



Top Stories

3/22/2016—The Federal Highway Administration (FHWA) formally [released](#) the [Notice of Funding Opportunity](#) for the Surface Transportation System Funding Alternatives (STSFA), a new program that was included in last year's Fixing America's Surface Transportation (FAST) Act. The program provides funding to states to help them develop alternatives to the gas tax that will utilize a user fee structure to help fund the nation's systems of highways, roads, bridges and mass transit through the Federal Highway Trust Fund (HTF). The competitive grant program will provide a total of \$15 million to states in 2016 and \$20 million per year thereafter, through 2020. In the Congressional Budget Office's [January budget forecast](#), revenues from the federal gasoline tax are projected to decline by 18.3 percent over the next decade, yielding just \$20.6 billion in Fiscal Year (FY) 2026 compared to \$25.2 billion in FY 2016. For additional information on how a state can apply for funding, please see [NCSL.org](#).



3/21/2016—The U.S. House of Representatives approved [H.R. 4721](#), a short-term extension of authorization for the Federal Aviation Administration (FAA) through July 15. The Senate approved the bill the week before. Without passage of the extension, authorization for the FAA would have expired at the end March. In the Senate, the Commerce, Science and Transportation Committee [approved](#) a two-year reauthorization for the FAA on March 16 and it is expected to be on the Senate

floor in April. [NCSL issued a letter highlighting our significant concerns](#) over language in the bill that would preempt states from enacting or enforcing legislation on unmanned aerial systems (UAS). The language would also undo the work of 26 states that have already enacted legislation pertaining to the use of UAS and only serve to exacerbate the uncertainty of this technology. In the other chamber, the House Transportation and Infrastructure Committee [approved](#) a six-year reauthorization in February. The House version does not

include drone preemption language. However, a number of lawmakers in both parties have expressed concerns over language in the bill that seeks to privatize air traffic control operations away from FAA. There is currently no floor vote scheduled and it remains unclear when, if it all, such a vote would take place. NCSL has sent a [letter](#) to the committee leaders regarding our concerns with the bill including the section preempting states on intrastate transportation

matters, its lack of an increase in the Passenger Facility Charge as well as our hope that the State Block Grant Program is increased to allow all states to participate.

From the Administration

3/17/2016—The Federal Transit Agency (FTA) [announced](#) a final rule to strengthen states' authorities to prevent and mitigate accidents on rail transit systems as directed by provisions in The *Moving Ahead for Progress in the 21st Century Act* (MAP-21), which was signed into law in 2012. The rule allows states to assume greater responsibility for

overseeing the safety of their rail fixed guideway systems but FTA could impose financial penalties on those states with non-existent or non-compliant safety oversight programs.

3/15/2016—FHWA [published](#) a final rule implementing MAP-21 changes to the Highway Safety Improvement Program (HSIP), including the removal of a state transparency report requirement, the High Risk Rural Road set-aside and a flexibility provision for states to use safety funding. FHWA also [published](#) a final rule establishing safety-performance measures for states to use in carrying out the HSIP, including the number of fatalities and serious injuries on public roads, both overall and rate per mile traveled.

3/15/2016—The Federal Railroad Administration (FRA) [published a proposed rule](#) establishing minimum requirements for the size of train crew staffs depending on the type of operation. A minimum requirement of two crewmembers is proposed for all railroad operations, with exceptions proposed for those operations that FRA believes do not pose significant safety risks to railroad employees, the general public, and the environment by using fewer than two-person crews. This proposed rule would also establish minimum requirements for the roles and responsibilities of the second train crewmember on a moving train. Public comments on the proposal will be accepted until May 16.

3/11/2016—FRA is [soliciting proposals](#) to finance, design, construct, operate, and maintain a high-speed rail system, in accordance with the FAST Act. Though the proposals may be reviewed and developed by the Department of Transportation (DOT), the FAST Act did not provide funding for implementation of high-speed rail.

3/2/2016—U.S. Department of Transportation Secretary Anthony Foxx [announced](#) a final rule that explicitly bans the use of electronic cigarettes on commercial flights. The final rule applies to all scheduled flights of U.S. and foreign carriers involving transportation in, to, and from the U.S. The rule clarifies that the DOT's airline smoking rule prohibits the use of electronic cigarettes and similar products in addition to the existing prohibition on the smoking of tobacco products.

2/29/2016—DOT released [instructions](#) for states to begin drawing down National Highway Freight Program (NHFP) funds. Under NHFP, each state [receives](#) money in proportion to the amount of funds it will receive compared to other states under all formula apportioned programs. For example, if a state receives 4 percent of federal-aid formula funding, the state will receive 4 percent of the NHFP funding. However, [DOT also noted](#) that beginning two years after the date of enactment of the FAST Act, a state may not obligate NHFP funds unless the state has developed a freight plan which demonstrates how the funds will be used and matched, and include a fiscally constrained list of projects prioritized for investment.

2/22/2016—FHWA issued a [new order](#) providing specific details for any state or locality wishing to apply for emergency relief funds after a major storm or other event damages federal-aid roads and bridges in order to ensure the effective use of limited funding for eligible projects to restore federal-aid roads and bridges after a qualified event.

Other News Items

2/24/2016—The DOT Inspector General (IG) issued a [report](#) noting that federal railroad officials have "no overall understanding" of the risks posed by crude oil train traffic. Additionally, the IG noted that due to a focus on regional oil tank car hazards, regulators cannot be sure that the regions consider all appropriate risk factors.

NCSL Resources

The NRI Committee is pleased to present its [2016 Spring Webinar Series](#) with topics ranging from rural broadband to water infrastructure to GMO labeling. Webinars will be occurring every other Thursday from April 14-June 23. Check our [website](#) for more information and to register.