

FEDERAL UPDATE

October 12, 2015

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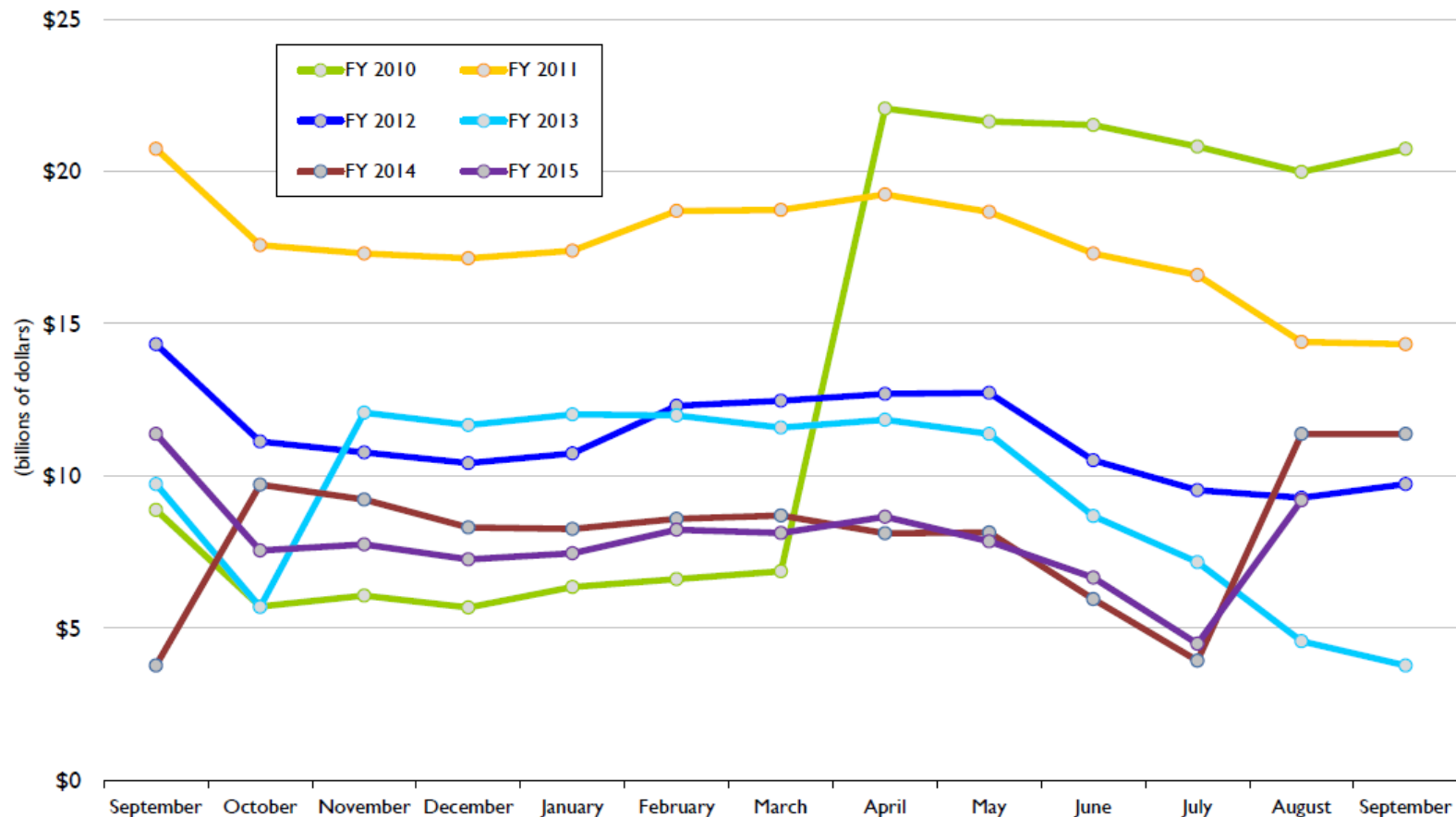
PRIORITIES

- LONG TERM HIGHWAY FUNDING
- WATERS OF THE U.S. RULE

SURFACE TRANSPORTATION ON THE BRINK



Highway Account Balance



For FY 2010, includes \$14.7 billion transferred from the General Fund (GF) in April pursuant to Public Law (P.L.) 111-147.

For FY 2012, includes \$2.4 billion transferred from the Leaking Underground Storage Tank (LUST) Trust Fund in August pursuant to P. L. 112-141

For FY 2013, includes \$6.2 billion transferred from the GF in November pursuant to P.L. 112-141, of which \$316.2 million was sequestered in August.

For FY 2014, includes \$10.4 billion transferred from the GF in October pursuant to P.L. 112-121 less sequester of \$748.8 million. Also includes \$7.765 billion transferred from the GF and \$1 billion transferred from the LUST Trust Fund in August pursuant to P.L. 113-159.

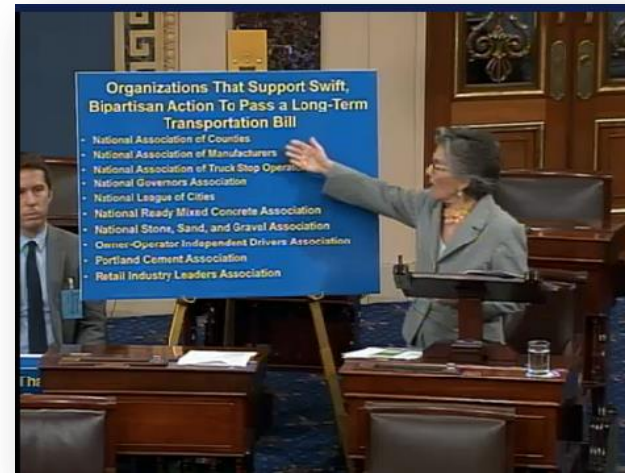
For FY 2015, includes \$6.068 billion transferred from the GF in August pursuant to P.L. 114-41.

MULTI-YEAR HIGHWAY BILL

- CURRENT LAW EXTENDED TO NOV. 20, 2015, FROM OCT. 29, 2015
- SENATE PASSES *DEVELOPING A RELIABLE VISION FOR THE ECONOMY (DRIVE) ACT* - JULY 30, 2015, 65-34
- HOUSE PASSES *SURFACE TRANSPORTATION REAUTHORIZATION & REFORM ACT* – NOV 5, 2015, 363-64



DRIVE ACT



- PASSED SENATE JULY 30, 65-34
- AUTHORIZES HIGHWAY PROGRAMS THRU 2021
- STABILIZES HIGHWAY TRUST FUND TEMPORARILY
 - FUNDING GUARANTEED THROUGH FY 2018
 - \$45.6 BILLION IN NEW REVENUES
- INCREASES HIGHWAY FUNDING FROM FY 2016: \$41.6 BILLION TO FY 2018: \$44.3 BILLION
- NEW PROGRAMS
 - NATIONAL FREIGHT, \$1.47 BILLION
 - GRANT ASSISTANCE FOR MAJOR PROJECTS, \$300 MILLION



SURFACE TRANSPORTATION REAUTHORIZATION & REFORM ACT OF 2015

- PASSED HOUSE NOV. 5, 2015, 363-64
- AUTHORIZES FEDERAL HIGHWAY & TRANSPORTATION PROGRAMS THRU 2021
- FUNDING ANNUALLY GROWS FROM \$38.4 BILLION IN FY 2016 TO \$42.5 BILLION IN 2021
- 3 YEAR STOP – REQUIRES NEW BILL TO FUND REMAINING 3 YEARS OF BILL
- CREATES “NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROGRAM”
- ACCELERATES PROJECT DELIVERY
- INCREASES ENVIRONMENTAL REVIEW COORDINATION
- CREATES NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU



NEXT STEPS

- CONFERENCE COMMITTEE MEETS TO RESOLVE DIFFERENCES BETWEEN HOUSE AND SENATE BILLS
- CONFERENCE COMMITTEE BILL PASSED BY SENATE AND HOUSE
- PRESIDENT SIGNS BILL BEFORE THANKSGIVING



GRASSROOTS

- THANKS FOR
 - 3,500 CONGRESSIONAL CONTACTS ON HIGHWAY FUNDING IN AUGUST ALONE
 - 11,000+ CONTACTS ON HIGHWAY FUNDING AND WATERS OF THE U.S. RULE IN 2015
- WE STILL NEED YOU!
 - TO GET THE FINAL HIGHWAY BILL PASSED



WATERS OF THE U.S. RULE



WATERS OF THE U.S. RULE

- OCT 9: U.S. COURT OF APPEALS BLOCKS FINAL RULE NATIONALLY
 - “SUBSTANTIAL POSSIBILITY OF SUCCESS”
 - RULE PROCESS & DISTANCE “SUSPECT”
 - NO INDICATION OF HARM WITHOUT RULE
 - BREADTH OF RIPPLE EFFECT CAUSED BY RULE

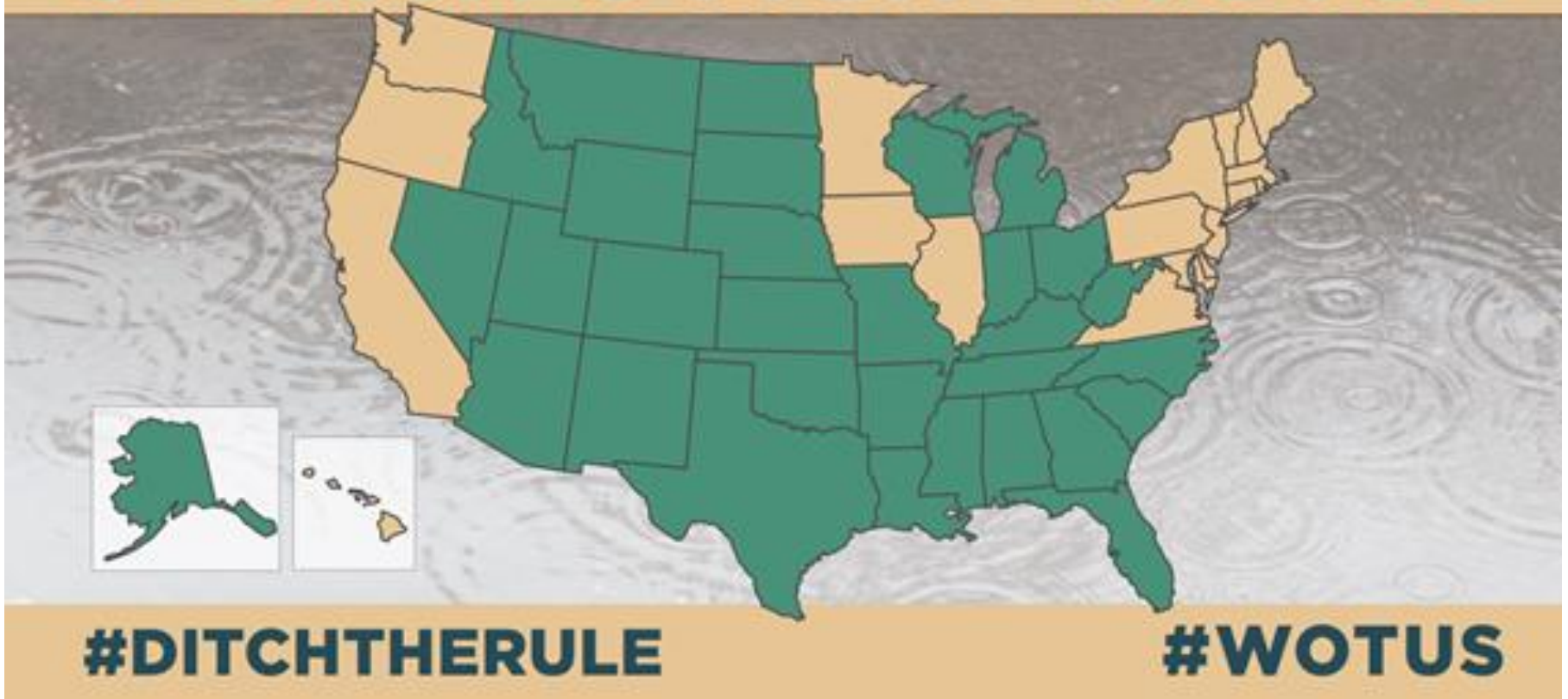


THANKS OHIO!



WATERS OF THE U.S. RULE

31 STATES FIGHT WOTUS



WATERS OF THE U.S. RULE

- 404B PERMITS
- REGULATES FEATURES THAT WERE NOT PREVIOUSLY JURISDICTIONAL SUCH AS DRY STREAM BEDS
- FOR EXPANSION OR NEW SITE, COSTS WILL INCREASE BECAUSE MORE AREAS WILL NEED MITIGATION: \$1,000,000+



WATERS OF THE U.S. RULE

NSSGA SUCCESS

- OUT: PITS, MORE DITCHES AND WATER TREATMENT SYSTEMS
- FOR MANY EXISTING OPERATIONS, PERMIT CONDITIONS ARE UNLIKELY TO SIGNIFICANTLY CHANGE



WATERS OF THE U.S. RULE

- BED BANK AND OHWM = REGULAR FLOW
- ADJACENT: UP TO 1500'
- OUTER LIMIT OF 4000' WITH BROAD SIGNIFICANT NEXUS TEST
- NOT PART OF SCIENCE REVIEW OR NOTICE & COMMENT
- CORPS WANTED NAME **OFF**



BEFORE RULE



AFTER RULE



CONGRESSIONAL ACTION

H.R. 1732: REGULATORY INTEGRITY PROTECTION ACT

- WITHDRAW RULE; PASSED 261-165 ON MAY 12

S. 1140: FEDERAL WATER QUALITY PROTECTION ACT

- WITHDRAW RULE; FAILED 57-41 ON NOV 3

CONGRESSIONAL REVIEW ACT

- RULE CANNOT CONTINUE; CANNOT BE RE-PROPOSED
- PASSED SENATE 53-44 NOV 4; HOUSE VOTE NOV 16?



NSSGA LITIGATION

- VIOLATES CONSTITUTION & APA
 - UNPRECEDENTED ADVOCACY CAMPAIGN



- WILL LIKELY TAKE YEARS TO MOVE TO
THE SUPREME COURT



QUESTIONS?

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