

**Legislative Bulletin.....March 27, 2012**

**Contents:**

**H.R. 4239** - Surface Transportation Extension Act of 2012

---

---

**H.R. 4239 - Surface Transportation Extension Act of 2012  
(Mica, R-FL)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, March 27, 2012, under a motion to suspend the rules and pass the resolution.

**Summary:** H.R. 4239 extends programs under the Highway Trust Fund by two months (through June 1, 2012). The bill authorizes continued funding for the various programs at close to the same levels as provided in FY 2011. The legislation does not make any substantial changes to the current transportation program. The legislation provides contract authority for the covered programs, and extends the authority to spend money from the Highway Trust Fund, through June 1, 2012. Highlights are listed below.

**Surface Transportation Extension**

The amounts authorized to be appropriated would be calculated by accounting for any rescission or cancellation of funds or contract authority in FY 2011, including in the full-year continuing appropriations act. The bill authorizes appropriations equal to three-fourths of the FY 2011 amount authorized for federal-aid highway programs, research, and planning under SAFETEA-LU for the period starting Oct. 1, 2011 and ending June 1, 2012. The following are some examples of specific authorization amounts for programs in the Highway Trust Fund FY 2011:

**Highway Programs**

- The legislation sets an obligation limit of \$39.1 billion for federal-aid highway programs.
- The legislation extends authorizations for surface transportation research, education, and statistics programs for the two-month period through June 1, 2012.
- The bill exempts from the obligation limit \$479 million for the first three quarters of FY 2012 for the equity bonus programs. The equity bonus programs ensure that states receive a certain portion of the gasoline taxes they contribute to the federal highway funds. The legislation requires that the distribution of a state's

“bonus” funds is appropriated through the highway formula programs. It stipulates that the distribution of a state's allocation for certain highway formula programs would be determined by three-fourths the amount made available for programs in FY 2011 under SAFETEA-LU.

- The measure authorizes \$295 million from the Highway Trust Fund for the administrative costs of the federal highway program for the first three quarters of FY 2012.

### **Highway Safety Programs**

- The bill authorizes \$499 million for the period of Oct. 1, 2011, through June 1<sup>st</sup> or highway-safety programs administered by the National Highway Traffic Safety Administration.
- The bill authorizes \$448 million for the period beginning October 1, 2011, and ending on June 1, 2012, for truck-safety activities of the Federal Motor Carrier Safety Administration.
- The bill extends the authorization for hazardous-materials research projects under the Pipeline and Hazardous Materials Safety Administration.
- The bill extends authorization for sport fish conservation and management programs under the Dingell-Johnson Sport Fish Restoration Act.

### **Transit Programs**

- The bill allows for the obligation of up to \$7.8 billion for transit programs administered by the Federal Transit Administration.
- The measure authorizes \$6.3 billion for formula and bus grants.
- The bill authorizes \$1.5 billion for capital investment grants.
- The bill authorizes \$33 million for research and university centers.
- The bill authorizes \$74 million for Federal Transit Administration administrative costs.
- The bill extends the allocation requirements for funds that go to transportation planning programs. The legislation stipulates that 83% of the funds will be available for the metropolitan planning programs, and 17% will be available for state planning programs.
- The legislation extends the allocation amounts for certain capital investment grants, formula grants, and research and technology programs.
- The bill extends the authorizations for fixed guide-way capital projects in dozens of designated cities.
- The legislation extends pilot programs related to contracted paratransit pilots, public-private partnerships, and elderly and disabled individuals.
- The bill extends a special rule for urbanized area formula grants that allows the Transportation Department to finance the operating cost of equipment and facilities for use in public transportation in an urbanized area with a population of at least 200,000.

**Potential Conservative Concerns:** For years, conservatives have asserted that the Highway Trust Fund is on an unsustainable path. Many conservatives believe that the solution to this problem is to reprioritize spending on actual highways, instead of relying on either tax increases or deficit spending to maintain funding for non-highway, non-federal items. Some of the programs that are extended by this legislation are, in the view of some conservatives, examples of programs that should not be funded by the Highway Trust Fund. Many conservatives also argue that the states should be given more flexibility in spending transportation dollars. Many conservatives believe that most (if not all) of the highways program should be devolved to the states. See, for example, legislation by Rep. Lankford (H.R. 1585), Rep. Tom Graves (H.R. 3264), and Rep. Scott Garrett (H.R. 1737).

Additionally, many conservatives may be concerned that this bill, while not increasing spending, also does not cut spending.

**Background:** The last long-term authorization for highway, transit and safety programs was passed in 2005 and is known as the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The legislation expired Sept. 30, 2009. The federal highway programs and certain transit programs are directly funded through contract authority provided in authorizing legislation unlike other federal programs, to which new federal funding can be provided through appropriations measures without prior authorization. The current surface transportation authorities expire March 30, 2012 and were last extended in September 2011.

**Committee Action:** H.R. 4239 was introduced by Rep. John Mica (R-FL) on 3/22/2012. The legislation was referred to the Committees on Transportation and Infrastructure; Ways and Means; Natural Resources; Science, Space, and Technology; and Energy and Commerce.

**Administration Position:** As of press time, no Statement of Administration Policy (SAP) has been released.

**Cost to Taxpayers:** No Congressional Budget Office cost estimate is available.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available.

**Constitutional Authority:** According to Rep. Mica, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, and Clause 18.”

**RSC Staff Contact:** Ja’Ron Smith, [ja’ron.smith@mail.house.gov](mailto:ja’ron.smith@mail.house.gov), (202) 226-2076.