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SAFETEA: Senate Aims to Complete Work on SAFETEA Bill

On May 9, the Senate will resume work on its SAFETEA plan, legislation that renews the nation's surface transportation law or TEA-21 through fiscal year 2009.

Senators will immediately turn to consideration of an amendment to increase funding for the legislation by \$11-13 billion above the \$283.9 billion level approved in Committee and recommended by the President.

Anticipating the Senate action, Transportation Secretary Norman Y. Mineta weighed in with a strong statement urging the Senate to stick to the President's funding level. "There is a dark cloud looming that will needlessly delay many important highway and transportation projects around the country," he said in a May 5 statement.

"Last week the President made it clear that he would veto any bill that increases the top-line dollar figure beyond the \$284 billion, six-year level that has already been overwhelmingly approved by the House of Representatives and the Senate Committee on Environment and Public Works," Mineta said.

Despite the threat of a certain veto by the President, pressure has been building for months in the Senate to add funds to the SAFETEA legislation. The funding amendment to be offered by Senate Finance Chair Charles Grassley (R-IA) and Ranking Minority Member Max Baucus (D-MT) is expected to pass overwhelmingly, setting the stage for a confrontation with President Bush later in the process.

The additional funds will help so called "donor" states improve their rate of return on highway dollars sent to Washington and it promises to raise funding commitments to transit programs, which were shorted by the Senate Environment and Public Works Committee when the \$283.9 billion SAFETEA package was being developed in March.

Following the debate on the funding amendment, the Senate is expected to move a cloture motion that, if adopted, would give Senators a fixed period of time (sometime on May 12) to offer amendments to the SAFETEA bill; any amendments after time would have to be ruled in order and be germane to the legislation.

Baucus/Grassley Amendment: Transit Backers Want Funding Shortfall Fixed 

The Grassley/Baucus amendment is the vehicle for transit proponents to redress funding losses that resulted from committee work on a renewal plan that conformed to the President's recommended spending level.

Because the Senate Environment and Public Works Committee has jurisdiction over highway programs and it acted first on the SAFETEA bill, its proposed highway title had shifted \$1.7 billion from transit programs to highway programs, lowering transit's overall share of funding to \$51.6 billion. As a result, transit funding in the SAFETEA bill is roughly 18 percent of total funding, well below historical commitments that were closer to 20 percent.

Senators on the Senate Banking, Housing and Urban Affairs Committee were, in effect, forced to accept the lower transit level since all of the Senate transportation committee leaders had pledged to Majority Leader Bill Frist (R-TN) to hold SAFETEA's overall funding level to the Administration's funding request.

With the Baucus/Grassley amendment, efforts are now concentrating on urging Senators to ensure that the transit shortfall is corrected in this funding amendment. Negotiations on the allocation of funds among the transit and highway programs are ongoing.

Harkin Amendment: Calls for Complete Streets and Related Policies to Promote Safer Walking and Bicycling

Iowa Senator Tom Harkin (D-IA) has extracted key features of his "Safe and Complete Streets Act of 2005" (S. 794) that he intends to offer during Senate floor debate on SAFETEA.

At this time, it is likely that his "Complete Streets Amendment" will be considered on Wednesday, May 11, a package that focuses specifically on policy adjustments, rather than financial issues, to promote federal, state and local actions that make walking and bicycling safer and that seek to increase the number of walking and bicycling trips.

Specifically, the amendment requires each state to adopt a "Complete Streets" policy, building upon the 2000 FHWA policy statement as the basis for accommodating bicyclists and pedestrians, to ensure that all users are considered in the design of federally-assisted transportation facilities. Likewise, each Metropolitan Planning Organizations (MPOs) serving a population of 200,000 or more must either satisfy certain thresholds in their planning process (e.g. data quality, goal-setting or quantify benefits of investments) or simply adopt their own Complete Streets policy. The U.S. Secretary of Transportation would report to Congress within one year after the date of enactment on the policy statements adopted by states and regional agencies.

The amendment also calls upon these larger MPOs to designate a

bicycle/pedestrian coordinator, account for the safety needs of pedestrians and bicyclists in their long-range transportation plans and transportation improvement programs (TIPs), and work with local government leaders on improvements to support bicycling and walking.

Harkin's "Complete Streets" amendment requests that the U.S. Secretary of Transportation promote goals and set milestones for increasing pedestrian and bicycle trips and seek to reduce accidents involving bicyclists and pedestrians by ten percent. The Secretary would also report to Congress each year on the share of research funds that are allocated to research that directly benefits the planning, design, operation and maintenance of the transportation system for nonmotorized users. The Transportation Research Board would report annually to the Congress on the use of National Cooperative Research Funds.

Importantly, his amendment speaks to a number of policy issues that are not part of the House-passed bill (H.R. 3) or the SAFETEA legislation as approved by the Senate Environment and Public Works Committee, although the pending renewal bills include other important provisions, such the Safe Routes to School program (both bills), "Fair Share for Safety" funding for pedestrians and bicyclists (Senate bill) and the Non-Motorized Pilot program (House bill).

A diverse coalition of organizations has been supporting Senator Harkin's efforts, including AARP, American Heart Association, American Society of Landscape Architects and the Paralyzed Veterans of America, among others.

Senate Outlook: Many Amendments Expected

Once the cloture vote is filed, Senators will step forward to file amendments to the bill; there are likely to be more than 100 amendments to the bill.

Importantly, most of these will not be offered on the floor, as Members press leaders of the transportation committees to incorporate provisions into the managers' amendment that will be offered during deliberations on the bill.

Even given the number of amendments, it is believed that the Senate will complete action on the legislation during the week of May 9.

Accomplishing this feat doesn't mean that Congress will reach a final agreement by May 31; another TEA-21 extension will surely be necessary. The next extension will be the seventh since TEA-21 first expired September 30, 2003.

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