

2020 NFTA Federal, State and Local Legislative Program

January 2020

INFORMATION: Each year, NFTA Grants and Government Affairs staff prepare a federal, state, and local legislative program consistent with the Authority's mission and in support of the annual goals and objectives of the Authority's strategic business units. The program is developed with input from the authority's management team, Holland & Knight, LLP, and Masiello, Martucci, Calabrese, and Associates, who have been retained by the Authority to lobby federal representatives and agencies and New York State and local governments, respectively.

The Authority collaborates with many individuals, organizations, and coalitions to implement its annual legislative program. In particular, the Authority works with the professional organizations that represent the public transit and aviation industry at the federal level – the American Public Transportation Association (APTA) and American Association of Airport Executives (AAAE)/Airports Council International North America (ACI-NA) – and in New York State – the New York Public Transit Association (NYPTA) and New York Aviation Management Association (NYAMA) respectively – to advance the interests of these industries and the Authority.

The NFTA's 2020 federal, state and local Legislative Program priority goals are categorized under transit and aviation priorities. Not captured in the program are bills, rules, and regulations that are introduced that may impact NFTA's operations, projects, or legislative priorities. NFTA Grants and Government Affairs staff and contract lobbyists monitor, comment on, or advocate for or against movement of any of these bills, rules, and regulations as they arise. In addition, this is a working document that staff revise during the year to maintain a focused, collaborative, and successful program.

2020 Federal Legislative Program

Transit Priorities

Sustainable Funding for the Highway Trust Fund

Goals

- index federal fuel taxes for inflation or dedicate a new, sustainable revenue mechanism to restore the solvency of the Highway Trust Fund

NFTA Project Funding through any New Federal Infrastructure Program

Goals

- dedicated transit funding as part of any new federal infrastructure program to support NFTA-Metro capital projects

Full Appropriation of Authorized Funding Levels for Transit

Goals

- appropriate 2021 federal fiscal year (FFY) funds at or above authorized levels

Surface Transportation Reauthorization

Goals

- new legislation that provides long-term certainty for transportation infrastructure funding, including sustained funding increases for formula programs, the Fixed Guideway Capital

Investment Grant program, transit-oriented development implementation, and discretionary grants that support bike/ped/transit infrastructure

- policies supportive of bike/ped/transit and progressive transportation planning

Fixed Guideway Capital Investment Grant (CIG) Program Support for the Metro Rail Extension Project

Goals

- increased funding for the FTA's CIG Program
- FTA issues finding under the National Environmental Policy Act (NEPA)
- enter into Project Development under the FTA's CIG Program

Secure Funding from Discretionary Federal Funding Opportunities

Goals

- identify, apply for, and secure all relevant discretionary federal funding opportunities from agencies such as the Federal Transit Administration (FTA), Federal Highway Administration (FHWA), Environmental Protection Agency (EPA), Department of Homeland Security (DHS), and Department of Justice (DOJ)

Aviation Priorities

Obtain Full Appropriation of FAA Reauthorization Act Authorized Levels

Goals

- appropriate FFY 2021 funds at or above levels authorized in the FAA Reauthorization Act of 2018

Modernization of the Passenger Facility Charge (PFC)

Goals

- find co-sponsors for and advance H.R. 3791 which would remove the federal cap on the PFC
- demonstrate that increased PFC funding is critical to the continued safety, security, capacity, and modernization of airport facilities

Monitor Discussion around the Results of Revenue Diversion Study

Goals

- monitor the results of a study on revenue diversion (Title 49 of United States Code, Section 47107(b)(2)) required by Section 143 of the FAA Reauthorization Act of 2018 and due to Congress by April 5, 2020

Support the Growth and Prosperity of the Niagara Falls Air Reserve Station

Goals

- continued bi-partisan support at the federal, state, and local level for NIMAC and NFARS funding and legislative priorities, including enhanced mission capabilities

Promote the Expansion of International of Air Carrier Service at BNIA

Goals

- monitor U.S. Customs and Border Protection (CBP) Federal Inspection Service (FIS) area program and staffing at BNIA
- secure marketing assistance from Brand USA to support any future service

Increase Federal Support for Safety and Security of Airports

Goals

- federal funding for ongoing maintenance and replacement of baggage and other safety and security monitoring systems mandated by federal rules and regulations
- full staffing of Transportation Security Administration (TSA) personnel to keep security checkpoint and other federal safety mandates operating efficiently and at full capacity

Insulate the NFTA from any Change in Airport Firefighting Foam Requirements

Goals

- federal government responsibility for per- and polyfluoroalkyl substances (PFAS)-related remediation and disposal of PFAS-contaminated materials
- funding for takeback of PFAS products, PFAS-contaminated airport equipment, and replacement of airport firefighting foam

2020 State and Local Legislative Program

Transit Priorities

Full State and Local Funding of the NFTA's Transit Operating Assistance Sources

Goals

- protect NFTA-Metro's existing state and local operating assistance sources
- support state transit operating assistance funding with diverse, growing and sustainable funding sources that result in growing rather than declining revenue sources (i.e. petroleum business tax, long lines tax) and general fund infusions to fill the gap between appropriations and revenues

Increased State Transit Operating Assistance in the 2020-21 New York State Budget

Goals

- increase NFTA-Metro's annual state transit operating assistance appropriation by 10 percent in the 2020-21 state budget

Maximize 2020-21 Transit Capital Funding Appropriations for NFTA-Metro

Goals

- obtain at least \$104.5 million in non-MTA transit capital aid as provided in the 2017-18 and 2018-19 enacted state budgets

2020-21 through 2024-25 Multi-Year State Transportation Capital Program

Goals

- a new 5-year state transportation plan should include:
 - \$600 million over the life of the plan to support Metro Rail Expansion;
 - \$20 million a year for NFTA-Metro Rail Capital as set forth in a 2019 agreement between Governor Cuomo and Senator Kennedy;
 - \$15 million annually for bus replacement needs;
 - \$8 million for new Metro Rail Expansion environmental reviews;
 - \$6 million to support preliminary engineering for Metro Rail Expansion in the first year of the plan as set forth in a 2019 agreement between Governor Cuomo and Senator Kennedy; and
 - delivery of NYPTA's Statewide Transit Action Plan through these and other programs.

Secure Non-CIG Program Matching Funds for the Amherst-Buffalo Metro Rail Expansion

Goals

- coordinate with local government and state officials on local infrastructure projects that can also support the required non-CIG program match for the project

Advance Transit-Oriented Development (TOD)

Goals

- prepare and assist municipalities with the adoption of comprehensive plan and regulatory amendments that advance TOD through the second phase of the NFTA's TOD planning work
- capitalize a Regional TOD Fund and implement value capture mechanisms that will help incentivize private-sector investments throughout the Amherst-Buffalo Metro Rail Corridor and support the non-CIG Program match for the proposed rail expansion
- advance private sector development of NFTA/municipally controlled sites (i.e. LaSalle Station)

DL&W Station Project Implementation

Goals

- complete DL&W Station design in alignment with public-private partnership and primary stakeholder plans
- secure financial support (i.e. grants, equity, financing) to catalyze private sector investment at DL&W Station

Deploy Battery Electric Bus (BEB) Technology

Goals

- obtain federal and state discretionary funding as well as Volkswagen Settlement funding to accelerate the rollout of BEBs and installation of related vehicle charging infrastructure

Identify and Gain Access to Additional Sources of State and Local Funding for Transit

Goals

- explore additional funding mechanisms that support public transit operating and/or capital expenses
- support the introduction and passage of legislation that provides the NFTA access to additional sources of transit capital or operating assistance

Renewable Energy (RECs), Zero Emission Credit (ZECs), and BEBs

Goals

- exempt the costs of charging BEBs from REC and ZEC charges

Secure Funding from Competitive Statewide Funding Opportunities

Goals

- identify, apply for, and secure all relevant statewide funding opportunities to support NFTA capital projects and initiatives including through the WNY Regional Economic Development Council's Consolidated Funding Application (CFA) Process, Empire State Development (ESD), the NYS Department of Transportation (NYSDOT), and the New York State Energy Research and Development Authority (NYSERDA)

Aviation Priorities

Capital Funding for BNIA and NFIA from the 2020 New York State Aviation Capital Grant Program

Goals

- obtain funding through the 2020 Aviation Capital Program to support BNIA and NFIA development, safety, security, and efficiency of operations

Increase Capital Funding for the New York State Aviation Capital Grant Program

Goals

- appropriate \$40 million in funding for the Aviation Capital Grant Program and \$6 million in state matching funds for Federal Aviation Administration (FAA) grants in the 2020-21 state budget

Second Round of Upstate Airport Economic Development and Revitalization Competition Funding

Goals

- encourage the release of a second round of Upstate Airport Economic Development and Revitalization Competition funding as part of a new multi-year transportation capital program

Promote the Expansion of Air Service at BNIA and NFIA

Goals

- obtain state and local public and private support for non-stop service to and from:
 - Western Europe;
 - Albany, New York; and
 - the California Bay Area.

Wildlife Management Regulations for NYS Airports

Goals

- obtain a favorable outcome for NFTA Aviation as the NYS Department of Environmental Conservation (NYS DEC) revises regulations for wildlife management techniques at state airports

Seneca Nation Funding for the Niagara Falls International Airport

Goals

- continued funding for NFIA from Seneca Nation casino revenue sharing