



REGIONAL TRANSPORTATION COMMISSION

Metropolitan Planning • Public Transportation & Operations • Engineering & Construction

Metropolitan Planning Organization of Washoe County, Nevada

Meeting Date: 11/17/2022

From: Bill Thomas, Executive Director

RECOMMENDED ACTION

Federal Report. Monthly verbal update/messages from Paul Nelson, RTC Government Affairs Manager on federal matters related to the RTC - *no action will be taken on this item.*

BACKGROUND AND DISCUSSION

Written report prepared by Cardinal Infrastructure.

Monthly Federal Update for the Regional Transportation Commission of Washoe County

Prepared by Cardinal Infrastructure

Prepared November 9th, 2022

Congressional Update

Avoiding a shutdown will be at the top of lawmakers' agenda, as government funding is set to run out on Dec. 16. Four weeks to strike a funding deal: When Congress returns to the Capitol Building next week, lawmakers will have just four weeks to cement a government funding deal that boosts federal agency budgets in the new fiscal year and averts a shutdown on Dec. 16.

Much will hinge on the midterms and which party is set to control the House and Senate in 2023. But for now, congressional leaders and appropriators seem willing to strike a funding agreement that allows the 118th Congress to start with a clean slate in January.

The so-called omnibus, or **12-bill appropriations package**, would be the biggest piece of bipartisan legislation to pass before lawmakers break for the holidays, with the highest stakes. Expect lawmakers to duke it out in the coming weeks over funding levels and what will hitch a ride on the package, including another round of Ukraine aid and hurricane relief.

Democrats will almost certainly push for long-stalled **Covid-19 and monkeypox aid**, in addition to a revival of the expired Child Tax Credit enhancement. Republicans want to revive a tax benefit for businesses that allowed them to immediately write off their research expenses.

Lawmakers are also eyeing a host of **health-related riders**, including a health insurance fix for Puerto Rico when a Medicaid funding boost expires at the end of the year and provisions to overhaul how the FDA regulates dietary supplements and cosmetics.

House and Senate Armed Services leaders are on the hook to finalize **defense policy legislation** and get to the president's desk before the end of the year.

Expect Democrats to try and resurrect efforts to update **energy permitting** rules, but don't expect Republicans to play ball if they win control of either chamber.

Battle lines have already been drawn in the lame duck over two **tax provisions**: An R&D tax credit that benefits big defense contractors, a priority for Republicans, and the Child Tax Credit that the Democrats are insisting be reimplemented.

On the **transportation** front, lawmakers may still need to step in if railroad workers vote to strike this month after their cooling-off period ends. They're expected to vote to extend the cooling-off period, which forbids strikes and other work actions or impose the recommendations of a presidentially appointed emergency board, which the Class 1 Railroads are hoping for.

Intergovernmental Concerns with Financial Reporting Bill

Route Fifty [covers](#) the concerns of state and local governments in response to the Financial Data Transparency Act of 2022 (S. 4295), a bill that would impose new standardization requirements for how public entities share financial data. There are hopes of attaching the bill to the Senate version of the must-pass end-of-year defense bill known as the National Defense Authorization Act (NDAA) (S.4543). This bill seeks to modernize regulatory financial reporting, reduce deficiencies in the reporting process, and establish open and universal standardized data reporting requirements for "smaller regulated entities." Those regulated entities would include states, counties, and cities, as well as water systems, public utility providers, hospitals, and other types of issuers.

The Municipal Securities Rulemaking Board (MSRB) would be required to establish new data standards for units of state and local government by 2027. Intergovernmental organizations are concerned that the legislation would impose an unfunded mandate on state and local governments and special district governments. The National League of Cities (NLC), U.S. Conference of Mayors (USCM), National Association of Counties (NACo), and the Government Finance Officers Association (GFOA) sent a letter to lawmakers articulating their concerns about costs and administrative burdens, particularly for smaller jurisdictions with limited capacity.

The House has already included the Financial Data Transparency Act of 2021 (H.R. 2989) in its version of the NDAA (H.R. 7900). Meanwhile, the Senate Armed Services Committee is currently considering amendments to the NDAA. The full chamber will likely consider the package upon its return to Washington, DC following the midterm elections in November at earliest.

Department of Energy Regional Clean Hydrogen Hubs Program

As part of the Bipartisan Infrastructure Law, the Department of Energy received \$7 billion to establish the [Regional Clean Hydrogen Hubs program](#), or H2Hubs, which will fund six to 10 regional clean hydrogen hubs across America. Added onto this pool of money for Hydrogen was provisions in the Inflation Reduction Act – which created a clean [hydrogen production](#) tax credit and enacted big changes in [carbon capture tax credits](#).

There are currently 5 memorandum of understandings in place ([CO-NM-UT-WY](#)) ([LA-OK-AR](#)) ([MN-MT-ND-WI](#)) ([MN-WI-IL-IN-KY-MI-OH](#)) ([CT-MA-NY-NJ](#)) with both [PA](#) and [GA](#) expressing their interest in the program.

Buy America Update

FTA has amended the language in their Master Agreements to include the domestic preference requirements established in the Bipartisan Infrastructure Law. FTA Administrator, Nuria Fernandez, sent out a Dear Colleague letter to transit agencies advising them on how to proceed with the new regulations. Any questions should be directed to your FTA regional office. There is a proposed waiver for “de minimis costs, small grants, and minor components” that would waive Buy America preferences under an award for which: the total value of the non-compliant products is no more than \$1,000,000 or 5% of the total allowable costs; the size of the award is below \$500,000; or the non-domestically produced minor components comprise no more than 5 percent of the total material cost. The deadline to submit comments is 11/20/2022.

White House Infrastructure Summit

The White House held the “Accelerating Infrastructure Summit.” Mitch Landrieu, White House Infrastructure coordinator, opened the Summit with his remarks on the Biden Administration’s historic infrastructure investment and how they plan to deliver projects on time, on task and on budget. “On time, on task, and on budget” was the theme throughout the Summit. Sec. Buttigieg started by highlighting the need for strong federal/state partnerships, as 90% of all IJIA infrastructure projects will be filled by state and local governments. He mentioned 4 common roadblocks to successful delivery of infrastructure projects: lack of data, lack of technology, and a need for greater organizational capacity. Sec. Buttigieg stressed the importance of early community engagement to help speed up a project timeline, citing several projects that have had timelines derailed and costs escalated due to community pushback. He also spotlighted the USDOT’s recent launch of the project delivery Center of Excellence and the newest iteration of the Federal Highway System’s “Every Day Counts” program.

APTA Cybersecurity Webinar

APTA’s procurement and supply chain committee recently hosted a webinar in which Scott Belcher, President & CEO of SFB consulting presented on the Mineta Transportation Institute’s [report](#) of transit cybersecurity. In a survey 1/3 of the APTA transit agency members, 22% responded that they had suffered a cybersecurity incident, which is inconsistent with 82% of global industries saying they have suffered a cyber security incident. Around 40% of transit agencies do not have a cybersecurity policy, with 43% saying they don’t have the resources to enact a cybersecurity plan.

Some key findings from the study were how important cyber literacy is to getting the RFP process right— agencies should look to larger transit agencies like the [Houston Metro](#) for ideas on how to develop that plan. Technology updates are outpacing hardware replacement—transit agencies rarely have the funding in place to purchase hardware agreements. As a result, vendors don't have much incentive to produce them. Also mentioned here was the need to differentiate between security and risk. Agencies need to factor cybersecurity into overall risk management plans, as it should be as important as rider or operator safety.

Agencies should expect more action on cybersecurity at the federal level in the future, as increase in defense procurement will result in increases in civilian procurement. For more guidance, the FTA has developed new cybersecurity resources for transit agencies on their [website](#).

Guide for Public Involvement

The U.S. Department of Transportation released its Promising Practices for Meaningful Public Involvement in Transportation Decision-Making document, a first-of-its-kind guide for DOT funding recipients and partners that conduct public involvement in the transportation space.

Meaningful public involvement from the beginning has the potential to help projects come to life better, faster and more thoroughly suited to the communities they benefit and impact. To identify obstacles to the full representation of all affected communities, the Department collected information from multiple sources, including transportation stakeholders and communities, to identify obstacles to inclusion in the transportation decision-making process and how to address them. Challenges identified include the use of one-size-fits-all strategies and the lack of accountability for acting on community inputs.

As the Department updates regulations and orders under related authorities, such as Title VI of the Civil Rights Act of 1964 and the National Environmental Policy Act of 1969, this guide will help provide a common understanding of meaningful and effective public involvement practices.

Grants

The U.S. Department of Transportation released information about its Thriving Communities Program. The program is part of an ongoing effort by the Biden-Harris Administration to ensure that state, local, Tribal and territorial governments large and small have the tools needed to access federal funding for projects serving their communities.

The Thriving Communities program will provide two years of intensive technical assistance to under-resourced and disadvantaged communities to build upon their existing expertise to identify, develop and deliver transportation and community revitalization activities. Capacity builders funded through Thriving Communities will help selected communities in a variety of activities from preparing application materials or predevelopment activities to deploying innovative community engagement, workforce development and clean technology strategies. There is no cost for communities to receive support through the program.

The NOFO will provide funding for organizations to provide technical assistance, planning and capacity building support to recipients under the Thriving Communities Program. Capacity builders are invited to apply individually or as a team and may include non-profits, state, local or Tribal governments or philanthropies. In addition to the NOFO, the Department has a fact sheet for interested capacity builder applicants here. The NOFO will be open until November 22, 2022.