MEMORANDUM

To: ABA Board of Directors
From: Suzanne Rohde, ABA Vice President for Government Affairs and Policy
Re: Government Affairs and Policy Board Report – December 2017
Date: December 28, 2017

I. OVERVIEW

The following report provides an update on Government Affairs and Policy Division (GAP) activities since the last board report, dated September 5, 2017. It is organized around Legislative, Executive, State and Local, and Operations activities undertaken by GAP on behalf of the American Bus Association (ABA).

II. LEGISLATIVE

A. NOMINATIONS

Since the September 2017 report, the Senate and the White House continued to make progress toward filling the remaining open positions within the Administration. For the U.S. Department of Transportation (USDOT), several nominees were pending with their Senate floor vote held up by Minority Leader Schumer. However, in mid-November, Derek Kan, nominee for Undersecretary of Policy, and Steven Bradbury, nominee for General Counsel, finally received full Senate approval. As well, in mid-September, the White House announced the nomination of Raymond Martinez, from the New Jersey Motor Vehicle Commission, to be Administrator of the Federal Motor Carrier Safety Administration (FMCSA); and Paul Trombino, former Iowa Department of Transportation Director, to be Administrator of the Federal Highway Administration (FHWA). However, although both men were approved by the Senate Commerce Committee currently awaiting final Senate approval, Mr. Trombino announced withdrawal of his name in mid-December. We were hoping to see Mr. Martinez receive his final approval vote before the Congress adjourned for the year, but this did not occur and Deputy Administrator Cathy Gautreaux remains in charge of the agency. Also, as yet there are no nominees to head the National Highway Traffic Safety Administration (NHTSA) or the Federal Transit Administration (FTA); although on September 25, Heidi King became NHTSA’s Deputy Administrator, and on August 21, K. Jane Williams became Deputy Administrator of FTA. The deputy administrator positions do not require confirmation by the Senate, which enables the Administration to make these appointments expeditiously. As well, on December 5, the Senate confirmed Kirstjen Nielsen as the new Secretary of the Department of Homeland Security (DHS). Ms. Nielsen served as former DHS Secretary Kelly’s Chief of Staff, during his short term as DHS secretary, before he became the President’s Chief of Staff. Finally, the White House nominee to the National Transportation Safety Board (NTSB), Bruce Landsberg, continues to wait for a Senate vote. For a complete detailed listing of all positions/nominations, click here.
B. LEGISLATION

1. FY 2018 Appropriations

Following the President’s surprise agreement in September with Democratic Leadership’s proposal to extend Government funding to December 8, under a continuing resolution (CR) and raise the debt limit for 3 months, Congressional Republicans turned their attention to tax reform. Also, Senate Republicans made a final, albeit unsuccessful, attempt to repeal/replace the Affordable Care Act. The new December 8 deadline enabled the Senate to complete work on a number of outstanding individual appropriations measures, which had hindered House and Senate discussions on developing a final omnibus package. However, with the focus on tax reform, Congress was too distracted to reach a funding deal by the December 8 deadline, and ended up passing yet another short-term CR to extend the deadline to December 22. Then, on December 21, after several controversial strategies were abandoned on both the House and Senate side, Congress settled on passing another “clean” CR extending funding to January 19, and basically pushing the funding battle off to the New Year.

As to ABA interests and background, the House completed all 12 of its appropriations bills by August recess, and presented the Senate with a complete omnibus package in September. However, as the House funding levels for defense were significantly higher than non-defense, which exceeded levels set by law and was a non-starter for Senate Democrats, the Senate needed to finalize its own budget and complete work on its remaining four funding bills. Among the final four outstanding bills in the Senate was the appropriations bill for DHS, which provides funding for the Intercity Bus Security Grant program (IBSGP). Because the House version of the DHS appropriations bill did not include funding for IBSGP, GAP spent the last several months aggressively lobbying both Senate and House offices on the matter. While the media focused on tax reform efforts, GAP met with key Senate offices advocated for inclusion of funding in the Senate bill – including with Senator Boozman (Chairman of the Senate DHS appropriations subcommittee). We also enlisted support from ABA members directly, and brought in additional consulting resources to support our efforts. The Senate finally introduced their bill in late November, and it included $2 million for the IBSGP. Although this may be disappointing in terms of the level of funding, the fact an amount is included in the Senate bill is key to keeping the program active for this funding cycle. Alternatively, the public transit program was cut by over $40 million. But our work continues, as there is no final agreement on an omnibus funding package for 2018, opportunity remains to strip out the $2 million. GAP held a key meeting with Congressman John Carter, the Chairman of the House DHS appropriations subcommittee, just after the New York City terrorist incident near the Port Authority Bus Terminal, to press home the significance of the current threat environment and the importance of this program to a key provider of public transportation services. With a CR now in place and the funding negotiations continuing into the new year, GAP will continue to draft letters, conduct outreach to coalition build, stay in touch with key supportive offices on the hill as well as reach out to other Member offices to broaden support, to ensure the $2
million remains in a final funding package if undertaken by the January 19 funding deadline, as well as lay the ground work for the fight in the FY 2019 appropriations process.

Additionally, GAP’s successful advocacy efforts securing inclusion of language in the reports for both the House and Senate transportation appropriations bills concerning the FMCSA lease and interchange rule, stands for FY 2018 due to the nature of bill reports. Also, in terms of FY 2018 appropriations, GAP joined with the American Trucking Association (ATA) in support of language included in the House appropriations bill to preempt the California meal and rest break rule. This issue has garnered leadership attention in both the House and Senate, reflecting a straight partisan split. The ATA tried unsuccessfully to have this issue attached to the most recent CR, but it will likely remain an issue during the final funding negotiations.

2. Tax
In a rare show of unity, over the past several months the leadership of the White House and the Republican Congress doubled-down, and by early December the House and Senate were conferencing a final tax reform proposal. Initially, this past year, tax reform was relegated to second place in terms of priorities, while Republicans attempted to keep campaign promises to repeal/replace the Affordable Care Act (ACA). However, after several failed attempts, including a last-ditch effort in late September, Republicans in Congress and the Administration recognized the need to turn to other legislative goals. This need was even more apparent in terms of facing the upcoming 2018 mid-term elections, as Republicans have precious few accomplishments to show for controlling both the White House and the Congress. Further, one-off elections that have occurred since the President took office indicate a growing dissatisfaction with current leadership in Washington. For these reasons, tax reform became an urgent, somewhat unifying theme these past several months for both the White House and Republican Congress.

To avoid the pitfalls of the ACA repeal/replace effort, the Administration and Republican Congressional leadership worked closely together to provide a set of principles in early September. Based on these principles, the House Ways & Means Committee, under Chairman Kevin Brady, promptly moved forward to negotiate legislation, titled the Tax Cuts and Jobs Act (H.R. 1), that was marked up the week of November 6. On November 9, as the Ways & Means Committee was reporting their bill, Senate Finance Committee Chairman Orrin Hatch introduced his complementary tax reform proposal. While the Senate Finance Committee then initiated a markup of its legislation on November 13, the full House voted to approve its bill on November 16. The Senate followed suit voting on its bill early on the morning of December 2, setting up the opportunity for the two bodies to conference and produce, the culmination of several months of negotiation, a reconciled final bill for both House and Senate to vote upon the week of December 18. The House approved the bill on Tuesday, December 19, with the Senate expected to follow. However, after the House Republicans claimed victory, it became apparent that the bill needed to be amended in the Senate to meet Senate rules, which meant a second vote was necessary by the House. Nonetheless, after the Senate made the necessary minor changes and approved the bill on Wednesday, December 20, the House re-voted and approved the bill the same day, and the President signed it on December 22.
The GAP team, worked closely with ABA’s consultants, Capitol Tax Partners (CTP), and remained focused on monitoring this effort through the fall. GAP staff sent several updates to the Board and ABA members detailing the state of play and providing links to various tax related documents, including bill summaries and comparisons prepared by CTP. The GAP staff also worked with CTP to craft a statement of ABA’s position for the members of the conference committee. Finally, in anticipation of the final vote, CTP prepared a side-by-side review of the House and Senate bills with the final conference report (click here), as well as a specific summary of key provisions of interest to ABA members (click here). Also, a copy of the legislation can be found by clicking here.

3. Security
In addition to our advocacy and in support of funding the IBSGP, GAP continued to engage with legislative offices to advance legislation to reauthorize the IBSGP. In each legislative meeting to advocate for FY 2018, we also discussed the need to reauthorize the program and referenced the SAFER TRANSIT Act, introduced by Congressman Lipinski (D-IL) and Congresswoman Comstock (R-VA). Following the October 31 vehicle ramming attack in New York City, Congressional interest in addressing motor vehicle security threats increased, with legislation to address vehicle ramming attacks introduced in both the House and Senate by Representative Latta and Senator Cassidy, respectively (H.R. 4277 and S. 2825). Although the legislation did not include the IBSGP, GAP immediately met with these offices to educate them on the program and obtain their support for reauthorization. As well, following the terrorist incident near the New York/New Jersey Port Authority Bus terminal on December 11, Congressman Dan Donovan (R-NY) introduced H.R. 4627, another bill directed at vehicular ramming attacks, which is to directs DHS to undertake research to develop tools to combat emerging terrorist threats. This presents another opportunity to garner support for the IBSGP. While most of our efforts in the past several months were succinctly focused on gaining support for funding in FY 2018, GAP will be stepping up efforts in the next year to gain broader support and identify champions in both the House and Senate to help progress legislation to reauthorize the program.

4. Aviation Reauthorization
After an aborted attempt to pass substantive legislation to reauthorize the Federal Aviation Administration (FAA) in 2016, the House and Senate made another attempt this year prior to the extended deadline of September 30, 2017. Starting last spring, both the House T&I committee and the Senate Commerce committee proceeded with hearings and eventually marked up legislation by the end of July this year. However, due to inclusion of Chairman Shuster’s controversial plan to privatize the air traffic control function of the FAA, he could not gain sufficient support to bring his bill to the floor for a vote. Alternatively, as opposed to last year, Senate Chairman Thune also ran into issues with his bill, due to controversy concerning pilot licensing requirements, specifically the 1500-hour rule. Combined, these controversies along with a short legislative calendar for September, lead Congress to again extend the authorization of the program to the end of March 2018. In terms of ABA’s interest, neither the House or Senate bills addressed ABA’s objective concerning airport access. Although the GAP team did make progress on the initiative this year by crafting an amendment for consideration,
working with a coalition of surface transportation interests, the passage of the authorization extension has slowed interest in this legislative effort during the rush of year end legislative activity. However, it has enabled GAP to take time to gather more data in support of the amendment, seek a legislative champion and strategize for a renewed legislative push in early 2018. As our amendment is adamantly opposed by the airports groups, it is key for us to provide examples of where airports are denying or obstructing access for motorcoach operators, either physically or constructively (e.g. high fees), to airport facilities. We do note, that although the amendment presents a very reasoned approach, airports have already notified GAP and the Commerce committee of their strong opposition to the amendment. However, we have also heard that the Commerce staff have communicated to the airports their belief that our amendment is reasonable. During this period, therefore, it is imperative for ABA, with the coalition partners, to provide the Commerce staff evidence in support of the need for the amendment, as well as continue our efforts to find a legislative champion. Once again, we need input from ABA members on issues with airport access.

5. Infrastructure
Although the new Administration expressed interests in pushing an infrastructure bill, of significant magnitude (a trillion dollars), it has produced no plan or initiatives other than floating ideas about public-private partnerships and leveraging private sector dollars. These ideas, though, have been undercut by contradictory statements made by the president and other administration officials regarding support for tax reform provisions limiting or eliminating private activity bonds. Further, any interest in addressing infrastructure funding, the primary obstacle to a bill, through the tax reform process appears to be dead as agreement on tax reform at this date does not include infrastructure. So, although discussions continue between the Administration and Members of Congress involved in infrastructure decision-making, next steps remain unclear although we do expect the release of a statement of principles at some point, similar to principles the White House produced initially for the FY 2018 budget request and later tax reform. Also, to add to the uncertainty, in November the President said the next major initiative the White House would address would be welfare reform, along with plans on healthcare and infrastructure. Key to keep in mind, though, is the need for significant funding to do an infrastructure bill. In the wake of completing tax reform, it will be important to assess Congress’ appetite to take on this issue prior to the FY 2018 mid-term elections. The GAP team will continue to track both Congressional and White House activities and statements regarding infrastructure, but see nothing significant on the horizon in the short term. Simultaneously, GAP will also continue to seek ways to address motorcoach policy needs through the administrative process (i.e. regulation and policy), while debate continues on the likelihood of an infrastructure legislative vehicle.

6. Miscellaneous
In addition to the specific areas of legislative activity mentioned above, as noted in the monthly updates, GAP also tracked several other pieces of legislation this past year including: Congresswoman Meng’s (D-NY) bill (H.R. 2715) on baggage fees; Senator Thune’s (R-SD) bill (S. 763) on surface and maritime security; Congressman Babin’s (R-TX) bill (3282) seeking a delay in mandate for electronic logging devices and related provisions in the FY 2018 transportation
appropriations bill; Congressman Perry’s (R-PA) bus bill (H.R. 2120); and House and Senate bills concerning automated vehicles. As appropriate, we met with staff concerning the legislation and continue to monitor activity, and specifically, for the legislation addressing automated vehicles, we continue to work within a larger coalition on provisions concerning data access.

III. EXECUTIVE

A. EXECUTIVE ACTIONS

As noted several times this past year, in both monthly GAP reports and board reports, President Trump has made generous use of Executive Orders (EOs) since his inauguration in January 2017. Several of these EOs we have supported, such as directives concerning regulatory reform initiatives, and others have raised concerns, such as directives concerning travels bans and visa processing. Over the last several months, specifically, GAP has continued to track the various EOs of interest to the motorcoach, tour and travel industry and take action when appropriate.

1. Travel Bans

The original EO travel ban, issued January 27, 2017, was immediately challenged in court, and led to the issuance of a second EO travel ban on March 6, 2017 which was scheduled for argument before the Supreme Court on October 10, 2017. However, on September 24, the President issued a proclamation which basically provided his third version of the travel ban (click here). Based on this action, the Supreme Court cancelled the October arguments on the second EO. However, review of the third version travel ban is now making its way through the U.S. federal court system, and on December 4 the Supreme Court ruled that while the constitutionality of the ban is being appealed up through the circuit courts to the Supreme Court, it can still go into effect. This suggests that although a final hearing on the merits of the ban by the Supreme Court has yet to occur, the Court may be leaning in favor of holding it constitutional.

Since introduction of the first travel ban, ABA has made clear its position that although we are conscious of the security concerns we nonetheless want to ensure the U.S. is seen as welcoming to legitimate, law abiding international travelers. So, in addition to issuing or joining several statements voicing ABA’s position, GAP, on behalf of ABA, joined in coalition with 13 other associations, and in October met with DHS’s Office of Partnership and Engagement and its Office of Public Affairs. The purpose of the meeting was to discuss the negative impact the EO is having on travel, and how the Administration can best work with our industries to clarify that the U.S. welcomes compliant, law-abiding international travelers that do not pose a security risk to our nation. Although no permanent action was decided upon, the dialogue with the coalition and DHS will continue. Additionally, in the wake of the December 4 decision by the Supreme Court to allow the third version of the travel ban to go into effect, GAP supported development of an ABA statement in response to the ruling, reiterating our concerns with the ban and its impact on travel and tourism. GAP will continue to work with the coalition partners
to find opportunities to work with the Administration on this issue, and monitor any further actions that may impede travel and tourism in or to the U.S.

2. Regulatory Reform
As previously mentioned, and as covered in detail in the monthly GAP reports, the President also issued 3 EOs (13771, 13777 and 13789) in addition to the regulatory freeze memorandum following his inauguration, laying a foundation for regulatory reform. To date, the Administration has withdrawn a number of pending rulemakings affecting the motorcoach, tour and travel industry; and the pace of rulemaking activity has dramatically decreased as agencies are increasingly scrutinizing rule initiatives in light of the changes brought about by these EOs, particularly the EOs the directed the establishment of regulatory task forces within agencies and the implementation of the “2-for-1” regulatory directive. Although implementation of regulatory reform activity has not to date resulted in a uniform, consistent approach across the government, GAP has seen evidence of agency efforts to better manage rulemaking activity and scale back. Specifically, in terms of USDOT, after a rather disorganized start, this past fall the Department issued a notice of a department-wide regulatory review and sought input from the public to identify regulations for reform, repeal or modification. After a lengthy effort, in coordination with ABA members, GAP prepared and submitted a comprehensive document in response to this request. See below for further detail. Further, GAP continues to closely monitor all regulatory activity and seek additional opportunities to achieve reforms, as appropriate.

B. REGULATIONS
The GAP team continued to follow rulemaking/regulatory actions by the Administration, and below is update on initiatives or actions that took place this past fall. Additionally, there remain a variety of other administrative actions GAP continues to track, however there are currently no updates to provide on these matters.

1. USDOT Notice: Regulatory Reform – Following a rather disjointed start earlier this year to implement the President’s various EOs directing regulatory reform, the Deputy Secretary took the lead within the Department to formally initiate action. On October 2, USDOT published a notice seeking input from the public to assist in evaluating regulations and identify those that should be repealed, modified or replaced. Considering the breadth of the request, GAP initially filed, and assisted other ABA members to file a request for an extension to file comments. The request was granted, and this enabled GAP to conduct outreach to the industry, and prepare and file a comprehensive set of comments to the Department by the deadline of December 1. Within the comments, GAP included several regulatory matters ABA was actively engaging in on other tracks, such as: the USDOT Americans with Disabilities Act regulations; FMSCA’s lease and interchange rule; preemption of the California meal and rest break statute; and the FHWA guidance concerning tolling. Additionally, GAP worked with and encouraged other ABA members to file comments as well, holding several open conference calls and sharing comment drafts to assist. At last count, 12 ABA members had filed comments in this proceeding. GAP
also discussed the proceeding with Deputy Secretary Jeff Rosen, and particularly pressed the case for USDOT attention to the FMCSA lease and Interchange rule.

2. **FMCSA: Lease and Interchange** – ABA’s efforts to force FMCSA to modify or repeal this final rule, continue. In August 2017, GAP filed comments in response to FMCSA’s June 16 notice, a notice which added a confusion to the intended course of action the Agency plans to take in response to the industry’s petitions for reconsideration. Although the Agency has published notice of its intent to modify the rule, it has yet to take formal steps to do so, which is why GAP pursued and obtained language in the FY 2018 transportation appropriations bill reports directing the FMCSA to take action. GAP has also raised this issue in formal meetings with FMCSA’s Chief Counsel and Deputy Secretary Jeff Rosen. Yet, the Agency has taken no further formal action in this matter since June, when it also extended the rule compliance date to January 2019. However, unofficially, GAP has engaged in several conversations with Chief Counsel Randi Hutchison on the matter, and is aware of the internal debates occurring within the Agency on how to proceed. As well, GAP included this issue in its USDOT comment submission concerning regulatory reform initiatives. If the Agency continues to delay this matter, GAP will again seek assistance through the FY 2019 appropriations process to direct the Agency to act.

3. **FMCSA: Electronic Logging Devices** – FMCSA’s long debated final rule requiring electronic logging devices (ELDs) for all motor carrier operators required to keep records of duty status, became enforceable on Monday, December 18, 2017. Although there were several attempts to derail implementation of the rule, including litigation and legislation, all attempts were rejected. As of this date, all motorcoach operators are required to begin using ELDs; and for those operators who were using Automatic On-Board Recording Devices (AOBRDs), the ELD requirement will become enforceable in December 1, 2019 (2 additional years to come into compliance). Note, however, that although the rule is now enforceable carriers will not be cited for ELD violations resulting in an out-of-service finding nor will their CSA score be impacted during a transition period up to April 1, 2018. Following April 1, the rule will be enforced without exceptions. In preparation for compliance with the new ELD requirement, this past fall FMCSA undertook a number of actions to assist the motor carrier industry. To facilitate FMCSA’s efforts, GAP ensured these activities were broadly shared with the motorcoach industry. In addition to including sessions at the summer BISC meeting and BISC West meeting, GAP published notices of FMCSA Q/A sessions, lists of vendors and learning opportunities, and key dates in a variety of ABA publications, including internet links to access timely information. Additionally, we also drafted materials for publication in tour and travel publications, to assist motorcoach operators by educating the tour and travel industry about the change. Further, GAP fielded calls and distributed requested information on a routine basis, leading up to and following the compliance date. The GAP staff also attended FMCSA sessions to remain current on the various activities surrounding implementation of the rule and prepared materials in support of educating the industry. As well, GAP monitored several ELD-related exemptions granted by FMCSA, including an exemption for truck equipment leases of 8
days or less. GAP will be pursuing a similar exemption for motorcoaches, to address short term equipment leases between operators and manufacturers. An ELD enforcement session will also be held at the BISC winter meeting, which GAP will facilitate; webinar January 12, National RTAP to assist transit operators.

4. **FMCSA: Crash Preventability Demonstration Program** – In August FMCSA began accepting requests for data review from motor carriers, through the Data Qs process, to have challenge the determinations of preventability of crashes under certain criteria. The demonstration program is currently set to run for 2 years. The FMCSA is publishing the results of motor carrier requests, on what appears to be a monthly basis. The GAP staff have monitored the results, and note thus far, the results are all based on trucking petition; there does not appear to be participation in the program by motorcoach operators. To learn more about the program and review results, [click here](#).

5. **FMCSA: Unified Carrier Registration Fees** – Unified Carrier Registration (UCR) filings, which typically begin annually on October 1, are currently delayed indefinitely. Due to a court challenge that determined the Agency was not following proper procedures when setting the fees, the Agency has delayed publication of a final rule establishing the fee structure for 2018. As a result, FMCSA has postponed fee collection activities, indefinitely. Once a final rule is published and in effect, the official UCR site and respective state UCR sites will be open for 2018 filings. The GAP staff will continue to monitor Agency rulemaking activities for publication of the final rule.

6. **FMCSA/NHTSA: Speed Limiters** – A joint NPRM from FMCSA and NHTSA proposing regulations for both manufacturers and operators of commercial motor vehicles concerning speed limiters was published on September 7, 2016. GAP filed comments, taking a neutral position on the proposal, but did raise several technical concerns and advocated for voluntary adoption. In the spring, as part of the USDOT regulatory review, it appeared the rulemaking would be suspended. To date, although the agencies have not issued a formal withdrawal notice, there appears to be no further action undertaken on the rulemaking. Reviewing the USDOT regulatory agenda, the rulemaking no longer appears on the list.

7. **FHWA: Tolling/HOV** – The GAP team was optimistic in the spring when FHWA finally published draft guidance to implement the FAST Act provision regarding equitable treatment of over-the-road-buses in terms of tolling and high-occupancy-vehicle (HOV) status. This action came after several efforts by ABA counsel to assist the Agency and facilitate action. Following publication of the draft, GAP filed comments, and assisted other ABA members with filing comments on the guidance by the May 30, 2017, deadline. However, even after additional GAP attempts over the summer to spur the Agency to act, FHWA still has not published final guidance to implement the FAST Act provision. Thus, GAP included the issue in comments the prepared for the USDOT regulatory reform notice, as an alternative attempt to garner USDOT attention on this issue.
8. **FHWA: Nationwide Truck Parking Study** – Pursuant to a MAP-21 provision, FHWA will conduct a nationwide survey and comparative assessment of truck parking facilities. The Agency is initiating the activity by publishing an information collection request, a procedural step federal agencies must take before soliciting information. However, GAP has noted that the MAP 21 provision requires an assessment of commercial motor vehicle parking, and not simply truck parking, raising questions for the motorcoach industry. The purpose of the MAP-21 provision is to evaluate the capability of the States to provide adequate parking and rest facilities for commercial motor vehicles, not just trucks, engaged in interstate transportation. The GAP staff plan to submit comments to this notice, seeking expansion of the scope of the study to properly take into account parking for all commercial motor vehicles.

9. **U.S. Department of Labor (USDOL): Threshold for Overtime** – On May 23, 2016, USDOL published a final rule updating exemption requirements from overtime pay, in effect expanding the eligibility of employees (more than double the former pool) required to be paid overtime. The rule was to go into effect December 1, 2016; however, litigation initially held up its implementation and in July of 2017 it was struck down. Prior to the court decision striking down the rule, pursuant to a previous commitment made by Secretary Acosta during his confirmation hearings, USDOL published on July 26 a notice seeking information from the public to assist the Department in determining a proper increase. GAP, on behalf of ABA, joined a coalition to work on this issue, to protect small business interests. GAP joined in support of the coalition’s comments and filed specific comments on behalf of ABA, by the September 25 deadline. Over 140,000 comments were filed in this proceeding, and we await USDOL’s next actions in this proceeding.

10. **OSHA: Electronic Tracking/Reporting of Workplace Injuries** – A new OSHA rule went into force requiring companies to begin submitting reports regarding workplace injuries, electronically. The GAP team provided notices and links to ABA member companies to assist understanding of the new rule and with submitting data under the new procedures starting December 1, as well notice of the December 15 deadline for filing 2016 OSHA Form 300A information. The GAP team also provided notice of this activity on a monthly basis to ABA members, encouraging companies to be mindful of the new requirements.

11. **U.S. National Park Service (NPS): Fee Hike Proposal** – On October 24, NPS published a proposal to considerably increase fees charged to a variety of visitors at a selection of 17 national parks during peak season, including individuals and motorcoach tours. Of primary interest to the motorcoach, tour and travel industry, the NPS is proposing entry and permit fee adjustments for commercial tour operators using motorcoaches. The proposal would increase the entry fees for commercial operators and standardize commercial use authorization requirements for road-based commercial tours (e.g. motorcoaches), including application and management fees across the parks. The GAP team, working with other interested travel and tourism associations including the National Tour Association, undertook a number of actions in response, including joining a letter opposing the action, providing background information and materials to interested Congressional staff and organizing a Q/A session with NPS staff for ABA members on November 17, 2017. Additionally, GAP successfully sought an extension of time to
file comments on the proposal, and filed comprehensive comments, raising both procedural and substantive concerns, by the December 22 deadline. Additionally, GAP has arranged for NPS to hold a session at the ABA Annual Meeting and Marketplace, on Saturday January 27. As well, in a related NPS proposal specific to Arches National Park which seeks to limit park access, GAP also prepared and filed comments opposing NPS actions.

12. U.S. Treasury/IRS: Valuation Discounts – On August 4, the U.S. Treasury Department/IRS issued an NPRM proposing to expand the regulations governing the valuation of interests in corporations and partnerships for estate, gift and generation-skipping transfer tax purposes. Citing the overwhelming amount of comments received on the proposal (GAP prepared and filed comments in opposition), the Obama Administration could not finalize the rule by January 20, when the new administration came into office. Following a departmental regulatory review, pursuant to the new Administration’s regulator reform initiatives, the IRS published an interim report in July citing its intent to withdraw the rule. Working with the Family Business Coalition, which successfully advocated for the inclusion of language in the House FY 2018 appropriations financial services bill, GAP submitted comments in support of the IRS intent. On October 2, 2017, U.S. Treasury/IRS published a final report confirming their intent to withdraw this proposed rule.

IV. STATE & LOCAL ACTIVITIES

The GAP team also continued its ongoing outreach activities with state/regional motorcoach and travel/tour associations, as well as supported state and regional associations and ABA members with pertinent local issues that have or potentially have a broader regional or national impact.

A. STATE/REGIONAL ASSOCIATIONS
The GAP staff continued supporting state and regional associations by conducting educational outreach activities, coordinating on both federal and local advocacy activities. GAP participated in 5 state/regional association meetings, providing Washington updates, answering questions and promoting ABA. GAP also conducted its quarterly association call on November 30, 2017, updating state/regional association members on current national and local legislative and regulatory matters and enabling state/regional association representatives to provide an update on matters specific to their state/region. Also, during this time GAP enlisted the assistance of state/regional associations with advocacy on IBSGP funding in the FY 2018 appropriations process. As well, GAP has prepared for the upcoming state/regional association roundtable to be held at the ABA Annual Meeting and Marketplace on Saturday, January 27.

B. STATE/LOCAL ISSUES
The GAP team, at times in coordination with ABA’s General Counsel, assisted with and continues to lend support on various state/regional matters of interest to ABA members.
1. **San Francisco** – The GAP staff, along with ABA’s General Counsel, are currently assisting the California Bus Association (CBA) and ABA members to oppose the implementation of new inspection and decal program by the San Francisco International Airport (SFO). The GAP has taken primarily a facilitating role in terms of research, guidance and coordination between CBA, its counsel and ABA’s General Counsel, and will continue to facilitate in this effort.

2. **New York City** – The GAP staff assisted the Bus Association of New York and the Greater New Jersey Motorcoach Association with a number of issues concerning New York City, including responses to motorcoach accidents that occurred in the City and local responses, parking issues, congestion pricing initiatives, and the various terror incidents and aftermath. GAP participated in several calls concerning various City related issues, including the call GAP initiated in the wake of the terrorist incident involving the Port Authority bus terminal to gather feedback and discuss lessons learned. GAP staff also traveled to New York in the wake of a motorcoach accident to join ABA members at a “town hall” meeting. GAP will continue to serve as a resource both to City and state officials, as well as ABA members to facilitate communication and education on the operations of the motorcoach industry.

3. **Chicago** – Following passage of amendments to a City of Chicago ordinance intended to cut down on illegal “party bus” operations, on an on-going basis GAP has lent support to the Midwest Bus & Motorcoach Association and ABA members, to assist in understanding and complying with the new ordinance. GAP issued alerts and provided links to critical information to inform ABA members about the amended ordinance, following a high-profile enforcement effort by the City. GAP also reached out and communicated several times with the officials at the City of Chicago’s Business Affairs and Consumer Protection Division to facilitate communication and understanding of the amended ordinance. GAP also supported efforts to bring to the attention of City officials the overly burdensome and broad reaching nature of the amended ordinance, in an effort to seek reasonable changes.

4. **Portland, Maine** – Following a joint announcement by the local transit authority and the University of Southern Maine about an agreement to establish a new transit service to supplement a longstanding service provided by an ABA member, GAP assisted the ABA member by providing strategic guidance, arranging a meeting with USDOT Deputy Secretary Jeff Rosen to discuss unfair transit competition practices, and meeting with appropriations staff to seek ways to implement a statutory provision providing recourse for private operator service supplanted by public transit operations. GAP also assisted by facilitating communication with ABA’s General Counsel, and by including the matter in ABA comments to USDOT’s regulatory reform initiative. GAP will continue to assist in this matter, where and when appropriate.

V. **OPERATIONS**

A. **COUNCILS AND COALITION ACTIVITIES**

1. **Bus Industry Safety Council (BISC) and BISC West** – Following BISC’s successful summer meeting on June 13-14, 2017, in Linthicum, MD, the GAP team also managed and conducted a
second successful BISC West meeting as part of the California Bus Association’s Annual Convention October 15-17, 2017, in Alpine, CA. In preparation for the event GAP executed planning activities, including monthly calls with executive leadership and CBA leadership; solicitation and coordination of sponsors; development, publication and distribution of promotional materials; preparation of meeting materials; lining up speakers; and running the event. There were over 90 attendees at each of the 5 BISC West sessions, covering a range of topics. Additionally, GAP obtained a new sponsor following the event. In preparation for the BISC Winter meeting to be held on January 28-29, 2018, in conjunction with the ABA Annual Meeting and Marketplace, in Charlotte, NC, GAP facilitated regular planning calls, held elections for new leadership, created the criteria for a new driver award and secured further sponsorships. FMCSA leadership will be highlighted as the keynote speaker. As the FMCSA’s Administrator nominee has yet to be confirmed, the Associate Administrator is invited to speak, and FMCSA’s Chief Counsel is also invited to participate at BISC educational sessions. Over 150 attendees are currently registered for the BISC meeting. The summer meeting dates for BISC in 2018 have already begun to be promoted, the summer meeting will again be held in Linthicum, MD, on June 26-27.

a. Additional Outreach – BISC will be partnering with National Rural Transportation Assistance Program (RTAP) to educate transit operators on the electronic logging device requirements as well as how to monitor their use and compliance by contracted carriers. This session will take place via webinar on January 12, 2018. Additional educational outreach featuring BISC members and BISC as safety or compliance subject matter experts are planned for March 2018 and beyond.

2. Bus Industry Maintenance and Repair Council (BusMARC) – The GAP team also managed and developed an interesting program in preparation for the BusMARC Winter meeting, to be held January 29-30, 2018, in Charlotte in conjunction with the ABA Annual Meeting and Marketplace. The site visits for the meeting include Trolleys Inc and Christian Tours. We are anticipating over 75 attendees for the BusMARC sessions and visits at the winter meeting. As well, the BusMARC 2018 summer meeting dates are also secured, and will again be held jointly with BISC in Linthicum, MD, on June 27-28. The GAP staff also plan to continue to explore opportunities to hold BusMARC meetings independent of BISC in 2019.

3. Entertainer Motorcoach Council (EMC) – On November 14, at the request of Prevost and the EMC, GAP organized, facilitated and participated in an educational session to assist entertainer motorcoach operators with the new seatbelt requirements imposed by the NHTSA final rule of 2013. ABA’s General Counsel played a prominent role at the session along with a representative from FMCSA.

4. Coalitions
The GAP team also continued its efforts to strengthen its advocacy resources through coalitions. We continued to join in efforts with our coalition partners on various legislative initiatives, including working with: the American Trucking Association and affiliates on the F4A coalition to oppose the California meal and rest break statute; a coalition comprised of the
Near Airport Parking Trade Industry and the Taxi, Limousine and Paratransit Association, on the airport access issue; the Ad-Hoc coalition of vehicle interests on the data access issue with legislation related to autonomous vehicles; the Family Business coalition on valuation discounts and estate tax; a tour and travel coalition to work on security related issues/travel bans with the Administration; and with the Prior Approval Reform Coalition, to fight for reform of the Federal Election Commission’s requirement for trade associations to obtain prior reauthorization for PAC solicitations; and coordinated with the Highway Users Association as appropriate.

B. MISCELLANEOUS
In addition to GAP activities reported above, the GAP team also conducted and/or participated in number of other meetings and activities in support of ABA goals and interests. Although not possible to capture all the activities GAP engages in on a day-to-day basis in support of ABA, the following provides a brief overview of some of the more notable activities.

1. Policy/Advocacy
In addition to the various activities already mentioned, GAP staff continued to engage in a number of outreach activities both to Congress and the new administration. Since the last board meeting, GAP held over 50 meetings on Capitol Hill pursuing ABA policy objectives. We met with members of the House and Senate, as well as members/staff from the Transportation & Infrastructure Committee, Senate Commerce Committee, and both the House and Senate Appropriations Committees. In addition to Congressional meetings, GAP also held several meetings/calls with Administration officials, including USDOT Deputy Secretary Jeff Rosen, TSA Administrator David Pekoske, and FMCSA Chief Counsel Randi Hutchison, continuing to develop and enhance relationships with key officials in the new Administration. As well, GAP met again with UMA leadership to continue discussions on better coordinating our advocacy efforts. GAP also facilitated in organizing and participated in the Intercity Bus and Motorcoach Safety Summit on Capitol Hill.

2. Operations
Since the last ABA Board report, GAP staff remained very active through the fall. In addition to the activities already mentioned, GAP remained fully engaged in producing the monthly GAP update, both the detailed version for the Board as well as a more summary version for general ABA distribution. As well, GAP prepared and distributed various alerts and specific notices, when appropriate and warranted, in addition to managing numerous calls on a day-to-day basis to assist ABA members with various questions ranging from ELDs, the Party Bus ordinance, tax reform, and so forth. GAP staff continued to monitor federal agency activities, coordinated and solicited industry participation in security exercises, conducted a number of conference calls for regulatory engagement and scheduled and conducted several webinars. GAP also worked with John Dunham to improve and enhance our advocacy resources, and brought on board additional lobbying resources from K&L Gates to assist with appropriations lobby activities. GAP also undertook preparations for the upcoming ABA Annual Meeting and Marketplace, including preparing agendas and supporting materials, lining up speakers, and developing promotional materials. GAP also continued preparations for spring advocacy activities,
strategizing for the next appropriations cycle and possibilities of progress on an infrastructure proposal.

C. BUSPAC
Currently, the BusPAC account balance stands at $210,205. The final months of 2017 saw a healthy uptick in contributions as GAP made several pushes led by Chairman Peter Picknelly. With the upcoming mid-term elections, and much hanging in the balance, we expect GAP to be engaged in a number of fund raising activities beginning in early 2018.

In 2017, GAP staff attended a total of 46 BusPAC supported events, in addition to many other non-BusPAC related, “meet & greet” Congressional events (i.e. these did not require BusPac contributions), continuing to broaden interest and support in the motorcoach, tour and travel industry. All of these events, combined, provide invaluable returns, as often Congressional staff attend these events along with the Member of Congress and this enables GAP to retain strong Congressional contacts, as the rate of staff turnover is very high.

The BusPAC account balance at the end of 2017 stood at $211,749, with $55,025 in disbursements. BusPAC received $78,783 total contributions in 2017 from ABA members and staff – $21,217 below our targeted goal of $100,000 and $10,358 below 2016’s contributions of $89,141. We attribute this dip to two things, first 2017 was not an election year; and second, changes in staff managing BusPAC activities early in the year, led to a delay in fundraising campaigns. Following the first quarter, though, BusPAC solicitation and fundraising activities picked up with strong support from ABA’s new Communications Legislative and Communications Associate/PAC Administrator, and aggressive engagement by BusPAC Chairman Peter Picknelly. Key events were the spring board meeting and fly-in, in addition to ongoing outreach to BusPAC’s solicitable class. We also continue to refine and strategize to enhance the reformatted BusPAC board outreach initiative - the BusPAC Ambassador program – as board members are the strongest advocate for BusPAC membership. GAP is also exploring ideas for implementation in 2018 to raise the profile of BusPAC and elicit interest and participation, along with promoting the new Administrative Fund, which was launched this past November. As to disbursements, BusPAC contributions were down from 2016; however, again, as 2017 was not an election year this is not unusual. Looking forward, though, based on trends and experience, GAP will be refining its approach to ensure we are maximizing the potential use of BusPAC funds. We look forward to an active 2018 for BusPAC.

Please do not hesitate to contact me regarding any of the information provided in this report.