

AGENDA

Counties Transit Improvement Board Meeting

Wednesday, April 15, 2015

8:30 a.m.

Ramsey County Plato Boulevard Building

St. Paul, MN

Action Requested

Page 3	1. Minutes of the March 18, 2015 Meeting (Resolution #20-2015)	Approval
Page 11	2. Checks and Claims (Resolution #21-2015)	Approval
Page 13	3. Announcements:	Information
	a. Gateway Corridor Development Forum: April 14, 2015	
	b. Newport Transit Station Grand Opening & Open House: April 27, 2015	
Page 17	4. Program of Projects Investment Strategy: Technical Readiness Review	Information
Page 19	5. Overview of the FTA's Proposed Interim Guidance on the Capital Investment Grant Program	Information
Page 27	6. Legislative Issues	
	a. State: Update by Messerli & Kramer	Information
	b. Federal:	
	i. Monthly Update from Holland & Knight, Jeff Boothe	Information
	ii. Monthly Update from Lockridge Grindal	Information
Page 39	7. Project Update: Bottineau LRT Corridor	Information
	8. Other: Next Board Meeting – May 6, 2015 [Note new date]	Information

Note: Tour of the Bottineau Corridor to begin at approximately 10:15 a.m.

Meeting Minutes

Counties Transit Improvement Board

Wednesday, March 18, 2015

Ramsey County Plato Boulevard Building
St. Paul, MN

Members, Alternates and Ex-Officio Members Present: See attachment

Others Present: See attachment.

Chair McLaughlin called the meeting to order at 8:30 a.m.

Agenda Item #1. Minutes of the February 18, 2015 Meeting (Resolution #16-2015)

A motion was made by Commissioner Schulte that the minutes of the February 18, 2015 meeting be approved as presented. The motion was seconded by Commissioner Weik and carried unanimously on a voice vote.

Agenda Item #2. Checks and Claims (Resolution #17-2015)

A motion was made by Commissioner McDonough that the checks and claims list be approved as presented. The motion was seconded by Commissioner Egan and carried unanimously on a voice vote.

Agenda Item #3. GEARS Committee Report

Mayor Mary Giuliani Stephens, GEARS Committee Representative to the Board, gave an update on the March 9, 2015 GEARS Committee meeting. The Committee elected: Toni Carter, Ramsey County Commissioner, as its 2015 Chair; Scott Lund, City of Fridley Mayor, as its 2015 Vice Chair; and Ms. Stephens, City of Woodbury Mayor, as the GEARS Committee Representative to the Board. Additionally, the GEARS Committee voted to support CTIB's 2015 Legislative Package, as adopted by the Board on February 18, 2015.

Agenda Item #4. Project Update: Southwest LRT Project

Mark Fuhrmann, Metro Transit New Starts Director, gave an update on the Southwest LRT Project. Mr. Fuhrmann's presentation included an overview of recent project activities, including the delayed completion of the Supplemental Draft Environmental Impact Statement (SDEIS) and the recent Memorandum of Understanding entered into with the Minneapolis Park and Recreation Board.

Agenda Item #5. Legislative Issues

a. State:

- i. 2015 Legislative Proposal (Resolution #18-2015): Ms. Hass noted that both she and Ms. Campbell have been meeting with legislators to discuss CTIB's legislative package, as approved at the February Board meeting.

Chair McLaughlin opened discussion on the policy positions laid over from the last meeting. Under the section, Policy Positions of Others Support by CTIB, Chair McLaughlin made a recommendation that the Board drop from consideration all three options for Policy Position #2, Policy Positions on

Modifications to the Governance Structure of the Transportation Advisory Board. Chair McLaughlin noted that the Board's Policy Priority #1, Support for the Preservation of CTIB Authority and Transit Funding, as adopted, includes language requiring an acceptable agreement on governance with the Metropolitan Council as a condition for the Board's support of increased transit revenue. A motion was made by Commissioner Schulte that the 2015 Legislative Package be revised to remove the proposed Policy Position #2, Policy Positions of Others Supported by CTIB. The motion was seconded by Commissioner McDonough and carried unanimously on a voice vote.

Chair McLaughlin asked if the Board wished to revisit the laid over issues in the Board's Policy Position #1, Support for the Preservation of CTIB Authority and Transit Funding, including support for "a comprehensive transportation package" and support for "bus system expansion and stabilization of Metro Transit's operating budget." Metropolitan Council Chair Adam Duinick asked that the Board add the following language: "...as well as bus expansion and stabilization of Metro Transit's operating budget..." Commissioner Schulte noted that he does not believe that CTIB should be funding bus service or the expansion of the bus system. Chair McLaughlin said the proposed language would not require CTIB to fund the bus system. Chair McLaughlin said that the language supports a portion of any additional sales tax imposed by the state to go towards the expansion of the bus system and Metro Transit's operating budget. Commissioner Schulte asked for clarification whether the Board would have any oversight of new sales tax dollars used for bus system expansion or Metro Transit's operating budget. Chair McLaughlin responded that the Board only has direct oversight of the existing quarter-cent sales tax imposed by the member counties.

Commissioner McDonough agreed with Chair Duinick that the bus system expansion and stabilization issues are connected to CTIB's goals of expanding the transitway network, and that the region needs a more robust transit system overall. Commissioner McDonough made a motion to restore the language previously struck out in paragraph two of Policy Position #1, "~~... as well as, bus system expansion, and stabilization of Metro Transit's operating budget, ...~~", and to modify the language on governance as follows:

"CTIB also supports an increase in revenue that may include sales tax, imposed by the Legislature in the metropolitan area for transit and for metropolitan county transit and transportation purposes, including the accelerated build-out and operations of CTIB's Program of Projects as a high priority, as well as bus system expansion and stabilization of Metro Transit's operating budget, subject to an acceptable agreement on governance and on the allocation of sales tax revenues with the Metropolitan Council."

The motion was seconded by Commissioner Egan and carried unanimously on a voice vote.

A motion was made by Commissioner Greene that the Board approve the full 2015 Legislative Package as amended. The motion was seconded by Commissioner Bigham and carried unanimously on a voice vote.

- ii. Update by Messerli & Kramer: Nancy Haas gave an update on the legislative session and gave an overview of the bill tracking summary sheet she shared with the Board. Erin Campbell gave an update on the House Subcommittee on Metropolitan Governance.
- b. Federal:**
- i. Monthly Update from Holland & Knight
 - ii. Monthly Update from Lockridge Grindal Nauen
- Kathy Kardell reviewed the Holland & Knight and Lockridge Grindal Nauen monthly reports as presented.

Agenda Item#6. Other

- a. Next Board Meeting – April 15, 2015: Chair McLaughlin noted that the next Board meeting is scheduled for April 15, 2015 at 8:30 a.m. at Ramsey County Plato Boulevard Building, St. Paul.
- b. Tour of the Bottineau Corridor – April 15 following the Board Meeting: Chair McLaughlin noted that a tour of the Bottineau Corridor will be conducted immediately following the April 15th Board meeting. Please RSVP to Peggy Aho.
- c. Reschedule May Board Meeting (May 6 or 13) (Resolution #19-2015): A motion was made by Commissioner Schouweiler that the May Board meeting be rescheduled for May 6th at 8:30 a.m. The motion was seconded by Commissioner Weik and carried unanimously on a voice vote.
- d. Other: The Chair requested that staff send out a list of dates that the Congressional delegation will be in town and urged CTIB members to contact their representatives about the importance of transit and transportation funding. Staff will send out a list of dates that the Board’s federal lobbyist recommends for a Board visit to Washington D.C.

There being no further business, the meeting was adjourned at 9:30 a.m.

First Name	Last Name	Affiliation	Jan	11-Feb	18-Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Heather	Aageben-Huebner	Met Council													
Mary Sue	Abel	Metro Transit													
Peg	Aho	RRA	X	X	X										
Kathleen	Aho	Springsted	X	X	X										
Joe	Bagnoli	Ramsey		X											
Laura	Baenen	Metro Transit													
Tom	Barrett	HCHO													
Troy	Beam	Scott County													
Stephen	Beard	HDR			X										
Allison	Bell	Met Council													
Jeff	Benson	KLJ Engineering			X										
Pat	Born	Met Council													
Jeffrey	Boothie	Holland & Knight			X										
Lynne	Bly	Mn/DOT-Metro District	X		X										
Lance	Brimhall	Mn/DOT													
Debra	Brisk	Hennepin County													
Jill	Brown	Public Information Consultant													
Abbey	Bryduck	AMC													
Andy	Burmeister	Lockridge Grindal			X										
Ed	Byers	Met Council													
Erin	Campbell	Messeri & Kramer	X	X	X										
Charles	Carlson	Metro Transit													
Kate	Christopherson	U of M-Humphrey													
Mary Beth	Davidson	Hennepin	X	X	X										
Lix	O'Day	MVTA	X												
Caren	Dewar	ULI MN													
Cristina	Diaz	Hennepin County													
John	Doan	Hennepin County													
Margaret	Donahoe	MN Transportation Alliance													
Bob	Dooley	LRT Done Right													
Phillip	Eckert	Hennepin													
Steven	Elkins	Met County													
Kristine	Elwood	Dakota County													
Doug	Fischer	Anoka County													
Jack	Forslund	Anoka County													
Lisa	Freese	Scott County													
Mark	Fuhrmann	Met Council	X	X	X										

**AGENDA ITEM #2
COUNTIES TRANSIT IMPROVEMENT BOARD
EXPENSE CLAIMS
PERIOD ENDING April 8, 2015**

<i>Description</i>	<i>INVOICE NUMBER</i>	<i>VENDOR NAME</i>	<i>AMOUNT</i>	<i>DETAILS</i>
Technical Services	428334-H	HDR, Inc.	\$1,278.59	Contract CTIB 10-2014-01 1/1/14-12/31/14, NTE \$50,000. Technical Services: Period ending 11/29/14 2014 Balance after this payment:\$95.14
Federal Lobbying	72395	Lockridge Grindal Nauen PLLP	\$2,675.00	Contract CTIB 2-2014-1 1/1/14-12/31/15 , NTE \$45,000 annually Federal Lobbying Services: February 2015 2015 Balance remaining \$38,575.
Federal Relations	72394	Lockridge Grindal Nauen PLLP	\$1,075.00	Contract CTIB 2-2014-1 1/1/14-12/31/15 , NTE \$45,000 annually Federal Relations Services: February 2015 2014 Balance remaining \$37,500.
Web Support	3275	Gorton Studios	\$900.00	Contract CTIB 2009-13 Amd 3, 5/17/10-12/31/14, 2015 NTE \$5,000. MnRides.org redevelopment : 2015 1st Quarter 2015 Balance left after this payment \$4,100.
Professional Services	2015-03	Richardson Richter & Associates	\$37,948.50	Contract CTIB 1-2010-1 Amnd 7, 1/01/10-12/31/15, 2015 NTE \$455,000 Professional services: March 2015 2015 Balance left after this payment: \$34,5531.75
Direct Expenses	5141	Richardson Richter & Associates	\$3,929.90	Contract CTIB 1-2010-1 Amnd 7, 1/01/10-12/31/15, 2015 NTE \$455,000 Direct Expenses: March 2015 Not charged to contract
Federal Lobbying	3161059	Holland & Knight	\$8,333.00	Contract CTIB 03-2014-1, 1/1/14-12/31/15, 2015 NTE \$100,000 Federal Lobbying: period through February 2015 2014 Balance after this payment: \$83,334.
State Lobbying	308366	Messerli & Kramer	\$5,416.67	Contract CTIB 01-2014-01,1/1/14-12/31/15, 2015 NTE \$65,000.00 State Lobbying Services: January 2015 2015 Balance left after this payment \$59,583.33
State Lobbying	308367	Messerli & Kramer	\$5,416.67	Contract CTIB 01-2014-01,1/1/14-12/31/15, 2015 NTE \$65,000.00 State Lobbying Services: February 2015 2015 Balance left after this payment \$54,166.66
			\$66,973.33	

REQUEST FOR BOARD ACTION: AGENDA ITEM NO. 3

Announcements:

- a. Gateway Corridor Development Forum: April 14, 2015
- b. Newport Transit Station Grand Opening & Open House: April 27, 2015

April 10, 2015

BOARD ACTION REQUESTED:

Information

REVIEWED BY (CHECK ALL THAT APPLY):

- CHAIR
- EXECUTIVE COMMITTEE
- ADMINISTRATOR
- SENIOR STAFF
- FINANCE TEAM

BACKGROUND/JUSTIFICATION

a. **Gateway Corridor Development Forum: April 14, 2015**

On April 14, 2015, the Gateway Corridor Commission, along with East Metro Strong, the Saint Paul Area Chamber of Commerce, the Oakdale Area Chamber of Commerce, and the Woodbury Area Chamber of Commerce, is hosting a Gateway Corridor Development Forum from 12:30 to 2:30 pm. All CTIB members are invited. See attached flyer. Register for the Forum online at: <http://web.saintpaulchamber.com/events/eventdetail.aspx?EventID=245131>

b. **Newport Transit Station Grand Opening & Open House: April 27, 2015**

On April 27, 2015, the Red Rock Corridor Commission is hosting a grand opening and open house at the Newport Transit Station from 4 to 7 pm on April 27, 2015. Speeches will begin at 4:15 p.m. and public engagement activities will follow. See attached flyer.

PREVIOUS ACTION ON REQUEST/OTHER PARTIES ADVISED

None

RECOMMENDATION (SELECT ONE)

Information

FINANCIAL IMPLICATIONS: None

ARE THESE FUNDS BUDGETED? N/A
(If N, attach Budget Change request form)

ATTACHMENT(S)

- Gateway Corridor Development Forum Flyer
- Newport Transit Station Grand Opening & Open House Flyer

COMMENTS:

Please list, if any.

Optimizing the Development Response to the Gold Line

TUES., APRIL 14
12:30 to 2:30 p.m.

GLOBE UNIVERSITY

White Bear Lake Conference Room
8147 Globe Drive (2-story building) • Woodbury, MN

Presented by: The Gateway Corridor Commission, East Metro Strong, Saint Paul Area Chamber of Commerce, Oakdale Area Chamber of Commerce, and Woodbury Area Chamber of Commerce.

No cost to attend. Lunch provided.

THE DISCUSSION:

The Gold Line, a proposed bus rapid transit service between Union Depot in Saint Paul and Woodbury along Interstate 94 and Hudson Road, continues to gain momentum toward a 2022 opening. Now is the time to engage in conversations about:

- What role does the business community play in transit-oriented development?
- What do policy makers and community leaders need to do now to get ready?
- What can peer cities with successful transit programs teach us?

Dena Belzer: “What we know about development and BRT”

Roger Millar: “What actions would help the Gold Line advance our community goals?”

Ms. Belzer is the president of Strategic Economics, a national leader in urban economics techniques that guide local public policy decisions.

Mr. Millar, PE, AICP, is the director of Smart Growth America’s Leadership Institute. Projects in which he played a leadership role, including the development of Portland, Oregon’s Pearl District, and the Roaring Fork Valley BRT system, are seen as national models.



WHO SHOULD ATTEND:

Business owners and managers, elected officials and policy makers, Realtors, urban planners, engineers, land developers, community advocates.

Agenda:

- 12:30 p.m. Registration and Lunch
- 1 p.m. Speakers. Followed by discussion on community objectives, facilitated by Will Schroerer, East Metro Strong

HOW TO REGISTER FOR THE EVENT

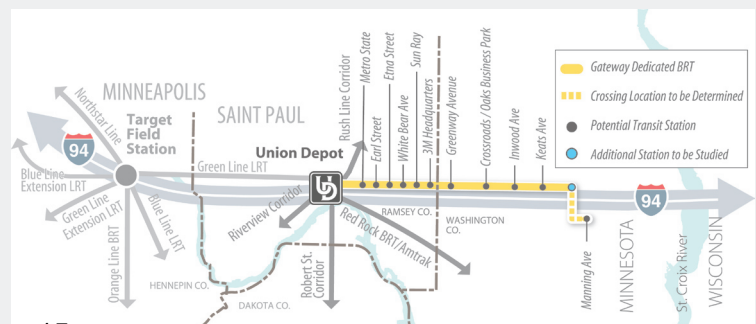
Saint Paul Area Chamber of Commerce is coordinating registrations. Space is limited. Sign up online today!

<http://web.saintpaulchamber.com/events/eventdetail.aspx?EventID=2451311>

Questions about the Gateway Corridor Development Forum may be directed to Andy Gitzlaff, 651-430-4330, or andy.gitzlaff@co.washington.mn.us.

www.TheGatewayCorridor.com

Find us on Facebook www.facebook.com/GatewayCorridor



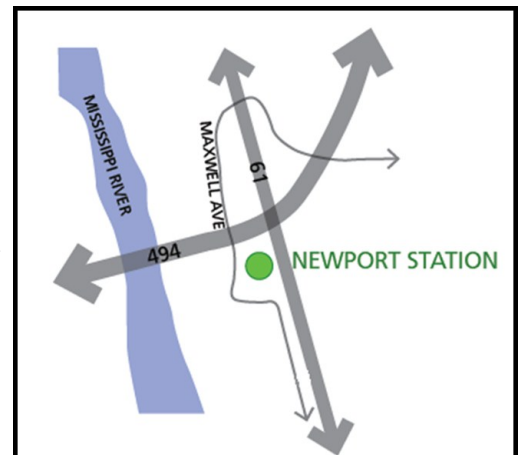
Newport Transit Station Grand Opening & Open House

April 27, 2015 | 4:00 PM—7:00 PM

Newport Transit Station | Newport, MN

Speakers will start at 4:15 PM with engagement activities to follow.

Learn more about the Newport Transit Station, development activities, and get engaged in the Red Rock Corridor!



Come share your thoughts!

- What are your priorities for the Red Rock Corridor?
- How would you use the bus rapid transit route?
- Where would you like to travel to/from?
- What improvements would you like to see around the proposed Red Rock Corridor stations?

REQUEST FOR BOARD ACTION: AGENDA ITEM NO. 4

Program of Projects Investment Strategy: Technical Readiness Review

April 10, 2015

BOARD ACTION REQUESTED:

Information

REVIEWED BY (CHECK ALL THAT APPLY):

- CHAIR
- EXECUTIVE COMMITTEE
- ADMINISTRATOR
- SENIOR STAFF
- FINANCE TEAM

BACKGROUND/JUSTIFICATION

As discussed at the February 2015 Board meeting, the Board's Program of Projects Investment Strategy identifies specific transitways and transitway improvement projects eligible for CTIB funding from existing sales tax resources (known as Phase I). The Investment Strategy further identifies the Board's contributions to the projects, as needed to accelerate project development. The Investment Strategy is to be reviewed annually. The annual financial review and technical readiness assessments are intended to (1) provide the Board a progress report on Phase I projects; (2) identify 2016 funding needs; and (3) establish parameters of the 2015 grant solicitation.

At the April 15 Board meeting, Steve Beard, HDR, will review the results of on the 2015 technical readiness review which assesses the progress of Pphase 1 projects since last year and identifies potential schedule risks for the coming year. At the May meeting, Kathy Aho, Springsted, will provide the financial analysis.

PREVIOUS ACTION ON REQUEST/OTHER PARTIES ADVISED

None

RECOMMENDATION (SELECT ONE)

Information

FINANCIAL IMPLICATIONS: None

ARE THESE FUNDS BUDGETED? N/A
(If N, attach Budget Change request form)

ATTACHMENT(S)

None

COMMENTS:

Please list, if any.

REQUEST FOR BOARD ACTION: AGENDA ITEM NO. 5

Overview of the FTA's Proposed Interim Guidance on the Capital Investment Grant Program

April 10, 2015

BOARD ACTION REQUESTED:

Information

REVIEWED BY (CHECK ALL THAT APPLY):

- CHAIR
- EXECUTIVE COMMITTEE
- ADMINISTRATOR
- SENIOR STAFF
- FINANCE TEAM

BACKGROUND/JUSTIFICATION

On April 8, 2015, the FTA issued the Notice of Availability of Proposed Interim Guidance for the Capital Investment Grant Program (see attached notice). There is a 30-day comment period, with comments due on May 8, 2015.

At the April 15, 2015 Board meeting, the Board's federal policy advisor, Jeff Boothe, Holland & Knight, will provide an overview of the proposed Interim Guidance. Following the meeting, staff will prepare comments on the Interim Guidance for the Board's consideration at the May 6, 2015 Board meeting.

The Interim Guidance on the Capital Investment Grant Program can be viewed at:
<http://www.fta.dot.gov/12304.html>.

PREVIOUS ACTION ON REQUEST/OTHER PARTIES ADVISED

None

RECOMMENDATION (SELECT ONE)

Information

FINANCIAL IMPLICATIONS: Not applicable

ARE THESE FUNDS BUDGETED? Not applicable
(If N, attach Budget Change request form)

ATTACHMENTS

- Notice of Availability of Proposed Interim Policy Guidance for the Capital Investment Grant Program

COMMENTS:

Please list, if any.



This document is scheduled to be published in the Federal Register on 04/08/2015 and available online at <http://federalregister.gov/a/2015-08063>, and on FDsys.gov

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 611

[Docket No. FTA-2015-0007]

RIN 2132-ZA03

Notice of Availability of Proposed Interim Policy Guidance for the Capital Investment Grant Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of availability of proposed interim policy guidance; request for comments.

SUMMARY: The Federal Transit Administration (FTA) invites public comment on interim policy guidance the agency is proposing for the Capital Investment Grant (CIG) program. The proposed interim guidance has been placed in the docket and posted on the FTA web site. If adopted, this proposed interim policy guidance will complement FTA's regulations that govern the CIG program by providing a deeper level of detail about the methods for applying the project justification and local financial commitment criteria for rating and evaluating New Starts, Small Starts, and Core Capacity Improvement projects, and the procedures for getting through the steps in the process required by law.

DATES: Comments must be received on or before [Insert date 30 days from date of publication in the **FEDERAL REGISTER**]. Any comments received beyond this deadline will be considered to the extent practicable.

ADDRESSES: You may submit comments to DOT docket number FTA-2015-0007 by any of the following methods:

Federal eRulemaking Portal: Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.

U.S. Mail: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590-0001.

Hand Delivery or Courier: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 202-493-2251

Instructions: You must include the agency name (Federal Transit Administration) and docket number (FTA-2015-0007) for this notice at the beginning of your comments. You must submit two copies of your comments if you submit them by mail. If you wish to receive confirmation FTA received your comments, you must include a self-addressed, stamped postcard. Due to security procedures in effect since October 2001, mail received through the U.S. Postal Service may be subject to delays. Parties submitting comments may wish to consider using an express mail firm to ensure prompt filing of any submissions not filed electronically or by hand.

All comments received will be posted, without charge and including any personal information provided, to <http://www.regulations.gov>, where they will be available to internet users. You may review DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000, at 65 FR 19477. For access to the docket and to

read background documents and comments received, go to <http://regulations.gov> at any time or to the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Management Facility, West Building Ground Floor, Room W12-140, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Elizabeth Day, FTA Office of Planning and Environment, telephone (202) 366-5159 or Elizabeth.Day@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant to 49 U.S.C. 5309(g)(5), FTA is obliged to publish policy guidance on the review and evaluation process and criteria for projects eligible for Federal funding under the CIG program each time the agency makes significant changes to the process and criteria, and in any event, at least once every two years. Also, FTA is obliged to invite public comment on the guidance, and to publish its response to comments. In brief, the policy guidance that FTA periodically issues for the discretionary Capital Investment Grant (“CIG”) program complements the FTA regulations that govern the CIG program, codified at 49 CFR part 611. The regulations set forth the process that grant applicants must follow to be considered eligible for discretionary funding under the CIG program, and the procedures and criteria FTA uses to rate and evaluate the projects eligible for that discretionary funding. The policy guidance provides a greater level of detail about the methods FTA uses to apply the criteria for both project justification and local financial commitment, and the sequential steps a sponsor must follow in developing a project.

The interim policy guidance FTA is proposing today is available in its entirety on the agency’s public website at <http://www.fta.dot.gov>, and in the docket at <http://www.regulations.gov>. It is approximately 100 typewritten pages in length,

arranged in three stand-alone chapters for each of the three types of projects eligible for CIG funds: New Starts, Small Starts, and Core Capacity Improvements. Each chapter provides a short introduction, a discussion of eligibility for that type of project, a summary of the requirements for entry into and getting through each step of the CIG process, information on each of the project evaluation criteria, and an explanation of how FTA will determine the overall rating for a project. Each type of project in the CIG program—a New Start, Small Start, or Core Capacity Improvement—is governed by a unique set of requirements, although there are many similarities amongst the three sets of requirements.

Most importantly, the guidance proposed today addresses four subjects not addressed in either the regulations or previous policy guidance for the CIG program. These are, specifically: (1) The measures and breakpoints for the congestion relief criterion applicable to New Starts and Small Starts projects; (2) the evaluation and rating process for Core Capacity Improvement projects, including the measures and breakpoints for all the project justification and local financial commitment criteria applicable to those projects; (3) the prerequisites for entry into each phase of the CIG process for each type of project in the CIG program, and the requirements for completing each phase of that process; and (4) ways in which certain New Starts, Small Starts, and Core Capacity Improvement projects can qualify for “warrants” entitling them to automatic ratings on some of the evaluation criteria. Readers should please direct their comments to these four subjects. All the other material in this guidance document has been developed through public notice-and-comment for the regulations at 49 CFR part 611 or the previous policy guidance for the CIG program. The newly proposed requirements are

clearly identified in the text of each chapter; and in an accompanying table, for easy reference.

This proposed policy guidance is characterized as “interim” in that, in the near future, FTA will initiate a rulemaking to amend the regulations at 49 CFR part 611 to fully carry out the authorization statute for the CIG program, 49 U.S.C. section 5309, as amended by the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112-141; July 6, 2012) (“MAP-21”). The information gained through the public comment process on this proposed interim policy guidance will inform the future rulemaking. After reviewing and responding to the comments received on this proposed guidance, FTA will issue a final iteration of the interim guidance, and then initiate the rulemaking.

Therese W. McMillan,

Acting Federal Transit Administrator.

[FR Doc. 2015-08063 Filed: 4/7/2015 08:45 am; Publication Date: 4/8/2015]

REQUEST FOR BOARD ACTION: AGENDA ITEM NO. 6

- a. **State: Update by Messerli & Kramer**
- b. **Federal:**
 - i. **Monthly Report from Holland & Knight, Jeffrey Boothe**
 - ii. **Monthly Report from Lockridge Grindal Nauen**

April 10, 2015

BOARD ACTION REQUESTED:

Information

REVIEWED BY (CHECK ALL THAT APPLY):

- CHAIR
- EXECUTIVE COMMITTEE
- ADMINISTRATOR
- SENIOR STAFF
- FINANCE TEAM

BACKGROUND/JUSTIFICATION

- a. **State: Update by Messerli & Kramer:** Nancy Haas and Erin Campbell, Messerli & Kramer, will give an update on the 2015 Legislative Session.
- b. **Federal:**
 - i. **Monthly Report from Holland & Knight, Jeffrey Boothe:** Jeff Boothe will provide the March Federal update prepared for CTIB by Holland & Knight (attached).
 - ii. **Monthly Report from Lockridge Grindal Nauen:** Attached is Lockridge Grindal Nauen's monthly report.

PREVIOUS ACTION ON REQUEST/OTHER PARTIES ADVISED

None

RECOMMENDATION (SELECT ONE)

Information

FINANCIAL IMPLICATIONS: Not applicable

ARE THESE FUNDS BUDGETED? Not applicable
(If N, attach Budget Change request form)

ATTACHMENTS

- Holland & Knight March 2015 Federal Update
- Monthly Report prepared by Lockridge Grindal Nauen

COMMENTS:

Please list, if any.

Holland & Knight

800 17th Street, NW, Suite 1100 Washington, DC 20006
T 202.955.3000 | F 202.955.5564

Counties Transit Improvement Board (CTIB) FEDERAL UPDATE March 2015

House and Senate Adopt Fiscal Year 2016 Budget Resolutions: This month, both the House and Senate have adopted their fiscal year 2016 budget resolutions. Both budgets establish reserve funds that allow mandatory infrastructure spending (i.e. Highway Trust Fund contract authority) to be increased above the 2015 enacted levels if additional revenue can be found and would allow the legislation which “maintains the solvency of the Highway Trust Fund”.

On March 25, the House voted 228 – 199, mostly along party lines, to adopt a budget resolution that cuts spending by \$5.5 trillion over ten years without raising taxes or additional revenues. The House version also includes \$20 billion in increased military spending, completely repeals the provisions under the Affordable Care Act, and maintains the automatic spending cuts under sequestration, which are set to resume in FY 2016. The House resolution requires that any General Fund transfer to the Highway Trust Fund considered outside the reauthorizing bill be counted as new spending. The Minnesota House delegation voted entirely along party lines, with Republican members voting to support the resolution and Democrats opposing.

The Senate has also completed work on its budget resolution (S. Con. Res. 11) after nearly 800 amendments were filed. Ultimately, the Senate considered more than 50 amendments, of which 35 were adopted. The final Senate proposal was agreed to by a vote of 52-46, with Senators Ted Cruz (R-Texas) and Rand Paul (R-Ky.) being the only two Republicans to oppose the resolution. Two Democratic Senators, Dianne Feinstein (D-Calif.) and Barbara Mikulski (D-Md.), abstained. Both Senators Al Franken (D-Minn.) and Amy Klobuchar (D-Minn.) voted against the resolution.

The Senate budget resolution would achieve a \$3 billion surplus within 10 years and boasts \$4.4 trillion more in deficit reduction than the President's FY 2016 budget request. The Senate proposal increases defense spending to \$612 billion in FY 2016. Like the House proposal, the Senate version will repeal the provisions under the Affordable Care Act and maintain sequestration cuts. The Senate proposal also limits new Highway Trust Fund contract authority based on annual tax receipts and requires that General Fund transfers to the Highway Trust Fund be fully offset.

One key difference between the budget resolutions relates to the budget reconciliation process. The House proposal directs all House committees, including the House Transportation and Infrastructure Committee, to produce legislation by July 15 that includes certain deficit reduction. The House Transportation and Infrastructure Committee is being directed to reduce the deficit by \$100 billion over ten years. Conversely, the Senate proposal only requires the

Finance Committee and Health, Education, Labor, and Pensions (HELP) Committee to produce such savings.

Surface Transportation Reauthorization Update: With the May 31st deadline to reauthorize surface transportation programs fast approaching, Congress will need to decide soon whether it intends to pass a long-term reauthorization or if it will instead consider a short-term extension.

Recently, House Ways and Means chairman Paul Ryan (R-WI) said that the House plan was to enact another short-term extension of Highway Trust Fund. Ryan said that using any kind of tax reform “pay-for” for Highway Trust Fund solvency would have to wait several months until Ways and Means can make more progress on tax reform, a process that will take until well after May 31.

While the deadline for reauthorizing surface transportation programs is May 31, the Obama Administration and others have predicted that state and local governments will begin to slow or cancel transportation projects well before this deadline due to the uncertainty created if a new long-term reauthorization is not enacted.

DOT Formally Unveils Updated Version of GROW AMERICA Act: This month, DOT Secretary Anthony Foxx announced an updated version of the President’s “Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America Act” or GROW AMERICA Act. The proposal calls for a six-year, \$478 billion reauthorization of transportation programs that is funded through a combination of Highway Trust Fund monies and a one-time, 14 percent “transition tax” on untaxed foreign earnings. Key provisions of the GROW AMERICA Act include:

- \$317 billion for highways and road safety, increasing highway funds by 29 percent above FY 2015 enacted levels
 - \$10 billion for the National Highway Traffic Safety Administration and Federal Motor Carrier Safety Administration
- \$115 billion for transit, or 76 percent above FY 2015 enacted
 - \$3.4 billion for Rapid Growth Area Transit Program
 - \$369 million for workforce development
- \$7.5 billion over six years for TIGER
- \$6 billion for Fixing and Accelerating Surface Transportation (FAST) competitive grant program
- \$6 billion for the Transportation Infrastructure Finance and Innovation Act (TIFIA) program

Overall, the President’s GROW AMERICA Act will focus on 12 key areas: (1) environment; (2) freight; (3) highways and bridges; (4) innovative financing; (5) ladders of opportunity; (6) local decision making; (7) improving project delivery; (8) new investments in rural America; (9) improving transportation safety; (10) supporting public transit; (11) creating pathways to transportation careers; and (12) growing transportation investment.

CBO Releases Report on Federal Debt Limit and Highway Trust Fund: This month, the Congressional Budget Office (CBO) released a new report on the federal debt and the debt ceiling, which limits the amount of debt that the Treasury Department can issue to the public and the federal government. Under the Temporary Debt Limit Extension Act that was enacted in February 2014, the statutory debt ceiling has been suspended through March 15, 2015. On March 16, the Treasury Department has begun to utilize "extraordinary measures" to continue its borrowing authority without breaching the \$18.1 trillion ceiling that will be reinstated. CBO reports that the Treasury Department can be expected to run out of money around October or November of this year, absent congressional action either increasing the debt ceiling or temporarily extending the current suspension of the statutory limits. The CBO report added, "The timing and magnitude of revenues and outlays over the next several months could vary noticeably from CBO's projections, so the date on which those measures would be exhausted and the Treasury would run out of cash could occur earlier or later."

The CBO also projects that at current spending levels, the Highway Trust Fund will probably remain solvent through the end of July, but that an extension through September 30 would require about \$3 billion in extra deposits in the Trust Fund to keep it from running out of cash on a day-to-day basis in September.

DOT Announces 2015 TIGER Summit: The Department of Transportation (DOT) has announced that it will hold a TIGER Summit on Wednesday, April 16 at DOT Headquarters in Washington, DC. According to DOT, the summit will feature panels and breakout sessions offering technical assistance to current and prospective applicants. Furthermore, the panels will also discuss best practices from prior years and next steps in applying for a grant. Holland & Knight anticipates that the notice of funding availability (NOFA) will be made available later this week or the next. Applicants this year will be required to fill out a pre-application online questionnaire, while the application itself will appear differently to reflect changes made in OMB guidance that was issued in December. All other elements of the TIGER NOFA are expected to remain the same. Complete applications will be due sixty days from date of publication of the NOFA.

Bipartisan Senators Introduce Track, Railroad, and Infrastructure Network Act: On March 18, Senators Roy Blunt (R-Mo.) and Joe Manchin (D-W.Va.) introduced the Track, Railroad and Infrastructure Network (TRAIN) Act (S. 769). The legislation aims to expand the revisions made to certain permitting requirements as part of the Moving Ahead for Progress in the 21st Century Act (MAP-21) to now include railroad infrastructure. MAP-21, which was enacted in 2012, had previously included streamlining provisions for highway and waterway projects. The TRAIN Act now seeks to streamline the environmental review process under the National Environmental Policy Act (NEPA) for freight and passenger rail.

Senator Blunt said in a statement, "Freight rail traffic is growing, which means we need more infrastructure to move goods and services and ensure that rail remains a major component in our economic future." He added, "This bipartisan bill will help ensure that burdensome federal regulations do not hamper investment and innovation in our nation's freight and passenger rail industry." Senator John Thune (R-S.D.), chairman of the Senate Committee on Commerce, Science and Transportation, is also an original cosponsor of the bill.

Congressman Maloney Calls for Grade Crossing Safety in Letter to FRA: In a letter dated March 18, Congressman Sean Patrick Maloney (D-N.Y.) wrote Federal Railroad Administration (FRA) Administrator Sarah Feinberg, calling on the agency to conduct a “deep dive” investigation focused on collisions and deaths at grade crossings. Congressman Maloney recognized that the National Transportation Safety Board (NTSB) conduct their own investigations and issue safety recommendations in each instance of a derailment, however the Congressman goes further asking FRA to begin additional consideration of: (1) most effective and cost-efficient safety devices; (2) a new classification system for more dangerous crossings; (3) a new minimum distance between tracks and grade crossings; (4) expansion of public education; (5) identification of FRA funding sources for communities to install technology or relocate crossings; and (6) consideration around crash management, positive train control, and sensors.

According to the letter, there were approximately 2,300 vehicle-train accidents in 2014, which is a 9 percent increase over 2013. In February, Congressman Maloney has also introduced H.R. 705, the Rail Crossings Safety Improvement Act. The legislation aims to reauthorize the Rail Line Relocation and Improvement Capital Grant Program (RLR) at \$100 million a year for the next four years.

Senate Commerce Committee Marks Up PTC Extension Bill: On March 25, the Senate Committee on Commerce, Science, and Transportation marked up S. 650, the Railroad Safety and Positive Train Control Extension Act. The Committee-approved bill would extend the deadline for positive train control (PTC) implementation for five years, until December 31, 2020. The current deadline is requiring rail companies to complete PTC implementation by December 31, 2015.

Senate Commerce Committee Chairman John Thune (R-S.D.) believes that a majority of companies will not be able to meet the current deadline, despite tremendous investment in trying to do so: “Railroads have made a good-faith effort to install PTC ... They spent over \$5 billion in private funds, deployed over 19,000 wayside antennas and equipped – or partially equipped – over 13,000 locomotives. Yet, for every major freight railroad, and nearly every small freight commuter railroad, the PTC deadline is not attainable.” Senator Richard Blumenthal (D-Conn.) was one of three Senators to oppose the PTC implementation delay, saying: “Five years is an eternity when it comes to this technology because it's available, ready to be used and it helps save lives. They ought to have the burden to show how quickly they can do it and then they ought to be held accountable for that deadline.” Senators Joe Manchin (D.W.Va.) and Maria Cantwell (D-Wash.) also opposed the bill in committee.

The Committee-approved version included an amendment submitted by Senator Blumenthal, requiring railroad companies to publicly report on their progress during implementation each year.

Senators Introduce Crude-By-Rail Safety Act: On March 25, Senators Maria Cantwell (D-Wash.), Patty Murray (D-Wash.), Tammy Baldwin (D-Wis.), and Dianne Feinstein (D-Calif.) introduced S. 859, the Crude-By-Rail Safety Act of 2015. The legislation would require the Pipeline and Hazardous Materials Safety Administration (PHMSA) within the Department of

Transportation (DOT) to draft new regulations aimed at crude oil shipped in tank cars, and would immediately prohibit the use of older-model tank cars. Among its key provisions, the legislation would:

- Require PHMSA to establish standards for volatility of gasses in crude oil hauled by rail
- Ban certain tank car models demonstrated to be unsafe for shipping crude oil (models DOT-111s and unjacketed CPC-1232s)
- Require new tank car design standards
- Increase certain fines for violations of hazardous materials laws, and establish new fines for companies that do not comply with safety regulations
- Authorize funding for first response, training, equipment, and emergency preparedness in addition to increased rail inspections and energy product testing
- Mandate new “close-call” reporting system to employees to anonymously report problems
- Require rail companies to disclose crude-by-rail movements to State Emergency Response Commissions and Local Emergency Planning Committees along hazmat rail routes

In a statement, Senator Cantwell said “This legislation will help reduce the risk of explosion in accidents, take unsafe tank cars off the tracks, and ensure first responders have the equipment they need. We can’t afford to wait for ten accidents per year, as estimated by the Department of Transportation.”

DOT Secretary Foxx Announces Participants in “Mayors’ Challenge for Safer People and Safer Streets: DOT Secretary Anthony Foxx announced nearly 200 cities that have pledged their participation in the DOT's "Mayors' Challenge for Safer People and Safer Streets." The challenge, which was initiated on January 22, aims to encourage mayors and other local officials to take steps to improve pedestrian and bicycle transportation safety. The challenge was officially launched during a mayoral summit at DOT headquarters in Washington, D.C., on March 12. During the summit, attendees had an opportunity to work with DOT staff to identify resources offered through the agency that can be used during the challenge.

The Mayors' Challenge is part of a larger pedestrian and bicycle safety initiative announced in September 2014. "Strong local leadership is essential to making safety gains in a community, so I'm thrilled to see so many Mayors from across the country joining our Challenge," said Secretary Foxx. "With Mayors signing up from small towns and large cities to prioritize bicycle and pedestrian safety, I know we'll be able to reduce fatalities and injuries while making our roads safer for all users." In Minnesota, Fergus Falls and Saint Paul are the only two cities that have pledged their participation thus far.

FHWA Releases January Traffic Volume Trends Report: The Department of Transportation’s Federal Highway Administration (FHWA) released a new report, demonstrating that Americans drove more than \$237 billion miles in January. According to the report, Americans drove 4.9 percent more miles in January 2015 than they did during the same month in 2014 – or the highest single-month increase for any January since 2000. DOT Secretary Foxx said, “These data make it clear that traffic volumes are growing nationwide.” He added, “To keep our highways safe and

less congested, we should not only invest in our nation's infrastructure to expand capacity, but also look towards the future by encouraging greater technological innovations, which can make travel safer and more convenient." Secretary Foxx is using the report to underscore the need to make significant investments toward the nation's infrastructure.

In Minnesota, the report estimates that there were nearly 4.3 billion vehicle-miles traveled (VMT) in January. By contrast, Minnesota experienced a 5.6 percent increase over the same period last year, or a difference of roughly 227 million VMT. The numbers reported includes seasonally adjusted data, enabling VMT comparisons with any other month in any other year. There were only five states that did not report traffic increases in January: Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island.

Transportation Coalition Publishes Report on Devolution Cost to States: On March 16, the Transportation Construction Coalition (TCC) published a new report aimed at the Transportation Empowerment Act, which was introduced last Congress by Senator Mike Lee (R-Utah) and Representative Tom Graves (R-Ga.). The legislation proposed transferring authority over federal highway and transit programs to states (known as devolution) over a five-year period. The bill would also call for lowering the gas tax to 3.7 cents over the same period. During the 114th Congress, certain members of Congress have pointed to devolution as a way to address the solvency crisis around the Highway Trust Fund.

The TCC stated that the legislation demonstrates "a gross misunderstanding of how the federal-state partnership to provide a core function of government works." According to the report, devolution as described in the legislation would force states to increase their fuel taxes by 23.5 cents per gallon by 2020 in order to maintain current annual investments in highways, bridges, and public transit. The TCC predicts that Minnesota would need more than \$501 million in new FY 2020 revenues, and that the state would have to raise its own gasoline and diesel fuel taxes by 17.4 cents each in order to simply sustain current investments. According to the Department of Transportation (DOT), it would take approximately \$19 billion per year just to maintain the current conditions and performance of the U.S. Interstate system.

The analysis was based on state motor fuel tax rate data for 2014 from the Federation of Tax Administrators and Federal Highway Administration data on federal apportionments for highway program investments.

MEMORANDUM

TO: Counties Transit Improvement Board

FROM: Dennis McGrann // Andy Burmeister // Sean Anderson

DATE: April 9, 2015

RE: Counties Transit Improvement Board Federal Update

Below you will find the April update for the *Counties Transit Improvement Board (CTIB)*. The following update will examine the current status of a number of legislative and regulatory items which could impact CTIB priorities in the short-term and long-term. In addition, it provides an outlook and analysis of issues, and highlights potential opportunities for CTIB to engage as Congress continues its work in 2015.

CONGRESSIONAL SCHEDULE:

In the past two weeks the 114th Congress has been on recess, with many Members back in their home districts. Before leaving Washington D.C., the U.S. House of Representatives passed a budget resolution for Fiscal Year 2016 on Wednesday, March 25, with a vote of 228-199. The Senate spent the last hours before recess in a marathon series of votes on their budget. The so-called "Vote-a-Rama" consisted of 15 hours of voting on a variety of amendments to the budget resolution. The Senate passed their resolution early in the morning on Friday, March 27 with a 52-46 vote (for the first time since 2009), which will allow for a conference committee to be formed in April. In addition, two months remain for lawmakers to find a solution to restore solvency to the Highway Trust Fund before the May 31, 2015 deadline.

GROW AMERICA ACT SENT TO CONGRESS

At the end of March, the Department of Transportation sent a six-year transportation bill to Congress. The "Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America Act," or GROW AMERICA Act, would authorize \$478 billion in spending and increase the amount invested in surface transportation by 45%. The legislation would end a 10-year pattern of flat funding and 32 short-term funding solutions. It would also offer \$18 billion for a freight program to improve the ability of American businesses to compete in the global market and increase investments in transit by 76%. With continued infrastructural problems and a projected 70

million person increase in the U.S. population over the next thirty years, lawmakers must continue to work toward finding a long-term solution for transportation funding.

2015 TIGER NOFA ANNOUNCED

On April 2, 2015, the Department of Transportation announced the Notice of Funding Availability (NOFA) for the Transportation Investment Generating Economic Recovery (TIGER) competitive grant program. These discretionary grants offer capital investments for surface transportation infrastructure and aim to make transformative changes that significantly improve existing conditions. The pre-application deadline for 2015 TIGER grants is May 4, 2015 and the final deadline is June 5, 2015.

PUBLIC COMMENT REQUESTED BY FHWA AND FTA

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) have requested public comments on their revised Section 139 Environmental Review Process guidance (formerly referred to as the SAFETEA-LU Environmental Review Process Final Guidance). These recent amendments are being implemented in accordance with the Moving Ahead for Progress in the 21st Century Act (MAP-21). Public comments should be received by May 12, 2015 and can be submitted online, by mail, or by fax.

FTA OFFERS WEBINAR ON TECHNICAL ASSISTANCE INITIATIVE

The Federal Transit Administration is hosting a webinar to discuss the Request for Proposals for the National Public Transportation/TOD Technical Assistance Initiative. This program is focused on providing developmental assistance for transit-related projects to economically distressed communities. The webinar will include a panel and open question and answer period for attendees. It will be hosted on Thursday, March 26 at 2:00 EDT.

FTA REQUESTS COMMENTS ON CAPITAL INVESTMENT GRANT PROGRAM

The Federal Transit Administration will be requesting public comments on the recent proposal for interim policy guidance on the Capital Investment Grant (CIG) program. Comments should be submitted within 30 days of the proposal being posted on the Federal Register. The program's "New Starts" and "Small Starts" represent the FTA's primary vehicle for funding major transit capital investments, such as rapid rail, light rail, bus rapid transit, or commuter rail. The proposed interim policy guidance will serve through Fiscal Year 2016 until the FTA completes updates to the Major Capital Investment Projects and fully implements MAP-21.

CBO PROJECTIONS LOWERED ON MAP-21 SPENDING

In mid-March, the Congressional Budget Office (CBO) released a report which adjusted projected spending for Fiscal Year 2015. Due to a slower rate of spending, the Department of Transportation has released data indicating that less funding will be needed to restore solvency for the extension of Moving Ahead for Progress in the 21st Century (MAP 21). Rather than the expected \$5 billion projection, the CBO now says that only \$3 billion will be needed. Sources

indicate that this change may have an important effect on the process of negotiating the budget for Fiscal Year 2016.

CONGRESSIONAL BUDGETS AND TRANSPORTATION FUNDING

With both House and Senate budget resolutions passed before the Easter recess, policy preferences for upcoming appropriations negotiations have begun to take shape. Within the House budget resolution, committee report language called for the Highway Trust Fund to be reformed to align spending with incoming revenues. While this language appears straightforward, the Fund's revenue for Fiscal Year 2016 is projected to fall below expenses by \$13 billion. As a result, the language would cause a substantial cut in spending. Sources indicate that this proposal would require increases in the Fund's revenue streams, which would be politically challenging. In addition, the language does not have the support of House Transportation & Infrastructure Committee Chairman Bill Shuster (R-PA-09).

In the Senate, an amendment to the budget resolution was offered by Senator Bernie Sanders (I-VT) that would raise \$478 billion in transportation funding by closing corporate tax loopholes. The proposed revenue would cover the exact amount requested by the Obama Administration's proposed six-year spending bill. Nevertheless, the amendment failed to pass on a party-line vote.

SECRETARY FOXX ANTICIPATES SHORT-TERM EXTENSION

Transportation Secretary Anthony Foxx told reporters earlier this week that he is preparing for a short-term extension of the MAP-21 highway funding bill that will otherwise expire on May 31, 2015. In his statement, Foxx expressed concerns for the potential of continued short-term transportation funding extensions, which do not allow the government to address major infrastructural issues across the country. In the last six years, Congress has passed 32 short-term extensions of funding for the Highway Trust Fund—a trend that Secretary Foxx argues is detrimental to the transportation system as whole. Although Foxx has consistently supported the Administration's six-year, \$478 billion transportation proposal, he noted that a short-term solution would be acceptable in order to avoid the expiration of funding on May 31. House Transportation & Infrastructure Committee Chairman Bill Shuster (R-PA-09) has indicated that he will announce whether his committee will pursue a short or long-term solution once Congress returns from Easter recess.

CHAIRMAN SHUSTER BACKS REPATRIATION

In past weeks, House Transportation & Infrastructure Committee Chairman Bill Shuster (R-PA-09) has stated that he believes the only plausible option for funding the Highway Trust Fund is to use a one-time tax on repatriated profits from American companies. Although Shuster opposes the exact tax rates of the Administration's proposal for repatriation, he does believe that it is the only politically viable option for Congress, given the unpopularity of increasing the gas tax or creating new tolls. Chairman Shuster has discussed the topic with Ways and Means Committee Chairman Paul Ryan (R-WI-01) and it has been reported that they plan to announce a funding proposal once Congress returns from its Easter recess. With funding set to expire on May 31 and

Members of Congress expressing concern over funding sources, the Highway Trust Fund will continue to be a topic of heavy debate in coming weeks.

ARTBA PROPOSES TAX BREAKS TO ACCOMPANY GAS TAX INCREASE

On Thursday, March 12, 2015, the American Road and Transportation Builders Association (ARTBA) released their new highway and transit funding proposal for 2015. The proposal includes a gas tax increase of 15 cents per gallon, which would be offset by a federal tax rebate to middle and lower class Americans over six years. ARTBA President/CEO Pete Ruane has argued that this proposal would help Congress avoid continued political problems rooted in Congressional opposition to increases in the federal gas tax. The ARTBA has also voiced support for the proposed taxation of repatriated profits from U.S. companies being held overseas. Nevertheless, even with the debate reframed around tax breaks, Congressional opposition to increases in the gas tax may limit the proposal's viability.

NTSB WANTS CHANGED CRUDE OIL SHIPPING STANDARDS

The National Transportation Safety Board (NTSB) announced on Monday, April 6 that current standards for tank cars used to transport crude oil do not sufficiently prevent potential fires. The amount of crude oil transported by freight rail has rapidly increased in recent years and the NTSB believes that most tank cars using current industrial and regional standards would not remain intact if a fire burned within a relatively close proximity of the train. The NTSB has recommended that the Pipeline and Hazardous Material Safety Administration implement a five-year plan to either retrofit or remove all tank cars incapable of withstanding a potential fire. As part of what the agency refers to as an "aggressive" five-year strategy, the NTSB recommended that all crude oil transports be equipped with thermal protection systems, pressure relief devices to thwart potential explosions, and a public record of the retrofitting process to ensure transparency and efficiency.

OIL TRAIN DERAILMENT LEGISLATION INTRODUCED

Congressmen Ron Kind (D-WI-03) and Tim Walz (D-MN-01) reintroduced a bill in March that would work to improve emergency response efforts in the event of an oil train disaster. The bill would bring together a team of industry experts, emergency responders, and government agency leaders to form an advisory committee for Congress to prepare a response for a potential oil train catastrophe. This advisory committee would recommend to Congress the training programs, equipment, and federal support that local communities along the rail line would require to be prepared for a derailment. In recent years, oil shipping from North Dakota across Wisconsin and Minnesota has exponentially risen from roughly 9,500 carloads in 2008 to nearly 814,000 last year. The Department of Transportation estimates that with increasing oil train traffic, there will be an estimated 10 derailments a year over the next two decades, with potential damages ranging from environmental degradation to hundreds of fatalities. Although there are some communities throughout Wisconsin and Minnesota that are capable of handling a potential crisis, the vast majority of fire departments along the Mississippi River currently lack the training and equipment to combat the complexity of an oil train derailment.

April 9, 2015
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CONCLUSION:

As always we will continue to monitor these and others transit related issues. Please do not hesitate to contact Dennis McGrann at (202) 544-9840 or dmmcgrann@locklaw.com or Andy Burmeister at (202) 544-9844 or arburmeister@locklaw.com if you have any questions or would like additional information.

REQUEST FOR BOARD ACTION: AGENDA ITEM NO. 7

Project Update: Bottineau LRT Corridor

April 10, 2015

BOARD ACTION REQUESTED:

Information

REVIEWED BY (CHECK ALL THAT APPLY):

- CHAIR
- EXECUTIVE COMMITTEE
- ADMINISTRATOR
- SENIOR STAFF
- FINANCE TEAM

BACKGROUND/JUSTIFICATION

Mark Fuhrmann, Metro Transit New Starts Director, will provide a project update on the Bottineau LRT Project and give an overview of the tour of the corridor that will be conducted immediately following the Board meeting.

Immediately following the Board meeting, a tour of the Bottineau LRT Corridor (Blue Line Extension) will depart from the Plato Boulevard Building at 10:15 am. The tour will conclude by approximately 11:45 am.

PREVIOUS ACTION ON REQUEST/OTHER PARTIES ADVISED

None

RECOMMENDATION (SELECT ONE)

Approval

FINANCIAL IMPLICATIONS: Not applicable

ARE THESE FUNDS BUDGETED? Not applicable
 (If N, attach Budget Change request form)

ATTACHMENTS

None

COMMENTS:

Please list, if any.