



January 2022 Federal Policy Report

Last Updated: January 18, 2022

Executive Summary

The latest work for the Emergency Road Service Coalition of America (ERSCA) has focused on Congressional outreach, presenting to the ERSCA membership, and tracking the federal infrastructure process.

Work On The Hill

December was holiday season on the Hill with most offices closing and staffers heading home. Nevertheless, Lobbyit remained active and maintained a productive presence on the Hill meeting with offices and scheduling meetings for the New Year.

Through the month of November, Lobbyit began an aggressive outreach campaign on the Hill targeting members of the highway subcommittees in the House and Senate. The goal of the meetings has been to introduce ERSCA to influential and relevant Members and promote ERSCA policies. The meetings were all incredibly positive and have included:

Sen. Kevin Cramer (R-ND): Senate Environment and Public Works Subcommittee on Transportation and Infrastructure (Ranking Member); and

Rep. Rodney Davis (R-IL): House Transportation and Infrastructure Subcommittee on Highways and Transit (Ranking Member)

Rep. Davis' office was not aware that the Van Hollen amendment had unsuccessfully been added to the infrastructure bill. The Congressman's Legislative Director was concerned and offered to monitor this issue closely and alert Michael of any indications that it may be added to the reconciliation bill or another standalone bill to be referred to the Subcommittee on Highways and Transit.

We have additional scheduled meetings over the coming weeks with committee members and will provide further updates.

On December 3, 2021, Lobbyit met with ERSCA to discuss a potential federal PAC formation. The meeting had two primary agenda items included: (1) Who would be appointed treasurer; and (2) What depository account would be created for the PAC? Additionally, Lobbyit briefed the ERSCA team and answered questions on general formation and functioning of a federal PAC, as well as legal requirements for individual member PAC contributions.

On December 14, 2021, Lobbyit and ERSCA met again to discuss both the PAC formation, as well as the SCRA program. Lobbyit will continue outreach to the Armed Services Committee and update ERSCA on SCRA. On ERSCA's PAC formation, Lobbyit will remain in a holding pattern until a final determination on its creation is made.

Agency Outreach

Michael reached out to both the Department of Justice and the Department of Defense regarding the SCRA and the identification of service members vehicles prior to towing. The DOJ referred to a portal on the SCRA website that allows users to look up deployed service members. ERSCA will review this portal for comments and Michael will plan to share these comments with the House and Senate Armed Services Committees.

EDUCATIONAL CERTIFICATION

Lobbyit has reached out to DOT's Office of Safety Programs to establish a contact and discuss the requirements for DOT to endorse their professional certification program. Lobbyit will be meeting with DOT to discuss further in early January.

Lobbyit has also contacted DOT's FMCSA (Federal Motor Carrier Safety Administration) to discuss the process of appointing an ERSCA member to their Motor Carrier Safety Advisory Committee (MCSAC). Committee positions serve a 2 year term. Currently no positions are open, however Lobbyit will stay engaged with MCSAC to best position an ERSCA member for the next committee position that does open up.

Infrastructure Update

Now that Infrastructure Investment and Jobs Act (IIJA) has passed, the administration has moved forward with a focus on infrastructure implementation. The White House intends to release policy guidance on the appropriations made through the IIJA over the next few weeks, with policy parameters targeted at financial oversight and reporting, labor, Made in America/Buy America, equity, climate and resilience, and environmental justice.

The topline numbers for the bipartisan Infrastructure Investment and Jobs Act (IIJA) are:

- Transportation: \$284 billion
- Water: \$55 billion
- Broadband: \$65 billion
- Energy & Power: \$73 billion
- Environmental remediation: \$21 billion
- Western water infrastructure: \$8.3 billion
- Resiliency: \$46 billion

IIJA will direct \$284 billion in above baseline spending toward all modes of transportation and \$266 billion for other infrastructure sectors. However, the chairman of the House Appropriations Transportation, Housing and Urban Development Subcommittee is warning that implementation of last year's massive bipartisan infrastructure bill could be held up if lawmakers don't reach an agreement on FY22 spending. Lobbyit will continue to monitor the IIJA's implementation and provide updates.

WHAT'S COMING NEXT

On Build Back Better, Sen. Joe Manchin (D-WV) reaffirmed his opposition from last month against the \$1.7 trillion legislation and while Sen. Chuck Schumer (D-NY) has stated that negotiations are still ongoing, it appears that the momentum for BBB has come to a temporary standstill. For now, Senate Democrats have shifted their sights to voting rights and other priorities. Lobbyit will continue to monitor the BBB negotiations and provide updates.

2022 MIDTERMS ELECTION PREVIEW

26 House Democrats are not seeking reelection in 2022. And while there's a lot of chatter about the number itself, it's rarely accompanied by more detail about where the members are heading.

Eighteen House Democrats are retiring and not seeking another office:

Reps. Ann Kirkpatrick (Ariz.), Filemon Vela (Texas), Cheri Bustos (Ill.), Ron Kind (Wis.), John Yarmuth (Ky.), David Price (N.C.), Mike Doyle (Pa.), Jackie Speier (Calif.), G.K. Butterfield (N.C.), Eddie Bernice Johnson (Texas), Peter DeFazio (Ore.), Alan Lowenthal (Calif.), Stephanie Murphy (Fla.), Lucille Roybal-Allard (Calif.), Albio Sires (N.J.), Bobby Rush (Ill.), Brenda Lawrence (Mich.) and Ed Perlmutter (Colo.).

Eight House Democrats are leaving to run for another office. Half are running for a seat in the Senate and two are running to be their state's governor.

- Rep. Tim Ryan (Ohio) is running for Senate.
- Rep. Charlie Crist (Fla.) is running for governor.
- Rep. Val Demings (Fla.) is running for Senate.
- Rep. Conor Lamb (Pa.) is running for Senate.
- Rep. Karen Bass (Calif.) is running for mayor of Los Angeles.
- Rep. Anthony Brown (Md.) is running for attorney general of Maryland.
- Rep. Peter Welch (Vt.) is running for Senate.

Rep. Tom Suozzi (N.Y.) is running for governor.

Eleven House Republicans are not seeking reelection. Of these 11, seven are seeking another office.

Congressional make-up in 2022 is also poised to change. A total of twenty-six states have recently finished redrawing their congressional maps. The surprising good news for Democrats: on the current trajectory, there will be a few more Biden-won districts after redistricting than there are now — producing a congressional map slightly less biased in the GOP's favor than the last decade's. The bad news for Democrats is that current projections show that won't be enough to save their razor-thin House majority (currently 221 to 212 seats).

The far more dramatic effect of 2022 redistricting could be the rise in the number of hyper-partisan seats at the expense of competitive ones. So far in completed states, the number of single-digit Biden and Trump seats has declined from 62 to 46 (a 26 percent drop). That means a House even less responsive to shifts in public opinion, with more partisan districts where candidates' only electoral incentive is to play to a primary base.

However, it's still too early to render a final verdict on redistricting and its impact for the 2022 election cycle. There are still 16 states that aren't complete (or near-complete), not counting the handful of states with high-stakes litigation pending.

Lobbyit will continue to monitor the 2022 midterms and provide updates as we approach election day.

STRATEGY

Lobbyit has engaged with relevant Senate offices to continue to reinforce support for ERSCA's policy goals throughout the infrastructure negotiations. Lobbyit will continue outreach to Senate offices to ensure ERSCA-friendly policies remain a priority both on the Hill and pertinent agencies.

BUDGET UPDATE

FY22 Update

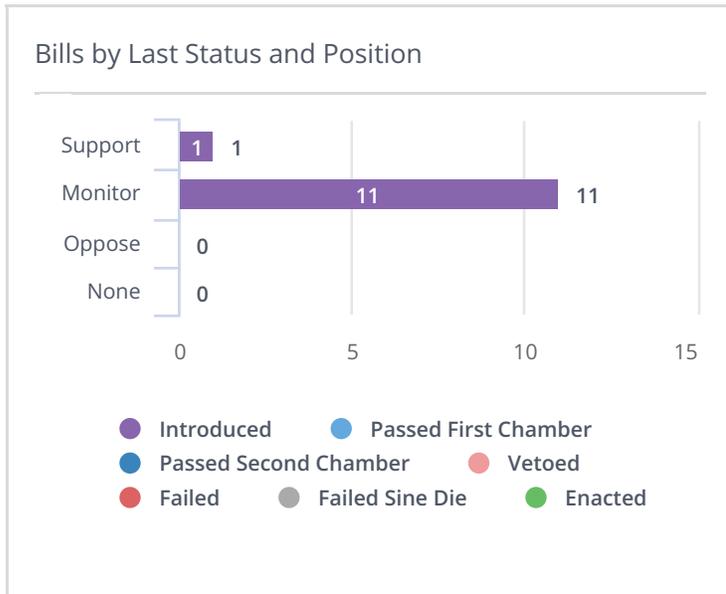
Government funding runs out February 18, 2022, and the federal government is already more than three months into the new fiscal year. Therefore, with no broader agreement immediately on the horizon, we believe there is potential that Congress will have to settle for a stopgap continuing resolution (CR) to fund all federal agencies through Sept. 30, 2022, which would be unprecedented. We have high confidence that Congress will act to ensure that there is no shutdown and will continue to monitor the FY22 appropriations process.

FY23 Update

The White House appears to be aiming for release of President Joe Biden's fiscal 2023 budget in March, a month after the statutory deadline, which is the first Monday in February. It's also possible release of the budget could be further delayed either by an inability to reach a deal on FY22 appropriations or action on the reconciliation bill (HR 5376) under consideration in the Senate.

Holding off on the budget release until a final FY22 appropriations bill is enacted provides the advantage of being able to build the proposed budget off a final spending agreement for the prior year. If lawmakers are unable to reach agreement on a fiscal 2022 omnibus before the current stopgap funding extension expires on Feb. 18, then it's possible Biden will want to wait until an appropriations deal is reached before unveiling his budget.

Looking at ERSCA's policy and regulatory priorities, we'll be tracking how these specific Congressional Committees allocate their assigned budgets for the bill in the coming weeks and engage any opportunities that could potentially benefit ERSCA.



Bills by Issue

Emergency Road Service Coalition of America (12)

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
CA	AB 294	From Committee Do Pass And Re Refer To Com On Appr Ayes 15 Noes 0 January 11 Re Referred To Com On Appr 2022 01 11	In Assembly	Support	High	88.3% 73.6%

Title

Vehicle Tow and Storage Act.

Introduction Date: 2021-01-21

Description

AB 294, as introduced, Santiago. Vehicle Tow and Storage Act. Existing law governs the licensing and regulation of tow truck drivers, authorizes the removal and storage of vehicles from public and private places, and regulates the storage of towed vehicles. A violation of the Vehicle Code is a crime. This bill would establish the Vehicle Towing and Storage Board in the Department of Consumer Affairs and would empower the board to, among other things, regulate and resolve disputes involving vehicle towing businesses. The bill would require the board to maintain a public database on its internet website on vehicle towing businesses. The bill would require a business to obtain a Vehicle Tow and Storage Permit and pay an annual fee before operating a tow truck or tow vehicle in California. The bill would establish various penalties for violations of these provisions. The bill also would require a permit applicant or permit holder to submit specified information to the board under penalty of perjury. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program. Existing law makes an insurer that is responsible for reasonable towing and storage charges, as defined, liable to the person providing those services and requires that fees charged for towing and storage be reasonable. Under existing law, a towing and storage charge is deemed reasonable if it does not exceed those fees and rates charged for similar services provided in response to requests initiated by a public agency, including, but not limited to, the Department of the California Highway Patrol or a local police department. Existing law also provides that a storage fee is deemed reasonable if it is comparable to storage-related rates and fees charged by other facilities in the same locale. This bill would instead provide that a towing and storage charge is deemed reasonable if it does not exceed those fees and rates charged for similar services provided in the same geographical organization area established by the Department of the California Highway Patrol. Existing law prescribes certain consumer protection requirements for facilities that store towed and impounded vehicles, including, among others, a requirement that those facilities provide a specified notice to a vehicle owner. This bill would add to that notice information related to the Vehicle Tow and Storage Board. Existing law requires every motor carrier of property to comply with specified safety, permit, and liability insurance regulations and to pay the fees required by these provisions. Existing law also prohibits a motor carrier of property from releasing a vehicle to another motor carrier of property utilizing a tow truck until the releasing motor carrier... (click bill link to see more).

Primary Sponsors

Miguel Santiago

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
MA	H 3290	Hearing Scheduled For 01 11 2022 From 11 30 Am 03 30 Pm In Virtual Hearing 2022 01 06	In House	Monitor	Medium	96.5% 83.7%

Title Introduction Date: 2021-03-29

An Act relative to the maximum storage charges on motor vehicles involuntarily towed

Description

By Mr. Donahue of Worcester, a petition (accompanied by bill, House, No. 3290) of Daniel M. Donahue for legislation to raise the maximum storage charge of involuntarily towed, non-commercial motor vehicles. Telecommunications, Utilities and Energy.

Primary Sponsors

Dan Donahue

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
MA	H 3299	Hearing Scheduled For 01 11 2022 From 11 30 Am 03 30 Pm In Virtual Hearing 2022 01 06	In House	Monitor	Medium	96.1% 90.0%

Title Introduction Date: 2021-03-29

An Act relative to tow lien reform

Description

By Mrs. Ferguson of Holden, a petition (accompanied by bill, House, No. 3299) of Kimberly N. Ferguson and others relative to tow lien reform. Telecommunications, Utilities and Energy.

Primary Sponsors

Kim Ferguson

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
MA	H 3324	Hearing Scheduled For 01 11 2022 From 11 30 Am 03 30 Pm In Virtual Hearing 2022 01 06	In House	Monitor	Medium	97.2% 88.1%

Title Introduction Date: 2021-03-29

An Act relative to equitable towing rates

Description

By Mr. Howitt of Seekonk, a petition (accompanied by bill, House, No. 3324) of Steven S. Howitt relative to towing rates for commercially registered vehicle not requiring a CDL license. Telecommunications, Utilities and Energy.

Primary Sponsors

Steven Howitt

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
MA	H 3433	Hearing Scheduled For 01 18 2022 From 02 00 Pm 05 00 Pm In Virtual Hearing 2022 01 11	In House	Monitor	Medium	96.9% 84.9%

Title Introduction Date: 2021-03-29
An Act to increase safety on public ways

Description
By Mr. Day of Stoneham, a petition (accompanied by bill, House, No. 3433) of Michael S. Day and others relative to the towing of motor vehicles under operation by incapacitated persons. Transportation.

Primary Sponsors
Mike Day

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
MA	S 2606	Hearing Scheduled For 01 11 2022 From 11 30 Am 03 30 Pm In Virtual Hearing 2022 01 06	In Senate	Monitor	Medium	88.2% 85.4%

Title Introduction Date: 2021-10-04
An Act relative to towing protections

Description
By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 2606) (subject to Joint Rule 12) of William N. Brownsberger for legislation relative to towing protections. Telecommunications, Utilities and Energy.

Primary Sponsors
Will Brownsberger

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
MS	SB 2346	Referred To Judiciary Division A 2022 01 17	In Senate	Monitor	Medium	0.0% 0.0%

Title Introduction Date: 2022-01-17
Towing; limit charges.

Description
An Act To Amend Section 85-7-251, Mississippi Code Of 1972, To Limit The Towing And Storage Charges For Vehicles Towed At The Direction Of A Law Enforcement Officer To Those Amounts Charged To Customers Generally; And For Related Purposes.

Primary Sponsors
Bobby Jackson

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
NY	A 3380	Referred To Cities 2022 01 05	In Assembly	Monitor	Medium	5.3% 84.5%

Title Introduction Date: 2021-01-26
Enacts the towing protection enforcement act

Description
Enacts the towing protection enforcement act; updates laws that regulate the towing of vehicles, including adding provisions thereto to prevent predatory towing of vehicles within the City of New York.

Primary Sponsors
Ron Kim

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
NY	S 1610	Referred To Cities 1 2022 01 05	In Senate	Monitor	Medium	6.1% 84.1%

Title Introduction Date: 2021-01-14
Enacts the towing protection enforcement act

Description
Enacts the towing protection enforcement act; updates laws that regulate the towing of vehicles, including adding provisions thereto to prevent predatory towing of vehicles within the City of New York.

Primary Sponsors
James Sanders

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
UT	SB 109	Senate 1st Reading Introduced Senate Rules Committee 2022 01 18	In Senate	Monitor	Medium	7.5% 70.4%

Title Introduction Date: 2022-01-18
Towing Amendments

Primary Sponsors
Mike McKell

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
WA	HB 1709	Public Hearing In The House Committee On Transportation At 3 30 Pm 2022 01 13	In House	Monitor	Medium	10.1% 92.0%

Title Introduction Date: 2021-12-28
Addressing safety measures for tow truck operators and vehicles.

Primary Sponsors
Ed Orcutt

State	Bill Number	Last Action	Status	Position	Priority	FN Outlook
WA	SB 5635	First Reading Referred To Transportation 2022 01 10	In Senate	Monitor	Medium	4.1% 80.1%

Title

Addressing safety measures for tow truck operators and vehicles.

Introduction Date: 2022-01-04

Primary Sponsors

Jeff Wilson

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