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June 10, 2020

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Paul P. Skoutelas

FTA Docket Clerk
DOT Docket Management Facility
Room W12-140
1200 New Jersey Ave S.E.
Washington, D.C. 20590

Subject: Emergency Relief Docket (FTA-2020-0001)

Dear Docket Clerk:

On behalf of the more than 1,500 member organizations of the American Public Transportation Association (APTA), APTA requests that the Federal Transit Administration (FTA) implement its Natural Disaster Hold-Harmless Adjustment approval authority, as described in the National Transit Database (NTD) 2019 Policy Manual, to allow the use of 2019 NTD data (or 2020 NTD data if the transit agency prefers) to all public transit agencies for FY 2022 and FY 2023. This is consistent with Champaign-Urbana Mass Transit District's April 6, 2020 request.

National Transit Database Hold Harmless (49 CFR 630.10)

As a result of the COVID-19 pandemic, and the President's and Governors' declarations to close non-essential businesses, and limit personal movement, public transit agencies across the nation have experienced severe ridership decline as well as state and local revenue losses. Nationally, transit ridership is down by more than 70 percent as a result of COVID-19 and for larger agencies ridership has declined by as much as 90 percent.¹

Ridership declines as a result of the pandemic have caused numerous agencies to put in place emergency measures and severely reduce and even suspend some routes and service entirely. As our nation's transit agencies work to maintain and restore these essential services, federal support is critical to ensure that these agencies can reposition themselves to survive and help our communities and nation recover from the economic fallout of the pandemic. Without an NTD hold-harmless adjustment, transit agencies could potentially lose millions in federal funding.

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¹ EBP US, Inc., *The Impact of the COVID-19 Pandemic on Public Transit Funding Needs in the U.S.*, May 5, 2020.

FTA's regulations require transit agencies to report financial, operating, and asset conditions to the NTD each year, including total annual revenue, ridership, and revenue vehicle miles. This data is used to make apportionments for 49 U.S.C. 5307 (Urbanized Area Formula) and 49 U.S.C. 5311 (Rural Area Formula) grants. Transit agencies report data two years prior to the apportionment year. FTA has the authority under its regulations, and as explained in its 2019 NTD Policy Manual, to allow a transit provider that "suffers a significant decrease in transit service due to a natural or manufactured disaster" to make a hold-harmless request to have FTA make "adjustments to data in the apportionment to offset negative events that affected a transit agency's data during the year."²

To make a hold-harmless adjustment, FTA requires that a Federal disaster declaration be in place, the decrease in service is a direct result of the disaster, and the decrease in service is temporary and not reflective of the true needs of an area. As a result of COVID-19, all three of these criteria have been met industry wide.

Accordingly, APTA requests that FTA provide a national hold-harmless NTD adjustment to allow transit agencies to use report year 2019 data (or 2020 data if an agency prefers) for the purposes of the apportionment of formula grants for FY 2022 and FY 2023, ensuring that formula funding is distributed in accordance with ridership levels prior to the COVID-19 pandemic. If there continue to be residual issues beyond FY 2023, an extension of any delay granted may be requested.

If you have any questions regarding this request, please contact APTA's Senior Director of Government Affairs and Advocacy, Ms. Stacie Tiongson, at stiongson@apta.com or (202) 496-4810.

Sincerely,



Paul P. Skoutelas
President and CEO

² FTA, *National Transit Database, 2019 Policy Manual* at 242.