



Agency: Federal Transit Administration, DOT

Docket No.: FTA-2022-0013

Submitted by: Community Transportation Association of America (CTAA)

Date: Aug. 3, 2022

### **Comment on Federal Transit Administration Notice of Proposed Buy America Waiver for Vans and Minivans**

The [Community Transportation Association of America](#) (CTAA) staff, board and state/tribal delegates and members are dedicated to ensuring that all Americans, regardless of age, ability, geography or income, have access to safe, affordable and reliable transportation. CTAA members are in the business of moving people – efficiently and cost-effectively by a variety of means that include, but are not limited to, transit, paratransit, volunteer transportation, vanpools, non-emergency medical transportation and specialized transportation. CTAA members use a variety of vehicles to make these trips happen every day all around the nation — including vans and minivans.

CTAA and its members support the request for a Buy America waiver for mass-produced, unmodified non-ADA accessible vans and minivans. We believe it is important to note that one of the applicants for this waiver is a long-time CTAA member and that many of our members provide vanpool and other services where these vehicles are utilized. Further, CTAA has extensive history working with original equipment manufacturers (OEMs) where it has long been understood that the manufacturers refuse to sign the required Buy America certification due to confidentiality concerns.

At a time where many CTAA member agencies are seeking more flexible operational modes and turning increasingly to innovative on-demand transportation services, it is incumbent they have a variety of vehicles – including vans and minivans – to choose from. Currently, traditional body-on-chassis (BOC) buses are in unprecedented short supply and are experiencing significant (30+ percent) cost increases due largely to supply chain issues brought about by the COVID-19 pandemic. In addition, significant driver shortages combined with changes made in February 2022 to the Commercial Drivers License (CDL) process by the Federal Motor Carrier Services Administration (FMCSA) have pushed some CTAA members to seek smaller vehicles with capacity limits under which a driver does not need to hold a CDL.

#### **The Proposed Waiver**

The following are CTAA's comments on the specific components of FTA's proposed Buy America waiver for mass-produced, unmodified non-ADA accessible vans and minivans:

*(1) Final assembly must be in the United States, as reported to NHTSA under the AALA*

CTAA supports FTA's proposal (1), above.

*(2) The country of origin of the engine, or (in the case of electric vehicles) motor must be the United States, as reported to NHTSA under the AALA*

Several CTAA members and industry stakeholders noted that this specific proposal (2) would have a limiting effect on the full variety of OEM vehicles currently used in vanpool, NEMT and some transit operations. CTAA urges FTA to consider the overall goal of this proposed waiver and the impact of this engine origin requirement on that objective.

*(3) The waiver is available to all FTA grant recipients*

CTAA fully supports FTA's proposal (3), above.

*(4) The waiver would expire two years from issuance, or upon a fully Buy America-compliant van or minivan becoming available, whichever comes first*

CTAA believes that this proposed Buy America waiver should expire no less than three (3) years from issuance, not two years. If no compliant van or minivan emerges, the need for continued flexibility for vanpool, NEMT and some transit operations will continue — CTAA feels that two years is simply not enough time for the important aspects of this proposed waiver to take root and provide the intended relief. Further, three years hence would have this proposed waiver sunseting just as the Bipartisan Infrastructure Law (or, IIJA) expires, allowing for this important issue to be settled in the surface transportation authorization process. At the very least, CTAA and its members encourage the inclusion in the final waiver language of an expedited process six months prior to the waiver's expiration to have industry and economic conditions quickly considered and, if unchanged from current conditions, extending this waiver beyond two years.

## **Conclusion**

CTAA is grateful for the opportunity to comment on this important proposal and encourages the Federal Transit Administration to strongly consider additional Buy America waivers to increase innovation, competition and basic supply of smaller transit agency vehicles where domestic supply chain issues prevent CTAA members from

having reasonable access to fleet replacements necessary to maintain their fleets' state of good repair.