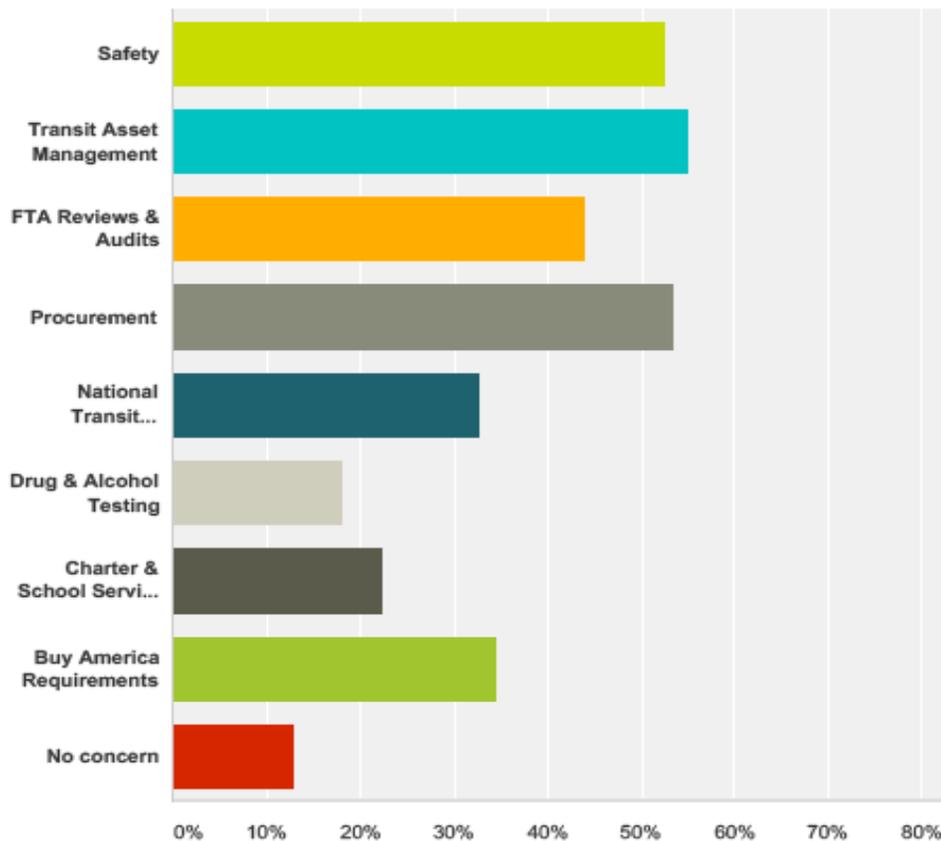




Regulatory Reform — An Analysis of March 2017 CTAA Member Survey

Q1 How concerned are you about the impact of any current or potential regulations? (select all that apply)

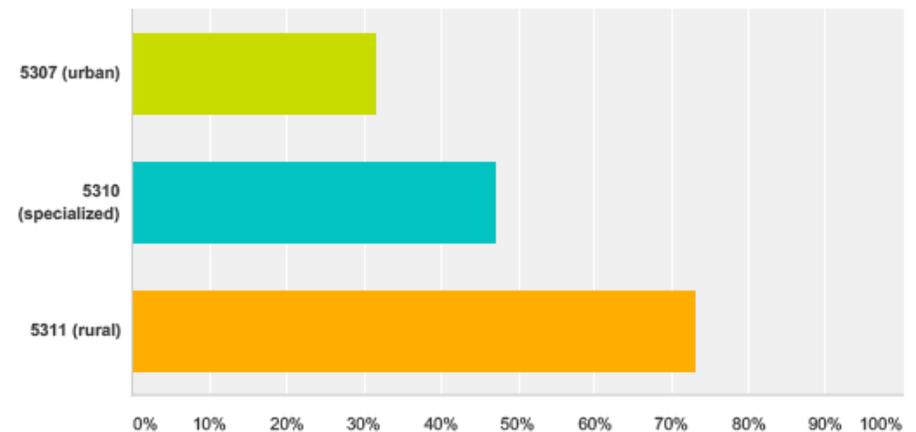
Answered: 116 Skipped: 0



In March 2017, CTAA conducted an extensive survey of its members on the impact of federal regulations on their operations. We collected data, opinions and — most importantly — potential solutions from 116 transit operators. This document provides an analysis of the results of this survey.

Q10 Which FTA funding source(s) do you use (if applicable)?

Answered: 108 Skipped: 8





Regulatory Reform — Safety Regulations Comments & Solutions

Representative Comments from CTAA members:

“Would increase workload and decrease available resources to maintain existing operations and service when funding is already tight. There are no new funds provided to implement new safety documentation requirements.”

“One size fits all doesn’t work. Must be scalable.”

“Bus service – especially in rural areas – already is safe. Regulations will have no impact on improving safety. We’re being punished for the errors of large rail operators.”

“For small systems, meeting administrative burdens could threaten service because many managers often drive.”

“Safety is the top priority. We must be cautious in how safety regulations are changed.”

Potential Solutions:

- Make new safety regulations apply only to rail and bus systems in cities with greater than 1 million populations.
- If rural, specialized and small-urban bus operators must be included, develop regulations for 100, 50, 25 and 10 or fewer buses in peak service (or developed thresholds around the amount of FTA investment) with commensurate relief from time and resource consuming aspects of the safety regulations. The smaller the operation, the lighter the regulatory burden.
- Provide federal funding to deal with transit safety.
- Remove the individual agency safety plan requirement for all state grantee transit operations, as well as Section 5310 operators.
- For rural, specialized and small-urban transit, use currently collected safety data to establish reasonable thresholds (with active industry input) and build more strict safety planning regulations into the triennial reviews for operators whose safety performance doesn’t meet the benchmark.
- For rural, specialized and small-urban transit, safety regulations should simply assure a Certified Safety Officer and an updated safety plan that can be developed and updated in concert with the state DOT using templates. Nothing more is needed.



Regulatory Reform — Transit Asset Management Comments & Solutions

Representative Comments from CTAA members:

“Need to be scalable and not increase burden when no additional resources are available to implement or comply.”

“We’re doing this already through state DOTs, and therefore is duplicative, especially any federal requirement to procure redundant asset management software.”

“No benefit from the process. What would be done with this information other than creating more reports?”

“Managing assets has always been crucial to our survival in an era of limited funds. We manage our assets well already or we go out of business.”

Potential Solutions:

- Provide a simple, clear and concise template for all rural, specialized and small-urban transit operators to submit annually. No additional reporting beyond the template.
- These requirements should only apply to systems where asset management issues have been found. The vast majority of rural, specialized and small-urban transit operators manage their assets well and don’t need these burdensome requirements.
- Many (if not most) State DOTs already have a process in place for asset management. Drop these regulations for state grantee systems in states where such plans have proven successful.
- Reduce the regulatory burden of asset management to a simple annual report for all systems operating fewer than 100 buses.



Regulatory Reform — Reviews and Audits Comments and Solutions

Representative Comments from CTAA members:

“Reviews have become more onerous (growth), frequent and time-consuming. There’s no consistency year-to-year or reviewer-to-reviewer, which makes the process unpredictable.”

“Outcome of the process is always punitive, never helpful ways to improve.”

“Consultants are often poorly trained, biased or unprepared with materials already submitted. There are no standards for reviewers. Many are unfamiliar with rural and/or small-urban systems.”

“We’re not given enough notice, and timelines are inconsistent between when materials are submitted and the time of the on-site review. The process focuses mostly on arcane procedure rather than the importance of the data/information provided (process prioritizes the letter of the law, rather than the spirit).”

“Must be scalable. No resources provided to implement or comply.”

Potential Solutions:

- Make the review consistent — from year-to-year, reviewer to reviewer and regionally. Reviews must be tailored to the size of the operator.
- For transit agencies that perform well in the triennial review, reduce the frequency of such reviews.
- For rural, specialized and small-urban transit providers, dramatically reduce the number of questions posed prior to the triennial audit and provide standardized templates for smaller operators to complete ahead of the audit that don’t require significant amounts of staff time to prepare. These templates must be designed with smaller systems in mind and not scaled back from large urban, rail providers.
- Standardize a DBE/MBE/WBE template to reduce staff time and resources on this one aspect of the triennial review.
- To reduce staff time and resources, develop a spot check or sampling program for rural, specialized and small urban transit operators.
- Stop using terms like audit and findings. Move to periodic site visits where training and technical assistance can occur.
- Better training for audit contractors who should not be confrontational and who should better understand the nature of the systems they are working with.
- Provide all FTA grantees the ability to provide feedback on the quality of the review contractors without fear of recrimination.



Regulatory Reform — Procurement Comments & Solutions

Representative Comments from CTAA members:

“Growth is skyrocketing in the amount and complexity of requirements, especially documentation. The process is too time-consuming.”

“Process adds time and cost to projects and limits the number of bidders/suppliers available.”

“Cost threshold is too low, not scalable to rural and small-urban areas with lack of suppliers in their communities. Can’t meet the number of quotes/bids required.”

“Inconsistency with state requirements, means duplicative work.”

Potential Solutions:

- Streamline procurement regulations to ensure that they do not add time or cost to vital transit purchases.
- The amount of the procurement must be taken into account. Thresholds for certain aspects of these regulations must be increased to save time and money. Raise the small purchase limit.
- Allow smaller transit operators to use the GSA purchasing schedules (or state purchasing schedules, where available) and thus avoid the bulk of these regulations.
- Develop a common ICE form (or template) for all small transit operators to use.
- Encourage joint procurements led by state transit associations.
- Remove the requirement for three vendor bids for any purchase of less than \$3,500.
- Use the Uniform Guidance from OMB and eliminate all other procurement regulations.
- Provide real technical assistance on procurement to all rural, specialized and small-urban transit operators. The FTA procurement manual is overwhelming.
- Develop a vehicle procurement process that allows smaller transit operators to specify options they need on a vehicle that are different from the base vehicle without adding to the time of the procurement.



Regulatory Reform — National Transit Database Comments and Solutions

Representative Comments from CTAA members:

“Providers spend too much time updating data due to errors in the system. The system is convoluted and poorly built by people who know nothing about transit.”

“Some information required is unnecessary and has no value after submitting.”

“Not scalable for rural and small-urban transit systems.”

“Paratransit reporting is poorly designed based on miles, not time or other common measures. Does not factor in requirements such as Medicaid, ADA and behavioral health.”

“Requirements should be consolidated to avoid duplicative work.”

Potential Solutions:

- For rural, specialized and small-urban transit operators, FTA should provide a concise, consolidated reporting template and/or a similar web page.
- Fix the software to alleviate the time spent between FTA and smaller operators in dealing with rolling errors in the system.
- Get input and feedback from smaller transit operators to ensure a simplified approach is found and deployed.
- Data for rural, specialized and small-urban transit should be collected by the state and then shared with the FTA.
- Need a common reporting platform for Medicaid and other non-FTA data.
- Provide a more user-friendly web interface or dashboard for all grantees to view their data and to be able to easily compare their systems to similar ones around the nation.



Regulatory Reform — Charter & School Service Comments and Solutions

Representative Comments from CTAA members:

“Counter-productive to federal and other goals of efficiency (acting like a business) and coordination. We have to turn down viable revenue.”

“Existing regulations allow for bad faith bids by private companies from far away with no intention of performing the work at a reasonable price. As a result, many trips don’t happen because charter prices are unreasonable.”

“School bus requirements are poor public policy for transportation and education priorities. Aren’t relevant to the needs of rural communities.”

“Current rules unfairly punish non-profits.”

“Thresholds that constitute a charter are too low and unrealistic.”

Potential Solutions:

- Exempt nonprofit organizations from the charter regulations. Consider exempting rural transit operators, in certain conditions, from these regulations.
- Enforce the bad-faith bidding aspect of these regulations.
- Develop a micro-purchase threshold under which the charter regulations do not apply.
- Impose geographic limits or penalties on charter companies that say they are willing and able but that have no real intention of providing the service.



Regulatory Reform — Buy America Comments & Solutions

Representative Comments from CTAA members:

“Limits options for better quality vehicles and produces increased costs.”

“Rural and paratransit vehicles often have limited or no Buy America options.”

“Limited funding available means Buy America provisions use more resources than needed and prevents operating more service.”

“Supply chain requirements have the effect of excluding products that are nonetheless made or assembled in America.”

“Because they are a government-mandated monopoly, Buy America suppliers force maintenance contracts and offer limited availability of spare parts that are difficult or impossible in rural areas, which increase costs.”

Potential Solutions:

- Revise these regulations to incentivize improved domestic products through competition. Focus of limited federal funding needs to be on quality first.
- Lower the Buy America thresholds and/or develop additional waivers to improve quality, efficiency and competition.
- Allow vehicle manufacturers — specifically minivans — that are currently assembling their vehicles in the U.S. to meet domestic content thresholds without having to divulge their supply chains.