National Capital Region
Transportation Planning Board

MEMORANDUM

TO: Transportation Planning Board
FROM: Kanti Srikanth, TPB Staff Director
SUBJECT: Steering Committee Actions and Report of the Director
DATE: May 14, 2020

The attached materials include:

- Steering Committee Actions
- Letters Sent/Received
- Announcements and Updates

National Capital Region
Transportation Planning Board

MEMORANDUM

TO: Transportation Planning Board
FROM: Kanti Srikanth, TPB Staff Director
SUBJECT: Steering Committee Actions
DATE: May 14, 2020

At its meeting on May 1, the TPB Steering Committee approved the following resolution:

- SR21-2020: To change the functional classifications of segments of three roads in Loudoun County, as requested by the Virginia Department of Transportation. Portions of Seneca Ridge Drive and Augusta Drive were changed from Local Road to Minor Collector, and a segment of South Cottage Road was changed from Major Collector to Minor Collector.

The TPB Bylaws provide that the Steering Committee "shall have the full authority to approve non-regionally significant items, and in such cases, it shall advise the TPB of its action."

Attachments

- TPB Steering Committee Attendance
- SR21-2020

TPB STEERING COMMITTEE
ATTENDANCE – MAY 1, 2020

MEMBERS

Kelly Russell	City of Frederick
Pamela Sebesky	City of Manassas
Mark Phillips	WMATA
Mark Rawlings	DDOT
Kari Snyder	MDOT
Norman Whitaker	VDOT

PARTICIPANTS

Gary Erenrich	Montgomery County
Mike Lake	Fairfax County
Regina Moore	VDOT

COG STAFF

Kanti Srikanth, DTP
Tim Canan, DTP
Lyn Erickson, DTP
Andrew Meese, DTP
Mark Moran, DTP
Andrew Austin, DTP
Nicole McCall, DTP
Eric Randall, DTP
Dusan Vuksan, DTP

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, DC 20002

RESOLUTION TO APPROVE PROPOSED UPDATES TO THE FEDERAL FUNCTIONAL CLASSIFICATION (FCC) OF STREETS IN LOUDOUN COUNTY, AS REQUESTED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

WHEREAS, the National Capital Region Transportation Planning Board (TPB), which is the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under the provisions of Fixing America's Surface Transportation (FAST) Act for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

WHEREAS, functional classifications of highway systems affect transportation planning in that the categories (local, minor collector, major collector, minor arterial, principle arterial, principle arterial freeway, or principle arterial interstate) are used with highway design standards, highway construction funds or maintenance payments, access management standards, traffic calming eligibility, statistical reporting, and certain outdoor advertising controls; and

WHEREAS, periodic reviews and, as appropriate, updates of urban/urbanized area boundaries and/or functional classifications of highway systems generally are warranted in concert with U.S. Census updates for urbanized areas; and

WHEREAS, VDOT has coordinated and consulted with Loudoun County and the TPB, and in the attached letter of April 17, 2020 has proposed updates to its current federal highway functional classification system in Loudoun County; and

NOW, THEREFORE, BE IT RESOLVED that the Transportation Planning Board Steering Committee acknowledges that the state has coordinated with the TPB in the development of the updates to the functional classifications presented in the accompanying summary map.

BE IT FURTHER RESOLVED that a copy of this approved resolution and the accompanying summary map shall be provided to the Federal Highway Administration Virginia Division Office for information purposes, and documentation of the TPB's participation in the FFC Update process.

Adopted by the Transportation Planning Board Steering Committee at its regular meeting on May 1,2020.

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
4975 Alliance Drive
Fairfax, VA 22030

Stephen C. Brich, P.E.
COMMISSIONER

April 17, 2020

The Honorable Kelly Russell, Chair
National Capital Region Transportation Planning Board
Metropolitan Washington Council of Governments
777 North Capital Street, N.E., Suite 300
Washington, DC 20002-4201

RE: Functional Change Reclassification of South Cottage Road, Seneca Ridge Drive, and Augusta Drive in Loudoun County, Virginia

Dear Ms. Russell,

The Virginia Department of Transportation (VDOT) seeks the National Capital Region Transportation Planning Board's (TPB) approval of recommended changes to the Federal Highway Administration's (FHWA) roadway functional classification of South Cottage Road, Seneca Ridge Drive, and Augusta Drive located in Loudoun County, Virginia.

The VDOT Northern Virginia (NOVA) District Office worked collaboratively with Loudoun County to determine the appropriate functional classification adjustment for the three above-mentioned roadway facilities. The recommended alterations are included in the following table and maps.

VDOT requests that the resolution be approved by the TPB Steering Committee at its May 1, 2020 meeting.

We appreciate your cooperation in this matter. Should you have additional questions, please contact Norman Whitaker at 703-259-2799 or via email at Norman.Whitaker@vdot.virginia.gov.

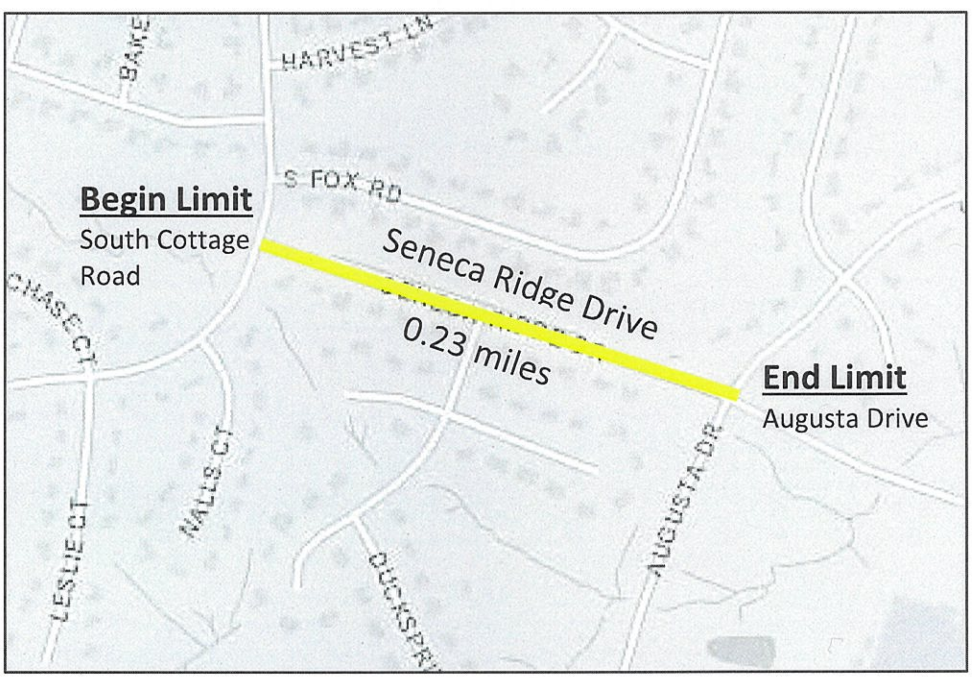
Sincerely,

Helen Cuervo

Helen Cuervo, P.E.
District Administrator

Functional Classification Adjustment Table

Route Name	Begin Point	End Point	EXISTING Functional Classification	NEW Functional Classification	Length (miles)
South Cottage Road	Potomac View Road	Seneca Ridge Drive	Major Collector	Minor Collector	0.65
Seneca Ridge Drive	South Cottage Road	Augusta Drive	Local Road	Minor Collector	0.23
Augusta Drive	Seneca Ridge Drive	Route 7	Local Road	Minor Collector	0.82



Commonwealth of Virginia

Moore, Regina <regina.moore@vdot.virginia.gov>

Re: FW: [EXTERNAL] Re: Seneca Chase Community Meeting - Meeting Summary and Attachments (VDOT Functional Class Change)

Taori, Sunil <sunil.taori@vdot.virginia.gov> Mon, Mar 23, 2020 at 2:45 PM
To: "Thomas, John" <John.Thomas@loudoun.gov>
Cc: Rahul Trivedi <Rahul.Trivedi@vdot.virginia.gov>, Norman Whitaker <norman.whitaker@vdot.virginia.gov>, Regina Moore <regina.moore@vdot.virginia.gov>, Philip Kempf <philip.kempf@vdot.virginia.gov>, "Mosurak, Lou" <Lou.Mosurak@loudoun.gov>

Thank you JT.

On Mon, Mar 23, 2020 at 2:25 PM Thomas, John <John.Thomas@loudoun.gov> wrote:

> Rahul / Sunil:
>
> Loudoun County is okay with the VDOT functional class changes proposed below.
>
> Thanks,
>
> JT
>
> ---
>
> John B. "JT" Thomas, PTP
>
> Assistant Director, Transportation Planning & Traffic Engineering
>
> Loudoun County, Virginia
>
> Dept. of Transportation & Capital Infrastructure (DTCI)
>
> 101 Blue Seal Drive, S.E., Suite 102 Leesburg, VA 20177-7500
>
> Office: 571.258.3465 | Mobile: 703.554.4725
>
> Email: John.Thomas@loudoun.gov
>
> ---
>
> **From:** Rahul Trivedi [mailto:Rahul.Trivedi@vdot.virginia.gov]
> **Sent:** Monday, March 16, 2020 12:41 PM
> **To:** Thomas, John <John.Thomas@loudoun.gov>

National Capital Region
Transportation Planning Board

MEMORANDUM

TO: Transportation Planning Board
FROM: Kanti Srikanth, TPB Staff Director
SUBJECT: Letters Sent/Received
DATE: May 14, 2020

The attached letters were sent/received since the last TPB meeting.

National Capital Region
Transportation Planning Board

April 27, 2020

Re: Ensuring financial stability and viability of NCR transportation system and service post COVID-19

Dear Representatives and Senators of the National Capital Region delegation:

As the federally designated metropolitan planning organization for the National Capital Region (NCR), we thank you for your timely financial support through the Coronavirus Aid, Relief, and Economic Security (CARES) Act last month. We write to request your continued commitment to ensuring the stability and viability of our transportation system following the COVID-19 pandemic. Due to dramatic pandemic-caused declines in fare, tax, and toll revenue, our transportation system and the mobility it provides are under threat.

The region anticipates receiving about $1billion from the CARES Act through the Federal Transit Administration's apportionment to help the 13 bus systems operated by NCR jurisdictions. These include the Maryland and Virginia commuter rail and bus systems, and the Metrorail, bus, and paratransit system. Most of the federal employees who live and work in our region rely on these transit systems for their daily commutes. This emergency funding assistance will help NCR's public transportation agencies continue to provide service now, albeit at reduced levels, not only for federal workers, but also critical front-line service-sector employees who staff grocery stores, take-out restaurants, and pharmacies, and our healthcare workers from the doctor to the orderly to the janitor who each works tirelessly keeping our loved ones safe and alive. It will also enable us to meet unplanned additional operational and maintenance needs in the face of significant or total loss in fare-box revenues.

State and local departments of transportation and public transportation agencies in the region have continued to maintain and operate the transportation system and infrastructure during the current period despite the constraints on mobility and economic activity due to efforts to slow the spread of COVID-19. The transportation agencies have also been working to assess their financial situation given potential reductions in revenues and increased expenditures as the region begins to reopen and a period of social and economic recovery gets underway.

As you are aware the fiscal state of the NCR's transportation agencies was challenging before the pandemic, with operations, maintenance, and expansion needs exceeding available revenues. To meet this need local and state governments have developed various other revenue streams, in addition to the user-fee revenues (gasoline and diesel tax, tolls and fare-box), which is critical to support the NCR's transportation system and its economy. Such non-user fee revenue sources include sales tax, recordation tax, transient occupancy tax, general fund related bonds and other revenues generated at local levels.

COVID-19-related mobility restrictions on the economy at local, regional, and state levels have already caused a significant reduction in the aforementioned revenues, which are anticipated to take a long time to fully recover. While the current CARES Act funding focuses on providing relief to transit providers for costs and fare revenue loss, federal assistance in offsetting the losses in other non-user-fee based transportation revenues, both current and those anticipated in the future as the economy recovers, is a significant and urgent need.

The Association of American State Highway and Transportation Officials (AASHTO) estimates that transportation revenues at the state level will be 30 percent below FY 2019 levels. The National Capital Region Transportation Planning Board (TPB) believes that the magnitude of the loss in local, regional, and state revenues for this region will be consistent with AASHTO's projections. The TPB's long range transportation plan, Visualize 2045, indicates that the significant majority, 68 percent, of the $291 billion in planned investment is derived from state and local government. This implies that a 30 percent reduction in state and local revenues would mean the region would be faced with an average year-on-year shortfall of $2.2 billion from just this one revenue source.

The TPB posits that a loss of a third or more of all state and local transportation funds for the region will leave the NCR's transportation infrastructure ill-prepared to provide for the mobility needs that will be critical during the economic recovery phase from this pandemic.

The TPB is also concerned that the Fixing American's Surface Transportation (FAST) Act is set to expire September 30, 2020. The TPB believes that in light of the economic impact of the COVID-19 pandemic, reauthorization of the FAST Act is critical and should reflect the following principles:

(1) Timely reauthorization of the FAST Act for a duration sufficiently long to provide clear commitment to the stability, certainty and consistency of federal funding;
(2) Ensuring any potential reduction in federal transportation fund receipts due to the COVID-19 pandemic are fully offset so as not to reduce future federal apportionment to states and public transportation agencies;
(3) Include significant additional funding to local and state governments to mitigate the anticipated shortfall in local and state transportation revenues due to the economic impact of the COVID-19 pandemic; and
(4) Treat the additional COVID-19 related funds similar to CARES Act funding by eliminating the requirement for matching funds and providing the flexibility to use funds for administrative, maintenance or operational programs.

In closing, the TPB lauds your proactive and timely efforts in enacting the CARES Act last month and providing timely financial assistance for aviation, passenger rail, and transit operations throughout the country and particularly in the National Capital Region.

We are pleased to share the above policy principles for the reauthorization of the FAST Act with you as a member of the region's Congressional delegation. We urge your timely action to ensure that the nation and the National Capital Region have the fiscal means to provide for safe, efficient multi-modal transportation necessary to support in the economic recovery efforts.

Sincerely,

Pamela Sebesky

Kelly Russell
Chair, TPB
City of Frederick

Charles Allen
Vice Chair, TPB
District of Columbia

Pamela J. Sebesky
Vice Chair, TPB
City of Manassas

Identical letters have been sent to:

The Honorable Eleanor Holmes Norton

The Honorable Mark R. Warner

The Honorable Benjamin L. Cardin

The Honorable Tim Kaine

The Honorable Chris Van Hollen

The Honorable Steny Hoyer

The Honorable Gerald Connolly

The Honorable Don Beyer

The Honorable Jamie Raskin

The Honorable Jennifer Wexton

The Honorable Anthony Brown

The Honorable David Trone

The Honorable John Sarbanes

National Capital Region
Transportation Planning Board

April 16, 2020

CAC members,

I hope that you, your family, and loved ones are doing well during these difficult times.

I want you to know how much I and the TPB Officers appreciate your hard work and continued dedication to the CAC. The move to virtual meetings has been challenging. Your patience and flexibility have been critically important. Please know that the board continues to value the committee's input and appreciates the sacrifices you are making to participate as your other commitments pull you in many directions.

I have read the report from the April CAC meeting and am truly excited that the group is focusing in on climate change. I look forward to hearing your feedback and input on this vital issue over the next few months, as well on the issues of increased safety and focus on transit-oriented communities.

The upside of this forced telework situation is that we are putting our aspirational goal to the test! This is a unique opportunity to glean valuable information about how to truly enhance this capability in the region. Ultimately, we are learning new practices that can become regular habits as we begin to reconstitute our norms. Right now, we can “Visualize” 2020 as a jump start to a future with the best air quality in decades, less traffic congestion, less crashes, more teleworking, and a chance for a renewed perspective.

The time and energy you spend working as the CAC is vitally important to this region, as you are the citizens’ voices. Please accept the gratitude of the TPB officers and members for the work you are doing! I and staff are here to support your continued work.

Stay safe and be well.

Sincerely,

Kelly Russell, TPB Chair

Alderman & President Pro Tem
The City of Frederick
101 N. Court Street
Frederick, MD 21701
301-600-2966
www.cityoffrederickmd.gov

National Capital Region
Transportation Planning Board

April 22, 2020

AFA members,

I hope that you, your family, and loved ones are doing well during these difficult times.

I want you to know how much I and the TPB Officers appreciate your hard work and continued dedication to the AFA. Please know that the board continues to value the committee's input and appreciates the sacrifices you are making to participate as your other commitments pull you in many directions.

The upside of this forced telework situation is that we are putting our aspirational goal to the test! This is a unique opportunity to glean valuable information about how to truly enhance this capability in the region. Ultimately, we are learning new practices that can become regular habits as we begin to reconstitute our norms. Right now, we can “Visualize” 2020 as a jump start to a future with the best air quality in decades, less traffic congestion, less crashes, more teleworking, and a chance for a renewed perspective.

The time and energy you spend working as the AFA is vitally important to this region, as you are the voice of older adults and people with disabilities. Please accept the gratitude of the TPB officers and members for the work you are doing! I and staff are here to support your continued work.

Stay safe and be well.

Sincerely,

Alderman Kelly Russell
President Pro Tem
The City of Frederick
101 N. Court Street
Frederick, MD 21701
301-600-2966
www.cityoffrederickmd.gov

National Capital Region
Transportation Planning Board

April 22, 2020

Rear Admiral Mark H. "Buzz" Buzby, USN, Ret.
Maritime Administrator
U.S. Department of Transportation, Maritime Administration
1200 New Jersey Ave SE
West Building
Washington, DC 20590-0001

Re: M-495 Anacostia, Potomac, and Occoquan River Crossing Project Grant Application

Dear Rear Admiral Buzby:

I am writing to express the support of the National Capital Region Transportation Planning Board (TPB), the Metropolitan Planning Organization (MPO) for the National Capital Region, for an application by the Northern Virginia Regional Commission (NVRC) for federal funds under the MARAD America's Marine Highway Grant program to support the design and construction of a floating dock, a trash/ice deflector, and an ADA-compliant gangway at Joint Base Anacostia-Bolling (JBAB) in southeast Washington, DC. Once completed, public and private shuttles will move people from the dock to JBAB offices as well as nearby Department of Homeland Security (DHS) offices at the St. Elizabeth's Campus. The dock is a key component of future fast ferry service between Woodbridge, VA and JBAB/DHS offices which is envisioned to accommodate small package deliveries in addition to commuters.

The project proposed for this grant responds to the regional transportation goals adopted by the TPB and identified in the Washington region's long-range transportation plan, Visualize 2045. The TPB has long supported the provision of a broad range of public and private transportation choices for our region which maximize accessibility and affordability to everyone and minimize reliance upon single occupancy automobiles. New ferry service linking Old Town Alexandria, and eventually Woodbridge, to JBAB and other destinations in the District of Columbia will reduce single occupancy vehicle traffic along the Interstate 95 corridor and on congested bridges over the Potomac River. Making better use of existing infrastructure and promoting greater use of more efficient travel modes for both people and goods are key elements of our adopted Regional Transportation Priorities Plan.

We urge your favorable consideration of NVRC's request, as it directly responds to regional transportation goals and priorities adopted by the Transportation Planning Board and identified in the Washington region's long-range transportation plan. I anticipate that upon a successful grant award, subject to the availability of the required matching funding, the region's transportation improvement program (TIP) will be amended to include the grant funding for this project.

Sincerely,

Kelly Russell
Chair, National Capital Region Transportation Planning Board

cc: Mr. Robert W. Lazaro, Jr., Executive Director, Northern Virginia Regional Commission

National Capital Region
Transportation Planning Board

April 23, 2020

Dear U.S. DOE EERE Staff and Reviewers,

I am writing to express the support of the Commuter Connections program implemented by the Metropolitan Washington Council of Governments (MWCOG) for the proposal from the University of Maryland (UMD) and the National Renewable Energy Laboratory (NREL) to develop a real-time and predictive Energy and Mobility-Based Routing Information and Optimization (EMBRIO) technology platform. I understand that the EMBRIO platform will provide energy optimized routing information for each vehicle type (electric vehicle, hybrid cars, trucks, etc.), on-demand, to government, business (e.g., truck and taxi fleet operators), and individual users.

The Commuter Connections program is a regional program funded by the District of Columbia, Maryland and Virginia departments of Transportation and a network of transportation organizations that encourage the use of alternative commute modes. The program also assists the region in reducing congestion, energy use, and improving air quality by offering programs leading to travel behavior changes. Rideshare services, incentive programs, and outreach to over 8,000 employers have led to a highly impactful program with over 30,000 active users, 2.5 million daily vehicle miles of travel and over 130,000 vehicle trips reduced. MWCOG is also the administrative and fiscal agent of the National Capital Region Transportation Planning Board. The TPB is the federally designated metropolitan planning organization for the Washington metropolitan area and enacting travel demand management strategies is one of TPB's policy priorities and aspirational initiatives. Commuter Connections is a key part of this effort. MWCOG believes the proposed EMBRIO technology offers a platform wherein public and private sectors can collaborate, innovate, and evaluate the solutions that lead to improved mobility and reduced energy use and emissions.

Commuter Connections and UMD have already established strong collaboration evidenced by two recent U.S. DOE projects. First, through the ARPA-E TRANSNET project, the two entities collaborated and launched the incenTrip smartphone app to support ridesharing and travel mode choice as a travel demand management strategy. Second, through an on-going EERE project, Transportation Energy Analytics Dashboard (TEAD), the two entities deployed real-time, and predictive energy use and emissions models to raise the situational awareness of the energy and emissions impacts.

If this EERE proposal is funded by DOE, Commuter Connections intends to work with the research team to: 1) Fully integrate previous DOE-funded TEAD and incenTrip products in this EMBRIO platform; 2) Provide data for the evaluation of the energy, emissions, and mobility benefits of COG's Commuter Connections program; 3) Assist the team on energy-efficient routing incentives and programs.

Should you have further questions or need additional information, please do not hesitate to contact Nicholas Ramfos, at nramfos@mwcog.org or on (202)962-3313.

Sincerely,

Kanathur Srikanth
MWCOG Deputy Executive Director

National Capital Region
Transportation Planning Board

May 11, 2020

The Honorable Elaine Chao
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Re: BUILD Grant Application for the Southern Maryland Rapid Transit (SMRT) Project

Dear Secretary Chao:

I am writing to express the support of the National Capital Region Transportation Planning Board (TPB), the Metropolitan Planning Organization (MPO) for the National Capital Region, for a joint application by Charles County and Prince George's County in Maryland for a Better Utilizing Investments to Leverage Development (BUILD) transportation planning grant. The grant funding will be used to complete a draft environmental impact statement (DEIS) for the Southern Maryland Rapid Transit (SMRT) project. The TPB appreciates the transformative potential of a separated, high-capacity transit line in this rapidly-growing corridor, and completing the DEIS is an important first step in delivering this project.

The project proposed for this grant responds to the regional transportation goals adopted by the TPB and identified in the Washington region's long-range transportation plan, Visualize 2045. The TPB has long supported the provision of a broad range of public and private transportation choices for our region which maximize accessibility and affordability to everyone and minimize reliance upon single occupancy automobiles. The TPB understands that numerous transit feasibility studies have been completed in the corridor, culminating with the 2017 Final Alternatives Report. The TPB is informed that this three-year, pre-National Environmental Policy Act (NEPA) planning study was conducted in collaboration between the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) and Prince George's and Charles counties and marked a major milestone in providing sustainable congestion relief along the SMRT project corridor. Completing a DEIS is the next critical step for this important project.

The demographic forecasts developed by the Metropolitan Washington Council of Governments' (MWCOG), used in the TPB's long-range transportation plan indicates significant population and employment growth in the area. The TPB understands that Prince George's and Charles Counties have initiated the creation of mixed-use, transit-oriented centers along this corridor. The TPB believes that high capacity transit maximizes the potential to address current congestion and accommodate the forecast growth in travel demand in the SMRT corridor in a manner that moves more people than more vehicles. Promoting greater use of more efficient travel modes for both people and goods are key elements of our adopted Regional Transportation Priorities Plan.

The TPB requests your favorable consideration of this request by Charles and Prince George's Counties, as it directly responds to regional transportation goals and priorities adopted by the National Capital Region's MPO as part of its long-range transportation plan. I anticipate that upon a successful grant award, subject to the availability of the required matching funding, the region's transportation improvement program (TIP) will be amended to include the grant funding for this project.

Sincerely,

Kelly Russell
Chair, National Capital Region Transportation Planning Board

cc: Terry Bellamy, Director, Prince George's County Department of Public Works & Transportation
Jason Groth, Director, Charles County, Department of Planning

May 11, 2020

K. Jane Williams
Acting Administrator
Federal Transit Administration
1200 New Jersey Ave, SE
Washington, D.C. 20590

Re: AIM Grant Application for Innovative Fare Payment System

Dear Ms. Williams:

I am writing to express the support of the National Capital Region Transportation Planning Board (TPB), the Metropolitan Planning Organization (MPO) for the National Capital Region, for an application by Montgomery County, Maryland for an Accelerated Innovative Mobility (AIM) Challenge Grant from the Federal Transit Administration. The grant funding will be used to develop an innovative fare payment system to provide alternative means for transit riders to pay their fare electronically. This will support the ability of patrons to more easily transfer between public transportation providers in the Washington Metropolitan area.

The project proposed for this grant responds to the regional transportation goals adopted by the TPB and identified in the Washington region's long-range transportation plan, Visualize 2045. The TPB has long supported the provision of a broad range of public and private transportation choices for our region which maximize accessibility and affordability to everyone and minimize reliance upon single occupancy automobiles. Currently local public transportation providers in the region are tied to the fare system of the Washington Metropolitan Area Transit Authority (WMATA). However, as the local providers grow and WMATA fares change, there is a desire to allow decisions to be made by the surrounding providers independently of WMATA's decisions. This innovation request is intended to address this need by supporting a technology incubator that would enable the local providers to deploy a fare payment system that will augment the regional system and ultimately improve the ability of the local providers to validate the fare transactions that occur within their service.

The TPB believes that high capacity transit maximizes the potential to address current congestion and accommodate the forecast growth in travel demand. Promoting greater use of more efficient travel modes for both people and goods are key elements of our adopted Regional Transportation Priorities Plan.

The TPB requests your favorable consideration of this request by Montgomery County, as it directly responds to regional transportation goals and priorities adopted by the National Capital Region's MPO as part of its long-range transportation plan. I anticipate that upon a successful grant award, subject to the availability of the required matching funding, the region's transportation improvement program (TIP) will be amended to include the grant funding for this project.

Sincerely,

Kelly Russell

Chair, National Capital Region Transportation Planning Board

cc: Mr. Chris Conklin, Director, Montgomery County Department of Transportation

MEMORANDUM

TO: Kelly Russell, Chair, TPB
Daniel Sze, Chair, CEEPC
Brandon Todd, Chair, MWAQC

FROM: Kanti Srikanth, Director, Department of Transportation Planning
Steve Walz, Director, Department of Environmental Programs

CC: TPB, CEEPC, MWAQC Members

SUBJECT: Preliminary assessment of the Safer Affordable Fuel-Efficient (SAFE) Vehicles Final Rule for Model Years 2021-2026

DATE: May 12, 2020

On March 30, 2020, the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) and the U.S. Environmental Protection Agency (EPA) signed the final Safer Affordable Fuel-Efficient Vehicles Rule (2020 SAFE Rule). This rule finalizes updated Corporate Average Fuel Economy (CAFE) and greenhouse gas (GHG) emissions standards and establishes new standards for model year (MY) 2021-2026 passenger cars and light trucks. The rule was published in the Federal Register on April 30, 2020, and will become final on June 29, 2020, 60 days after it was published in the Federal Register.

This memo provides a preliminary staff assessment of the final rule, background information, and previous board/committee actions on the matter.

The 2020 SAFE Rule replaces the "2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards" that were issued in October 2012 (2012 Rule). The new standards require a 1.5% annual improvement for fuel economy and carbon dioxide (CO_2) emissions standards for vehicles manufactured from MY 2021 through MY 2026. This is lower than the standards promulgated in 2012, which required improvements of approximately 5% per year.

PRELIMINARY ASSESSMENT

This 2020 SAFE Rule will make the collective effort to achieve the region's GHG emissions targets more difficult as the rule will reduce the anticipated GHG reductions from the transportation sector. The rule could also make attaining and maintaining the 2015 ozone standards more difficult should it decrease the anticipated vehicular VOC and NOx emissions reductions that are currently forecasted.

The final 2020 SAFE Rule will primarily impact fuel economy and GHG emissions. The vehicle standards established in the 2020 SAFE Rule will set back the region's efforts to reduce GHG emissions from passenger cars and light duty trucks. According to the Final Environmental Impact

Statement (FEIS) released by NHTSA in March 2020, GHG emissions from affected vehicles will increase 9% between 2021 and 2100 as compared to the 2012 standards.

The vehicle standards in the 2020 SAFE Rule could, to a lesser extent, affect the ozone related emissions reductions of VOC and NOx that this region will need to meet federal standards for ozone. The region is currently a maintenance area for federal 2008 ozone standards and a non-attainment area for federal 2015 ozone standards. The region's plan to maintain the 2008 ozone standards had assumed the 2012 fuel efficiency and GHG reduction levels. The final 2020 SAFE Rule states that criteria pollutants will not change significantly, but that conclusion is not region-specific and the rule notes that impacts will vary from area to area depending on factors such as vehicle fleet composition and analysis year. EPA's emissions estimation model (MOVES) is unable to assess the change in VOC and NOx emissions in our region from the roll back of 2012 Rule until an update of the model is released. For this reason, we are unable to determine how much this would impact our ability to maintain the 2008 ozone standard or help attain the 2015 ozone standard at this time.

BACKGROUND

On August 24, 2018, EPA and NHTSA jointly published, in the Federal Register, a Notice of Proposed Rulemaking (NPRM) entitled, ''The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks.'' In the NPRM:

1. NHTSA proposed regulatory text implementing its statutory authority to set nationally applicable fuel economy standards that made explicit that state programs would be preempted under NHTSA's authorities.
2. EPA proposed to withdraw the waiver it had previously provided to California for that state's GHG and zero emission vehicles (ZEV) programs under Section 209 of the Clean Air Act (CAA).
3. The agencies proposed new and amended GHG and Corporate Average Fuel Economy (CAFE) standards for model year 2021 to 2026 light duty vehicles.

The first two items were addressed on September 27, 2019, when NHTSA and EPA published in the Federal Register their final action entitled the "One National Program Rule" to enable the federal government to provide nationwide uniform fuel economy and greenhouse gas emissions standards for automobile and light duty trucks and revoking the waiver previously provided to California under Section 209 of the Clean Air Act. The One National Program Rule went into effect on November 26, 2019.

The State of California had enacted its California's Advanced Clean Car programs for GHG emissions and ZEVs on the basis of the 2013 preemption waiver. Consequently the State of California filed a lawsuit against the EPA and NHTSA challenging this first part of the SAFE Vehicles Rule, which withdrew the Clean Air Act preemption waiver granted in 2013 to the State of California, that allowed California to establish fuel economy and greenhouse gas emission standards for automobile and light duty trucks. The District of Columbia, Maryland, and Virginia joined this lawsuit. Note that Maryland's Clean Car Program, based on California's Advanced Clean Car program, is part of this region's 2008 ozone standards Maintenance SIP and a key element of the region's strategy to achieve its GHG reduction targets.

Transportation Planning Board (TPB), Climate, Energy and Environment Policy Committee (CEEPC), and Metropolitan Washington Air Quality Committee (MWAQC) were provided with a memo in October 2019 with a preliminary staff assessment that the federal One National Program Rule will negatively affect the region's efforts to meet federal air quality standards and will reduce impact of region's work towards the region's greenhouse gas emissions targets.

The third item of the August 24, 2018 NPRM, amending CAFE and GHG emissions standards for MY 2021-2026, is now being addressed by the final 2020 SAFE Rule. In October 2012, NHTSA and EPA issued a joint rule requiring manufacturers of passenger cars and light duty trucks to increase their fuel efficiency and reduce the tailpipe emissions of GHG in MY 2017-2025 vehicles. In August 2018, NHTSA and EPA proposed to scale back the previously enacted fuel efficiency and GHG emissions standards when they released "The Safer Affordable Fuel Efficient (SAFE) Vehicles Proposed Rule for Model Years 2021-2026." The rule signed on March 30, 2020 is the final rule,

NHTSA and EPA's announcement notes that this 2020 SAFE Rule calls for a 1.5% annual improvement for fuel economy and carbon dioxide (CO_2) emissions standards from MY 2021 through MY 2026, which is less stringent than the 2012 Rule, which required a 5% annual improvement.

Tables 1 and 2 are taken from the Final Environmental Impact Statement.[1] Table 1 shows the estimated average fuel economy standards for the 2012 Rule and Table 2 shows the same information for the 2020 SAFE Rule. Please note that these fuel economy standards are not adjusted to represent real-world driving conditions.

[1] Table 2.2.1-1 and Table 2.2.2-3. The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Year 2021 – 2026 Passenger Cars and Light Trucks Final Environmental Impact Statement, National Highway Traffic Safety Administration, Docket No. NHTSA-2017-0069, March 2020.

Table 1: Estimated Average Fuel Economy Standards Passenger Cars and Light Trucks from the 2012 Rule in Miles per Gallon (mpg) by Model Year

	MY 2021	MY 2022	MY 2023	MY 2024	MY 2025	MY 2026
Passenger cars	45.4	47.6	49.8	52.1	54.6	54.6
Light trucks	33.2	34.8	36.5	38.2	40.0	40.0
Combined cars and trucks	38.8	40.6	42.5	44.5	46.6	46.6

Table 2: Estimated Average Fuel Economy Standards Passenger Cars and Light Trucks from the 2020 SAFE Rule in Miles per Gallon (mpg) by Model Year

	MY 2021	MY 2022	MY 2023	MY 2024	MY 2025	MY 2026
Passenger cars	44.2	44.9	45.6	46.3	47.0	47.7
Light trucks	31.6	32.1	32.6	33.1	33.6	34.1
Combined cars and trucks	37.3	37.9	38.5	39.1	39.8	40.4

PREVIOUS BOARD AND COMMITTEE ACTION

Given the impact of changes to the GHG and fuel economy standards for passenger cars and light duty trucks promulgated in 2012 on the region's ability to maintain attainment of the 2008 ozone standards, attain the tougher 2015 ozone standards, and meet the GHG reduction targets, MWAQC, TPB, and CEEPC have previously submitted comments to the EPA and NHTSA on their proposal to roll back these standards. The comments include:

1. A September 27, 2017 letter regarding a reconsideration of the final determination of the mid-term evaluation of greenhouse gas emissions standards for model years 2022-2025 light-duty vehicles opposed any rollback of the emission standards and requested the standards in the October 15, 2012 final rule be maintained.
2. An October 17, 2018 letter regarding the proposed SAFE Vehicles Rule and tailpipe CO_2 emissions standards for model years 2021-2026 light-duty vehicles supported the baseline/no action alternative that would have maintained the current fuel economy and tailpipe emission standards.

NEXT STEPS

The 2020 SAFE Rule published establishes specific GHG and fuel economy standards for those vehicles, which are less stringent than standards (published in 2012) it seeks to replace.

Some external parties have questioned the technical analysis used to develop projections of the impacts of this model on vehicle miles traveled and resulting greenhouse gas and criteria pollutant emissions[2]. The Environmental Defense Fund and Natural Resources Defense Council (NRDC), sued the EPA to gain insight into the modeling process. A federal appeals court ruled on April 1, 2020 that the Administration must release the full components of the modeling program called the Optimization Model for Reducing Emissions of Greenhouse Gases from Automobiles (OMEGA), which was used to devise the fuel economy standards associated with the SAFE Vehicles Rule.[3] The external parties have indicated they plan to review the core components of the OMEGA.

Questions regarding the efficacy of the modeling makes it more difficult to determine how this would impact the metropolitan Washington region's ability to maintain the 2008 ozone standard, help attain the 2015 ozone standard, or meet regional greenhouse gas emission targets.

Given the unresolved questions about the technical analysis behind the 2020 SAFE Rule and the overall increase in GHG emissions, it is likely that states or other public interest organizations will legally challenge the rule. Given the impact of this ruling on its Clean Car Program and efforts to reduce GHG and potential impact on attaining ozone NAAQS, Maryland has been approved to join other states in a legal challenge. The District of Columbia and Virginia also may join, which would be similar to their actions with the first part of the proposed SAFE Vehicles Rule in 2018.

If TPB, MWAQC, and CEEPC wish to take action consistent with their previous joint positions related to this federal action, they could direct staff to prepare a joint communication to the District of Columbia, Maryland, and Virginia encouraging them to continue their efforts to provide for improved fleet efficiencies and greenhouse gas reductions more stringent than the 2020 SAFE Rule and in line with the 2012 emissions and fuel efficiency standards.

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[2] https://www.law.nyu.edu/centers/state-impact/issues/climate-action/clean-car-standards; https://thehill.com/opinion/energy-environment/490431-the-pandemic-hasnt-stopped-trumps-rollback-of-clean-car-standards; https://www.niskanencenter.org/the-epas-safe-vehicle-rule-is-a-triple-play-of-regulatory-ineptitude/

[3] https://thehill.com/policy/energy-environment/490675-epa-loses-case-seeking-modeling-behind-obama-mileage-rollback

National Capital Region
Transportation Planning Board

MEMORANDUM

TO: Transportation Planning Board
FROM: Kanti Srikanth, TPB Staff Director
SUBJECT: Announcements and Updates
DATE: May 14, 2020

The attached documents provide updates on activities that are not included as separate items on the TPB agenda.

Statement from the COG Board of Directors on Commitment to Coordinate during and after COVID-19 Pandemic

"While COVID-19 cases and hospitalizations continue to rise across our region, it is also clear that staying at home and practicing social distancing have been working to reduce the spread of the virus. The best estimates still show that it will take more time before we can return to our daily routines, so we urge everyone to continue following the advice of public health experts and staying home.

"In the interim, we are committed to working together to thoughtfully plan for the reopening of the National Capital Region when the time comes. It is our collective desire to work in close partnership with the leaders of the District of Columbia, Maryland, and Virginia to ensure a safe and effective reopening strategy informed by and consistent with the sound guidance of our health officials. Any strategy to reopen must be cautious and deliberate and must consider conditions across our entire region, including the number of new cases being reported, the availability and reliability of testing, the capacity of our health system to accommodate patients, and the ability of the region to take immediate action should a resurgence of the virus occur.

"We live in an interconnected region where our residents cross our city, county, and state jurisdictional boundaries daily to live, work, learn, and play. We know that the unprecedented actions taken to respond to this public health emergency have exacted a tremendous economic toll for workers and businesses. It is essential that we continue to coordinate across borders to combat this virus and implement a reopening strategy for our communities that leads to a sustained economic recovery.

"As we work through this difficult situation, we thank area residents for staying home, avoiding crowds, and practicing social distancing during the past several weeks and urge everyone to stay committed to these important actions. Your efforts and sacrifices are helping slow the spread of COVID-19 and save lives. And while we ask for you to continue doing your part, know that your leaders in local government are doing everything we can to protect your health and serve you during these challenging times."

Resolution R17-2020
April 22, 2020

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
777 NORTH CAPITOL STREET, NE
WASHINGTON, DC 20002

RESOLUTION OF THE BOARD OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS REGARDING A STRATEGY FOR REOPENING THE NATIONAL CAPITAL REGION

WHEREAS, the COVID-19 pandemic has had a devastating impact on the health, safety, and well-being of many of our residents in the National Capital Region; and

WHEREAS, COVID-19 does not recognize geographical boundaries; and

WHEREAS, through quick and decisive action our region is making progress in “flattening the curve” and slowing the spread of COVID-19; and

WHEREAS, efforts to reduce the impact of the pandemic on the National Capital Region have negatively impacted the prosperity of our business community, challenged the education of our children, and disrupted the normalcy of the daily lives of our citizens; and

WHEREAS, our region is most effective and resilient when we work together for the benefit of all; and

WHEREAS, our citizens deserve a safe, scientifically based, and coordinated strategy for transition from crisis, when that day comes;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS THAT:

1) The Board approves the Statement on the Commitment to Coordinate during and after the COVID-19 pandemic

2) The Chief Administrative Officers representing the jurisdictions of the Metropolitan Washington Council of Governments are requested to develop coordinated and expert-informed guidelines for the reopening of the region; and

These guidelines are developed in partnership with the leaders of the District of Columbia, Maryland, and Virginia and in consultation with the relevant COG technical committees (e.g., health officers) and policy committees (e.g., EPC); and

Must be informed by principles for reopening that reflect the practices and guidance of our local health experts and maintain social distancing and self-quarantine practices until such time as there is a demonstrated decline in the risk of viral spread to the community; and

Should guide the region to a reopening strategy that leads to sustained economic recovery; and

The CAOs Committee shall advise the Metropolitan Washington Council of Governments’ Board of Directors about these guidelines in order to proceed with a commitment to coordination.

Metropolitan Washington
Council of Governments

April 8, 2020

The Honorable Mitch McConnell
U.S. Senate Majority Leader
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker of the U.S. House of Representatives
1236 Longworth House Office Building
Washington, DC 20515

Dear Senate Majority Leader McConnell and House Speaker Pelosi:

We are writing to request additional federal funding be allocated to the District of Columbia to combat the COVID-19 pandemic.

The Metropolitan Washington Council of Governments (COG) commends your leadership and quick passage of the Coronavirus Aid, Relief, and Economic Security (CARES) Act to provide assistance to state and local governments to combat the epidemic and provide economic relief to our residents and businesses.

However, the bill does not provide adequate or appropriate funding for the District of Columbia. While the District is not a state, with a population of over 700,000 and annual federal taxes of $6.5 billion, they are typically included in state funding formulas. We believe the allocation of $500 million, less than half of the minimum $1.25 billion guaranteed to each state, has shortchanged the nation's capital by $725 million.

This decision impacts the entire National Capital Region - home to over 6 million residents and the seat of the federal government, with hundreds of thousands of employees and contractors serving the country. The health of the National Capital Region is a top priority for the continuity of our democratic government and critical to continuing federal government functions.

Given the inter-connectivity of the population living and working in the District of Columbia, northern Virginia and suburban Maryland, the allocation of additional federal funds to the District of Columbia is essential to helping combat COVID-19 in the District of Columbia and throughout the metropolitan Washington region.

We strongly urge you to reconcile this decision by allocating additional funds to the District of Columbia as soon as possible to combat the COVID-19 epidemic.

We look forward to hearing your next steps on moving this reconciliation forward. If you have any questions, please reach out to COG's Executive Director Chuck Bean at cbean@mwcog.org or (202)962-3260.

Sincerely,

Derrick L. Davis
Chair, Board of Directors
Prince George's County

Christian Dorsey
Vice Chair, Board of Directors
Arlington County

Robert C. White, Jr.
Vice Chair, Board of Directors
District of Columbia

I HEREBY CERTIFY THAT the foregoing resolution was adopted by the COG Board of Directors April 22, 2020.

Janele Partman
COG Communications Specialist

Metropolitan Washington
Council of Governments

May 13, 2020

The Honorable Mitch McConnell
Majority Leader, U.S. Senate
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Chuck Schumer
Minority Leader, U.S. Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker of the House, U.S. House of Representatives
1236 Longworth House Office Building
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader, U.S. House of Representatives
2468 Rayburn House Office Building
Washington, DC 20515

Dear Leader McConnell, Leader Schumer, Speaker Pelosi, and Leader McCarthy:

As Congress works to deliver the American people an additional COVID-19 response package, we are writing to request flexible long-term and emergency supplemental funding to support state and local governments on the frontlines of the COVID-19 pandemic. Now more than ever, our state and local governments need robust and expedient relief so that we can continue to provide our residents with essential services.

In communities across the National Capital Region, state and local leaders are on the front lines of the public health response – deploying emergency operations, implementing stay-at-home orders, closing non-essential businesses, and other efforts to flatten the curve of new COVID-19 infections. The resulting decline in economic output and the unprecedented surge in unemployment have significantly altered the fiscal outlook for state and local governments in our region. Each of these communities need direct stabilization funds to combat the pandemic and to help foster the economic recovery that lies ahead. We strongly urge Congress to extend eligibility for direct stabilization funds to local governments with populations under 500,000.

According to recent economic projections from the Congressional Budget Office (CBO), states will lose $650 billion over the next three years from budget shortfalls resulting from the pandemic. Moreover, recent estimates from the National League of Cities (NLC) show that nearly nine in ten cities (98%) with populations between 50,000 and 500,000 expect a shortfall because of the pandemic. These deficits are further compounded by recent data from the National Association of Counties (NACo) which shows that counties are facing a potential $144 billion impact to our operating budgets through FY2021.

The public health and economic crisis created by this pandemic underscores the need for continuing fiscal aid which accounts for the skyrocketing costs and declining revenues for state and local governments in our region. We believe that expanding the overall amount of relief to state and local governments to $500 billion in flexible federal funding is necessary to fill immediate budgetary gaps caused by critical revenue losses for essential utilities, highways, and other revenue generating public authorities. When properly funded, these investments promote opportunity and reduce inequities in our communities.

In the absence of substantial and flexible fiscal relief, state and local governments in our region will likely respond to these enormous budget shortfalls by cutting spending and laying off public employees at a time when our communities are most in need. These layoffs and cuts will dampen the national economic recovery and could cause long-term harm to families and communities. Accordingly, we strongly urge Congress to allocate flexible long-term and emergency supplemental funding to support state and local governments on the frontlines of the COVID-19 pandemic.

We commend your leadership as you work to ensure our communities receive the relief we need to weather this crisis, and we welcome the opportunity to discuss this issue further with your team. If you have any questions, please reach out to COG's Executive Director Chuck Bean at cbean@mwcog.org or (202)962-3260.

Sincerely,

Derrick L. Davis	Christian Dorsey	Robert C. White, Jr.
Chair, Board of Directors	Vice Chair, Board of Directors	Vice Chair, Board of Directors
Prince George's County	Arlington County	District of Columbia

Association of
Metropolitan
Planning
Organizations

April 14, 2020

The Honorable Elaine L. Chao
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Chao,

On behalf of the Association of Metropolitan Planning Organization's (AMPO), I am writing to thank you for your strong leadership and immediate actions to mitigate and assist with the widespread challenges raised by the COVID-19 pandemic.

The nation's metropolitan planning organizations (MPOs) serve a critical role in the stewardship of the country's transportation network. MPOs are working closely with their localities and stakeholders to ensure that vital transportation options continue to remain available while ensuring that public health is not compromised. In addition, many MPOs are being called upon by local and state elected officials to conduct important analysis related to travel behavior and monitor other significant impacts caused by the COVID-19 pandemic.

MPOs will also serve an important role in the economic recovery through the efficient and prioritized expenditure of infrastructure funds. However, as MPOs navigate these unprecedented circumstances there are serious concerns over regulatory requirements and deadlines that could potentially lead to project delay among other challenges. Therefore, we are requesting that the Administration and the U.S. Department of Transportation provide much needed regulatory relief.

Specifically, we ask that you please consider the following actions:

- Develop guidance through the Federal Highway Administration, Federal Transit Administration, and other agencies to **liberally grant extensions to organizations for requirements** such as long-range transportation plan (LRTP) approvals, Unified Planning Work Program (UPWP), FTA triennial reviews, quadrennial certifications,

Association of Metropolitan Planning Organizations
444 North Capitol Street, NW Suite 532
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www.ampo.org

invoice processing, and other relevant deadlines that occur during fiscal year's 2020 and 2021.

- **Authorize the ability for administrative TIP and UPWP amendments.** This will allow the MPOs to add new studies, consulting work or data purchases and budget related to the COVID-19 pandemic as these costs may exceed 5% of the existing budget. In addition, allow for flexible carry-over of any unspent 2020 planning funds directly into the 2021 budget year. These actions would not require a formal MPO meeting per the adopted and federally-required Public Involvement Plans. This provision is only permitted during the time period that a state-level emergency declaration is in effect.

- **Extend deadlines for discretionary grant programs**, including obligation deadlines, so recipients are not penalized with the loss of their grant due to an extended period of slowdown or stoppage of required work.

- Develop guidance through FHWA and FTA to **provide maximum flexibility in regards to public involvement requirements**, allowing for distribution of materials on the internet or through other reasonable distribution methods, and allowing for gathering of comments electronically as sufficient under such requirements for the duration of the national state of emergency and until Federal, State, and local health officials agree that it is safe for public gatherings to recommence.

- Develop guidance through FHWA and FTA to **allow, pursuant to federal law, a MPOs policy board to meet electronically or telephonically** during the period in which a national disaster is declared. Policy boards meeting in this way should be able to vote and otherwise make decisions as if they were meeting in person. Further, **grant emergency powers to an organization's Executive Director or Board Chairperson** to approve documents on behalf of the MPO as needed.

- **Ease lapsing requirements** if a State can demonstrate that an impact of the national emergency declaration is the proximate cause of the funding lapse.

- Provide **flexibility to states and MPOs to update required performance targets and set new targets** as appropriate to adequately reflect the anticipated conditions. Further, **allow for or automatically grant extensions of performance target setting deadlines** as appropriate, including the MPO CMAQ Performance Plan which is currently due on October 1, 2020.

- **Consider changes to procurement processes** that will be necessary if whole offices are teleworking, such as allowing for electronic signatures.

In addition, working with our fellow stakeholder organizations, AMPO will be advocating for the following legislative action:

- **Utilize the Surface Transportation Block Grant Program** (STBGP) (23 U.S.C. § 133) under the federal-aid highway program and public transportation program for stimulus spending. **Distribute this funding using existing formulas and sub-allocation procedures** under 23 U.S.C. § 133. **Remove local match requirements** so federal funds can cover 100% of project costs.

- **Allow funds provided in a stimulus bill to be used as the local share funds for any program**, including Surface Transportation Block Grant Program, Congestion Mitigation and Air Quality, and Metropolitan Planning. Allowing new funds to be used to match other program funds will help to ensure swift project delivery.

- **Waive all restrictions under 49 U.S.C. § 5307 on the use of funds for operating expenses for the remainder of fiscal year 2020 and fiscal year 2021**. During this period, **allow federal funds to be used for 100 percent of project costs**.

As the MPOs continue to navigate these uncertain times, it is of the utmost importance that there is a clear national message as it relates to regulatory relief and guidance. We would greatly appreciate the U.S. DOT's leadership in this regard. AMPO and its members look forward to working with the U.S DOT to assist in supporting and implementing these relief efforts to ensure that we are able to respond to the challenges presented by the COVID-19 pandemic in the most efficient and effective ways possible.

If you have any questions about the issues raised in this letter or otherwise please contact Bill Keyrouze, Interim Executive Director, at 202-624-3683 or bkeyrouze@ampo.org.

Sincerely,

R. Todd Ashby, AICP
CEO/Executive Director, Des Moines Area Metropolitan Planning Organization
President, Association of Metropolitan Planning Organizations

William T. Keyrouze

Bill Keyrouze
Interim Executive Director
Association of Metropolitan Planning Organizations

April 6, 2020

The Honorable Nancy Pelosi, Speaker, United States House of Representatives
The Honorable Mitch McConnell, Majority Leader, United States Senate

The Honorable Kevin McCarthy, Republican Leader, United States House of Representatives
The Honorable Charles E. Schumer, Democratic Leader, United States Senate

Dear Speaker Pelosi, Leader McConnell, Leader McCarthy, and Leader Schumer:

As the organization representing all 50 state departments of transportation (state DOTs), the District of Columbia, and Puerto Rico, the American Association of State Highway and Transportation Officials (AASHTO) lauds Congress's historic response to the COVID-19 pandemic. We very much appreciate your significant and timely support for aviation, passenger rail, and transit operating needs provided through the Coronavirus Aid, Relief, and Economic Security (CARES) Act last month. Despite the uncertainty and rapidly-changing nature of this pandemic, state DOTs are working tirelessly to ensure the health and safety of their residents, employees, and the traveling public as they maintain their transportation systems.

We now urge Congress to take two important steps related to surface transportation infrastructure in the next COVID-19 legislation— the "Phase 4" emergency relief and economic recovery package. First, we request an immediate $49.95 billion in flexible federal funding to offset what we estimate will average at least a 30 percent loss in state transportation revenues in the next 18 months. This federal backstop will help to ensure state DOTs can operate and maintain their systems without disruption and allow current transportation projects and plans to continue. Second, in order to boost years-long economic recovery that will be necessary once the national emergency subsides, Congress should look to pass a major transportation investment package in the form of surface transportation and water transportation reauthorization.

These actions to shore up our nation's highway, transit, passenger rail, and water transportation systems will send a bold signal to raise consumer and investor confidence and expectations for economic recovery, while strengthening our national transportation system for decades to come.

Immediate Revenue Backstop for State DOTs

Congress should provide $49.95 billion as an immediate revenue backstop to state DOTs in order to prevent major disruptions in their ability to operate and maintain their transportation systems during this national emergency. Compared to $111 billion in state transportation revenues in FY 2019, preliminary projections from state DOTs show at least a 30 percent decline on average for the next 18 months. In addition, most recent data from INRIX shows that personal travel dropped between 38 and 44 percent nationally through the week ending March 27, 2020, and may worsen in the coming weeks. As such, AASHTO's request of $49.95 billion in emergency funding distributed to state DOTs via formula is composed of $16.7

billion for the remainder of FY 2020 (estimated 30 percent state revenue cut prorated over six months) and $33.3 billion for all of FY 2021 (estimated 30 percent state revenue cut for a full year). This crucial federal backstop will prevent cancellations and delays of projects as well as potential job losses both in the State DOT workforce and the private sector.

Treatment as state revenue. Given the urgent nature of states' needs in the coming weeks and months, we request these backstop funds to be essentially treated as state revenues that would otherwise have been collected for a wide range of state DOT activities without the COVID-19 pandemic. This broad funding eligibility would recognize the fact that state transportation revenues are used for any and all transportation activities undertaken by state DOTs.

Operations and maintenance support. State DOT operations and maintenance activities should be fully eligible for funds provided as the revenue backstop. This will enable states to help pay for unusually heavy expenses resulting from extraordinary conditions caused by COVID-19, ranging from meeting payroll for state DOT workforce to prevent furloughs or layoffs to improving remote-working systems to prevent IT system overload contributing to project delivery delays and increased costs.

100 percent federal share. The estimated state revenue cuts threaten the ability to provide state and local match in the near term for the traditional Federal-aid Highway Program. In addition to supporting immediate capital, operations, and maintenance needs at state DOTs, this feature will also provide states the necessary fiscal space to meet existing debt obligations.

Sensible reporting. Taking lessons learned from past recovery efforts, we request Congress to not include maintenance of effort requirements and to avoid overlapping reporting and oversight requirements from multiple entities.

Obligation timeline. We request the backstop funds for both FY 2020 and FY 2021 to be available for obligation through September 30, 2021.

Platform for National Economic Recovery and Growth

Transportation investment is a proven platform for economic activity with long-lasting mobility and productivity benefits. Yet the Fixing America's Surface Transportation (FAST) Act which has provided five years of funding stability and certainty to state DOTs will expire in just six months. In the upcoming aftermath of the economic shock due to COVID-19, Congress must take bold and historic action to revitalize our nation's economy and secure our long-term future by enacting a robust, long-term surface transportation package that invests in highway, highway safety, transit, and passenger rail programs in every state and community across America. In addition, Congress should look to once again reauthorize the Water Resources Development Act on time.

According to the US Department of Transportation's *Conditions and Performance Report:23rd Edition*, our nation's total investment backlog in 2014—the latest year available—stood at $902 billion, comprising a highway and bridge backlog of $786 billion and a transit backlog of $116 billion. This cumulative backlog—resulting from decades of underinvestment—represents all highway, bridge, and transit improvements that could be economically justified for immediate implementation.

To address this backlog and stimulate the economy we request that you double the amount of federal surface transportation funding and reauthorize these programs for at least another six years. These actions will finally put us on the path to eliminate this longstanding investment backlog by the end of this decade while meeting arising asset condition and performance needs to support and sustain our multiyear economic recovery and growth.

In providing these resources, we recommend that Congress utilizes contract authority for funding stability and certainty. In addition, we ask you to focus on maximizing formula-based dollars provided directly to states though the existing core formula programs and avoid incorporating untested new programs and discretionary grants that tend to add both uncertainty and additional costs to project sponsors.

To assist in enacting the next surface transportation authorization, we are proud to share AASHTO's recommended policies adopted by our Board of Directors last October for your consideration, including our Core Policy Principles:

Ensure timely reauthorization of a long-term federal surface transportation bill.

- Funding stability provided by federal transportation programs is absolutely crucial to meet states' capital investment needs, which take multiple years to plan and construct.
- A long-term transportation bill is needed in order to avoid an authorization gap upon FAST Act expiration in September 2020. Short-term program extensions cause unnecessary program disruptions and delays safety and mobility benefits to states and communities.

Increase and prioritize formula-based federal funding provided to states.

- The current federal highway program optimally balances national goals with state and local decision making.
- Formula-based transportation funding reflects the successful federal-state partnership by ensuring the flexibility necessary for each state to best meet its unique investment needs.
- Congress should increase the formula-based program's share of the Federal-aid Highway Program from 92 percent currently in the FAST Act.

Increase flexibility, reduce program burdens, and improve project delivery.

- Increase programmatic and funding flexibility to plan, design, construct and operate the surface transportation system.
- Reduce regulatory and programmatic burdens associated with federal programs that are not part of the project approval process.
- Modernize Clean Water Act, Clean Air Act, and Endangered Species Act processes to improve transportation and environmental outcomes and reduce delays.
- To streamline and improve project delivery, states should be provided with opportunities to assume more federal responsibilities and the associated accountability.

Support and ensure state DOT's ability to harness innovation and technology.

- Innovative approaches and technologies should be embraced to achieve a safer and more resilient, efficient and secure surface transportation system.
- State DOTs, as infrastructure owners and operators, need the 5.9 GHz spectrum for transportation safety and connected vehicle deployment purposes.
- Preserve state and local government authority to regulate operational safety of autonomous vehicles.
- Preserve state and local government authority to responsibly manage data collected from transportation technologies.

In addition to strengthening and securing federal highway and transit programs, we urge Congress to improve our nation's passenger rail and water transportation systems.

Ensuring Investment in America's State-supported Passenger Rail Network

Twenty-one public agencies in 18 states across the United States are responsible for 29 passenger rail routes serviced by Amtrak. At least $55 billion has been identified by Amtrak for intercity passenger rail to support critical infrastructure, procurement of new passenger fleet, and to advance station development and ADA compliance of both the Northeast Corridor and National Network. Federal funding should be eligible for states or entities designated by a state and will dramatically improve passenger rail mobility and travel options in our nation for the long term.

Continuing our National Commitment to Improve Water Transportation

Water transportation is a vital element of the national multimodal transportation system and essential to the efficient movement of freight. AASHTO urges Congress to pass the next Water Resources Development Act (WRDA) this year which would authorize the critical U.S. Army Corps of Engineers (USACE) port, waterway, flood protection, and other water infrastructure improvements across the country. In addition to this reauthorization, it is imperative to address the growing backlog of authorized, but unconstructed USACE projects. A timely reauthorization of WRDA and supplemental funds to address this backlog will dramatically improve and modernize our ports, harbors, and waterways for the future of our nation's economic competiveness.

Thank you again for your bold leadership during this unprecedented crisis and for your consideration of state DOTs' request for the next COVID-19-related legislation. If you have any questions, please contact Joung Lee, AASHTO's Director of Policy and Government Relations at 202-624-5818 or jlee@aashto.org.

Sincerely,

Patrick K. McKenna
President, AASHTO
Director, Missouri DOT

Jim Tymon
Executive Director, AASHTO

cc:
The Honorable Richard Shelby, Chair, Senate Appropriations Committee
The Honorable Patrick J. Leahy, Ranking Member, Senate Appropriations Committee
The Honorable Susan Collins, Chair, Senate Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies
The Honorable Jack Reed, Ranking Member, Senate Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies
The Honorable Michael Crapo, Chair, Senate Banking, Housing, and Urban Affairs Committee
The Honorable Sherrod Brown, Ranking Member, Senate Banking, Housing, and Urban Affairs Committee
The Honorable John Barrasso, Chair, Senate Environment and Public Works Committee
The Honorable Thomas R. Carper, Ranking Member, Senate Environment and Public Works Committee
The Honorable Roger Wicker, Chair, Senate Commerce, Science, and Transportation Committee
The Honorable Maria Cantwell, Ranking Member, Senate Commerce, Science, and Transportation Committee
The Honorable Chuck Grassley, Chair, Senate Committee on Finance
The Honorable Ron Wyden, Ranking Member, Senate Committee on Finance
The Honorable Nita M. Lowey, Chair, House Appropriations Committee
The Honorable Kay Granger, Ranking Member, House Appropriations Committee
The Honorable David E. Price, Chair, House Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies
The Honorable Mario Diaz-Balart, Ranking Member, House Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies
The Honorable Peter A. DeFazio, Chair, House Transportation and Infrastructure Committee
The Honorable Sam Graves, Ranking Member, House Transportation and Infrastructure Committee
The Honorable Eleanor Holmes Norton, Chair, House Transportation and Infrastructure Subcommittee on Highways and Transit
The Honorable Rodney Davis, Ranking Member, House Transportation and Infrastructure Subcommittee on Highways and Transit
The Honorable Richard Neal, Chair, House Ways and Means Committee
The Honorable Kevin Brady, Ranking Member, House Ways and Means Committee

April 30, 2020

The Honorable Mitch McConnell
Majority Leader, Unites States Senate
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker, United States House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
Minority Leader, United States Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader, United States House of Representatives
Washington, DC 20515

Dear Leader McConnell, Speaker Pelosi, Leader Schumer, and Leader McCarthy:

On behalf of the National Association of Regional Councils (NARC), the Association of Metropolitan Planning Organizations (AMPO), and the National Association of Development Organizations (NADO), we are grateful for your leadership to help communities contend with the immense challenges of COVID-19.

Local governments at the county and municipal levels in communities of all sizes are on the front lines of emergency response while also facing potentially crippling budget shortfalls from decreases in locally generated tax revenue and increases in unanticipated expenses. For this reason, **we collectively request that significant additional funding specifically for local governments be included in the next coronavirus response legislation**. Federal funding for communities of all sizes is necessary in order to meet the current and emerging challenges of the coronavirus pandemic. This funding should be flexible so that it can be spent on expenses related to COVID-19 or used to fill revenue shortfalls caused by the pandemic.

Our associations represent regional and metropolitan planning organizations across the nation. These organizations go by terms such as metropolitan planning organization, regional planning organization, rural planning organizations, council of governments, regional council, regional planning commission, coordinating agency and more. Typically, they are themselves units of local government, and their boards consist of elected city and county officials who make decisions on issues of importance that cross jurisdictional boundaries. These organizations play vital roles in distributing federal funding, providing technical support, and many other functions that help local governments operate more effectively and efficiently. MPOs and regional organizations help communities of all sizes – including smaller communities – access federal funding across a variety of programs. To this end, **regional organizations should be deemed as eligible to certify and directly receive federal funds for coronavirus response and recovery**. They can help ensure that funds are distributed equitably among local communities so that nobody is left out from receiving federal assistance.

Regional planning organizations thank you for your attention to the issues facing cities and counties during this challenging time. There remains much to be done, and our members look forward to the opportunity to contribute where they can.

Sincerely,

William T. Keyrouze

Bill Keyrouze
Interim Executive Director
Association of Metropolitan
Planning Organizations

Leslie Wollack

Leslie Wollack
Executive Director
National Association
of Regional Councils

Joe McKinney
Executive Director
National Association
of Development Organizations

May 7, 2020

The Honorable Mitch McConnell
Majority Leader, Unites States Senate
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker, United States House of Representatives
Washington, DC 20515

The Honorable Charles Schumer
Minority Leader, United States Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader, United States House of Representatives
Washington, DC 20515

Dear Chairwoman Lowey, Ranking Member Granger, Chairman Price, and Ranking Member Diaz-Balart:

The Association of Metropolitan Planning Organizations (AMPO), the National Association of Regional Councils (NARC), and the National Association of Development Organizations (NADO) write to request that **Congress appropriate at least $20 billion in flexible transportation funds through the Surface Transportation Block Grant Program (STBGP) in the next coronavirus relief bill**. These funds will be used to maintain vital transportation-related jobs, keep projects and programs moving forward, and address the loss of state and local revenues that support locally-selected transportation investments. State and local funding makes up two-thirds of the nation's investment in transportation infrastructure and pays the non-federal share of federally funded projects and programs.

Further, we urge that these **additional funds be suballocated in the same manner as funds that were apportioned in 2020 for urbanized and non-urbanized areas** under STBGP in the FAST Act (23 U.S.C. 133(d)(1)(A)). Eligible uses of these funds should be expanded to include **serving as the non-federal match** attributable to MPO and state planning activities and serving as the non-federal match for any program or programs under Title 23 (Highways) or Chapter 53 of Title 49 (Public Transportation). Further, any **eligible uses for these funds should be allowed a 100% federal share**.

In conjunction with this immediate funding, we also urge you to **support the passage of a long-term surface transportation bill** before it expires September 30 of this year. These two actions taken together provide Congress a unique opportunity to increase federal transportation investments to help restart the economy that is reeling from the impacts of the coronavirus and to provide certainty of surface transportation policy and funding once the country moves past the pandemic.

As Congress seeks to promote recovery from the COVID19 crisis and stimulate the U.S. economy through infrastructure investments, utilizing the existing STBGP minimizes the need to design new systems or rules, so federal funding can more easily and quickly flow to local governments. Under the STBGP, projects are already programmed so have been vetted and are locally supported. STBGP provides flexibility that allows targeting highest priority projects, based on local economic circumstances and transportation conditions and needs. This is particularly compelling now as cities and counties are facing significant revenue losses in sources that they use for capital investment, including gas taxes and sales taxes. As local communities are forced to shift funds to cover revenue losses and pay for immediate needs in public health and safety, cities and counties are considering delaying or reducing their capital investment programs. This will result in a reduction of construction spending and associated job losses in public works departments as well as in private-sector contractors. As such, when our nation is trying to move to economic recovery, we may have a drain on capital investment just when it would be most beneficial. An STBGP funding supplement could help to avoid job losses and stimulating economic recovery.

Additional suballocated funding through the STBGP would effectively allow already planned and programmed transportation capital projects to continue, i.e., help avoid project delays, deferrals, and corresponding public and private sector layoffs, and function as economic stimulus by injecting capital funding into the economy and accelerating some projects.

As Congress debates these important relief and recovery funds for transportation, we request that Congress ensure that states coordinate with the relevant Metropolitan Planning Organizations before changes are made to the state transportation improvement program (STIP) to prevent any possible delay in project schedules that have already been agreed to by the state and MPO.

Lastly, the impacts of the coronavirus have impacted more than the funding to support transportation investments. Members of AMPO, NARC, and NADO are also confronted with statutorily required deadlines and processes. To this end, we request that Congress:

- **Grant extensions to MPOs for requirements** such as long-range transportation plan (LRTP) and Transportation Improvement Program update and approvals, Unified Planning Work Program (UPWP) updates, FTA triennial reviews, quadrennial certifications, invoice processing, and other relevant deadlines that occur during fiscal year's 2020 and 2021.
- **Authorize and permit administrative Transportation Improvement Programs and UPWP amendments**. This will allow the MPOs to add new studies, consulting work or data purchases and budget changes related to the COVID-19 pandemic as these costs may exceed 5% of the existing budget. In addition, allow for flexible carry-over of any unspent 2020 planning funds directly into the 2021 budget year. These actions would not require a formal MPO meeting per the adopted and federally required Public Involvement Plans. This provision is only permitted during the time period that a state-level emergency declaration is in effect.
- **Extend deadlines for discretionary grant programs**, including obligation deadlines, so recipients are not penalized with the loss of their grant due to an extended period of slowdown or stoppage of required work.
- **Direct USDOT to develop guidance through FHWA and FTA or pass a statutory framework to provide maximum flexibility in regards to public involvement requirements**, allowing for distribution of materials on the internet or through other reasonable distribution methods, and allowing for gathering of comments electronically as sufficient under such requirements for the duration of the national state of emergency and until Federal, State, and local health officials agree that it is safe for public gatherings to recommence.
- Direct USDOT to develop guidance through FHWA and FTA or pass a statutory framework to **allow a MPOs policy board to meet electronically or telephonically** during the period in which a national disaster is declared. Policy boards that meet in this way should be able to vote and otherwise make decisions as if they were meeting in person.
- Further, grant emergency powers to an organization's Executive Director or Board Chairperson to approve documents on behalf of the MPO as needed.
- **Ease lapsing requirements** if a State can demonstrate that an impact of the national emergency declaration is the proximate cause of the funding lapse.

- **Provide flexibility to states and MPOs to update required performance targets and set new targets** as appropriate to adequately reflect the anticipated conditions. Further, allow for or **automatically grant extensions of performance target setting deadlines** as appropriate, including the MPO CMAQ Performance Plan which is currently due on October 1, 2020.
- **Consider changes to procurement processes** that will be necessary if whole offices are teleworking, such as allowing for electronic signatures.

Federal investments in the next stimulus bill and through the reauthorization of a surface transportation bill will provide immediate and future funding certainty essential to preserving transportation investments as the country continues to operate under the Federal and State health directives due to the coronavirus and beyond. Again, we appreciate your leadership during this unprecedented time and for your consideration of this request.

Sincerely,

William T. Keyrouze

Bill Keyrouze
Interim Executive Director
Association of Metropolitan
Planning Organizations

Leslie Wollack

Leslie Wollack
Executive Director
National Association
of Regional Councils

Joe McKinney
Executive Director
National Association
of Development Organizations

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION

May 7, 2020

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Washington, DC 20005
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APTA.COM

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-232, The Capitol
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
S-230, The Capitol
Washington, DC 20510

The Honorable Kevin McCarthy
Republican Leader
U.S. House of Representatives
H-204, The Capitol
Washington, DC 20515

The Honorable Charles E. Schumer
Democratic Leader
U.S. Senate
S-221, The Capitol
Washington, DC 20510

Dear Speaker Pelosi, Leader McConnell, Leader McCarthy, and Leader Schumer:

On behalf of America's public transportation industry, which directly employs more than 435,000 workers and supports millions of private-sector jobs, **we urge you to provide an additional <u>$23.8 billion</u> in COVID-19 Emergency Response and Recovery Funding to help public transit agencies continue to provide a critical lifeline to essential workers and to help our communities rebuild our economy. These funds will offset the extraordinary direct costs and revenue losses caused by the pandemic.**

We greatly appreciate your work to enact the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (P.L. 116-136). CARES Act funding provided a critical lifeline to enable our agencies to serve first responders, hospital workers, and grocery store clerks each and every day. Yet, public transit agencies need additional funding to continue to provide these and other essential services throughout the crisis and play its indispensable role in America's social and economic recovery from COVID-19.

The COVID-19 pandemic has significantly increased public transit operating costs and slashed state and local sources of transit funding, including agency farebox, parking, and other revenue; dedicated sales tax, gas tax, and other state and local tax revenues; and state and local funding. For instance, with stay-at-home orders and fare-free services for essential riders, transit fare revenue has dropped 86 percent over the past month.

Further, we currently estimate that 37,000 construction jobs in 2020 and 34,000 in 2021 will be lost because of transit project delays and cancellations.

Based on the enclosed, independent analysis[1] of COVID-19 impacts on public transit, APTA estimates that public transit agencies face $23.8 billion of additional costs and revenue losses through calendar year 2021, in excess of public transit funding provided by the CARES Act. As our nation's transit agencies work to maintain and restore essential services, federal support is critical to ensure that public transit agencies can reposition themselves to survive and help our communities and nation recover from the economic fallout of the pandemic.

To that end, APTA urges Congress to provide **<u>$23.8 billion</u> in COVID-19 Emergency Response and Recovery Funding for public transportation**, including:

- **$19 billion provided through the Emergency Relief Program; and**

- **$4.75 billion provided through Urbanized Area Formula Grants, Seniors and Individuals with Disabilities Formula Grants; and Rural Area Formula Grants.**

APTA proposes that 80 percent of the $23.8 billion in funding ($19 billion) be allocated through the existing Emergency Relief Program (49 U.S.C. 5324), with the Secretary of Transportation providing grants to public transportation agencies for COVID-19 costs and revenue losses that exceed funding provided to such agencies under the CARES Act. These funds would be distributed proportionally to all public transit agencies with demonstrated need. The funds would be available for both capital and operating expenses and at a 100 percent federal share, as provided under the CARES Act.

The remaining 20 percent of funds ($4.75 billion) would be allocated by formula through the Urbanized Area Formula Grants (49 U.S.C. § 5307), Seniors and Individuals with Disabilities Formula Grants (49 U.S.C. § 5310), and Rural Area Formula Grants (49 U.S.C. § 5311), in the same ratio as funds were provided in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2020 (P.L. 116-94). The funds would be available for both capital and operating expenses and at a 100 percent federal share. *For additional information regarding the proposal, please see the enclosed APTA Fact Sheet regarding COVID-19 Emergency Response and Recovery Funding for Public Transportation* (Attachment A).

These additional emergency funds are critical to ensuring that public transportation can continue to be a lifeline for our essential workers and help our communities rebuild their economies in the wake of the pandemic. These funds are also critical to maintain the manufacturing and supply chain for public transportation agencies and limit the enormous economic damage to these businesses caused by the pandemic.

Finally, APTA believes that providing the public transportation industry with long-term certainty is critical to our economic recovery and we urge you to enact the Surface Transportation Authorization Act prior to its expiration in September. Now is the time to invest more in our

[1] EBP US, Inc., *The Impact of the COVID-19 Pandemic on Public Transit Funding Needs in the U.S.*, May 5, 2020 (Attachment B).

nation's public transportation infrastructure to support jobs, reconnect Americans, and build the necessary infrastructure network to provide critical public transit services and economic opportunities for all.

We greatly appreciate all of your efforts to help Americans through this national crisis. This Emergency Response and Recovery Funding for public transportation is critically important as we work to maintain a lifeline and restore these essential services in each of our communities.

Thank you for your consideration.

Sincerely,

Paul P. Skoutelas

Paul P. Skoutelas
President and CEO

Encl.

cc: The Honorable Steny H. Hoyer, Majority Leader, U.S. House of Representatives

The Honorable John Thune, Majority Whip, U.S. Senate

The Honorable Steve Scalise, Republican Whip, U.S. House of Representatives

The Honorable Richard J. Durbin, Democratic Whip, U.S. Senate

The Honorable Nita M. Lowey, Chairwoman, Committee on Appropriations, U.S. House of Representatives

The Honorable Richard C. Shelby, Chairman, Committee on Appropriations, U.S. Senate

The Honorable Peter A. DeFazio, Chair, Committee on Transportation and Infrastructure, U.S. House of Representatives

The Honorable Mike Crapo, Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate

The Honorable Roger Wicker, Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate

The Honorable Richard Neal, Chairman, Committee on Ways and Means, U.S. House of Representatives

The Honorable Chuck Grassley, Chairman, Committee on Finance, U.S. Senate

The Honorable Kay Granger, Ranking Member, Committee on Appropriations, U.S. House of Representatives

The Honorable Patrick Leahy, Vice Chairman, Committee on Appropriations, U.S. Senate

The Honorable Sam Graves, Ranking Member, Committee on Transportation and Infrastructure, U.S. House of Representatives

The Honorable Sherrod Brown, Ranking Member, Committee on Banking, Housing, and Urban Affairs, U.S. Senate

The Honorable Maria Cantwell, Ranking Member, Committee on Commerce, Science, and Transportation, U.S. Senate

The Honorable Kevin Brady, Ranking Member, Committee on Ways and Means, U.S. House of Representatives

The Honorable Ron Wyden, Ranking Member, Committee on Finance, U.S. Senate

The Honorable David E. Price, Chairman, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, Committee on Appropriations, U.S. House of Representatives

The Honorable Susan M. Collins, Chairman, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, Committee on Appropriations, U.S. Senate

The Honorable Eleanor Holmes Norton, Chair, Subcommittee on Highways and Transit, Committee on Transportation and Infrastructure, U.S. House of Representatives

The Honorable David Perdue, Chairman, Subcommittee on Housing, Transportation, and Community Development, Committee on Banking, Housing, and Urban Affairs, U.S. Senate

The Honorable Deb Fischer, Chairman, Subcommittee on Transportation and Safety, Committee on Commerce, Science, and Transportation, U.S. Senate

The Honorable Mario Diaz-Balart, Ranking Member, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, Committee on Appropriations, U.S. House of Representatives

The Honorable Jack Reed, Ranking Member, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, Committee on Appropriations, U.S. Senate

The Honorable Rodney Davis, Ranking Member, Subcommittee on Highways and Transit, Committee on Transportation and Infrastructure, U.S. House of Representatives

The Honorable Robert Menendez, Ranking Member, Subcommittee on Housing, Transportation, and Community Development, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, U.S. Senate

The Honorable Tammy Duckworth, Ranking Member, Subcommittee on Transportation and Safety, Committee on Commerce, Science, and Transportation, U.S. Senate

COVID-19 Emergency Response and Recovery Funding For Public Transportation

May 7, 2020

The CARES Act provided $25 billion to public transit agencies through urban and rural area formula grants. Despite this significant funding, public transit agencies need additional COVID-19 Emergency Response and Recovery funding to respond to and recover from the pandemic. APTA has developed this funding proposal to address the enormous impacts of COVID-19 on public transportation and ensure that public transit agencies can continue to provide these essential services each and every day.

The COVID-19 pandemic has significantly increased public transit operating costs and slashed state and local sources of transit funding, including agency farebox, parking, and other revenue; dedicated sales tax, gas tax, and other state and local tax revenues; and state and local funding. Given the pandemic and its economic impacts, public transit agencies across the nation face severe ridership decline and state and local revenue losses.[1] Based on an independent analysis of COVID-19 impacts on public transit, APTA estimates that public transit agencies face $23.8 billion of additional costs and revenue losses through calendar year 2021, in excess of public transit funding provided by the CARES Act.[2]

As our nation's transit agencies work to maintain and restore these essential services, federal support is critical to ensure that public transit agencies can reposition themselves to survive and help our communities and nation recover from the economic fallout of the pandemic. **To that end, APTA urges Congress to provide an additional <u>$23.8 billion</u> in funding for COVID-19 Emergency Response and Recovery, including:**

- ***$19 billion provided through the Emergency Relief Program; and***

- ***$4.75 billion provided through Urbanized Area Formula Grants, Seniors and Individuals with Disabilities Formula Grants; and Rural Area Formula Grants.[3]***

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[1] For instance, on April 16, the New York Metropolitan Transportation Authority requested an additional $3.9 billion for 2020, noting ridership declines of more than 90 percent, enormous losses in fare, toll, and tax revenues that help fund the system, and increased costs associated with ensuring the safety of staff and riders. Similarly, on April 28, the San Francisco Bay Area Metropolitan Transportation Commission (MTC) requested that Congress create a Transportation Revenue Backstop that includes $1.3 billion of additional transit formula funding for the MTC over the next 18 months.

[2] EBP US, Inc., *The Impact of the COVID-19 Pandemic on Public Transit Funding Needs in the U.S.*, May 5, 2020.

[3] APTA's request includes $50 million for Federal Transit Administration (FTA) administrative expenses and program management oversight. This amount includes specific funding for the U.S. Department of Transportation

Emergency Relief

- Provide $19 billion of COVID-19 Emergency Response and Recovery funding through the Emergency Relief Program (49 U.S.C. § 5324) for additional costs and revenue losses to operating and capital budgets to prepare for, respond to, and recover from the COVID-19 pandemic for the period beginning on the date that the President declared a national emergency under the National Emergencies Act (50 U.S.C. § 1621) and section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. § 5121, et seq.) (March 13, 2020) and ending on December 31, 2021.

- Require the Secretary of Transportation (Secretary) to provide grants to public transportation agencies[4] for COVID-19 costs and revenue losses that exceed funding provided to such agencies under the CARES Act, the formula funding provided under this Act, or reimbursement by the Federal Emergency Management Agency (FEMA) under the Stafford Act.

- Require the Secretary to distribute allocations proportionally to all public transit agencies who demonstrate additional COVID-19 costs and revenue losses.

- Require the Secretary to distribute these funds in three tranches: by June 30, 2020, May 31, 2021, and December 31, 2021. The Secretary shall allocate not less than 33.33 percent of available funds to each of the three tranches and allocate any unused funds to subsequent tranches.

- Require the Secretary to issue guidance on the application process for Emergency Response and Recovery funding not later than 15 days after the date of enactment of this Act. The guidance will establish the dates for acceptance of applications for each of the three tranches.

- Funding provided under the Emergency Relief program shall have a 100 percent federal share and may be used for any operating or capital expenses authorized under Chapter 53 of Title 49.

- Clarify the Emergency Relief Program (49 U.S.C. § 5324(d)(2)) to ensure that the FEMA duplication of benefits provision does not prevent a public transit agency from receiving both FTA Emergency Relief and FEMA Disaster Relief funds for projects to respond to and recover from the COVID-19 pandemic.

Office of Inspector General to oversee FTA's administration of the Emergency Relief program and its determinations of demonstrated need.

[4] Public transportation agencies submitting costs and revenue losses under this section shall be the designated recipients under Chapter 53 of Title 49.

Formula Grants

- Provide $4.75 billion of COVID-19 Emergency Response and Recovery funding through Urbanized Area Formula Grants (49 U.S.C. § 5307), Seniors and Individuals with Disabilities Formula Grants (49 U.S.C. § 5310), and Rural Area Formula Grants (49 U.S.C. § 5311).

- Require the Secretary to allocate the funds provided under these formula programs in the same ratio as funds were provided in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2020 (P.L. 116-94). The Act provides the following approximate amounts to the formula programs:

  - Urbanized Area Formula Grants— $4.00 billion
  - Seniors and Individuals with Disabilities Formula Grants— $232 million
  - Rural Area Formula Grants— $522 million

- Funding provided under the formula programs shall have a 100 percent federal share and may be used for any capital or operating expenses authorized under Chapter 53 of Title 49.

APTA COVID-19 Emergency Response and Recovery Funding
Estimated Apportionments of $4.75 Billion of Formula Grants

State/Territory	Funding	State/Territory	Funding	State/Territory	Funding
Alabama	$35,684,797	Maine	$17,679,639	Pennsylvania	$182,088,068
Alaska	$22,012,477	Maryland	$116,556,031	Rhode Island	$17,203,316
Arizona	$82,786,265	Massachusetts	$134,956,138	South Carolina	$34,675,492
Arkansas	$22,922,360	Michigan	$100,559,383	South Dakota	$9,406,899
California	$737,950,015	Minnesota	$71,270,996	Tennessee	$61,768,213
Colorado	$80,793,452	Mississippi	$20,196,770	Texas	$300,371,078
Connecticut	$66,782,641	Missouri	$59,636,220	Utah	$48,942,276
Delaware	$14,088,276	Montana	$13,728,508	Vermont	$5,831,253
District of Columbia	$21,718,651	Nebraska	$17,138,315	Virginia	$126,491,542
Florida	$241,128,339	Nevada	$43,867,110	Washington	$142,779,072
Georgia	$103,787,142	New Hampshire	$10,968,115	West Virginia	$15,975,588
Hawaii	$30,304,639	New Jersey	$277,448,771	Wisconsin	$57,993,086
Idaho	$17,140,463	New Mexico	$30,924,721	Wyoming	$7,803,978
Illinois	$250,865,466	New York	$545,777,282	Puerto Rico	$44,431,328
Indiana	$65,316,392	North Carolina	$87,343,157	Virgin Islands	$1,320,999
Iowa	$30,053,952	North Dakota	$9,204,547	American Samoa	$307,207
Kansas	$25,040,069	Ohio	$114,647,839	Guam	$764,760
Kentucky	$38,176,069	Oklahoma	$29,375,658	N. Mariana Islands	$289,726
Louisiana	$42,920,576	Oregon	$60,804,878		

COVID-19 EMERGENCY RESPONSE AND RECOVERY FUNDING
FOR PUBLIC TRANSPORTATION
Prepared by American Public Transportation Association Staff
May 7, 2020

FEDERAL TRANSIT ADMINISTRATION

EMERGENCY RESPONSE AND RECOVERY GRANTS

For an amount for “Emergency Response and Recovery Grants”, $23,800,000,000, to remain available until expended, to prevent, prepare for, and respond to COVID-19: *Provided*, Notwithstanding any other provision of law, the Secretary of Transportation shall provide funds appropriated under this heading in this Act as if such funds were provided under section 5324 of title 49, United States Code, section 5307 of title 49, United States Code, section 5310 of title 49, United States Code, and section 5311 of title 49, United States Code, and apportion 80 percent of such funds to section 5324 and 20 percent of such funds to section 5307, section 5310, and section 5311:

Provided further, That designated recipients, as defined in section 5302 of title 49, United States Code, may apply for grants under section 5324 of title 49, United States Code, for costs and revenue losses to the recipients’ overall budget to prepare for, respond to, and recover from the COVID-19 pandemic for the period beginning on the date that the President declared a national emergency under the National Emergencies Act and section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. § 5121, et seq.) and ending on December 31, 2021: *Provided further,* That the Secretary shall provide grants to designated recipients for such costs and revenue losses that exceed public transportation funding provided to such recipients by section 5307, section 5310, and section 5311 apportionments under the CARES Act (P.L. 116-136) or this heading of this Act, or reimbursed by the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further,* That the Secretary shall distribute allocations proportionally to all designated recipients that, based on best available data, demonstrate such costs and revenue losses in three tranches occurring not later than June 30, 2020, May 31, 2021, and December 31, 2021: *Provided further*, That the Secretary shall allocate not less than 33.33 percent of available funds in each of the three tranches and allocate any unused funds to subsequent tranches: *Provided further*, That the Secretary shall issue guidance on the section 5324 application process not later than 15 days after the date of enactment of this Act, and such guidance shall establish specific dates for acceptance of applications for each tranche:

Provided further, That the Secretary shall apportion section 5307, section 5310, and section 5311 funds in accordance with section 5336 of title 49, United States Code (other than subsections (h)(1) and (h)(4)) and section 5311 (other than subsections (b)(3) and (c)(1)(A)), and allocate the amounts provided among such sections in the same ratio as funds were provided in the fiscal year 2020 appropriations: *Provided further,* That the funds apportioned under section 5307, section 5310, and section 5311 shall be apportioned using the 2020 apportionment formulas and not later than 7 days after the date of enactment of this Act:

Provided further, That not more than three-quarters of 1 percent, but not to exceed $50,000,000, of the funds for Emergency Response and Recovery Grants provided under this heading in this Act shall be available for administrative expenses and program management oversight, as authorized under sections 5334 and 5338(f)(2) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose: *Provided further,* That of the funds made available for such administrative expenses, $3,000,000 shall be transferred to the Office of Inspector General to support oversight of the Federal Transit Administration's administration of the Emergency Relief program and its determinations of demonstrated need under this heading: *Provided further*, That notwithstanding subsections (a)(1) or (b) of section 5307 of title 49, United States Code, or any other provision of law, funds provided under this heading are available for operating and capital expenses of public transit agencies, including reimbursement for operating costs to maintain service and lost revenue due to the COVID-19 public health emergency, the purchase of personal protective equipment, and paying the administrative leave of operations personnel due to reductions in service: *Provided further*, That such operating expenses are not required to be included in a transportation improvement program, long-range transportation, statewide transportation plan, or a statewide transportation improvement program: *Provided further*, That the Secretary shall not waive the requirements of section 5333 of title 49, United States Code, for funds appropriated under this heading in this Act: *Provided further*, That unless otherwise specified, applicable requirements under chapter 53 of title 49, United States Code, shall apply to funding made available under this heading in this Act, except that the Federal share of costs for which any grant is made under this heading in this Act shall be, at the option of the recipient, up to 100 percent: *Provided* further, That the limitation for reimbursement under section 5324(d)(2) of title 49, United States Code, shall only apply to the specific grant: *Provided further*, That the amount made available under this heading in this Act shall be derived from the general fund and shall not be subject to any limitation on obligations for transit programs set forth in any Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Control Act of 1985.

The Impact of the COVID-19 Pandemic on Public Transit Funding Needs in the U.S.

Prepared by EBP US, Inc.

Prepared for the American Public Transportation Association

May 5, 2020

EXECUTIVE SUMMARY. Due to the virtual shutdown of the nation's economy caused by the COVID-19 pandemic, US transit agencies are facing an overall funding shortfall of $48.8 billion between CY 2020 Q2 and the end of CY 2021. Even with the infusion of $25 billion provided by the Congress in April through the CARES Act, transit agencies will still face a shortfall of $23.8 billion through the end of CY 2021. Nationally, transit ridership and fare revenues were down in April 2020 from April 2019 by 73% and 86%, respectively. Further, decreased transit capital spending across the country may result in the loss of 37,000 construction jobs in CY 2020 and 34,000 jobs in 2021 due to project delays and cancellations. When the economy begins to recover, transit agencies will still be challenged with severe fiscal constraints. These constraints stem from social distancing requirements that reduce vehicle capacity, increased costs of facility and vehicle cleaning and disinfection, and some displacement of ridership resulting from greater acceptance of decentralized work locations adopted during the pandemic. For these reasons, assuming the economy recovers in line with current epidemiological projections and related unemployment level forecasts, ongoing depressed ridership translates to quarterly transit revenue gaps ranging between $4.2 billion and $8.1 billion through the end of CY 2021.

KEY FINDINGS.[1]

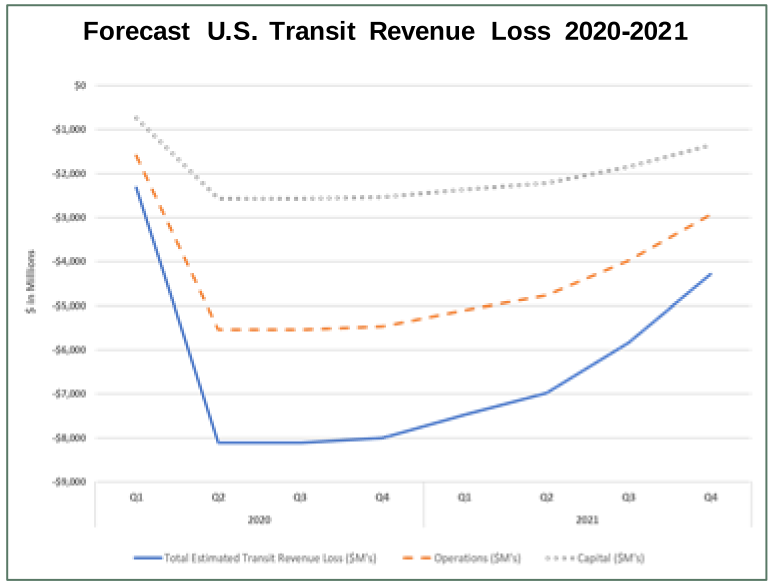
- The 2020 COVID-19's virus pandemic's effects on the nation's economy and day-to-day living have been profound. Well over 200 million people have been required to live under some form of social distancing rules, with thousands of workplaces and businesses either closing indefinitely or implementing remote work arrangements. Through the fourth week of April, over 30 million new unemployment claims were filed in 2020, a historic high, with the national unemployment rate projected to remain above 10% through CY 2021.

U.S. Transit Ridership Loss: March-April 2020

Source: Day by day comparisons to 2019, derived from https://transitapp.com/coronavirus.

- As of April 30, although the overwhelming majority of the population remains under stay-at-home orders, states are on their own individual schedules for phasing in reopening of

[1] See *Appendix* for details of methodology and data sources used in this analysis.



businesses and activities over the coming months. Based on interpolation of several objective models and forecasts that also recognize continued persistence and possible case increases starting in late 2020, the GDP is forecast to contract by 5.6% in 2020 before a gradual recovery starting in 2021.

- Public health and safety concerns associated with the pandemic have dramatically reduced overall travel and precipitated large and historic declines in public transit ridership. Compared to April 2019, ridership across all transit agencies and modes nationally is down by 73%, with some systems experiencing declines of nearly 90%. Ridership drop-offs have resulted in fare revenue declines and decreased economic activity due to social distancing. Stay-at-home orders have also depressed sales and use tax revenue designated for transit funding.

- While fares and other ridership-related funds are transit agencies' largest sources of revenues, accounting for almost 40% of annual budgets, other key sources are also forecast to decline significantly due to underlying economic conditions. These include revenues from state and local taxes, which may see a 25% decline, as well as motor fuel tax revenues, which closely track vehicle miles of travel (VMT), down in April by 66% nationally. In addition, as a means of minimizing contact between riders and transit operators, many transit systems stopped collecting fares in March 2020. Cumulatively, declines in all of these sources translate to projected transit increased costs and revenue losses of over $26 billion in 2020 (including Q1) and over $24 billion in 2021. Even after accounting for the $25 billion in transit funding provided by the CARES Act, transit agencies' net revenue gap through the end of CY 2021 is still projected to be $23.8 billion (between CY 2020 Q2 and CY 2021 Q4).

- Revenue declines will also have impacts on transit capital project development and construction. It is estimated that transit agencies nationally will likely need to decrease capital spending by $8.4 billion in 2020 and $7.8 billion in 2021. Moreover, the cost of capital spending is increasing because credit rating agencies have downgraded public transit agencies' revenue bond ratings. Nationally, this projected reduced capital spending equates to a loss of 37,000 construction jobs in CY 2020 and 34,000 construction jobs in CY 2021. Reduced capital spending may also delay some of the largest transit investments in the nation. Several major transit agencies have identified $17 billion of capital projects slated for implementation starting in 2020 that are now at risk of delay or cancellation.

APPENDIX

METHODOLOGY.

Peak transit ridership losses were estimated based on transit use data from Transit App,[2] which showed declines in demand through late April 2020. Potential revenue losses were estimated using NTD transit revenue data[3], and data from national reporting on revenue shifts for Q1 and Q2 of 2020 (see *Table 1: Revenue Risk Table*). In addition, the modeling accounts for fare revenue losses from rear-door boarding policies.

Once the peak losses for each revenue stream were identified, the next step was to determine the duration of the impacts of COVID-19 on the economy and transit. After a range of economic and epidemiological forecasts were reviewed, the CBO unemployment forecast was determined as the most suitable for this analysis because it was the most comprehensive reporting of forecast assumptions and provided estimates through the end of calendar year 2021.[4] In addition, this forecast[5] provided a timeline and magnitude of economic recovery that captured the lag effects within the economy and new public health practices that could limit both transit ridership and revenues. Importantly, CBO's projections also include the possibility of a reemergence of the pandemic. To account for that possibility, social distancing is projected to continue, although to a lesser degree, through the first half of next year. In particular, the degree of social distancing is projected to diminish by roughly 75 percent, on average, during the second half of this year relative to the degree in the second quarter and then to further diminish in the first half of next year.

The peak loss and duration of the transit revenue recovery used in this analysis are based on the timing of the CBO unemployment forecasts. The decline in transit revenue was used to estimate the potential job losses for capital spending.

Additional COVID-related expenses for agencies were included in the cost analysis using the MBTA's COVID-19 expense reporting ($25.5 million) through April 20th, these monthly costs were scaled to the national level ($653 million per month) using ridership as a proxy[6]. These costs were compared to other transit agency spending for COVID-19 related responses, which had similar spending magnitudes. These costs include labor, materials, and equipment related to additional cleaning and personal protective equipment.

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2 Day by day comparisons to 2019, derived from https://transitapp.com/coronavirus

3 NTD, "2018 National Transit Summaries and Trends: Appendix"

4 CBO forecast included estimates of GDP, unemployment, and interest rate on Treasury Notes. "CBO's Current Projections of Output, Employment, and Interest Rates and a Preliminary Look at Federal Deficits for 2020 and 2021" April 24, 2020

5 CBO forecast acknowledges: "The economy will experience a sharp contraction in the second quarter of 2020 stemming from factors related to the pandemic, including the social distancing measures put in place to contain it. In the third quarter, economic activity is expected to increase, as concerns about the pandemic diminish and state and local governments ease stay-at-home orders, bans on public gatherings, and other measures restraining economic activity. However, challenges in the economy and the labor market are expected to persist for some time."

6 MBTA unlinked passenger trips represent 4% of national unlinked passenger trips. APTA Factbook

Figure 1: Overall Method for Estimating Revenue Gap

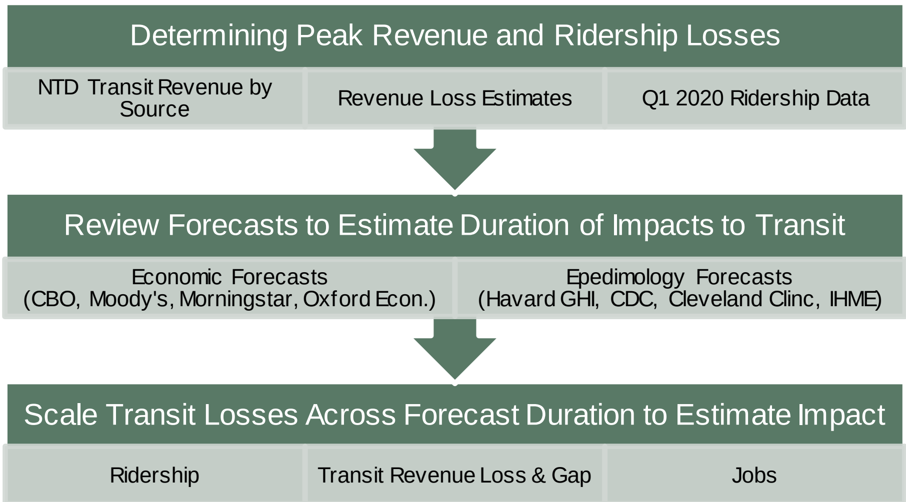

Table 1: Revenue Risk Tables

Source	Type	Share of total Funding	Peak Decline	Sourcing and Assumptions
Directly Generated	Fares & Other Non- Farebox	29.5%	-86%	Transit App user data for April 2020, APTA, review of transit agency fare collection policies.
Federal	Federal	15.8%	0%	$25B increase with CARES Act
Local	Income Tax	0.3%	-24%	Based on monthly BLS unemployment claims: 30 million additional claims through fourth week of April.
Local/State	General Fund & Other	18.9%	-25%	Center on Budget and Policy Priorities: Monthly decline in state revenues.
State	Transportation Fund	14.3%	-66%	Drop in traffic as measured by cellphone and GPS traffic change from StreetLight.
Taxes Levied/Local	Sales Tax	18.0%	-26%	Estimate based on Census Monthly Retail Reporting, and adjusted for April based on interim reporting from Kiplinger's, Bloomberg, and Morningstar.
	Property Tax	2.8%	-10%	No impact 2020, 10% decline in 2021 based on projected demand for office and commercial space.
	Fuel Tax	0.3%	-66%	Drop in traffic as measured by cellphone and GPS traffic change from StreetLight. Proportional decline in fuel consumption.

DATA SOURCES.

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