



## 2023 LEGISLATIVE AGENDA AND REGULATORY PRIORITIES

### **Workforce Development – Support Federal, State and Local actions that would:**

- Identify skill gaps, training needs, as well as retraining needs of existing workers.
- Address needs of chronically unemployed including minority/female/disabled individuals displaced by new technologies, with a focus on underserved communities which are disproportionately impacted.
- Set local hiring and training incentives that monetize implementation of workforce diversity programs, giving “weight” to bids and proposals that are inclusive of such actions.
- Establish a public sector paid internship program within USDOT.
- Expand programs such as Justice 40 and ensure accountability, monitoring, and measurable milestones, ideally with oversight and advisory team including industry stakeholders and non-profit equity advocacy association representation.

### **Disadvantaged/Minority/Women/Disabled Veteran-owned Business (D/M/W/DVOBE) Initiatives:**

- Require prompt payment “net 30 payment”, meaning the subcontractor must be promptly paid within 30 days of the invoice date. Require agency oversight for accountability and contractor compliance.
- Establish a DBE set-aside program based on the 8(a)-program model and identify set-aside for DBE prime competition opportunities.
- Unbundle mega-transportation projects to give small D/M/W/DVOBEs prime contracting opportunities that fit within their gross annual revenues.
- Insurance indemnification or creative solutions to meeting bonding requirements for D/M/W/DVOBEs
- Establish a national DBE-certified database at the federal level at USDOT.
- Create regional Personal Net Worth (PNW) ceilings, modeled after annual DBE goal-setting methodology processes, which consider local cost-of-living.
- Adjust PNW form to eliminate some asset items, to encourage saving and wealth generation. A reasonably substantial PNW is important for a bank borrowing base and for personal bonding guarantees when bidding projects and performing work.
- Increase in federal overall DBE goals attached to FTA, FAA and FHWA funded projects to more than 10%, a goal out of step with current demographics which has been in place since 1983; same applies to any pending FRA DBE program.
- Implement consistent and realistic DBE size standards, in keeping with the FAA policies.
- Provide support and feedback for the Administration’s Justice40 Initiative which aims to deliver 40 percent of the overall benefits of federal investments in climate and clean energy, including sustainable transportation, to underserved, disadvantaged communities.

### **Mobility and Accessibility:**

- Highlight the urgent need for accessibility and equality for the disabled, including special-needs safety protocols.
- Educate employers on the benefits of hiring persons with disabilities including neurodiverse candidates.
- Advocate for enforcement of legal requirements and spirit of the Americans with Disabilities Act, particularly in public transit and private transportation companies.
- Incentivizing additional accommodations for the disabled beyond ADA requirements.

For additional details on each of these issues, contact [info@comtonational.org](mailto:info@comtonational.org)



## 2023 LEGISLATIVE AGENDA AND REGULATORY PRIORITIES – Supplemental Information

### **Workforce Development**

Importantly, we acknowledge that many of our objectives may be accomplished through the IJA if applied correctly. There is transparency baked into the IJA and COMTO would like to see Congress hold the Administration accountable for the reporting and data collection requirements in the bill. We would like to note the relevance of these activities in Sec. 13007, Workforce Development, Training, and Education, which amends Sec. 504 of the Surface Transportation Act to establish funding for programs to help states and institutions develop new training and testing, and to review new curricula and education programs in order provide career opportunities to meet current and future needs. The Secretary is required to report on the use of grant monies and measurable outcomes of this program, and we look forward to reviewing this data. However, the USDOT must ensure that all stakeholders are educated on this resource to provide for the exercise of maximum and effective utilization.

### **Retraining and Incentives for Training**

We believe that workforce development should be key under Title V: Research and Innovation. Sec. 25001 of the infrastructure bill would establish an Intelligent Transportation Systems Program Advisory Committee. This committee will include, among others, “a representative of a national transit association”. While this is an important step, COMTO would like to see representation from historically underutilized businesses and communities, and COMTO as an organization with 52 years of knowledge and experience that would be a valuable resource on this Advisory Committee.

Sec. 25002 asks the USDOT to set up a Smart Community Resource Center which would establish a website to include a compilation of resources or links for state and local communities to access in developing and implementing existing programs and resources for intelligent transportation systems, providing technical assistance, education, training, funding, and examples of intelligent transportation systems or smart community transportation programs, as well as databases, best practices, and other resources. Once again, it is vital that states and local organizations be made aware of the Resource Center and that each can take full advantage and that reporting includes information on the demographic distribution of program resources. COMTO will do its part to engage its membership in this effort.

### **Innovation/New Technologies:**

Sec. 25006 of the IJA establishes an Electric Vehicle (EV) Working Group to be administered by the Joint Office of Energy and Transportation (a JV between the Departments of Transportation and Energy). The group is intended to develop, maintain, and update a strategy by which the federal government, states, local governments, and industry can overcome the barriers to scaling up electric vehicle adoption throughout the US, identify areas of opportunity in research and development, enhance a national coordinated effort to promote electric vehicle adoption and prepare the workforce for the adoption of electric vehicles, including through collaboration with labor unions, educational institutions, and relevant manufacturers. The strategy would include the expansion of electric vehicle charging infrastructure as well as expanding the education of the public on the benefits of electric vehicles. This project is a massive undertaking, and it is our fear that the interests of minority communities and D/M/W/SBE firms will be lost in the rapid progression and potential confusion.

COMTO supports the USDOT’s long-term goals that require the equitable deployment of EV infrastructure, and we would like to see a similar agreement with the Federal Aviation Administration (FAA) for unmanned aircraft systems, e.g., drone technology. And, although the IJA overall promotes diversity and inclusion, we would advocate for strong language that mandates clear contracting opportunities for small, minority, women, and veteran-owned businesses as a requisite for receipt of U.S. Transportation and Energy Departments’ funding under this program.



**NPRM - Disadvantaged Business Enterprise (DBE) and Airport Concession DBE (ACDBE) Programs Notice of Proposed Rulemaking (NPRM) which proposes modifications and efficiencies to the program:**

COMTO, its partners, and its membership responded to the USDOT's proposals for improving the ACDBE/DBE program in October 2022. Many of our initiatives could be addressed with approval of the proposed amendments to the program, including a national DBE database, stronger enforcement authority for DBE compliance officers, and prompt payment requirements. We would seek further oversight to ensure that the compliance officers are aggressively enhancing their DBE portfolios to include historically underutilized trades and industries so that there are sufficient, available DBE-certified firms in every work specialty. COMTO continues to urge approval of these recommendations.

**Public-Private Partnerships (P3s)**

COMTO supports the transparency requirements for projects carried out through public-private partnerships but we believe the project minimum size of \$100,000,000 for congressional reporting of a detailed financial plan and value for money to be far too high. This does not seem to consider the amount of public vs private investments in the project. The Federal Highway Administration (FHWA) program Center for Innovative Finance Support does provide resources for communities and agencies looking for P3 best practices on new facility build and existing facilities maintenance. However, a similar Federal Transit Administration (FTA) program, Private Sector Participation, provides information and avenues to accelerate P3-funded projects. COMTO has seen little language of equity, diversity, and inclusiveness in the best-practice instructions, and we would like to see regulatory movement to mandate D/M/W/DVOBE business participation.

**State Infrastructure Banks**

State Infrastructure Banks (SIB) are revolving infrastructure investment funds for surface transportation that are established and administered by states. A SIB, much like a private bank, can offer a range of loans and credit assistance enhancement products to public and private highway construction projects, transit capital projects, and railroad projects. Only two states have established SIBs to date, according to the USDOT website. Once again, it is critical to provide opportunities and to strategically and intentionally engage historically overlooked and chronically underserved peoples and communities.

**Bonding and Surety Requirements**

COMTO understands that bonding and insurance are not necessarily the purview of the federal government issue and that these requirements are usually applied to contracts and bids by state and local transit agencies. However, we urge our membership and chapters to work at the grassroots level to hold agencies responsible for reasonable requirements and to explore bonding alternatives.