

Special 2016 Election Report

- **Nation Elects Donald Trump President**
- **Republicans Retain Control of the Senate and the House**

Overview

One of the most unpredictable election cycles in decades ended with Donald Trump's election as the 45th U.S. President and Republicans holding on to at least 21 of the 24 U.S. Senate seats they were defending. A December 10 run-off in Louisiana will decide the final Senate contest of 2016, although a recount is possible in New Hampshire. As a result, President-elect Trump can look forward to working with a Republican-controlled House and Senate for at least the next two years—if not longer.

Washington has functioned under divided party control of the executive and legislative branches of government for the past six years, which has provided each party the ability to stymie the other's goals on all but "must pass" measures and the rare bill that could garner bipartisan support—such as the 2015 FAST Act surface transportation investment law.

Although Republicans will continue to have majorities in the House and Senate in 2017—albeit more narrow ones than they currently enjoy—Democrats in the Senate will still have the ability block legislation. The upper chamber's rules allow any senator to "filibuster" bills and such a delaying maneuver can only be circumvented with a 60-vote super majority. Depending on the outcome of the Louisiana Senate election, Republicans will only have 51 or 52 votes. As such, the Senate will continue to require bipartisan support for most legislation.

Based on campaign comments from President-elect Trump and recent remarks from House Speaker Paul Ryan (R-Wis.) and Senate Majority Leader Mitch McConnell (R-Ky.), Washington's agenda for the next two years will focus heavily on repealing or replacing the Affordable Care Act (Obamacare) and confirming a Trump nominee for the vacant seat on the Supreme Court. What remains to be seen is how Republican congressional leaders will respond to the President-elect's call for a major infrastructure initiative. While Trump frequently pledges to upgrade the nation's transportation and other infrastructure networks—including in his victory speech, neither Ryan nor McConnell have identified infrastructure as a priority for their respective chambers.

ARTBA will continue to push Congress to deliver on President-elect Trump's pledge to dramatically increase transportation infrastructure investment plus the inclusion of a permanent fix for the Highway

Trust Fund's structural revenue deficit. It should also be pointed out that transportation infrastructure issues remain one of the few areas where Congress routinely finds the bipartisan support necessary to surpass the Senate's 60-vote super majority requirements.

Senate

Prior to the 2016 elections, Republicans held a 54 to 46 senate edge yet were facing a challenging electoral map in which they had to defend 24 of their 54 Senate seats. By contrast, only 10 of the Democratic positions were on this year's ballot. In addition to the numbers working against Republicans this cycle, it should not be overlooked that six of the 24 Republican-represented states voted for President Obama in both 2008 and 2012. As a result, Democrats were optimistic about winning back enough seats to regain a majority in the Senate. With current Minority Leader Harry Reid (D-Nev.) retiring at the beginning of 2017, and his seat viewed as a toss-up, Democrats needed to win five of the eight or nine elections that were deemed strongly in play to seize back the majority next year. As with the Presidential race, many political commentators suggested that Democrats winning back the Senate was more likely than not. And as with the Presidential race, those prognosticators got it wrong. After the votes were tallied, Republicans will likely have a 52-48 majority, winning all but three of the toss-up races.

The Reid seat in Nevada was won by former State Attorney General Catherine Cortez-Masto (D-Nev.) and Senator Mark Kirk (R-Ill.) was defeated by current Representative Tammy Duckworth (D-Ill.). Senator Kelly Ayotte (R-N.H.) was defeated by Governor Maggie Hassan (D-N.H.) after a close race that stretched into the afternoon of Nov. 9, giving the Democrats their three victories. Another race in Louisiana will head to a December run-off, with State Treasurer John Kennedy (R-La.) favored to defeat Public Service Commission Chairman Foster Campbell (D-La.).

The favorability of the Senate election environment does a 180 degree turn in 2018 where 25 Democratic senators (and two Independents who typically side with Democrats) will be on the ballot while Republicans only have to defend eight Senate seats, meaning a GOP controlled Senate is very likely throughout President-Elect Trump's first term. Furthermore, at least nine, and potentially 11, of the seats Democrats are defending in 2018 are states President-Elect Trump won, putting in play the potential for a filibuster-proof Republican majority in the Senate beginning in 2019.

House

With Republicans currently holding the party's largest majority (246 to 186) since World War II, it was almost inevitable the GOP would lose seats Nov. 8. While the margin has narrowed slightly, 241 to 194, with Democrats gaining a net of six seats, Republicans will maintain control of the House, which they've held since 2011 and in 20 of the last 24 years through 2018. The current GOP control of the House is due, in large part, to the 2010 elections where Republicans both regained control of the House, but also captured many state legislatures and governorships. The election coincided with the 2010 decennial national census, the results of which were used in 2011 to determine how many House seats each state gets and the new congressional map drawn by, in most states, the governors and state legislators. Because of the big Republican victory in 2010, the GOP had substantial influence in redrawing congressional maps and in many states drew favorable districts to help secure its House majority. The next redrawing of House districts is not slated, in most states, until 2021, making a Republican-controlled House very likely until that point.

Given that the chamber requires only a simple majority vote on most bills, Republicans will continue to control which legislation and amendments receive votes. However, the slimmer margin in the House could prove tricky for the GOP leadership team. Speaker Ryan has received pushback from members on the far right of his caucus who feel that he and former Speaker John Boehner (R-Ohio) conceded too much ground to Democrats on fiscal and social issues. This infighting has left Ryan little choice but to work with Democrats on what is deemed “must-pass” legislation in order to secure the 218 votes needed to approve the bills. With nearly all of the Nov. 8 losses coming to members who were considered Ryan allies, the Speaker will likely need even more Democrats to pass certain pieces of legislation—a practice that generated criticism of Boehner from far right GOP members.

State and Local

With the governor’s mansion up for grabs in 12 states, and 86 out of 99 state legislative chambers holding elections Nov. 8, voters also determined control of state level governments. Three of the 12 gubernatorial races flipped to another party. This brings the new total breakdown to 32 Republican governors and 17 Democratic governors with one Independent.

Headed into the elections, Democrats held the governorship and both houses of the legislature in seven states, compared to 23 states where all three were led by Republicans. Post-election, this will now be the case in six states for Democrats and 24 states for Republicans.

Down ballot, 44 states held some sort of state legislature elections, deciding nearly 6,000 seats. Republicans held majorities in 33 state House and 35 state Senate chambers, and Nebraska’s (technically non-partisan) one-body legislature. Democrats controlled 16 state House and 14 state Senate bodies headed into the 2016 elections. Six chambers, Nevada State Assembly, Nevada State Senate and New Mexico State House, switch to the Democrats, and the Iowa State Senate, Minnesota State Senate and Kentucky State House now have GOP control.

Balance of All 99 State Legislative Chambers								
	Pre-Election				Post-Election			
<i>Chamber</i>	<i>Democrat</i>	<i>Republican</i>	<i>Split</i>	<i>Nebraska</i>	<i>Democrat</i>	<i>Republican</i>	<i>Split</i>	<i>Nebraska</i>
<i>State Senates</i>	14	35	0	1	13	36	0	1
<i>State House</i>	16	33	0	0	17	32	0	0
<i>Total:</i>	30	68	0	1	30	68	0	1

What’s Next in Washington?

While the Presidential election has taken up most of the focus on the national political scene, there still remains some unfinished business that current members of Congress will need to address when they return Nov. 14. Issues that still need to or could be resolved before the current Congress adjourns:

- The FY 2017 appropriations bills that are currently operating under a short-term continuing resolution (CR) set to expire December 9. These annual spending bills set funding levels for the

discretionary part of the federal government—including all programs administered by the U.S. Department of Transportation. While Republican leaders in Congress have signaled a desire to pass multiple, smaller combinations of the appropriations bills rather than one catch all measure, it is unclear which approach will move forward. The infighting amongst the House GOP caucus, the need for 60 votes in a Senate that only has 54 Republicans and President Obama’s signature still needed for enactment all cloud this plan. Another option could be to pass a second short-term measure that would require further action next year to keep federal programs operating. While both House and Senate versions of the transportation appropriations bill have included spending levels on par with the 2015 FAST Act surface transportation program reauthorization law, and the Highway Trust Fund has adequate revenue to support said levels, ARTBA staff will continue working with members and staff to ensure those spending levels are met.

- Earlier this year, both the House and Senate passed updated versions of the Water Resources Development Act of 2014. The respective legislation would authorize maritime construction projects at the nation’s ports and inland waterways. While the bills are similar, the few differences that exist need to be worked out in order for both bodies to pass one compromise bill before it can be sent to the President for his signature. While nothing is guaranteed, it is expected that Congress will complete this legislation before adjourning for the year.

The following pages provide a more detailed analysis of the 2016 elections.

Summary of 2016 Election Results

	Republicans	Democrats	Independents	Vacancies	Undecided
Senate (2016)	54	44	2		
Senate (2017)	51	46	2		1
House (2016)	246	186		3	
House (2017)	237	193			5
Governor (2016)	31	18	1		
Governor (2017)	32	17	1		

Newly-Elected Members of Congress and Governors

Also on Nov. 8, six new members of the U.S. Senate and 50 new members of the House of Representatives were elected along with eight new governors. ARTBA and its leadership will begin meeting with these officials and their staffs as soon as possible to inform them of the importance of federal transportation investment to their state or district. While some of the congressional races are still officially unresolved, we can report these members of Congress (including those returning to Congress) and governors:

Representatives

Tom O'Halleran (D-Ariz.)	Drew Ferguson (R-Ga.)	Adriano Espaillat (D-N.Y.)
Andy Biggs (R-Ariz.)	Colleen Hanabusa (D-Hawaii)	John Fasso (R-N.Y.)
Ro Khanna (D-Calif.)	Brad Schneider (D-Ill.)	Claudia Tenney (R-N.Y.)

Jimmy Panetta (D-Calif.)	Raja Krishnamoorthi (D-Ill.)	Thomas Suozzi (D-N.Y.)
Salud Carbajal (D-Calif.)	Jim Banks (R-Ind.)	Dwight Evans (D-Pa.)
Nanette Barragan (D-Calif.)	Trey Hollingsworth (R-Ind.)	Brian Fitzpatrick (R-Pa.)
Lou Correa (D-Calif.)	Roger Marshall (R-Kan.)	Lloyd Smucker (R-Pa.)
Lisa Blunt Rochester (D-Del.)	James Comer (R-Ky.)	David Kustoff (R-Tenn.)
Matt Gaetz (R-Fla.)	Anthony Brown (D-Md.)	Vicente Gonzalez (D-Texas)
Charlie Christ (D-Fla.)	Jamie Raskin (D-Md.)	Jodey Arrington (D-Texas)
Brian Mast (R-Fla.)	Jack Bergman (R-Mich.)	Scott Taylor (R-Va.)
Francis Rooney (R-Fla.)	Paul Mitchell (R-Mich.)	Donald McEachin (D-Va.)
Neal Dunn (R-Fla.)	Jason Lewis (R-Minn.)	Tom Garrett (R-Va.)
John Rutherford (R-Fla.)	Carol Shea Porter (D-N.H.)	Pramila Jayapal (D-Wash.)
Al Lawson (D-Fla.)	Joshua Gottheimer (D-N.J.)	Mike Gallagher (R-Wis.)
Stephanie Murphy (D-Fla.)	Jacky Rosen (D-Nev.)	Liz Cheney (R-Wyo.)
Darren Soto (D-Fla.)	Ruben Kihuen (D-Nev.)	

Senators

Maggie Hassan (D-N.H.)	Todd Young (R-Ind.)	Catherine Cortez Masto (D-Nev.)
Kamala Harris (D-Calif.)	Tammy Duckworth (D-Ill.)	Chris Van Hollen (D-Md.)

Governors

John Carney (D-Del.)	Eric Holcumb (R-Ind.)	Eric Greitens (R-Mo.)
Chris Sununu (R-N.H.)	Roy Cooper (D-N.C.)*	Doug Burgum (R-N.D.)
Phil Scott (R-Vt.)	Jim Justice (D-W.Va.)	

As many ARTBA members undoubtedly have relationships with some of these new elected officials, we urge you to meet with and begin the education process over the next couple months. It is never too early to begin educating new members of Congress and governors about the importance of transportation investment in their state.

2016 Elections and the Relevant House and Senate Committees

With Republicans maintaining control of both the House and Senate in 2017, the GOP leadership in both the chambers will likely remain the same. Paul Ryan is expected to retain the Speaker's gavel with Majority Leader Kevin McCarthy (R-Calif.) and Majority Whip Steve Scalise (R-La.) likely continue in their respective leadership positions. Senator Mitch McConnell (R-Ky.) will remain as Majority Leader in the Senate with Senator John Cornyn (R-Texas) as the party's second in command as the majority whip.

On the Democratic side, all indications are that leadership ranks will stay the same in the House, with current Minority Leader Nancy Pelosi (D-Calif.), Minority Whip Steny Hoyer (D-Md.) and Democratic Caucus Assistant Leader James Clyburn (D-S.C.) maintaining the top three positions for their party in the House. With the retirement of Senator Reid, Senator Chuck Schumer (D-N.Y.) is widely expected to lead the Senate Democrats as Minority Leader. The outlook for the minority whip position, currently held by Senator Dick Durbin (D-Ill.), remains unclear, with Senator Patty Murray (D-Wash.) rumored to be considering a challenge to Durbin for the number two spot.

As the parties officially choose their leadership teams in the coming weeks, ARTBA will update you accordingly as those decisions are announced.

Transportation & Infrastructure (T&I) Committee

Current House Transportation & Infrastructure Committee Chairman Bill Shuster (R-Pa.) will continue to lead the committee. Due to House GOP term-limit rules, which restrict members to six years at the helm of most committees, this will likely be Shuster's last two years as chairman. Subcommittee chairmanships will likely remain the same, with Representative Sam Graves (R-Mo.) leading the Highways and Transit Subcommittee, and Representative Frank LoBiondo (R-N.J.) heading up the Aviation Subcommittee.

Representative Peter DeFazio (D-Ore.) is expected to continue as the Ranking Member for the Democrats. Eleanor Holmes Norton (D-D.C.) is expected to continue to be the lead Democrat on the Highways & Transit Subcommittee, and Rick Larsen (D-Wash.) will remain at the helm of the Aviation Subcommittee for the minority party in 2017.

Including retirements, defeats and those who ran for other office, of the 59 current members of the T&I Committee, nine will not be a part of the next House of Representatives. Those members are:

Corrine Brown (R-Fla.)	Richard Hanna (R-N.Y.)	John Mica (R-Fla.)
Donna Edwards (D-Md.)	Crescent Hardy (R-Nev.)	Candice Miller (R-Mich.)
Janice Hahn (D-Calif.)	Ann Kirkpatrick (D-Ariz.)	Reid Ribble (R-Wis.)

One member of the committee, Representative Jeff Denham (R-Calif.), has a race that has not been called as of publication of this document, however, he appears to have a comfortable lead and we expect him to return to Congress next year.

House Appropriations Committee

The House Appropriations Committee, which sets annual funding levels for all federal discretionary programs, will see a change at the top of the Committee as current Chairman Hal Rogers (R-Ky.) on the GOP side will be term-limited. Representative Rodney Frelinghuysen (R-N.J.) is expected to lead the panel when the 115th Congress begins in January. Meanwhile, Ranking Member Nita Lowey (D-N.Y.) will likely maintain her same position next year. It is unclear whether or not Transportation, Housing and Urban Development (THUD) subcommittee chairman and lead Democrat will keep their respective posts or be replaced by another member. We will provide more specific information about the Appropriations Committee as the shuffling of the subcommittee chairmanships and ranking members becomes clear.

House Ways & Means Committee

If potential tax reform legislation starts to take shape over the next few months, there will not be a more critical committee to that process than the House Ways & Means Committee. The Committee has jurisdiction over all tax policy, including all transportation related taxes and trust funds. Current

Committee Chairman Kevin Brady (R-Texas) is expected to retain the gavel for the Republicans. Current Ranking Democrat Sander Levin (D-Mich.) is expected to maintain his position as his party's leader on the committee.

House Budget Committee

Budget Committee Chairman Tom Price (R-Ga.)—a former member of the GOP leadership—will in all likelihood remain as chairman. Chris Van Hollen (D-Md.) won his bid for the seat of retiring Senator Barbara Mikulski (D-Md.), leaving a vacancy for the Democrats on the Budget Committee. As the Budget Committee doesn't always follow typical seniority rules like most other committees do, it is unclear at this point who will become the lead Democrat.

Senate Environment & Public Works (EPW) Committee

Regardless of who controlled the Senate as a result of the Nov. 8 elections, change was inevitable at the helm of the Senate EPW Committee. Due to Senate GOP limitations on the number of terms a member can serve as chairman and ranking member, current Chair James Inhofe (R-Okla.) will no longer be able to serve as the lead Republican. Current Ranking Democrat Barbara Boxer (D-Calif.) is retiring this year. Inhofe and Boxer, both public sector recipients of the "ARTBA Award", have played integral roles in the crafting of surface transportation authorization laws dating back to SAFETEA-LU in 2005.

Next in line to serve as committee chair is Senator John Barrasso (R-Wyo.). Senator Tom Carper (D-Del.) is the senior Democrat on the panel, but he may decide to stay in his current role as the Ranking Member on the Senate Homeland Security and Government Affairs Committee. ARTBA will continue to update members on all committee leadership choices as they are flushed out in the coming weeks.

Senate Appropriations Committee

Current Senate Appropriations Committee Chairman Thad Cochran (R-Miss.) is expected to remain at the head of the committee for the GOP. The committee leadership for the Democrats is less clear, with the retirement of the current Ranking Member Senator Mikulski. The next most senior Democrat on the panel is Patrick Leahy (D-Vt.), though he has passed up the opportunity to be the lead Democrat on the Appropriations Committee to retain his current top slot on the Judiciary Committee. After Leahy is Senator Murray, who could earn the top position if Leahy again takes a pass.

Senate Finance Committee

No changes are expected at the Finance Committee, as Chairman Orrin Hatch (R-Utah) and Ranking Member Ron Wyden (D-Ore.) will continue to lead their respective parties. The committee oversees all tax related issues, including those dealing with transportation user fees and trust funds.

Senate Banking Committee

The incoming committee chairman will be Senator Mike Crapo (R-Idaho), replacing Senator Richard Shelby (R-Ala.) as the lead Republican. Ranking Democrat Sherrod Brown (D-Ohio) will likely continue to oversee the committee that holds jurisdiction over federal transit programs for the Democrats.

Senate Commerce Committee

Similar to the Finance and Banking Committees, no changes are expected at the top of the Commerce Committee, with Senator John Thune (R-S.D.) and Senator Bill Nelson (D-Fla.) each holding the top spots for their respective parties. The Commerce Committee will again be charged with reauthorizing federal aviation programs that are currently operating under an extension that runs out Sept. 30, 2017.

Senate Budget Committee

Current Budget Chairman Mike Enzi (R-Wyo.) will again lead the panel Committee in crafting the overall spending priorities of the Senate. Former Democratic presidential candidate Senator Bernie Sanders (I-Vt.) leads the panel for Democrats, but he could shift to the same position on the Health, Education, Labor and Pensions Committee, if a vacancy occurs.