



October 20, 2014

Docket Operations
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
M-30 West Building, Ground Floor
Room 12-140
Washington, DC 20590-0001

RE: Docket No. FTA–2014–0009

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) Notice of Request for Comments on Updates to National Transit Database (NTD) Safety Information Collection, published August 21, 2014 at 79 FR 49557.

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.

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 as 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.”

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Any Changes to Safety Reporting Should be Delayed

Changes to the established reporting criteria presuppose the result of safety rulemaking activities not yet initiated. FTA should defer establishing new or changed reporting criteria until the conclusion of the substantive rulemaking to ensure that effort is not driven by reporting requirements.

The Definition of Event Must be Clarified

While FTA has attempted to provide clarity, the proposed definition of a reportable ‘event’ is still problematic. FTA should explain its intent since the proposed definition includes planned events and the key phrase in the definition refers to events “that are required to be reported to the NTD.” The threshold for reporting is the single most important piece of this reporting requirement. FTA should reissue this request for comments proposing a concrete definition of reportable events, including what planned events might be reportable.

The Change in Location Criteria is Positive and Helpful

We applaud FTA’s update of NTD location criteria to exclude events at bus stops that have no other nexus to transit.

Geographic Location Data is Unnecessary

We disagree with FTA’s conclusion that reporting longitude and latitude data for ‘events’ is required by the Office of Management and Budget’s (OMBs) Open Data Policy. That level of detail is neither required by the Policy nor of value to the public at large. We remind FTA that data it collects is not protected from discovery or introduction into evidence to any degree, a situation far different from other DOT Administrations tasked with safety oversight. The only members of the public likely to benefit from this proposal would be the plaintiffs’ bar, facilitating dubious claims that detract from agency missions. FTA should remove this proposed requirement.

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,



Michael P. Melaniphy
President & CEO