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Senate poised to pass transportation bill, ending three years of delay and upping pressure on House

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The Democratic leadership of the Senate is expecting an up-or-down vote on the transportation reauthorization bill today, sometime after 10:30 a.m. Dallas time. The vote will follow on the heels of two remaining amendments dealing with how to handle disaster-related projects. (Photo by Jason Kindig. Federal dollars play a big role in highway construction in Texas, including toll roads and this ramp connecting State Highway 121 to Interstate 35E in Lewisville.)

Congress is under enormous pressure to pass the bill, which will replace the previous long-term authorization for transportation spending that expired in 2009. Since then, lawmakers have passed a series of emergency extensions, often just ahead of a deadline beyond which authority to spend federal gas taxes ends.

The last emergency extension allows the government to continue spending until March 31.

The Senate bill will mark the first time since 2009 that either body in Congress has passed a highway bill, and considerably ups the pressure on the House to follow suit in the coming week or two. The House got an early start last month when a much different bill passed its committee, but was shouted down by torrid reaction from transit groups, including opposition by the president of DART. As a result, House leadership has ordered the bill be reworked.

If the Senate bill passes today, pressure on the House will mount, and passage of a bill in some form is widely expected. Aside from differences in how they would treat transit and pedestrian programs -- in a nutshell: the Senate bill preserves these funds, the House bill would have put them at risk -- the biggest challenges in reconciling the approaches will focus on the dollars involved. The Senate bill is just a two-year, \$109 billion plan.

By way of context, when the House was in Democratic hands, and before worries about deficits rewrote the rules in Washington, Rep. Jim Oberstar, D-Minneapolis, then the transportation committee chairman, proposed a \$500 billion bill.

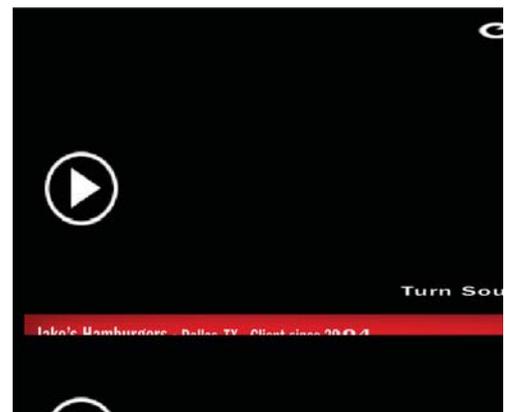
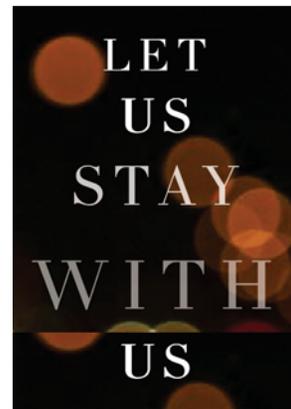
The House, under chairman John Mica, R-Florida, has consistently said that is too short, and too small.

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It wants a longer bill that spends more money. But he has also promised to pay for any increase in funding, and his efforts to include new authorization for oil drilling in the U.S. were another reason why his bill got in such trouble.

The Senate schedule for today follows a vote-a-thon that saw the Senate dispatch nearly all but a handful of almost 20 amendments Tuesday in readying for the long-anticipated vote. Most of those amendments failed, though Politico has a [rundown here](#) of the few that passed on voice votes.

There is no mention in the Senate calendar of any debate over the [closely-followed toll-related amendment](#) authored by Sen. [Kay Bailey Hutchison](#), R-Texas. That amendment, which would prevent tolls being added to new highways, was matched by an opposing amendment brought by Sen. Carper, D-Del.) that would have made it easier for states to apply for permission to put tolls on existing lanes. (For the text of Hutchison's amendment, initially introduced as the Freedom from Tolls Act, [see here](#).)

The two opposing measures brought out all the reliable pro and anti-toll voices, but appear to have essentially cancelled each other out. (Toll Road News [was especially hostile](#) to Hutchison's amendment.) Politico is reporting that both senators will withdraw their amendment. That will leave in tact the FHWA's current program that allows states to apply for permission to toll existing highways, but sets the bar high for approval and caps the number of eligible highways nationwide in the single digits.

Toll roads, however, didn't survive unscathed yesterday. [A 50-47 vote](#), with most [Democrats](#) joined by six [Republicans](#), passed [Jeff Bingaman's](#) amendment 1759. That means that the U.S. will reducing highway funding to states that permit a publicly operated toll road -- such as the ones in Texas operated by NTTA, Harris County, or TxDOT -- that later sells the rights to future tolls to a private firm.

That scenario hasn't yet happened in Texas, and the amendment would not apply to new toll roads that are built by private firms.

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