



MEMORANDUM

To: Members of the Biden-Harris Transition
U.S. Department of Transportation Review Team

From: David Straus, Executive Director
Association for Commuter Transportation (ACT)

Date: December 3, 2020

Re: Key Legislative and Policy Transportation Priorities
for the Biden-Harris Administration

Congratulations to President-elect Biden, Vice President-elect Harris, the campaign, and on your appointment to the U.S. Department of Transportation (DOT) Review Team of the Biden-Harris Transition. The Association for Commuter Transportation (ACT) has developed a list of legislative and policy priorities that will be helpful as you decide on the direction of federal transportation in the United States in both the short-term and long-term. We look forward to getting the opportunity to brief you on the below ACT priorities and recommendations. On behalf of our 1,200+ members across the country, thank you for your service to the Biden-Harris Transition.

Supporting the inclusion of Transportation Demand Management (TDM) across all levels of government and within state and local planning efforts

1. Establish transportation demand management (TDM) goals and policies within the Federal Government based on definitions of TDM and TDM strategies as defined in the House-passed Moving Forward Act¹²
 - TDM strategies complement President-elect Biden's rail, transit, infrastructure, equity, and net-zero emissions initiatives. Rail connections, for example, require a network of "last mile" options or travel choices in line with TDM to support commuters getting to and from their homes or work sites to the closest rail stations.
 - TDM should not be limited to applications within the U.S. Department of Transportation (DOT) as TDM concepts cross-cut several policy areas that would include agencies such as the Environmental Protection Agency (EPA), Department of Housing and Urban Development (HUD), Department of Interior (DOI), and others. TDM guidelines and regulations should be in

¹ Section 1103. Definitions and Declaration Policy, H.R. 2, Moving Forward Act, which was passed by the U.S. House of Representatives on July 1, 2020.

² The House Select Committee on the Climate Crisis also recommends deploying TDM strategies nationwide, See page 118, [Solving the Climate Crisis, The Congressional Action Plan for a Clean Energy Economy and Healthy, Resilient, and Just America](#).

place for each individual federal agency once a TDM definition is approved and enacted to ensure accessible and equitable, resilient, and sustainable communities.

Recommendations:

1. *On day-one, DOT should lead a federal government wide-effort, with input from stakeholders, to define TDM and TDM strategies aligned with the language included in H.R. 2 because a larger infrastructure bill may not be passed by Congress until later in 2021.*
2. *On day-one, deputize at least one FTE within the Office of Policy Development, Strategic Planning and Performance to oversee federal TDM policy/strategy.*
3. *Between day-one and day-100, ensure federal transportation policy and funding programs related to planning policy take into account TDM and TDM strategies.*
4. *Between day-one and day-100, ensure that the FTE(s) is/are working with state DOTs and local stakeholders (MPOs, COGs, transit agencies, local governments, etc.) to take into account TDM and TDM strategies within the planning process when using federal funding, potentially through incentives.*

2. Provide funding for the implementation of TDM strategies and principles

- Work with Congress to enact long-term surface transportation authorization legislation with dedicated and sustainable funding to address effects of natural disasters, especially like the COVID-19 pandemic, on transportation choices and meet growing demands for increased mobility choices with a strong focus on inclusion and equity.³ Implementing TDM strategies costs significantly less than traditional DOT formula/competitive grant programs but needs initial investment to provide long-term cost savings. Support new mobility innovation and technology initiatives that spur innovative technological developments and novel mobility options to provide workers and commuters a more robust, equitable and less congested transportation system.
- Ensure that the BUILD/TIGER grant program is more holistic with a focus on multimodal investments as opposed to improving only individual aspects of a particular transportation project.

Recommendation:

1. *Between day-one and day-100, develop an agency-wide policy that new discretionary grant program funding announcements, like BUILD/TIGER, incentivize the inclusion of TDM and TDM strategies in applications through awarding additional points to applicants that include these policy concepts.*

3. Expand requirements for the inclusion of TDM professionals in grant and funding contracts

- Establish the use of TDM-CPs (Certified Professionals) as gold standard for receiving federal funding including proposed BUILD/TIGER grant projects. Provide potential research funding for TDM-CPs, at DOT or through external organizations like the Volpe Center, to deepen their expertise and knowledge of TDM strategies, policies, and their effects.

Recommendation:

1. *Between day-one and day-100, examine potential funding streams, such as within the Office of the Secretary (OST), that could be used to fund both internal and external TDM-CP*

³ Section 1306. Gridlock Reduction Grant Program, H.R. 2, Moving Forward Act, included \$250 million to fund activities like TDM that reduce and mitigate adverse impacts of traffic congestion.

programs where DOT FTEs and/or state and local planners throughout the U.S. could gain expertise in TDM.

Supporting workers and commuters through TDM

1. Support the creation of a separate TDM formula grant program of \$100 million per year exclusive of the Congestion Mitigation and Air Quality (CMAQ) program as described in the MORE through TDM Act introduced in the 116th Congress⁴
 - Funding will aid state and local governments' as well as metropolitan planning organizations' (MPOs') application of TDM strategies to promote various transportation options aimed at reducing congestion and emissions as defined in the Fiscal Year 2021 transportation and housing and urban development appropriations legislation.⁵ TDM is equitable in giving workers and commuters affordable and reliable choices by supporting options such as teleworking, transportation fringe benefits, and improved cycling and pedestrian infrastructure.
2. Expand commuter benefits program to reflect new mobility options
 - Emphasize the health benefits of TDM in supporting active transportation modes like cycling and walking and the benefits of TDM strategies like teleworking, carpooling, and transit enhance workers and commuters' quality of life by reducing stress and allowing more productive use of non-work time. Work with Congress to reinstate the bicycle benefit to provide a tax benefit for bike commuters and incentivize cycling as an alternative to traditional transportation modes.
3. Learn from the impacts of COVID-19 to support the development of other federal programs and investments in transportation infrastructure to enable access to jobs during and after natural disasters
 - Encourage studies of TDM program responses at the state, regional, and local level to determine the effect TDM strategies have had in mitigating the impacts of COVID-19.
Recommendation:
 1. *Between day-one and day-100, DOT Secretary can convene TDM stakeholders to kick off a comprehensive study and examination of nationwide TDM strategies and TDM modeling⁶ with a specific emphasis on TDM strategies as-a-result-of the COVID-19 pandemic.*

Supporting the environment through TDM

1. Expand the use of TDM strategies to reduce congestion and transportation-related emissions to improve air quality, assist with environmental justice and help achieve President-elect Biden's climate and environmental priorities
 - Encourage studies of TDM to determine the effect changing transportation patterns due to the COVID-19 pandemic and other natural disasters have had on total emissions, overall air quality and whether this has had an impact on disadvantaged communities' air quality, whether positive or negative.

⁴ <https://www.congress.gov/bill/116th-congress/house-bill/6770/text>

⁵ See Page 41, [Departments of Transportation, and Housing and Urban Development, and Related Agencies Appropriations Bill Report](#)

⁶ This would incorporate some policy themes that were included within Section 1404 Transportation Demand Data and Modeling Study, H.R. 2, Moving Forward Act

Recommendation:

- 1. Between day-one and day-100, examining whether there is room within CMAQ's Title 23 statutory language for DOT guidance revising and improving the existing CMAQ program to make it less restrictive by incorporating TDM principles to counter the heavy focus on engineering and project aspects.*

We appreciate the opportunity to share these recommendations with you. Please reach out to me directly at 202-792-5801x101 or dstraus@actweb.org to discuss further.