

**Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC ABAG Legislation Committee**

October 13, 2023

Agenda Item 2c

Washington D.C. Legislative Update

Subject:

September 2023 Report from Washington, D.C. advocate.

Issues:

None identified.

Recommendations:

Information

Attachments:

- Attachment A: Summit Strategies Team Report – September 2023


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Summit Strategies Team Report – September 2023

From: Summit Strategies Team

To: Andrew B. Fremier, Executive Director

Date: October 5, 2023

Subject: September Federal Policy Monthly Report

- **Government Shutdown Averted**
 - **McCarthy Ousted as Speaker**
 - **Feinstein Passes**
 - **Supporting MTC Priorities in Congress**
 - **Agency Actions and Competitive Grant Update**
 - **National Transportation News Roundup**
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Below is a status update on issues of interest to MTC and the actions that we have taken to date.

Government Shutdown Averted

On Saturday, September 30, 2023, Congress passed a last-minute stopgap funding measure to prevent a government shutdown. The 45-day Continuing Resolution (CR) will give Congress until November 17, 2023 to pass the annual spending bills. The CR came together at the last minute when Speaker of the House Kevin McCarthy (R-CA) agreed to put a “clean” funding measure to a vote. The CR did not include controversial conservative priorities that many House Freedom Caucus members pushed for, including border control measures. However, it did have several necessary measures, including extending the Federal Aviation Administration (FAA) authorities through December 31, 2023, extending the National Flood Insurance Program through November 17, 2023, allowing the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) to maintain operation, allowing the Interior and Agriculture Departments to increase the base salary for federal wildland firefighters, and providing \$16 billion in emergency funding to Federal Emergency Management Agency (FEMA) for the Disaster Relief Fund. However, the CR did not include an extension of the Farm Bill, which has expired.

McCarthy Ousted as Speaker

On Monday, October 2, Representative Matt Gaetz (R-FL) filed a motion to vacate, the latest escalation in his longstanding rivalry with Speaker Kevin McCarthy (R-CA). A motion to vacate allows a single House member to force the Chamber to consider dismissing the speaker. Historically, a motion to vacate has never succeeded. However, on Tuesday, October 3, McCarthy became the first speaker to be removed from his position. Representative Patrick McHenry (R-NC) is now the acting speaker under a succession measure established after September 11, 2001.

The House will now need to elect a new speaker. Following the vote, Representative Kevin McCarthy announced he would not seek the gavel again. Who will replace McCarthy is unknown, but some see Majority Leader Steve Scalise (R-LA) as the likely successor. Representative Jim Jordan (R-OH) has also announced he will run for speaker. With the House now paralyzed, the annual appropriations bills cannot move forward, meaning the federal government is again heading for a shutdown once the stopgap funding measure expires on November 17.

Feinstein Passes

On September 29, 2023, Senator Dianne Feinstein (D-CA) passed, following a storied career as the longest-serving woman senator ever. Senator Feinstein has served as Senator from California since 1992, leading on numerous issues, including gun control, cybersecurity, and more.

California Governor Gavin Newsom appointed Laphonza Butler to replace Feinstein, fulfilling a promise to nominate a Black woman. Senator Butler (D-CA) was confirmed on October 3, 2023. Before joining the Senate, Butler was the president at EMILY's list and worked as a senior strategist on Vice President Kamala Harris's 2020 presidential campaign.

Butler's confirmation throws an already competitive 2024 California Senate race into turmoil. Representatives Katie Porter (D-CA), Adam Schiff (D-CA), and Barbara Lee (D-CA) had already announced they were running for Senate upon Senator Feinstein's retirement. To date, Senator Butler (D-CA) has not announced whether she will run for a full term for the Senate seat. To make matters more complicated, a special election will take place in the coming months to fill the remainder of Feinstein's term, meaning there will be four elections (both primary and general) for the same Senate seat in the next two years.

Supporting MTC Priorities in Congress

On September 15, 2023, the DC Team hosted a virtual briefing with several offices in the Bay Area, including Senator Alex Padilla (D-CA), Representative John Garamendi (D-CA), Representative Mark DeSaulnier (D-CA) and more. During the virtual meeting, MTC briefed the offices on the current state of the transit budget, highlighting the risks of the upcoming fiscal cliff.

On September 21, 2023, the DC Team scheduled several in-person meetings for MTC, including with the offices of Senator Dianne Feinstein (D-CA), Representative Kevin Mullin (D-CA), and the National Oceanic and Atmospheric Administration (NOAA). During the NOAA meeting, MTC mentioned their Letter of Intent (LOI) for the NOAA Climate Resilience Regional Challenge. While NOAA did not comment on the active application, they did mention other funding opportunities that might be of interest to MTC, including the National Coastal Resilience Fund (NCRF).

Agency Actions and Competitive Grant Update

Awards Announced for Rail Improvements

On Monday, September 25, 2023, the U.S. Department of Transportation Federal Railroad Administration (FRA) announced that more than \$1.4 billion in funding was awarded to 70 rail improvement projects in 35 states and Washington, DC, to improve rail safety, strengthen supply chains, and increase passenger rail service. Funding was awarded through the Consolidated Rail Infrastructure and Safety Improvements (CRISI) program. In the latest round of funding, the Sonoma-Marín Area Rail Transit District (SMART) will receive up to \$31,892,394 for the SMART Healdsburg Green Rail Modernization Project. Funding will be used for the replacement of three older, higher emission, freight locomotives with lower emission, Tier 4 Environmental Protection Agency compliant freight locomotives and installation of a Positive Train Control (PTC) system on SMART's corridor between Windsor, CA and Healdsburg, CA. Napa Valley Railroad won up to \$2,058,750 for the California Napa Valley Railroad Locomotive Emissions Improvement Project. The project involves final design and construction activities to replace seven polluting locomotives with three near-zero-emission locomotives. Eligible projects include the deployment of railroad safety technology, capital projects, highway-rail grade crossing improvement projects, rail line relocation and improvement projects, research and development, workforce development, and more. Nearly two-thirds of CRISI funding went to rural communities in the latest round of funding.

National Transportation News Roundup (links to articles)

- [Clipper Fare Payment System to roll out Next Generation model in August 2024 \(Mass Transit\)](#)
- [The Future of Sustainable Cities: A Whole-of-Government Approach to Electric Vehicles \(Governing\)](#)
- [Transportation safety advocates want SF to ban turns on red \(Axios\)](#)
- [FHWA Makes \\$100M Available for EV Charger Repairs \(AASHTO\)](#)
- [Transit Agencies Rethink Schedules for Fewer Commuters \(Governing\)](#)