



## San Bernardino Associated Governments

1170 W. 3rd Street, 2nd Fl, San Bernardino, CA 92410  
Phone: (909) 884-8276 Fax: (909) 885-4407  
Web: www.sanbag.ca.gov



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•San Bernardino County Transportation Commission •San Bernardino County Transportation Authority  
•San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies

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## Support Material for Agenda Item No. 16

### Board of Directors

November 2, 2016

10:15 a.m.

Location:

San Bernardino Associated Governments  
Santa Fe Depot- SANBAG Lobby 1<sup>st</sup> Floor  
1170 W. 3<sup>rd</sup> Street, San Bernardino, California 92410

## Discussion Calendar

### Council of Governments

#### 16. 2016 State and Federal Advocacy Presentations

Receive and file the 2016 Legislative review presented by SANBAG's State and Federal Advocacy Consultants.

*The Powerpoint presentation is attached.*

# San Bernardino Associated Governments

*November 2016*

Lauri Hettinger | Leslie Pollner

# Election Outlook

- » **34 U.S. Senators are up for re-election (10 Democrats & 24 Republicans)**
  - Open seats of those up for re-election: 5 (3 Democrats & 2 Republicans)
  - Vulnerable Senate seats: Mark Kirk (R-IL); Ron Johnson (R-WI); Kelly Ayotte (R-NH); Pat Toomey (R-PA); Richard Burr (R-NC); Roy Blunt (R-MO)
  - Democrats currently have 46 seats (includes 2 Independents that caucus with them). Need 4 or 5 seats to take back the Majority
  
- » **New Leadership/Committee Chairs if Democrats retake the Senate**  
*(italics indicate tentative prediction):*
  - Senator Chuck Schumer (NY) – Majority Leader
  - *Senator Dick Durbin (IL) or Senator Patty Murray (WA) – Majority Whip*

# Election Outlook (Cont.)

» **If Democrats retake the Senate (Cont.)** (*italics signal tentative prediction*):

- Senator Tom Carper (DE) – Chair of Environment and Public Works (EPW) Committee
- *Senator Jon Tester (MT), Senator Patrick Leahy (VT), or Senator Patty Murray (WA) – Chair of Appropriations Committee*
- Senator Sherrod Brown (OH) – Chair of Banking, Housing, and Urban Affairs Committee
- Senator Bill Nelson (FL) – Chair of Commerce, Science, and Transportation Committee
- Senator Maria Cantwell (WA) – Chair of Energy and Natural Resources Committee
- *Senator Patty Murray (WA) or Senator Bernie Sanders (VT) – Chair of Health, Education, Labor & Pensions Committee*
- *Senator Patrick Leahy (VT) or Senator Dianne Feinstein (CA) – Chair of Judiciary Committee*

» **New Leadership/Committee Chairs if Republicans keep the Senate** (due to term limits):

- Senator John Barrasso (WY) – Chair of Environment and Public Works (EPW) Committee
- Senator Mike Crapo (ID) – Chair of Banking, Housing, and Urban Affairs Committee

# Election Outlook (Cont.)

## » House of Representatives

- Republicans are expected to hold on to the majority in the House. 218 seats are needed to reach a majority. Republicans currently hold 246 seats.
- According to *National Journal*, 19 seats are considered toss ups:

### 17 Republicans

Denham (CA-10)	Garrett (NJ-05)
Knight (CA-25)	Comstock (VA-10)
Issa (CA-49)	Hurd (TX-23)
Coffman (CO-06)	OPEN SEAT (MN-02)
Mica (FL-07)	OPEN SEAT (NV-03)
Curbelo (FL-26)	OPEN SEAT (NY-19)
Dold (IL-10)	OPEN SEAT (NY-22)
Blum (IA-01)	OPEN SEAT (PA-08)
Poliquin (ME-02)	

### 2 Democrats

Ashford (NE-02)
OPEN SEAT (FL-18)

# Lame Duck Session Overview

- » Before leaving for the election recess, the House and Senate passed a continuing resolution (CR) to maintain current year funding levels for the government until December 9<sup>th</sup>. This year's CR also included funding to address the Zika virus and the opioid epidemic.
- » The House and Senate will be in recess until after the elections on November 8. Lawmakers will return to Washington, D.C. on November 14, which will begin the lame duck session.
- » The lame duck session includes 16 legislative days in the House and 20 legislative days in the Senate. Current adjournment is tentatively scheduled for December 16, 2016.
- » The last day of the 114<sup>th</sup> Congress is on January 3, 2017.

# Potential Lame Duck Issues

- » **End-of-the-Year Spending Bill:** This could be in the form of one large omnibus, encompassing every individual appropriations bill, or it could be smaller minibuses, which would require Congress to pass separate groups of appropriations bills.
- » **Water Resources Development Act (WRDA):** Passed by the Senate on September 15, and the House passed their version of WRDA on September 28. The bill will now go to conference, and conference report will likely receive a vote during the lame duck.
- » **International trade:** Vote on Trans-Pacific Partnership (TTP).

## Potential Lame Duck Issues (Cont.)

- » **21<sup>st</sup> Century Cures Act:** Aims to speed up the development of medical cures. The House passed its version of the bill in 2015, and a Senate panel passed 19 related bills earlier this year. House and Senate must resolve several differences in the bill, including how to pay for the billions of dollars in new spending for the National Institutes of Health (NIH). Leaders of both chambers hope to pass this legislation.
- » **Mental health reform:** Consideration of the Mental Health Reform Act of 2015.
- » **Criminal justice reform:** Sentencing Reform and Corrections Act of 2015.

# Transportation Funding During the Lame Duck Session

## » Latest Action:

- The House and Senate THUD spending bills will be included in the end-of-the-year appropriations package. The House and Senate Appropriations Committees will conference the two bills before it is included in an omnibus or minibus.

## » Senate THUD Highlights:

- Passed by full Senate by vote of 89-8 on May 19.
- TIGER: \$525 million - \$25 million increase over FY 2016 levels
  - Maximum grant size is \$25 million, was \$100 million in FY 2016
  - Rural set-aside is increased from 20% in FY 2016 to 30% in FY 2017

# Transportation Funding During the Lame Duck Session (Cont.)

## » **Senate THUD Highlights (Cont.):**

- Federal-aid Highways: \$43.266 billion, same as FAST Act authorization – 2% increase over FY 2016 levels
- Capital Investment Grants: \$2.3 billion - \$123 million over FY 2016
  - Small Starts: \$240.8 million - \$112 million below FY 2016 levels
- Transit Formula Grants: \$9.7 billion, same as FAST Act authorization - \$400 million over FY 2016 levels
- Consolidated Rail Infrastructure and Safety Improvement program: \$50 million – FAST Act authorized \$190 million
- Positive Train Control Grants: \$199 million, same as FAST Act authorization

# Transportation Funding During the Lame Duck Session (Cont.)

## » House THUD Highlights:

- Approved by House Appropriations Committee on May 24, 2016.
- TIGER: \$450 million - \$50 million decrease from FY 2016 levels and \$800 million below the President's request
  - Maximum grant size is \$100 million, consistent with FY 2016.
  - Rural set-aside is set at 20% of funds, which is consistent with FY 2016 levels.
- Federal-aid Highways: \$43.266 billion, same as FAST Act authorization – 2% increase over FY 2016 levels

# Transportation Funding During the Lame Duck Session (Cont.)

## » House THUD Highlights (Cont.):

- Capital Investment Grants: \$2.5 billion - \$125 million over FY 2016 levels
  - Small Starts/Core Capacity: \$407.8 million for ten new projects - \$55 million above FY 2016 levels
- Transit Formula Grants: \$10.8 billion, same as FAST Act authorization – more than \$400 million over FY 2016 levels
- Consolidated Rail Infrastructure and Safety Improvement program: \$25 million – FAST Act authorized \$190 million
- Positive Train Control Grants: \$199 million, same as FAST Act authorization

# 2016 Key Accomplishments

## » **Transportation Investment Generating Economic Recovery (TIGER) Grants**

- Secured an \$8.7 million TIGER grant for the Redlands Passenger Rail Project. The DOT received 620 eligible applications for this funding, and chose only 40 projects.
- H&K arranged a debrief after a previously unsuccessful grant application, reviewed this year's application, coordinated congressional letters of support, and arranged a call between Rep. Aguilar and DOT Secretary Foxx to highlight the project.

## » **Transportation Infrastructure Finance and Innovation Act (TIFIA) Assistance**

- H&K provided assistance throughout the TIFIA process for the I-10 project, including drafting the Letter of Interest, scheduling key meetings with DOT staff, and briefing congressional staff.

# 2016 Key Accomplishments (Cont.)

## » **2016 FASTLANE Grant**

- In the selection process, SANBAG's application for the I-10 Corridor project made it to the Secretary's desk for consideration.
- H&K reviewed the project and coordinated congressional letters of support. Recently, H&K arranged a debrief with DOT. Will work with SANBAG next year to draft a successful application.

## » **Fixing America's Surface Transportation (FAST) Act**

- Signed into law on December 4, 2015.
- Five-year authorization of the federal surface transportation programs, including federal-aid highway system, transit, and freight programs.

# 2016 Key Accomplishments (Cont.)

## » Fixing America's Surface Transportation (FAST) Act (Cont.)

- H&K Assisted in Securing SANBAG's priorities in the bill:
  - Increased funding for the highway and transit programs.
  - For the first time, DOT will provide funding for freight projects through the National Highway Freight Formula program and a \$4.5 billion FASTLANE Freight Grant Program (important for I-10 Corridor Project).
  - Modifications to eligibility for Small Starts projects, raising the total capital cost to \$300 million (important for Redlands Passenger Rail project).
  - Continuation of the TIFIA program and requires DOT to expedite the application process (important for the I-10 Express Toll Lanes Project).

# 2016 Key Accomplishments (Cont.)

## » **Fixing America's Surface Transportation (FAST) Act (Cont.)**

- H&K Assisted in Securing (Cont.):
  - Increased funding for the Railway-Highway Grade Crossings Program.
  - Provision to allow Surface Transportation Program (STP) funding to be used as matching local funds for Capital Investment Grants.
  - Continued flexibility on the use of Congestion Mitigation and Air Quality Improvement (CMAQ) funds.

## » **Meetings**

- H&K has worked to increase SANBAG's profile on Capitol Hill and in the Executive Branch in areas including freight/goods movement, jobs and transit linkages, and positive train control (PTC).

# 2016 Key Accomplishments (Cont.)

## » Meetings (Cont.)

- H&K has organized meetings for SANBAG with:
  - DOT Secretary Anthony Foxx
  - Senators Feinstein and Boxer's Senior Staff
  - Senate EPW Committee Senior Staff
  - Acting FTA Administrator Carolyn Flowers
  - Senior DOT officials to discuss TIGER, FASTLANE, TIFIA applications
  - Reps. Cook, Aguilar, and Torres
  - Rep. Curbelo (R-FL) – House T&I Committee Member
- H&K has organized and hosted briefings for key partners, such as:
  - Mobility – 21
  - Inland Action

- » **Infrastructure Package**
  
- » **Additional Funding Opportunities – Grants and Appropriations**
  - FY 2017 FASTLANE (Round 2)
    - \$850 million available for freight/goods movement projects.
  
    - Applications due on December 15, 2016.

# Looking Ahead (Cont.)

## » **FAA Reauthorization – Fuel Tax**

- In July, Congress passed a 14-month short-term funding extension for the FAA. When Congress considers the FAA reauthorization bill next year, H&K will work with SANBAG to devise a strategy to correct this FAA fuel tax ruling.

## » **Opportunities to Showcase SANBAG:**

- Testify before congressional committees
- Bring members of Congress/staff back to the region
- Work to build relationship with new Senator (likely Kamala Harris) and new Administration

# Looking Ahead (Cont.)

## » Opportunities to Showcase SANBAG (Cont.):

- Host Roundtables in District
- Build coalitions with other COGs and transportation agencies outside of CA (goods movement, ozone)



**Thank You**