



June 3, 2024

Ms. Veronica Vanterpool  
Acting Administrator  
Federal Transit Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
West Building  
Ground Floor – Room W12-140  
Washington, D.C. 20590-0001

**RE: Rural Areas Formula Grant Programs Guidance on Proposed Circular –  
Docket No. FTA-2024-0004**

Dear Acting Administrator Vanterpool:

On behalf of the American Bus Association (ABA), representing private mass transportation providers, I submit the following the comments in response to the Federal Transit Administration's (FTA) notice, published in the Federal Register on April 4, 2024 (Notice), concerning the proposed circular on the Rural Areas Formula Grant Programs Guidance, FTA C 9040.1H (Draft Circular).

The ABA has long represented the private motorcoach and group travel industry, including intercity bus operators who participate in FTA grant programs in support of providing public transportation services. The intercity bus industry supports a network of transportation services enabling vital connections and access to rural communities throughout the country. The Rural Area Formula Grants Program (Grants Program), particularly, plays a critical role in supporting and maintaining this vital network. However, in recent years, and spurred by the coronavirus pandemic, the Grants Program has faltered in terms of sufficiently supporting ongoing rural intercity bus operations. The FTA's action to update the Rural Areas Formula Grant Programs guidance document provides an opportunity to address some of the challenges the intercity bus network faces, through further revisions and clarifications, and ensure the sustainability of continued rural intercity bus operations.

Federal mass transportation policy has long recognized the importance of maintaining intercity bus service, and the 5311 program is a cornerstone of federal efforts to support such service as reflected in the statute and the goals and objectives included in the guidance circulars to implement the program. However, the current program is not meeting these objectives and goals, and although we appreciate the Draft Circular is restricted by statute, and thus changes to the underlying program may require legislative action, we believe there are additional changes to the

Draft Circular that could provide transparency, consistency, and clarity with program implementation to assist with ensuring 5311 program goals and objectives concerning the development and support of intercity bus transportation. For this purpose, ABA offers the following revisions:

## **CHAPTER I: INTRODUCTION AND BACKGROUND**

As an Initial matter, ABA urges FTA to reconsider or further revise various definitions, specifically:

(20) Incidental Use and (21) Intercity Bus Service – On various occasions federal grant recipients and/or subrecipients have classified intercity bus service as incidental use. Rural Intercity bus service supported by the 5311 program, including connections to feeder service, should not be considered “incidental use.” Intercity bus projects – including services, facilities, and/or buses – have specific statutory eligibility for various categories of FTA funding such as the section 5311(f) intercity bus program, the joint development program, the Surface Transportation Block Grant (STBG) flexible funding program, the section 5339 bus and bus facility program, and others. These intercity bus projects may be free-standing, or they may be part of a larger intermodal project. However, they have specific statutory authorization as eligible projects under those various programs and thus are primary, and not incidental, uses of FTA funds. Unfortunately, the proposed Circular goes in the wrong direction, defining “incidental use” as “the limited non-transit use of project property that does not conflict with the original authorized purpose of the project property or the recipient’s ability to maintain satisfactory continuing control.” Since intercity bus service is a “non-transit use of project property”, this language unintentionally includes intercity buses, facilities and services in the definition of “incidental use”, whereas they are eligible for funding under these programs as primary users. A suggestion to minimize confusion and eliminate this oversight is to insert the words “or non-intercity bus” after “non-transit” and before “use” in the incidental use definition. This makes clear that intercity bus is not an incidental use within an eligible program.

## **CHAPTER II: PROGRAM OVERVIEW**

Section 2. PROGRAM GOALS, explicitly notes that 5311 is intended to support both existing and expansion of public transportation services, including by: (5) increasing availability of transportation options through investments in intercity bus services; (6) assisting in the development and support of intercity bus transportation; and (8) providing for the participation of private transportation providers in rural public transportation.

We support these goals, but believe the Draft Circular requires stronger language to ensure recipients and subrecipients take affirmative action toward achieving these goals, specifically:

### **4. STATE ROLE IN PROGRAM ADMINISTRATION.**

Paragraph a., Role of the State Agency, amend item (3) to read:

- (3) Plan for future transportation needs and ensure integration and coordination among diverse transportation modes and providers, **including intercity bus services.**

## 5. FTA ROLE IN PROGRAM ADMINISTRATION.

In order to obtain a waiver of the requirement to expend 15% of its 5311 funds for to develop and support intercity bus transportation, the current Circular provides that the governor of a state is directed to send a certification letter to the FTA Administrator, for review. However, the Draft Circular changes this level of review by directing the governor to send a certification letter to the FTA Regional Administrator. This downgrades the review process and possibly opens the review to local bias. We urge FTA to maintain certification reviews at the FTA Administrator level.

Specifically, paragraph a., FTA Headquarters serves a broad, program level role in the administration of the program, insert new item (6), as follows:

(6) Conducts a final review of governor certifications for waiver of 5311(f) funding requirement and ensures approved certifications along with supporting documentation is made accessible to the public.

Paragraph b., FTA Regional Offices have the day-to-day responsibility for administration of the program, amend item (3) as follows:

(3) Receives and conducts initial compliance review of governor certifications to waive 5311(f) funding requirement, prior to FTA Headquarters final review.

## 6. FTA OVERSIGHT.

As explained above, to ensure appropriate FTA oversight over the governor certification process, we propose inserting at the end of the first paragraph and third paragraph of the text under this section “including governor’s certifications.”

## **CHAPTER III: GENERAL PROGRAM INFORMATION**

### 1. ELIGIBLE RECIPIENTS.

Under paragraph d., Incidental Use, per above comments on Chapter 1, clarify under this section that intercity bus service supported by the 5311 program is not an “incidental use.”

## **CHAPTER IV: ELIGIBLE PROJECTS & REQUIREMENTS**

The FAST Act made explicit changes to the statute governing transit project planning for the purpose of developing and integrating management and operation of intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities (§§5303-5304). Because the 5311 program is intended to develop and support intercity bus transportation, it would be beneficial for these changes to be reflected in the Draft Circular.

### 2. PLANNING PROJECTS.

Several paragraphs under this section could be amended to reflect and/or incorporate the statutory changes concerning intercity transportation, specifically:

Paragraph b., under the sentence “Planning projects must be included in the planning work program and can support efforts to:”, should be amended as follows:

b. Plan, engineer, design, and evaluate a public transportation project, **including intermodal facility projects that support intercity bus transportation**; and

Paragraph d., under the sentence “Eligible activities include the following:.” Should be amended as follows:

d. Other similar and related activities are preliminary to and in preparation for constructing, acquiring, or improving the operation of facilities and equipment, **including intercity bus facilities and equipment**.

Also, as the objectives of the 5311 program outlined in Chapter II include “providing for the participation of private transportation providers in rural public transportation,” the guidance should include specific direction to recipients on encouraging such participation, specifically:

### 3. CAPITAL PROJECTS.

Paragraph c., Requirements Related to Vehicles and Equipment Eligibility, item (1) Fleet Expansion, should be amended by striking “or” in the first sentence of the first paragraph, and inserting “**and whether they intend to seek opportunities to meet demand through engaging private transportation providers.**”, after “existing markets”.

Paragraph d., Requirements Related to Facilities Eligibility, should be amended as follows:  
Item (1) Shared Use, should be amended in the first sentence by inserting “**and intercity bus services**”, after “transportation.”

Item (2), Facility Size, should be amended to promote intermodal use of the facility, by inserting in the second sentence of the first paragraph of text “**the potential for intermodal use by intercity bus providers or**” after “but also”.

Item (4), Planning Justifications, subsection (b), Transfer Facility or Transportation Center, list of elements to be included in a planning/feasibility study, should be amended as follows:

- a determination of transit demand, **intercity bus demand** and other uses,
- an evaluation of existing transfer facilities or sites to satisfy existing and future transit **and intercity bus** needs,
- an evaluation and selection of sites if a new facility is warranted, **including consideration of an intermodal facility accommodating intercity bus services, ....**

## **CHAPTER V: PLANNING & PROGRAM DEVELOPMENT**

As under Chapter IV, this Chapter should also reflect FAST Act changes to develop and support intercity bus service for rural areas, along with the 5311 program goals.

### 2. METROPOLITAN, STATEWIDE, AND NON-METROPOLITAN PLANNING

REQUIREMENTS. As requirements for the planning process include representation in the process by public transportation providers, FTA should clarify under this section that these public transportation providers also represent the interests of intercity bus transportation in this role, in addition to public transportation interests. This would align with the overall 5311 objective of assisting in the development and support of intercity bus transportation, per Chapter 2, Section 2.

### 3. PERFORMANCE-BASED PLANNING.

- Amend the last sentence of the first text paragraph by inserting before the period “including private providers of public transportation services.”

Under paragraph b., State Designation of Regional Transportation Planning Organizations (RTPOs), regardless of whether a state chooses to establish an RTPO, it should be required to consult with transportation providers, including specifically intercity bus providers, separate and apart from the certification consultation requirement for purposes of seeking to waive the 5311(f) requirement to expend 15% of funds on intercity bus transportation. By providing increased recognition of intercity bus transportation services within and throughout the planning process, it will further the development of such transportation.

4. INTERCITY BUS CONSULTATION REQUIREMENT. This section, and its related provisions under Chapter IX, presents FTA with one of the most critical opportunities to improve transparency and accountability for the 5311 program, from the perspective of the intercity bus industry. The statute does not define how the governor certification process under 5311(f) should work, so FTA has broad discretion to ensure this process is fair, transparent and supportive of intercity bus rural transportation services. We urge FTA to strengthen this process, and propose the following rewrite of this section:

Section 5311(f) requires each State to expend at least 15 percent of its annual Section 5311 apportionment “to carry out a program to develop and support intercity bus transportation,” unless the governor certifies that “the intercity bus service needs of the State are being met adequately.” However, before and as a part of the certification process, Section 5311(f) requires a State to consult with intercity bus providers before the governor makes this certification. This consultation, and certification, should be documented and made available to the public before the requirement is waived. This certification requirement is separate from the annual Certifications and Assurances requirement. The requirement to spend at least 15 percent applies only to the amount of FTA’s annual apportionment of Section 5311 funds to the State; it does not apply to any funds the State subsequently transfers to its Section 5311 program from another program nor does it limit a State from expending above 15% of its overall 5311 funding. Conversely, transfers from a State’s Section 5311 apportionment to other programs does not reduce the amount of the Section 5311 apportionment subject to the intercity bus requirement. The 5311(f) requirement does not apply to Section 5339 funds. Chapter IX provides additional information about the intercity bus provisions of Section 5311(f).

### 7. AVAILABILITY OF FHWA “FLEXIBLE” FUNDS FOR TRANSIT PROJECTS.

Paragraph h., CMAQ Improvement Program (23 U.S.C.149), item (1), Eligible Projects, should be amended by inserting “and intercity bus” after “public transportation”. Item (3), Operating Assistance, should be amended by inserting “including intercity bus operating costs pursuant to 5311(f)” before the period in the first sentence.

## **CHAPTER VI: PROGRAM MANAGEMENT & ADMINISTRATIVE REQUIREMENTS**

One of most significant challenges intercity bus providers face in engaging with 5311 program is the lack of consistency among various states in executing and managing the program, which frustrates 5311 program objectives concerning intercity bus transportation. Intercity bus

operations generally cross multiple state boundaries in meeting their goal to connect rural communities to the larger regional or national system of intercity bus service and meet the needs of rural residents. Although FTA attempts to provide states with broad discretion in implementing the 5311 program, this effort makes it very difficult for intercity bus operators to engage with the program when each state implements the program differently and on differing timelines. To address this challenge, ABA urges FTA to include language in the Draft Circular to encourage improved coordination between and among FTA regional and state programs, at least regarding implementing Section 5311(f) and intercity bus providers.

7. FTA STATE MANAGEMENT REVIEW. ABA urges FTA to add text to this section, specifically in terms of holding workshops and providing technical assistance, to help states understand the importance of meeting 5311 program objectives and the need for better coordination, if intercity bus transportation is to be supported.

## **CHAPTER VII: STATE MANAGEMENT PLAN**

This Chapter provides another opportunity for FTA to reinforce the 5311 program objectives and goals, including increasing availability of transportation options through investments in intercity bus services, assisting in the development and support of intercity bus transportation, providing for the participation of private transportation providers in rural public transportation.

3. STATE MANAGEMENT PLAN CONTENT. Paragraph a., Program Goals and Objectives, second bullet should be rewritten as follows:

- Include a description of the process that exists for tracking and fulfilling program goals described in Chapter II, Section 2 of this circular and establishing long-term goals for providing rural public transportation and assisting in the development and support of intercity transportation in rural areas of the State, including the State’s process for long-range planning and consultation with rural elected officials and other stakeholders.

Paragraph i., Roles and Responsibilities,

- first bullet, insert after “met” the following “only after consulting with affected intercity bus service providers.”
- second bullet, strike “certification” and insert “making a determination”
- Insert a 5<sup>th</sup> bullet:

- Describe the State’s certification process and procedures to ensure it is transparent, including making publicly available the needs assessment and final determination.

Paragraph n., Private Sector Participation, amend the bullet by inserting after transportation “including encouragement of public transportation providers to seek efficiencies through contracting opportunities.”

## **CHAPTER IX: INTERCITY BUS**

As noted above, under Chapter V, Section 4, governor’s ability to waive the 5311(f) statutory requirement to expend 15% of the State’s 5311 funding apportionment on intercity bus service, poses a significant challenge for intercity bus operators. This process of developing the Draft Circular offers FTA an opportunity to address this challenge by enhancing transparency and

increasing oversight of the process, as it is not governed by statute. We also seek a revision under eligible services to ensure the guidance better reflects reality.

3. GOVERNOR'S CERTIFICATION. – Intercity bus service is a dynamic business, and as broadly noted, the operating environment for bus operations has considerably changed over the past ten years. Yet, review of state consultation practices only occurs approximately every 3 years; and governor certification letters may seek a waiver of more than one year at a time, with states relying on intercity bus needs assessments that may be up to four years old. These lengthy time gaps for assessing rural intercity bus service needs are outdated and outpaced by reality. Similar to the annual Certification and Assurances requirements, State's 5311(f) governor certifications should be reviewed on an annual basis, with needs being assessed on an on-going basis as with other public transportation service operating and capital program needs. States should not be permitted to seek certification for multiple years at a time, considering the funding apportionments occur on an annual basis. They should similarly be published within a public docket, for easy review of service trends, used to evaluate the effectiveness or comprehensiveness of the consultation with industry and the general public as well as used for adjustments to funding allocation recommendations.

Also, as mentioned above under Chapter II, FTA's role under current Circular 9040.1G provides that the governor of a state is directed to send a certification letter to the FTA Administrator, for review. However, the Draft Circular changes this level of review by directing the governor to send a certification letter to the FTA *Regional* Administrator. This downgrades the review process, and rather than downgrading the review ABA urges FTA to take a larger or more active role in the review of a governor's certification to waive the 15% requirement. We urge FTA to maintain certification reviews at the FTA Administrator level, with support from the Regional FTA office.

4. CONSULTATION PROCESS REQUIREMENTS. - Where the statute is silent, the Draft Circular specifies the consultation requirements necessary to support a certification, and even goes so far as to identify ABA as a resource to help states identify bus providers and to periodically assist in assessing service needs. Yet, because there are no requirements for states to publish or otherwise make public their consultation process, or the needs analyses and assessments, there is no way to verify if the consultation requirements are being met. ABA, has had very limited contact with the States on this matter (and/or their contractors conducting needs analyses and assessments); however, based on communications with intercity bus providers, there is reason to believe these assessments are incomplete and/or possibly outdated. Therefore, the Draft Circular should include as part of the consultation requirements in Chapter IX, Sections 3 and 4, that states provide notice of the consultation process and make readily available on their respective websites the documentation and needs assessments, including the governor's certification letter, to support the determination. The FTA should also include a link to the respective state websites, to facilitate access for intercity bus providers and the public. We also believe States need to coordinate more closely with local authorities, ensuring localities understand the federal objectives and requirements of the 5311 programs.

7. ELGIBLE SERVICES AND SERVICE AREAS. The Draft Circular points out that intercity bus service does not include commuter service, which is then explained as service designed

primarily to provide daily work trips within the local commuting area. However, after providing this explanation, making clear the trip is tied to employment, the Draft Circular formerly defines commuter services as services where “at least 50% of passengers make a return trip on the same day across all service runs for one year.” This definition is far too limiting and is not connected to employment. It is common for Intercity bus passengers, particularly from rural areas, to make 1-day or same day round trips for a multiple of purposes entirely unrelated to employment. We urge FTA to reexamine and amend this definition to align with actual bus passenger commuter travel more closely for employment purposes and avoid inclusion of non-commuter travel that is necessary for rural residents to access medical, educational and retail resources.

## **ADDITIONAL PROGRAMATIC CONCERNS**

As noted at the outset of these comments, the Rural Area Formula Grants Program plays a critical role in maintaining intercity bus transportation for the benefit of serving rural communities and residents. However, the current program is not meeting these objectives and goals; it is faltering in terms of sufficiently supporting rural intercity bus operators. Intercity bus service is a dynamic business, just as public transportation providers are finding, particularly in the wake of the Coronavirus pandemic with depressed but returning ridership. In recent years, the operating environment for the intercity bus network has deteriorated and the 5311 Grants Program has faltered in terms of sufficiently supporting rural intercity bus operations. There are underlying program changes that need to be explored, particularly with regard to funding formulas, Buy America requirements, and intermodal coordination for access to facilities. As noted, many of these challenges require legislative action or further modification to other FTA circulars. However, for purposes of providing context to the comments outlined above, we believe it important to note several of these ongoing areas of challenge in this submission.

## **FORMULA FUNDING**

### **The current 50% limit on federal operating subsidy under the 5311(f) program needs to be increased**

Under the current program, no more than 50% of a project cost or service can be covered by a federal operating subsidy (e.g. 5311(f) funds), with the remainder required to be covered by non-federal match, which most often means by the bus operator. However, these projects or services generally run at a deficit, making it economically unsustainable for the bus operator to continue bearing the remaining 50% cost, particularly if it has no other intercity bus traffic feeding into it and/or if the service is unattractive to passenger travel. Bus operators providing these rural services simply cannot survive under this model; at best, if they are able to breakeven in terms of cost, which is unlikely, it is insufficient to sustain an intercity bus business. The federal operating subsidy for supporting rural service under 5311(f) needs to be increased if rural intercity service is to remain viable. The nature of private businesses is to be sustainable and profitable, while dynamically changing to meet shifting passenger demands, but having loss leaders is not an avenue to profitability in the current operating environment. The private match option has been an avenue to staunch some losses, using other profitable operating routes within the state to serve as the matching component of the operating subsidy. The lack of interstate flexibility and the guidelines currently being interpreted to only be applied within state boundaries limits the



success of existing operating subsidies as does occasional limits to profitable routes within a state to fulfill existing requirements to be used as private match. One incentive to private match application is the interstate connection and increased passenger traffic, but if profitable routes are diminishing, alternatives or additional flexibility must be explored. Increased cross-state coordination and uniformity between grant application cycles between states is another solution that could be explored via the Draft Circular or FAQs to the guidance.

### **Consider establishment of a federal low-interest loan program for the bus operator portion of vehicle purchases**

Private financing for vehicles is difficult to obtain because the Federal Government or the State DOT first puts a lien on the vehicle for a capital purchase, as opposed to private purchases with financing, where the bank or financial institution requires the first lien on the asset. In the case of capital investments using 5311(f) funds, the intercity bus operator needs to fund its portion of the transaction with cash or encumber other assets to fund vehicles for public use. There is essentially a tax and reduction of operational flexibility to complete a capital purchase under this program for private operators. We hope that this unintended inequity can be addressed, or alternative solutions explored in guidance via the Draft Circular.

In some cases, the inclusion of the “no unmet need” qualification within the Governor’s Certification process is used to deny proposed projects because a proposed subsidized service exceeds the allocated funding available. A lack of adequate funding does not indicate no unmet needs.

### **BUY AMERICA REQUIREMENTS**

Currently, under the 5311(f) program, the federal subsidy for capital projects can be 80-85%, with the bus operator covering the remaining 15-20%. However, procuring Buy America compliant vehicles is becoming too costly. Reasons for these 30-40% purchase price increases include a limited pool of eligible vendors among the original equipment manufacturers of motorcoaches (there is now only one eligible manufacturer) leading to a lack of a competitive bidding environment, delays due to supply chain issues and the increased cost of goods and materials, as well as reduced labor employment in the manufacturing sector.

An unintended outcome of the significant price increases is a decrease in available funds to subsidize critical operating expenses. Non-federal matching funds are also burdened at an increased rate, decreasing project capabilities and service opportunities. This has a cascading effect as important capital purchases are pursued at a decreased frequency and often times force grantees to push the useful life of subsidized vehicles, sometimes beyond their recommended limits, decreasing operational efficiency.

If the Federal Government requires Buy America compliant motorcoach vehicles for use under the rural grant program, it needs to increase the federal subsidy portion beyond current levels in line with inflationary pressures and vehicle price increases. Alternatively, increased flexibility for granting waivers under the Buy America program could be helpful. Additional guidance for states and operators seeking Buy America waivers should be included in the Draft Circular. A

final recommendation would be to include automatic triggers for waiver conditions, such as if the purchase price for new capital acquisitions is over a certain % from the prior year or grant cycle or if the lead time exceeds a certain threshold that allows for timely incorporation into an operating fleet, then alternative non-Buy America vendors could be pursued.

## **Disposition of Property**

As mentioned at the outset, Current FTA Circular 9040.1G, includes provisions governing equipment asset management, including the use, management and disposal of subsidized equipment acquired under the 5311 program. Under the proposed Draft Circular these provisions were removed and appear to have been added to proposed FTA Circular 5010.1F (Section IV), which has yet to be finalized. Considering the importance of these matters specifically within the context of sustaining much need intercity bus service in rural areas, we would suggest continuing to include these provisions in the proposed Draft Circular 9040.1H.

## **INTERMODAL ACCESS**

Statutory requirements (USC CFR 5323(r)) requires a recipient of assistance under this chapter to not deny reasonable access for a private intercity or charter bus operator to federally funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes. In determining reasonable access, capacity requirements of the recipient of assistance and the extent to which access would be detrimental to existing public transportation services must be considered. Reasonable access is not defined within the Draft Circular. The FTA also does not have written guidance on the reasonable access provision of 49 USC 5323. Frequently, local governments and local or regional transits simply communicate they have “no capacity” and are not held to any standard or guidelines to substantiate their position, nor is there any opportunity for public comment to dispute capacity concerns. Therefore these entities wield this “no capacity” determination as a secret weapon to dispossess intercity bus passengers from meaningful connections to intermodal transportation options by displacing them to more distant locations, eliminating subsidized amenities and realizing cost and time saving efficiencies. The end result of these actions is federal inefficiency, increased operating costs and a drain on the limited available federal subsidies.

Here is an excerpt from:

*2024 Outlook for the Intercity Bus Industry in the United States*  
*The Chaddick Institute's Annual Intercity Bus Review February 6, 2024*  
<https://las.depaul.edu/centers-and-institutes/Documents/2024%20-Outlook%20for%20the%20Intercity%20Bus%20Industry%20Feb%202023.pdf>  
*By Joseph P. Schwieterman, Blythe Chesney, and Akshara Das*

*Prediction 2: The serious problems stemming from the closing of traditional bus stations will worsen before they get better. The accumulating effects of the closings will hurt disadvantaged populations and further hamper the image of some bus lines and bus travel generally. Station closings in Cincinnati and Columbus, OH; Chattanooga, TN; Houston, TX; Knoxville, TN; Little Rock, AR; Louisville, KY; Philadelphia, PA; and Tampa, FL, resulted in relocations to*

*spaces with far fewer conveniences, public transit connections, and amenities. In most cases, municipal governments did little, and in some instances were openly hostile, to efforts to find a new intermodal location.*

*This year brings fresh concerns that Chicago, IL; Cleveland, OH; Dallas and El Paso, TX; Kansas City, MO; Orlando, FL; and Richmond, VA, will be next. Some of the threatened stations came into the fold of a private real estate holding company after Greyhound's sale to FlixBus. When FlixBus purchased the Greyhound bus operation in 2021, it did not acquire some privately owned stations. Many stations were later sold by the company that previously owned Greyhound to the real estate company. During this same period, "not in my backyard" opposition to bus stations grew. The next 12 months will test the mettle of some bus lines and the passengers they serve. Not only will new problems emerge, but crowding and poor conditions at some replacement stations and curbside spots will become more problematic as traffic rebounds and during weather events.*

*Government agencies will feel pressure to put adequate station facilities on their agenda. They can learn much from the state agencies in Georgia and Michigan, which have made bus-station arrangements a focal point, or from the 15 metro areas that rank among the 25 largest in the U.S. that have taken steps to give privately run intercity bus lines the ability to use transit hubs, railroad stations, and other suitable locations.*

Similar to the Governor's Certification process, ABA offers the following suggested remedies to better outlining reasonable access:

- For all intermodal terminals funded wholly or partially by section 5311, grant recipients must provide reasonable access to private intercity bus operators, giving consideration to capacity requirements and possible detriment to existing public transportation services and scheduled connections to continuing intercity or local transportation services.
- All reasonable access requests from private operators and responses must be in writing and allow for public comment (we recommend within a federal docket).
- If a reasonable access request is denied, the denial must set forth a rational basis for such denial. If the denial is based on capacity constraints, the denial must demonstrate that there is no room for the proposed intercity service and the frequency of use by its passengers. If the denial is because of detriment or anticipated reduction to existing public transportation services, the recipient must demonstrate what that detriment is and how it outweighs the benefit of increasing transit passenger traffic flowing from the new intercity services and allow for public comment.
- The FTA recipient's response to a reasonable access request must be delivered to the requester in a timely manner.
- The requesting party may appeal in writing to the FTA Administrator or their designee on the grounds that the FTA recipient did not specify a reasonable basis for such denial.

- The Administrator shall issue a written decision granting or denying the appeal and stating the reasons therefor. If the appeal is granted, the Administrator will take such action as is necessary to assure reasonable access.

Reasonable access implies reasonable costs. Charges for intercity bus operator access must be comparable to those charged to transit operators providing similar transportation services and represent a fair share of any intermodal facility operating costs.

Thank you for the opportunity to comment on this significant document. We appreciate many of the proposed changes incorporating the recent changes in law and believe they will improve the operation of this vital grant program, with a few additional changes as listed above. We hope you will consider additional changes in policy and guidance as suggested, while not directed by statute, will improve the operation and implementation of important intercity bus transportation services for millions of rural Americans. If you have any questions regarding the revisions or clarifications we offer in this comment submission, please contact Brandon Buchanan at [bbuchanan@buses.org](mailto:bbuchanan@buses.org) or (202) 218-7227.

Respectfully,

A handwritten signature in black ink, appearing to read "Brandon Buchanan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brandon Buchanan  
Director of Regulatory Affairs