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Docket Operations  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
West Building, Ground Floor  
Room W12-140  
Washington, DC 20590-0001

Re: DOT-OST-2022-0082

Dear Docket Clerk:

On behalf of the 1,500 public- and private-sector members organizations of the American Public Transportation Association (APTA), I am pleased to submit these comments on the Office of the Secretary (OST), Department of Transportation (USDOT) Request for Information on the Thriving Communities Initiative, published August 5, 2022, at 87 FR 48064 (TCI).

***General Comments***

APTA commends the USDOT for reaching out to the transit community to seek guidance for the newly created Thriving Communities Initiative and gain information on the technical assistance, planning, and capacity building needs faced by disadvantaged communities that are seeking to advance local transportation projects within the existing Federal, state, and regional transportation planning and project delivery methods including innovative finance programs offered.

APTA applauds USDOT's Thriving Communities initiative and its intent for disadvantaged communities to have a stronger and more representative voice in identifying community needs and the transportation priorities to address them. APTA agrees with the policy goals expressed in the Thriving Communities grant program and supports USDOT's efforts to build technical capacity in disadvantaged communities.

APTA's comments are structured around the definitions and two sets of questions in the RFI: 1) Determining Technical Assistance and Capacity Building Needs and 2) Approaches and Methods to Delivering and Evaluating Technical Assistance and Building Capacity.

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## *Definitions*

1. *Disadvantaged Communities*: APTA agrees with the inclusion of census tracts that are disadvantaged per the categories of transportation access, health, environmental, economic, resilience, and equity disadvantage.

APTA is grateful that the definition is not subject to the more typical urban/rural delineations based on population since many urban and urbanized areas themselves include persistent pockets of disadvantaged communities despite the relative success of those areas in many, if not all, of the above categories.

APTA encourages OST to define sub (a) more clearly within the definition to read, “(a) disadvantaged census tracts” since that is the language used when USDOT considers a census tract to be “disadvantaged.” Also, APTA suggests that sub (a) reference the Navigator, which APTA finds to be helpful.

APTA notes however that basing any such information on information gained through the census can, itself, be under-inclusive because the very communities that are to be targeted through the Thriving Communities Initiative may be the least likely to have responded comprehensively to a census. APTA wonders whether a fourth definitional node (d) might be warranted for any communities that might seek to demonstrate their need based on the categories of disadvantage notwithstanding that the communities may be in a census tract that does not qualify as disadvantaged under USDOT’s current approach.

APTA suggests that, to the extent such information is available, “disadvantaged communities” could include those disadvantaged due to a lack of affordable housing and the presence of homelessness. Many of USDOT’s funding programs for public transportation now require the planning efforts include focus on housing and this change would be consistent with the BIL’s focus.

2. *Technical Assistance*: APTA understands that the focus of the RFI is on “disadvantaged communities” yet frequently OST utilized the term “community” freely, as in the case of the defined term “Technical Assistance.”

“Communities” itself is not a defined term and APTA wonders whether there is an intentional distinction between communities that are eligible to receive technical assistance and the communities that should benefit from technical assistance under this program. If that is the case, APTA agrees with that approach and presumes both “communities” and “disadvantaged communities” are eligible to receive “technical assistance.”

However, APTA may wish to qualify its intent by adding to the end of the definition, immediately after “transportation plans and projects,” the phrase “that benefit disadvantaged communities.”

3. *Eligible applicants*: Though not a defined term, USDOT has indicated that eligible applicants include “philanthropic entities, non-profit organizations, other federal agencies, state or local governments and their agencies, Indian Tribes, or *other technical assistance providers*.” (emphasis supplied). This last

term is quite broad. APTA envisages that “technical assistance providers” available for TCI grants could include transportation consultants, Architecture / Engineering (A/E) firms, training institutes, regional accelerators, and organizations such as APTA itself and hopes USDOT will specify this as TCI is developed. APTA suggests USDOT consider allowing private-sector firms, such as consulting or A/E firms and/or organizations, to apply for provision of technical assistance funding, either solo or in a joint venture with a government partner, to provide pro bono planning and grant-writing services for their local community. An alternative would be for USDOT to consider funding for a firm or team of firms to operate citizen “planning academies” for historically disadvantaged communities. USDOT could set documentation and performance requirements that track the number of communities served and services provided, rather than linking pay and performance to specific grant-funded projects.

APTA respectfully suggests plentiful funding is already available to “other federal agencies, state or local governments and their agencies,” and that technical assistance grants under TCI should be prioritized for the other entities referenced.

Notably, “communities” and “disadvantaged communities” are not identified as eligible applicants meaning that such communities would need to have formed a philanthropic or non-profit entity to directly receive a grant intended to benefit them.

APTA looks forward to further clarification on the set of applicants eligible to receive grants.

### ***Determining Technical Assistance and Capacity Building Needs***

#### ***1. What are the greatest barriers to disadvantaged communities in pursuing Federal transportation funds and delivering transportation projects, particularly for rural, tribal, and smaller jurisdictions that technical assistance could help address?***

##### ***Eligibility and Representation***

Rural and tribal jurisdictions in census tracts outside of an urbanized areas would benefit from a closer association or partnership with a Metropolitan Planning Organization (MPO), which often is the most technically and financially capable entity to champion their projects regardless of whether they are rural or tribal. MPOs acting as regional accelerators for rural and tribal jurisdictions is critical for smaller, less visible, and less politically connected community projects to move forward.

We note that “communities” and “disadvantaged communities” are not by themselves eligible grant recipients and do not appear to be eligible to pursue TCI grants. That, in itself, is a barrier to pursuing federal funds and delivering projects. No amount of technical assistance can address this.

If “communities” are legally organized within an eligible grant recipient, such as a city or county, that community must compete with other highly visible and more politically viable projects for federal dollars, whether formula or discretionary. If their city or county is not already a direct recipient of federal funds, these communities then must lobby their states for federal dollars among an even larger set of competing projects. While TCI technical assistance might take the form of learning to lobby cities and states (but not members of Congress) to push their projects, APTA respectfully submits that it is USDOT that holds the most sway over direct recipients electing to nominate smaller projects benefitting disadvantaged

communities for funding. For example, just issuing the TCI RFI has encouraged some of our members to quickly coordinate with representatives within the state and local legislature to see how coordinated efforts under TCI might work. From a policy perspective, nothing speaks louder than USDOT telegraphing the President's priorities in accomplishing hard to complete policy goals. Regardless of next steps on the TCI, APTA is hopeful that lasting connections and momentum toward prioritizing disadvantaged communities has already been made.

It is important to note, however, that even if "communities" could be deemed subrecipients under 2 Code of Federal Regulations part 200, these communities do not, and likely never will be, capable of meeting the federal requirements associated with becoming an applicant for a grant or becoming a "subrecipient," even with technical assistance. (Additional comments on this topic are included below.) Thus, direct recipients will likely also be tasked with either carrying out the projects or identifying subrecipients that are willing to. The oversight and administrative effort involved with overseeing subrecipients is already a significant burden for direct recipients, particularly since many are currently suffering from workforce shortages.

Projects specific to disadvantaged communities may be smaller than the minimum project size required to be eligible for a grant or credit program. This problem is compounded by the fact that cities and/or transit agencies generally do not pick small projects to apply for federal funding. Direct recipients should be encouraged when applying for grants to demonstrate that they have sought out projects benefitting disadvantaged communities in order to include smaller projects with a logical nexus with their projects and capital programs.

With respect to access to credit programs administered by the Build America Bureau, "communities" appear to be eligible for TIFIA but, without support from a city, county, or state, would not be eligible for RRIF, which provides a far greater share of costs than TIFIA. More importantly, it is unlikely that "communities," unless organized into a legal entity, would satisfy the legal requirements necessary to obtain credit under either program, never mind creditworthiness requirements. Use of any BAB credit programs would likely need to be through bundling smaller projects with larger projects, particularly through a TOD project. Here, again, USDOT could incentivize railroads to leverage the highway-railroad crossing elimination grant program with RRIF to eliminate or make safer railroad crossings in rural or underserved communities.

APTA recommends that USDOT focuses efforts on highlighting and socializing the TIFIA State Infrastructure Bank (SIB) program for this and other Justice40 initiatives. States could be incentivized to access the program to maximize the amount of funding that becomes available to projects through a single, rather than multiple, loan applications.

#### *Grant Requirements*

Grant requirements applicable to recipients and subrecipients may be impracticable or impossible for the types of entities envisioned to receive grants under the Thriving Communities Initiative to satisfy. USDOT could consider waiving, in whole or in part, non-statutory requirements for such grants. Requirements that might be suitable for such waivers could include:

- Amount of non-federal share
- Financial and technical capacity

- Audit requirements
- Approved civil rights plans (EEO, DBE)

Reducing the burden of grant development for entities envisioned to receive grant under the Thriving Communities Initiative could encourage increased interest. For example, limiting the application requirements to federally available datasets when possible.

Smaller communities and sub-jurisdictions like neighborhoods could have a challenge in identifying or procuring local match for discretionary grants due to the lack of control of local tax receipts, insufficient political power, underrepresentation in their local city, county, or transit district, or other factors. To address this concern APTA suggests:

- Do not require a local match for TCI grants or allow some portion of formula funds to be used as match for such grants
- Allow in-kind services (i.e., hours of staff time, land donation, etc.) to count as the sole local match for projects benefitting disadvantaged communities

Additionally, USDOT could work with other federal agencies, like HUD and EPA, to streamline and harmonize requirements and administration of federal grants that might be bundled to fund a project in a disadvantaged community.

***1. (cont.) What information and resources would help disadvantaged communities and local organizations pursue Federal transportation funds?***

***Tangible Resources***

Disadvantaged communities may not have tools fundamental to receiving technical assistance. They may require computers, broadband connection, office space and supplies to even be able to function on a level necessary to receive technical assistance from USDOT or other entities. Technical assistance grants under TCI could include provision of (or in-kind match credit for the provision of) such tools by the entities providing technical assistance. For example, if a consultant or training institute such as NTI were to receive a TCI grant, it may choose to stand up an office that communities can utilize whilst receiving technical assistance over a longer period than for the typical week-long course. Travel and housing for the grantee would also need to be included. These costs should be eligible.

***Visibility into Available Grant Programs***

Communities and disadvantaged communities also may need an overview of USDOT federal programs, to include those from all modal agencies and BAB. Regional and division offices might be able to host and provide this training and assistance in cooperation with TCI grant recipients.

Direct DOT recipients and even transportation consultants may be less likely to be familiar with the grants that are available from other federal agencies, such as HUD, EPA, etc., and the architecture of those grant structures. Technical assistance and outreach will ideally include a primer on these grants as well as USDOT grants and again, regional and division offices of these other federal agencies could assist in this regard.

Additionally, non-traditional grant recipients will need training on the requirements that will apply to the TCI grants and other DOT systems implicated in administering, managing, and reporting on the grants. Other federal agencies could also speak to their grant requirements and administrative systems.

APTA recognizes that such efforts by USDOT and other federal agencies may require expending administrative funds, but APTA hopes that these funds will not need to come from the \$25 million available under TCI.

APTA recognizes the importance of USDOT's Navigator site and believes it is a great step towards transparency and reducing knowledge barriers to applying for grant funds. The Navigator homepage is simple, attractive, and easy to navigate. However, beyond the main page, many of the sub-pages and links to technical content are written in a complex manner and contain dense information. APTA suggests USDOT consider using graphics, recorded presentations and animations, or other multimedia tools that provide a summary overview of the content on each page with a set of directions. US DOT may also want to consider the use of an interactive chatbot or other similar tool to curate queries and assist the average person in finding targeted information.

APTA appreciates and applauds the links to multiple online maps the Navigator site includes, however, these links are in a submenu making them harder to find. APTA suggests moving these mapping resources to a more prominent location and providing a more direct link in its materials. These resources are valuable for developing grant applications, particularly for communities not familiar with USDOT's web site.

***2. What types of technical assistance would be most useful or not useful to organizations serving or located in disadvantaged communities to work with local and state transportation agencies advance transportation projects that improve mobility, safety, economic development, equity outcomes and environmental issues? Are there particular issues that current DOT technical assistance programs do a good job of addressing?***

APTA recommends USDOT evaluate the efficacy of the FTA-Sponsored Technical Assistance Centers program to see if these programs could be expanded upon and combined with this TCI effort. Such an evaluation could suggest adjustments, improvements, and best practices for the provision of technical assistance to disadvantaged communities in areas not able to access these technical assistance centers.

APTA suggests that utilizing existing tools and resources to provide technical assistance through workshops or learning academies, both group and individual, is a critical first step in educating non-traditional recipients and disadvantaged communities on the metropolitan and statewide planning processes, National Environmental Policy Act (NEPA), public outreach, procurement strategy and contracting with A/E firms and contractors. NTI already offers comprehensive courses in 2 CFR part 200, the federal acquisition regulations, and other foundations for success in delivering projects with federal dollars.

Technical assistance through workshops or learning academies with subrecipients and represented disadvantaged communities to inform them and work directly with them on idea generation, plotting the roadmap for applying, grant development support, implementation of awarded project, and grant administration requirement support. This role could also be supported by USDOT-trained Disadvantaged

Business Enterprises (DBEs) that work within the applicable community and know the population, the geography, and its challenges.

TCI grants could pay for the cost of technical assistance providers to offer classes tuition-free. All NTI training programs could be offered tuition-free with a grant to NTI. Travel, lodging and MIE could also make attendance at such workshops possible for disadvantaged communities. Workshops should be offered in a wider range of geographic areas to include more rural, tribal, and underserved neighborhoods within urbanized areas. This would multiply the impact of the TCI grant by injecting capital into the businesses within the very communities the TCI program is designed to help.

Public involvement and outreach necessary during planning and NEPA is a discrete topic that non-traditional TCI grantees should be trained on. APTA suggests that the State DOT, the MPO, or regional DOT offices and divisions could be a facilitator and presenter on these topics.

Technical assistance should also focus on partnering multiple communities within an area to bundle smaller projects, so that they may be submitted as a package eligible for grants not just from US DOT but from other federal sources, such as HUD, Education, Energy, so that the effect would be to radically transform a community in a single effort over an abbreviated period with economies of scale working to keep prices lower.

***3. How can DOT better provide project sponsors with technical assistance in support of competitive grants and credit program opportunities including: innovative finance tools, credit worthiness evaluation, benefit cost analyses, civil rights requirements, public engagement, and risk assessments; and are there particular challenges disadvantaged communities face in these areas that need to be addressed?***

Expansion of TIFIA Lite could be a positive development for projects in disadvantaged communities. These communities' ability to influence the cities, counties, and states in which they are situated is ultimately a barrier to obtaining such credit for their projects. A TIFIA Lite program that has a lower threshold and simpler process would allow more communities access.

***4. What other information should DOT consider as it creates new technical assistance and capacity building programs through the Bureau, particularly to support disadvantaged communities in identifying, designing, developing, financing, and implementing projects that can be supported through IIA funding opportunities and programs?***

APTA encourages USDOT to investigate the potential of utilizing SIBs as an effective means to funding projects in disadvantaged communities more directly. Additionally, SIBs providing funding to disadvantaged community infrastructure banks could be encouraged, which would increase the wealth, available capital, and power within the community.

***Approaches and Methods to Delivering and Evaluating Technical Assistance and Building Capacity***



***5. What technical assistance delivery models (Federal or non-Federal; direct grants or through service providers) have you found to be the most beneficial to building sustained capacity in disadvantaged communities, and to reducing the burden for disadvantaged communities to access these resources? What resources, technical assistance and training have you found to be the most beneficial to building sustained capacity in disadvantaged communities? Further, given that DOT has provided technical assistance directly through its regional, field, division, and headquarters staff; through third party contractors and Centers; through grants directly to communities; and through a variety of mediums, please provide feedback on which of these you have found, or believe to be, the most effective models and why.***

Regular and cost-effective community engagement with state departments of transportation, city and county governments, transportation agencies and even the private sector is important for all communities desiring to develop and implement transportation projects within the bounds of an overarching jurisdiction. They need to understand how such projects are implemented, under what federal, state, and local laws, and steps to develop them from a planning and procurement perspective.

Public agencies face resource constraints and opportunity gaps in community engagement and would benefit from USDOT providing technical assistance in developing ‘best practices’ guidance/toolkits for centering equity and hard-to-reach communities in all its engagement efforts. USDOT should also consider providing sustained funding support to transportation agencies to help address resource and technical capacity constraints that limit their ability to undertake comprehensive community engagement, especially with low-income residents, people of color, and limited and non-English proficient individuals.

For example, there are more than 800 community-based organizations (CBOs) and local government entities in the Washington, D.C. area and Washington Metropolitan Area Transit Authority’s current communication with CBOs is primarily through email. Metro often receives requests from CBOs for staff to attend community events and provide information, particularly via bi-lingual or multilingual staff, but Metro is largely unable to accommodate these requests due to a lack of staff resources and funding. If Metro had sufficient resources to support an expanded community engagement program, it could deploy a CBO partnering strategy led by dedicated outreach staff that would facilitate building and maintaining meaningful relationships. That type of consistent engagement requires building and proactively maintaining relationships and trust with community leaders. - and that scale of engagement would require substantial staff time and resources in competition for highly constrained operating funds. An existing model for this type of program is LA Metro’s Community-Based Organization Partnering Strategy.

Further, Metro does not have a mechanism to pay community-focused groups to supplement our outreach efforts or conduct outreach for us, which can increase participation. While many agencies are making this adjustment, Metro would benefit from technical assistance that would result in 1) more equitable engagement practices; 2) improved results by leveraging the expertise of embedded leaders; and 2) supporting community-focused groups in the region. For example, the [Seattle Department of Transportation partners direction with community organizations on outreach efforts](#).



***6. How could technical assistance programs be designed to support the involvement and capacity building of disadvantaged business enterprises (DBEs), local contractors, and community organizations who may also be important partners?***

APTA believes that capacity building in DBEs, local contractors, and CBOs should be key to Thriving Communities Initiative. These entities are often closest to the communities they serve, and therefore could be a resource for USDOT. Providing funding for services to these entities to assist with the outreach and education of available grants, support in connecting the communities to eligible recipients / subrecipients development and ensuring the communities interests would build capacity in these entities while reaching more disadvantaged communities than the USDOT could alone.

DBEs and local contractors can be challenged by the requirements of the federal procurement and payment process, and few CBOs have the administrative and financial systems in place to be compensated. Some modifications in federal procurement for contracts below a certain threshold, partial waivers, or warrants related to the Thriving Communities Initiative could be considered to reduce this burden.

APTA has joined public agencies across the country committed to increasing the number, size and proportion of contracts going to Historically Underutilized Businesses (HUBs) in the infrastructure space through Equity in Infrastructure (EIP). Through the EIP pledge, entities like APTA and public agencies commit to actions that advance the mission to build generational wealth and reduce the racial wealth gap by creating more prime, joint venture and equity contracting opportunities for HUBs. EIP also works with federal, state, and local government, as well as NGOs and the private sector. USDOT could work with EIP and APTA on advancing capacity building.

***7. How can interagency coordination between Federal, state, and regional offices enhance the delivery and impact of technical assistance efforts?***

APTA applauds the OST and USDOT for the focus on coordination across federal agencies like HUD and EPA and encourages the USDOT to continue these efforts, especially in relation to looking for best practices for streamlining the grant application and administration for projects that benefit disadvantaged communities.

***8. How should DOT evaluate the effectiveness of its place-based technical assistance programs and what data should it collect to assess its impact?***

APTA suggests evaluating the effectiveness through a variety of outcomes or key performance indicators, but crucial is the shifting to more equitable outcomes.

We appreciate the opportunity to comment and look forward to further collaboration with USDOT in this important endeavor. For additional information, please contact Linda Ford, APTA General Counsel, at (202) 496-4808, or [lford@apta.com](mailto:lford@apta.com).

Sincerely yours,

Docket Clerk  
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