

Topic: Clarifying Scope of the Public Transportation Agency Safety Plan Requirement

Suggested Statutory Revisions

1. At 49 USC 5329(d)—

Insert a new subsection 5329(d)(1)(G) that reads: “(G) The provisions of this subsection shall not apply to those entities not receiving assistance under Section 5307.”

CTAA explanation: That language would permanently exclude nearly all Section 5311 and 5310 subrecipients from the purview of this rule, building on the current administrative exclusion of Section 5310 and deferral of Section 5311.

2. Delete subsection 5329(e) in its entirety.

CTAA explanation: That was a transitional requirement for initial implementation of the safety plan, and no longer has a statutory necessity.

Topic: Clarifying Applicability of FTA Conditions on Charter Bus Transportation

Suggested Statutory Revisions

At 49 USC 5323(d)—

1. Under subsection (1), replace the word “urban” in this subsection with the word “urbanized” and
2. Add the following language at the end of subsection (1): “The provisions of this subsection are not applicable to financial assistance under this chapter in which the non-federal share of project costs are provided from amounts received under a service agreement with a State or local social service agency or private social service organization pursuant to subsection 5307(d)(3)(E) or subsection 5311(g)(3)(C), nor shall the provisions of this subsection apply to entities whose sole receipt of financial assistance under this chapter derives from section 5310.”

CTAA explanation: The above language would clarify the existing statutory expectation that the “charter rule” long has been intended by Congress to apply solely to urban transit grants and projects, clarifies that social service agreements with urban and rural public transit operators are not to trigger the need for charter service agreements, and embeds in statute the longstanding regulatory exclusion of Section 5310 projects from this requirement.

Topic: Clarifying Applicability of FTA Schoolbus Transportation Requirements

Suggested Statutory Revisions

At 49 USC 5323(f)—

1. In subsection (1), insert a comma and the clause “in an urbanized area” after the phrase “private schoolbus operator.”
2. Renumber subsections 5323(f)(1)(A) and (B) as subsections (C) and (D), and insert the following before them:
 - “(A) when there is no evidence of opportunity for competition with a private schoolbus operator;
 - “(B) when financial assistance is being awarded under section 5310 or section 5311 of this chapter;”

CTAA explanation: FTA regulations notwithstanding, the current statute is quite clear that the statutory requirement already is intended simply to assure that FTA recipients are not to use these funds to compete with private sector schoolbus operators. The above language simply would clarify that scope, clarify the current administrative exclusion of Section 5310 from this requirement, and would exclude Section 5311 from the scope of the schoolbus transportation restriction.

Topic: Section 5310 Technical Amendments

Suggested Statutory Revisions

1. At 49 USC 5310(b)(2) –

Remove the current subsection 5310(b)(2)(A) in its entirety, with corresponding adjustments to the remainder of section 5310(b)(2).

CTAA explanation: That language would remove the now-archaic “55% rule” that was needed to carry out a reasonable transition when Section 5317 (the “new freedom” program) was removed from statute in 2015.

2. At 49 USC 5310(d) –

Replace the current language of this subsection to read as follows:

(d) Government Share of Costs. —

(1) Capital projects. —

(A) In general. —

Except as provided by subparagraph (B), a grant awarded under this section for a capital project or project administrative expenses shall be for 80 percent of the net costs of the project, as determined by the Secretary.

(B) Exception. —

Grants that are awarded in those States described in section 120(b) of title 23 shall receive a Government share of the net costs in accordance with the formula under that section.

(2) Operating assistance. —

(A) In general. —

Except as provided by subparagraph (B), a grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

(B) Exception. —

Grants that are awarded in those States described in section 120(b) of title 23 shall receive a Government share of the net operating costs equal to 62.5 percent of the Government share provided for under paragraph (1)(B).

CTAA explanation: The above language would provide an increased federal share for Section 5310 projects in those states with high percentages of federal lands, as already is the case with FHWA surface transportation program funds and with FTA Section 5311 grants.

3. At 49 USC 5310(e)—

Replace the current language to read as follows:

(e) Grant Requirements. —

The requirements of—

(A) section 5307 shall apply to recipients of grants made in urbanized areas under this subsection; and

(B) section 5311 shall apply to recipients of grants made in rural areas under this subsection.

CTAA Explanation: This would guarantee that FTA urban regulatory requirements would apply to Section 5310 projects in urbanized areas, and rural regulatory requirements would apply to Section 5310 projects in rural areas, instead of applying urban area regulations to all Section 5310 projects.

Topic: National Center for Applied Transit Technology Authorization

Suggested Statutory Revisions

At 49 USC 5314(a)(2) –

1. Renumber the current subsection 5314(a)(2)(I) as subsection 5314(a)(2)(J); and
2. Insert a new subsection 5314(a)(2)(I) that reads: “(I) applied innovation and capacity-building for small-urban, rural and tribal public transit recipients and planning organizations, not to duplicate the activities of sections 5311(b) or 5312;”

CTAA explanation: The above language does not guarantee any funding, but would put the National Center for Applied Transit Technology – which FTA currently carries out through a cooperative agreement with CTAA – on the same statutory footing as FTA’s National Center for Mobility Management and FTA’s National Aging and Disability Transportation Center. Funding for these centers already is authorized as part of the activities supported under 49 USC 5338(a)(2)(H) and 49 USC 5338(c), and would continue to be subject to annual appropriations or the discretion of FTA.

By way of background, the following language was in FY 2019 appropriations, and is anticipated in FY 2021 and subsequent appropriations:

TECHNICAL ASSISTANCE AND TRAINING

For necessary expenses to carry out 49 U.S.C. 5314, \$5,000,000, of which not less than \$1,500,000 shall be for a cooperative agreement through which the Federal Transit Administration assists small-urban, rural and tribal public transit recipients and planning organizations with applied innovation and capacity-building: Provided, That the assistance provided under this heading not duplicate the activities of 49 U.S.C. 5311(b) or 49 U.S.C. 5312.