Public-Private Partnerships in Transit

Richard Steinmann
Senior Advisor to the Administrator
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Outline of Presentation

- Federal Transit Administration (FTA) Role
- Public Private Partnership (PPP) Objectives
- Types and Distribution of PPP Projects
- State Legal Authority
- Bonding Authority
- Success Factors & Risks
- FTA Pilot Projects
- HOT Lanes
FTA Role and Responsibilities

The Federal government, through the FTA, provides financial and technical assistance to develop new and expand existing transit systems and improve, maintain, and operate these systems.
Objectives of PPP

• Lower costs
• Accelerate project delivery
• Improve transportation services
• Leverage public resources
• Transfer risks
• Attract private investment
• Use private sector expertise
Public-Private Partnerships

- Private Contract Fee Services
- Transit Oriented Joint Development
- Alternative Project Delivery Approaches
DBOM PPP Project
Hudson-Bergen Light Rail Transit Line
Types of PPPs Used in Surface Transportation

- Asset Sale
- Long Term Lease Agreement / Concession
- Transit Oriented Development (TOD) / Joint Development
- Multi-Modal Partnerships
- Build-Own-Operate (BOO)
- Build-Transfer-Operate (BTO)
- Build-Operate-Transfer (BOT)
- Design-Build-Finance-Operate (DBFO)
- Design-Build-Operate-Maintain (DBOM)
- Design-Build (DB)
- Private Contract Fee Services
Use of PPPs for Major Highway and Transit Projects Since 1991*

Major Transit Projects (12 projects)

Major Highway/Rail Projects (44 projects)

*Projects over $53 million with Notice to Proceed by 1991
These are not exclusive concepts

- A DBFO could issue private activity bonds
- A DBFO could do concession
- A DBOM could include highway, transit, airport
### PPP Transit Projects Supported with Federal Funds Completed Since 2000

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>Agency</th>
<th>Project</th>
<th>Type of PPP</th>
<th>Cost (Millions)</th>
<th>Length (miles)</th>
<th>Opening Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denver</td>
<td>CO</td>
<td>RTD</td>
<td>Southeast Corridor LRT (T-REX)</td>
<td>DB</td>
<td>$879.27</td>
<td>19.1</td>
<td>2006</td>
</tr>
<tr>
<td>Fort Lauderdale</td>
<td>FL</td>
<td>SFRTA</td>
<td>South Florida Commuter Rail Upgrades</td>
<td>DB</td>
<td>$333.89</td>
<td>43.3</td>
<td>2006</td>
</tr>
<tr>
<td>Minneapolis</td>
<td>MN</td>
<td>Metro Transit</td>
<td>Hiawatha Corridor LRT</td>
<td>DB</td>
<td>$675.43</td>
<td>11.6</td>
<td>2004</td>
</tr>
<tr>
<td>Northern</td>
<td>NJ</td>
<td>NJ Transit</td>
<td>Hudson-Bergen LRT MOS-1</td>
<td>DBOM</td>
<td>$992.14</td>
<td>9.3</td>
<td>2002</td>
</tr>
<tr>
<td>Northern</td>
<td>NJ</td>
<td>NJ Transit</td>
<td>Hudson-Bergen LRT MOS-2</td>
<td>DBOM</td>
<td>$1,215.40</td>
<td>6.1</td>
<td>2006</td>
</tr>
<tr>
<td>San Francisco</td>
<td>CA</td>
<td>BART</td>
<td>BART Extension to SFO Airport</td>
<td>DB</td>
<td>$1,552.23</td>
<td>8.7</td>
<td>2003</td>
</tr>
<tr>
<td>Washington</td>
<td>DC</td>
<td>MTA/WMATA</td>
<td>Largo Metrorail Extension</td>
<td>DB</td>
<td>$433.90</td>
<td>3.1</td>
<td>2004</td>
</tr>
<tr>
<td>Portland</td>
<td>OR</td>
<td>Tri-Met</td>
<td>Portland MAX LRT Airport Ext. (PFC)</td>
<td>DB/JD</td>
<td>$125.00</td>
<td>5.5</td>
<td>2001</td>
</tr>
<tr>
<td>New York</td>
<td>NY</td>
<td>PANYNJ</td>
<td>JFK Airtrain LRT (PFC-funded)</td>
<td>DBOM</td>
<td>$1,900.00</td>
<td>8.1</td>
<td>2003</td>
</tr>
</tbody>
</table>

7 of these projects represent $6.1B in value (28%) of the total 40 New Starts projects valued at $22.1B with Full Funding Grant Agreements approved by FTA. Two additional projects are PFC-funded worth $2.0B. Other PPP transit projects include 1 DB, 1 DBOM, and 1 DBFO valued at $1.8B. Total value: $9.9B
Growing State Legislative Readiness for PPPs

* Also includes Alaska and Puerto Rico. Data valid through May 2006
** Also includes Alaska, Hawaii, and Puerto Rico; California – Transit agencies and certain cities and counties; Illinois – Regional Transportation Authorities; Texas – Comprehensive Development Agreements. Data valid through 2004.

Source: FHWA and Nossaman Guthner Knox & Elliott.
Private Activity Bonds

• Issued by the private sector
  – Proceeds used for public purpose

• Section 11143 of SAFETEA-LU
  – Highway and Rail intermodal facilities
  – Commuter rail and ferry projects
  – $15 billion authorized through 2009

• Section 103 of the Internal Revenue Code
  – Bonds for Mass Transportation
  – 95% of proceeds must be used for public purpose
  – Not more than 5% of bonds may be repaid from private activity or revenue
  – Subject to state bond cap ($75 per resident in 2007)
PPP Pilot Program (Penta-P)

- US Congress Authorized Pilot Program to Demonstrate Advantages & Disadvantages of PPP
- Federal Transit Administration Requested Proposals in January 2007
- Three PPP Projects were Selected:
  - Oakland, California Airport Connector
  - Denver, Colorado Gold Line Rail Corridor Project
  - Houston, Texas North & Southeast Corridor High Capacity Transit Extension Projects
HOT Lanes

- High Occupancy Toll
- Over 130 Freeway HOV facilities nationwide
- 80 are counted as “fixed guideway miles” for FTA formula funding purposes
- 10 built with Major Capital Investment funds
- FTA Policy allows conversion of transit HOV to HOT lanes (January 11, 2007)
PPP Success Factors

• Visionary Leadership
• Popular Support of Project
• Well Defined Project Scope
• Revenue Potential for Private Sector Partners
• Transparency of Procurement Process
• Use of Performance-Based Standards
• Systematic Project Quality Monitoring
• Cost & Benefit Sharing Between Public and Private Sector
PPP Risk Factors

- Ridership Projections
- Revenue/Pricing
- Right of Way Cost
- Liability/latent defects
- Life Cycle Costs
- Transaction Costs
- Economic Shifts
- Loss of Control of Assets
- Regulations
- Compensation/Termination
- Protectionism

- Environmental Conditions/Permitting
- Construction Costs
- Maintenance Costs
- Payment Structure
- Foreign Currency Exchange
- Taxation Constraints
- Conflicts of Interest
- Political Stability
- Public Acceptance
- Changes in Law
For more information contact:

Robert Tuccillo
Associate Administrator
Budget and Policy
Federal Transit Administration
1200 New Jersey Avenue, S.E., TBP-01
Washington, DC 20590

Robert.tuccillo@dot.gov
(202) 366-2018