



LEGISLATIVE UPDATE

APTA is focused on three major initiatives in fall 2022:

- aggressively advocating for public transportation investment in the 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
- preparing a holistic outreach effort to every new and returning Representative and Senator in the new Congress, which begins in January 2023.

Aggressively Advocating for Public Transportation Investment in the THUD Appropriations Bill

In September 2022, Congress passed and President Biden signed the Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023 into law (P.L. 117-___). The Act provides continued funding for the federal government, including public transportation programs, at Fiscal Year (FY) 2022 funding levels through December 16. After the midterm elections, Congress may develop an Omnibus Appropriations bill that includes the 12 separate appropriations bills.

With regard to the THUD Appropriations bill, APTA is aggressively advocating that Congress provide the highest possible funding for public transportation and that it complete action on a bipartisan, bicameral agreement this fall. In March 2022, Congress provided \$20.5 billion for public transit in FY 2022, an increase of \$7.6 billion (58 percent) from the FY 2021 enacted level. Congress also provided \$16.6 billion for passenger and freight rail, an increase of \$13.7 billion (475 percent) from the FY 2021 enacted level.

In July 2022, the House of Representatives passed its THUD Appropriations bill (H.R. 8294), and the Senate introduced its companion version of the bill (S. 4670). Both the House and Senate THUD Appropriations bills appropriate the overwhelming majority of public transit and passenger rail authorizations of the IIJA. However, the House THUD Appropriations bill provides significantly more public transit and passenger rail funding than the Senate bill.

The House THUD Appropriations bill, together with the IJA's advance appropriations, provides **\$21.7 billion** for public transit in FY 2023, which exceeds the IJA authorization and is an increase of **\$1.2 billion (6 percent)** from the FY 2022 enacted level. The House bill provides **\$621 million** more for public transit than the Senate bill. The primary difference between the bills is funding for Capital Investment Grants (CIG). The House bill provides \$3.0 billion for CIG, equal to the IJA authorization, which is more than \$500 million more than the Senate THUD appropriation.

The House THUD Appropriations bill, together with advance appropriations, provides **\$17.1 billion** for passenger and freight rail in FY 2023, an increase of **\$489 million (3 percent)** from the FY 2022 enacted level. The House bill provides **\$164 million** more for passenger rail than the Senate bill. The House bill provides more funding for the Federal-State Partnership for Intercity Passenger Rail Grants and the Senate bill provides more funding for Amtrak Northeast Corridor grants. Both bills provide less than the \$19.9 billion authorized for passenger and freight rail in the IJA.

In addition, both House and Senate THUD Appropriations bills include important policy provisions. Both bills block the Rostenkowski Test to prevent a possible across-the-board cut of FY 2023 transit formula funds to each public transit agency. Both bills also prohibit the U.S. Department of Transportation (DOT) from impeding or hindering a project from advancing or approving a project seeking a CIG federal share of more than 40 percent. Finally, the Senate THUD Appropriations bill allows Consolidated Rail Infrastructure and Safety Improvements (CRISI) grants to be used for commuter railroad projects that implement or sustain positive train control systems. The House THUD Appropriations bill does not authorize commuter rail project eligibility for CRISI funds.

APTA is aggressively advocating that the FY 2023 THUD Appropriations bill fully fund the IJA and provide additional resources for targeted investments. APTA also urges Congress to appropriate at least **\$129 million** of emergency appropriations to the Federal Transit Administration's (FTA) Public Transportation Emergency Relief program (49 U.S.C. § 5324) to help public transit agencies offset the significant costs of providing emergency transportation services, rebuilding damaged infrastructure, and replacing vehicles destroyed from recent natural disasters, including floods, hurricanes, wildfires, and earthquakes. APTA continues to collect additional information from public transit agencies on unmet funding needs as a result of recent natural disasters.

Working to Ensure Successful Implementation of the Bipartisan Infrastructure Law and the Inflation Reduction Act

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 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 \$66.0 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 (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 DOT on implementation of the Bipartisan Infrastructure Law. This year, APTA expects DOT to **advance \$18.4 billion of FY 2022 competitive grants** that include public transit and passenger rail eligibility, including:

- **Awards (\$5.5 billion).** To date, DOT and FTA have awarded \$5.5 billion of competitive grants, including \$2.3 billion for RAISE grants; \$1.1 billion for Low and No Emission Bus grants; \$547 million for Buses and Bus Facilities grants; and \$1.5 billion for INFRA grants.
- **Notices of Funding Opportunities (NOFOs) (\$5.3 billion).** DOT, FTA, and the Federal Railroad Administration (FRA) have issued numerous NOFOs for an additional \$5.3 billion of competitive grants that include public transportation eligibility, including: \$1.0 billion of Mega grants, \$350 million of All Stations Accessibility Program grants, and \$573 million for Railroad Crossing Elimination Grants.
- **Upcoming NOFOs (\$7.6 billion).** This fall, we expect FRA and FTA to issue an additional \$7.6 billion for competitive grants, including \$7.3 billion for the Federal-State Partnership for Intercity Passenger Rail program and \$300 million for the Rail Vehicle Replacement program.

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

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

Inflation Reduction Act

On August 16, 2022, President Biden signed the Inflation Reduction Act of 2022 into law. The Act includes 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;
- Extends 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 other agencies on implementation of the Inflation Reduction Act. In particular, APTA is focused on implementation 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 takes 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. This Fund will provide capital for both a national and state “green banks” to provide financial support for zero-emission technologies and projects that reduce or avoid greenhouse gas emissions. The Fund provides \$20 billion for a national green bank and \$7 billion to finance state and local green banks. 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.

Preparing a Holistic Outreach Effort to the New Congress

Finally, APTA is preparing a holistic outreach effort to every new and returning Representative and Senator in the 118th Congress, which begins in January 2023. At the beginning of the new Congress, APTA will undertake a comprehensive outreach effort that includes:

- 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 Representative and Senator 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 honor the IIJA and provide increased investment in public transportation.

APTA will also continue efforts to expand APTA's grassroots advocacy tools, such as APTA's Advocacy Engagement Tool.