

CALACT Spring Conference & Expo

April 20, 2023



Ray Tellis
Regional Administrator, Region 9
Federal Transit Administration

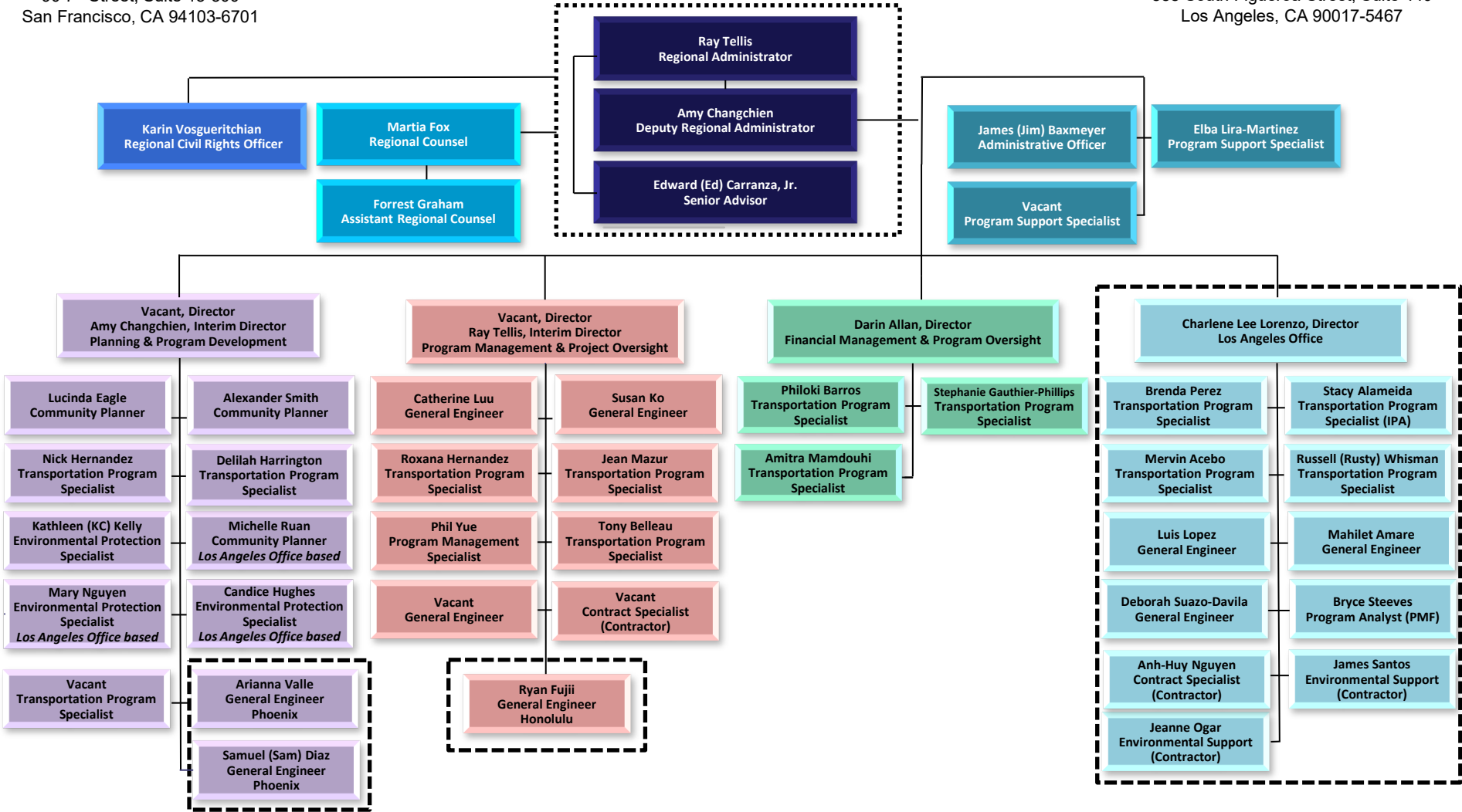


U.S. Department
of Transportation
Federal Transit
Administration

Federal Transit Administration, Region 9

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Effective: 4-24-2023

2020 Census: Resources and Information

- The Federal Transit Administration (FTA) bases annual apportionments for transit formula funding using U.S. Census data, which the U.S. Census Bureau publishes every 10 years.
- FY2024 Apportionments will use 2020 data

[2020 Census: Resources and Information | FTA \(dot.gov\)](#)

[Schedule - Census Urbanized Areas and MPO/TMA Designation - Census Issues - Planning - FHWA \(dot.gov\)](#)

Supporting DOT Strategic Goals

- **Safety:** Transit agencies will adopt improved **safety risk management practices** and enhance safety culture, while implementing safety plan requirements and best practices identified and promoted by peer agencies through FTA technical assistance programs
- **Equity:** Guided by the principles of Justice40, FTA will make targeted investments through competitive programs and enhance formula programs to **remove barriers to mobility for underserved communities** and expand the availability of high-quality transit
- **Transformation:** Increased research funding will identify technologies and service delivery models that will **enhance mobility in communities, improve equity, ensure the safety of transit operators and riders, and facilitate investments in clean transportation**
- **Economic Strength and Global Competitiveness:** FTA will invest in major **capital projects that will transform mobility and enhance economic growth** in growing and high-density communities in every region of the country
- **Climate and Sustainability:** FTA will address the climate crisis by ensuring that **transportation plays a central role in the solution**. Programs will help substantially reduce greenhouse gas emissions and transportation-related pollution and build more resilient and sustainable transportation systems to benefit and protect communities
- **Organizational Excellence:** FTA will **strengthen our world class organization** by improving policies, processes, and an inclusive and innovative culture to effectively serve communities and responsibly steward the public's resources



Overview of President's FY2024 Budget Request

\$17 billion is requested for FY 2024. When added to the **\$4.3 billion** in advanced appropriations provided under the Bipartisan Infrastructure Law (BIL), this budget request totals **\$21.3 billion**

- **\$60 million** more than the FY 2023 Enacted
- This request is .35% **greater than** the FY 2023 Enacted

FTA's request includes:

- **\$14 billion** for **Transit Formula Grant** from the Mass Transit Account, consistent with BIL authorized levels
- **\$3 billion** in General Fund appropriations authorized by BIL
- **\$38 million** in discretionary funding to address research and technical assistance programmatic gaps that address DOT's strategic goals for the transit industry and workforce



Highlights of the Request

- **\$14 billion** for **Transit Formula Grants**, which support several programs and provide critical funding to public transportation systems in communities across the US
- **\$2.9 billion** for **Capital Investment Grants (CIG) program**, which will support State, local, and private investment in the construction of major capital projects that provide new and expanded transit service
- **\$30 million** for **Transit Research**, which will support research, demonstration, and deployment projects that enable a robust and safe public transportation network that connects communities and protects the environment
- **\$8 million** for **Technical Assistance and Training**, which will support technical assistance and training activities to increase the capacity and capabilities of States and transit agencies.
- **Three policy proposals**
 - Allow **100% federal share** for grant programs benefiting seniors, individuals with disabilities, and rural areas.
 - Broaden permissible At-Risk Land Acquisitions for transit “real-property interests”
 - Address transit fiscal shortfalls through **operating expense flexibility**



Public Transportation Challenges & Opportunities

The FTA anticipates substantial challenges and opportunities facing the Nation's transit operators and riders in Fiscal Year 2024

- 1.COVID-19 Recovery:** FTA will continue to oversee billions of dollars of COVID-19 Emergency Supplemental Funding, which have been a critical source of operating funds to maintain transit operations. Many of the nation's largest transit systems are projected to have nearly completely expended their COVID-19 supplemental funding by the end of FY 2023.
- 2.Transit Renewal:** As authorized by BIL, FTA will make substantial investments to reduce the Nation's backlog of deferred capital investments in transit assets, expand access to transit with a particular focus on disadvantaged communities, and provide for future transit infrastructure needs.
- 3.Climate / Electrification:** Historic investments in capital funding, technical assistance, and planning will enable transit agencies across the country to make significant progress toward the electrification of their vehicles and adoption of other emissions-reduction technologies.

FY 2023 Appropriation Act

Highlights of the FY 2023 appropriation, the second year of investment under the Bipartisan Infrastructure Law, include:

- **\$13.6 billion for FTA's core programs, administration, and oversight, including providing:**
 - Grant funding for >4,000 grantees for start new public transportation projects, fix aging infrastructure, invest in sustainable technologies, connect communities, and provide fast, safe, convenient service
 - Support for FTA employees. Funding levels provide support to carry out the President's [Executive Order](#) to provide a **4.1%** pay raise to all GS employees, plus locality pay adjustments, as of January 1st
- **\$2.2 billion in additional funding for the CIG and Expedited Project Delivery programs:**
 - To develop new/expand public transportation solutions that are safe, generate economic growth, improve equity and access to affordable and sustainable transit options, and create and retain jobs in local communities.
 - The additional funding builds on the \$1.6 billion in advance appropriations already provided to these programs under the Bipartisan Infrastructure Law



FY 2023 Appropriations Act – contd.

- **\$542 million for Transit Infrastructure Grants:**
 - To support strategic priorities for access through investments in buses and ferries, bus facilities and testing, and innovative mobility
 - To reduce emissions through investments in Low & No-Emissions Buses and strategies to accelerate the industry’s adoption of Zero Emission Buses
 - Also provides support for specific community projects that are of Congressional interest
- **\$7.5 million for Technical Assistance and Training**
- **\$425 million for Capital Investment Grants with existing Full Funding Grant Agreements (FFGAs)** that meet certain criteria
- **\$214 million for the Public Transportation Emergency Relief Program** to provide support for transit in certain communities that experienced declared disasters in recent years



FY 2023 Appropriations Act – contd.

The Advance Appropriation included in the Bipartisan Infrastructure Law provides an additional **\$4.3 billion** to fund various FTA programs:

- **\$1.6 billion** – CIG and Expedited Project Delivery (EPD) Pilot Programs
- **\$2.1 billion** - Transit Infrastructure Grants: \$950 million for State of Good Repair grants; \$1.1 billion for Low or No Emission grants, and \$50 million for Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities
- **\$350 million** – All Station Accessibility Program grants to State or local government authorities to upgrade the accessibility of legacy rail fixed guideway systems for persons with disabilities, including those who use wheelchairs
- **\$50 million** – purchase of electric or low-emitting ferries and the electrification of—or other reduction of emissions for existing ferries
- **\$200 million** – ferry service in rural areas by providing funds to States to provide such basic essential ferry service

USDOT & FTA

FY23 Competitive Program Schedule

January 2023	Buses and Bus Facilities	Federal Transit Administration
January 2023	Low or No Emission Vehicle	Federal Transit Administration
Winter 2023	Charging and Fueling Infrastructure	Federal Highway Administration
Winter/Spring 2023	Promoting Resilient Operations for Transformative, Efficient, and Cost Saving Transportation (PROTECT) – Discretionary	Federal Highway Administration
April 2023	Safe Streets and Roads for All Grant Program	Office of the Secretary
April 2023	Ferry Programs: Ferry Service for Rural Communities Program; Passenger Ferry Boat Program	Federal Transit Administration
May 2023	Transit-Oriented Development Pilot Program	Federal Transit Administration
Spring 2023	Multimodal Project Discretionary Grant Opportunity (Mega , INFRA , and Rural)	Office of the Secretary
Spring 2023	Thriving Communities	Office of the Secretary
Late Spring 2023	Reconnecting Communities Program and Neighborhood Access and Equity Grant Program	Office of the Secretary/Federal Highway Administration
Summer 2023	Railroad Crossing Elimination Program	Federal Railroad Administration
Fall 2023	Consolidated Rail Infrastructure & Safety Improvements Grant Program	Federal Railroad Administration

FTA FY23 Competitive Program Schedule

- **Low or No Emission Grants and Grants for Buses & Bus Facilities - \$1.7 billion**
- **Tribal Transit Grants - \$8.9 million**
- **Passenger Ferry Grants (Urban) and Ferry Service for Rural Communities - \$307 million**
- **TOD Planning Grants - \$13 million**
- **Innovative Coordinated Access & Mobility - \$9.5 million**
- **All Station Accessibility Program - \$343 million**
- **Competitive Grants for Rail Vehicle Replacement - \$300 million**

FTA Competitive Program Simplification



How we are responding – Sample of FTA Efforts Underway

Application Process

- Provide outreach and technical assistance to interested parties
- Partner with state agencies/ organizations
- Host webinars on competitive programs; provide debriefs with unsuccessful applicants, including for all tribal applicants, not just on request
- CCAM Strategic Plan
- Combined NOFOS or fillable applications for five FTA programs

Grant Agreement Process

- Provide training/tech assistance from regional offices
- Holds pre-award kickoff meetings for project sponsors to identify potential challenges
- Fully fund projects, to the extent possible
- Identify low resource awardees at the time of award

Project Delivery

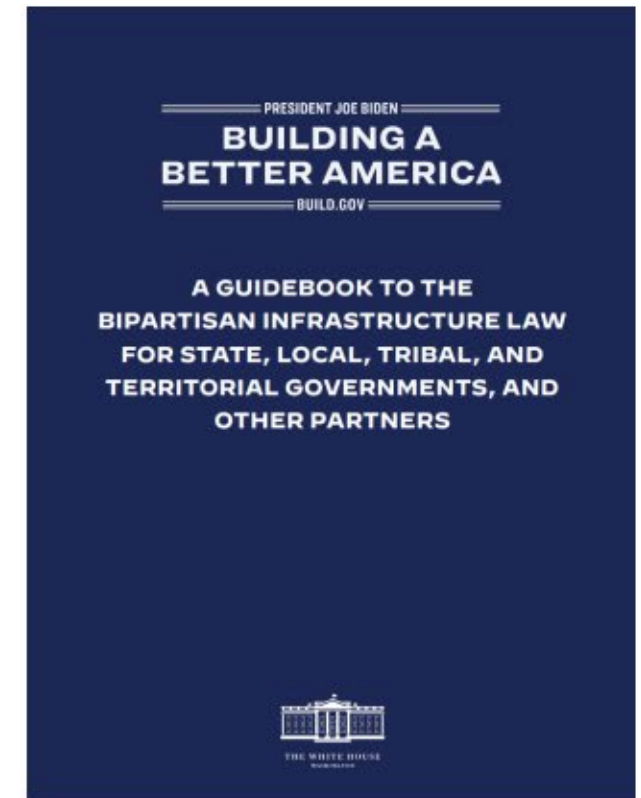
- Regular trainings and TA for program requirement
- Additional resources for FTA Regional offices

Deliberative Draft – Confidential and Pre-decisional



Bipartisan Infrastructure Law - Resources

- [White House Guidebook to the Bipartisan Infrastructure Law for State, Local, Tribal, and Territorial Governments and Other Partners](#)
- [USDOT funding and financing opportunities](#)
- [List of Upcoming USDOT NOFOs](#)
- [FHWA Bipartisan Infrastructure Law Technical Assistance / Local Support](#)



Bipartisan Infrastructure Law - Resources



FUNDING OPPORTUNITIES

Discover what funding opportunities are coming next.

[View Upcoming NOFOs](#)



GRANT LIST

View all of DOT's grant programs for the Bipartisan Infrastructure Law.

[View All Grant Programs](#)



DOT NAVIGATOR

View technical assistance resources for DOT grant programs.

[Visit the DOT Navigator](#)



ADDITIONAL RESOURCES

Get your questions about the BIL answered.

[View Additional Resources](#)



Hiring Preference

- In 2021, FTA announced an initiative, implemented as a pilot program, to permit transit agencies to hiring preferences on FTA-funded construction projects, to promote equitable creation of employment opportunities and workforce development activities, particularly for economically or socially disadvantaged workers
- The initiative has transitioned in response to the Bipartisan Infrastructure Law, which includes hiring preferences related to the use of labor for transportation construction projects
- Section 25019 provides an express authorization for FTA grant recipients and subrecipients to use a geographical or economic hiring preference for the construction of federally supported transit projects
- See the [Federal Register Notice](#)



Price adjustments allowed for existing Federally-funded contracts where permissible

- Several transit stakeholders have asked FTA to clarify authority to amend the prices of existing contracts or to structure their contracts using advance or progress payments
- FTA has published guidance, in the form of [FAQs](#) to respond to these questions.
- In certain circumstances, the OMB Uniform Guidance permits the parties to an existing federally-funded contract to modify the contract for several reasons, including price adjustments
- When permitted to modify a contract, FTA recipients are responsible, in accordance with good administrative practice and sound business judgment
- Whether a particular modification is permissible—and what Federal requirements apply—will depend on a variety of factors, including the terms and conditions of that contract (e.g., change clauses, Producer Price Index adjustment clauses, and Consumer Price Index adjustment clauses); applicable state, local, or tribal procurement law; the terms of a price adjustment; and the scope of the contract modification

Excess Property for TOD

- FTA seeks comment for a new provision in law that permits transit agencies to use their property to support affordable housing
- The [2022 National Defense Authorization Act](#) allows the transfer of FTA-funded property no longer needed for its originally authorized purpose to a local governmental authority, nonprofit organization, or other eligible entity to be used for transit-oriented development and affordable housing
- FTA is providing more information and seeking comments in a [Notice of Proposed Asset Disposition Guidance and Request for Comments](#) and has posted [interim guidance](#) in the form of FAQs. The deadline for public comments is **April 14, 2023**.
- Transit agencies, state and local governments and authorities, housing nonprofits, and other interested parties may learn more about this proposed guidance at one of our webinars on this topic:



Build America Buy America Act (BABA)

- On **April 18, 2022**, OMB issued initial [guidance](#) on implementation of the Build America, Buy America Act (BABA)
- DOT issued a transitional waiver with an effective date of **May 14, 2022**, which expired on **November 10, 2022**, 180 days from the effective date
- The new regulation specifically covers construction materials, other than to the extent that such materials would already be considered iron, steel, or manufactured products
- The OMB Initial Implementation Guidance contains a preliminary list of construction materials that includes:
- [A]n article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives
- To further assist the transition, DOT's new waiver effective January 30, 2023, exempts certain construction materials used in federally funded infrastructure projects based on the date of grant obligation, the date of contract execution for the materials, and other factors

BABA contd.

The limited waiver is intended to implement the new construction materials requirement in a way that does not delay delivery of projects in sufficiently advanced stages

- *The status quo*
 - For projects that receive funding solely through FTA grants **obligated before November 10, 2022**, the BABA construction materials requirements **DO NOT** apply.
 - For projects that receive FTA funding through grants **obligated on or after November 10, 2022**, including CIG increment grants, the construction materials requirements **DO** apply, **unless** they are covered by the waiver

<https://www.transit.dot.gov/buyamerica>

BABA contd.

- *The new waiver*

- For FTA grants obligated after **January 30th**, the BABA construction materials requirement is waived for:
 - Any contract entered into **before May 14, 2022**;
 - Any contract entered into on or after **May 14, 2022, and before November 10, 2022, but only** for construction materials a contractor or subcontractor takes delivery of **before October 1, 2024**; and
 - Any contract entered into on or after **November 10, 2022, and before March 10, 2023, but** (a) only if the contract results from a solicitation published **prior to May 14, 2022** **and** (b) only for construction materials a contractor or subcontractor takes delivery of **before October 1, 2024**
- That leaves grants obligated between November 10, 2022 and the date the final waiver was posted on January 30, 2023. A **special set of rules** apply for those grants. If you have such a grant and it includes construction materials, please reach out to the FTA Regional Office for additional advice



BABA Master Agreement & Grant Language

Master Agreement Section 15 (excerpted)

- Build America, Buy America Act. **Construction materials used in the Project are subject to the domestic preference requirement** of the Build America, Buy America Act, Pub. L. 117-58, div. G, tit. IX, § § 70911 – 70927 (2021), as implemented by the U.S. Office of Management and Budget, the U.S. Department of Transportation, and FTA. The Recipient acknowledges that this agreement is neither a waiver of § 70914(a) nor a finding under § 70914(b)

Grant Language Executive Summary

- In addition to FTA's Buy America Act, which requires that the steel, iron, and manufactured goods used in an FTA-funded project are produced in the United States (49 U.S.C. § 5323(j)(1)), the Build America, Buy America Act (BABA) (Public Law 117-58, div. G § 70914(a)) **now requires that construction materials used in infrastructure projects are also produced in the United States.** Refer to terms and conditions in FTA's Master Agreement Section 15. The BABA requirement applies to this grant, in addition to the Buy America Act, **except to the extent a waiver of either requirements may apply.**



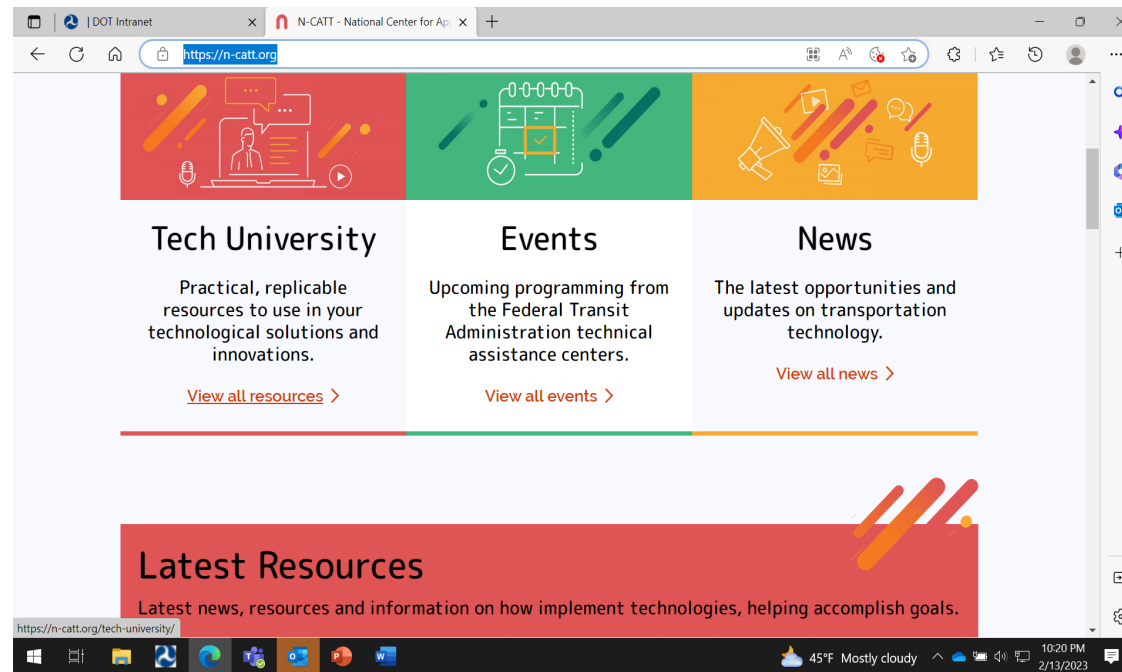
Joint Office of Energy & Transportation

- The Joint Office of Energy and Transportation was created through the Bipartisan Infrastructure Law (BIL) to facilitate collaboration between the USDOE and USDOT
- The Joint Office will align resources and expertise across the two departments toward leveraged outcomes
- The office will be a critical component in the implementation of the BIL, providing support and expertise to a multitude of programs that seek to deploy a network of electric vehicle chargers, zero-emission fueling infrastructure, and zero-emission transit and school buses
- <https://driveelectric.gov>



N-CATT Resource

- FTA funds the **National Center for Applied Transit Technology**, known as N-CATT
- N-CATT is a technical-assistance center that provides **small urban, rural, and Tribal transit agencies** with practical resources that help you apply technological solutions and innovations
- N-CATT shares case studies, research technologies and works to help transit agencies learn about and adopt technology solutions that can meet the operational needs of your transit service



- N-CATT webpage – www.n-catt.org

Transit Workforce Center

- The [Transit Workforce Center](#) (TWC) is the first FTA-funded center to directly support public transit workforce development to help transit agencies **recruit, hire, train, and retain** a diverse workforce needed now and, in the future
- Responding to the historic shortage of transit workers around the country, TWC has created a **campaign toolkit** to support the public transportation industry with innovative, site-specific approaches to meet the critical challenge of recruiting workers, especially bus operators and maintenance workers
- [ConnectingMyCommunity: The National Transit Frontline Worker Campaign Toolkit](#) provides a wealth of resources for transit agencies and communities to tailor for their needs
- The toolkit features **tips and strategies** developed by TWC in consultation with public transit stakeholders, transit agencies, labor unions, frontline workers, industry associations, and community-based and workforce development organizations
- Materials include **advertising templates with graphics and messages** designed to be customizable by agencies, especially those with limited resources
- To further support the development and execution of effective recruitment campaigns, the toolkit includes a **library of videos and other advertising** used by agencies across the country, **case studies** on successful recruitment strategies, and **recruitment-related research and reports**

Potential FTA Actions on Chassis Shortage

Continue Stakeholder conversations

- Chassis manufacturers (Ford & GM)
 - Share Industry concerns and the full impact on transit
 - Encourage them to **set aside units for vital public transportation**
 - » The White House has prioritized chassis for emergency response vehicles, like ambulances, but that market may be stabilizing
 - Explore how FTA can help address the challenges and implement potential solutions
- Transit associations, agencies, state DOTs, etc. & cutaway manufacturers
- Provide **targeted guidance and technical assistance** to FTA grantees
 - Identify additional ways for FTA to help address challenges and implement potential solutions



Potential FTA Actions: Technical Assistance

- **Follow-Up Dear Colleague Letter** and /or webinar about recipients' procurement options
- Technical assistance to individual recipients **when contacted with procurement questions** (as requested)
- **Technical assistance roadshow** for recipients with procurement questions (as requested)

Potential Transit Agency Actions

- **Execute shorter contracts** to potentially take advantage of price decreases as the supply chain shortages correct
- **Consider different Price Index-based cost indices** that better reflect economic reality in the industry, especially in longer-term contracts
- **Include language about chassis manufacturer interchangeability**
- **Add more stringent performance timing targets to hold manufacturers accountable**
 - One manufacturer recommends language tied to production times after *receipt of chassis* as the preferred metric instead of after *receipt of order*
- **Switch to vans when capacity (and accessibility need) allows**



Summary Emergency Relief (ER) Program

FY 2023 Emergency Relief Grants for Public Transportation Systems Affected by Major Declared Disasters in Calendar Years 2017, 2020, 2021, and 2022

Notice of Availability of Emergency Relief Funding (NAERF)

- **\$212,301,048** available
- Public Transportation Emergency Relief Program (Emergency Relief Program)

Deadline to Apply: **May 26, 2023**

Eligible Applicants

1. States, territories, local government authorities, Indian tribes, and other FTA recipients
2. Affected by major declared disasters in calendar years 2017, 2020, 2021, and 2022
3. Incurred associated costs that have not yet been reimbursed by FEMA or another entity.

Eligible Projects

- Projects may include costs for disaster response, recovery, and rebuilding activities.
- However, costs related to the COVID-19 pandemic are **not** eligible for this funding.



Emergency Relief (ER) Program Overview

49 U.S.C. § 5324 – Public Transportation Emergency Relief Program

Moving Ahead for Progress in the 21st Century Act (MAP-21) – October 1, 2012

Provides grants for:

- **Capital projects** to protect, repair, reconstruct, or replace public transportation-related equipment and facilities
- **Emergency operating costs** of public transportation equipment and facilities

No permanent or annual appropriation to date

- Receives funding when appropriated by Congress

Three previous supplemental appropriations:

- **Hurricane Sandy** in 2012 (\$10.9 billion)
- **Hurricanes Harvey, Irma, and Maria** in 2017 (\$330 million)
- Major declared disasters in **calendar year 2018** (\$10.5 million)

All funds remain available “until expended”



NAERF § B: Current Funding Availability

The Consolidated Appropriations Act, 2023 (Pub. L. 117-328)

- Signed into law on December 29, 2022
- Appropriated **\$213,905,338** for FTA's Emergency Relief Program
 - \$213,905,338 - \$1,604,290 (0.75% admin/oversight) = **\$212,301,048**
- For transit systems affected by major declared disasters occurring in calendar years **2017, 2020, 2021, and 2022.**

Pre-award authority

- Allows reimbursement of expenses already incurred
- Including expenses incurred in preparation for such disasters when forecasts specific to the disasters were available
- For more information, see Emergency Relief Program final rule (49 CFR C.F.R. Part 602.11)

NAERF § C: Eligible Applicants

Eligible Applicants

- Public transportation agencies,
- States,
- Territories,
- Local governmental authorities,
- Indian tribes, and
- Other FTA grant recipients that provide or fund public transportation service are eligible for Emergency Relief funding under the program

Eligible Subrecipients

- Public transit systems that are not FTA direct recipients (i.e., are subrecipients) but have incurred eligible expenses may receive Emergency Relief funding through a pass through entity, such as a State or designated recipient

NAERF § C: Eligible Disasters

Requirements

- Occurred in Calendar Year 2017, 2020, 2021, or 2022
- Major Disaster Declaration issued
- County(s) eligible for FEMA Public Assistance

Please see FEMA's website for

- Major Disaster Declarations
- Areas designated for Public Assistance
- Incident periods

www.fema.gov/disasters/declarations

The screenshot shows the FEMA website's 'Declared Disasters' search and filter interface. The page features a navigation bar with the FEMA logo and links for 'Prepare for Disasters', 'Get Flood Insurance', 'Apply for Assistance', and 'Check Application Status'. Below the navigation bar, there are several menu items: 'Disasters & Assistance', 'Grants', 'Floods & Maps', 'Emergency Management', 'About', and 'Work With Us'. The main content area is titled 'Declared Disasters' and includes a search and filter section. This section has four filters: 'State/Tribe' (set to '- Any -'), 'Year(s)' (with buttons for 2023, 2022, 2021, 2020, 2018, and 2017), 'Declaration Type' (set to 'Major Disaster Declaration'), and 'Incident Type' (set to '- Any -'). A blue button labeled 'Search and Filter Disasters' is located below the filters. Below the search and filter section, a specific disaster is listed: 'Mississippi Severe Storms, Straight-line Winds, and Tornadoes (DR-4697-MS)'. The incident period is noted as 'March 24, 2023 - March 25, 2023' and the major disaster declaration is noted as 'declared on March 26, 2023'. The 'Year(s)' filter and the 'Declaration Type' filter are highlighted with yellow boxes in the original image.

NAERF § C: Eligible Projects

Eligible projects include:

- Public transportation emergency operations
- Emergency protective measures
- Emergency repairs
- Permanent repairs

Considerations

- Expenses must be incurred in a county eligible for FEMA Public Assistance
- For emergency service operations, service must be in addition to, or otherwise different than, regular service to be eligible
- Farecards and lost fare revenue are not eligible expenses
- Cost-effective resilience measures may be incorporated into replacement and repair projects

Recipients are strongly encouraged to review FTA's Emergency Relief Manual, found at:

<https://www.transit.dot.gov/funding/grant-programs/emergency-relief-program/emergency-relief-manual-reference-manual-states>

FTA's Emergency Relief Frequently Asked Questions at

<https://www.transit.dot.gov/funding/grants/grant-programs/emergency-relief-program/fta-emergency-relief-program-frequently>

NAERF § C: Funding Restrictions

FTA Emergency Relief Program funds **may not be used** to reimburse project costs for which a transit system has received payments from:

- Insurance policies
- Another Federal agency (including FEMA)
- Other FTA funds.

Transit systems that have been reimbursed by FEMA for emergency relief expenses may not apply for funds available through the NAERF for activities already funded

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200) and FTA Circular 5010.1E apply

FTA Mission, Vision, Values

MISSION

Improve America's Communities through Public Transportation



VISION

A Better Quality of Life for All Built on Public Transportation Excellence



VALUES



SERVICE	Provide reliable, transparent, responsive, and anticipatory services to meet stakeholder needs
INTEGRITY	Commitment to the highest professional and ethical standards
INNOVATION	Foster new ideas, concepts, and solutions for improved outcomes
SUSTAINABILITY	Optimize decisions, resources, and systems to make long-term positive impacts on the environment, infrastructure, and safety
EQUITY	Remove barriers for systemically underserved communities to access all aspects of economic, social, and civic life