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ASSOCIATION

April 13, 2016

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Michael P. Melaniphy

Docket Operations Facility,
U.S. Department of Transportation,
1200 New Jersey Avenue S.E., W12-140
Washington, DC 20590

RE: Docket No. FTA-2016-0020

Dear Docket Clerk:

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 (FTA) request for comments on the Notice of Proposed Public Interest Waiver of Buy America Domestic Content Requirements for Rolling Stock Procurements In Limited Circumstances published on April 6, 2016 at 81 FR 20051.

About APTA

APTA is a non-profit international trade association of more than 1,500 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.

General Comments

We strongly support approval of the proposed public interest waiver for both contract entered into between October 1 and December 4, 2015, and for contracts resulting from solicitation issued prior to December 4, 2015.

Additionally, FTA should affirmatively state that these waivers extend to contracts entered into prior to October 1, 2015. This will avoid potential confusion in the industry.

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Finally, we urge FTA to refrain from imposing additional restrictions on contract options created in these contracts. Options or other rights to purchase equipment, properly obtained and properly assigned to a new buyer are not new contracts. They do not amount to novations and should not be treated as such. When transit agency A assigns an option, subject to the proposed public interest waiver, to transit agency B, that waiver should survive assignment.

We appreciate the opportunity to assist FTA in this important endeavor. For additional information, please contact James LaRusch, APTA's chief counsel and vice president corporate affairs, at (202) 496-4808 or jlarsch@apta.com.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael P. Melaniphy". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael P. Melaniphy
President & CEO

MPM/jpl:jr