



## Top Stories

**8/17/17** – President Donald Trump’s Advisory Council on Infrastructure, which was created as part of [Executive Order \(EO\) 13805](#), “[will not move forward](#),” per a White House official. The move follows the [disbanding](#) of the president’s Manufacturing Council, and the Strategy & Policy Forum, after numerous members of each resigned. The council was intended to include representatives from the construction industry, transportation, labor and finance, advising the president on the nation’s infrastructure needs.

**8/15/17** – President Donald Trump issued an Executive Order (EO) titled, “[Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure](#),” which seeks to accelerate the permitting of infrastructure projects, setting a two-year goal for completing the approval process, and establishing one lead agency for each major infrastructure project. The order also undoes the previous administration’s [EO 13690](#), which was aimed at requiring certain infrastructure projects funded in part by federal funds to withstand a 500-year storm, an increase from the previous requirement of withstanding a 100-year storm.

**7/27/17** – The Congressional Research Service (CRS) [released](#) a report, indicating shifting air traffic control from Federal Aviation Administration (FAA) authority to a nonprofit body may be unconstitutional, which is one of the main policy changes included in the House Transportation Committee’s FAA Reauthorization bill, [21<sup>st</sup> Century Aviation, Innovation, Reform, and Reauthorization \(AIRR\) Act](#). The CRS report notes that allowing the new body to set and adjust user fees without federal oversight could be improper delegation of legislative authority under the [nondelegation doctrine](#). Additionally, its ability to determine and impose penalties and interest on users

for access to the airspace could be considered a form of “regulatory power,” thus violating the [Fifth Amendment](#).

## From Congress

**7/28/17** – The House Energy and Commerce Committee approved the [DECAL Act](#), which would make a number of changes to federal policy concerning autonomous vehicles. Most importantly, the bill includes a section that would expand federal preemption of states from motor vehicle safety to include automated driving systems, or components of automated driving systems. The bill would also vastly increase the number of federal motor vehicle safety standards that the Department of Transportation (DOT) could provide. For more information on this issue, see [NCSL’s letter](#) to the Committee.

**7/26/17** – Senate Commerce Committee Chairman Jon Thune (R-SD), [stated](#) that there will be no additional extensions for commuter railroads in installing positive train control (PTC). PTC is advanced technology designed to stop or slow a train before accidents occur. It may help prevent accidents caused by excessive speeds, train-on-train collisions, and incorrect track routing. As of December 2016, PTC is active on [24 percent of passenger railroads](#). The deadline for full compliance is Dec. 31, 2018, although, under [current law](#), railroads can qualify for an additional extension of up to two years – through 2020 – so long as they meet [certain benchmarks](#) by 2018.

# From the Administration

**8/20/17** – DOT [approved](#) \$900 million in federal funds for the construction of a light rail project in Maryland, known as the “[purple line](#).”

**8/17/17** – The Environmental Protection Agency (EPA) [announced](#) its intent to revisit provisions of its [Phase 2 Greenhouse Gas \(GHG\) Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines](#) rule, following stakeholder concerns. In October 2016, EPA and the National Highway Traffic Safety Administration (NHTSA) updated the standards for medium- and heavy-duty vehicles MY 2021-2027 (“Phase 2”), and regulated trailers and gliders—for the first time under the GHG program—with compliance deadlines beginning in 2018.

**8/5/17** – DOT’s Build America Bureau [announced](#) a \$628.93 million Transportation Infrastructure Finance and Innovation Act (TIFIA) loan to the Orange County (Calif.) Transportation Authority to cover about a third of the estimated cost to expand both general highway capacity and add 16 miles of express toll lanes along Interstate 405.

**7/31/17** – The Federal Transit Authority (FTA) announced a proposed rule, [Private Investment Project Procedures](#), which would facilitate public-private partnerships (P3s) in public transportation. The proposal aims to help the federal government develop more effective approaches to spurring private participation and investment in areas such as project planning, development, finance, design, construction, maintenance, and operations.

**7/28/17** – The Government Accountability Office (GAO) [issued](#) a report on air ambulances, indicating that data collection and transparency are needed to enhance DOT oversight of air ambulances. The report recommends that the Secretary of Transportation communicate a method to receive air ambulance complaints, take steps to make complaint information publicly available, and consider air ambulance consumer disclosure requirements.

**7/24/17** – The FAA announced 297 airport infrastructure grants totaling \$645 million, in three separate announcements on July [12](#), [17](#), and [24](#), in addition to \$335 million in grants it [announced](#) in early July. The [Airport Improvement Program](#) (AIP) provides grants to public agencies for the planning and development of public-use airports.