**2021 NFTA Federal, State and Local Legislative Program**

January 2021

**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 2021 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 throughout the year 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.

**2021 Federal Legislative Program**

**Transit Priorities**

*Additional Federal COVID-19 Relief Funding for Public Transit*

Goal

* secure additional federal COVID-19 relief funding beyond what was provided for under the CARES Act to address revenue losses

*Transit Funding through a Federal Infrastructure Stimulus*

Goal

* secure dedicated transit funding as part of any federal infrastructure stimulus to support NFTA-Metro operations and projects

*Full Appropriation of Authorized Funding Levels for Transit*

Goal

* appropriate 2021 and 2022 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 and sustainable funding increases for formula programs, the Fixed Guideway Capital Investment Grant (CIG) Program, Congestion Mitigation and Air Quality (CMAQ), transit-oriented development implementation, Bus and Bus Facilities programs, and the Low or No Emission Vehicle Program (Section 5339(c)) as well as other discretionary grants that support bike/pedestrian/transit infrastructure
* create new funding programs to support the full-scale deployment of zero-emission buses and charging infrastructure, expand multi-modal transportation options, and promote Mobility on Demand services
* policies supportive of bike/pedestrian/transit planning
* reform the statutory formulas used to apportion transit funding to benefit the NFTA-Metro Bus and Rail

*Sustainable Funding for the Highway Trust Fund*

Goal

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

*Fixed Guideway Capital Investment Grant (CIG) Program Support for the Amherst-Buffalo Metro Rail Expansion*

Goals

* increased funding for the Federal Transit Administration’s (FTA) CIG Program
* FTA issues finding under the National Environmental Policy Act (NEPA)
* enter into Project Development under the FTA’s CIG Program

*Extend the Alternative Fuels Tax Credit*

Goals

* support legislation for a long-term, multi-year extension of the Alternative Fuels Tax Credit to maximize the benefit of the NFTA’s investment in Compressed Natural Gas (CNG) vehicles and infrastructure

*Advance Transit-Oriented Development (TOD)*

Goal

* support legislation, financing tools, and funding that support expanded regional transit-oriented development

*Secure Funding from Discretionary Federal Funding Opportunities*

Goal

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

**Aviation Priorities**

*Additional Federal COVID-19 Relief Funding for Airports*

Goal

* secure additional federal COVID-19 relief funding beyond what was provided for under the CARES Act to address revenue losses

*Aviation Funding through a Federal Infrastructure Stimulus*

Goal

* secure dedicated funding for airports as part of any federal infrastructure stimulus to support airport projects

*Full Appropriation of Authorized Funding Levels for Aviation*

Goal

* appropriate 2021 and 2022 federal fiscal year (FFY) funds at or above levels authorized in the Federal Aviation Administration (FAA) Reauthorization Act of 2018

*Modernization of the Passenger Facility Charge (PFC)*

Goals

* increase the federal cap on the PFC and index it to inflation
* demonstrate that increased PFC funding is critical to the continued safety, security, capacity, and modernization of airport facilities

*Provide AIP Funding Certainty*

Goal

* since AIP funding formulas are based in large part on passenger enplanements, Congress should hold enplanement levels steady at 2019 levels when appropriating AIP funds to ensure airports continue to receive consistent federal funding during the COVID-19 emergency

*New Airport Financing Programs*

Goal

* expand the Transportation Infrastructure Finance and Innovation Act (TIFIA) to include PFC-eligible airport development projects

*Promote the Restoration of Air Service at BNIA and NFIA*

Goal

* Expedite the reopening of the U.S/Canada border to help restore cross-border aviation business activity for BNIA and NFIA

*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

*Support the Growth and Prosperity of the Niagara Falls Air Reserve Station (NFARS)*

Goals

* continue bi-partisan support at the federal level for Niagara Military Affairs Council (NIMAC) and NFARS funding and legislative priorities, including enhanced mission capabilities
* secure discretionary federal funding in partnership with regional stakeholders to support NFARS and NFIA infrastructure upgrades and other projects

*Increase Federal Support for Airport Safety and Security*

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

**2021 State and Local Legislative Program**

**Transit Priorities**

*Realize Full Appropriation of 2020-21 Operating and Capital Assistance*

Goal

* realize the full appropriation of dedicated operating and capital assistance for the NFTA as included in the 2020-21 Enacted Budget

*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

*Maximize State Transit Operating Assistance in the 2021-22 New York State Budget*

Goal

* obtain a state transit operating assistance appropriation at or above prior year levels as part of the 2021-22 State Budget

*Maximize 2021-22 Transit Capital Funding Appropriations for NFTA-Metro*

Goal

* obtain non-MTA transit capital funding appropriations at or above prior year levels as part of the 2021-22 State Budget

*Multi-Year State Transportation Capital Program*

Goals

* secure a new multi-year state transportation plan with:
  + $600 million over the life of the plan to support the Amherst-Buffalo 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;
  + $10 million annually to support the electrification of the Metro Bus fleet;
  + dedicated funding to support other strategic NFTA-Metro initiatives including the North Division Street Canopy Project, the Metro Bus Shelter Expansion Plan, and environmental reviews for a possible southern/eastern Metro Rail expansion; and
  + delivery of NYPTA’s Statewide Transit Action Plan through these and other programs.

*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)

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

Goal

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

*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

* secure funding appropriated as part of the 2020-21 Enacted Budget to purchase BEBs and install related vehicle charging infrastructure
* obtain other sources of federal and state discretionary funding as well as Volkswagen Settlement funding to accelerate the rollout of BEB technology and meet Climate Leadership and Community Protection Act (CLCPA) emission reduction goals
* secure a $10 million annual state budget appropriation to support the electrification of the Metro Bus fleet
* secure Make-Ready Program funding to support the installation of electric vehicle charging infrastructure through the upcoming National Grid Rate Case

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

Goals

* advocate for maximum funding for transit and effective statewide policies that support increased transit usage and livable communities through the Transportation and Climate Initiative
* 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

*Secure Funding from Competitive Statewide Funding Opportunities*

Goal

* 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 New York State Aviation Capital Grant Program*

Goals

* obtain funding through the 2020 Aviation Capital Grant Program to support the BNIA Passenger Terminal Generator Project and the NFIA Fuel Farm Pump System Replacement Project
* obtain funding through the 2021 Aviation Capital Grant Program solicitation 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 in the 2021-22 State Budget
* increase the maximum award available under the Aviation Capital Grant Program from its current level of $1.5 million per airport

*Second Round of Upstate Airport Economic Development and Revitalization Competition Funding*

Goals

* ensure the full appropriation of $100 million in funding for a second round of the Upstate Airport Economic Development and Revitalization Competition as included in the 2020-21 Enacted Budget
* secure funding through the Competition to support transformative capital projects at BNIA and NFIA

*Balance Public Health Goals with the Need for Increased Air Service*

Goal

* balance travel advisory goals and COVID-19 testing requirements for out-of-state travelers with the need for restoring aviation activity at the state’s airports.

*Promote the Expansion of Air Service at BNIA and NFIA*

Goal

* 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.

*Support the Growth and Prosperity of the Niagara Falls Air Reserve Station (NFARS)*

Goals

* continue bi-partisan support at the state and local level for Niagara Military Affairs Council (NIMAC) and NFARS funding and legislative priorities, including enhanced mission capabilities
* secure discretionary state and local funding in partnership with regional stakeholders to support NFARS and NFIA infrastructure upgrades and other projects

*Wildlife Management Regulations for NYS Airports*

Goal

* enact statutory and regulatory changes to restore proven wildlife management tools for state airports

*Preserve the Aviation Jobs Act*

Goal

* protect the Aviation Jobs Act, which supports aviation business and jobs across the state, from modification or repeal.

*Seneca Nation Funding for the Niagara Falls International Airport*

Goal

* continued funding for NFIA from Seneca Nation casino revenue sharing