Top Stories

2/21/19 – The White House announced it has formally stopped negotiating with California over the Environmental Protection Agency’s (EPA) and the National Highway Traffic Safety Administration’s (NHTSA) proposal to undo the 2012 final rule concerning motor vehicle greenhouse gas emission requirements and fuel economy standards. NCSL wrote to the administration supporting the current greenhouse gas (GHG) requirements but requesting that additional flexibilities be incorporated to help manufacturers remain in compliance with the 2012 rule. A final rule undoing the 2012 rule and instituting a new set of GHG requirements and fuel economy standards is expected to be released later this year.

2/19/19 – Five new companies, including Apple, submitted their autonomous vehicle Voluntary Safety Self-Assessment to the National Highway Traffic Safety Administration. These reports remain both voluntary and without a required structure, although they do provide outside groups, such as states and localities with additional information about the companies’ self-driving vehicles and technology.

2/14/19 – The Pipeline and Hazardous Materials Safety Administration issued a final rule requiring railroads to develop and submit oil spill response plans for certain trains carrying crude oil. Specifically, High Hazard Flammable Trains carrying petroleum in a block of 20 or more loaded tank cars or trains, which have a total of 35 loaded oil tank cars will be subject to the new regulation. The new planning requirements will include ensuring that personnel and equipment are staged and prepared in case of an accident, identifying the individual responsible for different geographic zones, and providing information about the trains to state and tribal emergency response officials.

2/14/19 – Congress approved a $328 billion fiscal year 2019 appropriations bill, 300-128 in the House and 83-16 in the Senate, which includes funding through Sept. 30 for the nine appropriations bills that were affected by the partial-government shutdown. Within those nine appropriations bills is funding for four of the major federal departments—Department of Transportation (DOT), the U.S. Department of Agriculture (USDA), the Department of Interior (DOI), and EPA—covered by NCSL’s Natural Resources and Infrastructure (NRI) Committee. Overall, DOT would receive $26.5 billion in discretionary funding, approximately $750 million below FY 2018. However, this still represents $8 billion above FY 2017 levels due to an influx of general funds specifically for infrastructure that was included in the two year 2018 budget agreement. Much of the additional highway funding is allocated to the Surface Transportation Block Grant Program, which provides broad flexibility to states for allowable projects. The Federal Aviation Administration is funded at approximately $17.5 billion, $550 million below FY 2018, but well above FY 2017. This includes 3.85 billion for the Airport Improvement Program. Amtrak was allocated $1.94 billion, including $650 million for Northeast Corridor grants and $1.29 billion for the national network. Non-funding provisions important to states include a provision extending livestock and insect carriers’ exemption from electronic logging device requirements. For a full summary of the area’s under NRI jurisdiction, please read NCSL’s Info Alert.

2/12/19 – The Federal Highway Administration awarded $10.2 million in Surface Transportation System Funding Alternatives Program grants to seven state departments of transportation (DOT). The program aims to test “new ways” to finance highway and bridge projects. The grants to state DOTs from
California, Delaware, Minnesota, Missouri, New Hampshire, Oregon, and Utah will allow them to “investigate and evaluate various mileage-based and road-user charges, including for trucks and automated vehicles, and the implementation and operation of the technologies at a regional level.” Two of the awards—Delaware and Oregon—are funds for regional initiatives. The grant to Delaware supports the I-95 Corridor Coalition, with the Delaware DOT as the lead entity. The grant to Oregon will help support the Western Road User Charge Consortium; a group made up of 11 states that is also testing whether a pay-by-mile system can effectively replace fuel taxes.

2/7/19 – Representative Alexandria Ocasio-Cortez (D-N.Y.) and Senator Ed Markey (D-Mass.) released the “Green New Deal” resolution. The non-binding resolution calls for a 10-year mobilization to move the country towards achieving net-zero greenhouse gas emissions, creating jobs, providing for a just transition, securing clean air and water and affordable housing that involves significant investments across a range of industries, including energy, transportation and manufacturing. Although the resolution calls for 100 percent “clean, renewable, or zero-emission energy sources,” the resolution does not ban fossil fuel development. It calls on the government to work with farmers and ranchers to remove pollution from the agricultural sector. The preamble establishes that there are two crises, a climate crisis and an economic crisis of wage stagnation and growing inequality, and that the resolution can address both. The resolution is highly unlikely to be approved by Congress.

2/5/19 – DOT’s Federal Highway Administration (FHWA) announced more than $705.7 million in Emergency Relief (ER) funds to help 34 states, as well as American Samoa, Puerto Rico, and the U.S. Virgin Islands, make repairs to roads and bridges damaged by storms, floods and other unexpected events. FHWA’s ER program reimburses states, territories, and federal land management agencies for eligible expenses associated with damage from natural disasters or other emergency situations. The funds help to pay for the reconstruction or replacement of damaged highways and bridges along with the arrangement of detours and replacement of guardrails or other damaged safety devices. More than a fifth of the total amount provided today—about $153 million—will be used to pay for repairs to damage caused by Hurricanes Harvey, Irma, and Maria. There are also funds directed towards other severe weather recovery efforts, including the wildfires in California.

2/4/19 – The National Transportation Safety Board (NTSB) issued its 2019 Most Wanted List of Transportation Safety Improvements. Topping the list were eliminating distractions, ending alcohol and drug impairment and reducing fatigue related accidents, among others. NTSB investigates serious transportation accidents and issues recommendations to improve transportation safety.

1/31/19 – President Donald Trump signed an executive order encouraging federal agencies to require, as currently permissible by existing law, the use of more American-made iron and aluminum as well as steel, cement, and other manufactured products in any infrastructure projects receiving federal financial assistance which primarily consists of loans, loan guarantees and federal grants.

1/28/19 – The Congressional Budget Office reported a new analysis that without a legislative update, the Highway Trust Fund’s transit account will remain solvent until 2021, while the highway account will stay solvent until sometime in 2022. The current federal surface transportation authorization expires in September 2020.

From Congress

2/8/19 – House Transportation and Infrastructure Chairman Peter Defazio (D-Ore.) and House Aviation Subcommittee Chairman Rick Larsen (D-Wash.) introduced a bill to authorize the Federal Aviation Administration (FAA) to make use of revenues stored in the Airport and Airway Trust Fund to pay FAA employees during a federal government shutdown. One often cited impact of the government shutdown earlier this year was that FAA air traffic controllers were required to work while not getting paid.

2/6/19 – Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) introduced a bill to end federal electric
vehicle tax credits, which are provided to the first 200,000 purchasers of a manufacture’s electric vehicles. This tax credit is available until 200,000 qualified electric vehicles have been sold in the United States by each manufacturer, at which point the credit begins to phase out for that manufacturer.

Additionally, the bill would impose a federal highway user fee on alternative fuel vehicles, to be collected with the user's tax return and deposited into the Highway Trust Fund. Twenty-one states have imposed some type of fee on electric and hybrid vehicles. While a companion version was introduced in the House, it stands little chance of advancing.

2/5/19 – On a party-line vote, the Senate Environment and Public Works Committee approved Andrew Wheeler’s nomination to be EPA administrator, 11-10. He is currently serving as acting administrator after being confirmed as deputy administrator in 2017.

From the Administration

2/20/19 – The National Aeronautics and Space Administration (NASA) picked the Lone Star UAS Center for Excellence & Innovation and the Nevada Institute for Autonomous Systems to hold demonstrations of the agency’s drone traffic management system. The testing is slated for March and June in Reno, Nev., and July and August in Corpus Christi, Texas. NASA is trying to "help the commercial drone industry understand the challenges posed by flying in an urban environment," according to a release. "Results of the flight demonstrations also will help inform future rules, policies and traffic management procedures for operating drones safely over populated areas."

2/20/19 – The White House issued a new report on national aviation security, which warned that the U.S. aviation system is now potentially more vulnerable to hacks and other attacks due to its growing reliance on radio frequency and spectrum. Specifically, the report states that "as the air navigation system moves away from traditional land-based navigation systems to rely on space-based technologies such as GPS, the aviation ecosystem may become more vulnerable to purposeful interference.” It recommends the enactment of certain protective measures that could include physical and technical barriers to prevent radio jamming and spoofing. The report also highlights the potential for drones to be used for irresponsible or malicious activities, including interfering with aircraft and smuggling drugs.

2/11/19 – DOT’s Federal Transit Administration (FTA) announced the opportunity to apply for approximately $30 million in competitive grant funding for passenger ferry projects nationwide. The Passenger Ferry Grant Program is aimed at supporting ferry service on many of the nation’s waterways, and helps to repair and modernize ferry boats, terminals, and related facilities. The application period will close on April 15, 2019.

2/7/19 – FHWA published a final rule implementing regulations for provisions in the Fixing America’s Surface Transportation Act requiring states to implement laws related to open containers and intoxicated drivers.