



**EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE  
OCTOBER 21, 2004**

**SUBJECT: FEDERAL LEGISLATION**

**ACTION: APPROVE STAFF RECOMMENDATION ON FEDERAL LEGISLATION**

**RECOMMENDATION**

Adopt the following positions:


- A. H.R. 5025 (Istook) - A bill making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes. **WORK WITH AUTHOR**
- B. S.2806 (Shelby) - A bill making appropriations for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2005, and for other purposes. **WORK WITH AUTHOR**
- C. H.R. 5082 (Young) -The Public Transportation Terrorism Prevention and Response Act of 2004, authorizing the U.S. Secretary of Transportation to award grants to public transportation agencies and over-the-road bus operators to improve security, and for other purposes. **SUPPORT**

**ATTACHMENTS**

Attachments A1- A3: Legislative Analyses

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**BILL:** H.R. 5025

**AUTHOR:** REPRESENTATIVE ERNEST ISTOOK (OK-R)

**TITLE:** MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2005

**STATUS:** PENDING CONFERENCE COMMITTEE AGREEMENT

**ACTION:** WORK WITH AUTHOR

**RECOMMENDATION**

Adopt a work with author position on H.R. 5025 (Istook) – a bill that provides funding for the U.S. Department of Transportation, among other federal agencies.

**ISSUE**

The Transportation, Treasury and Independent Agencies Appropriations bill for Fiscal Year 2005 provides programmatic and project funding vital for successfully addressing the MTA's 2004 Legislative Program. Among these priorities is securing a \$60 million earmark for the Eastside Light Rail Line. Because of jurisdictional disputes between House appropriators and authorizers, H.R. 5025 does not include funding for highway and transit programs and projects. Funding for these programs will very likely be restored when this measure goes to conference with its Senate counterpart (S.2806) or is folded into a larger omnibus appropriations bill.

**PROVISIONS**

H.R. 5025 was introduced on September 8, 2004 by Representative Ernest Istook (OK-R), Chairman of the House Transportation, Treasury and Independent Agencies Subcommittee of the House Committee on Appropriations. This bill, as originally drafted and passed by the full House Committee on Appropriations, funds the U.S. Department of Transportation and defines funding levels that are made available to entities, like the MTA, through earmarks, grants and a number of other programs.

Because of jurisdictional disputes that occurred when this bill was considered on the House floor on September 22, 2004, this bill does not provide for the following:

- No funds in this bill are provided for the federal-aid highway system.
- No funds for the National Highway Traffic Safety Administration
- No funds for transit programs.

### **IMPACT ANALYSIS**

This bill, as currently composed, would severely damage the fiscal health of the MTA because it provides no funding for federal highway and transit programs. The MTA would stand to lose over \$500 million in federal highway and transit funding should this bill be passed into law in its current form. Moreover, as currently written, the bill includes no funding for Full Funding Grant Agreements (FFGA), like the Eastside FFGA, which received an earmark of \$60 million in the version of this bill passed by both the House Transportation, Treasury and Independent Agencies Appropriations Subcommittee and the full House Committee on Appropriations.

It is highly unlikely and would be unprecedented if funding for federal highway and transit programs were not restored in this bill when it is considered in conference or placed in a larger omnibus appropriations bill. The MTA Government Relations Department will work with national transportation stakeholders to ensure that Congress provides full funding for federal highway and transit programs and that a maximum amount of federal funds are earmarked for projects supported by the MTA, like the Eastside FFGA.

**BILL:** S.2806

**AUTHOR:** U.S. SENATOR RICHARD SHELBY (AL-R)

**TITLE:** MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2005

**STATUS:** PENDING VOTE BY THE FULL U.S. SENATE

**ACTION:** WORK WITH AUTHOR

**RECOMMENDATION**

Adopt a work with author position on S.2806 (Shelby) – a bill that provides funding for the U.S. Department of Transportation, among other federal agencies.

**ISSUE**

The Transportation, Treasury and Independent Agencies Appropriations bill for Fiscal Year 2005 provides programmatic and project funding vital for successfully addressing the MTA's 2004 Legislative Program. Among these priorities is securing a \$60 million earmark for the Eastside Light Rail Line.

**PROVISIONS**

S.2806 is a measure introduced on September 15, 2004 by Senator Richard Shelby (AL-R), Chairman of the Senate Transportation, Treasury and General Government Subcommittee of the Senate Committee on Appropriations. The bill provides resources for the operation of the U.S. Department of Transportation for FY2005. As written, this bill provides no earmarks for specific highway and transit programs, but does define the amount of funds to be made available to fund these programmatic accounts. The absence of earmarks for highway and transit projects in this bill is intentional, with the goal that these earmarks be added during conference committee.

Specifically, S.2806 would provide for the following:

- Provide \$35.8 billion in federal aid to highways. This amount is approximately \$1 billion more than the Bush Administration's FY2005 Budget request.
- Provide \$7.7 billion for the Federal Transit Administration. This amount is \$492 million above the Bush Administration's FY2005 Budget request. The following programs are funded through the Federal Transit Administration: formula grants; transit planning and research; rural transportation assistance; metropolitan, state and national planning; capital investment grants; fixed guideway modernization; "new starts" program; buses and bus-related facilities; and job access and reverse commute grants.

### **IMPACT ANALYSIS**

Because S.2806 does not include specific earmarks for either highway or transit programs, it is difficult to determine its direct effect on the MTA. In broad terms, the bill does provide increased funding for highway and transit accounts, from which the MTA derives major federal funding. This increased funding, if maintained in the final legislation signed into law by the President, would enhance the prospect of the MTA receiving more federal funds for both highway and transit projects.

The earmarking of federal highway and transit projects, which is absent in S.2806, will occur during the period in which this legislation is either sent to conference with the House Transportation Appropriations bill for Fiscal Year 2005 or folded into a larger omnibus appropriations bill at the close of the 108<sup>th</sup> Congress. The MTA Governmental Relations Department will be closely monitoring this legislation to ensure that its increased level of funding for highway and transit programs are maintained and that a maximum amount of federal funds are earmarked for projects supported by the MTA, like the Eastside FFGA.

**BILL:** H.R. 5082

**AUTHOR:** U.S. REPRESENTATIVE DON YOUNG (AK-R)

**TITLE:** PUBLIC TRANSPORTATION TERRORISM PREVENTION AND RESPONSE ACT OF 2004

**STATUS:** PENDING BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

**ACTION:** SUPPORT

**RECOMMENDATION**

Adopt a support position on H.R. 5082 (Young) – the Public Transportation Terrorism Prevention and Response Act of 2004 – a bill authorizing the U.S. Secretary of Transportation to award grants to public transportation agencies and over-the-road bus operators to improve security, and for other purposes.

**ISSUE**

The Public Transportation Terrorism Prevention and Response Act of 2004, if passed into law, provides a new source of federal funds that can assist the MTA’s security efforts. Specifically, the funds provided for in this bill may be used to prevent a terrorist attack and enhance the MTA’s level of readiness in the event that such an attack occurs.

Public transit systems have been the target of terrorist attacks around the world and many transportation experts have reported on the urgent need for a significant investment in transit security improvements. During the past 80 years, nearly 50 percent of international terrorist attacks have occurred on buses or in bus stations. In addition, the recent terrorist attacks in Madrid, Spain and the recently completed 9/11 Commission Report highlight the need to expand security on rail and bus systems.

This bill outlines a number of concerns regarding the current state of transit security in the United States:

- Not enough funding has been invested in improving transit security. According to the American Public Transportation Association, since the September 11, 2001 attack against America, the U.S. Department of Homeland Security has allocated a total of \$115 million to 30 of the nation's 6,000 transit systems for security. Over the same period, the Department of Homeland Security has dedicated over \$12 billion to protect the nation's air system.

- No clear description has been made between the U.S. Department of Transportation's (DOT) security responsibilities versus the U.S. Department of Homeland Security's (DHS) responsibilities.
- DHS does not understand how transit systems are managed or funded, and has not worked with the transit industry in setting security standards or administering grants.

## **PROVISIONS**

H.R. 5082 is a measure introduced on September 15, 2004 by House Transportation & Infrastructure Chairman Don Young that would authorize the U.S. Secretary of Transportation to award grants to public transportation agencies and over-the-road bus operators to improve security, and for other purposes.

Specifically, H.R. 5082 would provide for the following:

- Authorizes appropriations in the amount of \$3.5 billion over a period of three years for security grants to public transit agencies and intercity bus operators. This funding is in addition to the guaranteed formula funding provided to states as part of the Transportation Equity Act – A Legacy for Users (TEA-LU).
- Directs the U.S. Secretary of Transportation to enter into a memorandum of understanding with the U.S. Secretary of Homeland Security to define the respective public transportation security roles and responsibilities between the Department of Transportation (DOT) and the Department of Homeland Security (DHS).
- Directs the Federal Transit Administration (FTA) to submit all public transportation security assessments conducted by it to the DHS for review by the U.S. Secretary of Homeland Security. Requires such reviews to ensure that the assessment of each public transportation system identifies critical assets of the system, including threats and security weaknesses in the system and its assets. Requires the Secretary to use the assessment information to: (1) establish a process for developing security guidelines for public transportation security; and (2) design a security improvement strategy that minimizes terrorist threats to public transportation systems and maximizes the efforts of such systems to mitigate damage from terrorist attacks.
- Authorizes the U.S. Secretary of Transportation to award grants directly to public transportation agencies for specified capital transportation security improvements and operational transportation security improvements.
- Directs the U.S. Secretary of Homeland Security to ensure that the DOT receives timely notification of all credible terrorist threats against U.S. public transportation assets.



- Directs the U.S. Secretary of Transportation to establish a program for making grants to private operators of over-the-road buses for specified system-wide security improvements to their operations.

### **IMPACT ANALYSIS**

The passage of this bill would allow the MTA and municipal operators in Los Angeles County, among others, to directly apply and receive federal funds for transportation security improvements and operational transportation security improvements. The MTA would be able to apply these funds to enhance the safety of our bus system and rail network. Specifically, enactment of this legislation into law would provide the MTA the opportunity to fund K-9 teams, train and hire additional security personnel and purchase chemical and biological detection equipment and other effective security measures for the MTA's law enforcement and security forces.

