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Time is getting short for reaching a long-term plan on the Highway bill - Conference conferees announced

The House has announced members of the Conference Committee (with the Senate) who will work on details of the Surface Transportation Bill. With Congress leaving for a week long recess starting April 27 - the earliest the Conference Committee could meet would be May 7th. This process will take some time. This report presents a status of the bill including the new House Conference Committee Assignments.

Congress (House and Senate) recently passed a three-month extension on the current federal highway program - known as the Surface Transportation Program because it includes funding for rail to trails, highways, railroads, and even some waterway and harbor projects.

History: The recently approved three-month extension of the federal highway program is the NINTH extension since the last surface transportation bill expired in September 2009. With less than 32 days of Congressional time left this year - before fall recess - is there time?

The House and Senate are very far apart on their Surface Transportation Bill. The House is looking at a 5-year \$260 billion bill - the Senate a 2-year \$109 billion bill. The real question many are asking is whether Speaker John Boehner will be able to deliver the needed votes. If he can't deliver, another extension will be necessary and that will in all likelihood push the bill into the next Congress.

If this bill gets pushed into the August recess, most transportation analysts are pessimistic of passage even though there are eight months left in the year due to the election year.

The Senate version does include captive shipper provisions that are helpful although not everything captive shippers wanted.

Underlying both of these bills is a push to increase the federal fuel tax. But with the high fuel prices the timing of this push is up in the air.

If the Congress opts for a two-year plan, look for a tax hike to be front and center in the next year. The problem is that the current spending cannot be maintained without increasing tax revenues. The current level of 18.4 cents/gallon has not been increased since 1993 which is the only option being floated to increase revenue levels.

While this act does provide a great number of jobs, the term 'job acts' has not sold well in the House.

There is talk on the House side that they might follow the Senate lead and create a "shell" bill which would send the funding measures in the bill to a House/Senate Conference and leave the scale of the bill to be worked out later.

The House has always held the view, especially with surface transportation bills of the past, that they are the body that writes the bill. This didn't happen this time but look for the House Conferees to push House views.

One of the most interesting aspects of transportation bills in the past has been that they are one of the largest sources of earmarked bills. That is why the House Transportation and Infrastructure Committee has been one of the largest committees in the House. It is reported that Rep. Mike Rogers (R-AL) introduced the idea of bringing back pork in this bill, and it was taken up in a closed committee meeting in March and was received well.

Bottom line - the Senate and House are still very far apart in several areas - scope, amount funded, line items, etc. They are moving towards a conference (see below). Also look for an ever more partisan Congress as the year progresses.

Latest Update: The Senate substituted the content of their Senate-passed Surface Transportation Bill, S.1813, for the content of the House-passed Surface Transportation Bill, H.R.4348 and sent H.R.4348 to a conference with the House.

Senate conferees on the Surface Transportation Bill will be:

Democrats

Senator	Boxer	(CA)
Senator	Baucus	(MT)
Senator	Rockefeller	(WV)
Senator	Durbin	(IL)
Senator	Johnson	(SD)
Senator	Schumer	(NY)
Senator	Nelson	(FL)
Senator	Menendez	(NJ)

Republicans

Senator	Inhofe	(OK)
Senator	Vitter	(LA)
Senator	Hatch	(UT)
Senator	Shelby	(AL)
Senator	Hutchison	(TX)
Senator	Hoeven	(ND)

House conferees on the Surface Transportation Bill will be:

Republican Conferees

Cong. Mica (FL)
Cong. Young (AK)
Cong. Duncan (TN)
Cong. Shuster (PA)
Cong. Capito (WV)
Cong. Crawford (AR)
Cong. Beutler (WA)
Cong. Bucshon (IN)
Cong. Hanna (NY)
Cong. Southerland (FL)
Cong. Lankford (OK)
Cong. Ribble (WI)
Cong. Camp (MI)
Cong. Tiberi (OH)
Cong. Hastings (WA)
Cong. Bishop (UT)
Cong. Hall (TX)
Cong. Cravaack (MN)
Cong. Upton (MI)
Cong. Whitfield (KY)

Democratic Conferees

Cong. DeFazio (OR)
Cong. Rahall (WV)
Cong. Costello (IL)
Del. Holmes (DC)
Cong. Nadler (NY)
Cong. Brown (FL)
Cong. Cummings (MD)
Cong. Boswell (IA)
Cong. Bishop (NY)
Cong. Blumenauer (OR)
Cong. Markey (MA)
Cong. Johnson (TX)
Cong. Waxman (CA)

While the surface transportation bill is now in conference, there are many major differences between the House and Senate bills that must be resolved. It is not yet clear that there will be final surface transportation legislation this year, but this is a positive sign that the House and Senate bills have been sent to conference.

Remember that there are several rail customer provisions in the Senate version of the legislation, S.1813, that were negotiated into the package by Senators Rockefeller (WV) and Hutchison (TX), both of whom are conferees on the legislation:

Section 36402 - STB must post a report on the progress of pending formal and informal complaints every three months;

Section 36403 - Maximum relief in "simplified" rate procedures increased to \$1.5 million in "three benchmark" cases and to \$10 million for "simplified stand alone cost" cases; the STB also is directed to periodically review and revise maximum relief levels;

Section 36404 - establishes time lines for rate cases;

Section 36405 - within 180 days of enactment, the STB must initiate a study to provide further guidance on how it will apply its revenue adequacy pricing constraint;

Section 36406 - starting 60 days after enactment, the STB must provide quarterly reports to the Senate Commerce, Science and Transportation Committee and the House Transportation and Infrastructure Committee on status of unfinished regulatory proceedings; and

Section 36407 - within 180 days of enactment, STB must consult with the Office of Personnel Management regarding the STB workforce: size and deployment.