



# Freight Rail Customer Alliance

## Fiscal Year 2019 Budget and Appropriations Surface Transportation Board

### **FRCA Position**

FRCA continues to support the highest annual appropriated level possible for the Surface Transportation Board (STB or Board), particularly the level needed to update and enhance the Board's information technology (IT) and data needs to better ensure transparency, consistency, timeliness, and ease of access.

For Fiscal Year (FY) 2019 FRCA advocates at a minimum, \$37.1 million (of which \$2.797 million to be directed to IT upgrades) as recommended in the President's budget released on February 12 and as pending in the U.S. Congress.

### **Issue Background**

As stated in the STB's justification document for its FY 2019 budget request, the \$37.1 million is necessary to cover the Board's overall operating costs. This is the same overall amount as what was provided in the ***Consolidated Appropriations Act 2018***, P.L. 115-141, enacted on March 23.

The STB requires adequate resources to perform key functions, including: rail rate reasonableness oversight; the processing of rail consolidations, licensing, other restructuring proposals; and, the resolution of non-rail matters.

Similar to prior agency budget requests, the significant majority of the Board's FY 2019 budget request is for basic operating expenses, including salaries and benefits, rent, security, and activities associated with carrying out its mandated responsibilities, which are largely driven by the number and types of cases filed. The agency anticipates a steady, and potentially increased workload in FY 2019 given its important statutory responsibilities, including those under the Interstate Commerce Act and the ***STB Reauthorization Act of 2015***. In addition to meeting shortened rate case processing deadlines, the Board is exploring options to improve its rate case methodologies for all shippers, as well as working to improve the timeliness of its decisions generally.

Since FY 2015, the Board has been working to implement extensive upgrades to its IT infrastructure and capabilities. Efforts in FY 2016 and FY 2017 focused on implementing Office 365 (O365) and establishing IT capabilities that had previously been provided by DOT. In FY 2018, the focus will be on migrating other capabilities to O365, improving and implementing Cybersecurity policies and procedures, adding Cybersecurity capabilities to strengthen the network and infrastructure, and replacing the Board's Case Management system.

For FY 2019, the Board is requesting \$2.797 million for IT. This funding will be used to maintain existing infrastructure and services and continue the migration of data from the current Case Management system and the development of a new replacement system. Funding will also be required to continue meeting FISMA requirements and supporting a comprehensive Cybersecurity risk management program.

In addition, there are remaining steps that the Board needs to take to separate its Human Resources and financial systems from USDOT, considering the STB is an independent agency as stipulated in the ***STB Reauthorization Act of 2015***, P.L. 114-110, which will likely be completed in FY 2018 and FY 2019.

## **Status**

Senate: On July 23, Senate floor consideration began on the FY 2019 Transportation, Housing and Urban Development (THUD) bill (S. 3023) and accompanying report (S. Rpt. 115-268).

Senate Leaders opted to add the Senate Appropriations Committee-passed FY '2019 THUD and Agriculture appropriation bills to H.R. 6147. This measure was passed by the U.S. House of Representatives on July 19 which contained two FY '19 appropriation bills – one for Interior and Environment and the second for Financial Services and General Government). This four-bill, H.R. 6147, is now termed the “minibus” appropriation.

As passed by the Senate Appropriations Committee on May 7, H.R. 6147 (S. 3023) funds the STB at \$37.1 million. This is the level recommended in the Administration's FY 2019 Budget and same enacted level for the current FY 2018.

As with the House Appropriations Committee-passed draft FY 2019 package, it too, includes the \$37.1 million for the STB. While also silent on bill or report language specific to IT funding, it does carry-over report language from the FY 2018 final measure expressing concerns over the STB delaying action in major proceedings and the need to expeditiously secure a full complement of Board Members.

S. 3023 can be found here:

<https://www.appropriations.senate.gov/imo/media/doc/FY2019%20THUD%20Appropriations%20Act,%20S.3023.pdf>

The accompanying report, S. Rpt. 115-268, can be found here:

<https://www.appropriations.senate.gov/imo/media/doc/FY2019%20THUD%20Appropriations%20Act,%20Report%20115-268.pdf>

House: On May 23, the House Appropriations Committee approved by a 34-17 vote, its draft FY 2019 THUD bill and accompanying committee report. Previously, this draft bill and report language was approved by the House THUD Subcommittee, by voice vote, on May 16.

As recommended by President Trump in the Administration's FY 2019 Budget, this draft package would fund the STB at \$37.1 million. The bill and the report language are silent on IT funding.

The draft bill can be found here: <https://docs.house.gov/meetings/AP/AP20/20180516/108309/BILLS-115HR-SC-AP-FY2019-TransHUD-SubcommitteeDraft.pdf>

The draft accompanying report language can be found here:

<https://docs.house.gov/meetings/AP/AP00/20180523/108366/HRPT-115-HR.pdf>

Administration: On February 12, President Trump released its FY 2019 Budget including its \$37.1 million recommendation for the STB which can be accessed here:

The STB justification document for the FY 2019 Budget proposal including the \$37.1 million (of which \$2.797 million is recommended for continued IT upgrades) can be found here:

<https://www.stb.gov/stb/docs/Budget/STB%20FY%202019%20Budget.pdf>

Next Steps: The new FY 2019 begins October 1, 2018.

**Refer to Following Appropriation Side-by-Sides: FY 2019 and FY 2018**