



BUILDING BETTER TRANSIT

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Friday, January 7, 2022



U.S. Department of Transportation
Federal Transit Administration

Bipartisan Infrastructure Law

Significant Funding Increases



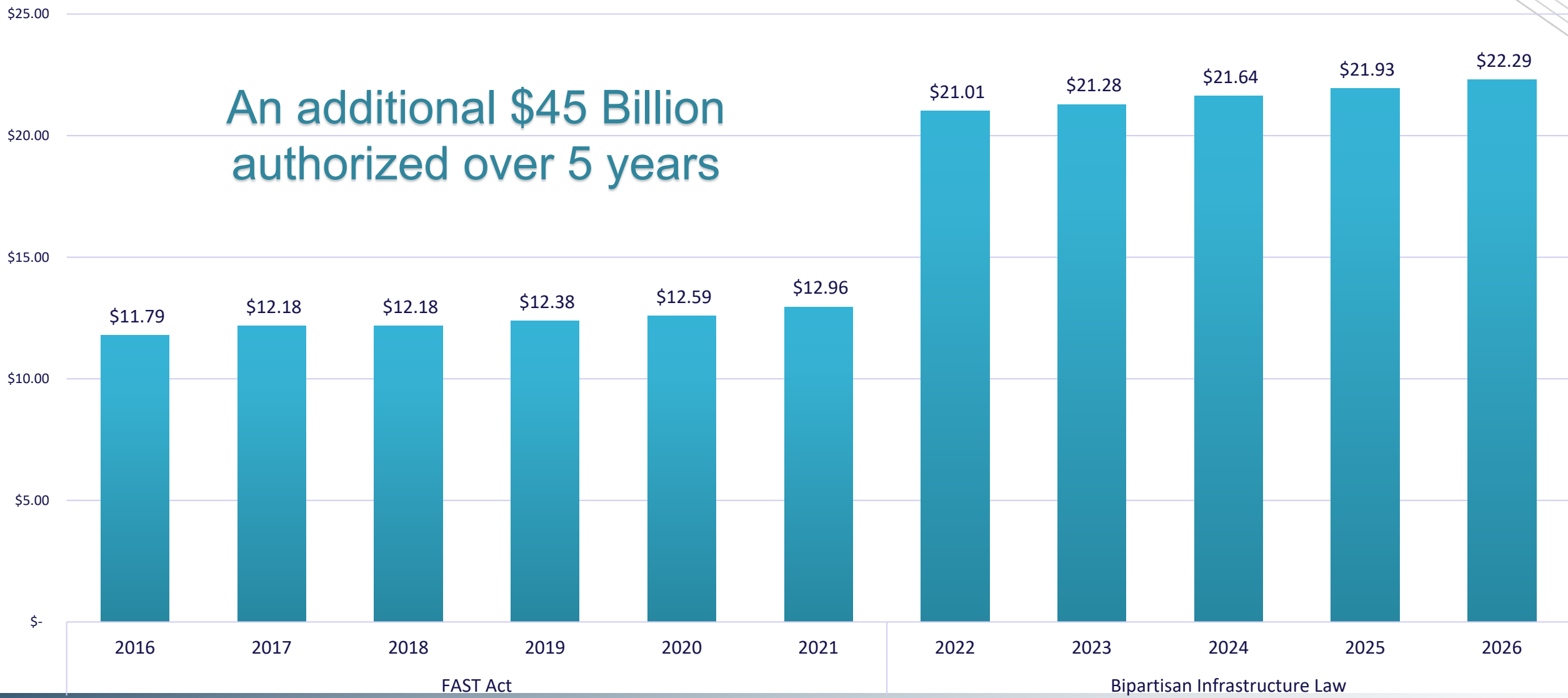
- Up to \$108 billion for public transit over five years
 - \$69.9 B from Highway Trust Fund
 - \$21.25 B in Advance Appropriations
 - \$17 B in Authorized Appropriations
- New and increased funding for State of Good Repair, Low or No Emission, and CIG Grants
- Continues existing structure for FTA programs focused on urban, rural, and targeted populations

New Grant Programs

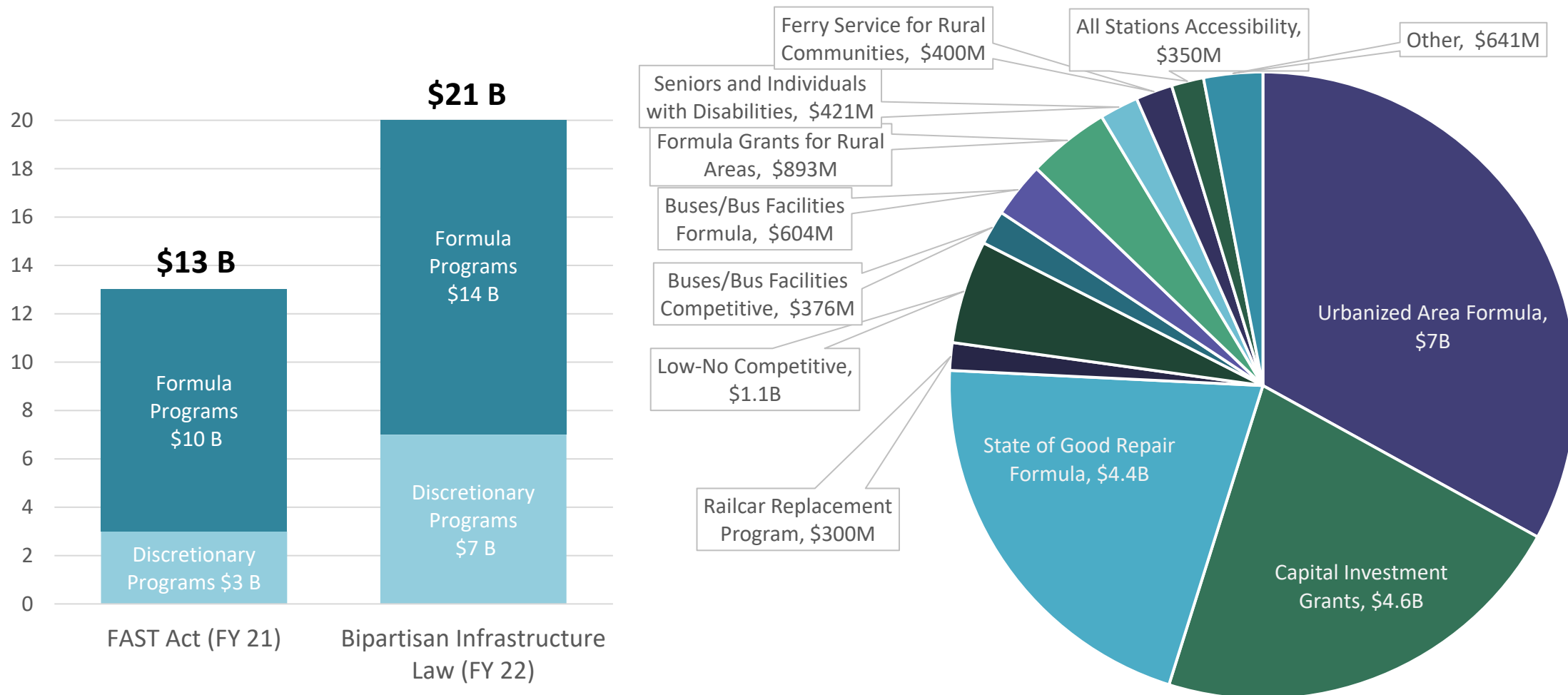


- Rail Vehicle Replacement Program
- All Station Accessibility Program
- Electric or Low-Emitting Ferry Pilot Program
- Ferry Service for Rural Communities

Increased Funding for Public Transportation



Increased Formula and Competitive Funding

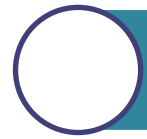


Note: Total funding shown includes authorized trust fund contract authority, authorized annual appropriations for FY22 and certain advance appropriations for FY22 enacted as a part of the Bipartisan Infrastructure Law. Annual appropriations are subject to Congressional action.

Apportionments and Funding Competitions

Full year funding not yet available – Continuing Resolution through Feb. 18, 2022

- **FY22 Apportionment Tables**
 - FTA plans to post a partial year apportionment based on Continuing Resolution levels by the end of January 2022
- **FY22 Apportionment Notice with Interim Guidance**
 - Guidance for transit agencies, applicants, and funding recipients
- **Notices of Funding Opportunity for 10 competitive programs**
 - Will be issued on a rolling basis; will combine to extent possible
 - NOFOs will contain program guidance for new programs
 - Buses & Bus Facilities and Low or No Emission Vehicle Program likely first to be issued
 - Schedule for some programs depends on timing of a full year appropriation



FTA Is Ready To Make History!

- FTA wants to continue the dialogue about the Bipartisan Infrastructure Law
 - Multiple FTA Listening Sessions conducted
 - Regional Office outreach
 - Meetings and discussions at conferences
- Ahead of passage, FTA had a running start on implementation
- Program Fact Sheets and website
- Guidance on program changes to be published
- FTA staff in Regions and in DC are ready and available to answer questions
- Technical Assistance will be provided on discretionary funding programs, fleet transition plans, additional sources of funding from within DOT



FTA Priorities for Implementation

FTA Bipartisan Infrastructure Law Priorities



Safety – The law will enable FTA to enhance state safety oversight programs by strengthening rail inspection practices to protect transit workers and riders from injuries and to ensure safe access to transit.



Modernization – Increased formula and competitive funding will begin to reduce the enormous state of good repair investment backlog in the nation's transit systems by repairing aging infrastructure and modernizing bus and rail fleets.



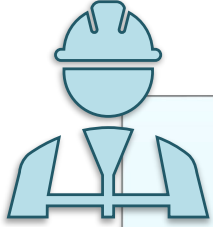
Climate – The law includes landmark investments to support the replacement of thousands of transit vehicles, including buses and ferries, with cleaner low- and zero-emission vehicles.



Equity – Investments in equity, including Justice40, will help eliminate transit deserts, improve connectivity to economic and social opportunities, ensure universal accessibility for people with disabilities, support minority and women-owned businesses, and reduce the disparity in quality and frequency of service in underserved communities.



FTA Priorities – Workforce and Rider Safety



Our Priorities

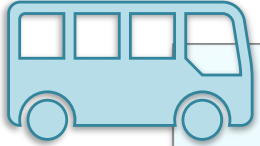
- Ensure the safety of the transit rider
- Ensure the safety of the transit workforce
- Ensure the safety of the general public

Strategies

- Collect data on safety incidents and operator assaults
- Provide additional training to transit agency staff
- Promote continued adoption of safety management systems
- Enhance oversight of safety requirements and regulations



FTA Priorities – Modernizing Transit Infrastructure



Our Priorities

- Ensure the availability of modern, safe, and efficient transit infrastructure
- Reduce the backlog of transit modernization investments

Strategies

- Provide funding to repair and replace aged and outdated transit infrastructure
- Promote equitable and climate friendly transit investments
- Incorporate new technologies
- Build and expand transit to serve growing communities and those without adequate mobility options



FTA Priorities – Addressing the Climate Crisis



Our Priorities

- Reduce carbon emissions from transit vehicles, infrastructure and construction
- Increase the resilience of transit systems to climate and extreme weather hazards
- Support the adoption of American-made low and zero-emission vehicle technologies

Strategies

- Focus discretionary investments on projects that address the climate crisis
- Technical assistance to support adoption of zero-emission vehicles
- Research and innovation investments



FTA Priorities – Improving Equity in Transit



Our Priorities

- Expand access and opportunity to underserved, overburdened, and disadvantaged communities
- Incorporate equity in transportation planning and funding decisions
- Increase social and economic opportunity through investments in equitable transit projects
- Justice40: Ensure that no less than 40% of the benefits of FTA investments reach underserved, overburdened, and disadvantaged communities

Strategies

- Support underserved, overburdened, and disadvantaged communities by:
 - Ensuring that planning organizations responsible for planning hear from these communities
 - Focusing discretionary investments on projects that promote equity
 - Directing technical assistance
 - Collecting data on the effects of transit service that can address historic inequities
 - Supporting minority and women-owned businesses



Program Areas Changed by the Law

Formula Programs

Competitive Programs

Planning

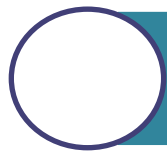
Environment

Capital Investment Grants Program

Safety

Research, Innovation, and Administration





Formula Programs

Urbanized Area Formula

- 30% increase to program funding levels from FY21 to FY22 (\$4.8B to \$6.3B)
- Increases the set-aside for Small Transit Intensive Cities from 2% to 3%
- Requires recipients in large UZAs to use at least 0.75% of their funds for safety-related projects eligible under the Urbanized Area Formula program (Section 5307)

Formula Grants for Rural Areas

- 30% increase to program funding levels from FY21 to FY22 (\$601M to \$781M)
- Provides \$229 million for Public Transportation on Indian Reservations over five years
- 20% of the Public Transportation on Indian Reservations funds must be distributed on a competitive basis, while the remainder must be apportioned by formula
- 3% of Rural Formula funding is available for the Appalachian Development Public Transportation Assistance program

Buses and Bus Facilities

- 30% increase to program funding levels from FY21 to FY22 (\$461M to \$599M)
- The Formula National Distribution is increased to \$4 million for each State and \$1 million for each territory
- Encourages use of Innovative Procurement tools, such as cooperative procurement contracts or state cooperative procurement schedules

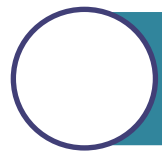


Competitive Programs: Changes to Existing

Buses and Bus Facilities Competitive and Low or No Emissions Competitive Programs

- 30% increase to authorized funding levels, plus additional \$1.1 billion per year for Low or No Emissions Competitive Grants
- Requires a Notice of Funding Opportunity (NOFO) be issued no more than 30 days after the passage of a full-year appropriation, and awards be announced 75 days after the NOFO closes or the end of the fiscal year the NOFO was issued, whichever is earlier
- An applicant that is submitting a project to both Low-No and Bus, or only Low-No, may propose partnerships with TVMs to satisfy the competitive procurement requirements
- Both require that for projects related to zero-emission buses, a zero-emission fleet transition plan must also be submitted with the application
- Not less than 25% of Low-No funding must be made available for low emission vehicles and related facilities
- 5% of funds used to purchase zero-emission vehicles or infrastructure must be utilized for workforce development unless the applicant certifies that less is needed to carry out their transition plan
- Minimum amount of rural funding has increased from 10% to 15% for the Buses and Bus Facilities Competitive Program





Competitive Programs: New Programs



Rail Vehicle Replacement Program

\$300M Per Year

Eligible Recipients:

- States and local government authorities

Eligible Activities:

- Replacement of rail rolling stock



Electric or Low-Emitting Ferry Pilot Program

\$100M Per Year

(\$50M of which subject to appropriations)

Eligible Recipients

- Will be identified in a NOFO

Eligible Activities:

- Electric or low-emitting ferries that use alternative fuel or onboard energy storage systems, related charging infrastructure



Ferry Service for Rural Communities

\$400M Per Year

(\$200M of which subject to appropriations)

Eligible Recipients:

- States for ferry service that operated a regular schedule at any time during five-year period ending March 1, 2020 and served at least 2 rural areas located more than 50 sailing miles apart

Eligible Activities:

- Capital and operating assistance



All Stations Accessibility Program

\$350M Per Year

Eligible Recipients:

- States and local government authorities

Eligible Activities:

- Upgrade legacy rail transit stations that remain inaccessible to individuals with disabilities

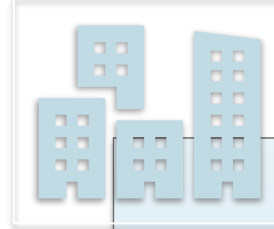


Planning



Metro & Statewide Planning

- Adds consideration of state and local housing patterns in the planning process
- Requires MPOs to ensure the consistency of data used in the planning process if more than one MPO is designated within an urbanized area
- Permits the use of social media and other web tools to encourage public participation in planning
- Requires MPOs to consider the equitable and proportional representation of the population of the planning area when designating officials
- Permits more than 80% federal share for planning in lower-density or lower-income portions of metropolitan or adjoining rural areas



Pilot Program for Transit Oriented Development

- Permits federal financing for site-specific and comprehensive planning for TOD

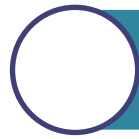


Environment

Environmental Programs

- Codifies “One Federal Decision” under “Major Project” references in FTA’s environmental statute
 - Applies to projects meeting the “Major Project” definition
 - Creates schedule expectations for Major Projects
- Establishes page limit for environmental impact statements (no more than 200 pages, unless the lead agency establishes a different page limit)
- Requires the lead agency calculate annually the average time taken by the lead agency to complete all environmental documents for each project during the previous fiscal year
- Increases the project cost thresholds for the Limited Federal Assistance Categorical Exclusion (23 CFR 771.118(c)(13))





Capital Investment Grants & Expedited Project Delivery Program

Capital Investment Grants (CIG) & Expedited Project Delivery (EPD) Programs

- Revises the eligibility parameters for:
 - Small Starts - capital cost of < \$400 million and a CIG request of < \$150 million
 - New Starts - capital cost of \geq \$400 million or that are seeking > \$150 million from CIG
 - Core Capacity to projects at capacity today or that will be in 10 years
- Establishes a new process for bundling CIG projects, to replace the “Program of Interrelated Projects” eligibility
- Changes Congressional notification period for CIG Full Funding Grant Agreements, EPD Program Letter of Intent or construction grant from 30 to 15 days
- Adds a requirement for the FTA to determine that the CIG project sponsor has made progress toward meeting transit asset management performance targets
- Requires a routinely updated public dashboard providing the status on each project seeking funding
- Transfers the responsibility for the "before-and after study report" to GAO



Safety

Requires recipients of Urbanized Area Formula program funds **that serve urbanized areas with populations of 200,000 or more to:**

1. Establish a **Safety Committee**, composed of representatives of frontline employees and management, that is responsible for identifying, recommending, and analyzing the effectiveness of risk-based mitigations or strategies to reduce consequences identified in the agencies' safety risk assessment
2. Develop, and add to their agency safety plan, **a risk reduction program** for transit operations to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers based on data submitted to the National Transit Database
3. Set **risk reduction performance targets** using a three-year rolling average of the data submitted by the recipient to the National Transit Database and allocate not less than 0.75% of their Urbanized Area Formula program funds **to safety related projects**
4. Require maintenance personnel to meet the existing safety **training requirements** and safety, operations, and maintenance personnel to complete de-escalation training



Provides **state safety oversight agencies authority to collect and analyze data and conduct risk-based inspections** of rail fixed guideway transportation systems

Requires recipients of Urbanized Area Formula program funds serving an urbanized area with a population of fewer than 200,000 **to develop their agency safety plan in cooperation with frontline employee** representatives



Requires agency safety plans to be consistent with Centers for Disease Control and Prevention and State health authority guidelines **to minimize exposure to infectious diseases**



Research, Bus Testing, NTD

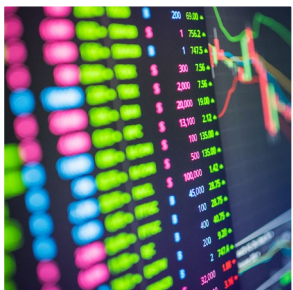


Public Transportation Innovation

1. Directs FTA to establish an Advanced Digital Construction Management Systems program
2. Allows low or no component testing facilities to conduct directed technology research and use funds for equipment and capital projects related to testing low or no emission vehicle components, or research related to advanced vehicle technologies

Bus Testing Program

1. Federal funds may now be used for the purchase of equipment and capital projects related to testing new bus models
2. Prohibits facilities selected to conduct low or no component testing from carrying out bus testing performed through the Bus Testing Facility program



National Transit Database

1. Adds geographic service area coverage as a reporting requirement
2. Requires data relating to assaults on transit workers and fatalities resulting from impact with a bus to be reported



Other Changes

Joint Development

Electric vehicle charging infrastructure eligible as part of a joint development project, subject to certain conditions



Administrative Provisions for Disposition

1. For assets with a fair market value of more than \$5,000:
 - If sold, recipient retains \$5,000 and the non-Federal share of the remainder
 - Remaining Federal share must be returned to FTA and may not be kept for public transportation use
2. The recently passed National Defense Authorization Act also included a provision expanding property disposition to permit transfers for TOD projects with affordable housing under certain circumstances

Emergency Relief Program

Requires applicants for Emergency Relief Funds to submit proof of insurance required by Federal law for structures related to grant applications and certify that it has insurance required under State law for all structures related to grant applications



Resources and Contacts

- Bipartisan Infrastructure Law Website - <https://www.transit.dot.gov/BIL>
- Program Fact Sheets - <https://www.transit.dot.gov/funding/grants/fta-program-fact-sheets-under-bipartisan-infrastructure-law>
- Contact FTA-IIJA@dot.gov
- Contact your FTA Regional Office for assistance
- Additional webinars will be held by Regional Offices





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