



2010 FEDERAL LEGISLATIVE PROGRAM

The California Transit Association's 2010 Federal Legislative Program is an integral part of making our vision a reality, and is part and parcel of our mission to further the interests of public transportation as defined in our *Strategic Plan*.

Vision Statement

This statement contains our long-range vision for the transit industry and portrays the desired future the Association seeks to achieve. Our Association's vision is to have:

“Fully funded, efficient, and effective public transit systems operating in a balanced transportation network.”

Mission Statement

To attain that vision we carry out our mission to:

“Support the needs of California's public transit systems through advocacy and education.”

Advocacy

The goal of the advocacy effort contained in our *Strategic Plan* is to:

“Influence decision makers to enact policies and supply funds supporting and advancing public transit.”

The objectives of our advocacy effort are aimed at:

- Ensuring that existing transit funds are protected.
- Securing new funds for transit.
- Pursuing laws and regulations that support transit and defeating those that impede transit's ability to meet the public's mobility needs.

OBJECTIVE 1. Existing Transit Funds are Protected

A. Advocate for Federal Funding for Public Transit Through the Reauthorization of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

SAFETEA-LU reauthorized federal surface transportation programs for a six-year period—from FY 2004 through FY 2009—and allowed federal dollars to be spent on these programs during that timeframe. SAFETEA-LU was scheduled to expire on September 30, 2009, however Congress approved a one-month extension of the law. It is uncertain if a new six-year program will be enacted soon, or if Congress will continue to approve further extensions of SAFETEA-LU. The Association supports the enactment of a successor 6 year bill to be enacted as soon as possible.

Following are the principles and specific program and regulatory changes supported and advocated for by the California Transit Association and its 250+ members in the reauthorization of the next federal surface transportation bill.

Federal Transportation Authorization Principles

Overarching Principles

The California Transit Association:

1. Supports maintaining a strong federal leadership role in providing a national surface transportation system and opposes efforts to significantly reduce or eliminate the federal role in funding surface transportation.
2. Supports more than doubling federal investment in public transportation to address capital needs and growing demand for public transportation service, authorizing guaranteed investment levels for the federal public transportation program of at least \$123 billion over 6 years.
3. Supports the retention of key elements already a part of the surface transportation program, including flexible funding of surface transportation projects, an appropriate balance between highway and transit investments, administrative and environmental process streamlining, community enhancements and public participation in the funding process.
4. Supports the continuation of guaranteed funding levels for the transit and highway programs.
5. Supports maintaining the federal and local match for transportation projects in such a manner that the required local match for projects does not increase, but that a higher local match is permitted at the discretion of state or local grantees.
6. Supports the continuation of the mass transit account as a separate and distinct account within the highway trust fund, and opposes any efforts to transfer or loan funds from

the mass transit account for any other purpose within or outside of the highway trust fund.

7. Supports authorizing individual programs under the transit title at increasing funding levels which are sufficient to address current and future transit needs, including increased federal investment to modernize and expand the capacity of our nation's aging rail infrastructure.
8. Supports authorizing appropriate transit-eligible programs under the highway title at increasing funding levels to address identified needs.
9. Supports retention of a central formula program supplemented by discretionary programs.
10. Supports the need to address the transportation impact of the movement of goods by rail and truck, using infrastructure shared with transit or causing transportation congestion on adjacent infrastructure, in such a way as to benefit all uses.
11. Supports an authorization bill of 6 years in duration which will provide a predictable and stable source of long term capital and operating funding, to be enacted as soon as possible in order to address a variety of transit needs, including the lead time required for capital development. Any extension should include increases commensurate with SAFETEA-LU's authorized growth levels. Opposes month-to-month bill extensions.
12. Supports initiatives to develop the workforce necessary to successfully deliver transit services, including flexibility of federal funds for training purposes and the most expedited grant-making process possible for those funds, as well as continued and expanded funding of regional training consortium programs which provide advanced transit specific training through local community colleges and similar educational institutions.
13. Supports the need to provide additional federal transportation funding for strategies to reduce greenhouse gas emissions and to financially assist local transportation systems implementing these strategies, and opposes additional clean air mandates on transit systems without the funding commensurate to paying those costs; specifically supports including the Clean, Low-Emission, Affordable, New Transportation Efficiency Act in any climate change legislation, including no less than 10 percent of emission allowances created by such legislation to programs – like public transit – creating a more efficient transportation system and lowering greenhouse gas emissions.
14. Supports a federal investment of an additional \$50 billion to support the creation of a high speed rail network in the United States, in addition to a federal transit program of at least \$123 billion over 6 years.

Program/Regulatory Issues

The California Transit Association calls for changes in certain program structure and regulatory processes, and continuation of others, as specified below:

1. For transit agencies in urbanized areas (UZA's) of more than 200,000, we support the local option of using additional funding for transit operations, over and above the existing transit funding program, including the existing rules for preventative maintenance and capital contracting, and including the Transit in the Parks Program; however, the provision of additional federal operations funding should not relieve state and local obligations to support transit operations.
2. Support continuation and expansion of the Small Transit Intensive Cities Program (STIC), which provides supplemental formula funds to smaller transit systems on the basis of performance in six qualifying performance areas, and provide that the value of qualifying in each of the six areas shall be increased by the same percentage as the increase in the overall formula program each year of the authorization.
3. In the 5311 program, we support a transfer of the Intercity Bus Program set aside to the more flexible discretionary program, as was done prior to ISTEA, where it can be used for paratransit, local or commuter bus capital projects.
4. We support further streamlining of federal audit requirements and the triennial review process, including allowing concurrent state and federal audits.
5. We support development of guidelines specifying that representatives of labor (associated unions) can only comment on issues and lodge objections related to the specific impacts of a transit project contained within a grant application and must explain and justify such objections. All other unrelated objections should be deemed ineligible by the Department of Labor and cause no schedule impact to the approval of the grant request. The Federal Transit Administration must ensure that there is a timely review period for 13c comments but a maximum review time (to be determined) must be approved after which it is assumed that there are no comments against the applicable project and or grant application. This is not meant to diminish the importance of labor review of federally funded projects and grant applications but to streamline the review process and ensure timely approval of funds to transit agencies.
6. We support reforms to FTA's evaluation/rating process for New Starts projects as follows: (a) utilizing a multi-measure approach to determine whether a project is recommended for funding; (b) ensuring that transit-supportive land use and economic benefits are treated as separate and distinct criteria on par with financial and project justification criteria; (c) rewarding those communities that step forward with significant local and non-federal resources for their projects; (d) basing the cost-effectiveness measure on the federal contribution to the project, rather than on total project costs; and (e) keeping the New Starts evaluation/rating process separate and distinct from the issuance of a Record of Decision (ROD) under NEPA.
7. We support a program which will provide funds to transit systems to compensate them for their efforts to reduce greenhouse gases either on their own initiative or in response to state and/or federal requirements.

8. We support the continuation of the ability to transfer CMAQ and RSTP funding from FHWA to FTA for transit projects, the streamlining of the transfer process, the ability to use these funds in any percentage combination with other federal or non federal funding and the continued use of CMAQ funds for the first three years of operation of new start projects.
9. We support continuing the concept of allowing section 5307 funds to be used to pay for capitalized preventive maintenance costs.
10. We support development of a mechanism or procedures for all regional transportation planning agencies, which do not otherwise have proscribed procedures, to consider the needs of all eligible public transit operators in the region in the allocation of all transit-eligible federal formula funds.
11. We support continuing the concept of allowing section 5310 funds to be used to pay for contracted transit operations costs.
12. We support a strong federal commitment, separate from traditional transportation funding sources, for transit security. These funds should be provided with a minimum of mandates and restrictions, so long as they meet the long term federal goals for system security.
13. Require that FTA review the recently issued charter and school bus regulations to remove onerous provisions which prevent transit systems from fairly serving their communities.
14. Eliminate the requirement that a Small Start project operating cost cannot exceed 5% of the agency's operating budget. This requirement can result in a lower level of planned service and ridership than would be the optimum just to keep the cost within the 5% requirement.
15. We support the greatest possible representation of transit agencies in the transportation planning process conducted by MPO's.
16. Require that the "state of good repair" review take into account state and local efforts to achieve a state of good repair, to assure past efforts are not penalized, and incorporate fleet mileage and age of individual assets as indicators in addition to fleet age.

B. Advocate for Federal Transportation Appropriations.

Every year, Congress adopts 12 separate appropriations bills, including one for transportation. These measures provide the legal authority for federal agencies to spend money during the upcoming fiscal year for the programs they administer. In developing these appropriations bills, Congress may allocate funding for programs within a particular policy area up to the maximum amount included in the related authorizing legislation, but no more. In the case of surface transportation, the annual appropriations process is guided by SAFETEA-LU until successor legislation is enacted.

In general, the California Transit Association's advocacy efforts with regard to the FY 2010 federal transportation appropriations bill will emphasize the following:

- Support a minimum appropriations level for federal surface transportation programs equal to the guaranteed spending levels authorized in SAFETEA-LU or its successor.
- Advocate for the highest possible levels of funding for individual programs within the highway and transit titles of SAFETEA-LU or its successor.
- Ensure that appropriations are allocated according to the program structure contained in SAFETEA-LU or its successor.

OBJECTIVE 2: New Transit Funds are Secured

A. Seek Funding Through Federal Efforts to Reduce Greenhouse Gas (GHG) Emissions and Combat Climate Change.

The United Nation's Intergovernmental Panel on Climate Change has found that a concerted and coordinated effort must be made to limit the effects of global warming. The United States is responsible for 22 percent of the world's total greenhouse gas emissions. The transportation sector produces approximately one-third of the greenhouse gas emissions in this country, primarily in the form of carbon dioxide (CO₂) emissions. Therefore, as Congress considers climate change legislation, it must address the challenge of reducing transportation-related emissions.

Public transit can and will be able to play a key role in reducing greenhouse gas emissions from the transportation sector. Studies show that public transit cuts CO₂ emissions by 37 million metric tons annually by reducing the number of automobile trips, easing traffic congestion and supporting more efficient land-use patterns. These contributions are important because driving rates, as measured in vehicle miles traveled, are expected to double by 2030, which would negate the greenhouse gas emissions reductions resulting from recent changes in Corporate Average Fuel Economy (CAFE) standards and from new low-carbon fuel requirements.

In partnership with APTA, the California Transit Association will advocate on issues related to federal climate change legislation according the following four principles:

1. Use revenues from federal climate change legislation to expand public transit services. In order to achieve the increases in public transit ridership that will significantly reduce greenhouse gas emissions from the transportation sector, climate change legislation must begin to address the large annual capital funding shortfall for public transit. Revenues from the auction or sale of emissions allowances under a "cap-and-trade" program or from an emissions reduction program should be used to supplement—not supplant—public transit funding provided through SAFETEA-LU reauthorization. The Association supports the dedication of no less than 10 percent of emission allowances created by climate change legislation to programs – like public transit – creating a more efficient transportation system and lowering greenhouse gas emissions.

2. Increase the availability of fixed guideway transit: Fixed guideway transit investments help create energy efficient land-use patterns, which produce greenhouse gas emissions reductions beyond the immediate benefit of increased public transit use. These investments have the potential to significantly improve the way people live and travel, reducing individual carbon footprints while preserving and enhancing mobility.
3. Promote energy efficient technologies: Climate change legislation should encourage new investment in energy efficient technologies that can increase the annual CO2 savings from current public transit services. Federal support for such investment would speed up the deployment of advanced technologies, thereby freeing up resources to support expanded service.
4. Support local, regional and state efforts to increase mobility while reducing emissions from the transportation sector: As part of a comprehensive strategy to reduce greenhouse gas emissions, a new source of funding should be created for local, regional and state governments to advance mobility in ways that reduce vehicle miles traveled. New funding could be linked to efforts that will capture emissions reductions through energy efficient land-use patterns, expanded public transit service and transit-oriented development.

B. Advocate for federal funding which supports public transit security.

Security is a top priority for public transit agencies across the United States. Since the terrorist attacks of September 11, 2001, public transit agencies have spent more than \$2 billion on security and emergency preparedness programs from their own budgets. They have upgraded and strengthened their emergency response and security plans, taken steps to protect their infrastructure, and increased the presence of security personnel on their vehicles and at their facilities to protect their patrons and employees. These efforts are paying off. Many public transit systems are more secure now than they were prior to 9/11, however, more needs to be done. In a recent APTA survey, public transit agencies across the United States identified in excess of \$6 billion in security investment needs. Although state and local governments, as well as public transit agencies, are doing what they can to improve security, it is important that the federal government become a full partner in the efforts to ensure the security of the nation's public transit users.

As part of its 2010 Federal Legislative Program, the California Transit Association will advocate for funding to enhance the security and safety of our nation's public transit systems through the FY 2010 U.S. Department of Homeland Security appropriations bill, according to the following principles:

- The federal government should increase its financial support for public transit security and safety improvements. Such funding, however, should not be provided at the expense of existing federal transit programs.
- Federal public transit security and safety funding should recognize the varying needs and nature of systems across the nation, and should be flexible in terms of use. Therefore, money should be made available for all types of public transit systems—bus and rail; rural and urban. Money also should be made available for both operating and all of types of capital needs in order to accommodate different public transit agency security and safety plans.

- While federal public transit security and safety funding should be allocated primarily based on risk, threat and vulnerability, a portion should be allocated by formula in order to provide a minimum level of money to all agencies for their operating and capital costs related to meeting federal security and safety requirements.
- Federal public transit security and safety funding should be provided at a 100 percent federal share with no match requirement.
- Consideration should be given to transferring the responsibility for administering federal transit security and safety grants from the Homeland Security Department to the U.S. Department of Transportation. In addition, the process should be streamlined to decrease the length of time between when grant applications are submitted to the federal government and when a public transit agency actually receives its grant funding.
- Federal public transit security and safety funding should be allocated directly to operators, rather than through State Administering Agencies (SAAs) to ensure that funding is made available in an efficient and timely manner.

OBJECTIVE 3: Laws and Regulations That Support Transit are Enacted and Those That Impede Transit’s Ability to Meet the Public’s Mobility Needs are Defeated

A. HOT Lanes

The Association supports continued federal authorization of states and regions imposing tolls on interstate highways in a way that allows: (a) existing or new carpool lanes to be converted to HOT lanes; and (b) the revenues generated to be used for public transit improvements, including transit operations, in the corridor.

B. Railroad Access and Freight Issues

The Association supports, either through separate legislation or through the reauthorization of SAFETEA-LU, granting to public transit operators the same guaranteed access to the freight railroad network that currently exists for Amtrak. The Association also supports establishing a mechanism within the STB or some other appropriate federal entity to resolve disputes between public transit operators and the private railroads on freight railroad access issues.

C. Amtrak

The Association supports investment in Amtrak. At the same time, full consideration must be given to the impact that any legislation regarding Amtrak’s institutional structure may have on commuter rail services and on public transportation services generally.

D. High Speed Rail

The Association supports the enactment of legislation that would create innovative financing tools for developing high-speed rail corridors, provided that the Mass Transit Account

continues to be used exclusively for public transportation needs and is not expanded to cover Amtrak capital needs. The Association supports a federal investment of an additional \$50 billion to support the creation of a high speed rail network in the United States.

E. Transit Pass Tax Benefits

The Association supports equal federal income tax treatment for employer-provided transit passes, vanpool benefits and parking spaces.