



November 18, 2013

Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
West Building, Ground Floor  
Room W-12-140  
Washington, DC 20590-0001

On behalf of the more than 1,500 member organizations of the American Public Transportation Association (APTA), I write to provide comments on the Federal Transit Administration's (FTA) Notice of Proposed Rulemaking (NPRM) on Environmental Impact and Related Procedures—Programmatic Agreements and Additional Categorical Exclusions, published September 19, 2013 at 78 FR 57587.

### **About APTA**

APTA is a non-profit international trade association of public and private member organizations, including public transit systems; high-speed intercity passenger rail agencies; planning, design, construction and finance firms; product and service providers; academic institutions; and state associations and departments of transportation. More than ninety percent of Americans who use public transportation are served by APTA member transit systems.

APTA speaks for its members. Its Board of Directors reiterated that fact on March 9, 2013, when it adopted the following statement: "While APTA encourages its members to provide specific examples or impacts in support of the association's positions, APTA crafts its comments to represent those of all APTA members. The association goes to great lengths to ensure its regulatory comments represent the consensus views of our members. Every APTA member has the opportunity to review drafts, participate in discussions, and assist in crafting those consensus comments. In short, we speak with a single voice and, when the rare instance occurs that we cannot reach consensus, we do not speak at all. APTA's comments are those of our more than 1,500 members. This consensus-based method of crafting regulatory comments is a factor underlying APTA's selection of one of Washington's most trusted brands in a broad survey conducted by the National Journal and we encourage all federal agencies to recognize the representative nature of the association's regulatory comments.

### **General Comments**

APTA supports FTA's efforts to streamline the National Environmental Policy Act (NEPA) review process for federally funded projects. We believe expansion of the categorical exclusion (CE) list will save time and costs for project sponsors and FTA without compromising protection of the environment.

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APTA believes the proposed changes will be beneficial and offers one comment below to maximize that benefit. We also suggest the Final Rule be accompanied by a strong outreach program to ensure all involved in the process understand the changes and implementation is consistent throughout the country.

### Section by Section Comments

#### PART 771—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

##### §771.118 FTA Categorical Exclusions (CEs)

##### Subsection §771.118 (c)(15)

- Subsection (c)(15) references: “Preventative maintenance, including safety treatments, to culverts and channels within and adjacent to transportation right-of-way to prevent damage to the transportation facility and adjoining property, plus any necessary channel work, such as restoring, replacing, reconstructing, and rehabilitating culverts and drainage pipes; and, expanding existing culverts.”
- The proposed CE covers expansion of “restoring, replacing, reconstructing, and rehabilitating culverts and drainage pipes,” it only includes “expanding existing culverts” rather than expanding existing culverts and drainage pipes.
- The impacts of expanding existing culverts and existing drainage pipes would likely be similar, and since culverts often are used as drainage pipes, the language should be clarified by including drainage pipes so to avoid confusion and an unintended distinction.

We appreciate the opportunity to assist the FTA in solving these important issues and would be happy to provide any additional information necessary to complete this process. For additional information, please contact James LaRusch, APTA’s chief counsel and vice president corporate affairs, at (202) 496-4808 or [jlarsch@apta.com](mailto:jlarsch@apta.com).

Sincerely yours,



Michael P. Melaniphy  
President & CEO