



July 25, 2022

The Honorable Nuria I. Fernandez
Administrator
Federal Transit Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Docket # FTA-2022-0013

Dear Administrator Fernandez:

On behalf of 1,400 members across the U.S. representing state and local governments, Metropolitan Planning Organizations (MPOs), Regional Transit Agencies (RTAs), transportation service providers, major employers, universities, nongovernmental organizations (NGOs), and other stakeholders, the Association for Commuter Transportation (ACT) submits the comments below in response to the Federal Transit Administration's (FTA's) Notice; request for comment (Docket # FTA-2022-0013).

ACT strongly supports the FTA's Buy America waiver action as there are no readily available vehicles on the market that meet Buy America standards. Several of ACT's members have raised the lack of mass-produced, unmodified non-ADA-accessible vans and minivans as an issue with the organization and have serious concerns that there may not be sufficient vehicles to move current riders, and to expand commuter programs, following the expiration of the October 20, 2016 three-year general public interest waiver for mass-produced, unmodified non-ADA-accessible vans and minivans.

Vanpool programs are a critical component of commuting options in the United States. ACT agrees with the FTA's rationale for the Buy America waiver, "[w]ithout a waiver...[results may include] termination of vanpool programs or failure to form new vanpool service, which could have climate change and equity impacts because vanpools provide an important transportation alternative to private passenger vehicles both in large cities and rural areas, and service to the elderly and disabled who do not need an ADA-accessible van."

ACT strongly supports this waiver, and offers the following recommendations based off of membership input.

- Removal of the engine country of origin requirement. Some of the most widely used vehicles in vanpool service would not be eligible under the engine country of origin requirement. Due to supply chain issues and the lack of limited fleet sales from manufacturers that would be compliant, ACT has concerns that there would still be constraints in the availability of compliant vehicles under this waiver.



- Extend the waiver for 3 years. The previous waiver granted in 2016 was three-years and brought certainty to the industry. ACT believes continuing with the past precedent – 3-year waiver – or until there is a nationwide supply of compliant vehicles will provide comfort to vanpool operators, so they can continue to operate a valuable service to users.

Thank you for the opportunity to provide comments on FTA’s Docket # FTA-2022-0013. Please do not hesitate to reach out should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David Straus".

David Straus
Executive Director
Association for Commuter Transportation