



Amendments to H.R. 22: Surface Transportation Reauthorization and Reform Act of 2015 (Rep. Shuster, R-PA) – Part II

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FLOOR SCHEDULE:

The House amendment to the Senate amendment to H.R. 22 is expected to be considered on November 3, 2015, under a [structured rule](#).

The Rule uses the Senate-passed highway bill (H.R. 22) as the vehicle for consideration of the House Transportation and Infrastructure Committee's highway bill (H.R. 3763, the Surface Transportation Reauthorization & Reform (STRR) Act). A summary and analysis of the bill are available in a previous RSC Legislative Bulletin, available [here](#) (Word) or [here](#) (PDF).

The Rule provides for one hour of general debate. The Rule makes the [Rules Committee Print](#) (which replaces the Senate transportation related provisions with legislative language based on H.R. 3763) the pending business in the House.

The Rule self-executes an amendment by Rep. Reichert which modifies the General Fund transfer to the Highway Trust Fund as well as some of the offsets included in the Senate-passed H.R. 22. This amendment is summarized below.

The Rule originally made in order 29 amendments for debate on November 3, 2015. These amendments were summarized in Part I of this bulletin, and are included as amendments 1-29 below. **During debate on the rule, Rep. Woodall offered an amendment to the rule, which waived the reading of the Senate amendment and made in order an additional 16 amendments for consideration on November 3. These additional amendments are included as amendments 30-45 below.**

The Rule provides that on legislative days during the week of November 6, 2015 (during the Veterans Day District Work Period), that the Journal be considered as adopted and that the Chair may declare the House adjourned.

The Rule further provides that it be in order on November 5, 2015, to consider motions to suspend the rules for a measure related to the National Defense Authorization Act. Additional action on the NDAA is expected pursuant to enactment of the Bipartisan Budget Act of 2015, which amended the budget authority caps for defense programs contained in the annual authorization.

The Rules Committee is scheduled to meet again on [November 3, 2015](#), for further consideration of amendments. Additional analysis of amendments will be available after the Rules Committee meets to make additional amendments in order.

SUMMARY OF AMENDMENT SELF-EXECUTED BY THE RULE:

1. [Reichert \(R-WA\)](#): The amendment modifies provision in the Senate-passed H.R. 22 related to the Highway Trust Fund, the General Fund transfer, and offsets to the General Fund transfer. Specifically, the amendment:
 - a. Updates the effective date for the expenditure authority from the Highway Trust fund to reflect the two short-term extensions enacted into law since the Senate originally passed H.R. 22.
 - b. Reduces the size of the General Fund transfer to the Highway Trust Fund to \$34.976 billion, reflecting the \$8 billion Highway Trust Fund bailout that was enacted in July.
 - c. Strikes the following offsets included in the Senate bill that have already been enacted into law as part of other legislation:
 - i. Reporting the Value of Property by Estates
 - ii. Statute of Limitations for Certain Tax Cases
 - iii. Mortgage Interest Reporting
 - iv. Dates of Certain Tax Returns
 - v. Extension of Transfer of Excess Pension Assets to Retiree Health Accounts
 - vi. Budgetary Treatment of TSA Fees
 - d. Strikes the Hire More Heroes provision, which has already been signed into law.

AMENDMENTS MADE IN ORDER:

Part I

1. [Shuster \(R-PA\)](#): Would establish a National Propane Fueling Corridor (along with the National Electric Vehicle Charging, Hydrogen, and Natural Gas Fueling Corridors already established by the bill). The amendment would also make technical corrections to the bill.
2. [Swalwell \(D-CA\)](#): Would allow Congestion Mitigation and Air Quality (CMAQ) funds to also be used for projects that would provide alternatives to driving alone, including bikeshare, carpool/vanpool, transportation network companies, fare payment systems, and app based mobility providers.

The [CMAQ](#) program provides highway funding to a [variety](#) of non-highway programs that are supposed to reduce congestion and improve air quality. Projects can include diesel engine retrofits, transit projects, encouraging telecommuting, public education about transportation choices, carpool and vanpool marketing, carsharing, and alternative fuels and vehicles. States are not allowed to use these funds on expanding highway capacity.

3. [Walden \(R-OR\)](#): Would expand the eligibility of the new Nationally Significant Freight and Highway Projects to include projects within National Scenic Areas, and projects “to increase capacity of highway segments to improve mobility”.

The bill creates a new Nationally Significant Freight and Highway Projects grant program to fund road, rail, and intermodal freight projects that are projected to be very expensive.

4. [Garamendi \(D-CA\)](#): Would include “habitat connectivity” in the metropolitan planning process.
5. [Gosar \(R-AZ\)](#): Would amend the new online database required by the bill to require the federal government to publically report on the total number, cost, and average time of environmental reviews.

The bill requires the DOT to maintain an online database showing the status of environmental reviews for federal highway projects.

6. [Babin \(R-TX\)](#): Would designate the Central Texas Corridor as the future Interstate Route I-14.
7. [Massie \(R-KY\)](#): Would allow the General Services Administration (GSA) to install electric car charging stations for federal employees. The amendment would require fees necessary to recover the costs of the stations.
8. [Fleischmann \(R-TN\)](#): Would require the Federal Highway Administration to encourage the use of [“geosynthetic materials.”](#)
9. [Gibbs \(R-OH\)](#): Would require a study on the procurement of culvert and storm sewer materials by states.
10. [Gibson \(R-NY\)](#): Would require the Secretary of Transportation to develop a strategy to address structurally deficient bridges within one year.
11. [Guinta \(R-NH\)](#): Would require the Government Accountability Office (GAO) to conduct a study to identify the costs of compliance with various laws and regulations for federal highway projects. This study would help quantify the purchasing power of a federal highway dollar and quantifying the things that weaken it, such as labor and environmental regulations.
12. [Hanna \(R-NY\)](#): Would add a sense of Congress that the engineering industry is valuable for surface transportation projects.
13. [Mullin \(R-OK\)](#): Would allow bridge work to continue even in the presence of swallows that are nesting. Swallows are [protected](#) by the federal Migratory Bird Treaty Act (MBTA) of 1918 and can nest during construction season causing [costly delays](#).
14. [Ribble \(R-WI\)](#): Would allow states to authorize trucks up to 91,000 pounds if they are equipped with a sixth axle. According to the [amendment sponsor](#), “this configuration would be compliant with the existing federal bridge formula,” and would increase efficiency.
15. [Brown \(D-FL\)](#): Would establish a National Advisory Committee on Travel and Tourism Infrastructure.
16. [DeSaulnier \(D-CA\)](#): Would require a study methods of inventorying of roadside safety devices such as guardrails in order to improve in-service evaluation of such devices.
17. [Scott \(D-VA\)](#): Would establish a sense of Congress that the DOT should utilize modeling and simulation technology.
18. [Johnson \(D-TX\)](#): Would strike the DOT’s authority to redistribute unallocated Transportation Infrastructure Financing and Innovation Act (TIFIA) funds to states for transportation projects including road, bridge, transit, and other infrastructure construction and improvements.

The [TIFIA](#) program provides subsidized loans and loan guarantees for transportation programs.

19. [Welch \(D-VT\)](#): Would strike the section of the bill that lowers the federal share of bicycle projects from 95 and 90 percent to 80 percent.

20. [Jackson-Lee \(D-TX\)](#): Would require a report on the safety of parking lots.
21. [Jackson-Lee \(D-TX\)](#): Would require a report on the [Internet of Things](#).
22. [Blumenauer \(D-OR\)](#): Would increase the number of states eligible for funding through the non-motorized component of the National Priority Safety Program, and double the funding for the non-motorized component while commensurately reducing safety funding for other, motorized components.
23. [Kirkpatrick \(D-AZ\)](#): Would allow states to receive grants for distracted driving awareness if their anti-texting-while-driving law does not have an exemption that specifically allows texting while stopped in traffic. The underlying bill would require states to enact laws prohibiting texting while driving or while stopped in traffic.
24. [Rice \(D-NY\)](#): Would require states to increase requirements for [learner's permits](#) to be eligible for State Graduated Driver Licensing Incentive Grants.
25. [Jackson-Lee \(D-TX\)](#): Would require a study on the public safety impact of traffic cameras.
26. [Duncan \(R-TN\)](#): Would require a study on the safety of double decker motor coaches equipped with a luggage carrier at the rear of the vehicle.
27. [Comstock \(R-VA\)](#): Would require the Secretary of Transportation to develop a five-year transportation research and development strategic plan. Would authorize studies on traffic congestion and on rail safety technologies.
28. [Barletta \(R-PA\)](#): Would specify minimum required [top fittings](#) for rail tank cars that haul flammable liquids.
29. [Lynch \(D-MA\)](#): Would require the DOT to conduct a review of the safety of a pipeline transportation infrastructure project at the request of a state.

Part II

30. [Lewis \(D-GA\)](#): Would repeal the prohibition on Highway Trust Fund dollars being used for noise abatement and add planning, design, and construction of noise barriers as an eligible use of Surface Transportation Program Grant funding.
31. [Takano \(D-CA\)](#): Would allow an applicant for grant funding under the Nationally Significant Freight and Highway project to combine several smaller, discrete, projects into a single project for the purposes of meeting the \$100,000,000 minimum size for eligible projects.
32. [Brownley \(D-CA\)](#): Increases the percentage of grants under the Nationally Significant Freight and Highway project that must be made to small freight network projects that do not meet the \$100,000,000 threshold from 10% to 20%
33. [Costello \(R-PA\)](#): Would allow highway and bridge projects, as well as intermodal or freight rail projects to qualify for the small project (less than \$100,000,000) set-aside for grants under the Nationally Significant Freight and Highway projects program. The underlying bill would only make projects carried out on the National Highway Freight Network eligible for this funding.

34. [Radewagen \(R-AS\)](#): Would require the Secretary to allocate transportation funding to territories based on quantifiable measures that are indicative of the needs of a territory, such as population, land area, or roadway mileage.
35. [Edwards \(D-MD\)](#): Would require stormwater management to be considered earlier in the metropolitan area transportation planning process.
36. [Calvert \(R-CA\)](#): Increases the number of local governments with whom states can exercise authority to use state law for environmental reviews rather than federal law from 10 to 25.
37. [Hartzler \(R-MO\)](#): Eliminates the authority for federal dollars to be used to reimburse states for landscaping and roadside development as part of highway projects.

Many conservatives have expressed concerns with highway dollars being used to fund things like flowers rather than funding road construction. This amendment would end the authority for such practices.

38. [Fatenthold \(R-TX\)](#): Would allow trucks with weights in excess of federal limits that currently operate on non-interstate roads in Texas to continue to operate on those roads if any of those roads are designated as part of a new Interstate 69.
39. [Rooney \(R-FL\)](#): Would allow states to issue permits for the operation of vehicles weighing up to 95,000 pounds for hauling livestock. The cost of permits could not exceed \$200 per year.
40. [Rothfus \(R-PA\)](#): Allows for categorical exemptions for the reconstruction of substantially similar facilities for infrastructure destroyed or damaged in a declared disaster.
41. [DeSaulnier \(D-CA\)](#): Would require projects with costs in excess of \$2.5 billion to file a risk management plan with the Department of Transportation to prevent cost overruns or delays. The amendment would also require any funding recipient for such projects to establish a peer review group to monitor and report to Congress on the scope, schedule, and budget of the project.
42. [Van Hollen \(D-MD\)](#): Would remove the federal preemption of state laws regulating tow trucks. Under current law, states may not make any law related to a price, route, or service of tow trucks except to restrict the price charged for a towing without an owner's consent.
43. [Mica \(R-FL\)](#): Prohibits states from disallowing automobile transporters weighing 84,000 pounds or less from operating on any portion of the Interstate System or qualified Federal Aid Highway.
44. [DelBene \(D-WA\)](#): Would require the Secretary of Transportation to make an annual report to Congress on the activities of the Frontline Workforce Development Program, which is created by the underlying bill to provide grant funding to encourage vocational training, education, and apprenticeships for transit maintenance and operations occupations.
45. [Napolitano \(D-CA\)](#): Would allow the Secretary of Transportation to waive the requirements that HOV lanes allow vehicles to maintain a speed of not less than 10 miles per hour below the posted speed limit. Under current law, if vehicles cannot maintain such speeds, states must take actions to reduce demand, either by increasing the required number of persons in a vehicle or the rate of tolls. If states fail to bring HOV lanes back into compliance, the Secretary may withhold federal highway funding from the state.

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