



SOY TRANSPORTATION COALITION WASHINGTON REPORT



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Legislation

House holds hearing on federal regulation of waters. Congressman Bill Shuster (R-PA), chairman of the House Transportation and Infrastructure Committee, held a hearing this week on “Federal Regulation of Waters: Impacts of Administration Overreach on Local Economies and Job Creation.”

The impact of executive actions that the Obama administration is taking to regulate waters and restrict the development of important energy resources in Pennsylvania and elsewhere around the country was explored.

“The president (recently) published a proposed rule that will dramatically extend the reach of the federal government when it comes to regulating ponds, ditches and other wet areas. This is another example of a disturbing pattern of an imperial presidency that seeks to circumvent Congress,” Schuster said.

Unilaterally broadening the scope of the Clean Water Act and the federal government’s reach into everyday lives will have adverse effects on the economy and jobs, he said. It will increase the likelihood of costly litigation, and restrict the rights landowners and local governments enjoy regarding decision-making on their own lands, he added.

The 110th and 111th Congresses, with strong bipartisan opposition, prevented bills to broaden the reach of the Environmental Protection Agency from moving forward, Shuster said. The EPA recently proposed a rule to clarify which water bodies are subject to federal jurisdiction under the Clean Water Act.

“It is the responsibility of Congress, and not the Administration, to define the scope of jurisdiction under the Clean Water Act,” Shuster said.

House committee examines Corps’ chief’s reports. The Water Resources and Environment Subcommittee, chaired by Congressman Bob Gibbs (R-OH), held two hearings in late April on pending U.S. Army Corps of Engineers Chief’s Reports and Post Authorization Change Reports.

The hearings continued the Transportation and Infrastructure Committee’s oversight of the Army Corps of Engineers as a House and Senate conference committee made progress on the latest Water Resources Reform and Development Act (WRRDA). Congress continues to review proposed submissions from the Obama administration and the Corps. The hearings focused on reports received since the committee’s last review of Corps submissions.

During a hearing on the pending reports, Congressman Bill Shuster (R-PA), chairman of the House Transportation and Infrastructure Committee, said Congress is prepared to re-engage in the development of the nation’s water resources and carry out its role in prioritizing projects and activities carried out by the Army Corps of Engineers. Water resources legislation is supposed to be enacted every two years to provide oversight and policy direction to the Corps of Engineers, but none has been passed since 2007.

"This oversight hearing will be extremely valuable to our work in conference, which we are hopeful is very near to resolution. And once we finish this WRRDA bill, it is critical to get it back on two-year cycles to ensure Congress has a fundamental role in the development of Corps of Engineers projects and in the oversight of the agency," Shuster said.

The U.S. Army Corps of Engineers constructs projects for the purposes of navigation, flood control, beach erosion control and shoreline protection, hydroelectric power, recreation, water supply, environmental protection, restoration and enhancement and fish and wildlife mitigation.

Gibbs said bureaucracy is getting in the way to projects being completed on time and on budget. He said the government is "literally studying infrastructure projects to death."

"Congress needs to change the way the Corps of Engineers carries out its business. It is no longer acceptable that studies take dozens of years to complete," Gibbs said. "Ultimately, the federal taxpayer is on the hook for these studies and for the length of time it takes to carry them out, delaying the benefits these projects are ultimately supposed to provide."

House panel explores states' experience with P3s. The House Transportation and Infrastructure Committee's Panel on Public-Private Partnerships (P3s) held a roundtable policy discussion last week on state experiences with P3s.

There are currently 33 states and one territory with enabling legislation authorizing the use of P3s for transportation projects. Legislation varies, including the types of projects authorized, staffing, the governance structures, and the degree of project-by-project legislative approval.

Representatives of Virginia, Maryland, Pennsylvania and Florida discussed their experiences with public-private partnerships. They shared best practices, including how to transfer risk, realize cost efficiencies and protect the public interest.

The Panel on Public-Private Partnerships is chaired by Congressman John J. Duncan, Jr. (R-TN), and is tasked with examining the use of and opportunities for P3s across all modes of transportation, economic development, public buildings, water, and maritime infrastructure.

Administration

President sends transportation plan to Congress. The Obama administration on Tuesday submitted its proposal to Congress for funding America's roads, bridges, and transit systems. However, likely opposition from congressional Republicans will make passage difficult.

The President proposes a four-year, \$302 billion bill that would be partially funded via ending certain tax breaks for businesses, a concept opposed by many Republicans. The current surface transportation law, "Moving Ahead for Progress in the 21st Century (MAP-21)," is scheduled to expire on September 30, 2014. Congress must therefore develop and pass a new transportation bill or extend the current law by the September 30th deadline.

"At the end of the day, the important thing is that we pass a bill that avoids a destructive collapse in funding that would threaten hundreds of thousands of jobs and inflict unnecessary damage on our economy," said Anthony Foxx, U.S. Secretary of Transportation.

Without Congressional action, the Highway Trust Fund is projected to hit bankruptcy this fall, or even as early as August. Generating approximately \$35 billion each year, the trust fund is comprised of three accounts: the Highway Fund, the Mass Transit Account, and the Leaking Underground Storage Tank Trust Fund. The Highway Trust Fund is financed via a federal fuel tax of 18.4 cents per gallon of gasoline and 24.4 cents per gallon of diesel fuel. The tax on gasoline and diesel fuel has not been increased since 1993 and is increasingly proving to be inadequate to meet the needs of the nation's surface transportation system.

Congressman Bill Shuster (R-PA), chairman of the House Transportation Committee, said in a statement he is sure "won't agree with all the details" in the bill.

Senator Jay Rockefeller (D-WV), chairman of the Commerce, Science and Transportation Committee, described the President's bill as "one step in the right direction." However, he said paying for the bill will be difficult, and alternative financing approaches should be considered.

DOT Secretary promotes greater rail transport of crude oil. U.S. Department of Transportation Anthony Foxx traveled last week to the site of a BSNF Railway train crash last year in North Dakota that resulted in 400,000 gallons of crude oil being spilled.

Foxx was accompanied on his visit to Casselton, N.D., by Sens. John Hoeven (R-N.D.) and Heidi Heitkamp (D-N.D.) and Congressman Kevin Cramer (R-N.D.). The lawmakers discussed efforts to increase the regulation of the freight rail industry's handling of crude oil incidents.

"A comprehensive approach means working to reduce risk and prevent accidents in the first place, and if they do occur, mitigating the impacts of fire and explosion, as well as making sure we have appropriate emergency plans in place to respond," Hoeven said.

The Department of Transportation and Association of American Railroads announced an agreement in February to lower the speed limit for freight trains carrying crude oil by this summer in the wake of the Casselton accident. They also agreed to inspect tracks more frequently as part of a new safety effort.

The agreement calls for the freight rail industry to install wheel alignment detectors along every 40 miles of tracks and contribute \$5 million to the development of new training programs for transporting hazardous materials.

Surface Transportation Board

STB to hold meetings in South Dakota. The Surface Transportation Board (STB) recently announced that staff representatives of the STB's Rail Customer and Public Assistance Program (RCPA), within the agency's Office of Public Assistance, Governmental Affairs, and Compliance, will conduct informal and confidential meetings with interested persons on May 6, 2014, in Sioux Falls, South Dakota to discuss rail service concerns.

The goal of the meetings is to ensure the STB fully understands the continuing rail service problems affecting shippers, and to facilitate informal solutions wherever possible. Similar meetings were recently held in Fargo, North Dakota. STB staff will be available to meet with interested persons in Sioux Falls, South Dakota, at the following times and location:

Tuesday, May 6, 2014

8:00 a.m. – 5:00 p.m. local time

Meeting Room

Country Inn and Suites

**200 East 8th Street
Sioux Falls, South Dakota 57104**

Those interested in meeting with STB staff members in South Dakota are encouraged to email their requests—which the STB will treat as confidential—by the close of business on Friday, May 2, 2014, to the following address: rcpa@stb.dot.gov.

Requests for meetings may also be made by calling 202-245-0281.

The STB will hold similar meetings in Minnesota and Montana in the future. Details have yet to be released.