
ABA's Government Affairs and Policy Report

2024 Spring Board Meeting

FEDERAL OVERVIEW

Congress continued to struggle through the first several months of the year, as the election campaign season kicked into full gear. Although Republicans still control the House of Representatives, their numbers have dwindled from 222 and a 4-vote margin last fall, to 218 as of the end of March and soon to be 217, leaving only a 1-vote margin by April. This puts Democratic Minority Leader Jeffries in a very strong position, and current Speaker Johnson's position under greater pressure from his conservative wing. In February, Senate Minority Leader McConnell announced his intention to step down as Leader following the November elections, although he plans to remain as a Senator to finish his term. The race to succeed him is focused on Senators Thune (R-SD) and Cornyn (R-TX), however other contenders could surface, including Senator Daines (R-MT) who currently runs the Senate Republican campaign arm. Based on the early presidential primaries, the two leading party presidential candidates solidified their positions with President Biden as the Democratic candidate and former President Trump as the Republican candidate, along with several third-party candidates including Robert F. Kennedy. Although Congress and the White House were able to reach agreement on FY 2024 funding and narrowly avoid a government shutdown in March, funding for FY 2025 will be a contentious effort, along with on-going battles over funding for Ukraine, Israel and other supplemental funding needs.

I. LEGISLATIVE BRANCH MATTERS

A. Legislation

1. Tax – Toward the end of 2023, the Republican Chair of the House Ways & Means (WM) tax committee, Rep. Smith (R-MO), negotiated an agreement with the Democratic Chair of the Senate Finance tax committee, Sen. Wyden (D-OR), on various tax measures, which were then put into legislative form, [H.R. 7024](#). The agreement extended bonus depreciation at 100% and the business interest deduction, in exchange for provisions supported by Democrats to restore the enhanced child tax credits (CTS). The bill was promptly marked up and passed by the House by the end of January and is now pending in the Senate. ABA and member efforts to have the CERTS tax fix language added to the House bill before passage, were unsuccessful. Although we are continuing to seek inclusion of the CERTS tax fix language through the Senate process, the fate of the bill is uncertain. Initially, a number of bipartisan Senators expressed interest in an open process to move the legislation that would allow for amendments, and ABA lined up Senators to offer the CERTS tax fix as an amendment. However, as the tax season passes and the FY 2025 appropriations process garners attention, interest in moving H.R. 7024 is slipping. Also, the Republican Ranking Member of the Senate Finance Committee, Sen. Crapo (R-ID), who was reportedly not involved in the negotiations, has expressed ongoing concerns with the CTC provisions.

2. FY 2024 Appropriations – As noted, Congress and the White House again narrowly avoided a government shutdown, reaching agreement on the second of two funding bills to fund the government thru the remainder of FY 2024. The first bill ([H.R. 4366](#)), enacted March 9 for \$436 billion, bundled 6 of the 12 appropriations bills, but the remaining 6 (more controversial) were covered in the second bill ([H.R. 2882](#)) enacted on March 22, for \$1.2 trillion, for total FY 24 funding of ~\$1.6 trillion. Both Democrats claimed some victories out of the measures, but there was sufficient disgruntlement in the House conservative camp for Rep. Taylor-Greene (R-GA) to file a motion to vacate the Speaker’s chair, although no further action has occurred. The passage of these bills allows the FY 2025 funding process to proceed, although supplemental appropriations for Ukraine, Israel and other foreign interests remains pending, along with pressure to provide funding to address the bridge collapse in Baltimore Harbor. Speaker Johnson is trying to determine a path forward in the House on a supplemental foreign-aid package, while the Senate passed a \$95 billion package in February. The House is now scheduled to vote on 4 separate bills this weekend to provide funding and address border security, while the conservative wing has stated they will proceed to push for ouster of the Speaker. Also, in March, the sitting chair of the House Appropriations Committee, Rep. Granger (R-TX), announced her departure due to health reasons. The House Republicans chose Rep. Tom Cole (R-) to succeed her, and we will also see now see new Subcommittee chairs, all adding more drama to the FY 2025 proces.

The ABA was initially successful through the FY 2024 appropriations process to boost funding in the House bill for the FY 2024 Intercity Bus Security Grant program from the proposed \$2 million to \$5 million; however, in the final funding negotiations, all passenger transportation security assistance programs were cut by 10%, and appropriators used the Senate IBSGP number of \$2 million, resulting in \$1.8 million for the IBSGP in FY 2024 after the cut.

3. FY 2025 Appropriations – To officially initiate the FY 2025 appropriations process, the President submitted his FY 2025 \$7.3 billion budget [proposal](#) on March 11. Prior to this submission, on March 7, the House Budget Committee advanced a FY 25 budget [resolution](#) to frame overall FY 2025 spending but the Senate has not taken similar action, and there has not been a joint budget resolution since 2010. Nonetheless, the various Appropriations subcommittees in the House and Senate are now planning to schedule hearings on the budget proposal upon returning from the two-week holiday recess, although as mentioned supplemental funding requests will likely be the main focus for appropriators in the short term. The ABA is in the midst of submitting its annual Intercity Bus Security Grant program requests to appropriators, asking for \$10 million in FY 2025. Also, ABA noted an effort by the U.S. Travel Association to seek language through the appropriations process to approve the National Park Service conducting a study of using dynamic pricing for park entry, and plans to oppose this effort.

4. Surface Transportation Reauthorization – The House Transportation and Infrastructure (T&I) Committee’s Highways and Transit Subcommittee has started to hold hearings in preparation for the next surface transportation reauthorization bill, with the Infrastructure Investment & Jobs Act of 2021 (aka the bipartisan infrastructure bill), set to expire in 2026. On March 21, ABA Board member, Jeff Greteman, [testified](#) before the Subcommittee on behalf of ABA regarding rural transportation challenges. In addition to his submitted [written testimony](#) on both charter and scheduled service rural transportation issues, along with zero-emission transition and congestion pricing challenges, ABA will be submitting additional responses on these issues based on follow up questions from the Subcommittee.

5. Other Legislation of Interest –

- **FAA Reauthorization** – The Senate finally moved its Federal Aviation Administration reauthorization bill ([S. 1939](#)), in complement to House bill ([H.R. 3935](#)). Reportedly, staff are trying to reconcile the

two bills in an effort to avoid a formal conference bring one measure to the floor for a final vote, before the May 10 expiration of the temporary extension.

- **Cultural Tourism** – [H.R. 3158](#), Explore America Act, supports cultural heritage tourism and historic preservation, and encourage NPS to partner with gateway communities to leverage tourism assets.
- **Recreation** – [S. 873](#), America’s Outdoor Recreation Act, intended to improve recreation opportunities and facilitate access to Federal public lands.
- **Recreation** – [H.R. 1527](#), SOAR Act, addresses access to public lands for recreation, requires Interior Department to sell online America the Beautiful National Parks passes, among other things.
- **Tourism** – [H.R. 284](#), the U.S.-Mexico Tourism Improvement Act, directs State Department to develop strategy to improve bilateral tourism between U.S., Mexico and third-party tourism in countries.
- **DRIVE Act** – Legislation was introduced in both the House ([H.R. 3039](#)) and Senate ([S. 2671](#)) to prohibit the Federal Motor Carrier Safety Administration (FMCSA) from moving forward on a regulatory proposal to mandate speed limiters for heavy-duty vehicles. There is also an effort to add the bill text to the transportation appropriations measures. The FMCSA is scheduled to **publish** a supplemental notice of proposed rulemaking in May to mandate use of speed limiting devices and set a national speed limit.
- **ELDT** – [H.R. 4738](#), the Trucking Workforce Improvement Act is a bill that would repeal FMCSA’s entry-level driver training rule. There is no Senate companion, and no action taken on it.
- **Border Inspections** – [S. 1822](#), the Non-Intrusive Inspection Expansion Act, would require U.S. Customs and Border Protection to increase use of non-intrusive inspection systems to scan passenger and commercial motor vehicles at land ports of entry.
- **CDL Testing** – [S. 1649/H.R. 3013](#), the License Act, would revise FMCSA commercial driver’s license (CDL) regulations to allow States or third-parties to administer the knowledge test, and allow a State to administer skills test to any CDL applicant regardless of state of domicile.
- **Driver Data Access** – [H.R. 3356](#), the Motor Carrier Safety Screening Modernization Act, modifies screening program to enable industry to access driver crash and serious safety violation inspection history during employment (rather than pre-employment).
- **Parking** – [H.R. 2367/S. 1034](#), the Truck Parking Safety Improvement Act, provides grants for projects to provide additional public parking for commercial motor vehicles (CMVs). ABA is working with sponsors to ensure benefits for industry.
- **Hydrogen CMVs** – [S. 648/H.R. 6871](#), the Hydrogen for Trucks Act, would establish a program within the Energy Department to provide grants for heavy-duty fuel cell vehicles, to demonstrate viability.
- **CMV Operations** – [H.R. 471](#), the SHIP IT Act, includes various provisions to support CDL drivers and operations, including grants for ELDT training, CDL tax credit for Class A, funds for parking CMV parking projects.
- **NYC Congestion Pricing** – [H.R. 1759](#) – Economic Impact of Tolling Act, [H.R. 422](#) – Anti-Congestion Tax Act, different bills attempting to prohibit or limit NYC congestion pricing plan.

II. EXECUTIVE BRANCH MATTERS

A. REGULATIONS

1. Business Related Rules

a. **U.S. Department of Treasury’s (Treasury) - Financial Crimes Enforcement Network (FinCEN): Beneficial Ownership Information (BOI) Reporting Requirements** – As discussed at the previous Board

meeting, the BOI [reporting requirements](#) began Jan. 1, 2024, and require small businesses to file specific information on their beneficial owners with FinCEN. On March 1, a U.S. District Court in Alabama declared the Corporate Transparency Act, the underlying authority for the BOI rule, unconstitutional and issued an injunction from enforcing the CTA against the plaintiffs, but not a nationwide injunction. So, only the plaintiffs in the case, members of the Small Business Foundation, are not currently subject to the rule. The Treasury Department is appealing the decision.

b. U.S. Department of Labor (DOL) - Wage & Hour Division (WHD) - Overtime (OT) Compensation – The DOL final rule to again modify the overtime compensation regulations for executive and administrative employees is scheduled to be published in April 2024. Although ABA worked in coalition with the Partnership to Protect Workplace Opportunity to seek reasonable revisions to the changes proposed by the Biden Administration, we expect the final rule will not differ significantly from the proposal. In brief, the [proposal](#) would increase the level of compensation triggering the OT exemption, and put in place a mechanism to automatically revise this level every three years without public input. It does not apply to drivers, but other employees and is expected to expand overtime pay eligibility to an estimated 3.6 million employees.

c. National Labor Relations Board (NLRB) - Joint Employer Standards – The NLRB [rule](#) revising standards for determining joint-employer status, finalized last October and set to take effect in February, was struck down by a federal court in Texas on March 11. The ruling, which will likely be appealed, leaves the current joint employer test in place, which requires “immediate and direct control of employees” to find a joint-employer relationship.

d. Consumer Financial Protection Bureau (CFPB) – Small Business Lending Reporting – The CFPB’s new [rule](#) issued in March 2023 requiring lenders to collect and report data on small business applications from minority-owned, women-owned, and LGBTQI+-owned small businesses, is currently stayed. Congress did pass legislation ([S.J.Res. 32](#)) to stop the rule, which was vetoed by the President in December. However, due to ongoing litigation regarding the constitutionality of the CFPB itself, and other litigation on the rule, the Agency has stayed any further action. If litigation is resolved in favor of the Agency and the rule, large banks are to start complying as of October 1, 2024.

2. Zero-Emissions Vehicle (ZEV) Related Rules

a. Environmental Protection Agency (EPA) – Greenhouse Gas (GHG) Phase 3 – On March 29, EPA announced its [final rule](#) updating existing GHG regulations to impose stricter carbon emissions standards on heavy-duty vehicles for MYs 2027-2032, referred to as the GHG Phase 3 rule. The rule is technology neutral and performance based, in terms of meeting the new standards. However, it appears not to fully take into account related factors necessary for compliance, such as the state of infrastructure necessary to support vehicles/engines that can meet the new standards, i.e. battery or fuel cell powered vehicles. It has drawn strong considerable opposition from the heavy-duty vehicle industry. ABA expects another effort in Congress to stop the rule, but as with the NOx rule, the President will likely veto it and the rule will stand. However, due to its significance, litigation is possible.

b. DOT’s Federal Highway Administration – GHG Reduction Targets – Last November, FHWA published a [final rule](#) requiring state departments of transportation and metropolitan planning organizations (MPOs) to set declining GHG targets each year as part of their plans to reduce carbon emissions. Although there are no explicit penalties for missing targets, states/MPOs will need to explain how they plan to reduce emissions, which means identifying and investing in climate friendly transportation projects (i.e. more EV chargers, no expansion of roadway/bridge capacity, more transit

investment, etc.) or possibly lose funding if appropriate projects are not pursued. Legislation introduced in both the House ([H.J.Res. 114](#)) and Senate ([S.J.Res. 61](#)) seeks to repeal the rule; however, as the President has consistently vetoed any attempts to stop his environmental rules, this legislation would also face a veto threat. For the moment, litigation has stopped the rule, as a Texas court has ruled FHWA exceeded its authority. ABA opposed the rule, working through the American Highway Users Alliance.

3. Transportation Related Rules

a. DOT's Federal Motor Carrier Safety Administration (FMCSA) - California & Washington Meal & Rest Break Rules – FMCSA received requests to waive its preemption determination of California and Washington meal and rest break rules from the state of California, the International Teamsters and a few other advocates. These requests came in response to FMCSA's [solicitation](#) of such requests, last August. In December, FMCA published notice of the requests and sought comment in making its decision on whether to grant the waivers. ABA filed [comments](#) opposing the waiver and encouraged members to also do so. We now await FMCSA's decision, although under this Administration we believe it likely the Agency will grant the waivers.

b. DOT's FMCSA – Speed Limiters – In 2022, FMCSA [announced](#) its intention to proceed with imposing a speed limiter mandate for heavy-duty vehicles, after an earlier joint effort in 2016 with the National Highway Traffic Safety Administration (NHTSA). The FMCSA is expected publish a Supplemental Notice of Proposed Rulemaking to pursue this rule and establish a national speed limit in May. ABA filed [comments](#) in response to the 2022 announcement, raising concerns both with a mandate and establishment of a maximum speed limit.

c. DOT's FMCSA – CDL Testing Changes – In February, FMCSA proposed [amendments](#) to the commercial driver's license (CDL) requirements, to provide increased flexibility in testing and obtaining a CDL. There were basically five changes proposed: 1) removal of the applicant requirement to obtain training in the testing state, in order to take the skills test in the state; 2) allow commercial learner's permit holders who passed the skills test to operate a CMV for any reason, if accompanied by a CDL holder; 3) eliminate the 14-day waiting period between issuance of a CLP and eligibility to take the skills test; 4) imposition of requirements for 3rd-party knowledge testers to ensure integrity of the testing; and 5) allow CDL holders to operate passenger CMVs without a P endorsement when transporting the vehicle in a tow-away situation or from a manufacturer to a distributor. The ABA supports these changes, for the most part, and submitted [comments](#).

d. DOT's Federal Transit Administration (FTA) – Rural Transportation Program Circular – In April, FTA announced [proposed changes](#) to its guidance, referred to as a circular, for the Rural Areas Formula Grant Program or 5311 (including 5311(f)) to assist grant recipients in complying with the program and assist with program administration, based on recent changes in law. Comments on the proposal are due by June 3, 2024.

4. Travel/Tour Related Rules

a. Department of Interior's National Park Service (NPS) – CUA regulations – The NPS is scheduled to propose new [regulations](#) for Commercial Use Authorizations (CUAs), concerning both the issuance and administration of the licenses in April 2024. Related, last July, NPS sought comment on a new online CUA system intended to standardize, modernize, and streamline the application and

reporting process, and ABA submitted [comments](#) in response; some parks began using the new system by the end of 2023.

B. GRANTS

a. Intercity Bus Security Grants - With the delay in finalizing FY 2024 appropriations, the Federal Emergency Management Agency or FEMA is now scrambling to put together and announce the opportunity to submit applications for the Intercity Bus Security Grants for FY 2024 funding. In the final funding negotiations, the overall program funding was cut to \$1,8 million for FY 2024. FEMA is seeking emergency approval from the Office of Management and Budget to start the process.

III. OTHER MATTERS

A. COUNCILS

1. Bus Industry Safety Council (BISC) - BISC is gearing up for an active spring and summer season full of educational outreach. Nine webinars are already planned for April-May-June. BISC West, in partnership with the California Bus Association has asked to expand its partnership to include a virtual component, set for June 17 and 5 presentations. An in-person event is set for BISC West on October 29 in Newport Beach, CA. BISC East, in partnership with Greater Northeast Motorcoach Association will move from a virtual-only event to a half-day in-person event on September 19 in Atlantic City. Pam Martinez will serve as the liaison for BISC East.

The 2024 BISC Summer meeting is set to take place in conjunction with BusMARC on July 22-24 in Orlando, FL. The focus of this meeting will be responding and reacting to post-accident activities, including insurance claims, accident investigations, and legal processes. There will also be a 4-hour TSA cybersecurity tabletop exercise on July 23. The planning and coordination efforts for that scenario-based event are already underway. In addition, TSA has already provided advertising of the event during their quarterly conference calls with the motorcoach industry and has agreed to send direct invitations to school bus, law enforcement, and transit operators in Florida. Contractor support has already been confirmed. FMCSA, TSA, NTSB, DOD, NHTSA and FEMA have all been invited to participate as speakers and provide Agency updates. A focus on the mentor program's popular office hours will feature prominently in the summer meeting as well as content from the Safety Director 101 series.

Outreach efforts will include participation in an ABA African American Motorcoach Council conference call in May with a presentation as well as handouts and collateral during presentations at state association meetings in June. Some outreach has also been made through liaisons to the limousine industry at meetings in March and May.

2. Bus Maintenance & Repair Council (BusMARC) - The Summer in-person BusMARC meeting will be co-located with the BISC in Orlando, FL and is set for July 23-24, 2024. In addition to integrated classroom sessions, there are site visits planned to MCA Transportation and ABC Companies. We will also welcome a Greyhound Maintenance Manager's meeting to take place in parallel to BISC, with those expected 30-40 participants joining both the BISC and BusMARC meetings.

Site visits have already been planned and confirmed for the 2025 Winter meeting in Philadelphia. MCI and Starr Tours have been confirmed as visit locations.

Registration for BISC and BusMARC revenue will top last Summer's event with increased rates as well as expected participation. Sponsorships for 2024 have been renewed at the 2023 level. Additional in-kind contributions will be realized through the receptions planned for the summer meeting, as well as the site visits.

B. STATE/LOCAL MATTERS

1. New York City –

a. Central Business District Tolling Plan (CBDTP) – In late 2023, the Metropolitan Transportation Authority (MTA) accepted tolling scheme recommendations as proposed by the Traffic Mobility Review Board. The recommendations provided only limited bus exemptions from the proposed tolling scheme, specifically only for commuter buses operating under a public contract. Other intercity buses were to face a toll of \$24, while tour buses (e.g. charter) were to be charged \$36 (see p. 21 of [Report](#)). The MTA then took public comment on the recommendations. The ABA joined with the BUS4NYC Coalition and others to push back on the initial recommendations. The ABA participated in the public hearings and submitted written comments arguing that all buses are congestion mitigators and should be exempted, and that the process did not comply with federal environmental law or the Value Pricing Pilot Program requirements. In the final vote to adopt the recommendations, MTA appears to have made some [concessions](#) from the initial tolling scheme for bus operations by exempting “buses providing scheduled commuter services”; however, tour and charter buses appear to remain subject to the \$36 tolling charge. Recognizing all bus operations provide congestion mitigation, ABA will continue to push for a full exemption for all bus operators, and has submitted legislative text to the House T&I Committee for consideration in the next surface transportation reauthorization bill to expand the tolling equity provision to apply to this type of tolling scheme.

b. Port Authority Bus Terminal Rehabilitation – Similar to the NYC tolling scheme and FHWA involvement, the Port Authority of New York and New Jersey (PANYNJ) is working through the environmental review process with the FTA on plans to [replace](#) the Port Authority Bus Terminal or PABT. In February, FTA and the Port Authority of NY and NJ posted for comment a Draft Environmental Impact Statement ([DEIS](#)) for public comment and held hearings. ABA filed [comments](#) urging sponsors of the project to ensure adequate bus parking to meet both current and future demand, among other things.

2. California Air Resources Board (CARB) – Various Emissions Regulations –

a. Omnibus NOx Rule – CARB has yet to finalize its 2021 Omnibus NOx rule, after holding hearings and proposing further amendments. The EPA waiver request also remains pending, at CARB's request. It is unclear, having conferred with EPA, how a waiver process would proceed at this point, however CARB must first finalize the rule. We have no further updates from the bus OEMs on whether the restrictions proposed under the NOx rule are impacting their sales in California or if they found a way to work with their respective engine suppliers to meet their short-term needs.

b. Clean Truck Check – CARB also implemented a [Clean Truck Check](#) program, based on a 2019 state law requiring it to implement a comprehensive heavy-duty vehicle inspection and maintenance

program. The regulation establishing the program was finalized in 2021, and went into effect January 2023. The purpose of the program is to ensure vehicles' emissions control systems are properly functioning when traveling on California roads. Recently, CARB also deployed a "[dirty truck detector](#)," a mobile emissions monitoring device to identify heavy polluters on California roads.

c. Advanced Clean Trucks (ACT) – CARB's ACT regulation imposes a ZEV sales requirement and a one-time reporting requirement for large entities and fleets. Based on the initial reporting, CARB was able to announce last October that California truck manufacturers were deadline of March 2022, last fall CARB announced truck manufacturers were exceeding ZEV sales targets and are two years ahead of schedule, demonstrating increased interest in ZEV truck sales in California.

d. Advance Clean Fleets (ACF) – CARB's ACF regulation imposes ZEV purchase requirements for fleets well-suited for electrification and requires manufacturers to only manufacture ZEVs starting in MY 2036. Although finalized in spring of 2023, CARB has not yet received a waiver from EPA for this rule. Nonetheless, it continues to move forward with implementation of the rule via [workshops and outreach](#). This rule is garnering a significant amount of opposition from the heavy-duty industry. There are now at least two pending [suits](#), from California interests, seeking to stop the rule and a significant amount of advocacy in opposition.

IV. PAC ACTIVITIES

The BusPAC account balance at the end of March stood at \$ 352,612 and the PAC Administrative Fund balance stood at \$1,738. Since the start of the year, the BusPAC fund has received \$38,650 in contributions through the end of March, along with an additional \$3,840 in bank interest. Total expenditures or political contributions for 2024 to date are \$5,500 and we anticipate political contributions to remain steady through this election year.

We were also successful obtaining a good return of completed annual solicitation authorization forms for CY 2024, and will look to bolster this return at the May meeting.