

April 14, 2020

The Honorable K. Jane Williams  
Acting Administrator  
Federal Transit Administration  
1200 New Jersey Avenue SE  
Washington, DC 20590-0001

Subject: Assisting State DOTs and Public Transit Agencies with Responses to the COVID-19 Crisis

Dear Acting Administrator Williams:

The American Association of State Highway and Transportation Officials (AASHTO) represents all 50 states, the District of Columbia, and Puerto Rico, and serves as a liaison between state departments of transportation (state DOTs) and the federal government. On behalf of the AASHTO Council on Public Transportation (the Council), I am writing to extend our thanks to you and your staff for your quick and decisive response to the COVID-19 crisis, the results of which are having a profound effect on state DOTs and transit agencies across the nation. The Federal Transit Administration (FTA) and AASHTO enjoy a strong partnership and we appreciate the opportunity to provide our members perspective as it relates to the response to this crisis in your weekly leadership briefings.

Over the last few weeks, the Council has deliberated on ways in which the FTA can be most helpful to state DOTs and their sub-recipients respond to this national emergency. With its regulatory authority and oversight of state programs, the FTA is uniquely positioned to assist state DOTs and public transit agencies in their response to the COVID-19 crisis and for future emergency responses that may drastically affect public transit ridership and services. We request your consideration of the following state DOT recommendations.

### **FTA Grant Process**

The ability of the FTA to provide emergency funds to state DOTs and sub-recipients in a timely manner during this COVID-19 crisis is paramount. To ensure accelerated the distribution of essential federal funding to state DOTs and transit systems, the FTA could allow activities authorized in the Coronavirus Aid, Relief and Economic Security Act (CARES Act)—and any further Congressional action regarding COVID-19—to proceed immediately upon an entering of a program of projects.

We recommend facilitating the distribution of funding to state DOTs and transit systems from the FTA by allowing recipients to reopen and modify grants to add this program of projects. As state DOTs continue to assess the fluid operational and economic impacts of the COVID-19

crisis, state DOTs and transit systems should be allowed to submit several grant modifications based on priority needs and a revised program of projects.

And as we begin to fully assess the long-term impacts on transit revenue and local financial support of transit, we encourage the FTA to provide greater flexibility in applying federal program funds to projects without arbitrary deadlines and that allows for changes to projects based on evolving local priorities as the economy rebounds.

### **National Transit Database (NTD)**

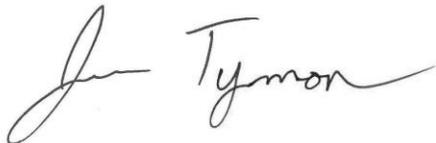
With transit ridership nationwide experiencing catastrophic declines in the last few weeks with poor outlook in the near future, we request to waive the next NTD reporting period(s) by implementing the National Disaster Hold Harmless Adjustment provision in the NTD for all transit providers. By implementing this provision, states DOTs and transit systems could utilize service statistics for apportionment calculations from outside of the disaster period.

### **Incidental Use**

State DOTs oversee rural public transportation agencies that are transporting meals to people who are now homebound due to the COVID-19 travel. To provide this service, however, transit agencies must seek reimbursement from the food programs, such as Meals on Wheels and other small, non-profit organizations that operate in localities, for the operations costs associated with the meal delivery service. Our members are discovering that these food program non-profits are becoming increasingly unable to serve the nutrition needs of its clients because they cannot congregate in groups (a result of many stay at home orders) and some programs are closing. But the operating costs for transporting meals are becoming overwhelming for these small non-profits to handle at this time. During the current crisis, our members can provide necessary transit services to ensure these programs are able to effectively serve all clients in need. AASHTO requests that the FTA issue a waiver for incidental use (FTA C 9040.1G Section III, Incidental Use) during this crisis period including for the Section 5310 program. Many Section 5310 program sub-recipients already work with high-risk populations and are in the best position to support them.

Thank you for your consideration of AASHTO's recommendations regarding the federal response for transit during this national crisis. We look forward to your thoughts and guidance to better assist our members implement the provisions of the CARES Act. If you would like to discuss the issues raised in this letter, please contact Shayne Gill, AASHTO's Program Director for Multimodal Transportation at (202) 624-3630 or via e-mail at [sgill@AASHTO.org](mailto:sgill@AASHTO.org).

Sincerely,



Jim Tymon  
Executive Director