

FAST Act – House and Senate Freight Provisions

Freight Provisions	DRIVE ACT (H.R. 22) Senate As passed by the Senate 65 to 34	Surface Transportation Reauthorization and Reform Act of 2015 – House	Proposed Support	FAST Act (HR 22) Conference Report
<p>Formula Funding for Freight (smaller and midsize projects)</p> <p>State Formula and Block Grant Funds</p>	<p>Approved \$11.650 billion apportioned* funding to establish a national freight program. States allowed to use up to 10% for multimodal projects within the boundaries of public and private freight rail, water facilities (including ports) and intermodal facilities.</p> <p>*This is HTF so eligible project categories are going to be focused on highways, most of which would presumably be on state freight plans. There is a list of eligible project types. After 2 years, states would have to have established a freight advisory committee and a freight plan in accordance with Sec. 5406 title 49 (highway) to receive apportioned funding (ports are eligible).</p>	<p>State funds are sent as a block grant for flexibility to the states. States can fund projects to facilitate direct multimodal interchanges, transfers and access into and out of port terminals.</p>	<p>Support Senate version</p>	<p>\$6.3 billion (\$5.35 billion less than Senate version) apportioned* funding to establish a national freight program. States allowed to use up to 10% for multimodal projects within the boundaries of public and private freight rail, water facilities (including ports) and intermodal facilities. This is HTF so eligible projects focused on highways, most of which would presumably be on state freight plans. There is a list of eligible project types. After 2 years, states would have a state freight plan in accordance with Sec. 5406 title 49 (highway) to receive apportioned funding (ports are eligible).</p> <p>Also, includes the House Surface Transportation Block Grant Program: state funds are sent as a block grant for flexibility to the states – same as STP eligibility</p> <p>*Apportionment is the distribution of funds using a formula provided in law.</p>

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<p>Larger Projects – Projects with regional or national significance</p>	<p>\$2.1 billion Assistance for Major Projects Program (AMPP), 20% cap for multimodal projects and funded through contract authority. Surface transportation authorization laws create contract authority (CA) which is a budget authority that can be obligated in advance of appropriations. Has project minimum of \$350 million. Not more than 20% of annual funds can be awarded to projects in a single state. Not less than 20% made available in a single year shall be made available to rural projects.</p> <p>EPW staff has modeled the AMPPs approach on PNRS, to fund large projects that formula funds cannot easily access. The thinking was that it is easier to spend CA than to appropriate PNRS funding. PNRS has never been appropriated (ports are eligible).</p>	<p>\$4.5 billion in grant funding for nationally significant freight and highway projects. Port authorities are eligible for this funding.</p> <p>Authorized amounts include</p> <ul style="list-style-type: none"> • \$725 million for FY 2016, • \$735 million for FY 2017, and • \$750 million for each year FY 2018-2021 <p>Project cost is \$100 million</p> <p>10% set aside (\$450 million) for smaller projects for at least \$5 million – have to be highway eligible</p>	<p>Support House version of larger project program</p> <p>Recommend expanded highway only eligibility to include intermodal projects in the smaller set aside (\$450 million) program.</p>	<p>\$4.5 billion in grant funding for nationally significant freight and highway projects. Port authorities are eligible for this funding. Minimum grant amount is \$25 million and project costs of \$100 million.</p> <p>Authorized amounts include</p> <ul style="list-style-type: none"> • \$800 million for FY 2016, • \$850 million for FY 2017, • \$900 million for FY 2018, • \$950 million for FY 2019, and • \$1 billion for FY 2020 <p>\$500 million aggregate funding for multimodal projects</p> <p>10% set aside (\$450 million) for smaller projects for at least \$5 million, with multimodal eligibility</p> <p>\$500 million for multimodal projects (ports are eligible)</p> <p>25% of total funds for rural grants</p> <p>60% federal share</p>

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Multimodal Discretionary Grant Program	Includes Freight Investment Grant Program (\$1.2 billion) \$200 million annual authorization for multimodal discretionary grant program (needs to be appropriated) based on the Cantwell Bill (S. 1680) that would have authorized \$2 billion annually. Grants not less than \$10 million and not greater than \$100 million, rural \$1 million (ports are eligible)	This is part of the nationally significant freight and highway projects program (above). \$500 million for multimodal competitive grant program Project cost: \$100 million	Support the Multimodal Discretionary Grant Program (authorization) in the Senate bill Support the House \$500 million funding program and support raising the cap	Conference report did not include the Multimodal Discretionary Grant Program (authorization) in the Senate bill. Support the House \$500 million multimodal funding program
Planning	Requires State Freight Plans and establishment of freight advisory committees that include representatives of ports, public ports in the Metropolitan Transportation Planning (MPO) and Statewide Transportation Planning.	Requires State Freight Plans to be developed. State freight advisory Committees (not required) include ports	Support the Senate Planning Provisions	Requires State Freight Plans to be developed if States are to access section 167 of Title 23 funds. State freight advisory committees (not required, but encouraged) include ports.
National Freight Plan	National freight plan is to be revised every five years.	Same	Support both Senate and House provisions, include an emphasis on ports	Will be wrapped into the Multimodal Planning/Freight Strategic Plan

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<p>Highway Freight Network</p>	<p>Designation and redesignation of highway freight network, which would require inclusion of National Highway System freight intermodal connectors.</p> <p>Initial designation is 30,000 federal lane miles, redesignations can be up to 5% without federal approval.</p> <p>States can add up to more than 10% of state miles.</p>	<p>41,000 miles with option to allow states to add up to more than 10% of state miles; establish connections from the National Highway Freight Network to critical facilities for the efficient movement of freight, including ports, freight railroads, intermodal facilities, and warehouse and logistics centers.</p>	<p>Support the House provision because of the higher center lane mile total. USDOT is proposing 65,000. We will point to that as a better center line number for the highway freight network. Make sure that intermodal connectors are included.</p>	<p>41,518 center lane miles. Redesignated every 5 years, redesignations can be up to 3% of total miles.</p> <p>States can add up to more than 10% primary highway freight system mileage of state miles.</p> <p>Also, if individual landside/intermodal connectors are not included, they can have states petition, freight advisory committees can weigh in as well.</p> <p>Highway Freight Network to be wrapped into Multimodal Freight Strategic Plan</p>

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<p>Multimodal Planning/Freight Strategic Plan</p>	<p>Requires Intermodal Planning and a Freight Strategic Plan, must be released within 3 years of enactment of the DRIVE Act.</p>	<p>Expands the MAP-21 Freight Strategic Plan to include the multimodal freight network.</p> <p>Limits port inclusion on the freight network to ports handling at least 2 million short tons annually identified by the Waterborne Commerce Statistics Center of the Army Corps of Engineers.</p> <p>Language was included in Manager’s Amendment which would allow more ports to be included if their states choose to include them - ‘(c) OTHER STRATEGIC FREIGHT ASSETS. — <i>may consider strategic freight assets identified by States, including public ports if such ports do not meet the annual tonnage threshold, for inclusion on the National Multimodal Freight Network.</i></p>	<p>Support the Senate version and advocate that all ports should be included on the multimodal Planning/Freight Strategic Plan. Ensure that intermodal connectors are included.</p>	<p>Within 180 days USDOT Under Sec. will establish interim network. Within 1 year of enactment final network will be established, stakeholder input will be requested (including ports).</p> <p>Limits port inclusion on the multimodal freight network to ports handling at least 2 million short tons annually identified by the Waterborne Commerce Statistics Center of the Army Corps of Engineers, however provides a process for states to nominate additional freight resources (including ports).</p>

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Congestion Mitigation and Air Quality Improvement Program (CMAQ)	Legislates and highlights port eligibility, includes a section on port related equipment and vehicles; also includes some of the DERA coalition language that states for areas concerned with PM2.5 priority should be given to projects that result in “direct” emissions reductions.	Includes new language sought by the Diesel Emissions Reduction Act (DERA) coalition, of which AAPA is a member that states that in certain areas where PM2.5 emissions are a concern, priority should be given to projects, including diesel retrofits that are proven to reduce direct emissions of PM2.5. This language was sought to make diesel reduction programs a higher priority within CMAQ.	Support Senate	Legislates and highlights port eligibility, includes a section on port related equipment and vehicles in PM2.5 areas.
Transportation Infrastructure Finance and Innovation Act (TIFIA) Program	\$300 million annually	\$200 million a year (Lower level to pay for the freight program)	Support the TIFIA program and the potential it has to assist port infrastructure projects	Total TIFIA funding for 5 years is \$1.435 billion: <ul style="list-style-type: none"> • \$275 million for FY 2016, • \$275 million for FY 2017, • \$285 million for FY 2018, • \$300 million for FY 2019, and • \$300 million for FY 2020
Port Eligibility	Legislation expands port eligibility to NFP, AMPP, enhances eligibility in CMAQ	Block grant program, highway and freight projects of significance, CMAQ	Highlight the expanded eligibility of ports in surface transportation programs in letter to conferees	Legislation expands port eligibility to NFP, enhances eligibility in CMAQ, block grant program, highway and freight projects of significance.
Freight Office in USDOT	USDOT Under Secretary is responsible for implementing multimodal freight policy	Repealed Office of Intermodalism (sec 6012)	Support Senate	USDOT Under Secretary is responsible for implementing multimodal freight policy.

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Port Performance	<p>Port performance title with metrics</p> <p>Includes the top 25 ports handling containers, bulk and total tonnage</p>	<p>No provision in House bill</p>	<p>Not supportive of legislating metrics, support the intent of the provision of efficient freight movement</p> <p>Advocate that the USDOT Secretary focus on identifying appropriate categories of performance measurement, such as berth/ship, yard, truck gate, and rail yard productivity.</p>	<p>Specific port metrics were stripped from the conference report.</p> <p>The working group will address the metrics (Group has to be formed within 60 days, recommendations within a year).</p> <p>There will be an annual report to Congress (on the metrics when they are agreed upon and data is collected).</p> <p>Added to the working group:</p> <ul style="list-style-type: none"> • Maritime Advisory Committee on Occupational & Health • OSHA • Bureau of Labor Stats • 2 Reps from Longshore Unions
Custom Fee Pay-fors	<p>\$4 billion</p> <p>Indexing customs fees could cost \$400 million a year in potential customs user fee funding.</p>	<p>Ways and Means to markup funding title. It is anticipated that House pay-fors will be similar to Senate's.</p>	<p>Draft letter stating concern that underfunding CBP will impact the freight network. Urge Congress to adequately fund CBP.</p>	<p>Indexing of customs fees included but sent to a customs user fee account that can only be used if appropriated.</p>

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Positive Train Control (PTC)	In Senate bill	House included a three year extension, however, expected to be voted on with the short term transportation bill extension.	AAPA Sent letter of support to House and Senate Leadership	Grants to fund PTC included in final conference report (\$199 million)
Ex-Im Bank Reauthorization	Attached to Senate bill	Separate House vote expected in October	Support reauthorizing Ex-Im Bank	Ex-Im Bank Reauthorization included in conference report
Report on delays in Goods Movement	No provision in Senate bill	Report required on delays in Goods Movement (Sec. 5502)	No position, will follow up with stakeholder groups	Included in final conference report. Similar language was in the administration’s first transportation bill proposal. It is supported by OOIDA. ATA does not see a need, believes the marketplace forces ensure appropriate balance.