolina. Amtrak’s operating losses would have likely been less than $100 million if not for those two accidents. While the Northeast Regional and state-supported lines grew in ridership, long distance service was down roughly 4 percent.

11/13/18 – President Donald Trump announced that he will nominate Neomi Rao, head of the White House's Office of Information and Regulatory Affairs (OIRA), to the D.C. Circuit Court of Appeals seat vacated by Brett Kavanaugh's ascension to the Supreme Court. Rao has lead OIRA since July 2017, during which time the office within the larger Office of Management and Budget, led the president’s deregulatory effort. OIRA is the White House office responsible for final review of all rules and regulations by federal agencies. Due to its purview, it is possible that she may have to recuse herself from cases that cover issues OIRA dealt with while she led the office. Rao formerly was a constitutional and administrative law professor at George Mason University. She was an associate White House counsel under George W. Bush and clerked for Justice Clarence Thomas.

10/26/18 – The National Highway Traffic Safety Administration stressed that “preserving the 5.9 GHz band for transportation communications is essential to public safety today and in the future.” This view stands in direct opposition to a proposal by the Federal Communications Commission to open up the 6 gigahertz communication channel to more “unlicensed usage.”

From Congress

11/7/18 – The Government Accountability Office (GAO) issued a report stating that lack of a definition of “deferred maintenance” by the U.S. Army Corps of Engineers relative to the 12,000 mile inland waterways system, is a main reason why
funding upgrades to the system been so challenging. Specifically, the report notes that the Corps “does not know how much deferred maintenance exists.” GAO’s report said its researchers were told by Army Corps officials and other interested parties that the incremental approach is more expensive than giving a project full funding from the outset and can produce delays.

From the Administration

11/20/18 – The Federal Railroad Administration (FRA) issued a final rule to establish performance-based safety standards for high-speed passenger trains going as fast as 220 miles per hour. The final rule defines a new category of high-speed rail operations: “Tier III” passenger trains, which can travel as fast as 220 mph in places with exclusive rights-of-way and without grade crossings. The rule also changes the upper limit for the definition of Tier II trains from 150 mph to 160 mph.

11/15/18 – The FRA issued a Notice of Funding Opportunity for $272 million in grants as part of its State of Good Repair Program. Grant funds can be used to repair, replace, or rehabilitate publicly-owned railroad assets, and to improve intercity passenger rail performance. Eligible projects include those that replace existing assets in-kind; replace existing assets with those that increase capacity or provide a higher level of service; and those that ensure existing assets maintain service while being brought into a state of good repair. Federal funds awarded under these grants must not exceed 80 percent of the total cost of a project. The required 20 percent non-federal share may be composed of public sector or private sector funding, or both. Applications are due by March 18, 2019.

11/9/18 – The U. S. Department of Transportation’s (DOT) Inspector General (IG) issued a report noting that the Federal Aviation Administration (FAA) is having trouble managing the volume of requests to waive restrictions on drone operations beyond the visual line of sight or over people. Specifically, FAA has rejected 73 percent of waiver requests and has a “significant backlog of waiver requests to operate in airspace with manned aircraft,” The IG issued eight recommendations to FAA, including assessing their internal processes and clarifying guidance for drone users.

11/1/18 – The Federal Transit Administration (FTA) advanced a transit grant, giving key congressional committees their 30-day notice of its intent to sign a $149 million full funding grant agreement for an Orange County, Calif., streetcar project. In FY 2018, the Trump administration awarded about one-fifth of its $2.6 billion Capital Investment Grant appropriation. Another $275 million in Northeast Corridor rail funds have yet to be released. In 2017, FTA spent $1.5 billion of its $2.4 billion appropriation, funding just two projects.

10/30/18 – DOT Secretary Elaine Chao requested that four of DOT’s modal agencies (highways, rail, traffic safety, and motor carriers) draft a plan to stem the increase in rail grade-crossing fatalities. According to FRA, there were 1,019 deaths and injuries at grade crossings in 2017. There were 592 in just the first six months of 2018.

10/29/18 – DOT issued a final rule that aims to streamline National Environmental Policy Act requirements along with other key environmental rules to speed up and ensure “greater consistency” in the permitting of surface transportation projects. This effort will also reduce duplicative environmental reporting efforts between the Federal Highway Administration, Federal Transit Administration (FTA) and FRA. The rule also provides for greater flexibility on projects that take place entirely within the operational rights-of-way though the use of categorical exclusions.

10/22/18 – FTA announced that the California Public Utilities Commission—responsible for seven different public transit agencies—and the Oklahoma Department of Transportation obtained federal certification of their rail Transit State Safety Oversight Programs. The deadline is April 15, 2019—if a state fails to obtain certification, FTA is prohibited from obligating any funds to all public transportation agencies within that state until certification is achieved.

NCSL Resources
Registration is still open for NCSL's 2018 Capitol Forum, taking place in Washington, D.C., Dec. 5-7.