



Legislative Update

This year, APTA is focused on three major initiatives:

- **aggressively advocating for public transportation investments** in the Fiscal Year (FY) 2024 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill (THUD Appropriations bill);
- **actively working to ensure successful implementation of the Infrastructure Investment and Jobs Act (IIJA)** (P.L. 117-58), commonly referred to as the Bipartisan Infrastructure Law, **and the Inflation Reduction Act** (P.L. 117-169); and
- **carrying out a holistic advocacy outreach effort** to every new and returning Member of Congress in the 118th Congress.

Aggressively Advocating for Public Transportation Investments in the FY 2024 THUD Appropriations Bill

In December 2022, Congress enacted the Consolidated Appropriations Act, 2023 (P.L. 117-328), which includes the FY 2023 THUD Appropriations Act (Division L). The THUD Appropriations Act appropriates an overwhelming majority of public transit and passenger rail authorizations of the Infrastructure Investment and Jobs Act (IIJA), commonly referred to as the Bipartisan Infrastructure Law.

Specifically, the THUD Appropriations Act, together with the advance appropriations of the IIJA, provides a total of **\$21.2 billion** for public transit in FY 2023, an increase of \$704 million from the FY 2022 enacted level. This total appropriation is \$66 million less than the total amount authorized in the IIJA. The THUD Appropriations Act and IIJA also include **\$16.6 billion** for passenger and freight rail, an increase of \$69 million from the FY 2022 enacted level. This total appropriation is \$3.2 billion less than the amount authorized in the IIJA. In addition, the Consolidated Appropriations Act and IIJA allocate **\$2.3 billion** for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) competitive grants and **\$214 million** for the Federal Transit Administration's (FTA) Public Transportation Emergency Relief Program (49 U.S.C. § 5324) to provide financial assistance for public transit systems affected by major declared disasters.

This year, APTA urges Congress and the Biden-Harris Administration to harness the potential of the Bipartisan Infrastructure Law by fully funding public transportation in the FY 2024 THUD Appropriations bill. Specifically, we urge Congress and the Administration to:

- **provide at least \$21.6 billion for public transit and \$20.2 billion for passenger rail in FY 2024;**
- **streamline project delivery by enacting commonsense regulatory reforms** (e.g., expediting Capital Investment Grant (CIG) review; simplifying Commercial Driver's License requirements); and
- **create a new Mobility Innovation and Technology Initiative** to integrate new mobility solutions into public transit networks. In APTA's 2019 Surface Transportation Authorization Recommendations, we recommended a new Mobility Initiative as a top priority. Regrettably, Congress did not enact it as part of the IIJA, and we urge Congress to advance this Mobility Initiative in the 118th Congress.

Working to Ensure Successful Implementation of the Infrastructure Investment and Jobs Act and the Inflation Reduction Act

IIJA

On November 15, 2021, President Biden signed the IIJA into law. The IIJA provides **\$108.2 billion** for public transit over five years (FY 2022 through FY 2026), an increase of **\$42.4 billion (64 percent)** from current levels. These historic increases in public transit investments include \$91.2 billion of guaranteed funding (i.e., contract authority and advance appropriations) and \$17.0 billion of General Fund authorizations for CIG and other grants.

The legislation also provides **\$102.1 billion** for passenger and freight rail over five years, an increase of **\$86.7 billion (561 percent)** from current levels. These historic passenger rail investments include \$66 billion of guaranteed funding (advance appropriations) and \$36.1 billion of General Fund authorizations for Amtrak and other programs. In addition, the IIJA includes significant funding for multimodal investments (e.g., Rebuilding American Infrastructure with Sustainability and Equity (RAISE) and Mega grants) that include public transit and passenger rail as essential elements.

APTA is actively working with the U.S. Department of Transportation (DOT) toward successful implementation of the IIJA. In the first 15 months since enactment of the legislation, **DOT has advanced competitive grants totaling more than \$30 billion that include public transit and passenger rail eligibility.** DOT and its modal agencies have awarded **\$8.6 billion** for Low and No Emission Bus grants, Buses and Bus Facilities grants, RAISE grants, and other programs. In addition, DOT and its agencies have issued Notices of Funding Opportunities (NOFOs) for **\$21.5 billion** of additional competitive grants that include public transportation eligibility.

In addition, DOT, FTA, the Federal Railroad Administration, and other agencies have issued Notices of Proposed Rulemaking, Guidance, Dear Colleague letters, and Requests for Information regarding IJIA implementation. APTA has actively engaged in this regulatory process and provided numerous comments on IJIA implementation, including comments on Buy America, CIG, Public Transportation Agency Safety Plan Safety Requirements, and Railroad Capital Projects.

To assist APTA members in tracking IJIA funding apportionments and competitive grant opportunities and policy actions, APTA has developed a [Smart Guide to the Bipartisan Infrastructure Law and Inflation Reduction Act](#). The APTA Smart Guide includes funding and apportionment tables, section-by-section analyses, and DOT guidance, regulations, and NOFOs. The Smart Guide also includes advocacy and media toolkits to help APTA members tell their Bipartisan Infrastructure Law success stories. In addition, APTA has developed a [Regulatory Matrix](#) to track all regulatory and other administrative actions.

Inflation Reduction Act

On August 16, 2022, President Biden signed the Inflation Reduction Act of 2022 into law. The Act incorporates numerous important provisions that benefit public transportation, including alternative fuel tax credits and significant new investments in climate, zero-emission technology, equity, and environmental streamlining. The Inflation Reduction Act:

- extends the excise tax credits for alternative fuels, biodiesel, and renewable diesel;
- expands and substantially restructures the alternative fuel vehicle property credit;
- establishes a new commercial clean vehicle tax credit; and
- provides significant new investments in climate, zero-emission technology, equity, and environmental review, including \$27 billion for a Greenhouse Gas Reduction Fund; \$3.2 billion for Neighborhood Access and Equity Grants; and \$2 billion for Low-Carbon Transportation Materials Grants.

APTA is actively working with DOT, the U.S. Department of the Treasury, and the Environmental Protection Agency (EPA) on efficient implementation of the Inflation Reduction Act. In particular, APTA is focused on successful delivery of the new commercial clean vehicle tax credit and the new grant programs. Section 13403 of the Act creates a new tax credit (up to \$40,000) for commercial clean vehicles (e.g., zero-emission buses). Commercial clean vehicles include battery electric and fuel cell vehicles. This 10-year tax credit took effect in 2023. The section requires the Secretary of the Treasury to issue regulations or guidance as necessary to implement the provision. APTA is actively working to ensure that public transit agencies may benefit from this provision and receive a direct payment in lieu of a tax credit.

APTA is also working with agencies on implementation of several new programs created by the Inflation Reduction Act. For example, APTA wants to ensure public transportation eligibility under the new **\$27 billion** Greenhouse Gas Reduction Fund, administered by EPA. Under the program, EPA will make competitive grants, loans, other financial assistance, and technical assistance

available to states and local governments to enable communities, particularly low-income and disadvantaged communities, to reduce or avoid greenhouse gas emissions and deploy or benefit from zero-emission technologies.

Carrying Out a Holistic Advocacy Outreach Effort to the New Congress

Finally, APTA is carrying out a comprehensive outreach effort to every new and returning Representative and Senator in the 118th Congress, including:

- Sending each Member of Congress, totaling 541 offices, a personalized packet that contains background information about the public transportation industry; a copy of their Congressional District or State Transit Industry Footprint; and APTA's legislative priorities.
- Meeting with each new Member of Congress to ensure that they understand our industry and APTA's priorities for the 118th Congress.
- Urging all APTA members to contact their new and returning Members of Congress to:
 - introduce themselves;
 - outline the role that public transportation plays in your community and the nation's economy; and
 - educate them on the need to harness the potential of the Bipartisan Infrastructure Law by fully funding public transportation in the FY 2024 THUD Appropriations bill.

In addition, we are launching a new advocacy strategy focused on grassroots outreach. As part of this effort, we continue to expand APTA's grassroots advocacy tools, such as APTA's Industry Footprint and Advocacy Engagement tools.