



American Public Transportation Association

Legislative Committee Agenda

**Sunday, March 13, 2022
3:00 p.m. – 5:00 p.m. (ET)**

**Grand Hyatt Washington
Room: Independence Ballroom A**

1. Welcome and Call to Order—Dorval R. Carter, Jr., Chair
2. Approval of Minutes of November 7, 2021 Legislative Committee Meeting
3. Remarks from APTA Chair—Jeffrey A. Nelson
4. Update from APTA President and CEO—Paul P. Skoutelas
5. Remarks from Paul Kincaid, Associate Administrator for Communications and Congressional Affairs, Federal Transit Administration
6. Legislative Update—Ward McCarragher, Vice President, Government Affairs & Advocacy
7. Reports from Legislative Subcommittee Chairs—Erika Mazza, Vice Chair
8. FRA Corridor Identification and Development Request for Information—
Amy Scarton, Co-Chair, Commuter and Intercity Passenger Rail Subcommittee
9. Implementation of the Infrastructure Investment and Jobs Act (IIJA)—Dorval Carter and Erika Mazza
[APTA's Smart Guide to the Bipartisan Infrastructure Law](#)
APTA Comments on Requests for Information, Guidance, and Regulations
APTA Webinars and Presentations on Specific IIJA Issues
10. APTA's 2022-2023 Advocacy Focus— Dan Renberg, ArentFox Schiff LLP
Randi Reid, Kountoupes Denham Carr & Reid
James Reid, Capitol Hill Policy Group
11. New APTA Advocacy and Engagement Tool (VoterVoice)—
Patrick Miller, Account Director, Public Sector, FiscalNote

12. Open Discussion

13. Adjourn

ENCLOSED DOCUMENTS

- APTA Legislative Steering Committee Roster
- Minutes of November 7, 2021 Legislative Committee Meeting
- APTA 2021 Fact Book Infographic
- APTA Legislative Update (03.04.2022)
- APTA Letter regarding FY 2022 IIJA Funding (02.11.2022)
- House Committee Ranking Members' Letter regarding IIJA Oversight (03.03.2022)
- APTA Summary of S. 3011, the State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act (03.04.2022)
- APTA Letter regarding Federal Mask Mandate on Public Transportation (03.02.2022)
- ATM-TCC Coalition Letter to Congress Opposing S. 3609, the Gas Price Relief Act of 2022 (02.17.2022)



Legislative Steering Committee Roster (2021-2022)

February 18, 2022

Committee Chair

Dorval R. Carter, Jr. (Term began October 2019);
d2580carter@transitchicago.com; 312.681.5000

Committee Vice Chair

Erika Mazza (Term began October 2019);
erika.mazza@capmetro.org; 928.699.8913
Staff Advisor: Ward McCarragher

Legislative Committee Subcommittees

Business Member Legislative Subcommittee

Brian Tynan, Chair; brian.tynan@aecom.com; 202.772.0752
Vacancy, Vice Chair;

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

Leslie S. Richards, Co-Chair; richards@septa.org; 215.964.5086
Amy Scarton, Co-Chair; scartoa@wsdot.wa.gov; 206.571.5162

Staff Advisors: Stacie Tiongson; 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 Advisors: Mark Hybner; Stacie Tionson

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

Ron Epstein, Chair; ron.epstein@dot.ny.gov; 518.457.8362

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

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

Staff Advisors: Mark Hybner; Stacie Tionson

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 Tionson

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: Mark Hybner; 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, P.E., 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

Karen H. King, Chair, Bus and Paratransit CEOs Committee;
kking@getbus.org; 661.324.9874

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

Committee and Subcommittee **Staff Advisors**

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**AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
LEGISLATIVE COMMITTEE MEETING**

**November 7, 2021
10:00 a.m. - 12:00 p.m. (Eastern Time)**

MINUTES

1. Welcome and Call to Order

Legislative Committee Chair Dorval R. Carter, Jr. welcomed the Legislative Committee members to the TRANSform Conference and called the meeting to order. Chair Carter recognized new members of the Legislative Committee who joined since the last in-person meeting. Chair Carter also announced the new Subcommittee Co-Chairs of the Commuter and Intercity Passenger Rail Subcommittee: Leslie Richards, General Manager/Chief Executive Officer of SEPTA, and Amy Scarton, Deputy Secretary, Washington State Department of Transportation. Chair Carter also recognized outgoing Intergovernmental Issues Subcommittee Chair Steve Schlickman who retired and presented him with a gift.

2. Approval of Minutes of May 5, 2021, Legislative Committee Meeting

Chair Carter presented the minutes of the previous Legislative Committee meeting that occurred on May 5, 2021, for approval. A motion was made to approve the minutes, which was seconded, and then approved without objection.

3. Remarks from APTA Chair

APTA Chair Nelson emphasized that federal advocacy is more important than ever since the beginning of the pandemic, and thanked APTA members for their efforts. Nelson maintained that APTA's ability to speak with one voice as an Association was instrumental in ensuring that Congress provided the needed funding in the Infrastructure Investment and Jobs Act (IIJA). Nelson also emphasized that APTA members still had more work to do to ensure the passage of the Build Back Better Act.

4. Update from APTA President and CEO

President and CEO Skoutelas spoke and congratulated APTA members on a job well done in ensuring the passage of the IIJA. Skoutelas emphasized how important it is for public transportation agencies to tell their stories. He noted that Congress responded to these stories by ensuring \$70 billion in federal emergency COVID-19 funding for public transportation that passed in three key COVID bills, as well as the passage of the historic funding in the IIJA. Skoutelas stated that it will be essential for transit agencies to continue to put the COVID relief funding and the IIJA federal funds to good use, and to share success stories about how the funds are helping to serve communities across the U.S.

5. Remarks from Paul Kincaid, Associate Administrator for Communications and Congressional Affairs, Federal Transit Administration.

Paul Kincaid, Associate Administrator for Communications and Congressional Affairs of the Federal Transit Administration (FTA), gave an update on the recently passed IIJA, emphasizing the historic funding opportunities available to public transit agencies nationwide. He also discussed the FTA's readiness to administer the IIJA grant funding to transit agencies.

6. Reports from Legislative Subcommittee Chairs

Vice Chair Erika Mazza 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, and the Transit Board Members Legislative Subcommittee. All subcommittee chairs reported that they had informative and productive meetings.

7. Legislative Update

Ward McCarragher, APTA Vice President of Government Affairs and Advocacy, provided a Legislative Update, highlighting the historic funding in the IIJA, including \$108 billion for public transit and \$102 billion for passenger and freight rail. McCarragher also described the numerous APTA policy provisions that were incorporated into the new funding law. McCarragher then described APTA's advocacy priorities, including enacting the Build Back Better Act, ensuring full IIJA funding in the Transportation Appropriations bill, and S. 3011, the State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act.

8. Regulatory Update

Chair Carter recognized Linda Ford, APTA's General Counsel, who provided a regulatory update. Andrew Brennan, Chair of APTA's Policy, Planning, and Program Development Committee, provided an update on APTA's Comments to FTA's Capital Investment Grants program request for information.

9. APTA's Communications Advocacy Strategy

T.J. Doyle, APTA Vice President of Communications and Marketing, reported on APTA's digital media efforts to support advocacy for increased investment in public transportation infrastructure. Doyle highlighted APTA's communication efforts.

10. APTA's Racial Equity Commitment Pilot Program

Chair David Stackrow of the Diversity and Inclusion Council spoke about the APTA [Racial Equity Action Pilot Program](#), which is a roadmap for how any public transit agency or business member, regardless of size or experience, can promote equity. APTA encourages every organization to be part of this initiative.

11. Discussion of Future APTA Advocacy Efforts

Chair Carter and Vice Chair Mazza discussed future advocacy efforts. Looking forward to the implementation of the IIJA, Chair Carter discussed three advocacy priorities: Creating Champions; IIJA Implementation; and Transportation Appropriations Advocacy.

The Creating Champions strategy focuses on building relationships with, and specific outreach to Members of Congress. This initiative involves carrying out the Business Member-Transit Board Member Joint Advocacy Initiative; enhancing the Transit Industry Footprint tool; creating new advocacy tools, including the Capital Investment Grants (CIG) Project Pipeline Dashboard; and making it easier for APTA members to communicate with Congress.

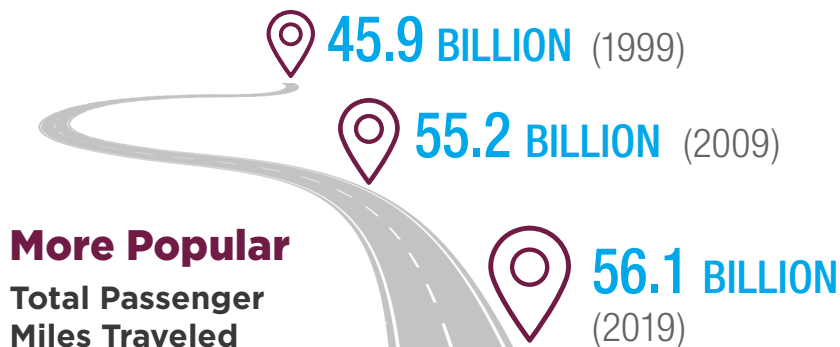
The IIJA implementation strategy includes demonstrating good stewardship of funds; ensuring successful grant applications for public transit and passenger rail agencies, including analyzing notices of funding opportunities and grant awards for consistent Administration priorities; creating community outreach toolkits for federal grant applications; ensuring the availability of state and local matching funds; and supporting additional resources for DOT modal agency grant application reviews.

For transportation appropriations, a centerpiece is creating an APTA CIG Footprint, which will build upon our existing Dashboard and show how CIG projects are job multipliers and positively impact communities across the nation.

12. Adjourn

Chair Carter and Vice Chair Mazza thanked everyone for their participation and encouraged everyone to attend the "Congress and the Year Ahead on Infrastructure Investment" session. There being no further business, a motion was made and seconded to adjourn the meeting. Chair Carter adjourned the meeting.

TODAY, PUBLIC TRANSIT IN AMERICA IS...



More Widespread

Public transit systems are...



1,159
Rural



1,043
Urban



4.5K+
Nonprofit

Expanding

Total Number of Rail Systems

58 1999
98 2019



>52%

Increase in Rail Ridership Since 1999

More Balanced

Public transit trips are...



48%
By Rail

48%
By Bus



More Accessorized



79%
of buses have security cameras



77%
of buses have exterior bike racks



78%
of buses have automated stop announcements

Growing

From 1995 – 2019

23%
Increase in Population Growth

28%

Increase in Public Transit Ridership



More Efficient



Increase in Vehicle Miles Operated per Kilowatt-Hour over the Past 30 Years

Heavy Rail **11%**

Light Rail/Streetcar **48%**

Receiving More Investment

Transit Spending in the Private Sector



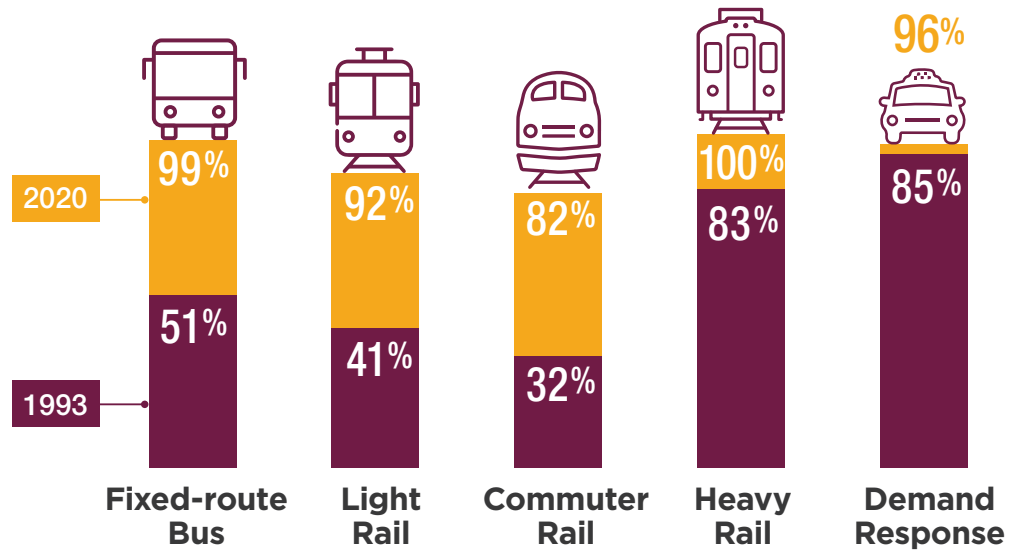
\$ Billions

TODAY, PUBLIC TRANSIT IN AMERICA IS...

More Accessible*

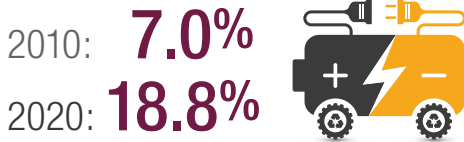
Share of **Accessible Public Transit Vehicles**

*transit system accessibility is also affected by station accessibility



Leading in Clean Technology

Share of **Hybrid Electric Buses**



(According to APTA's 2020 Vehicle Database)

Lowering Carbon Emissions



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")

Driving the Economy



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")

Creating Jobs

448K+



people directly work for public transportation agencies

Long-term investment in public transit supports 50,000 jobs and \$382 million in tax revenue per \$1 billion invested

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

Saving Lives

Cities with more than 40 annual public transit trips per person have **half the traffic fatality rate** of those with fewer than 20 trips per person



(According to APTA's "The Hidden Traffic Safety Report: Public Transportation")



American Public Transportation Association

LEGISLATIVE UPDATE

APTA is focused on three major initiatives in 2022:

- ensuring continued successful implementation of COVID-19 emergency relief funding;
- 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
- aggressively advocating for enactment of three important bills:
 - Transportation, Housing and Urban Development, and Related Agencies Appropriations Act (THUD Appropriations Act);
 - Building a Better America legislation; and
 - State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act (S. 3011/H.R. 5735).

Ensuring Continued Successful Implementation of COVID-19 Emergency Relief Funding

Public transit agencies continue to successfully utilize COVID-19 emergency relief funding. For instance, more than one-half of public transit agencies have used COVID-19 funding to provide vaccine access services. To date, public transit agencies have obligated more than **86 percent** of the **\$69.5 billion** of COVID-19 emergency relief through a total of almost 1,600 grants. In addition to the formula grants, in the coming days, the Federal Transit Administration (FTA) is expected to announce competitive grant selections for \$2.2 billion of emergency funding for public transit agencies that require additional assistance to offset costs related to COVID-19.

APTA is extremely encouraged by public transit agencies' efficient and effective use of COVID-19 emergency funding as we continue to highlight the importance of public transit to communities' efforts to recover from the pandemic.

Working to Ensure Successful Implementation of the Bipartisan Infrastructure Law

On November 15, 2021, President Joseph 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 investment include \$91.2 billion of guaranteed funding (i.e., contract authority and advance appropriations) and \$17.0 billion of General Fund authorizations for Capital Investment Grants (CIG), Washington Metropolitan Area Transit Authority (WMATA), and ferry 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 \$66.0 billion of guaranteed funding (advance appropriations) and \$36.1 billion of General Fund authorizations for Amtrak and other programs. In addition, the IIJA provides significant funding for multimodal investments that include public transit and passenger rail as essential elements.

In terms of **APTA's Top Priorities**, the IIJA:

- provides a long-term surface transportation authorization and significant increases in investment to put public transit agencies on a path to modernize their systems and meet the growing and evolving demands of our communities;
- when considering all funding provided in the legislation (including advance appropriations), significantly increases the bus capital share of funding to a 19 percent share for bus investment under the 40-40-20 capital investment ratio; and
- does not include APTA's Mobility Innovation and Technology Initiative but includes other mobility initiatives (e.g., SMART mobility grants); and does not include the limiting language of the House-passed INVEST in America Act.

Finally, the IIJA includes numerous other APTA legislative priorities, such as significant reforms and streamlining of the CIG program.

APTA is actively working with FTA and other U.S. Department of Transportation (DOT) agencies on implementation of the Bipartisan Infrastructure Law and expects DOT, FTA, and other agencies to continue to issue numerous Notice of Funding Opportunities (NOFOs) for competitive grants in the coming months. To date, DOT has issued a NOFO for \$1.5 billion of RAISE grants and FTA has issued a NOFO on Low and No Emission Bus Grants and Buses and Bus Facilities Grants. FTA has also issued a partial apportionment of public transit formula funds for FY 2022. We expect DOT to issue a NOFO on the Megaprojects program in the near future. Finally, FTA has issued several important Dear Colleague letters regarding IIJA implementation, including on Zero-Emission Transition Plans and public transportation agency safety plan (PTASP) requirements.

To assist APTA members in tracking both funding opportunities and regulatory and other administrative action, APTA has developed a [Smart Guide to the Bipartisan Infrastructure Law](#) on its website to provide members with detailed funding, apportionment, and policy analyses of the IIJA. The APTA Smart Guide also includes White House and DOT guidance, regulations, and NOFOs. Finally, the Smart Guide will include media toolkits to help APTA members tell their Bipartisan Infrastructure Law success stories.

Aggressively Advocating for APTA's Legislative Agenda

APTA continues to aggressively advocate for enactment of three important bills: the THUD Appropriations Act, Building a Better America legislation, and the Fiscal Recovery Infrastructure Flexibility Act (S. 3011).

THUD Appropriations Act

Both the House and the Senate have advanced THUD Appropriations bills. On July 29, 2021, the House passed H.R. 4502, which includes the THUD Appropriations bill (Division G). On October 19, the Senate unveiled nine appropriations bills, including the THUD Appropriations bill (S. 3045). The House and Senate THUD Appropriations Subcommittees took very different approaches to drafting their bills, and neither bill assumed enactment of the IIJA. Therefore, the THUD Appropriations bill must be rewritten in conference to reflect at least IIJA funding levels or public transit agencies will not receive increased funding levels in FY 2022.

The current Continuing Appropriations Act expires March 11, 2022. House and Senate Appropriations Committee leaders are meeting in an effort to reach final agreement on the THUD Appropriations Act, which is expected to be included in the final FY 2022 Omnibus Appropriations Act. Congress hopes to finish action on the Omnibus Appropriations Act by March 11.

APTA is aggressively advocating that the final THUD Appropriations Act fully fund the IIJA and provide additional resources for targeted investments (e.g., mobility).

Building a Better America Legislation

On November 19, 2021, the House passed H.R. 5376, the Build Back Better Act. The bill provides:

- \$10 billion for a new, innovative program providing competitive grants for public transit access to affordable housing and to enhance mobility for low-income riders and residents of disadvantaged communities;
- \$10 billion for the planning and development of public high-speed rail projects; and
- Additional investments in climate incentive grants and neighborhood access and equity grants.

It also creates a manufacturer's tax credit equal to 30 percent of the cost of electric or hydrogen fuel-cell transit buses; extends the alternative fuel tax credit; and extends and substantially increases the alternative fuel vehicle property tax credit.

In December 2021, Senator Joe Manchin, III (D-WV) stated that he would not support the Build Back Better Act. Without his support, the Senate Democratic majority does not have the votes to pass the bill. At this point, Senate Democrats are trying to develop a more focused bill that they refer to as Building a Better America legislation as a possible compromise that all 50 Senate Democrats could support.

APTA strongly supports providing \$10 billion for public transit, \$10 billion for high-speed rail, and tax credits for zero-emission vehicles and infrastructure as part of the Building a Better America legislation.

S. 3011, the Fiscal Recovery Infrastructure Flexibility Act

The American Rescue Plan Act of 2021 (ARP) provides **\$350 billion** of COVID-19 emergency funding to state and local governments. The ARP provides \$195 billion to states, \$130 billion to local governments, and \$25 billion to tribal and territorial governments. Although the Fiscal Recovery Funds are available for water, sewer, and broadband infrastructure, transportation infrastructure investment is not eligible under the current program. APTA, together with Coalition partners, has strongly urged the Department of the Treasury and Congress to authorize State and local governments to use these Fiscal Recovery Funds for surface transportation infrastructure.

On October 19, 2021, the Senate passed S. 3011, the State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act. The bill authorizes state and local governments to use these Fiscal Recovery Funds for transportation infrastructure, including public transportation. Bill sponsors state that this flexibility authorizes **\$123 billion** of funding for transportation infrastructure, at the discretion of state and local authorities.

The House introduced a companion bill (H.R. 5735) and APTA has been working with the bipartisan sponsors of the bill (Representative Dusty Johnson (R-SD) and Carolyn Bourdeaux (D-GA)) to encourage other Representatives to cosponsor the bill. To date, the bill has 150 bipartisan cosponsors.

On March 2, 2022, APTA, together with Coalition partners, sent a letter to House and Senate Leaders urging Congress to include the Fiscal Recovery Infrastructure Flexibility Act in the final FY 2022 Omnibus Appropriations Act.

APTA strongly urges Congress to include the Fiscal Recovery Infrastructure Flexibility Act in the final FY 2022 Omnibus Appropriations Act.



AMERICAN
PUBLIC
TRANSPORTATION
ASSOCIATION

February 11, 2022

EXECUTIVE COMMITTEE

CHAIR

Jeffrey A. Nelson

VICE CHAIR

Kevin J. Holzendorf

SECRETARY-TREASURER

Matthew O. Tucker

IMMEDIATE PAST CHAIR

David M. Stackrow, Sr.

Dorval R. Carter, Jr.
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Raymond J. Melleady
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Allan Pollock
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Doug Tisdale
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Jeffrey Wharton
Evalynn "Eve" Williams

The Honorable Brian Schatz
Chairman
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Subcommittee on Transportation,
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The Honorable Susan M. Collins
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The Honorable Mario Diaz-Balart
Ranking Member
Committee on Appropriations
Subcommittee on Transportation,
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Related Agencies
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Washington, DC 20515

Dear Chairman Schatz, Ranking Member Collins, Chairman Price, and
Ranking Member Diaz-Balart,

On behalf of the American Public Transportation Association (APTA), which
represents an \$80 billion industry that directly employs 450,000 people and
supports millions of private-sector jobs, I write to thank you for your efforts to
advance the Transportation, Housing and Urban Development, and Related
Agencies Appropriations Act, 2022 (THUD Appropriations bill).

As you begin resolving the differences between the House and Senate THUD
Appropriations bills, **we urge you to honor the promise of the bipartisan
Infrastructure Investment and Jobs Act (IIJA) and provide funding levels at
least equal to the IIJA's public transportation and passenger rail investments
for Fiscal Year 2022.** These historic investments will enable our communities to
provide access to opportunities and create family-wage jobs, advance equity, tackle
climate change, and meet growing and evolving mobility demands.

PRESIDENT AND CEO

Paul P. Skoutelas

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APTA.COM

February 11, 2022

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Specifically, we urge you to provide a total of at least \$16.76 billion for public transit and \$7.2 billion for passenger and freight rail in the THUD Appropriations bill. When combined with the IIJA's FY 2022 advance appropriations, these amounts will fully fund the public transit and passenger rail investments of the Bipartisan Infrastructure Law. We also request that you fully fund RAISE grants and similar programs in the bill. These investments will help communities create more resilient, multimodal transportation systems to meet today's mobility and climate challenges.

Regarding the Federal Transit Administration's Capital Investment Grants (CIG), we urge you to provide at least \$3.0 billion for CIG projects. Together with the IIJA's advance appropriations, this funding will help our communities begin to address the backlog of demand for new mobility choices. Today, 77 projects across the nation are seeking more than \$36 billion of CIG funds. *See APTA's Capital Investment Grants Project Pipeline Dashboard.* We also encourage you to appropriate the additional ferry funding that was agreed to in the Bipartisan Infrastructure Law but not enacted because of a legislative drafting technical error.

APTA also strongly supports the innovative mobility grants proposed in the House and Senate THUD Appropriations bills. We urge you to include at least \$25 million for demonstration and deployment of innovative mobility solutions and \$50 million for five competitive integrated smart mobility grants, as proposed in the House THUD Appropriations bill (H.R. 4502). These innovative mobility grants will improve access to jobs, housing, health care, and education.

Regarding passenger rail grants, we encourage you to fully fund the IIJA authorizations, including funding for Railroad Crossing Elimination grants, Federal-State Partnership for Intercity Passenger Rail grants, and Consolidated Rail Infrastructure and Safety Improvements (CRISI) grants.

Finally, we appreciate that both the House and Senate THUD Appropriations bills include a provision (Sec. 163) to prohibit implementation of the Rostenkowski Test, and we encourage the continuation of this provision in the bill.

Thank you for your strong support for public transportation and passenger rail and consideration of our conference priorities. Your leadership is critical to ensure that Congress upholds the promise of the historic investments authorized in the Bipartisan Infrastructure Law.

Sincerely,



Paul P. Skoutelas
President and CEO

Encl.

The Honorable Brian Schatz, Susan M. Collins, David E. Price, and Mario Diaz-Balart

February 11, 2022

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cc: The Honorable Charles E. Schumer, Majority Leader, U.S. Senate

The Honorable Mitch McConnell, Republican Leader, U.S. Senate

The Honorable Nancy Pelosi, Speaker of House, U.S. House of Representatives

The Honorable Kevin McCarthy, Leader, U.S. House of Representatives

The Honorable Patrick Leahy, Chairman, Committee on Appropriations, U.S. Senate

The Honorable Rosa L. DeLauro, Chairwoman, Committee on Appropriations,
U.S. House of Representatives

The Honorable Richard C. Shelby, Vice Chairman, Committee on Appropriations,
U.S. Senate

The Honorable Kay Granger, Ranking Member, Committee on Appropriations,
U.S. House of Representatives

Members of the House and Senate THUD Subcommittees, Committee on Appropriations

Congress of the United States
Washington, DC 20515

March 3, 2022

Mr. Mitch Landrieu
Senior Advisor and Infrastructure Coordinator
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. Landrieu:

We are conducting oversight to ensure that the \$1.2 trillion of taxpayer money authorized by the Infrastructure Investment and Jobs Act (IIJA) is not being fraudulently or wastefully spent.¹ The White House has touted that this is the largest infrastructure expenditure in almost a century.² Moreover, this infrastructure spending is coming at a time when Americans are suffering from the weight of growing inflation.³ President Biden has appointed you to serve as Senior Advisor and Infrastructure Coordinator, which includes coordination responsibility for the IIJA and serving as lead of the Infrastructure Implementation Task Force (Task Force).⁴ Given the \$1.2 trillion provided under the Act, you have an immense task to coordinate amongst agencies and ensure that the IIJA is implemented in accordance with the law. To fulfill our responsibility to the American taxpayers to root out waste, fraud, abuse, and mismanagement, Republicans on the Committee on Oversight and Reform and Committee on Transportation and Infrastructure are requesting documents and information to determine whether the IIJA dollars are being spent effectively and efficiently.

This massive spending bill is in large part a combination of lump sums broadly categorizing what money must go towards (e.g., \$55 billion to drinking water infrastructure; \$65 billion to broadband infrastructure development; a combined \$42 billion to ports, waterways, and airports), which, unfortunately, leaves the door open for the Administration to pursue their “woke” priorities rather than allocating the funds based on states’ actual needs.⁵ The expansive

¹ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat 429 (2021).

² Briefing Room, *Fact Sheet: President Biden Announces Support for the Bipartisan Infrastructure Framework*, WHITE HOUSE (June 24, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/24/fact-sheet-president-biden-announces-support-for-the-bipartisan-infrastructure-framework/>.

³ *Consumer Press Index Summary*, U.S. BUREAU OF LABOR STATISTICS (Feb. 10, 2022), <https://www.bls.gov/news.release/cpi.nr0.htm>.

⁴ Exec. Order No. 14,052, 86 Fed. Reg. 64,335 (Nov. 18, 2021); Briefing Room, *President Biden Announces Former New Orleans Mayor Mitch Landrieu as Senior Advisor and Infrastructure Coordinator*, WHITE HOUSE (Nov. 14, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/14/president-biden-announces-former-new-orleans-mayor-mitch-landrieu-as-senior-advisor-and-infrastructure-coordinator/>.

⁵ THE WHITE HOUSE, *PRESIDENT BIDEN’S BIPARTISAN INFRASTRUCTURE LAW* (2021), <https://www.whitehouse.gov/bipartisan-infrastructure-law/>.

purpose for which the funds were allocated, along with the magnitude of the expenditure, create a greater-than-usual opportunity for corruption and wasteful spending.

Ensuring that taxpayer dollars are wisely spent is especially important in today's inflationary economy. Americans are experiencing the highest spike in inflation since 1982.⁶ Meanwhile, government spending reached a record high in 2021.⁷ The Biden Administration spent over \$3.3 trillion,⁸ including \$1.9 trillion under the American Rescue Plan Act of 2021.⁹ If the Biden Administration insists on such unprecedented government spending when Americans' paychecks are stretched so thin, then the taxpayers deserve to know where their money is going. Likewise, if the money is not going where people actually need it, Americans would likely appreciate a refund.

Considering the IJA's massive cost coupled with rising inflation rates, it goes without saying that the infrastructure investment should benefit the greatest number of Americans possible. However, new Federal Highway Administration (FHWA) restrictions steer the funds towards Democrat-led states and away from Republican-led states that need new or improved roads.¹⁰ The *Wall Street Journal* recently reported that "[t]he [regulatory] restrictions will likely fall hardest on red states[.]" blocking new or improved roads that they desperately need by tying the funds up in regulatory restrictions.¹¹ As has been highlighted to you previously, this is unacceptable, and we must ensure that eligible projects are evaluated on measurable, impartial criteria and are not penalized merely because they add capacity to our transportation network.¹² Where the money goes may literally be a life or death decision; some states are relying on the IJA's infrastructure investment for greater capacity where over-congestion has caused an increase in highway fatalities.¹³ That being said, decisions regarding expenditures under the IJA should rely on states' need rather than their political leanings.

⁶ *United States Inflation Rate*, TRADING ECON. (Jan. 2022), <https://tradingeconomics.com/united-states/inflation-cpi>; *Consumer Press Index Summary*, U.S. BUREAU OF LABOR STATISTICS (Feb. 10, 2022), <https://www.bls.gov/news.release/cpi.nr0.htm>.

⁷ *USAspending.gov, America's Finance Guide*, U.S. TREASURY DATA LAB, <https://datalab.usaspending.gov/americas-finance-guide/> (last visited Feb. 23, 2022).

⁸ *United States Government Spending: Summary*, TRADING ECON., <https://tradingeconomics.com/united-states/government-spending> (last visited Feb. 2, 2022); *see also* CONG. BUDGET OFF., *The Accuracy of CBO's Budget Projections for Fiscal Year 2021* (Jan. 2022), <https://www.cbo.gov/system/files/2022-01/57614-accuracy.pdf>.

⁹ Tony Romm, *Democrats, GOP Set to Huddle on Deal to Fund Government, Avert Shutdown*, WASH. POST (Feb. 2, 2022, 6:00 AM); American Rescue Plan Act of 2021, Pub. L. No. 117-2, 135 Stat 4 (2021).

¹⁰ Memorandum from Stephanie Pollack, Deputy Administrator, FHWA, to Associate Administrators et. al., FHWA (Dec. 16, 2021), https://www.fhwa.dot.gov/bipartisan-infrastructure-law/building_a_better_america-policy_framework.cfm.

¹¹ Editorial Board, *Highway Funding Bait-and-Switch*, WALL STREET J. (Jan. 30, 2022, 5:39 PM).

¹² Letter from Sam Graves, Ranking Member, H. Comm. on Transp. and Infrastructure to Hon. Mitchell J. Landrieu (Jan. 24, 2022), https://republicans-transportation.house.gov/uploadedfiles/2022-01-24_-_letter_to_landrieu_re_ija_briefing.pdf.

¹³ *Id.*

Furthermore, even if appropriate projects are available, the money simply cannot be effectively spent without a sufficient, qualified workforce. Recently, *Politico* reported about the difficulty in allocating the IIJA funds while “[m]ore than 10 million job openings remain unfilled throughout the country[.]”¹⁴ You have even expressed doubt as to the capacity of the qualified workforce and lack of training programs necessary to complete all of the projects that the IIJA envisions.¹⁵ In reality, the American workforce simply does not have the capacity or readiness to complete those projects, leaving a significant piece of the \$1.2 trillion in limbo and exacerbating the potential for fraud, waste, and abuse.

Therefore, we are requesting the following documents and/or information regarding the distribution of money under the IIJA by March 17, 2022:

1. All documents and communications from November 14, 2021 to present between or among you and White House employees referring or relating to the disbursement of funds under the IIJA or related final decisions.
2. All documents and communications from November 14, 2021 to present between or among you and Department of Transportation employees referring or relating to the disbursement of funds under the IIJA or related final decisions.
3. All documents and communications from November 14, 2021 to present between or among you and the governor of any State referring or relating to the disbursement of funds under the IIJA or related final decisions.
4. All documents and communications from November 14, 2021 to present referring or relating to funded or nearly funded infrastructure projects, any delays or projected delays in project completion, and/or any workforce issues related to completion of the projects in a timely manner.
5. All documents and communications from November 14, 2021 to present related to your chain of command, including but not limited to those referring or relating to whom you report, your relationship with the Department of Transportation, and who reports to you.

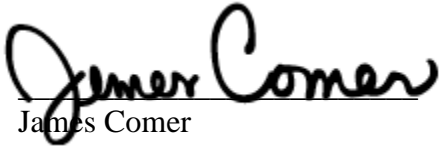
To ask any follow-up questions, please contact Committee on Oversight and Reform Republican staff at (202) 225-5074 and Committee on Transportation and Infrastructure Republican staff at (202) 225-9446. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

¹⁴ Jennifer Scholtes et al., *Bridges Don't Build Themselves: How Dems' Spending Flop Hurts Their Infrastructure Victory*, POLITICO (Jan. 1, 2022, 4:30 AM).

¹⁵ *Id.*

Mr. Mitch Landrieu
March 3, 2022
Page 4

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

James Comer
Ranking Member
Committee on Oversight and Reform

A handwritten signature in blue ink that reads "Sam Graves". The signature is stylized and cursive, with a long horizontal stroke at the end.

Sam Graves
Ranking Member
Committee on Transportation and
Infrastructure

Cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Peter DeFazio, Chairman
Committee on Transportation and Infrastructure

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
FACT SHEET
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS AND
S. 3011, THE STATE, LOCAL, TRIBAL, AND TERRITORIAL FISCAL RECOVERY,
INFRASTRUCTURE, AND DISASTER RELIEF FLEXIBILITY ACT
March 4, 2022

CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

The American Rescue Plan Act of 2021 (ARP) provides **\$350 billion** of COVID-19 emergency funding to states, Tribal, and local governments. Under the U.S. Department of Treasury program, the funds are available for specific COVID-19 response, public health, and economic purposes, including replacing lost public sector revenue and providing premium pay for essential workers (including frontline public transit workers). The ARP provides \$195 billion to states, \$130 billion to local governments, and \$25 billion to tribal and territorial governments. These Fiscal Recovery Funds do not require a local match and the Treasury Department provides these funds in one or two tranches in May 2021 and May 2022. Please click [here](#) to find specific state, county, city, and other local government allocations.

Although the Fiscal Recovery Funds are available for water, sewer, and broadband infrastructure, transportation infrastructure investment is not eligible under the program. See [Department of Treasury interim final rule](#).

APTA, together with Coalition partners, has strongly urged the Department of the Treasury and Congress to authorize State and local governments to use these Fiscal Recovery Funds for surface transportation infrastructure. See letters to [Secretary of the Treasury Janet Yellen](#) and [Senators](#) supporting transportation infrastructure eligibility for these Funds.

S. 3011, THE STATE, LOCAL, TRIBAL, AND TERRITORIAL FISCAL RECOVERY,
INFRASTRUCTURE, AND DISASTER RELIEF FLEXIBILITY ACT

On October 19, 2021, the U.S. Senate passed S. 3011, the State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act. The bill, sponsored by Senator John Cornyn (R-TX) and Senator Alex Padilla (D-CA), authorizes state and local governments to use these Fiscal Recovery Funds for transportation infrastructure, including public transportation. Bill sponsors stated that this flexibility authorizes **\$123 billion** of funding for transportation infrastructure, at the discretion of state and local authorities.

The House introduced a companion bill (H.R. 5735) and APTA has been working with the bipartisan sponsors of the bill (Representative Dusty Johnson (R-SD) and Representative Carolyn Bordeaux (D-GA)) to encourage other Representatives to cosponsor the legislation. To date the bill has 150 bipartisan cosponsors.

On March 2, 2022, APTA, together with Coalition partners, sent a letter to House and Senate leaders urging Congress to include the Fiscal Recovery Infrastructure Flexibility Act in the final

Omnibus Appropriations Act. *See* [Coalition letter](#) to Congressional Leaders supporting adding the bipartisan legislation to the FY 2022 Omnibus Appropriations package.

APTA strongly urges Congress to include the Fiscal Recovery Infrastructure Flexibility Act in the final FY 2022 Omnibus Appropriations Act.

Under the bill, eligible projects include Urbanized Area Formula, Rural Area Formula, Capital Investment Grants (CIG), State of Good Repair, and Bus and Bus Facilities projects. Funding for public transit projects must be used for capital expenses; operating expenses are not eligible under the bill. Eligible projects also include Surface Transportation Block Grant (STBG), Congestion Mitigation and Air Quality Improvement (CMAQ), and Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant projects and projects eligible for Transportation Infrastructure Financing and Innovation Act (TIFIA) credit assistance.

Importantly, S. 3011 authorizes these Fiscal Recovery Funds to be used for the non-federal share for CIG projects and projects of national and regional significance (§ 21201 of IIJA). With regard to TIFIA projects, the bill authorizes these Funds to be used for the non-federal share or to repay a TIFIA loan.

State and local governments may spend up to 30 percent of their allocations for these new purposes, or \$10 million, whichever is greater. These Fiscal Recovery Funds must be obligated by December 31, 2024, and fully expended by September 30, 2026.

The enclosed table outlines the total amounts that would be available to state and local governments that could be invested in public transportation capital projects.

State and Local Fiscal Recovery Funds
Available for Public Transportation Investment

October 28, 2021

State	Funding Available (in millions)	State	Funding Available (in millions)
Alabama	\$1,696	Montana	\$530
Alaska	\$448	Nebraska	\$716
Arizona	\$2,325	Nevada	\$1,296
Arkansas	\$1,198	New Hampshire	\$574
California	\$14,498	New Jersey	\$3,539
Colorado	\$2,101	New Mexico	\$938
Connecticut	\$1,537	New York	\$7,899
Delaware	\$450	North Carolina	\$3,580
DC	\$541	North Dakota	\$493
Florida	\$6,153	Ohio	\$4,230
Georgia	\$3,634	Oklahoma	\$1,406
Hawaii	\$686	Oregon	\$1,579
Idaho	\$721	Pennsylvania	\$5,025
Illinois	\$5,184	Rhode Island	\$567
Indiana	\$2,395	South Carolina	\$1,748
Iowa	\$1,206	South Dakota	\$509
Kansas	\$1,094	Tennessee	\$2,496
Kentucky	\$1,733	Texas	\$9,662
Louisiana	\$1,906	Utah	\$1,005
Maine	\$626	Vermont	\$481
Maryland	\$2,287	Virginia	\$3,080
Massachusetts	\$2,977	Washington	\$2,698
Michigan	\$4,162	West Virginia	\$926
Minnesota	\$2,078	Wisconsin	\$2,058
Mississippi	\$1,289	Wyoming	\$485
Missouri	\$2,217		
Total		\$122,661	
Source: Office of Senator John Cornyn			



**AMERICAN
PUBLIC
TRANSPORTATION
ASSOCIATION**

March 2, 2022

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APTA.COM

Mr. Jeffrey D. Zients
White House COVID-19 Response Coordinator and
Counselor to the President
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Mr. Zients:

On behalf of the American Public Transportation Association (APTA), which represents an \$80 billion industry that directly employs 450,000 people and supports millions of private-sector jobs, I want to express our deep appreciation for the Administration's leadership and support of public transportation during the COVID-19 pandemic. Moreover, the nation has made considerable progress in combatting COVID-19. As reflected in the February 25, 2022 release by the Centers for Disease Control and Prevention (CDC) of new guidelines permitting Americans to unmask indoors, the nation is beginning the shift to an endemic phase of the COVID-19 pandemic.

As part of this transition, and in light of the improving health conditions across the nation, APTA encourages the Administration to reevaluate the current CDC requirement that all passengers wear masks while using public transportation and allow the mandate to lapse after it expires on March 18, 2022.

For the past two years, public transportation agencies have supported and enforced federal policies created to combat COVID-19. We believe these efforts played an important part in our nation's collective fight against COVID-19. However, an extension of the mask mandate beyond March 18 is likely to increase the growing enforcement challenges faced by public transit agencies today.

Public transportation is an estimated 10 times safer than traveling by car and we need to continue to encourage Americans to choose public transportation. At the same time, we recognize that metric-based policies may be imposed if a new variant emerges or if public health conditions warrant.

Mr. Jeffrey D. Zients

March 2, 2022

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We know that the Administration is resolute in its efforts to lead the country back to normality and a path to economic recovery. Ceasing the federal mask mandate will support those efforts and, therefore, we strongly encourage the Administration to end the federal mask mandate on public transportation on March 18, 2022.

Thank you for your consideration.

Sincerely,



Paul P. Skoutelas
President and CEO

cc: Dr. Rochelle P. Walensky, Director, Centers for Disease Control and Prevention, U.S.
Department of Health and Human Services

The Honorable Alejandro Mayorkas, U.S. Department of Homeland Security



February 17, 2022

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Chuck Schumer
Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Republican Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Republican Leader
U.S. Senate
Washington, DC 20510

Dear Speaker Pelosi, and Leaders Schumer, McCarthy, and McConnell:

Suspending the federal gasoline tax in the name of “economic relief” is misguided and could undermine the recently enacted and bipartisan Infrastructure Investment and Jobs Act (IIJA). The national associations and labor unions of the Transportation Construction Coalition (TCC) and the Americans for Transportation Mobility (ATM) coalition strongly oppose the S. 3609, the Gas Price Relief Act of 2022.

Federal highway and public transportation programs are funded primarily with taxes on gasoline and diesel fuel, founded on a “user pays” model, where those who use transportation systems pay for them. The TCC and ATM strongly support these user fees.

Proponents of the gasoline tax holiday, as proposed in S. 3609, suggest it would lower prices for consumers. However, the view that federal fuel taxes have a discernible impact on prices at the pump misses the mark. The federal gasoline tax has not been increased since 1993, when gasoline was around \$1.00 per gallon nationally. Meanwhile, gasoline prices have increased roughly 250 percent, which indicates other factors, like supply and demand, input costs, and geopolitics are drivers of price fluctuations—not federal fuel taxes. A gasoline tax holiday would have little meaningful impact on fuel prices, would further erode the user-pays system, and make it harder to repair America’s aging infrastructure.

The IIJA provides resources to rebuild American infrastructure for the 21st century and provide the short and long-term economic benefits that will make a real difference for American families, rather than temporary political gimmicks. The IIJA will make important improvements to connect communities, prioritize resiliency, save lives, and facilitate economic growth and competitiveness. Disrupting the carefully negotiated revenue structure in the IIJA would jeopardize these benefits.

The TCC and ATM oppose this proposal to suspend the federal gasoline user fee and urge the House and Senate to reject this plan as well. We believe efforts would be better spent on delivering the first year of promised investments by completing the FY 2022 appropriations process.

Sincerely,

The Transportation Construction Coalition

Americans for Transportation Mobility