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## Congress to speed up on transit bills

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The House returns Tuesday to a mountain of unresolved transportation issues with little room for error and little time to get up to speed.

There will be immediate urgency for both chambers (the Senate reconvenes Jan. 23) to address the Federal Aviation Administration, as its funding expires Jan. 31. That's just the beginning — transit riders are clamoring for an expired tax provision to be renewed and the trucking industry is in a frenzy over new hours-of-service rules. Just around the corner: Surface transportation law runs out March 31.

Partisan bickering on extending a 2 percent payroll tax cut past Feb. 29 could easily suck up the oxygen in Congress and lead to further stopgap extensions on FAA and highway funding — an unpalatable scenario for leaders after 30 extensions over more than 2,400 days for the two laws.

“If we want to ensure we have high unemployment, have stopgaps. If we want to have high employment,” we need new bills, Transportation and Infrastructure Committee Chairman Rep. John Mica (R-Fla.) said in an interview.

Here's a look at how Congress left transportation when it bolted in December and what it now has to do about it.

### Stop the shutdown

Avoiding a possible second partial FAA shutdown in six years is a must. A two-week stalemate last summer over Essential Air Service subsidies for rural flights put 4,000 FAA employees out of work, cost the Airport Improvement Program more than \$300 million and reflected poorly on Capitol Hill as a whole.

Funding expires in exactly two weeks, and Congress had 4½ months since the last stopgap to work on a new long-term bill, the most breathing room since 2009. Optimism on getting a new four-year bill persisted until winter set in, when it was revealed controversial National Mediation Board language over how union election votes are interpreted [forced negotiations](#) between Senate Majority Leader Harry Reid (D-Nev.) and House Speaker John Boehner (R-Ohio).

Mica said leadership staff made “minor progress” during negotiations over the winter recess and that discussions on the labor issue, general funding levels, the Essential Air Service program and flight slots at Ronald Reagan Washington National Airport are fluid but within reach. Still, the clock is ticking.

“There's going to be an emergency assessment [this] week when we get back,” Mica said. “If I don't have an agreement or time to finish the language, ... we have to kind of convene a quick conference.”

Aviation's “big four” — Mica, Rep. Nick Rahall (D-W.Va.), Senate Commerce Committee

Chairman Jay Rockefeller (D-W.Va.) and Sen. Kay Bailey Hutchison (R-Texas) — say a pre-conferenced bill could easily pass both chambers before the Jan. 31 deadline. But each passing day makes a stopgap bill more imminent.

“Unless the two leaders get together and something is struck the soonest, then we’re running up against another extension,” said Rahall, ranking member of the Transportation and Infrastructure Committee. “We can’t afford to keep passing short-term stopgaps. We have the danger of going through that whole brinkmanship again we went through in August. The country suffered, no money was saved. And jobs were lost.”

Mica and Rahall are in lock step on avoiding a short-term extension unless the purpose is to buy a few days for a longer bill to be agreed upon.

“If I have to do a stopgap and I don’t have an agreement, it won’t be a pretty one. I’m hoping not to go that route and we are hoping to conclude this. If we have that agreement, I’ll agree to a very short-term bill,” Mica said.

### **Finally pass a highway bill**

The highway and transit bill is the biggest and most complicated piece of transportation legislation Congress will tackle this year, and there’s no guarantee it will reach the finish line.

Boehner [said last week](#) the chamber will move an infrastructure-energy combo bill “in the coming weeks and months.” A rough timeline puts House Republicans’ introduction of a surface transportation bill sometime in February, a large component to improving the country’s employment rolls, Mica said.

“The transportation bill is a major jobs bill not only for Republicans but Congress as a whole,” he said, noting stopgaps make planning large projects difficult if not impossible. “Every project I see willing to put people to work for the longer term is in limbo.”

But that proposal — which shores up the beleaguered Highway Trust Fund with drilling revenues — is already under heavy fire from Senate and House Democrats. Oklahoma Sen. Jim Inhofe, the top Republican on the Senate Environment and Public Works Committee, has repeatedly said drilling leases won’t raise nearly enough money.

The money situation isn’t any better over in the Senate. A two-year EPW bill needs around \$12 billion to plug trust fund shortfalls. Finance Committee members have been working to find that money — so far to no avail. Mica prefers a longer bill of up to six months and called 24-month legislation a “disaster.”

The Senate also needs a transit bill marked up in the Banking Committee. EPW and Commerce have approved their parts, but Banking members were unable to schedule a mark-up in December.

After the payroll tax, Reid said Sunday on [“Meet the Press”](#) that the two main transportation bills are among the most important for Congress to resolve this year.

“The agenda that I’m moving forward on, I hope with some cooperation from Republicans

this time, is to do something about creating jobs. Our surface transportation bill, it will save a million jobs and create a lot more jobs. Federal Aviation Administration, that's more than 200,000 jobs," Reid said.

One strategy suggested by former Gov. Ed Rendell (D-Pa.), a co-chairman for Building America's Future, is to extend current FAA and transportation policy through the end of 2012 to avoid election-year partisan politics. Though Rahall said, "I want to see us do ... both bills, early in this year, the political schedule adds a urgency to us doing something now," Rendell's playbook may be inevitable.

"I suspect that that makes sense. It's probably the reality of what's going to occur. The electoral politics have really been a problem," said Rep. Steve Cohen (D-Tenn.), a Transportation Committee member.

### **Equalize transit and parking benefits**

On the first day of 2012, a benefit for commuters that allowed them to use up to \$230 a month in tax-free dollars on public transportation dropped to \$125, effectively costing riders and their employers hundreds of dollars a year. At the same time, drivers saw their parking benefits rise \$10 a month.

The stimulus-era benefit still can be taken up by the House Ways and Means Committee and Senate Finance, chaired by Dave Camp (R-Mich.). A Ways and Means aide said tax extender provisions are often taken up retroactively.

In the Senate, Democratic Policy Committee Chairman Sen. Chuck Schumer of New York has said he is going to fight for the benefit.

"The fact that this transit tax credit expired as the clock struck 12 on New Year's is unacceptable, and I'm going to do everything I can to see the full extension of these commuting benefits," the Finance Committee member [said](#) at a New York commuter rail station.

D.C.'s Metro has estimated ridership could drop by as much as 3 percent should the benefit not be extended — but the nation's second-busiest subway system is not preparing for the worst. A 2013 budget draft assumes the benefit's renewal, which could [translate](#) to higher fares should the extension stall.

### **Keep an eye on DoT**

Republicans eager to bash the Obama administration will continue their crusade against some of the Transportation Department's prominent regulations and programs.

One top target is a controversial rule restricting how long truckers can drive and how much (and when) they must rest each day. The rule takes effect in 2013, leaving plenty of time for Congress to block it or for industry groups to file lawsuits.

At a House Oversight and Government Reform hearing late last year, Republicans and industry officials said the [rule](#) would cost nearly \$1 billion but wouldn't make a dent in accident figures.

California's high-speed rail project, now estimated to cost nearly \$100 billion, will be another GOP punching bag. The Transportation and Infrastructure Committee held two hearings on HSR late last year — the second of which was dedicated to trash-talking the California project. A recent shake-up of the state's High-Speed Rail Authority leadership means members will continue to keep a close eye on things.

*CORRECTION: A previous version of this story misstated the length of highway bill Mica prefers. He wants a bill of up to six years.*

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