



November 13, 2017

U.S. Department of Transportation
Office of the Under Secretary for Policy
Attn: Strategic Plan Comments
1200 New Jersey Avenue, SE
Washington, DC 20590.

Transit For All



To Whom it May Concern:

The Community Transportation Association of America (CTAA) – representing more than 3,000 members and affiliates committed to improving mobility options across the nation – hereby submits the following comments in response to the Department of Transportation Draft Strategic Plan for FY 2018 – 2022.

Throughout the United States, CTAA and its members dedicate their efforts to ensuring that all Americans, regardless of age, ability, geography or income, have access to safe, affordable and reliable transportation. Our members provide public transportation across rural America, in our nation’s small-urban areas and directly to older Americans and people with disabilities throughout the nation. They operate dial-a-ride services, volunteer transportation systems and non-emergency medical transportation operations. They are state departments of transportation and state and regional transit associations.

CTAA’s response to the U.S. Department of Transportation’s FY 2018-2022 Strategic Plan is organized around the four categories identified in the plan as strategic goals: safety, infrastructure, innovation and accountability. In each, we will provide both discussion and recommendations. We would welcome the opportunity to discuss our responses directly with the appropriate U.S. Department of Transportation staff.

1. Safety

By all measures, community and public transportation operations provide the safest surface transportation available to the American public. In 2015, for example, the nation’s rural public transportation operators drove more than 536 million miles, serving 135 million passengers with 14 total fatalities. Further investigation into each of these fatalities reveals that the vast majority were the direct result of private automobile drivers failing to maintain the safety of their vehicles and crashing into rural public transportation buses.

CTAA and its members concur with the U.S. Department of Transportation about the priority of safety. Our members and the state departments of transportation who are typically the federal grantee have invested significantly in training programs for front-line staff and system management. CTAA offers a number of training and certification programs focused squarely on safety and provides access to these programs each year at its annual EXPO conference and we work directly with state and regional transit associations to make these courses available at their annual conferences.

Yet today, due to a series of tragic accidents in the passenger rail arena, our nation's small-urban and rural public transit bus operators — as well as the state departments of transportation which serve as the Federal Transit Administration grantees for these systems — find themselves facing the uncertain burden of meeting federal transit safety plan requirements. These new requirements will include additional data collection, paperwork and certifications that will strain already stretched budgets for these smaller transit providers — and with little to no measurable decrease in incidents, injuries or fatalities.

Recommendation: The best way for the U.S. Department of Transportation to enhance the safety of small-urban, rural, specialized, volunteer and non-emergency medical transportation is not to require an additional, burdensome set of regulations based on addressing the well-publicized failings of heavy rail systems in our nation's largest cities. Rather, it is to build a separate, more simplified set of safety regulations that takes into account the current, ongoing and successful efforts that these operators and their state DOTs have engaged in. CTAA's safety training and certification programs should be part of these efforts as should be the successful programs initiated at the state level. The best way for the U.S. DOT to ensure safety for our nation's smaller transit systems would be to increase the amount of federal investment in the Section 5339 bus and bus facilities capital program. Too many smaller transit operators have been forced to continue using aging rolling stock, often past the federal lifecycles of these vehicles, due to the inability to replace them. Newer vehicles and equipment represent immediate increase in safety due to advancing safety technologies on American-made buses and vehicles.

2. Infrastructure

There is no more popular issue today with the American people than infrastructure. Polls and surveys indicate that it is the single issue that unifies the country, as infrastructure investment enjoys similar support in both rural and urban environments, and from across the political spectrum, as well. Our nation's public and community transportation operators are in dire need of infrastructure investment.

Everyday, more than half the transit trips in the nation are provided on a bus. Yet our nation's bus operators find themselves in a capital squeeze today with only 14 percent of dedicated transit capital funds in the FAST Act going to the bus and bus facilities (Section 5339) program. And the FAST Act was a significant upgrade from the MAP-21 legislation that passed in 2012, which cut dedicated bus and bus facilities capital funding by more than 50 percent. The net effect of this disinvestment in dedicated bus and bus facilities capital has been to force public transportation bus operators of all sizes and in all corners of the country to increasingly rely on an aging fleet. Aging vehicle fleets has no doubt contributed to transit ridership reductions due to both image and reliability issues. Finally, new vehicles will improve the already stellar safety record of our nation's public transportation bus systems.

Recommendation: To take bus and bus facilities capital investment back to pre-2010 levels and at the same time make up for the dis-investment that has occurred since 2012, CTAA and its members, along with our partners at the Bus Coalition, have recommended a \$2.85 billion bus and bus facilities infrastructure investment plan as part of any potential federal infrastructure investment program. Such a program would inject approximately 14,000 buses of all sizes into the American public transportation fleet and would result in significant American jobs growth at domestic bus manufacturers. To reach a state of good repair for half of the transit trips provided in the country today, bus and bus facilities investment is necessary.

3. Innovation

CTAA is excited to see so much innovation in technology that enables safe and easy connections to transit and to all kinds of shared-use transportation modes. CTAA and its members agree with the U.S. Department of Transportation about the priority of technological innovation to our transportation system, to our public health, and to our economic development. From the volunteer driving one person to dialysis treatment to the hundreds who embark in unison onto a subway train during rush hour, throughout the United States our expectations for real-time transportation information and every kind of demand-response service have quickly transformed. CTAA would like to see these innovations continue to blossom.

With the innovations of the last few years, we now expect real-time information on our phones, at our bus stops, on our subway platforms, and through telephone call centers. No matter how rural or urban, all communities see the incredible possibilities and want the positive changes that technology affords. With these technological tools, come improved transit service and other shared-use modes as convenient and timely for trips, or nearly so, as the

cars that dot the driveways of most communities. Information technology allows for almost-instant on-demand service, whether that service is an impromptu intercity trip with ten strangers to the football game of an alma mater or sharing with another passenger a car trip to travel two miles to the supermarket.

Autonomous vehicle technology holds the easily realizable prospect of a nation where people who are blind or who use wheelchairs or who are at an age when they no longer feel comfortable driving to become first-class transportation citizens along with those who are able to drive. These technologies will be nothing short of miraculous for all of these individuals - our mothers and fathers, grandparents, siblings, children, and friends - as long as we strongly encourage industry and technology developers to produce vehicles and technologies that are physically accessible and that have accessible interfaces.

Currently, many of our citizens struggle to retain jobs, not based on poor work performance, but only because they lack reliable transportation. Likewise for people who need medical care and those trying to better themselves through education. We can ensure access to the American dream and to health with a transportation system that ensures access for all.

CTAA concurs with the U.S. Department of Transportation to allow the private sector to continue to innovate and to bring improvements to transportation information delivery, connections to on-demand shared-use transportation, and to transit service.

Recommendation: CTAA requests that the U.S. Department of Transportation strongly encourage the development of technology with redundant interfaces and the production of all types of vehicles with accessible physical equipment. CTAA finds it important to point out to the U.S. Department of Transportation that not every disability is alike and that is why visual, auditory, physical, and cognitive disabilities should be considered in the development of new technologies and new vehicles.

Just as we learned that curb cuts at the end of sidewalks and elevators at transit stations and at airports help the person in the wheelchair as well as the person with a stroller and the person with heavy luggage, we know now that accessibility helps everyone. Technology that makes it simple to gather transportation information serves the person with a cognitive disability and the foreign tourist traveling to discover the beauty of the United States.

Recommendation: CTAA supports research, policies, coordination, and other means of encouragement to ensure that all of our citizens - no matter their

age, disability or income - have an accessible, reliable, affordable, and convenient transportation system. To that end, CTAA recommends that the U.S. Department of Transportation provide forums where private sector transportation and technology companies can discuss strategies with transportation providers and transit agencies for ensuring that emerging technology, interfaces with technology, and physical vehicles are accessible and provide a 21st century transportation system that serves all Americans.

4. Accountability

CTAA and its members agree with the U.S. Department of Transportation's stated goal in the draft FY 2018-2022 Strategic Plan of reducing the regulatory burden to create greater efficiency, effectiveness and accountability. Increasingly, CTAA members report that they are forced to make the difficult decision between meeting the increased regulatory burden and providing actual transportation service to their communities. In the absence of increased investment levels, reducing the current regulatory burden and bureaucracy is this Association's top priority.

The over-arching issue with federal transit regulations is their failure to take into account the staff and budget limitations of smaller transit operators. Too often these regulations are developed with large-urban transit operators, that have passenger rail systems, in mind. Once the regulation is developed to work with this large transit operator, it is then (ideally) scaled back to smaller transit systems. CTAA and its members have come to understand that smaller transit operations are so different than the large ones, that this scaling back has proven very difficult if not impossible. Rather, CTAA and its members have come to believe that separate regulations that take into account the vastly smaller staff and budgets of these agencies need to be developed.

To better assess the impact of the growing regulatory burden on smaller transit providers, CTAA conducted a full survey of its membership earlier this year and provided the results of this survey directly to the Federal Transit Administration. The results of this survey showed growing concern for the totality of the regulatory burden for these smaller transit operators, and identified a number of potential solutions. CTAA is partnering with the American Association of State Highway and Transit Officials (AASHTO) to further develop these potential regulatory solutions.

Recommendations: In July, CTAA provided directly to the U.S. DOT a series of regulatory recommendation in response to a call for such. We feel the solutions we offered then remain valid today. Here they are, synopsized:

Safety: Inasmuch as there are not yet any regulations at 49 CFR Part 673, a less burdensome approach to guiding public transit agencies through the confusion of what currently is or is not part of FTA's safety regulatory program would be an immediate suspension of the regulatory language at 49 CFR Part 670, and the interim final guidance published on February 5, 2016, delaying the effective dates of these requirements until such time as the requirements proposed at 49 CFR Part 673 actually take effect. CTAA also recommends that all Section 5310 operators be removed from all transit safety planning recommendations.

Transit Asset Management: Because neither the statute nor regulation on transit asset management call for FTA to incorporate Section 5310-funded equipment in the national transit asset management system, FTA can provide this small amount of necessary clarity simply by issuing a policy statement that entities whose only receipt of FTA funding is through Section 5310 are not required to participate in the national transit asset management system.

Reviews and Audits: As a matter of routine oversight, FTA should rely solely upon its triennial and state management reviews to assure grantees' compliance with FTA requirements. These reviews already are comprehensive, as the current 295-page triennial and state management review manual illustrates. All other reviews should be conducted only when these reviews have specific findings that require additional investigation, monitoring or oversight.

Procurement: There are three steps that FTA can take: 1. A review and revision of FTA's procurement policy guidance to bring this policy up to date is critically necessary, and may go far to alleviate procurement-related burdens; 2. FTA needs to provide specific guidance and training to help its grantees make effective and appropriate use of federally allowed simplified acquisition processes; and, 3. FTA grantees with approved budgets for their formula-funded projects (primarily the funds that states, tribal governments and urban transit agencies receive through Sections 5307, 5310 and 5311) should be able to carry out procurements that are consistent with these budgets without requiring additional stages of approval from FTA, except when there are identified deficiencies in their procurement processes. CTAA supports FTA's implementation of innovative procurement pilots.

National Transit Database: In its transit asset management rule, and in its proposed public transportation agency safety plan rule, FTA has established a useful model through the identification of "Tier I" and "Tier II" transit agencies, determined by the size of their fleets, rather than the funding they receive. Using a similar approach, FTA can provide appropriately scaled gradations of NTD reporting, in which the most extensive reporting can be for the largest

urban transit systems, including operators of rail systems and bus services with at least 100 vehicles; a simpler level of NTD reporting, modeled on the current process used for Section 5311 transit agencies, can be used for all Section 5311 systems (both states and tribes), for all transit agencies whose sole mode of service is demand-response public transit, and for all operators of fixed-route transit with fewer than 100 vehicles, regardless of whether they operate in rural or urban areas. In addition, FTA should reaffirm that those transit agencies whose sole source of FTA funds are Section 5310 grants are not required to participate in NTD reporting.

Charter Service Restrictions: The current rule already includes less burdensome alternatives. They can be addressed simply by having FTA issue “Dear Colleague” letters that clarify some established points in the rule, including: 1. The criteria and process by which FTA recipients can seek the removal of charter bus operators who’ve acted in “bad faith,” as per 49 CFR Section 604.26; 2. The specific exemption from this rule for transportation provided by FTA grantees – both urban and rural – to human services organizations as provided in 49 CFR Section 604.7 and the appendix associated with that portion of the charter service rule; and 3. The general exception stated at 49 CFR 604.2(e) under which nothing in 49 CFR Part 604 applies to FTA recipients who are using federal transit assistance solely for the “program purposes” of the Section 5310 or 5311 funds they receive. In drafting communication to its grantees about the two well-established regulatory provisions cited above, FTA should examine how those entities receiving Section 5307 funding, in addition to the Section 5310 or 5311 funds they receive, may best comply with the charter service regulations at 49 CFR Part 604. That clarification may be easily addressed as part of a “Dear Colleague” communication from FTA, but if the agency determines revisions to the regulation are in order, an alternative approach might be to address this requirement through a two-tier approach similar to that used in the transit asset management rules at 49 CFR Part 625, and for the public transit agency safety plan rules proposed for 49 CFR Part 673.

Buy America: The current rules already include less burdensome alternatives, which simply need to be reinforced: 1. FTA needs to remind grantees of its September 16, 2016, “Dear Colleague” letter that stated the standing public interest waiver from Buy America of all procurements valued at or below \$150,000; 2. In general, the waiver provisions at 49 CFR Section 661.7 adequately address the issues facing transit agencies concerning public interest, non-availability and burdensome price differentials, but these waiver opportunities are not well-communicated to smaller transit agencies; FTA should consider preparing a streamlined Buy America waiver request procedure for use by “Tier II” transit agencies, as defined by its transit asset management rule; and 3. FTA can issue a “Dear Colleague” letter that reminds

rural and small-urban areas' transit operators of the simplified requirements they enjoy (at 49 CFR Section 663.37(c)) for documenting the Buy America compliance of rolling stock they are acquiring with FTA assistance.

Disadvantaged Business Enterprises: There are two simple steps DOT can take to apply these important DBE requirements to smaller FTA grantees: 1. Reset the baseline at 49 CFR Section 26.21(a)(2) that's used for determining which FTA grantees are required to have full DBE programs to \$5,000,000 in cumulative annual contracting opportunities, and increase this amount annually to reflect inflation; and 2. DOT should create a simplified DBE program format for all FTA recipients in rural areas, and for FTA recipients in urban areas whose cumulative annual contracting opportunities are between \$500,000 and \$5 million, in which compliance with DBE-related aspects of Title VI of the Civil Rights Act of 1964, as well as the Supreme Court's "Adarand" decision is applied in an appropriate fashion to these smaller transit entities.