CTAA’s Legislative and Federal Policy Priorities, 2023

As the 118th Congress reviews what is working well in last year’s Infrastructure Investment and Jobs Act, and what warrants legislative examination or correction, and as the Federal Transit Administration proceeds to implement the transit programs authorized by Congress, the Community Transportation Association of America (CTAA) has begun to see areas that are important to preserve, and important to improve. Below are the ten most important priorities to CTAA and its members this year.

1. Annual appropriations to the Federal Transit Administration (FTA) should be at full levels authorized under the Infrastructure Investment and Jobs Act (IIJA).
   › Requires Congressional action.

2. The federal share of all non-tribal Section 5311 rural transit projects should be set at 80 percent, regardless of whether this federal transit assistance is used for operating or capital projects, except for those “sliding scale” states described at 23 U.S.C. Section 120(b), in which case the federal share of project costs should be in accordance with the formula under that section.
   › Requires Congressional action.

3. The FTA “small purchase” threshold codified at Sec. 5323(j)(13) should be increased to $500,000 from the current $150,000 level. This dollar amount should apply both to the ceiling below which federal law allows recipients to use simplified procurement methods, and to the minimum dollar amount at which procurements may be subject to FTA Buy America requirements.
   › Requires Congressional action.
FTA’s emergency relief program at Sec. 5324 should, at a minimum, receive an annual appropriation of $100.0 million, with appropriated funds to remain available until expended. In addition, the statutory language at Sec. 5324 should be revised to become consistent with FHWA’s emergency relief program at 23 U.S.C. Section 125, including the use of these federal funds for 100 percent of costs for emergency repairs and expenses within the first 270 days after a qualifying state- or federal-declared disaster has occurred, and a 90 percent federal share of costs for all other eligible repairs and transit operating costs incurred within 1 year of the date of qualifying disaster.

Requires Congressional action.

Rural Surface Transportation Grant (23 U.S.C. Section 173) funds awarded by FHWA for competitively selected integrated mobility management systems, transportation demand management systems, or on-demand mobility services should be able to be used for the operation of these systems and services.

Requires Congressional Action.

FTA should identify ways to reduce overlapping or conflicting program compliance and other requirements that befall those transit agencies who receive funding from two or more FTA formula funding programs (i.e., Sections 5307, 5310, 5311).

Requires non-regulatory administrative action from FTA.

These transit agencies should only have to follow the program compliance procedures and National Transit Database (NTD) reporting requirements associated with their largest source of FTA funding, with some form of simplified or unified NTD reporting, oversight and program compliance associated with their smaller streams of FTA funding.

Requires non-regulatory administrative action from FTA.

With the Census Bureau’s new determinations of urban areas with populations above 50,000 under the 2020 decennial census, FTA and FHWA should identify those transit agencies and MPOs whose urban area status or boundaries have changed significantly from the 2010 urbanized area determinations, and should work with these transit agencies and MPOs, their local officials, and their state departments of transportation to develop transition plans to assure quick, effective and harm-free transitions in transportation planning and the provision of public transportation services in these affected urban (or formerly urban) areas. Prior to the appropriation and apportionment of any formula-based Section 5307, 5310 or 5311 funds in FY 2024, FTA should ascertain that no existing transit services will experience more than a de minimus reduction in formula funding apportionments on account of changes in their urban area status.

Requires non-regulatory administrative action from FTA and FHWA, although Congressional action may be needed to guarantee any sort of “hold harmless” consideration when FY 2024 formula funds are apportioned to states and urban areas.
8. If a transit vehicle manufacturer establishes a new facility in the US for the manufacture and/or final assembly of transit vehicles with designed useful lives greater than 4 years / 100,000 miles and less than 10 years / 350,000 miles, the transit vehicles produced in such a facility should be deemed compliant with FTA Buy America requirements for the first two years of that facility’s operation, provided that all other US DOT regulatory and safety requirements are met during that time, and provided that FTA has received and accepted a plan from that manufacturer documenting how the facility and the vehicles it produces will be in full compliance with applicable Buy America requirements by the conclusion of its first two years of vehicle production and assembly.

Requires Congressional action.

9. For federally assisted transit capital projects not covered under the FTA Buy America requirements, the Department of Transportation should waive all “Build America, Buy America” requirements for projects under $25 million in urban areas, and under $5 million in rural areas.

Requires regulatory action from the Secretary of Transportation as part of the “BABA” waiver process.

10. A portion of funds made available for discretionary bus and bus facility grants under Sec. 5339(b) should be reserved for a separate program of discretionary bus and bus facility grants to urban or rural tribal nations and Alaska Native communities.

Requires Congressional action.
Since there is no statutory funding for tribal transit in urban areas, FTA should provide guidance and technical assistance to newly urbanized tribes to help assure no loss of transit service to the tribal nation simply account of Census urban area determinations.  
› Requires non-regulatory administrative action from FTA.

When disaster strikes, transit often is needed more than ever, yet the local resources for matching funds may have evaporated. There should be a defined, needs-based process under which FTA could provide reduced or waived non-federal share for formula grants that are awarded for projects or transit services in places where there are official declarations of disaster or states of.  
› Requires Congressional action.

Low- and no-emission buses are an effective way to improve air quality. There should be increased federal share for FTA Sec. 5339(c) low- and no-emission bus and bus facility grants are awarded for projects in locations that are Clean Air Act non-attainment areas, and the costs of operating these buses should be an eligible activity under the FHWA Congestion Mitigation and Air Quality Improvement Program (CMAQ).  
› Requires Congressional action.

FTA should “right-size” the process for conducting its statutorily mandated triennial reviews of Sec. 5307-funded urban transit grantees, so that there can be some form of “desk-based” review of its smallest and/or lowest-risk grantees, developing a transparent process and criteria for performing its more intensive, on-site triennial reviews, or specialized reviews, for larger or higher-risk urban transit grantees.  
› Requires non-regulatory administrative action from FTA.

Since there is no statutory funding for tribal transit in urban areas, FTA should provide guidance and technical assistance to newly urbanized tribes to help assure no loss of transit service to the tribal nation simply account of Census urban area determinations.  
› Requires non-regulatory administrative action from FTA.

When any agency of the U.S. Government makes an award of federal financial assistance to a federally recognized tribal nation or Alaska Native community for a construction project or other form of capital assistance, that award should be exempt from all “Build America, Buy America” requirements.  
› Requires Congressional action.
FTA should use the annual compilations of the most frequent findings in its triennial and state management reviews to establish goals for measurably improving program compliance among its grantees, and should provide the technical assistance and other resources necessary to achieve these goals.

Requires non-regulatory administrative action from FTA.

When FTA and FHWA conduct their certification reviews of MPOs, and when FTA conducts triennial reviews of its urban transit systems, these reviews also should be examining whether there is fair and equitable participation by stakeholders of historically underserved communities in FTA and FHWA planning processes, and that there is an equitable allocation of federal transit funds among all the federally funded operators of public transit in each urbanized area.

Requires non-regulatory administrative action from FTA.

The FTA administrator should establish an Office of Tribal and Alaska Native Public Transportation, charged with oversight and management of FTA's Section 5311(c) program and other grants made directly to federally recognized tribal nations and Alaska Native communities, and working to assure that all tribal transit and mobility needs are being addressed equitably by the states, MPOs and transit agencies within whose service areas these nations and communities are located.

Requires non-regulatory administrative action from FTA.

FMCSA should carry out a negotiated rulemaking to determine what new or amended regulations to the CDL requirements at 49 C.F.R. Part 383 will best assure that individuals licensed by their states to operate transit vehicles are being tested appropriately on the knowledge and skills needed for the safe operation of vehicles used in public transportation, including low- and no-emission buses.

Requires regulatory action from FMCSA, which may need legislative encouragement from Congress.
20 Any time there is a year in which the funds available for awards under Sec. 5339(c)(5)(B) exceed the dollar value of FTA-awarded grants for non-zero low-emission buses or bus facilities by at least $10 million, those non-awarded funds shall be added to the subsequent fiscal year’s amount available for distribution to the states under Sec. 5339(a)(5)(A).

Requires non-regulatory administrative action from FTA. May require Congressional action.

21 FTA should refine and promote its “Joint Development” guidance to better facilitate the use of FTA capital assistance for transit facilities that include childcare services, affordable housing (including transit workforce housing), groceries in USDA-identified “food deserts,” and other businesses and services that benefit the transit system carrying out such a project, its workforce and its passengers.

Requires non-regulatory administrative action from FTA, including possible revision of its “Joint Development” circular.

22 To help address the current nationwide shortage of transportation sector workers, Congress and the Administration should explore the feasibility transit-focused job training and job placement for recently resettled refugees, and of allowing temporary work permits for qualified individuals from other countries to perform limited-term work in the US public transit industry.

Requires non-regulatory administrative action from US Customs and Immigrant Services, the Office of Refugee Resettlement and other federal agencies, and may need legislative encouragement from Congress.

23 FTA should identify and provide federal funding and technical assistance to public transit agencies that help assure the safety and security of these transit systems, their workers, their facilities and equipment, and the safety and security of transit system users, by providing mental health services and treatments, healthcare and social service navigation, housing assistance and supportive services, or crime prevention services that address transit-adjacent health and safety needs of non-destination riders, unhoused persons and other vulnerable system users.

Requires non-regulatory action from FTA and/or its partners, although Congressional action may be needed to assure availability of funds.

24 There needs to be consistency in matching fund requirements for all FTA grants. Specifically, the statutory ability for FTA grantees to use amounts appropriated or otherwise made available to non-DOT agencies for transportation purposes as part of the non-federal share of their FTA projects should be agency-wide, and not restricted to Sections 5307, 5310 and 5311.

Requires Congressional action.

25 The medical transportation needs of low-income older adults cannot be overlooked, yet many Medicaid-Medicare “dual eligibles” fall through the cracks when they need non-emergency trips to their necessary healthcare. Legislation to clarify the ability to provide this essential transportation is necessary.

Requires Congressional action.
About CTAA

The Community Transportation Association of America and its members believe that mobility is a basic human right. From work and education to life-sustaining health care and human services programs to shopping and visiting with family and friends, mobility directly impacts quality of life. CTAA’s members include rural, urban, specialized and tribal public transit providers in every part of the U.S., and include many key partners in public transit, including state DOTs and other agencies, business partners, planners and local officials.

CTAA members are in the business of moving people – efficiently and cost-effectively. CTAA members are dedicated to ensuring that all Americans, regardless of age, ability, geography or income, have access to safe, affordable and reliable transportation.

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