



## Top Stories

**4/23/18** – The 2nd U.S. Circuit Court of Appeals [reinstated](#) higher level penalties for automakers who violate corporate average fuel economy standards (CAFE) that the National Highway Traffic Safety Administration (NHTSA) had [delayed](#) in July 2017 and proposed to permanently delay earlier this month. Earlier this month, NHTSA proposed overturning the previous administration's 2016 proposal for increasing civil penalties in the CAFE program, rather than the delaying its effective date to September 2018 as it had done. In 2016, the former administration proposed increasing the amount to be paid by CAFE violations, from \$5.50 per tenth of a mile per gallon to \$14 per tenth of an mpg, starting with model year 2019 vehicles.

**4/20/18** – Following the deadly events of Southwest flight 1380, the Federal Aviation Administration (FAA) is [ordering](#) inspections within 20 days of fan blades on some CFM56-7B engines. The order covers engines that have racked up more than 30,000 cycles which "the engine manufacturer estimates ... affects 352 engines in the U.S. and 681 engines worldwide." CFM is also suggesting that fan blades with 20,000 cycles undergo ultrasonic inspection before September. That will affect 2,500 engines.

**4/20/18** – The Department of Transportation (DOT) announced that it is retooling its Transportation Investment Generating Economic Recovery (TIGER) grant program. It has renamed the program [Better Utilizing Investments to Leverage Development \(BUILD\) Transportation Discretionary Grants program](#). Second, it is changing its focus to award a higher percentage of grant funds to rural areas, including eligibility for projects with rural broadband. Although the administration has repeatedly proposed eliminating TIGER altogether, Congress

tripled funding for the program to \$1.5 billion for FY 2018. BUILD will remain a competitive program and would be awarded to projects with a "significant local or regional impact," whereas TIGER was aimed at projects with national or regional significance. Funding can support roads, bridges, transit, rail, ports or intermodal transportation although certain transportation projects like sidewalks and bike lanes were not mentioned in the announcement. At least 30 percent of funds will be awarded to projects in rural areas. DOT will host a series of webinars to guide potential applicants through the new process. The deadline for the first round of grants is July 19.

**4/18/18** – The Federal Highway Administration (FHWA) [distributed](#) \$36.4 billion in Fiscal Year (FY) 2018 highway spending authority to states pursuant to the FY 2018 omnibus appropriations law, which matches the amounts authorized in the last surface transportation reauthorization, the 2015 FAST Act. Additionally, states should soon receive an additional \$2 billion in formula funding from the U.S. Treasury's General Fund that was appropriated in the FY 2018 omnibus, to bring total highway funding distributed to states to \$39 billion.

**4/16/18** – The Federal Transit Administration (FTA) [reminded](#) states that they must establish an FTA-certified [State Safety Oversight \(SSO\)](#) program by April 15, 2019, or the agency will be prohibited from obligating funds to agencies in that state. The agency has [certified](#) the programs of 10 states plus D.C. so far. Fourteen states must still submit their programs for certification.

**4/13/18** – FHWA [issued](#) a notice of funding opportunity for \$20 million in competitive grants under the [Surface Transportation System Funding Alternatives Program \(STSFA\)](#). The STSFA,

established by Congress in the 2015 Fast Act, provides for \$95 million in competitive grants over five years (through 2020) to help state departments of transportation "demonstrate user-based alternative revenue mechanisms that utilize a use fee structure to maintain the long-term solvency of the federal Highway Trust Fund." The grants will provide up to 50 percent of a project's funding and require at least 50 percent of funding to come from nonfederal sources. The application deadline for the 2018 STSFA grants is July 15. For more information on STSFA and how states are exploring road use charges, read NCSL's recently updated [web report](#).

**4/13/18** – FHWA [announced](#) more than \$1 billion in Emergency Relief funds to help 32 states and several U.S. territories repair roads and bridges damaged by storms, floods and other unexpected disasters dating back more than two decades. Approximately \$263.7 million, more than a fourth of the total amount provided today will be used to repair damages caused by Hurricanes Harvey, Irma and Maria.

**4/9/18** – The Congressional Budget Office [released](#) its latest Budget and Economic Outlook for the years 2018-2028 finding that federal deficits will top \$1 trillion by FY 2020. Additionally, the report indicated that Highway Trust Fund would be fully solvent through FY 2020, with the highway account remaining solvent through FY 2021. The transit account balance would turn negative sometime during FY 2021.

**4/9/18** – Twelve federal agencies—EPA, U.S. Department of the Interior (DOI), U.S. Department of Agriculture (USDA), U.S. Department of Commerce, U.S. Department of Housing and Urban Development, U.S. Department of Transportation, U.S. Department of Energy (DOE), U.S. Department of Homeland Security, U.S. Army Corps of Engineers, Federal Energy Regulatory Commission (FERC), Advisory Council on Historic Preservation, and Federal Permitting Improvement Steering Council—[signed](#) the One Federal Decision memorandum of understanding (MUO) to streamline the environmental permitting process. The MOU is intended to implement President Donald Trump's One Federal Decision policy established in [Executive Order \(E.O.\) 13807](#), and establish a process for improving the coordination and timeliness of environmental reviews of major infrastructure projects.

Specifically, the memo outlines a process by which one federal agency will take the lead on permitting a specific infrastructure project, by issuing a single environmental impact statement for the entire federal government, as well as setting timetables for other agencies to act, with the goal of getting the entire process down to two years.

**4/5/18** – The White House [nominated](#) NHTSA [Acting Administrator Heidi King](#) to be the agency's formal chief. King has served as NHTSA's acting administrator since the fall. She's previously held roles at GE Capital, the House Energy and Commerce Committee and the Office of Management and Budget.

**4/5/18** – FTA [announced](#) approximately \$264 million in grant awards for bus and bus facilities infrastructure upgrades. The money will go toward 139 projects across 52 states and territories to fund efforts to replace or rehab buses, as well as to buy, build or fix up facilities for the vehicles.

**4/3/18** – DJ Gribbin, Trump's infrastructure adviser, announced that he is [leaving](#) the White House. Gribbin played an integral role in crafting Trump's infrastructure plan, which the administration rolled out in February.

**4/2/18** – EPA announced the completion of the Midterm Evaluation process for greenhouse gas (GHG) emissions standards for cars and light trucks for model years 2022-2025, and its final determination that current standards are not appropriate and should be revised. Accompanying the decision, EPA Administrator Scott Pruitt announced the agency would begin a notice and comment rulemaking to set more "appropriate GHG emissions standards and Corporate Average Fuel Economy (CAFE) standards." For more information read [NCSL's Info Alert](#).

## From Congress

**4/9/18** – Five Midwestern senators—Chuck Grassley (R-Iowa), John Thune (R-S.D.), Roy Blunt (R-Mo.), Deb Fischer (R-Neb.), and Joni Ernst (R-Iowa)—[signed](#) a letter to Trump to end the issuance of waivers to small refineries from EPA's Renewable

Fuel Standard. The letter came following news that EPA [granted](#) a “hardship” waiver for Andeavor’s three smallest refineries in Alaska, North Dakota and Utah, exempting it from requiring to blend ethanol into its gasoline or having to buy Renewable Identification Numbers from blenders to demonstrate compliance with Renewable Fuel Standards. Andeavor is one of the nation’s largest oil refining companies in the nation. Further, EPA and the Department of Justice entered into a consent decree with bankrupt refiner Philadelphia Energy Solutions that would reduce the company’s RFS compliance requirement.

**4/9/18** – GAO [found](#) that FTA could do more to advise states on how to conduct effective oversight of their transit systems. The agency “has not provided all the necessary guidance and support to states’ safety agencies to ensure they develop appropriate and effective rail transit safety inspection programs,” GAO found, and without it, “state safety agencies may not allocate their limited resources efficiently, and important safety issues may go undetected.”

## From the Administration

**4/24/18** – EPA [announced](#) the availability of grant funding to modernize the nation’s diesel fleet by retrofitting or replacing vehicles with cleaner, more efficient diesel engines. EPA anticipates awarding approximately \$40 million in [Diesel Emission Reduction Program \(DERA\)](#) grant funding to eligible applicants, subject to the availability of funds.

**4/20/18** – FHWA [published](#) a Notice of Funding Opportunity for states, cities and other agencies to compete for \$60 million in [Advanced Transportation and Congestion Management Technologies Deployment Program \(ATCMTD\) grants](#) to fund new technologies that improve transportation efficiency and safety. The ATCMTD program works to improve the performance of U.S. transportation systems, reduce traffic congestion and improve the safety of the traveling public. State departments of transportation, local governments, transit agencies, metropolitan planning organizations and other eligible entities are invited to apply under the program. The

program has provided \$110 million to 18 projects in 13 states in 2016 and 2017.

**4/13/18** – FHWA [reported](#) in its latest “Traffic Volume Trends” monthly report that travel on all roads and streets grew by 0.4 percent in January, or 900 million vehicle miles, compared with January 2017. The agency estimated traffic volume for January at 245.5 billion vehicle miles. That followed a 1.2 percent rise in traffic volume for all of 2017, which made last year the third straight in which traffic set new all-time highs.

**4/10/18** – The president signed an [EO](#) directing federal agencies to review agency rules and guidance on work for the assistance programs they administer and submit a report to the president within 90 days on “what they can do to get Americans back to work.”

**4/9/18** – FTA awarded \$95.62 million in grants to three projects—for expansions of bus rapid transit systems in [Everett, Wash.](#), and [Kansas City, Mo.](#), and for a commuter rail line extension in the [San Francisco Bay area](#).

## From the Courts

**3/27/18** – The D.C. U.S. Circuit Court of Appeals [rejected](#) an argument that the FAA ran afoul of federal consultation laws when altering departure routes in 2013 for flights taking off from Ronald Reagan Washington National Airport. The court found that the plaintiffs did not file suit against regulators within the required 60-day time frame. The agency “remains committed to engaging with the community on other, new agency actions and supporting the DCA Community Noise Working Group to address community noise concerns,” FAA spokesman Gregory Martin said. This decision stands in contrast to a previous ruling where the court threw out flight path changes the FAA had made under the NextGen program around Phoenix Sky Harbor International Airport for other reasons. In this case, the judges found that regulators were clear about when their decision-making process had concluded (and thus could be challenged in court).