



**American Public Transportation Association**

# **Commuter and Intercity Passenger Rail Legislative Subcommittee Agenda**

**Sunday, March 12, 2023  
9:45 a.m. - 10:45 a.m. ET**

**Grand Hyatt Washington  
Room: Independence FG (Level 5B)**

1. Welcome and Call to Order—Amy Scarton, Co-Chair
2. Positive Train Control Operations and Maintenance Costs Overview—  
Sarah Farkas, Assistant Director - U.S. Government Accountability Office
3. FRA Update — Ryan Arbuckle, Bipartisan Infrastructure Law Implementation Manager
4. An Update from the APTA Commuter Rail CEOs Committee—Jim Derwinski, Chair
5. Legislative Update—Eric Bustos, Senior Legislative Representative, Government Affairs & Advocacy
6. Open Discussion
  - a. Streamlining Project Delivery
  - b. Commuter Rail Liability Insurance Market
7. Adjourn

## **ENCLOSED DOCUMENTS**

- APTA Legislative Update (03.03.2023)
- APTA FY 2024 THUD Appropriations Bill Talking Points (03.13.2023)
- Commuter Rail Legislative Agenda
- APTA Advocacy Tools Fact Sheet, *New Congress, New Tools!* (03.13.2023)



## Legislative Update

This year, APTA is focused on three major initiatives:

- **aggressively advocating for public transportation investments** in the Fiscal Year (FY) 2024 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill (THUD Appropriations bill);
- **actively working to ensure successful implementation of the Infrastructure Investment and Jobs Act (IIJA)** (P.L. 117-58), commonly referred to as the Bipartisan Infrastructure Law, **and the Inflation Reduction Act** (P.L. 117-169); and
- **carrying out a holistic advocacy outreach effort** to every new and returning Member of Congress in the 118<sup>th</sup> Congress.

### ***Aggressively Advocating for Public Transportation Investments in the FY 2024 THUD Appropriations Bill***

In December 2022, Congress enacted the Consolidated Appropriations Act, 2023 (P.L. 117-328), which includes the FY 2023 THUD Appropriations Act (Division L). The THUD Appropriations Act appropriates an overwhelming majority of public transit and passenger rail authorizations of the Infrastructure Investment and Jobs Act (IIJA), commonly referred to as the Bipartisan Infrastructure Law.

Specifically, the THUD Appropriations Act, together with the advance appropriations of the IIJA, provides a total of **\$21.2 billion** for public transit in FY 2023, an increase of \$704 million from the FY 2022 enacted level. This total appropriation is \$66 million less than the total amount authorized in the IIJA. The THUD Appropriations Act and IIJA also include **\$16.6 billion** for passenger and freight rail, an increase of \$69 million from the FY 2022 enacted level. This total appropriation is \$3.2 billion less than the amount authorized in the IIJA. In addition, the Consolidated Appropriations Act and IIJA allocate **\$2.3 billion** for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) competitive grants and **\$214 million** for the Federal Transit Administration's (FTA) Public Transportation Emergency Relief Program (49 U.S.C. § 5324) to provide financial assistance for public transit systems affected by major declared disasters.

**This year, APTA urges Congress and the Biden-Harris Administration to harness the potential of the Bipartisan Infrastructure Law by fully funding public transportation in the FY 2024 THUD Appropriations bill. Specifically, we urge Congress and the Administration to:**

- **provide at least \$21.6 billion for public transit and \$20.2 billion for passenger rail in FY 2024;**
- **streamline project delivery by enacting commonsense regulatory reforms** (e.g., expediting Capital Investment Grant (CIG) review; simplifying Commercial Driver's License requirements); and
- **create a new Mobility Innovation and Technology Initiative** to integrate new mobility solutions into public transit networks. In APTA's 2019 Surface Transportation Authorization Recommendations, we recommended a new Mobility Initiative as a top priority. Regrettably, Congress did not enact it as part of the IIJA, and we urge Congress to advance this Mobility Initiative in the 118<sup>th</sup> Congress.

### ***Working to Ensure Successful Implementation of the Infrastructure Investment and Jobs Act and the Inflation Reduction Act***

#### ***IIJA***

On November 15, 2021, President Biden signed the IIJA into law. The IIJA provides **\$108.2 billion** for public transit over five years (FY 2022 through FY 2026), an increase of **\$42.4 billion (64 percent)** from current levels. These historic increases in public transit investments include \$91.2 billion of guaranteed funding (i.e., contract authority and advance appropriations) and \$17.0 billion of General Fund authorizations for CIG and other grants.

The legislation also provides **\$102.1 billion** for passenger and freight rail over five years, an increase of **\$86.7 billion (561 percent)** from current levels. These historic passenger rail investments include \$66 billion of guaranteed funding (advance appropriations) and \$36.1 billion of General Fund authorizations for Amtrak and other programs. In addition, the IIJA includes significant funding for multimodal investments (e.g., Rebuilding American Infrastructure with Sustainability and Equity (RAISE) and Mega grants) that include public transit and passenger rail as essential elements.

APTA is actively working with the U.S. Department of Transportation (DOT) toward successful implementation of the IIJA. In the first 15 months since enactment of the legislation, **DOT has advanced competitive grants totaling more than \$30 billion that include public transit and passenger rail eligibility.** DOT and its modal agencies have awarded **\$8.6 billion** for Low and No Emission Bus grants, Buses and Bus Facilities grants, RAISE grants, and other programs. In addition, DOT and its agencies have issued Notices of Funding Opportunities (NOFOs) for **\$21.5 billion** of additional competitive grants that include public transportation eligibility.

In addition, DOT, FTA, the Federal Railroad Administration, and other agencies have issued Notices of Proposed Rulemaking, Guidance, Dear Colleague letters, and Requests for Information regarding IIJA implementation. APTA has actively engaged in this regulatory process and provided numerous comments on IIJA implementation, including comments on Buy America, CIG, Public Transportation Agency Safety Plan Safety Requirements, and Railroad Capital Projects.

To assist APTA members in tracking IIJA funding apportionments and competitive grant opportunities and policy actions, APTA has developed a [Smart Guide to the Bipartisan Infrastructure Law and Inflation Reduction Act](#). The APTA Smart Guide includes funding and apportionment tables, section-by-section analyses, and DOT guidance, regulations, and NOFOs. The Smart Guide also includes advocacy and media toolkits to help APTA members tell their Bipartisan Infrastructure Law success stories. In addition, APTA has developed a [Regulatory Matrix](#) to track all regulatory and other administrative actions.

### ***Inflation Reduction Act***

On August 16, 2022, President Biden signed the Inflation Reduction Act of 2022 into law. The Act incorporates numerous important provisions that benefit public transportation, including alternative fuel tax credits and significant new investments in climate, zero-emission technology, equity, and environmental streamlining. The Inflation Reduction Act:

- extends the excise tax credits for alternative fuels, biodiesel, and renewable diesel;
- expands and substantially restructures the alternative fuel vehicle property credit;
- establishes a new commercial clean vehicle tax credit; and
- provides significant new investments in climate, zero-emission technology, equity, and environmental review, including \$27 billion for a Greenhouse Gas Reduction Fund; \$3.2 billion for Neighborhood Access and Equity Grants; and \$2 billion for Low-Carbon Transportation Materials Grants.

APTA is actively working with DOT, the U.S. Department of the Treasury, and the Environmental Protection Agency (EPA) on efficient implementation of the Inflation Reduction Act. In particular, APTA is focused on successful delivery of the new commercial clean vehicle tax credit and the new grant programs. Section 13403 of the Act creates a new tax credit (up to \$40,000) for commercial clean vehicles (e.g., zero-emission buses). Commercial clean vehicles include battery electric and fuel cell vehicles. This 10-year tax credit took effect in 2023. The section requires the Secretary of the Treasury to issue regulations or guidance as necessary to implement the provision. APTA is actively working to ensure that public transit agencies may benefit from this provision and receive a direct payment in lieu of a tax credit.

APTA is also working with agencies on implementation of several new programs created by the Inflation Reduction Act. For example, APTA wants to ensure public transportation eligibility under the new **\$27 billion** Greenhouse Gas Reduction Fund, administered by EPA. Under the program, EPA will make competitive grants, loans, other financial assistance, and technical assistance

available to states and local governments to enable communities, particularly low-income and disadvantaged communities, to reduce or avoid greenhouse gas emissions and deploy or benefit from zero-emission technologies.

## ***Carrying Out a Holistic Advocacy Outreach Effort to the New Congress***

Finally, APTA is carrying out a comprehensive outreach effort to every new and returning Representative and Senator in the 118<sup>th</sup> Congress, including:

- Sending each Member of Congress, totaling 541 offices, a personalized packet that contains background information about the public transportation industry; a copy of their Congressional District or State Transit Industry Footprint; and APTA's legislative priorities.
- Meeting with each new Member of Congress to ensure that they understand our industry and APTA's priorities for the 118<sup>th</sup> Congress.
- Urging all APTA members to contact their new and returning Members of Congress to:
  - introduce themselves;
  - outline the role that public transportation plays in your community and the nation's economy; and
  - educate them on the need to harness the potential of the Bipartisan Infrastructure Law by fully funding public transportation in the FY 2024 THUD Appropriations bill.

In addition, we are launching a new advocacy strategy focused on grassroots outreach. As part of this effort, we continue to expand APTA's grassroots advocacy tools, such as APTA's Industry Footprint and Advocacy Engagement tools.



# FY 2024 THUD Appropriations Bill

American Public Transportation Association

March 13, 2023

APTA urges Congress to harness the potential of the Bipartisan Infrastructure Law by fully funding public transportation in the FY 2024 THUD Appropriations bill.

Public transportation is a **\$79 billion** industry that directly employs **430,000** people and supports millions of private-sector jobs.

Specifically, **APTA urges Congress to provide at least \$21.6 billion for public transit and \$20.2 billion for passenger rail** in the Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations bill (when combined with the advance appropriations of the Bipartisan Infrastructure Law). These investments will help bring public transportation systems to a state of good repair and meet the mobility demands of communities.

**For Capital Investment Grants (CIG)**, APTA requests that Congress provide **at least \$4.6 billion** to help our communities begin to address the backlog of demand for more mobility choices. Today, **81 projects** across the nation are seeking almost **\$46 billion** of CIG funds.

We also urge Congress to **streamline project delivery** by enacting commonsense regulatory reforms (e.g., expediting CIG review; simplifying Commercial Driver's License requirements). Finally, we encourage Congress to **create a new Mobility Innovation and Technology Initiative** to integrate new mobility solutions into public transit networks.



Every \$1 invested in public transportation generates \$5 in long-term economic returns.



Every \$1 billion invested in public transportation creates or sustains nearly 50,000 jobs across the entire economy.



Nearly 9 of 10 transit trips directly benefit the economy by bringing people to where they spend and earn money.

## APTA urges Congress to:

- ✓ **Fully Fund Public Transportation in the FY 2024 THUD Appropriations bill;**
- ✓ **Streamline Project Delivery** by enacting commonsense regulatory reforms; and
- ✓ **Create a new Mobility Innovation and Technology Initiative** to integrate new mobility solutions into public transit networks.

# America's Commuter Rail – Safer Travel, Economic Growth, and Sustainable Networks

**In the United States**, 32 commuter rail agencies service over 9,200 miles and employ more than 32,000 individuals.

## Commuter Rail Economics

- Commuter rail contributes **\$11 billion** to the U.S. economy, with two thirds of commuter rail spending flowing to the private sector.
- Commuter rail creates and supports **190,000 jobs**.

## Commuter Rail Safety and Sustainability Benefits

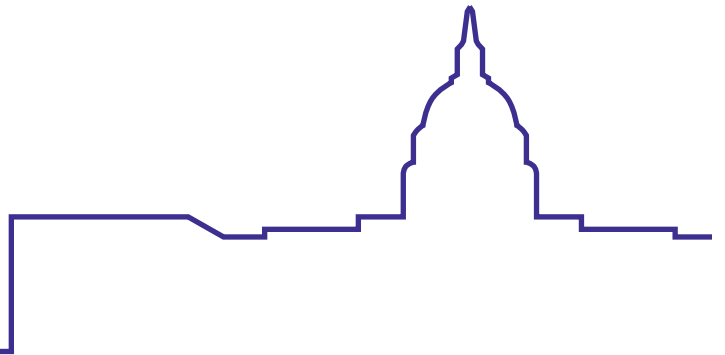
- Traveling by commuter rail and intercity rail is **18 times safer** for passengers than by car.
- A typical trip on commuter rail emits **71 percent** fewer greenhouse gas emissions than driving or ride hailing alone.

## APTA Urges Congress to...

- **Fully fund the Bipartisan Infrastructure Law's public transit and passenger rail investments in the FY 2024 THUD Appropriations bill**, including Capital Investments Grants, Railroad Crossing Elimination grants, and Federal-State Partnership for Intercity Passenger Rail grants.
- **Streamline Project Delivery** by enacting commonsense regulatory reforms.
- **Provide specific funding to commuter railroads** for Positive Train Control operations and maintenance costs under the CRISI program.



# New Congress, New Tools!



**A**S THE 118TH CONGRESS BEGINS, APTA members have several tools at their disposal to engage with their Members of Congress both on Capitol Hill and in their Congressional Districts. Below is a list of key resources:

## APTA Advocacy Action Center

The APTA Advocacy Action Center will be used to notify you of active APTA advocacy campaigns and will make it easy for you to respond to APTA calls for action, such as emailing or otherwise reaching out to your Members of Congress, Administration officials, and the President.

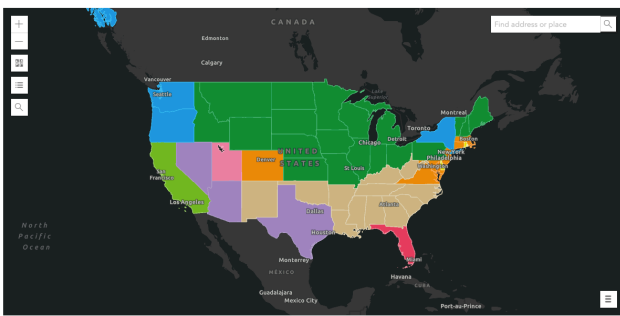
Keep an eye out for future campaigns and instructions to sign up!

## Industry Footprint

APTA's Industry Footprint is a powerful advocacy tool for the public transportation industry. APTA members and the broader industry can use the Industry Footprint to view important information on public transportation providers, businesses, and funding, organized by state, Congressional District, and state legislative districts. APTA members use the Industry Footprint to explain the importance of public transportation to elected officials during events like APTA's Legislative Conference, fly-ins, and their own individual meetings

Data Explorer:

Browse content and take advantage of the latest demographic information. Use interactive maps to give context to your story and inform your audience.



with legislators. The Footprint contains information on more than 3,000 APTA member locations and 2,600 public transportation industry suppliers and manufacturers. Nearly every Congressional District in the country has either an APTA member, or another public transportation industry supplier.

## CIG Project Pipeline Dashboard

APTA's Capital Investment Grants (CIG) Project Pipeline Dashboard allows the industry to track the progress of projects in the Federal Transit Administration's (FTA) CIG pipeline. To date, the dashboard includes important information on 81 projects with existing full funding grant agreements or seeking CIG funding. APTA's Dashboard also includes important information on the Members of Congress that represent the areas where each project is located.

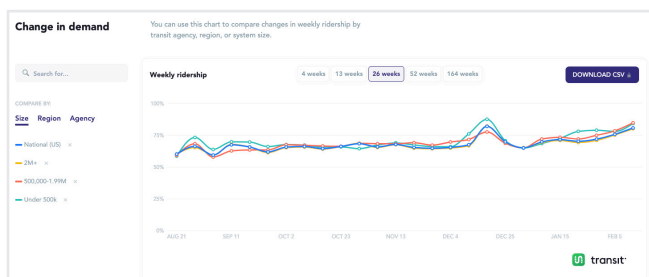
## My Economic Impact Tool

APTA's My Economic Impact Tool enables APTA transit agency members to use their budget data to calculate the economic impact of their transit service. The tool uses the same methodology as APTA's Economic Impact of Public Transportation report, and provides APTA members with valuable information to make the case for public transportation to elected officials, stakeholders, and the public. The analysis produces figures for jobs, wages, sales, and value-add supported by transit agency spending. The tool's reports also help users understand direct and indirect effects on the local economy, as well as the diverse occupational mix of jobs supported by public transit spending.



## APTA Ridership Trends Dashboard Powered by Transit

APTA's Ridership Trends Dashboard helps the public transit industry track ridership trends in real time. This tool, built in partnership with Transit app, allows APTA members and the public to compare ridership between agencies, regions, and national trends. The Ridership Trends Dashboard combines APTA's ridership report data with app usage information from Transit to predict ridership levels each week, with new data posted each Monday. The Ridership Trends Dashboard has weekly predictions from January 2020 to today and includes ridership trends for 130 transit agencies.



## APTA Smart Guide: Bipartisan Infrastructure Law and Inflation Reduction Act

To assist APTA members in tracking IIJA and Inflation Reduction Act funding, competitive grant opportunities, and policy actions, APTA has developed a Smart Guide to the Bipartisan Infrastructure Law and Inflation Reduction Act. The APTA Smart Guide includes funding and apportionment tables, section-by-section analyses, and U.S. Department of Transportation and other agencies' Notices of Funding Opportunities, guidance, and regulations. Finally, the Smart Guide includes advocacy talking points and tools to help APTA members tell their Bipartisan Infrastructure Law success stories.



## APTA Regulatory Matrix

The APTA Regulatory Matrix enables you to track all 2022 and 2023 regulatory and other administrative action impacting public transportation. Using APTA's matrix, you may sort the regulatory actions by agency, date, and comment period. The Matrix provides links to the proposed requirements, summaries, APTA Comments, and the APTA Staff Advisor.

## APTA Public Transportation Fact Book

The annual Public Transportation Fact Book contains national aggregate statistical data covering all aspects of the public transit industry in the United States and Canada. Major sections include an overview of U.S. transit systems; transit finances and operating statistics by modes of travel; transit vehicle characteristics and deliveries; private-sector expenditures; modal rankings; and statistical trends of Canadian transit operations.

