



ATL

Federal and State Policies, Regulations & Legislation

ATL Regional Transit Plan

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Overview

The purpose of this memorandum is to highlight key state and federal legislation, policies, and regulations that are relevant to the Atlanta-Region Transit Link Authority's (ATL) roles and responsibilities as a regional transit planning authority including development of the ATL Regional Transit Plan (ARTP).

Regional Transit Governance and Funding

The ATL was created by the State of Georgia during the 2018 legislative session to provide coordinated transit planning and funding for the 13-county Atlanta region (Ga. Code § 50-39-1 through § 50-39-61). Per the legislation, the ATL became the designated recipient of federal funds for the Atlanta Urbanized Area (UZA). Counties within the ATL region can hold a referendum to raise an additional sales tax for transit purposes of up to one percent for up to 30 years. In addition, the ATL oversees the state's Xpress regional commuter bus system and the Atlanta region's vanpool system.

As previously mentioned, the ATL is responsible for developing the ARTP, which is a comprehensive document including proposed transit projects in the 13-county region. As part of the planning process for the ARTP, the ATL coordinates closely with local and state agency partners. The projects in the ARTP are programmed into the region's short-term (TIP) and long-range (RTP) transportation plans. Key transit projects in the ARTP are also included in the annual state bond package and/or county-level transit referendums.

FTA Designated Recipient for Atlanta Urbanized Area

In accordance with FTA Circular 9030.1E, FTA encourages a single designated recipient for each UZA with a population of 200,000 or more to streamline the program administration. The designated recipient is appointed by the governor and can receive and apportion funding under Section 5307. Per the ATL's authorizing legislation (Ga. Code § 50-39-13), the Governor of Georgia transferred the designated recipient status from MARTA to the ATL in 2018.

The ATL's role of designated recipient for the Atlanta Urbanized Area includes:

- > Suballocation of formula funds to eligible recipients in the 23-county Atlanta UZA
- > Development, project selection, and approval of Program of Projects (POP) for Atlanta UZA Large Urban funding
- > Coordination with the Atlanta Regional Commission (ARC) as the Metropolitan Planning Organization (MPO) for the Atlanta UZA
- > Communication and coordination with FTA

- > Analysis of federal transit funding
- > Providing regional technical support to eligible and direct recipients and analysis of federal transit funding

ARC Unified Planning Work Program (UPWP)

The current federal transportation authorizing legislation, Fixing America's Surface Transportation (FAST) Act, requires MPOs to develop an RTP and TIP that reflect the transportation planning priorities of the Metropolitan Planning Area (MPA). The MPA covers all or parts of a 20-county area in the Metro Atlanta region. As part of this process, ARC is responsible for the development of a Unified Planning Work Program (UPWP), intended to coordinate transportation and comprehensive planning in the 20-county Atlanta region. The Atlanta region's UPWP is developed annually in cooperation with the state and transit operators and focuses on transportation planning activities performed with federal, state and local transportation funds.

The ARC and ATL coordinate on regional transit planning efforts including the development of the ARTP and any required updates to the Regional Transit Vision (Concept 3). The ATL is responsible for identifying the Transit POP for inclusion into the TIP to be funded by FTA Section 5307 and Section 5339 programs.

Five-Party Memorandum of Agreement

Federal regulations (CFR Title 23 § 450.314) require that the MPO, the State, and transit operators serving the 20-county Atlanta MPA cooperatively determine their roles and responsibilities in carrying out the metropolitan transportation planning process in a written agreement. The Five Party Memorandum of Agreement (MOA), established on September 23, 2019, includes ARC, Georgia Department of Transportation (GDOT), Georgia Regional Transportation Authority (GRTA), the ATL and MARTA.

Key ATL roles and responsibilities in the metropolitan planning process include:

- > Participate on ARC committees and other working groups
- > Assist in preparing project cost and revenue estimates for the TIP and RTP
- > Conduct planning studies (under the UPWP) and share data and findings
- > Develop and maintain the ARTP
- > Ensure transit projects in the TIP and RTP are consistent with the ARTP

Rapid Transit Contract and Assistance Agreement (RTCAA)

The Rapid Transit Contract and Assistance Agreement (RTCAA) is an intergovernmental agreement between MARTA and its four jurisdictions, which include the City of Atlanta and Clayton, DeKalb, and Fulton Counties. In February 2020, all four of the jurisdictions in the MARTA service area passed the 15th amendment to the RTCAA, which extends the full-penny sales tax that funds MARTA bus and rail service through 2057. Adoption of the 15th amendment allows MARTA to extend its long-term bonding capacity, which is necessary to maintain the current service levels and ensure the Authority's assets to operate in a state of good repair. The amendment also enables MARTA to move forward with expansion projects in the City of Atlanta and Clayton County and continue planning for expansion in Fulton and DeKalb Counties.

The RTCAA dictates the roles and responsibilities of MARTA and the jurisdictions in the development and operation of transit in the service area. MARTA coordinates with the ATL on behalf of the jurisdictions in the service area to plan and fund transit improvements in these jurisdictions. Coordination between MARTA and the ATL will bring increased opportunities for transit funding within the MARTA service area.

Transit Funding in Georgia

In 2020, the Georgia General Assembly approved and the Governor enacted a new law (Ga. Code § 48-13-140 through § 48-13-144) which established a flat fee of \$0.50 on trips and \$0.25 on shared trips for taxis, ride-hailing services, and limousine services. The statute requires the fees collected on the rides to be used solely for transit capital improvement and infrastructure projects. The law also includes a provision for up to ten percent of state heavy vehicle impact fees and state hotel/motel fees to be appropriated for transit projects. These state funds, previously subject to annual appropriations, were dedicated to transit with the creation of the Georgia Transit Trust Fund in March 2021.

The Georgia Transit Trust Fund will hold revenues from the newly created ride hailing fees for capital allocations to transit projects that support economic development. The General Assembly approved the first \$6 million allocation for MARTA to make infrastructure improvements at the Bankhead MARTA rail station to support Microsoft's investment in transit-oriented development. A second allocation of \$1 million was approved for a new bus maintenance facility needed to support growth in the Athens-Clarke County transit system.

With the passage of the Georgia Transit Trust Fund and recent sales tax initiatives, the Atlanta region is poised to deliver key capital transit projects. Looking ahead, the ATL will play a pivotal role in recommending funding for projects and identifying additional state funding opportunities to advance transit, including hotel motel fees, heavy vehicle

fees, alternative fuel vehicle fees, toll credits, state bonds, and state infrastructure banks.

Looking Ahead: Key Federal Legislation

This section documents the status of current and proposed federal infrastructure initiatives and transportation legislation that influence how transit is planned and implemented in the Atlanta region as the nation considers increasing investments in infrastructure. These legislations include:

- > COVID-19 emergency relief bills focused on transit
- > President Biden’s plans for infrastructure stimulus
- > Congressionally directed spending/Community Projects
- > Reauthorization of surface transportation programs

COVID-19 Relief Funding

Congress has passed three COVID-19 emergency relief bills that provided roughly \$69 billion for transit nationally with the Atlanta region receiving \$711 million to support transit services during the pandemic. These bills are:

- > Coronavirus Aid, Relief, and Economic Security (CARES) Act
- > Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA)
- > American Rescue Plan (ARP)

Funding from these appropriations is available at 100% federal share with no local match required.

	CARES	CRRSAA	ARP	Total
Allocated to Atlanta Region (in millions)	\$370.9	\$33.5	\$307.4	\$711

CARES Act funding provided \$370.9 million to the Atlanta region’s transit operators based on population and operating statistics. As the designated recipient, the ATL suballocated CARES funds to operators reporting Large Urban service to National Transit Database (NTD). In accordance with CARES, the ATL was also able to assist transit operators in direct need of immediate funding support.

CRRSAA funding provided \$33.5 million to the Atlanta region. Unlike the CARES Act, which distributed funding based on traditional suballocation formula, CRRSAA used

operating costs as the basis for suballocation. The terms of CRRSAA dictated that the urbanized areas' share, when combined with CARES Act funding, may not exceed 75 percent of the 2018 NTD operating expenses. Any funding in excess of 75 percent for an urbanized area gets redistributed in the same percentage until every UZA receives 75 percent of the 2018 operating expenses. The ATL, as the designated recipient, suballocated all CRRSAA funding to MARTA to ensure CRRSAA funding would be maximized within the region and the total allocated CARES Act and CRRSAA amounts for Atlanta UZA did not exceed 75 percent of 2018 NTD reported operating costs.

The ARP is the most recently signed COVID-19 relief bill to supplement the previous CARES Act and CRRSAA. The ARP includes \$30.5 billion in federal funding to support the nation's public transportation systems. The ARP transit funds are available for operating expenses related to the response to the pandemic. Most of the funds are distributed through several formula programs with over \$26 billion for Section 5307 grants for urbanized areas.

The ARP proposed suballocation of \$307 million for transit in the Atlanta region. ARP suballocations combined with CARES Act and CRRSAA grants ensure that urbanized areas receive 132 percent of the transit agencies' 2018 operating costs. ARP funds must be obligated by September 30, 2024 and fully spent by September 30, 2029. The Atlanta region also received an additional \$2.9 million in funding to be set aside for other regional transportation initiatives.

The ATL, in collaboration with regional partners, recommended several regionally significant projects from the ATL Priority Investment List to be implemented using ARP funding. This would allow the Atlanta region to deliver the following priority projects within the next 10 years:

- > I-285 Top End Express Lane Transit (ELT) Engineering/Design
- > MARTA Clayton County BRT Project
- > MARTA Station Rehabilitation Project
- > Cobb County Transit Signal Priority Project
- > Cobb County ADA/Sidewalk Enhancements
- > Gwinnett SR 316 Park and Ride Expansions

Further coordination is required with local jurisdictions and agency partners to confirm the final list of projects. The next step involves the ATL Board considering action on recommending the projects to the POP. After a 30-day public comment period, the ATL will work with ARC to ensure the POP will be included in the TIP.

American Jobs Plan

The Biden Administration's "infrastructure stimulus plan," the American Jobs Plan, proposed \$621 billion for transportation infrastructure with \$85 billion for direct transit

investment (see following table for breakdown of the proposed infrastructure investments).

American Jobs Plan Proposed Investment in Transportation Infrastructure

Repair bridges, highways, roads, and main streets in critical conditions	\$115 billion
Modernize public transit	\$85 billion
Improve passenger and freight rail service	\$80 billion
Invest in Electric Vehicles (EV), including consumer rebates to purchase EVs, grants and incentives to build 500,000 new charging stations, replacing and electrifying federal vehicle fleet	\$174 billion
Improve airports	\$25 billion
Improve ports and waterways	\$17 billion
Invest in communities harmed by historic policy and funding decisions	\$20 billion
Establish dedicated fund for beneficial projects to regional or national economy	\$25 billion
Establish Safe Streets for All program intended to reduce traffic crashes and fatalities, especially for bicyclists and pedestrians	\$20 billion
Improve infrastructure resilience by safeguarding critical infrastructure and services, defending vulnerable communities, and maximizing resilience of land and water resources	\$50 billion
Other improvements	\$10 billion

Fixing America’s Surface Transportation (FAST) Act Reauthorization

The FAST Act, enacted in December 2015, represented the first comprehensive, long-term surface transportation legislation since its predecessor (MAP-21) in 2012. It authorized \$305 billion for federal highway, highway safety, transit, and passenger rail programs from 2016 to 2020, with \$61.1 billion for transit. Most federal funding for transit is distributed to transit agencies through formula programs. Another significant source of transit funding provided by the FAST Act is the Capital Investment Grants (CIG) Program, which provides discretionary funding for significant high-capacity transit systems across the country.

The FAST Act played an essential role during the COVID-19 pandemic in supporting economic growth and maintaining the nation’s transportation infrastructure. When the FAST Act expired in 2020, Congress authorized a one-year extension through September 30, 2021. The last three transportation authorizations expired before Congress passed reauthorizing legislation. In the interim, Congress passed continuing resolutions to

sustain limited funding for short periods. Funding transportation through short-term extensions makes it harder for states to plan for future infrastructure because they are unable to predict the level of future federal funding they may receive. This federal funding uncertainty has been the norm for decades and has driven many states and local governments to increase their own revenue sources for transportation through increased fuel taxes, sales taxes, and other fees. Today, state DOTs take on about two-thirds of the financial burden for transportation improvements, resulting in a smaller role played by the federal government in transportation policies and project delivery. Dialogue continues to reach a bipartisan agreement on the new transportation bill to ensure funding sustainability and prevent the stop-and-start nature of the funding process.

INVEST in America Act (Transportation Reauthorization Bill)

On July 7, 2021, the U.S. House Committee on Transportation and Infrastructure introduced a five-year \$547-billion surface transportation reauthorization bill that would replace the FAST Act. The bill was recently passed in the House and moves to the Senate, which has its own version of surface transportation reauthorization making its way through the upper house.

The Invest in America Act proposes \$343 billion for roads, bridges, and safety, \$109 billion for transit, and \$95 billion for passenger/Amtrak and freight rail.

Highlights from the transit funding include:

- > \$40.5 billion in formula funding
- > \$24 billion: State of Good Repair Grants
- > \$21.5 billion: Capital Investment Grants
- > \$11 billion: Bus and Bus Facilities, including over \$4 billion for zero-emission buses
- > \$2 billion: Enhanced Mobility of Seniors and Individuals with Disabilities
- > \$1 billion: All Stations Accessibility Programs Grants (Americans with Disabilities Act Grants)
- > \$1 billion: Reducing Transit Deserts
- > \$416 million: Bus Frequency/Ridership Competitive Grants
- > \$134 million: Transit Supportive Communities

Community Projects

The INVEST in America Act includes \$14.7 billion for congressional member designated projects (Community Projects). The table below outlines transit projects in the Atlanta

region submitted by members of Congress. Eligible projects must have community support and be programmed in the STIP or TIP.

Atlanta Region Community Project Requests for Transit

Project	Project Sponsor	Member	Amount
Brookhaven Station Rehab	MARTA	McBath	\$1M
Stonecrest Transit Hub	MARTA	Johnson	\$5M
Route 115 TSP/Shelter Enhancements	MARTA	Johnson	\$2M
Clayton Co. Justice Center Transit Hub	MARTA	D. Scott	\$5M
Metropolitan Parkway ART	MARTA	Williams	\$3M
US 78 BRT	GCT	Johnson	\$5M
Paratransit Vehicle Acquisition	GCT	Johnson	\$6M
Snellville Microtransit	GCT	Johnson	\$3M
Lawrenceville Park and Ride	GCT	Bourdeaux	\$4.8M
Gwinnett Place Transit Center	GCT	Bourdeaux	\$5M
Bus Shelter Construction	Alpharetta	McBath	\$150K
Cascade Multimodal Corridor	Atlanta	Williams	\$1M
Curiosity Lab Mobility Hub	Peachtree Corners	Bourdeaux	\$495K

Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grants

On April 13, 2021, US DOT announced a Notice of Funding Opportunity to apply for \$1 billion in Fiscal Year 2021 discretionary grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants. RAISE (formerly known as TIGER and BUILD), has awarded over almost \$9 billion in grants to projects over the past 12 years.

As with previous grants, US DOT will use a rigorous merit-based process to select projects with exceptional benefits, explore ways to deliver projects faster, and save on construction costs. Eligible applicants for RAISE grants are state and local governments, including transit agencies, port authorities, and MPOs. It is one of the few federal DOT discretionary programs for which regional and local governments can directly compete for transportation funding.

The Atlanta region has been the recipient of five TIGER and BUILD grants, two of which were for transit projects. In 2010, the City of Atlanta was awarded \$47.7 million to implement the Atlanta Streetcar between Centennial Olympic Park and the King Center. In 2018, MARTA received \$12.6 million to help fund a new bus rapid transit (BRT) project connecting the Summerhill neighborhood with Midtown and the MARTA rail network.

Other Key Legislation Under Consideration:

HR 3744, **Stronger Communities through Better Transit Act**, (Rep. Hank Johnson) would create a new formula grant program to support the operating costs of public transportation and certain associated capital costs. The Act:

- > Authorizes \$20 billion annually for FY2023-FY2026
- > Requires funds must be used for projects that make “substantial improvements to transit service” – that improves service frequency and increases routes
- > Defines funding for “areas of persistent poverty” and “underserved communities

HR 512, **the Green Bus Act**, (Rep. Julia Brownley) would establish a national goal for transit agencies to transition to zero-emission buses. The Act:

- > Requires all new buses purchased using federal funds to be zero-emission buses beginning in 2029
- > Increases the federal cost share for zero-emission buses from 80 percent to 90 percent to help transit agencies transition fleets
- > Gives preference to zero-emission bus grant applications under FTA grant programs for transit agencies that have completed full fleet transition plans

HR 3334, **the Build Up the Suburbs (BUS) Act** (Reps. Carolyn Bourdeaux and Lucy McBath) would create more funding opportunities for BRT. The Act:

- > Allows BRT projects via Express Lanes to be eligible for New Starts funding
- > Makes more projects eligible for Small Starts program by increasing the total project cost cap (\$600 million) and the federal share for projects (\$360 million)
- > Allows the US DOT Secretary to prioritize highway projects with multimodal public transportation components in the “nationally significant freight and highway projects program”

HR 2483, **the Build More Housing Near Transit Act** (Reps. Scott Peters and Marilyn Strickland) is intended to incentivize more low and middle-income housing near stations. The Act:

- > Provides additional incentives for projects eligible for FTA CIG program to develop a housing feasibility assessment to receive fast-track consideration

- > Provides a ratings boost if the project sponsor can demonstrate a local commitment to change land use policies to accommodate affordable housing
- > Allows federal affordable housing money to be counted as part of the local match requirement