



Funding, Finance and Tax Policy and Federal Procedures and Regulations Legislative Subcommittees **Agenda**

**Sunday, October 13, 2019
8:00 a.m. - 9:30 a.m. (Eastern Daylight Time)**

**New York Marriott Marquis Hotel
1535 Broadway
New York, NY 10036
Room: Majestic/Music Box, 6th Floor**

1. Introductory Remarks
 - Ron Epstein, NYSDOT, FF & T Subcommittee Chair
 - Michael McLaughlin, DRPT, FF & T Subcommittee Vice Chair
 - Sharon Greene, InfraStrategies, FF & T Subcommittee Vice Chair
 - Christopher P. Boylan, GCA of NY, FP & R Subcommittee Chair
 - Richard J. Bacigalupo, Cardinal Infrastructure, FP & R Subcommittee Vice Chair
 - Martin B. Sennett, Lafayette CityBus, FP & R Subcommittee Vice Chair
2. APTA Surface Transportation Authorization Recommendations—Report of APTA Board of Directors Action
3. Scott Giering, Director, FTA Office of Program Oversight
4. Federal Regulatory Update—Linda Ford, General Counsel, APTA
5. Legislation in the 116th Congress
 - H.R.____, Road User Charge Advancement Act of 2019
 - Rostenkowski Test in Continuing Resolution
 - H.R. 4307, Build More Housing Near Transit Act
 - Tax Extenders
6. Adjourn

ENCLOSED DOCUMENTS

- APTA Comments on One Federal Decision and Page Limits DOT notice
- H.R. _____, the Road User Charge Advancement Act of 2019
- APTA Legislative Alert re: Rostenkowski Test
- Summary of H.R. 4307, the Build More Housing Near Transit Act
- H.R. 4307, the Build More Housing Near Transit Act



AMERICAN
PUBLIC
TRANSPORTATION
ASSOCIATION

September 23, 2019

Department of Transportation
Docket Operations
M-30, West Building Ground Floor, Room W12-140
1200 New Jersey Avenue S.E.
Washington, DC 20590

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PRESIDENT AND CEO

Paul P. Skoutelas

RE: DOT-OST-2019-0118

Dear Docket Clerk:

On behalf of the more than 1,500 member organizations of the American Public Transportation Association (APTA), I write to provide comments on the Office of the Secretary's (OST) notice of availability and request for comment regarding "Interim Policies on Page Limits for National Environmental Policy Act Documents and the Application of the One Federal Decision Process for DOT Projects" published on August 23, 2019 at 84 FR 44351.

About APTA

The American Public Transportation Association is a nonprofit international association of 1,500 public and private sector organization which represent a \$71 billion industry that directly employs 430,000 people and supports millions of private sector jobs. APTA members are engaged in the areas of bus, paratransit, light rail, commuter rail, subways, waterborne services, intercity and high-speed passenger rail. This includes: transit systems; planning, design, construction, and finance firms; product and service providers; academic institutions; transit associations and state departments of transportation. APTA is the only association in North America that represents all modes of public transportation. APTA members serve the public interest by providing safe, efficient and economical transit services and products.

Overall Theme

APTA supports the direction that OST is taking to expedite the environmental review process pursuant to the National Environmental Policy Act (NEPA). We hope that the proposed policies will decrease both the time and cost to complete the environmental review process and ensure that NEPA documentation is clear, concise, and focused.

Specific Comments

Page Limits

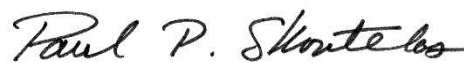
APTA is pleased to see OST reiterate the Council on Environmental Quality guidance on page limits for NEPA documents. APTA hopes that project sponsors can use the guidance to focus environmental documents on issues that are truly significant while still maintaining legal sufficiency. APTA is concerned, however, about the required review and approval process for projects requesting authority to exceed page limit guidelines due to unusual scope or complexity, and in particular, the potential delays that it could cause. We suggest that OST specify that the review process time requirement of 10 business days, as described in RIN 2105-ZA10, starts when a project sponsor sends the request to the Federal Transit Administration (FTA). In addition, APTA asks OST to specify that front matter, i.e., table of contents and signature documents, are not to be included in page count for environmental impact statements (EISs).

One Federal Decision Process

APTA supports the overall goal of Executive Order (E.O.) 13807 to achieve greater regulatory efficiency to develop transportation infrastructure projects, including the One Federal Decision (OFD) framework. APTA is concerned, however, that the requirements for the OFD process may be too prescriptive for some projects that could be individually classified as a “major infrastructure project,” and thus could result in a more burdensome environmental review process. Although the guidance allows for a project sponsor to request that Federal agencies issue separate NEPA documents, there does not appear to be a clear provision allowing for the project sponsor to request that the other provisions of the E.O. not apply to a particular project. We suggest that the guidance clearly state that a project sponsor may choose for a project to not be considered a “major infrastructure project” if the project sponsor determines that following the E.O. would not be warranted for a particular project.

We appreciate the opportunity to assist the USDOT in this important endeavor. For additional information, please contact Linda Ford, APTA’s General Counsel, at (202) 496-4808 or lford@apta.com.

Sincerely,



Paul P. Skoutelas
President and CEO

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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

To amend the FAST Act to reauthorize the surface transportation system
funding alternatives program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BLUMENAUER introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the FAST Act to reauthorize the surface transpor-
tation system funding alternatives program, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Road User Charge Ad-
5 vancement Act of 2019”.

1 **SEC. 2. SURFACE TRANSPORTATION SYSTEM FUNDING AL-**
2 **TERNATIVES.**

3 Section 6020 of the FAST Act (23 U.S.C. 503 note)
4 is amended—

5 (1) in subsection (g) by striking “50” and in-
6 serting “80”;

7 (2) in subsection (i)—

8 (A) by striking “2 years after” and insert-
9 ing “1 year after”;

10 (B) by striking “every 2 years” and insert-
11 ing “annually”; and

12 (C) by inserting “and a determination of
13 the characteristics of the most successful mech-
14 anisms with the highest potential for future
15 widespread deployment” before the period;

16 (3) in subsection (j)—

17 (A) in paragraph (1) by striking “and” at
18 the end;

19 (B) in paragraph (2) by striking the period
20 at the end and inserting a semicolon; and

21 (C) by adding at the end the following:

22 “(3) \$20,000,000 shall be used to carry out
23 this section for fiscal year 2021;

24 “(4) \$25,000,000 shall be used to carry out
25 this section for fiscal year 2022;

1 “(5) \$25,000,000 shall be used to carry out
2 this section for fiscal year 2023;

3 “(6) \$30,000,000 shall be used to carry out
4 this section for fiscal year 2024; and

5 “(7) \$35,000,000 shall be used to carry out
6 this section for fiscal year 2025.”; and

7 (4) by adding at the end the following:

8 “(1) SPECIAL CONSIDERATION.—In selecting grant
9 recipients under this section during fiscal years 2021
10 through 2025, the Secretary shall provide special consider-
11 ation proposed projects that will carry out activities not
12 previously carried out by the applicant that advance the
13 knowledge and practice of surface transportation system
14 funding alternatives.”.

Senate Appropriations Committee Marks Up THUD Appropriations Bill

 apta.com/advocacy-legislation-policy/legislative-updates-alerts/updates/senate-appropriations-committee-



On September 19, the Senate Committee on Appropriations marked up S. 2520, the Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations Act, 2020. The bill provides a total of \$12.96 billion for public transportation, **a reduction of \$457 million from fiscal year (FY) 2019 enacted levels**. Although the bill increases total funding for Buses and Bus Facilities, it reduces:

- Capital Investment Grants (CIG) by \$575 million; and
- State of Good Repair grants by \$178 million.

In addition, the Senate THUD bill does not include a provision to block the Rostenkowski Test, preventing an impending \$1.2 billion cut to public transit formula funds in FY 2020. This 12 percent across-the-board cut will impact every public transit system across the country if triggered. A temporary provision blocking the Rostenkowski Test through November 21 is included in the Continuing Resolution (H.R. 4378) that the Senate is expected to pass this week.

To view an APTA funding table, please click [here](#). To view S. 2520, please click [here](#). To view the committee report, please click [here](#).

CALL TO ACTION

We strongly encourage you to contact your Senators and urge them to fight for increased funding for public transportation as negotiations continue on THUD appropriations. In addition, please urge your Senators to block the Rostenkowski Test and prevent a 12 percent cut to all public transit agencies.

To contact your Senators, please call 202.224.3121 or [click here](#).

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
FACT SHEET
H.R. 4307, THE BUILD MORE HOUSING NEAR TRANSIT ACT
October 13, 2019

Congress is increasingly interested in the connection between public transportation and affordable housing. Specifically, Congressional staff has asked APTA to provide feedback on H.R. 4307, the “Build More Housing Near Transit Act”. The purpose of this Fact Sheet is to summarize the bill’s requirements. At today’s and future meetings of the Legislative Committee and other committees of APTA, we will continue to discuss possible legislative and regulatory recommendations regarding public transportation and affordable housing.

On September 12, 2019, Representative Scott Peters (D-CA) and Representative Cathy McMorris Rodgers (R-WA) introduced H.R. 4307, the “Build More Housing Near Transit Act”, to amend certain housing and land use requirements for New Start Capital Investment Grant (CIG) projects. The bill currently has seven cosponsors in the House and is a top priority of Up For Growth Action, a coalition that promotes affordable housing policies.

Findings

The bill includes Congressional findings that indicate there is a national housing shortage, which is leaving almost one-half of households in the United States spending more than 30 percent of income on rent. It also expresses concern that the housing shortage has exacerbated inequality and reduced opportunity for many Americans, including low-income households that reside far away from their place of employment. Finally, the findings state that public transit ridership is higher if more housing is located within walking distance of transit stations. Housing near transit stops should target middle-income families, particularly families with 60 percent to 100 percent of the area median income.

Housing and Land Use Requirements for New Start CIG Projects

H.R. 4307 adds additional requirements for public transit agencies that are seeking funding through the Capital Investment Grants (CIG) program as a New Start project. In addition to the current law requirements for a New Start project to enter the Engineering phase of the CIG program, a project sponsor must justify the project based on the real estate development (as evidenced by a housing feasibility assessment) and current and proposed land use policies that support public transportation and ridership, as determined by the Federal Transit Administration.

The bill also requires that the project is supported by a commitment of local land use policies to accommodate affordable and market-rate housing development associated with the project. Proposed changes to local land use policies for purposes of this commitment shall be evaluated based on the housing feasibility assessment of the station walkshed’s density, development certainty, market interest, exemption of minimum parking requirements, by-right development, agency ownership of land, and regional growth goals.

116TH CONGRESS
1ST SESSION

H. R. 4307

To amend title 49, United States Code, relating to certain requirements for the engineering phase of fixed guideway capital investment grants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2019

Mr. PETERS (for himself, Mrs. RODGERS of Washington, Mr. HECK, Mr. PAYNE, Ms. HILL of California, and Mr. GALLAGHER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, relating to certain requirements for the engineering phase of fixed guideway capital investment grants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Build More Housing
5 Near Transit Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) An underproduction in housing units rel-
2 ative to demand has led to a national housing short-
3 age.

4 (2) The shortage of housing leaves 47 percent
5 of households cost-burdened, paying more than 30
6 percent of their income on rent.

7 (3) The number of housing units underpro-
8 duced from 2000 through 2015 is equal to 7.3 mil-
9 lion units in 23 States.

10 (4) Lack of housing supply and rising rent
11 costs exacerbate inequality and reduce opportunity
12 for many Americans.

13 (5) Over half of all renters are cost-burdened,
14 paying more than 30 percent of their income for
15 housing, and 71 percent of extremely low-income
16 households are severely cost-burdened, paying more
17 than half of their income for housing.

18 (6) Low-income households often live far from
19 their jobs which may result in long commute times,
20 increased cost burdens, and limitations on the jobs
21 they can access.

22 (7) Low-income households who live near public
23 transit have lower cost burdens than those who live
24 far from public transit.

1 (8) Public transit system ridership is higher if
2 more housing is located within walking distance of
3 transit stations.

4 (9) Housing built around transit stops should
5 target middle-income families, particularly those
6 with 60 to 100 percent area median income.

7 **SEC. 3. ENGINEERING PHASE OF FIXED GUIDEWAY CAP-**
8 **ITAL INVESTMENT GRANTS.**

9 (a) IN GENERAL.—Section 5309(d)(2) of title 49,
10 United States Code, is amended—

11 (1) in subparagraph (A)—

12 (A) by striking clause (iii) and inserting
13 the following:

14 “(iii) is justified based on a com-
15 prehensive review of the project’s mobility
16 improvements, the project’s environmental
17 benefits, congestion relief associated with
18 the project, economic development effects
19 and real estate development associated
20 with the project (as evidenced by a housing
21 feasibility assessment conducted by the ap-
22 plicant), current and proposed land use
23 policies and patterns of the project that
24 support public transportation and rider-

1 ship, and the project’s cost-effectiveness as
 2 measured by cost per rider; and”;

3 (B) in clause (iv) by inserting before the
 4 period the following: “, and a commitment of
 5 local land use policies to accommodate afford-
 6 able and market-rate housing development asso-
 7 ciated with the project”; and

8 (2) by adding at the end the following:

9 “(C) PROPOSED CHANGES TO LAND USE
 10 POLICIES.—Proposed changes to local land use
 11 policies for purposes of the commitment to such
 12 policies under subparagraph (A)(iv) shall be
 13 evaluated based on the housing feasibility as-
 14 sessment for parcels in the project station
 15 watershed using standard real estate financial
 16 models that consider, among other possible fac-
 17 tors, density, development certainty, market in-
 18 terest, exemption of minimum parking require-
 19 ments, by-right development, agency ownership
 20 of land, and regional growth goals.”.

21 (b) TECHNICAL CORRECTION.—Section 5309(f) of
 22 title 49, United States Code, is amended by striking “sub-
 23 section (d)(2)(A)(v)” each place it appears and inserting
 24 “subsection (d)(2)(A)(iv)”.

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