



January 13, 2014

U.S. Department of Transportation
Docket Management Facility
Room W12-140
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

RE: Docket No. FTA-2013-0023

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 Highway Administration's (FHWA) request for comments on Congestion Mitigation and Air Quality (CMAQ) Improvement Program Interim Guidance, published November 12, 2013 at 78 FR 67442.

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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General Comments:

Eligible Activities – Transit Improvements

- Access to transit facilities (pedestrian/bicycle and ADA) is a key factor in improving ridership so we recommend inclusion of these improvements in the eligible activities in the facilities section.
- Further, CMAQ eligibility should be modified to allow CMAQ funding for significant capital improvements to transit stations. Station improvement projects in old transit systems are more similar to a highway widening project than a highway repaving or reconstruction project. For example, station improvement projects often include widening or adding new stairs, reconfiguring fare control areas, removing obstructions, rehabilitating or replacing platforms, improving accessibility, replacing or rehabilitating platforms, installing elevators to comply with the ADA, new lighting and signage. These stations improvements address transit station capacity and crowding issues in order to retain existing and attract new riders to transit systems.

Annual Reports

- The guidance states that benefits should be reported the first time a project is entered into the system but projects may extend across a number of years. Clarification is needed in reporting of multi-year projects in regards to cost-effectiveness, performance measurement and selection processes.

Performance Plans

- FTA is encouraged to coordinate the Performance Plan requirements with the other performance measurement requirements of MAP-21 in the upcoming statewide and metropolitan transportation planning rule. Target setting requirements should recognize the unique characteristics of states and metropolitan regions and also recognize changes that can occur due to modeling software updates.

Operating Assistance

- MAP-21 intended to expand CMAQ eligibility for operating assistance. US DOT has established, through policy guidance implementing MAP-21, a five-year time period in which transit agencies may use of three years' worth of CMAQ funds for operating assistance.
- These arbitrary limits on both funding amount and length of eligibility should be eliminated. Public transportation projects that continue to meet the substantive eligibility standard of the CMAQ program (i.e., they contribute to the attainment or maintenance of national ambient air quality standards) should be able to continue to use CMAQ funds.
- Funding the operation of a transit system is not analogous to the one-time costs of constructing a highway. Therefore, US DOT's reliance on the Federal-aid highway program's traditional, time-limited role in funding highway construction is misplaced here and does not justify limiting CMAQ eligibility for public transportation service that continues to be good for air quality.

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We appreciate the opportunity to assist FHWA 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:rw