



August 18, 2009

U.S. Department of Transportation  
Docket Operations  
West Building Ground Floor  
Room W12-140  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**RE:** Federal Transit Administration Docket Number FTA-2009-0036

Dear Docket Clerk:

On behalf of the over 1,500 member organizations of the American Public Transportation Association (APTA), I write to provide comment on the Federal Transit Administration's (FTA) Notice concerning Additional Proposed Guidance for New Starts/ Small Starts Policies and Procedures, published July 29 at 74 FR 37760.

#### ***About APTA***

APTA is a non-profit international trade association of almost 1,500 public and private member organizations, including transit systems; 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 Comment**

We applaud FTA's continuing efforts to streamline and simplify policies and procedures for the new starts and small starts program. The proposals in the draft guidance are significant steps in that effort. We believe FTA's continuous dialogue with the industry and willingness to adjust the program as evidenced in this proposal will prove to strengthen the program and support more efficient use of public funds.

#### **Proposed Policy Changes**

##### *Local Financial Commitment Rating*

FTA proposes to eliminate the policy of considering the degree to which a project employs innovative contractual agreements in the evaluation and rating of the operating financial plan under

the local financial commitment criterion. We support FTA this change and agree with FTA that the type of contracting arrangement used or considered by a project sponsor is not useful or appropriate in determining the strength of the overall project.

#### *New Starts and Small Starts Other Factors Criterion*

FTA proposes to no longer call out congestion management strategies with automobile pricing schemes in particular, the contents of a “make-the-case” document, and reliability of information provided on costs and travel forecasts as items it will formally and explicitly rate as “other” factors. We support FTA decisions to allow project sponsors to voluntarily submit information on these items but not require project sponsors to the information.

#### *New Starts Project Planning Horizon Year*

FTA proposes to allow project sponsors to submit information consistent with the Metropolitan Planning Organization’s adopted planning horizon year, whether it is 2030 or 2035. APTA supports this proposal but believes FTA should allow project sponsors to use the officially adopted planning horizon year, giving flexibility on the date of the adopted year.

### **Clarification of Existing Policies**

#### *New and Small Starts Documentation of Uncertainties*

We agree with FTA’s determination to not implement the 2008 policy that would require prediction of capital cost and project ridership for the locally preferred alternative to be expressed as ranges. We believe that this provision, if implemented, would add unnecessary additional time and cost to projects. We believe it is duplicative of other processes in place and recommend that FTA rescind the provision altogether.

#### *Alternate Ridership and Transportation System User Benefits Estimation Methods for New Starts and Small Starts*

APTA appreciates the FTA clarification that regional travel forecasting models are not always required for new or small predictions of ridership and transportation system user benefit estimates. APTA would like to work with FTA to compile data- driven analytical forecasting techniques to estimate ridership and user benefits. This would help simplify the process.

### **Change to Internal FTA Practice**

FTA proposes to expand the activities covered by automatic pre-award authority at the completion of the National Environmental Policy Act (NEPA) and /or circumstances under which

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FTA will issue Letters of No Prejudice. APTA supports this proposed change of internal FTA practice to include procurement of items that take long lead time or which market conditions play a significant role in the acquisition price.

As always, we appreciate this opportunity to work with FTA on this important aspect of transit policy. For additional information, please contact James LaRusch of my staff at (202)496-4808 or [jlarusch@apta.com](mailto:jlarusch@apta.com).

Sincerely yours,

William W. Millar  
President

WWM/rk

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