

**American Public Transportation Association
Business Member Legislative Committee/Business Member Procurement
Committee Joint Meeting
Tuesday, January 24, 2017 – 5pm
Sea Salon, Opal Sands Resort, Clearwater Beach, FL**

Agenda

1. Introductions – ***Natalie Cornell and Raymond Melleady***

2. APTA Anti-trust statement:

The cardinal rule in keeping an association's operations within anti-trust laws is that there should be no agreements – express or implied – which restrain the member's freedom to make independent decisions in matters that affect competition. Each member must be completely independent to set prices, establish production and sales levels, choose the markets in which he or she will operate and select his or her customers and suppliers.

3. Approval of Meeting Notes from Sept
Committee Meeting

Attachment 1

4. Legislative Update

Ray Melleady

5. Committee Assignments Changes and Points
of Influence

Ray Melleady

6. The Legislative Message

Ray Melleady

7. The Legislative Committee Plan

Ray Melleady

8. Ongoing Legislative and Procurement Issues
Buy America & Local Jobs

Natalie Cornell & Ray Melleady

9. Procurement Committee Plan for 2017

Natalie Cornell

10. Other Business

11. Adjourn

2017 Business Member Board of Governors Meetings:

-Legislative Conference, Sunday, March 12, Washington, DC

-Bus & Paratransit Conference, Sunday, May 7, Reno, NV

-APTA Annual Conference & EXPO, Sunday, October 8, Atlanta, GA

All Business members are invited to attend and participate in BMBG meetings

Joint Business Member Legislative & Procurement Committees

September 11, 2016

Minutes

Freddie Fuller, chair of the Business Member Legislative Committee, called the meeting to order. He asked for a moment of silence in memoriam of the victims of the September 11, 2001 attacks. He proceeded to read the anti-trust statement.

The meeting was attended by Kevin Adams, John Adler, John Andreas, John Andrews, Buddy Coleman, Joe Gibson, Jim Harper, Huelon Harrison, Tony Kellen, Lee Kemp, Jim LaRusch, Mark Magaldi III, Raquel Olivier, Wright Parkes, Joe Policarpio, Lou Quaglia, Richard Simonetta, Kevin Sudano, Tom Wagner, Alan Wulkan, Bill Boodry, John Barberis, Rob Healy, Fran Hooper, John Kardos, Randy Clarke, Sherrika Arch, Kunjan Dayall, Mike Ammann, Madeline Chun, Ray Melleady, Joel Abraman, Joe Gibson, Janette Hunter, David Slack, David Turney, Jeff Wharton, Alan Wulkan, Emmanuelle Toussaint, Art Guzzetti, Ken Saether, Alex Tindal Wiesendanger, Madeline Janis, and Bill Thomsen. Freddie Fuller announces that Ray Melleady will be replacing Michael Townes as the vice chair of the Business Member Legislative Committee.

Morgan Lyons delivered a PowerPoint presentation on Voices in Public Transit, encouraging the committees to join and be active. The purpose of this initiative is to educate Congress on issues that drive public transportation. Freddie Fuller informed the committee that money has been allocated for education via webinars and business member fly-ins. Less than half of the joint committees are registered for VPT. Freddie Fuller reiterated the importance of VPT, and for those registered will receive emails highlighting hot-button issues. Alan Wulkan drove home the importance of strength in numbers, especially with the arrival of a new US president and a new Congress.

The minutes from the June committee conference call was approved.

Rob Healy gave an update on the Legislative Committee Task Force on Member Consensus. Before starting his report, Rob Healy introduced Andrew Brady, senior director of government relations. From there, Rob Healy described the task force as an important body that review the processes in which APTA shapes policy for the transit industry. It is important that APTA visit Capitol Hill with one voice. The task force's goal was to come out of the APTA Legislative Committee meeting later in the day with the principles that would be included with their bylaws, to be approved at the December meetings.

Congress has returned from an 8-week recess. The transportation appropriations bill passed through the House, made it through Senate committee, but then was not completed before recess. However, in the past week, House conservatives want to do a continuing resolution for the year, citing that continued funding at last year's level would result in less spending. The appropriations process will not be completed before the new fiscal year, but the continuing resolution will be valid until December 9. At that point, there will be a series of omnibuses including transportation.

This serves the transit agencies well who are waiting for their apportionments. Furthermore, in the both the House and Senate bills, the trust fund programs were funded at the authorized level. There were small increases for each program, including the formula programs, bus facilities, and state of good repair. The new starts program is above the authorized level. There were a few small programs, such as workforce development, that did not get funding.

On the rail side, funding is not as abundant. Amtrak received less than their authorized level. There were a few new programs such as the Investment for Inner City Rail, Consolidated Rail Infrastructure and Safety Improvements, and the federal state of good repair that received funding. PTC received funding as well.

The legislative team continues to work hard on Buy America. The law says that American components used in buses and trains increase from 60% to 65%, but left open the question of how that would be implemented. APTA's position asked for application to the RFP or contract date, the FTA applied the increase to the date of first delivery.

Kevin Brady of the House is working on the tax bill, will not be signed before the end of the year. The Brady bill will eliminate deductions and reduce business taxes. APTA is trying to defend the commuter tax and the alternative fuel tax. The Republican platform envisions the John Mica proposal of 2007 or 2008 that would remove transportation from the trust funds. However, Donald Trump has stated that he would double Hilary Clinton's proposal of \$250 billion over 5 years for infrastructure investment within the first 100 days. Clinton has been vague concerning where the funding would come from, but more will come on that in the APTA Legislative Committee meeting.

73% of capital funds that go to public transportation end up in the private sector, which is good for this group. Rob Healy gave next steps, including future meetings and discussions regarding a business member fly-in.

Madeline Janis posed the question of why the conservative view supports buses over rail. Rob Healy answered that conservatives prefer buses because it is a more effective investment of federal funds. True conservatives might argue that transit is not a federal responsibility and should be funded wholly at the local level.

Freddie Fuller called attention to items #6 & 7 on the agenda; updates on the RNC and DNC conventions and The Role of Public Transportation in the Conservative Pro-Growth Agenda. These items are important to highlight before this committee because they are funded by the business member activity fund. Rob Healy gave updates on these items in Art Guzzetti's absence. The fund sponsored receptions at both conventions and offered an opportunity to join with the National League of Cities, Conference of Mayors, National Association of Counties, and other groups. APTA advertised on buses in Philadelphia during the DNC. There was good participation and conversation and APTA had a significant presence at the conventions. Freddie Fuller briefed the committee on the conservatives report that has been made available to committee members.

Freddie Fuller turned the meeting over to Natalie Cornell, chair of the Business Member Procurement Committee. Natalie Cornell kicked off with the latest on the FAST Act final rule from the FTA. There was a small meeting consisting of several business members, transit agencies, APTA staff, FTA acting administrator Carolyn Flowers, and the FTA general counsel staff and they discussed the difficulties of implementing their initial proposed language. The implementation date was vague and required clarification. It is possible that there was pressure to get the U.S. content numbers higher, faster. Despite APTA's request that the contract date be the effective date for the rule, the FTA selected the first delivery date of the first revenue service vehicle. Recognizing that the first delivery date changes without notice, the FTA will review on a case by case basis. Also included in the rule is a public interest waiver, which applies an unconditional 60% content ratio if an agency or supplier had a contract go into effect or negotiated between October 1 and December 4 of last year. Natalie Cornell asked Jim Harper from the

FTA if there was a process available for this. He confirmed that there is one and will be explained later in the day. There is also a waiver for any projects that are under negotiation 60 days after the enactment of the bill September 1, regardless of the first delivery date. If purchasing or manufacturing wayside equipment, train control systems, traction power systems, or communication systems, those have different rule and will fall under the contract date, not delivery date. Natalie Cornell opened the floor for questions. There were none.

Rob Healy updated the committee on the VOLT Act, which increases the hiring of veterans in transportation projects. He stated that APTA has not taken a formal position on the bill and summarized the language of the bill. Congress will likely not act on this in the near future, but committee awareness is important.

Jim Harper updated the committee on the GSA schedule rules. The FTA is reviewing the rules. The law says that it is ok for recipients of federal funds to use state GSA type schedules that were written in one state and used in another state. The "border law" has been reduced. It is still necessary that terms and conditions meet state requirements. Natalie Cornell informed the committee that the FTA usually sends a notice of proposed rules and a subsequent comment period. She will keep the committee informed of any such announcement.

She moved further to update on the development of a study statement for TCRP to provide grant funding to help identify factors that companies use when deciding whether to compete for procurement. TCRP is not comfortable with the political implications; Darnell Grisby is reassuring TCRP that this is only a data project, not a policy project.

The floor was opened for new business. Madeline Janis announced 2 events taking place at the Annual Meeting. The first is the symposium on transportation development and equity, the other a U.S. Employment Plan Fundamentals Workshop. Natalie Cornell added that there is a procurement super session taking place during the Annual Meeting as well. Jim Harper announced the release of the new and revised best practices manual at the end of October. (Natalie/Freddie – please fill in the second announcement that Jim made after this one-a manual being released April 2017?).

Freddie Fuller thanked Fran Hooper for her service to the business members during the APTA staff transition and welcomed Adam Martin as the new senior program manager for business members.

The meeting was adjourned.