



House Committee on Transportation and Infrastructure

Rep. Nick J. Rahall, II — Ranking Member

<http://democrats.transportation.house.gov>

H.R. 7, the “American Energy and Infrastructure Act”

February 6, 2012

(Analysis provided by the House Committee on Transportation and Infrastructure Democratic staff)

CUTS FUNDING AND ELIMINATES JOBS –

- Cuts investments in Federal-aid highways by \$15.8 billion from current levels, reducing funding for all but 5 states over the life of the bill.
- Reduces funding for Amtrak by \$308 million.
- Guts transit by delinking Federal transit funding from the Highway Trust Fund. The new “Alternative Transportation Account” will no longer receive highway user fee revenues, meaning that **all** transit investment will compete with other discretionary priorities funded by the General Fund. This new account will also fund four highway programs previously funded out of the Highway Trust Fund.
- Continues loopholes that allow surface transportation jobs to be outsourced overseas, and does not extend Buy America protections to all Federal surface transportation programs.
- Undermines the development of surface transportation options, as well as pedestrian safety, by eliminating the current transportation enhancement (TE) set-aside.
- Fails to provide flexibility to transit systems to use Federal funds to maintain service and transit worker jobs at times of economic crisis.

WEAKENS ENVIRONMENTAL PROTECTIONS —

- Significantly limits or precludes the application of NEPA and all other environmental laws to surface transportation projects developed with Federal funds.
- Categorizes **any** activity carried out under Title 23 (the highway title) or **any** project within a right-of-way as categorical exclusion under NEPA *regardless of the scope of the project*, which would dramatically limit public participation.
- Waives NEPA for all projects where the Federal share of the costs is less than \$10 million or 15 percent of the total project cost *regardless of the scope of the project*.
- Requires the environmental review process for a project under NEPA or any other applicable environmental law be completed within 270 days, or the project shall be deemed *to have no significant impact on the environment*.
- Allows States to use State laws and procedures to conduct reviews and make approvals in lieu of any Federal environmental laws and regulation if the Secretary of Transportation determines the State’s procedures are substantially equivalent to the Federal laws.
- Bars any claim arising under Federal law for any project unless it is filed within 90 days after the final approval of the project is published in the Federal Register.
- Dilutes the current statutory requirements for the mitigation of natural habitat and wetlands impacted by projects, and removes current requirement that mitigation projects be carried out in compliance with applicable Federal law and regulations.

SLASHES SAFETY —

- Cuts National Highway Traffic Safety Administration grant funding.
- Eliminates OSHA protections for hazmat workers, workers that design, manufacture and test hazmat packages, and workers on sites where hazmat is stored.
- Dramatically lowers the bar for hazmat exemptions by allowing companies with poor safety records to receive exemptions, and making permanent more than 5,000 hazmat exemptions issued over the past six years.
- Extends the deadline for implementation of Positive Train Control (PTC), which are systems designed to automatically prevent train collisions and derailments, on passenger rail lines from December 31, 2015 to December 31, 2020, and could extend the deadline for PTC on rail lines that transport toxic-by-inhalation hazmat to anytime after 2020.

MANDATES PRIVATIZATION —

- Subsidizes private transit companies by offering a higher Federal share for bus-related grants if a transit agency contracts out 20 percent of its fixed route bus service.
- Makes private entities eligible to receive Federal Transit Administration (FTA) grants.
- Mandates private sector participation in planning and removes the requirement that the degree to which to involve the private sector should be driven by local decision-making.
- Mandates that State departments of transportation use private sector firms for engineering and design services on Federal-aid highway projects.

ATTACKS AMTRAK OPERATIONS AND DEVELOPMENT OF HIGH-SPEED RAIL —

- Abrogates labor contracts between Amtrak and its food and beverage workers by requiring FRA to bid-out food and beverage service to the lowest cost bidder.
- Prevents California from being eligible to obtain funds for development of high-speed/passenger rail.
- Prevents Amtrak from using any Federal funds to hire outside counsel to file a lawsuit or defend itself against a passenger rail operator, which would include Class Is.