



**AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
SMALL OPERATIONS COMMITTEE**

Spring Meeting at the Legislative Conference

March 13, 2022

11:30 pm EST

Agenda

Officers:
Allan Pollock – Chair
Alex Clifford – Vice Chair
Louwana Oliva – Secretary
Jeanne Krieg – Past Chair

- | | |
|---|----------------------|
| 1. Welcome | Allan Pollock, Chair |
| 2. Legislative Update | Mark Hybner |
| • TA Fleet Transition Plan for Zero Emission
Competitive Applications | |
| 3. Update on TSA Mask Mandate | Dave Carol |
| 4. Priorities Work Groups Update | |
| • Committee By-Laws Review | Alex Clifford |
| • Workforce Shortages and Challenges | Alex Clifford |
| • Legislative/Regulatory Issues | Allan Pollock |
| • Alternative Fuels Implications for Small Operators | |
| • Small Ops Session at the Mobility Conference | Allan Pollock |
| 5. Open Discussion | All |
| • FMCSA’s ELDT regulations – how are agencies
dealing with it now that we’ve been into it for a month+ | |
| • Parts and bus delivery delays - are you experiencing
and any successful remedies | |
| 6. Adjourn | |

Next Monthly Meeting: April 25, 2022



U.S. Department
of Transportation

**Federal Transit
Administration**

Administrator

December 1, 2021

1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Colleague:

This letter provides an update regarding the Federal Transit Administration's (FTA) implementation of the Grants for Buses and Bus Facilities Competitive Program (49 U.S.C. § 5339(b)) and the Low or No Emission Program (49 U.S.C. § 5339(c)). The Bipartisan Infrastructure Law (BIL), Pub. L. 117-58, signed by the President on November 15, 2021, amended the statutory provisions for these programs to include the requirement that any application for projects related to zero-emission vehicles include a Zero-Emission Transition Plan.

It is FTA's intent, through this letter, to provide information in advance of the Notice of Funding Opportunity (NOFO) for these programs so applicants may better prepare documentation to meet this requirement.

A Zero-Emission Transition Plan must, at a minimum:

1. Demonstrate a long-term fleet management plan with a strategy for how the applicant intends to use the current request for resources and future acquisitions.
2. Address the availability of current and future resources to meet costs for the transition and implementation.
3. Consider policy and legislation impacting relevant technologies.
4. Include an evaluation of existing and future facilities and their relationship to the technology transition.
5. Describe the partnership of the applicant with the utility or alternative fuel provider.
6. Examine the impact of the transition on the applicant's current workforce by identifying skill gaps, training needs, and retraining needs of the existing workers of the applicant to operate and maintain zero-emission vehicles and related infrastructure and avoid displacement of the existing workforce.

FTA acknowledges that applicants may already have this information available. However, applicants should consolidate this information into a single document for the purpose of applying for zero-emission vehicles under the Grants for Buses and Bus Facilities Competitive and Low or No Emission Programs.

The cost of developing a transition plan is eligible under the planning programs (49 U.S.C. § 5305) as well as under the urbanized area formula (49 U.S.C. § 5307) and rural area formula programs (49 U.S.C. § 5311). When developing their transition plan, transit agencies may want to consider the information contained in the Guidebook for Deploying Zero-Emission Transit Buses recently published by the Transit Cooperative Research Program (<http://nap.edu/25842>).

Transit agencies can consider the flexibilities and Federal funding share FTA provides. For example, FTA's guidance permits agencies to include vehicles that have met their minimum useful life in their contingency fleet if an agency is introducing zero-emission vehicles into its fleet, and those vehicles are not included in the calculation of spare ratio. In addition, the Federal share of the cost of leasing or purchasing a zero-emission transit bus is not to exceed 85 percent of the total transit bus cost, and the Federal share in the cost of leasing or acquiring low- or no-emission bus-related equipment and facilities is 90 percent of the net project cost.

FTA is committed to working with you to successfully deliver projects that support public transportation in America's communities. We look forward to our continued partnership in accomplishing this common goal.

If you have any questions, please contact your FTA Regional Office.

Sincerely,

A handwritten signature in blue ink, reading "Nuria I. Fernandez". The signature is written in a cursive style with a large, stylized initial "N".

Nuria I. Fernandez



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.