



American Public Transportation Association

Legislative Committee

Agenda

March 12, 2023

3:00 p.m. – 5:00 p.m. ET

Grand Hyatt Washington

Room: Independence Ballroom A (Level 5B)

1. Welcome and Call to Order—Matthew O. Tucker, Chair
2. Remarks from APTA Leadership
3. Approval of Minutes of October 9, 2022 Legislative Committee Meeting
4. Legislative Committee Work Plan—Matt Tucker
Recommended Action: Approval of Legislative Committee Work Plan
5. Legislative Update and Advocacy Strategy—Ward McCarragher, Vice President, Government Affairs and Advocacy
6. Discussion of Build America, Buy America (BABA) Implementation—Subash Iyer, Chief Counsel, and Dana Nifosi, Deputy Chief Counsel, Federal Transit Administration
7. Communications Advocacy Strategy—TJ Doyle, Vice President, Communications and Marketing

8. Discussion of Public Transit Agency Operating Budgets and Approaching Fiscal Cliff—
Matt Tucker and Leslie Richards, Vice Chair
As public transit agencies expend all of their COVID-19 relief funding, many transit agencies face a significant operating budget shortfall, commonly referred to as a Fiscal Cliff, in 2024 or subsequent years.
- a. *Does your public transit agency face a Fiscal Cliff? Based on your current projections, when will your agency begin to face a significant operating budget shortfall and how will it change over time?*
 - b. *What potential local and State solutions (such as transit agency fare increases, service changes, or new local or State new revenue streams or funding) is your agency considering to address the Fiscal Cliff? Are there lessons learned from working with local and State partners on these initiatives?*
 - c. *As a general rule, Federal transit law does not allow large public transit agencies to use Federal transit funds for operating expenses. What potential Federal solutions (if any) do you support to address the Fiscal Cliff?*
9. Open Discussion
10. Adjourn

ENCLOSED DOCUMENTS

- APTA Legislative Steering Committee Roster (03.01.2023)
- Minutes of October 9, 2022 Legislative Committee Meeting
- APTA Legislative Committee Work Plan (03.08.2023)
- APTA Legislative Update (03.03.2023)
- APTA FY 2024 THUD Appropriations Bill Talking Points (03.13.2023)
- APTA Executive Summary of Build America, Buy America Act (03.08.2023)
- [Office of Management and Budget, Guidance for Grants and Agreements Correction \(03.08.2023\)](#)
- [Office of Management and Budget, Guidance for Grants and Agreements Proposed Rule \(02.09.2023\)](#)
- APTA Advocacy Tools Fact Sheet, *New Congress, New Tools!* (03.13.2023)

- APTA 2022 Fact Book Infographic (03.13.2023)
- APTA Research Products Summary (03.06.2023)
- APTA Letter to Secretary of Transportation Peter Buttigieg regarding RAISE Grants for Public Transportation Projects (02.28.2023)
- APTA Policy Brief, *RAISE Grants Are Critical for Public Transportation Projects* (02.28.2023)
- APTA Policy Brief, *Public Transportation Ridership Update* (03.06.2023)



American Public Transportation Association

Legislative Steering Committee Roster (2022-2023)

March 1, 2023

Committee Chair

Matthew O. Tucker (Term began December 2022);
mtucker@nctd.org; 760.277.5252

Committee Vice Chair

Leslie S. Richards (Term began December 2022)
lrichards@septa.org; 215.964.5086
Staff Advisor: Ward McCarragher

Legislative Committee Subcommittees

Business Member Legislative Subcommittee

Brian Tynan, Chair; brian.tynan@aecom.com; 202.772.0752
Caroline Decker, Vice Chair; caroline.decker@wsp.com; 202.695.0809
Staff Advisors: Melissa Mejias; David Carol

Mission: Identify legislative and regulatory issues of particular interest to APTA Business Members; provide input for all subcommittees on issues relevant to Business Member interests; organize advocacy initiatives for Business Members and provide support and assistance to the overall APTA legislative program.

Commuter and Intercity Passenger Rail Subcommittee

Amy Scarton, Co-Chair; scartoa@wsdot.wa.gov; 206.571.5162
Staff Advisors: Eric Bustos; Art Guzzetti

Mission: Develop a legislative advocacy program that advances the interests and enables the growth and development of commuter rail operators and intercity passenger rail; identify legislative and regulatory issues of particular interest to commuter rail operators and intercity passenger rail; and comment on industry-wide legislative policies as they relate to commuter rail operations and intercity passenger rail.



American Public Transportation Association

Federal Procedures and Regulations Subcommittee

Christopher P. Boylan, Chair; cboylan@gcany.net; 212.687.3131

Rick Bacigalupo, Vice Chair; rick@cardinalinfrastructure.com; 714.318.8913

Kate Mattice, Vice Chair; katemattice@novatransit.org; 571.457.9523

Staff Advisor: Stacie Tiongson

Mission: Review, comment on, and make recommendations on federal regulatory and administrative policies and procedures, and on legislation that relates to such policies and procedures, issued or administered by the Department of Transportation, the Environmental Protection Agency, and the Departments of Energy, Labor, Justice, and Homeland Security.

Funding, Finance, and Tax Policy Subcommittee

Sharon Greene, Chair; sharon.greene@infrastrategies.net; 714.743.0118

Michael McLaughlin, Vice Chair; michael.mclaughlin@vpra.virginia.gov; 804.629.0008

Staff Advisors: Ward McCarragher, Stacie Tiongson

Mission: Develop, analyze, coordinate and make recommendations on the advancement of legislative, regulatory and administrative proposals, strategies and policies pertaining to the funding and financing of federal transportation programs; advocate for funding and finance initiatives, including traditional transportation funding methods, innovative finance techniques and tax-related initiatives that positively impact the public transportation industry.

Intergovernmental Issues Subcommittee

Marlene B. Connor, Co-Chair; mbconnor@mcatp.com; 413.539.9005

Rick Ramacier, Co-Chair; rramacier@outlook.com; 925.383.2268

Staff Advisors: Stacie Tiongson, Jared Bonina

Mission: Identify and make recommendations on legislative and regulatory issues that affect transit industry relations with, and the coordination of transportation services by, the Departments of Health and Human Services, Labor, Education, and Housing and Urban Development; identify and make recommendations on legislative and regulatory issues that affect the transit industry under the Americans with Disabilities Act and in the provision of service to people with disabilities; identify legislative issues and review and comment on recommendations regarding research and development concerns, issues, the Transit Cooperative Research Program, university centers, transportation institutes, and related issues.



American Public Transportation Association

Small Operations Subcommittee

Allan Pollock, Chair; allan.pollock@cherriots.org; 503.588.2424

Alexander Clifford, Vice Chair; aclifford@sjrtd.com; 209.467.6691

Staff Advisors: Eric Bustos; David Carol

Mission: Identify issues of particular concern to Small Operators and comment on all subcommittee or full committee issues of importance to Small Operator interests.

Transit Board Members Legislative Subcommittee

Beth Holbrook, Chair; bholbrook@rideuta.com; 801.867.5552

Balwinder Singh, Vice Chair; bsingh@sanjoaquinRTD.com; 209.467.6613

Staff Advisors: Melissa Mejias; Petra Mollet

Mission: Help Transit Board Members become better advocates for public transportation and get in lock-step with APTA Legislative Committee plans and advocacy initiatives, especially authorization of new surface transportation legislation; identify strategies to leverage Board Members' influence in states and local communities to support their transit agencies and CEOs through coordination with APTA.

Additional Members of the Steering Committee

Bill Carpenter, Chair, Bus and Paratransit CEOs Committee;

bcarpenter@myrts.com; 585.654.0607

James M. Derwinski, Chair, Commuter Rail CEOs Committee;

jderwinski@metrarr.com; 312.656.0300

Dawn Distler, Chair, Mid-Size Operations Committee;

dawn.distler@akronmetro.org; 330.564.2211

Carolyn Gonot, Chair, Rail Transit CEOs Committee;

carolyn.gonot@vta.org; 408.321.5559

Allan Pollock, Chair, Small Operations Committee;

allan.pollock@cherriots.org; 503.588.2424



American Public Transportation Association

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**AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
LEGISLATIVE COMMITTEE MEETING**

**Sunday, October 9, 2022
1:30 p.m. – 3:00 p.m. (Pacific Time)**

MINUTES

1. Welcome and Call to Order—Dorval R. Carter, Jr., Chair

Legislative Committee Chair Dorval Carter welcomed the Legislative Committee members to the meeting and called the meeting to order. Chair Carter expressed that it has been an honor to serve as Chair of the Legislative Committee for the past three years. He stated that he is looking forward to continuing to work with the Legislative Committee in his new role as Chair of APTA.

2. Remarks from APTA Leadership

Chair Carter thanked outgoing APTA Board Chair Jeff Nelson for his outstanding leadership. APTA Chair Nelson presented Chair Carter with a Certificate of Appreciation and a pen set in appreciation of his outstanding leadership.

During his remarks, Chair Carter thanked Legislative Committee members for their determination as our industry continues to advocate for increased investment in public transit and passenger rail. Chair Carter outlined that, as the incoming APTA Chair, he hopes to deliver on the historic level of federal resources; help members address critical workforce shortages; and find innovative ways to bring back ridership.

Chair Carter then recognized APTA President and CEO Paul Skoutelas. After welcoming Chair Carter into his new role, Skoutelas outlined the advocacy accomplishments of APTA's membership and called on members to continue to focus on industry priorities, including: increasing ridership and filling workforce needs; supporting the advancement of equity, sustainability, and mobility services; and implementing the Bipartisan Infrastructure Law. He reminded members that a new Congress will bring new challenges and that APTA members must maintain their momentum. Skoutelas concluded by thanking everyone for coming to Seattle and encouraged them to enjoy the Conference.

3. Approval of Minutes of June 5, 2022 Legislative Committee Meeting

Chair Carter presented the minutes of the previous Legislative Committee meeting that occurred on June 5, 2022, for approval. A motion was made to approve the minutes, which was seconded, and then approved without objection.

4. Federal Transit Administration (FTA) Update—Paul Kincaid, Associate Administrator for Communications and Congressional Affairs, FTA

Paul Kincaid, FTA Associate Administrator for Communications and Congressional Affairs, provided an update on the FTA's implementation of the historic Bipartisan Infrastructure Law. He discussed current and upcoming Notices of Funding Opportunities (NOFOs). Kincaid encouraged members to apply for flexible funding opportunities under the Federal-aid Highway program, explaining that public transportation agencies are eligible. He concluded by announcing the White House's upcoming Accelerating Infrastructure Summit. The Summit's focus is to create collaborative partnerships among government, the private sector, and nonprofit organizations to deliver infrastructure projects on time and on budget. He relayed FTA's excitement on implementing programs that will change how Americans travel.

5. Political Outlook—The Honorable Doug Jones, Counsel, ArentFox Schiff, and former U.S. Senator (D-AL)

Senator Doug Jones shared his political outlook on the upcoming midterm elections and how those results will impact APTA's legislative priorities and the implementation of the Bipartisan Infrastructure Law. Jones encouraged APTA's members to express support for public transportation to Members of Congress from both parties, invite Members of Congress to their facilities, and reach out to Congressional staff.

6. Legislative Update—Ward W. McCarragher, Vice President, Government Affairs and Advocacy

Ward McCarragher provided a Legislative Update. He explained that APTA's legislative focus for the remainder of the 117th Congress will be aggressively advocating for public transportation investment in the FY 2023 Transportation Appropriations bill; actively working to ensure successful implementation of the Infrastructure Investment and Jobs Act; and preparing a holistic outreach effort for new and returning Members of Congress for the 118th Congress. He also discussed the upcoming White House Accelerating Infrastructure Summit. Last, he noted the resources available to APTA members through the APTA Smart Guide to the Bipartisan Infrastructure Law.

7. Reports from APTA Legislative Subcommittees

Chair Carter called on the Subcommittee Chairs to report on their committee meetings, including the Business Member Legislative Subcommittee; Commuter and Intercity Passenger Rail Subcommittee; Federal Procedures and Regulations Subcommittee; Funding, Finance, and Tax Policy Subcommittee; Intergovernmental Issues Subcommittee; Small Operations Committee; and the Transit Board Members Legislative Subcommittee. All Subcommittee Chairs reported that they had informative and productive meetings.

8. Regulatory Update—Linda Ford, General Counsel, and Stacie Tionson, Senior Director, Government Affairs and Advocacy

Linda Ford provided a Regulatory Update. Ford highlighted APTA's Regulatory Matrix tool, which lists the latest in federal regulatory activity affecting the public transportation industry. Ford also shared that APTA was preparing comments on the Federal Railroad Administration's proposed rulemaking on train crew size safety requirements. Stacie Tionson reported on the status of APTA's comments on the U.S. Department of Transportation's proposed rulemaking on the Disadvantaged Business Enterprise program implementation modifications.

9. APTA Transit Workforce Shortage Study—Matthew Dickens, Director, Policy Development and Research, Government Affairs and Advocacy

Matthew Dickens presented a summary of APTA's Policy and Research products. Dickens also shared highlights of APTA's Transit Ridership Policy Brief and the Transit Workforce Shortage Interim Report.

10. Open Discussion

Chair Carter opened the floor for discussion.

11. Adjourn

Chair Carter thanked everyone for their participation. There being no further business, a motion was made, and seconded to adjourn the meeting. Chair Carter adjourned the meeting.



Legislative Committee Work Plan

March 8, 2023

The Legislative Committee Work Plan focuses on aggressively advocating for fully funding public transportation; use of advocacy tools; working to ensure successful implementation of the Infrastructure Investment and Jobs Act (IIJA), commonly referred to as the Bipartisan Infrastructure Law, and the Inflation Reduction Act (IRA); and review of APTA Legislative Committee Bylaws.

Aggressively Advocating for Fully Funding Public Transportation

This year, APTA is aggressively advocating that Congress and the Biden-Harris Administration harness the potential of the Bipartisan Infrastructure Law by **fully funding public transportation in the FY 2024 THUD Appropriations bill**. The Legislative Committee will lead these advocacy efforts. The Committee urges Congress to:

- **Provide \$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).
- **Streamline Project Delivery.** Each Legislative Subcommittee will conduct a review of its programs to identify and prioritize commonsense regulatory reform recommendations for the Legislative Steering Committee and Legislative Committee to review for potential APTA advocacy.
- **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. We will urge Congress to advance this Mobility Initiative in the 118th Congress. As part of this effort, APTA Legislative Committee leaders will engage national labor organizations on mobility innovation and long-term workforce development issues to facilitate a framework of understanding the future of transit, and how best to align agencies and their workforce to embrace new technologies, service models, and opportunities.

In addition, the Legislative Committee will be discussing possible local, state, and federal solutions to the operating budget shortfalls, commonly referred to as the Fiscal Cliff, that many public transit agencies face in 2024 or subsequent years.

Use of APTA Advocacy Tools

In the 118th Congress, APTA members have numerous advocacy tools at their disposal to engage with their Members of Congress both on Capitol Hill and in their Congressional Districts and States. APTA Legislative Committee members should be at the forefront of using these advocacy tools and be Advocacy Ambassadors for APTA legislative and regulatory priorities.

APTA has developed a comprehensive set of advocacy tools, entitled *New Congress, New Tools!* Among the most important advocacy tools are:

- **APTA's [Industry Footprint](#):** 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'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 CIG 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.
- **APTA Advocacy Action Center:** The APTA Advocacy Action Center notifies you of active APTA advocacy campaigns and makes 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!

Working to Ensure Successful Implementation of the IIJA and IRA

APTA is actively working with the Department of Transportation (DOT), the Department of the Treasury, the Environmental Protection Agency (EPA), and other agencies toward successful implementation of the IIJA and IRA. In the first 15 months since enactment of the IIJA, DOT has advanced competitive grants totaling more than \$30 billion that include public transit and passenger rail eligibility.

In addition, DOT, the Department of the Treasury, EPA, 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 and IRA 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 and IRA implementation, 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.

Review of APTA Legislative Committee Bylaws

APTA's Legislative Committee Bylaws have not been reviewed since December 2016. The Bylaws provide a roadmap for ensuring that the Legislative Committee meets its mission and objectives to develop consensus recommendations on potential federal legislative and regulatory issues that affect public transportation and to coordinate and promote advocacy activities among APTA's membership to advance its position on those issues.

A working group will be formed to review the Legislative Committee Bylaws and make recommendations to the Legislative Steering Committee and Legislative Committee on any proposed revisions.



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 118th 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 118th 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 118th 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 118th 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.

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
EXECUTIVE SUMMARY
INFRASTRUCTURE INVESTMENT AND JOBS ACT
BUILD AMERICA, BUY AMERICA IMPLEMENTATION
March 8, 2023

On November 15, 2021, President Joseph Biden signed the Infrastructure Investment and Jobs Act (IIJA) into law, which includes a title addressing Buy America requirements for infrastructure projects.¹ Under the Build America, Buy America Act (BABA), each federal agency is required to “ensure that none of the funds made available for a Federal financial assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, and manufactured products and construction materials used in the project are produced in the United States.”

In this Act, “produced in the United States” means:

- For iron or steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the U.S.;
- For manufactured products, that the product was manufactured in the U.S. and the cost of the product components mined, produced, or manufactured in the U.S. is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content applies; and
- For construction materials, that all manufacturing processes occurred in the U.S.²

A federal agency may waive the application of the domestic content procurement preference where:

- applying the preference would be inconsistent with the public interest;
- the types of iron, steel, manufactured goods, or construction materials are not produced in sufficient and reasonably available quantities or satisfactory quality; or
- the inclusion of the materials produced in the United States will increase the cost of the project by more than 25 percent.

¹ P.L. 117-58, Division G, Title IX. This Title builds on [*Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers*](#) (Order); signed by President Joseph Biden on January 25, 2021; *see also* APTA Fact Sheet, *Executive Order on Ensuring the Future is Made in All of America by All of America's Workers* (Jan. 25, 2021).

² Please note that BABA excludes from the definition of construction materials: cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives. In addition, the Act limits the standards under § 70915 (OMB Guidance) from including cement and cementitious materials; aggregates such as stone, sand, or gravel, or aggregate binding agents or additives as inputs of the construction materials.

Office of Management and Budget Guidance for Grants and Agreements

On February 9, 2023, the Office of Management and Budget (OMB) issued a proposed rule to revise OMB Guidance for Grants and Agreements.³ On March 8, OMB issued a correction to the notice indicating that OMB is issuing proposed guidance, not a proposed rule.⁴ OMB is proposing a new part 184 in 2 CFR chapter I to: support implementation of BABA provisions of the IIJA; clarify existing requirements to domestic preferences for procurements;⁵ and improve federal financial assistance management and transparency. This proposed guidance generally aligns with the OMB Initial Implementation Guidance.⁶

Comments are due Monday, March 13. On February 16, APTA, together with Coalition partners, sent a [letter](#) to OMB requesting that it provide for an additional 30 days (total of 60 days) for public comment on the proposed guidance until April 12, 2023. APTA is currently drafting comments to the proposed guidance.

DOT Proposed Waiver of Buy America Requirements for De Minimis Costs, Small Grants, and Minor Components

On May 19, 2022, the U.S. Department of Transportation (DOT) issued a temporary waiver of the BABA construction materials requirement. The waiver expired on November 10. On November 15, concurrent with a notice not to extend the temporary BABA waiver for construction materials and a proposed waiver for [contracts and solicitation](#), DOT published a notice seeking comment on whether it should use its authority, in accordance with § 70914(b)(1) of BABA, to grant a waiver in the public interest for the Buy America requirement for De Minimis Costs, Small Grants, and Minor Components.⁷

DOT proposed to waive BABA Buy America requirements for iron, steel, manufactured products, and construction materials under a single DOT financial assistance award for which:

- The total value of the non-compliant products is no more than the lesser of \$1 million or five percent of total allowable costs under the Federal financial assistance award;
- The size of the federal financial assistance award is below \$500,000; or
- The non-domestically produced miscellaneous minor components comprise no more than five percent of the total material cost of an otherwise domestically produced iron or steel product.

To date, DOT has not issued a final rule regarding this proposed waiver for De Minimis costs.

³ OMB, [Notice of Proposed Rule; Notification of Proposed Guidance](#), 88 Fed. Reg. 8374 (February 9, 2023).

⁴ OMB, [Guidance for Grants and Agreements Correction](#) (March 8, 2023).

⁵ [2 CFR 200.322](#)

⁶ OMB, Memorandum-22-11, [Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](#) (April 18, 2022).

⁷ DOT, [Notice of Proposed Waiver of Buy America Requirements for De Minimis Costs, Small Grants, and Minor Components](#), 87 Fed. Reg. 68576 (November 15, 2022)

DOT Limited Waiver of Buy America Requirement for Construction Materials for Certain Contracts and Solicitations

On January 30, 2023, DOT issued a limited Waiver of Buy America Requirements for Construction Materials for Certain Contracts and Solicitation.⁸ The new waiver exempts construction materials used in federally funded infrastructure projects based on the date of grant obligation, the date of contract execution for materials, and other factors. Specifically, this waiver exempts BABA domestic preference requirements for construction materials for:

- Any contract entered into before November 10, 2022; and
- Any contract entered into on or after November 10, 2022, and before March 10, 2023, if the contract results from a solicitation published prior to May 14, 2022.

This waiver applies only to:

- DOT awards obligated on or after January 30, 2023; and
- For awards that are obligated on or after November 10, 2022, but prior to January 30, 2023, expenditures for construction materials incurred on or after January 30, 2023.

For contracts executed after May 14, 2022, the waiver does not apply to any construction materials that a contractor or subcontractor takes delivery of on or after October 1, 2024.

DOT Notice of Waiver of Buy America Requirements for Electric Vehicle Chargers

On February 21, 2023, the Federal Highway Administration (FHWA) published a notice establishing a temporary public interest waiver to waive BABA requirements for steel, iron, manufactured products, and construction materials in electric vehicle (EV) chargers.⁹ The temporary waiver is effective beginning March 23, 2023.

This short-term, temporary waiver enables EV charger acquisition and installation to immediately proceed while also ensuring the application of Buy America to EV chargers by the phasing out of the waiver in two phases. As of the effective date of this waiver, FHWA is also removing EV chargers from its existing general applicability waiver for manufactured products.

⁸ DOT, [Notice of Waiver of Buy America Requirements for Construction Materials for Certain Contracts and Solicitations](#) (January 30, 2023).

⁹ FHWA, [Notice of Temporary Waiver of Buy America Requirements for Electric Vehicle Chargers](#), 88 Fed. Reg. 10619 (February 21, 2023).

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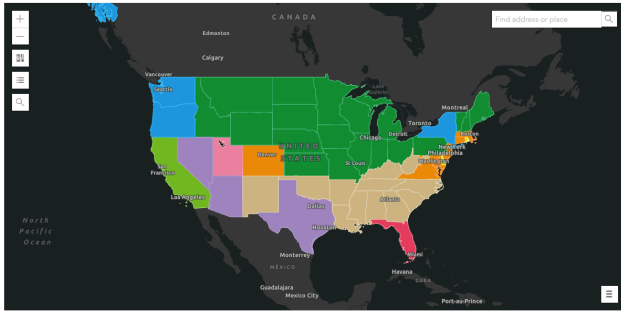
The APTA Advocacy Action Center will be used to notify you of active APTA advocacy campaigns and will make it easy for you to respond to APTA calls for action, such as emailing or otherwise reaching out to your Members of Congress, Administration officials, and the President.

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

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.

ClG Project Pipeline Dashboard

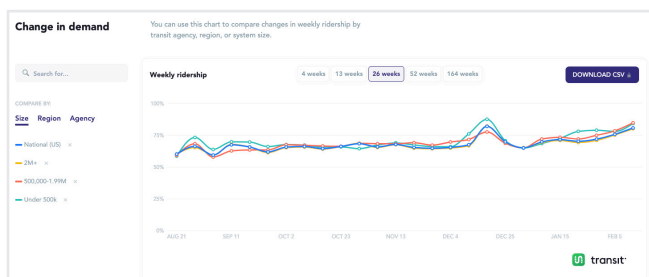
APTA's Capital Investment Grants (CIG) Project Pipeline Dashboard allows the industry to track the progress of projects in the Federal Transit Administration's (FTA) CIG pipeline. To date, the dashboard includes important information on 81 projects with existing full funding grant agreements or seeking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

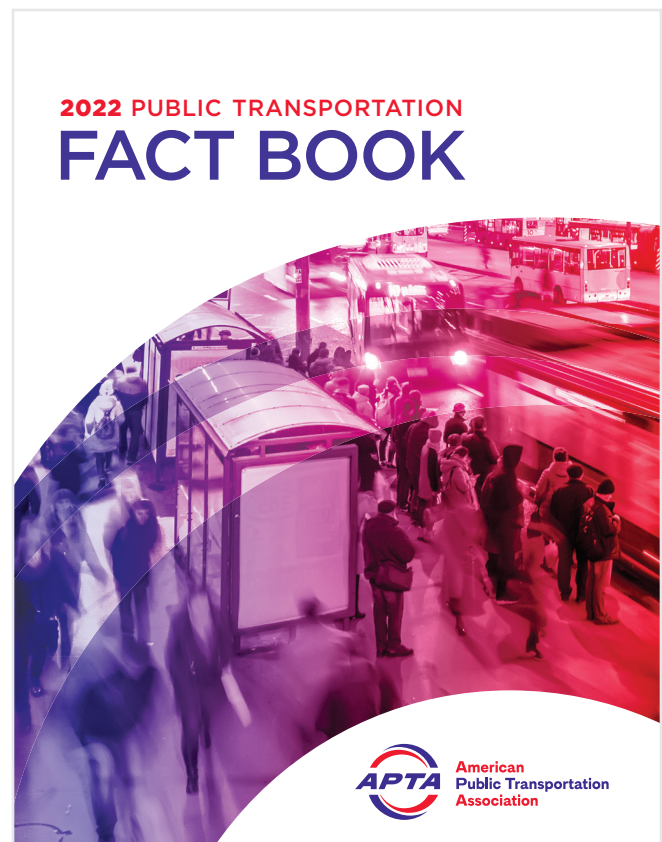


APTA Regulatory Matrix

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.

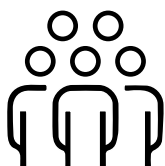


TODAY, PUBLIC TRANSIT IN AMERICA IS...

Job Creation

430K+
People

work for public
transportation agencies



50K Jobs

created and supported
per \$1 billion investment
in job creation

Supporting Private Sector Jobs

2,000+
SUPPLIERS

in 48 states and DC

Nearly

\$42 Billion
IN TRANSIT SPENDING

flows to the private sector
(65% increase since 2000)

5-to-1
ECONOMIC RETURN

produced by long-term
investment in public transit

\$382 Million
IN TAX REVENUE

supported per \$1 billion
investment in job creation

(According to APTA's "Economic Impact of Public Transportation Investment: 2020 Update")

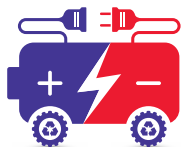
Fostering Energy Independence

Leading in Clean Technology

Share of **Hybrid Electric Buses**

2010: **7.0%**

2020: **18.8%**



(According to APTA's 2020 Vehicle Database)

Lowering Carbon Emissions



84%



less CO₂ emissions by using
the subway rather than a car

(According to TCRP "Report 226: An Update on Public Transportation's Impacts on Greenhouse Gas Emissions")

Reducing Gasoline Consumption

6.0
BILLION



**Gallons of
Gas Saved**

each year by using
public transportation

(According to TCRP "Report 226: An Update on Public Transportation's Impacts on Greenhouse Gas Emissions")

More Efficient



Increase in vehicle
miles operated per
kilowatt-hour

over the Past 30 Years




**Heavy
Rail**



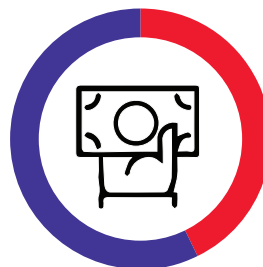
**Light Rail/
Streetcar**

TODAY, PUBLIC TRANSIT IN AMERICA IS...

Driving the Economy

87% 
of trips on transit directly benefit the local economy

50%
of trips are to and from work



37%
of trips are to shopping and recreational spending

(According to APTA's "Who Rides Public Transportation")

Number of Agencies

Public transit systems are...



1,308
Rural

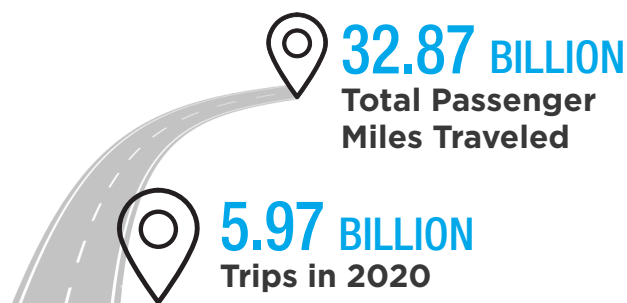


945
Urban



4.5K+
Nonprofit

Current Ridership



Number of rail systems is growing

58
2000

98
2020



Percentage of Buses with Amenities



79%
of buses have security cameras



77%
of buses have exterior bike racks



78%
of buses have automated stop announcements

Equity*

55%
of transit riders earn under \$50k/year

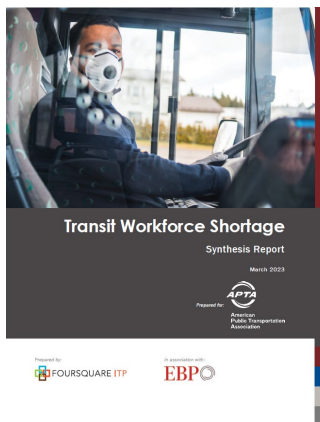
*transit system accessibility is also affected by station accessibility



75%
52%
Increase in rail station accessibility

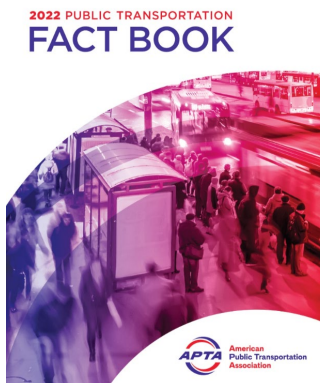


99.8%
81%
Increase in bus accessibility



Transit Workforce Shortage Study and Agency Toolkit

Public transit providers across North America face a shortage of operators and mechanics, a crisis that has strained budgets and forced agencies to reduce service. APTA's Transit Workforce Shortage Study combines information from a survey of public transit workers and interviews with public transportation agencies to provide insight into ways to address the national shortage of transit workers. The report provides information on actions agencies have taken to address the workforce shortage, and the toolkit provides step-by-step answers to workforce shortage scenarios agencies are facing every day.



2022 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 facts, transit finances and operating statistics by modes of travel, transit vehicle characteristics and deliveries, federal grants and the Federal Transit Act, and statistical trends of Canadian transit operations.



RAISE Grants Are Critical for Public Transportation Projects

Since 2009, the RAISE Grant Program has provided \$12.1 billion for critical surface transportation projects, including public transit and passenger rail investments. It has funded new public transit stations, streetcar lines, bus rapid transit projects, vehicle purchases, station renovations, transit signal priority systems, grade separations, and automated vehicle pilot projects. These projects not only help enhance mobility but also result in positive safety, environmental, equity, and economic benefits. However, the percentage of RAISE grant funds awarded for these projects in FY 2021 and FY 2022 remains significantly less than the historical average.

Key Takeaways

1. In Fiscal Year (FY) 2022, the U.S. Department of Transportation (DOT) increased funding for public transit and passenger rail projects under the RAISE Grant Program.
2. However, the percentage of RAISE grant funds awarded for these projects in FY 2021 and FY 2022 remains significantly less than the historical average.
3. Although DOT has partially reversed the RAISE Grant Program's multimodal priorities in the last two years, APTA strongly urges the Secretary of Transportation to direct a significantly greater percentage of RAISE grant funds to vital public transit and passenger rail projects.

The Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program, previously known as the Surface and Transportation Infrastructure Investment (STII) program, provides critical funding for public transportation infrastructure investments. Since 2009, the RAISE Grant Program has provided \$12.1 billion for critical surface transportation projects, including public transit and passenger rail investments. It has funded over 10,000 projects, including transit stations, vehicle purchases, station renovations, transit signal priority systems, grade separations, and automated vehicle pilot projects. These projects not only help enhance mobility but also result in positive safety, environmental, equity, and economic benefits.

Historically, the total amount requested by RAISE grant applicants greatly exceeds the amount of funding available, underscoring the competitive and successful nature of the grant program. In 2021, typically it only takes 10% of the amount of requested funds. In 2022, Congress reauthorized the department and the release of the program and provided a total of \$12.1 billion for total projects in FY 2022, compared to the Infrastructure Investment and Jobs Act (IIJA) and the Transportation Housing and Urban Development, and Related Agencies Appropriations Act (THUD) Appropriations Act, 2022.

*Throughout this brief, the program is generally referred to as the RAISE Grant program. From 2009 until the RAISE Grant program was authorized by the Infrastructure Investment and Jobs Act, the program was referred to as the STII program.



Key Takeaways

1. New variants of COVID-19, lockdown policies, and the related emergency stay-at-home orders have had significant negative impact on ridership in public transportation in the United States beginning in March 2020.
2. After falling to 20 percent of pre-pandemic levels in April 2020, ridership has recovered to more than 70 percent of pre-pandemic levels.
3. Success in ridership recovery has been dependent on transit service delivery and reliability and external factors, such as the resumption of local economies.
4. As illustrated during the pandemic, public transportation provides mobility to essential workers, which has sustained transit ridership over the past two years.

National Ridership Picture

The COVID-19 pandemic had an immediate and significant impact on public transportation ridership. Ridership declined sharply in mid-March 2020, coinciding with stay-at-home emergency orders in many cities and states across the country. Ridership declined to a low point of 20 to 40 percent of pre-pandemic levels in many cities. Since then, ridership has recovered at varying rates depending on the city and transit mode.

The structure and timing of local measures impact the degree of ridership decline. Technology-focused economies with an existing and prominent work-from-home culture have noticed a steeper decline in ridership than those with more service industry jobs and essential workers who power the supply chain. Riders in college towns were also severely affected, as many universities closed and sent students home. Regions of the country that were hardest hit early in the pandemic (e.g., the Northeast, Seattle, and San Francisco Bay Area) had, in general, larger ridership drops than other areas of the country that saw the worst pandemic impacts later in 2020.

After a rapid decline in March and April 2020 to 20 percent of pre-pandemic levels, public transit ridership recovered quickly to approximately 50 percent of pre-pandemic ridership as of July 2020. National transit ridership remained at that approximate level until early 2021, rising to 60 percent of pre-pandemic levels by April 2021.

March 2021

Public Transportation Ridership Update

Ridership rebounded to more than 70 percent of pre-pandemic levels in March 2023, according to the latest data from APTA's Ridership Trends Dashboard. After declining to 20 percent of pre-pandemic levels in April 2020, ridership recovered to nearly 40 percent of pre-pandemic ridership in summer 2020. By summer 2021, after the introduction of COVID-19 vaccines, ridership had recovered to just over 50 percent of pre-pandemic levels. After dipping due to the omicron wave, ridership recovered throughout 2022 to stand at over 70 percent of pre-pandemic levels in March 2023.



On the Horizon: Planning for Post-Pandemic Travel

November 2021



AMERICAN PUBLIC TRANSPORTATION ASSOCIATION

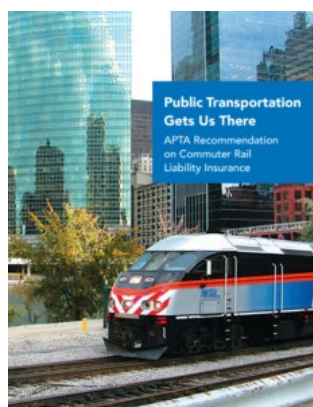
On the Horizon: Planning for Post-Pandemic Travel

Transit agencies played an essential role in ensuring the mobility of millions of Americans during the COVID-19 pandemic especially essential workers who kept society going even at the height of the health crisis. As the industry and nation begin to look to the future, we examine how demographic, employment, and travel trends may change in the coming decades. Based on the data, four overarching recommendations were developed for agencies that included integrating best practices from the COVID-19 period, prioritizing social equity, leveraging opportunities to expand ridership, and keeping abreast of changing trends.



Mobility Innovation: The Case for Federal Investment and Support

The pace of innovation in the public transportation industry has accelerated over the past five years. The six case studies in this report illustrate the true innovative potential of the public transit industry in the United States today. These programs focus on serving sectors of the market most in need of help: people living in areas that are currently underserved by transit, those who require wheelchair access, and those who commute during off-peak late-night hours. These programs epitomize how transportation services can be used to foster more equitable and inclusive communities.



APTA Recommendation on Commuter Rail Liability Insurance

Due to current market conditions that have reduced competitiveness and raised prices in their insurance market, Commuter Rail Agencies have struggled, and will continue to struggle, to fill their substantial liability insurance requirements. There is a clear federal interest in maintaining and expanding effective commuter rail operations in the United States. APTA recommends establishing a Commuter Rail Insurance Program at the U.S. Department of Transportation to provide insurance to commuter rail agencies that operate commuter rail services in the United States.



**American
Public Transportation
Association**

February 28, 2023

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PRESIDENT AND CEO

Paul P. Skoutelas

The Honorable Peter Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Secretary Buttigieg:

On behalf of America's public transportation industry, which directly employs 450,000 workers and supports millions of private-sector jobs, I write to strongly urge the U.S. Department of Transportation (DOT) to support projects that will improve our nation's public transit, passenger rail, and multimodal infrastructure in your selection of Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant recipients.

In August 2022, DOT announced more than \$2.2 billion in RAISE capital grant awards to 166 projects in all 50 states, Puerto Rico, the Northern Mariana Islands, and the U.S. Virgin Islands. Of these funds, APTA estimates that DOT provided \$418 million to 31 public transportation-related capital projects, equal to 18.6 percent of available funding. The public transportation investment is, by percentage, slightly less than FY 2021 and greater than FY 2020.

However, this percentage of public transportation investment is significantly less than the historical average. From FY 2009 to FY 2016, the percentage of RAISE grants awarded to public transportation-related projects was approximately 33 percent. Following a sharp decrease in FY 2017, public transportation awards have seen steady growth, yet remain significantly below historical averages. *See APTA Policy Brief, RAISE Grants are Critical for Public Transportation Projects*, February 2023.

Although DOT has partially reoriented the RAISE Grant Program to multimodal priorities in the last two years, APTA strongly urges DOT to direct a significantly greater percentage of RAISE Grant funds to vital public transit and passenger rail projects.

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APTA.COM

The Honorable Peter Buttigieg

February 28, 2023

Page 2

Moreover, we applaud the Department's decision to prioritize improving racial equity, reducing the impacts of climate change, and creating good-paying jobs when evaluating RAISE project selections. Public transportation projects directly address each of these key priorities. Every \$1 invested in public transportation generates \$5 in economic returns, and every \$1 billion invested in public transportation creates and supports approximately 50,000 jobs. In addition, a typical trip on public transit emits 55 percent fewer greenhouse gas emissions than driving or ridehailing alone. Finally, public transportation provides access to opportunities, including jobs, health care, and education. Given the synergy of the Biden-Harris Administration's priorities and public transportation, we are confident that projects that support critical public transportation initiatives will rate very highly under RAISE grant criteria.

The RAISE Grant program is an extremely valuable resource for communities to carry out critical public transportation programs, and we strongly urge the Department to direct a significantly greater percentage of RAISE grant funds to these vital, community-enhancing projects.

Thank you for your leadership on this important issue.

Sincerely,



Paul P. Skoutelas

Enclosure

cc: The Honorable Nuria Fernandez, Administrator, Federal Transit Administration
The Honorable Amit Bose, Administrator, Federal Railroad Administration



RAISE Grants Are Critical for Public Transportation Projects

Key Takeaways

1. In Fiscal Year (FY) 2022, the U.S. Department of Transportation (US DOT) increased funding for public transit and passenger rail projects under the RAISE Grant Program.
2. However, the percentage of RAISE grant funds awarded for these projects in FY 2021 and FY 2022 remains significantly less than the historical average.
3. Although DOT has partially reoriented the RAISE Grant Program to multimodal priorities in the last two years, APTA strongly urges the Secretary of Transportation to direct a significantly greater percentage of RAISE grant funds to vital public transit and passenger rail projects.

The Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program, previously known as the Better Utilizing Investments to Leverage Development (BUILD) program and Transportation Investment Generating Economic Recovery (TIGER) program, provides critical funding for public transportation infrastructure investments.¹ Since 2009, the RAISE Grant Program has provided **\$12.1 billion** for critical surface transportation projects, including public transit and passenger rail investments. It has funded new public transit stations, streetcar lines, bus rapid transit projects, vehicle purchases, station renovations, transit signal priority systems, grade separations, and automated vehicle pilot projects. These projects not only help enhance mobility but also result in positive safety, environmental, equity, and economic benefits.

Historically, the total amount requested by RAISE grant applicants greatly exceeds the amount of funding available, exemplifying the competitive and successful nature of the grant program. US DOT typically is only able to fund five to 10 percent of requested funds. In 2022, Congress recognized both the demonstrated need and success of the program and provided a total of **\$2.275 billion** for RAISE grants in FY 2022 pursuant to the Infrastructure Investment and Jobs Act (IIJA) and the Transportation Housing and Urban Development, and Related Agencies Appropriations Act (THUD Appropriations Act), 2022.²

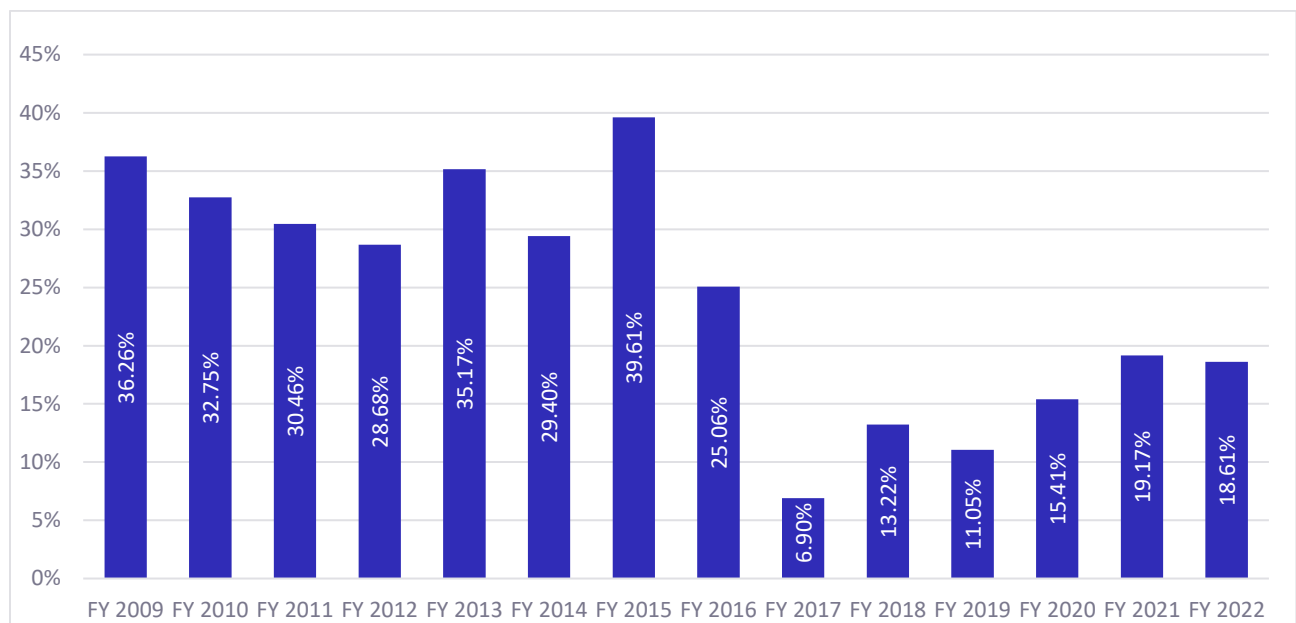
¹ Throughout this Brief, the program is generally referred to as the RAISE Grant program. From 2009-2017, the RAISE Grant program was named the TIGER Grant program. From 2018-2021, the program was named the BUILD Grant program.

² See IIJA, Division B, § 21202; (P.L. 117-58); THUD Appropriations Act, 2022, Division L (P.L. 117-103).

In August 2022, US DOT announced more than \$2.2 billion in RAISE capital grant awards to 166 projects in all 50 states, Puerto Rico, the Northern Mariana Islands, and the U.S. Virgin Islands.³ Of these funds, APTA estimates that US DOT provided **\$418 million to 31 public transportation-related capital projects**, equal to **18.6 percent** of available funding.⁴ The public transportation investment is, by percentage, slightly less than FY 2021 and greater than FY 2020.

However, this percentage of investment is significantly less than the historical average. From FY 2009 to FY 2016, the percentage of RAISE grants awarded to public transportation-related projects was **approximately 33 percent**. Following a sharp decrease in FY 2017, public transportation awards have seen steady growth, yet remain significantly below historical averages.

Percentage of RAISE Grants for Public Transportation-Related Projects



Program Background

Congress created the RAISE Grant Program as part of the American Recovery and Reinvestment Act of 2009 (ARRA) (P.L. 111-5). Under the program, US DOT awards competitive grants to public entities, including public transit agencies, local governments, Metropolitan Planning Organizations, state departments of transportation, and Indian Tribes. The following table outlines annual RAISE Grant appropriations and awards since 2009.

³ DOT, [Biden-Harris Administration Announces Funding for 166 Projects to Modernize Transportation Across the Country and Make it More Affordable, Increase Safety and Strengthen Supply Chains](#) (August 11, 2022).

⁴ Please note that many RAISE projects are multimodal. In calculating the percentage of public transportation-related projects, this analysis includes certain elements of projects that are not related to public transit. Figures expressed should be viewed as an upper bound of public transportation investment.

RAISE Grant Appropriations and Public Transportation-Related Projects

(Dollar amounts in millions)

Fiscal Year	RAISE Grant Appropriations	Total Project Grant Requests ⁵	Public Transportation Project Grant Requests	RAISE Grant Awards	Public Transportation Grant Awards
2009	\$1,500	\$56,907	\$10,255	\$1,498	\$543
2010	\$600	\$20,007	\$2,590	\$547	\$179
2011	\$527	\$14,087	\$2,786	\$511	\$156
2012	\$500	\$10,280	\$2,330	\$485	\$139
2013	\$474	\$9,052	\$1,686	\$458	\$161
2014	\$600	\$8,199	\$1,822	\$552	\$162
2015	\$500	\$10,075	\$2,109	\$485	\$192
2016	\$500	\$9,313	\$1,645	\$484	\$121
2017	\$500	\$6,147	\$968	\$487	\$18
2018	\$1,500	\$10,924	\$1,341	\$1,475	\$195
2019	\$900	\$9,624	\$1,028	\$883	\$118
2020	\$975	\$9,183	\$832	\$980	\$151
2021	\$1,000	\$10,300	\$1,588	\$953	\$183
2022	\$2,275	\$13,365	\$2,002	\$2,245	\$418

The RAISE Program—Recalibrating Priorities

Each administration emphasizes different priorities under the grant program. In April 2021, US DOT reconstituted the RAISE program and highlighted its priorities for grant awards:

Projects for RAISE funding will be evaluated based on merit criteria that include safety, environmental sustainability, quality of life, economic competitiveness, state of good repair, innovation, and partnership. Within these criteria, the Department will prioritize projects that can demonstrate improvements to racial equity, reduce impacts of climate change and create good-paying jobs.⁶

APTA believes that the reconstituted RAISE program and the Biden-Harris Administration's stated priorities provide an opportunity to restore the program to its intended purpose of awarding funding to critical multi-modal capital investments.

⁵ The amounts do not include planning projects for FY 2010, FY 2014, FY 2020, and FY 2021.

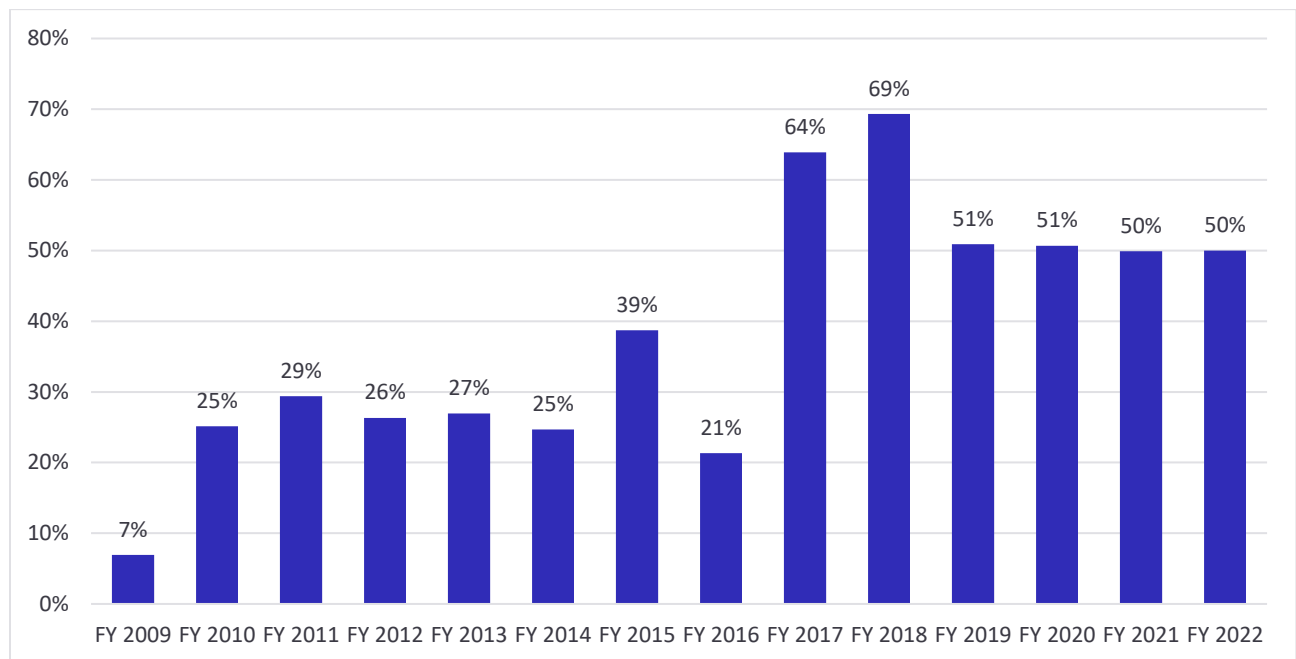
⁶ DOT, [U.S. Secretary of Transportation Pete Buttigieg Announces Availability of \\$1 Billion to Modernize and Create New American Infrastructure](#) (April 13, 2021).

In announcing the FY 2022 awards, US DOT noted:

Projects were evaluated on several criteria, including safety, environmental sustainability, quality of life, economic competitiveness and opportunity, partnership and collaboration, innovation, state of good repair, and mobility and community connectivity. With these areas, the Department considered how projects will improve accessibility for all travelers, bolster supply chain efficiency, and support racial equity and economic growth – especially in historically disadvantaged communities and areas of persistent poverty.⁷

US DOT has prioritized investments in equity and accessibility. For instance, according to US DOT, in FY 2022, two-thirds of all projects were awarded to regions of persistent poverty or historically disadvantaged communities.⁸ Pursuant to statutory requirements, the agency has also restored a more balanced urban-rural allocation of funds compared to the prior administrations.

Percentage of RAISE Grant Funds for Rural Projects



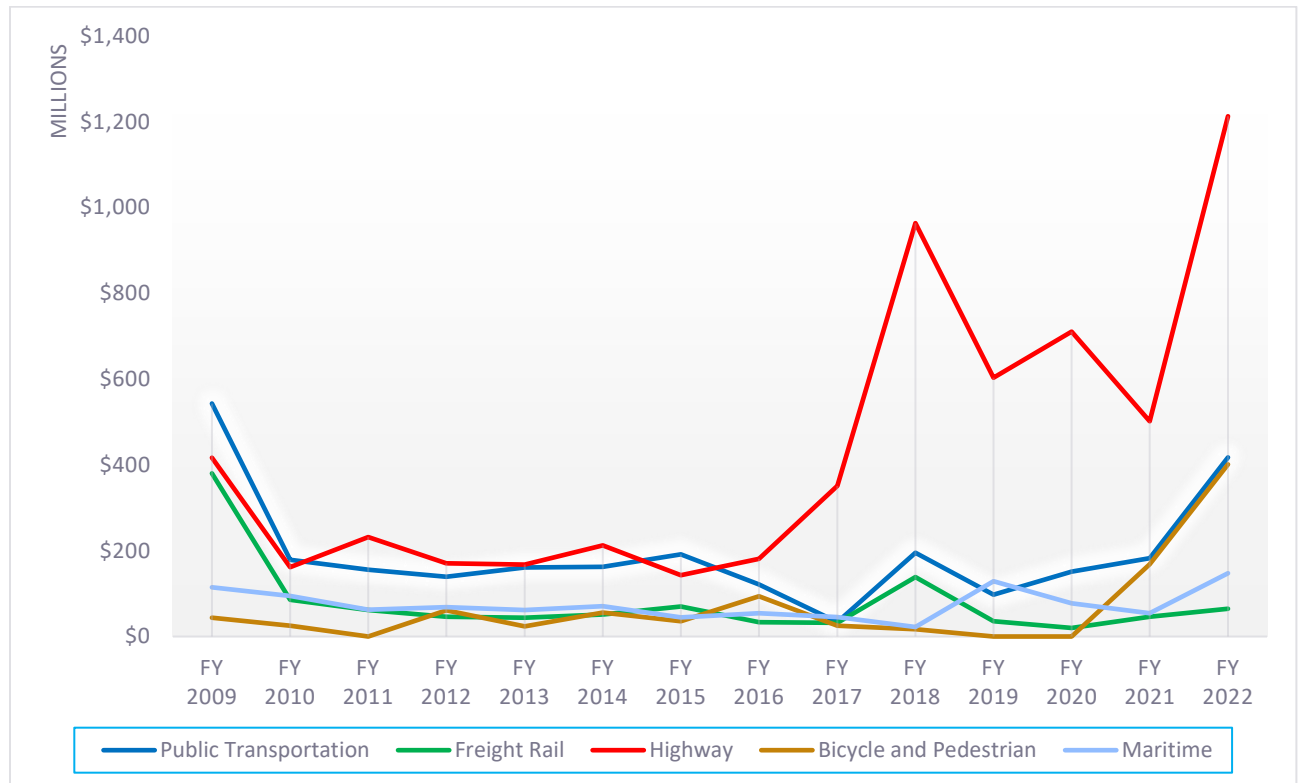
Awards for rural public transportation projects have significantly increased in recent years. For instance, in FY 2022, approximately one-third of total public transportation funds were awarded to rural public transportation projects. The FY 2022 RAISE grant awards included a historic investment in rural transit with 11 rural transit projects totaling almost \$130 million.

⁷ DOT, [Biden-Harris Administration Announces Funding for 166 Projects to Modernize Transportation Across the Country and Make it More Affordable, Increase Safety and Strengthen Supply Chains \(August 11, 2022\)](#).

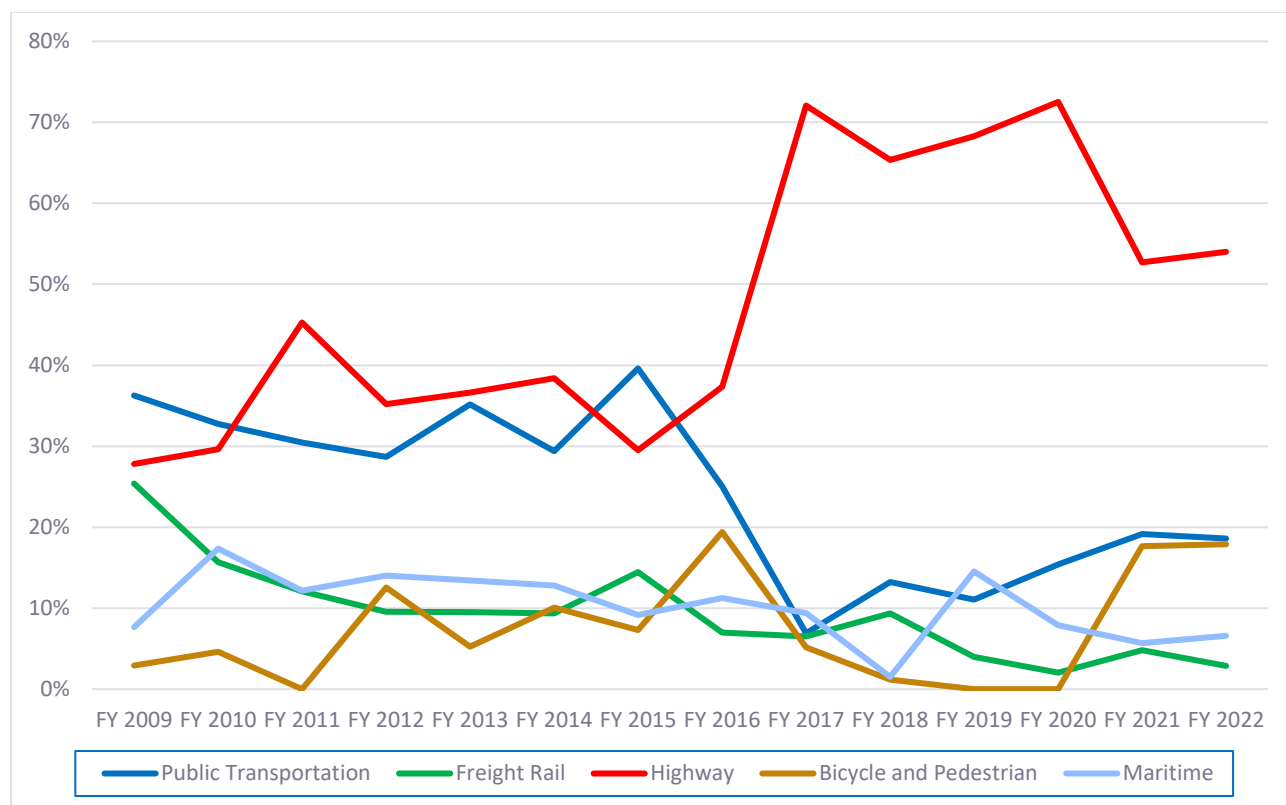
⁸ *Id.*

The following two graphs illustrate the increased dollar amount awarded to public transportation projects and the decreased percentage awarded to public transportation compared with highway projects.

Total RAISE Grants Awarded by Mode of Transportation



Percentage of RAISE Grants Awarded by Mode of Transportation



FY 2023 RAISE Grant Program

The IIJA authorizes and appropriates \$1.5 billion for RAISE grants in FY 2023.⁹ The THUD Appropriations Act, 2023 provides an additional \$800 million for the FY 2023 RAISE Grant Program.¹⁰ **In total, \$2.275 billion is currently available for RAISE grants in FY 2023.**

US DOT issued a Notice for Funding Opportunity (NOFO) for FY 2023 RAISE grants in December 2022 and revised its NOFO in February 2023.¹¹ Eligible capital projects include public transit, passenger rail, transit-oriented development (TOD) projects, and mobility on-demand projects that expand access to transportation and reduce transportation cost burden.¹² In addition, US DOT may use up to 20 percent of available funds (\$460 million) to pay the subsidy and administrative costs of a project receiving credit assistance under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA) or Railroad Rehabilitation and Improvement Financing (RRIF) programs, particularly public transit and TOD projects.¹³

Under the IIJA, the minimum RAISE grant is \$5 million for projects in urban areas and \$1 million for projects in rural areas.¹⁴ The maximum RAISE grant award is \$25 million or \$45 million depending on the source of

⁹ IIJA, Division B, § 21202; 49 U.S.C. § 6702.

¹⁰ THUD Appropriations Act, 2023 (P.L. 117-328, Division L).

¹¹ DOT, Office of the Secretary of Transportation, [Notice of Funding Opportunity for the Department of Transportation's National Infrastructure Investments \(i.e., the Rebuilding American Infrastructure with Sustainability and Equity \(RAISE\) Grant Program\) under the Infrastructure Investment and Jobs Act \("Bipartisan Infrastructure Law, Amendment No. 2"\)](#) (February 3, 2023).

¹² *Id.* at 14-15.

¹³ *Id.* at 8-9.

¹⁴ There is no minimum award amount for IIJA planning grants or THUD Appropriations Act funds. *Id.* at 9.

fun ds.¹⁵ The federal share of RAISE Grants shall not exceed 80 percent unless the project is located in a rural area, a historically disadvantaged community, or an area of persistent poverty.¹⁶ Importantly, US DOT does not consider an applicant's cost share when evaluating applications on merit.¹⁷

Pursuant to statutory requirements, 50 percent (or \$1.15 billion) of RAISE grant funding will be provided for urban projects and 50 percent (or \$1.15 billion) will be provided for rural projects.¹⁸ Under RAISE Grant Program definitions, an urban project is a project located within an urbanized area that had a population greater than 200,000 in the 2010 Census and a rural project is a project located outside such area.¹⁹

The deadline for RAISE grant applications is February 28, 2023, and selections will be announced no later than June 28, 2023.²⁰

RAISE Grants Are Critical for Public Transportation Projects

The RAISE Grant Program is an extremely valuable resource for communities to carry out critical public transportation projects. In FY 2022, US DOT increased funding for public transit and passenger rail projects under the RAISE Grant Program, providing \$418 million for 31 public transportation projects. However, the percentage of RAISE grant funds awarded for public transportation-related projects remains significantly less than the historical average (approximately 33 percent).

The Biden-Harris Administration's reconstituted RAISE program and its stated priorities provide an opportunity to restore the program to its intended purpose of providing funding to critical multimodal capital investments. Public transportation projects directly address each of the Administration's key priorities, including improving racial equity, reducing the impacts of climate change, and creating good-paying jobs. Given the synergy of these priorities and public transportation, **APTA strongly urges the Secretary of Transportation to direct a significantly greater percentage of RAISE grant funds to vital public transit and passenger rail projects.**

¹⁵ *Id.* at 9.

¹⁶ *Id.* at 12.

¹⁷ *Id.* at 13.

¹⁸ *Id.* at 9.

¹⁹ *Id.* at 16-17.

²⁰ DOT, [Biden-Harris Administration Announces \\$1.5 Billion Available through the 2023 RAISE Grant Program](#) (December 15, 2022).

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APTA Public Transportation Ridership Update

Key Takeaways

1. New variants of COVID-19, telework policies, and the related emergency stay-at-home orders have had a significant negative impact on ridership on public transportation in the United States beginning in March 2020.
2. After falling to 20 percent of pre-pandemic levels in April 2020, ridership has recovered to more than **70 percent** of pre-pandemic levels.
3. Success in ridership recovery has been dependent on transit service delivery and reliability and external factors, such as the makeup of local economies.
4. As illustrated during the pandemic, public transportation provides mobility to essential workers, which has sustained transit ridership over the past three years.

National Ridership Picture

The COVID-19 pandemic had an immediate and significant impact on public transportation ridership. Ridership declines began in mid-March 2020, coinciding with stay-at-home emergency orders in many cities and states across the country. Ridership declined to a low point of 10 to 40 percent of pre-pandemic levels in many cities. Since then, ridership has recovered at varying rates depending on the city and transit mode.

The structure and makeup of local economies impact the degree of ridership decline. Technology-focused economies with an existing and prominent work-from-home culture have noticed a steeper decline in ridership than those with more service industry jobs and essential workers who power the supply chain. Systems in college towns were also severely affected, as many universities closed and sent students home. Regions of the country that were hardest hit early in the pandemic (e.g., the Northeast, Seattle, and San Francisco Bay areas) had, in general, larger ridership drops than other areas of the country that saw the worst pandemic impacts later in 2020.

After a rapid decline in March and April 2020 to 19 percent of pre-pandemic levels, public transit ridership recovered quickly to approximately 37 percent of pre-pandemic ridership as of July 2020. National transit ridership remained at that approximate level until early 2021, rising to 42 percent of pre-pandemic levels by April 2021.

In April and May 2021, COVID-19 vaccines became widely available. The availability of vaccines resulted in another sustained increase in ridership, with national ridership rising from 42 percent in April to 53 percent in July 2021. During this time, data indicated that more people were returning to offices and starting to increase other types of outside-the-home activities.

Another surge in ridership growth occurred in September and October 2021. Many transit systems that served universities reported significant gains in fall and winter 2021 as students returned to campus. More employees returned to their offices during this time, though the uptake was tempered by the surge in COVID-19 cases due to the Delta variant.

Ridership remained steady through December 2021, when it stood at 58 percent of pre-pandemic ridership. In December, the COVID-19 surge due to the Omicron variant led to reduced travel, and it also had significant impacts on public transportation workforces and services. Many agencies reported difficulty with service reliability because of the number of operators, mechanics, and other transit workers required to stay at home because of COVID. Ridership dropped to 49 percent of pre-pandemic levels in early January 2022.

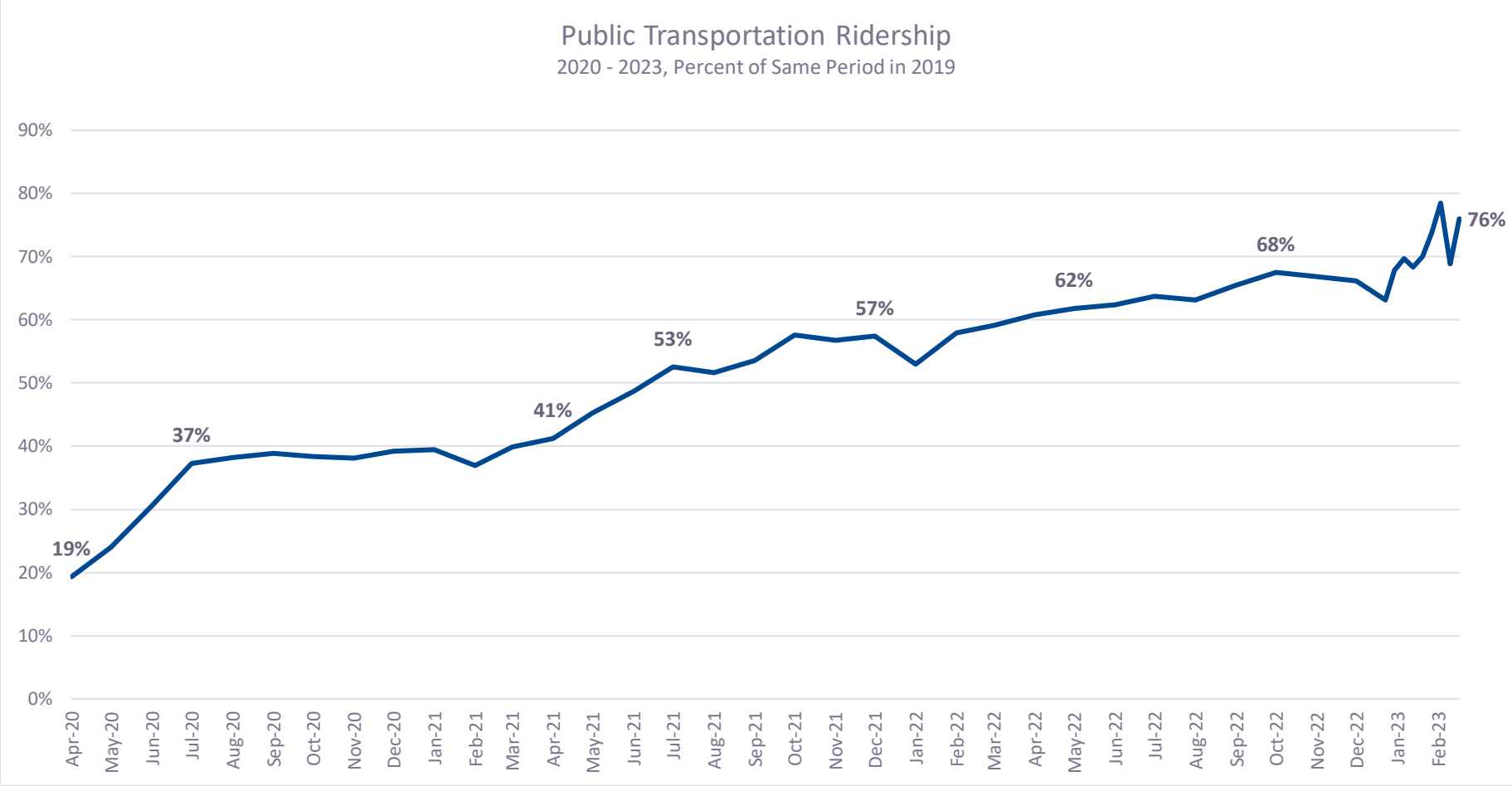
As the Omicron wave subsided, public transportation ridership began to rise again. From mid-February to April 2022, national public transit ridership was approximately 60 percent of pre-pandemic levels.

With the increase in gas prices nationwide, escalating at a rapid pace beginning in the second quarter of 2022, many Americans were under increased financial stress. However, this current state of elevated gas prices had no discernible effect on ridership. Gas price increases were not significantly correlated with increased ridership when comparing regional price increase to regional ridership increase.

Ridership data also indicates that smaller cities have been more successful in returning to 2019 ridership levels more quickly than larger ones. Smaller cities tend to serve relatively fewer riders with alternatives such as teleworking. Office return data also suggests that proportionally more workers in smaller cities are working in offices than in larger cities.

From late spring to fall 2022, ridership recovery continued. In May, national ridership was at 60 percent of 2019 levels, this grew to 68 percent of 2019 levels by October. After a small decrease in November and December, since the first weeks of January, APTA's [Ridership Trends Dashboard](#) shows that US public transportation ridership has fluctuated between 68 and 78 percent of 2019 levels, when compared to the same week.

The following chart details ridership from April 2020 to March 2023, based on APTA's 2020 - 2022 Ridership Reports and APTA's Ridership Trends Dashboard.



Source: APTA Ridership Report April 2020 – December 2022; [APTA Ridership Trends Dashboard](#) January 2023 – March 2023.

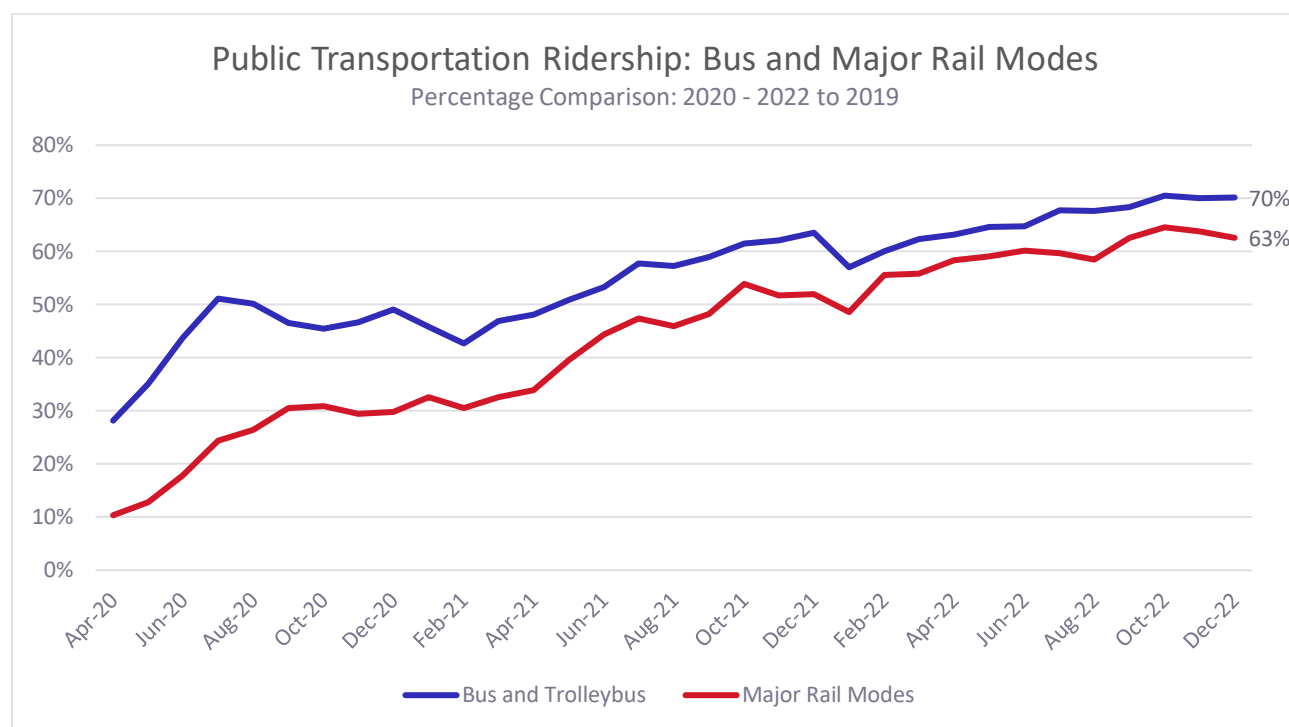
Modal Differences

Although all public transit modes saw significant decreases in ridership, rail modes (i.e., heavy rail, light rail, streetcar, commuter rail, and hybrid rail) had comparatively larger decreases compared to bus modes. During the early part of the pandemic, rail ridership decreased to 10 percent of pre-pandemic levels in April 2020, while bus ridership decreased to 28 percent of pre-pandemic levels.

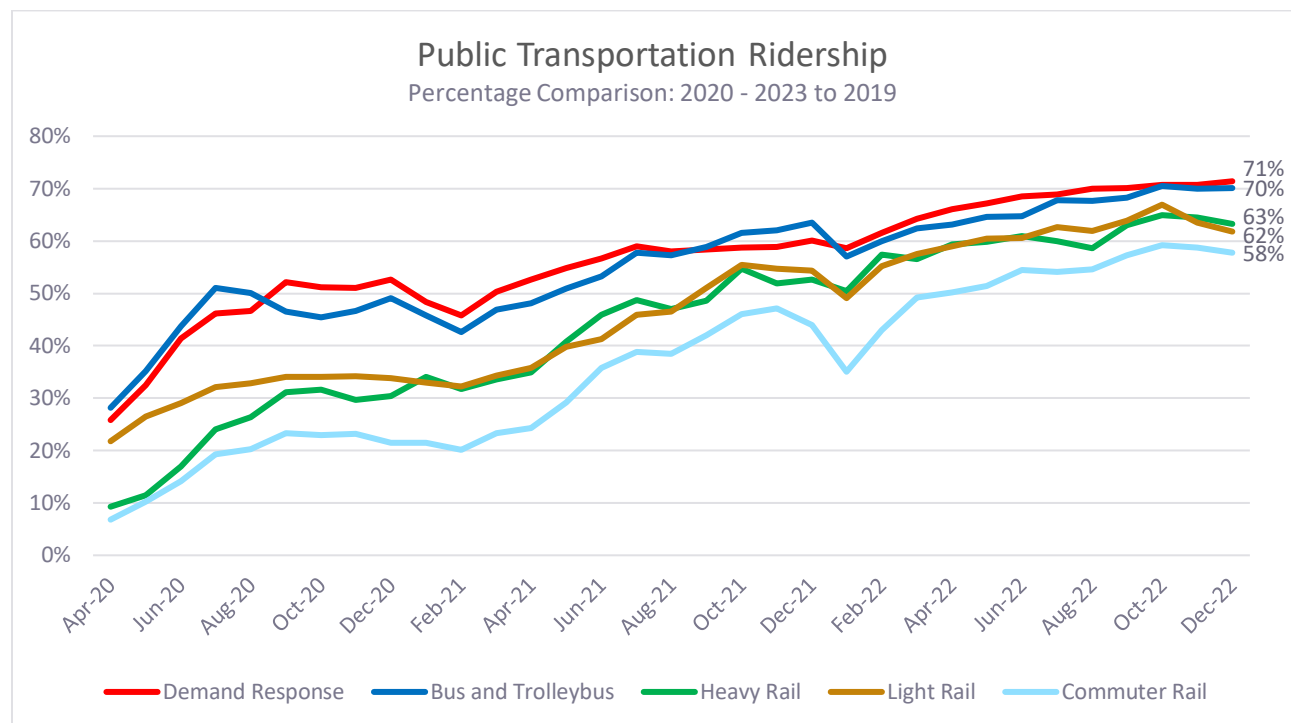
In general, bus modes have been able to retain more riders than rail modes because they generally serve more essential workers, while rail modes serve more office commuters. During the pandemic, rail riders have been more likely to have options to work from home.

Bus ridership has seen a relatively steady increase since February 2021. On the other hand, rail ridership more clearly shows the impact of vaccinations and other factors described in the previous section. Rail ridership shows a sustained increase from April to June 2021, and another increase in September and October 2021, coinciding with the wide availability of COVID-19 vaccines, and the post-summer return to offices and school, respectively. All modes show the impact of the Omicron wave in January 2022, although rail ridership recovered more quickly from the Omicron wave than bus ridership.

Throughout 2022, both bus and rail modes saw a steady increase in ridership relative to 2019, adding around 13 percentage points. Bus ridership was at 70 percent of 2019 levels in December 2022, and rail ridership recovered to 63 percent of 2019 levels.



Looking at the individual modes, demand response has recovered the most ridership, reaching 71 percent of pre-pandemic levels in December 2022. Bus ridership is next highest at 70 percent of pre-pandemic levels. Heavy and light rail are at 63 and 62 percent of 2019 ridership levels, respectively, and commuter rail is currently at 58 percent of pre-pandemic levels as of December.



Commuter rail historically has seen increased ridership with high gas prices, but the spring and summer gas price increases did not drive an increase in ridership. Of note, regions with the highest gas prices are also the ones with the most extensive commuter rail systems impacting regional ridership return.

What Leads to Ridership Success

APTA's *On the Horizon: Planning for Post-Pandemic Travel* report collected best practices on transit ridership successes. Agencies that were successful in retaining ridership made sure to consistently communicate with the public, keeping them abreast of changes to public transit service, reinforcing social media campaigns, and monitoring customer feedback. They thought proactively about service, focusing on essential workers and social equity, communities of color, and low-income families. These agencies also emphasized rider and employee safety. Sanitation measures implemented by many transit agencies with more routine cleaning protected riders and provided greater feelings of safety. They worked to develop effective cleaning protocols for vehicles and stations and worked with labor representatives to develop protocols to keep employees safe and healthy.

Agencies stand to increase ridership and achieve other goals by focusing efforts on historically marginalized communities. Rebuilding post-COVID provides a unique opportunity for reinvestment in equitable transit. Investing in transit operations to better support hourly, late night, and early morning workers who rely on public transit would further equity goals by providing transit choices for at-risk residents. With investments in communities of low income and otherwise vulnerable people, transit agencies can regain lost ridership and support the larger community.

Real estate investment in central-city areas, in partnership with transit agencies, will potentially further support increased ridership. Development of affordable and market-priced housing in proximity to transit routes will serve to benefit all community residents, including transit riders. Community outreach programs for transit agencies are vital to securing an equitable future: transit agencies need feedback to know how to best serve their customers and communities. With improved community engagement, strategic identification of residents' needs can be achieved more efficiently.

How Can Public Transit Agencies Adapt to the Future

Key changes in operations and planning can help public transit agencies adapt to the future. APTA's *On the Horizon* report organizes these key changes into four overarching themes:

- Institutionalize Best Practices from the COVID-19 Period;
- Plan and Operate More Effectively in Prioritizing Social Equity;
- Leverage Opportunities to Expand Ridership; and
- Keep Abreast of Changing Trends.

For more information, please see APTA's report, [On the Horizon: Planning for Post-Pandemic Travel](#).

About the APTA Ridership Trends Dashboard with Transit app

Estimated ridership values in the APTA Ridership Trends Dashboard are modeled based on measures of Transit app usage to provide a current measure of demand for public transit. Estimated ridership values for each week are extrapolated values from the most recent quarterly actual ridership figures reported by transit agencies. These estimates represent the percent difference between actual pre-pandemic ridership and estimated ridership for a given period during the pandemic, and do not represent actual reported ridership counts from agencies.

Transit app usage is attributed to a particular transit agency if that agency's service appears as a nearby option for the user when they open the app, or if a user taps on a line operated by a particular transit agency. Surveys of Transit app users since the onset of the pandemic have shown that the app's user demographics generally match those of public transit riders overall, both compared to other common survey methods and available U.S. Census data.

Sources

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