



May 13, 2011

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

RE: Docket No. FTA-2011-0015

Dear Docket Clerk:

On behalf of the 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 Bus Testing; Calculation of Average Passenger Weight and Test Vehicle Weight, published March 14, 2011, at 76 FR 13580.

About APTA

APTA is a non-profit international trade association of 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

As a practical matter, FTA must adjust the average passenger sizes to maintain the long-term validity of its bus testing program. We believe, however, that FTA's implementation schedule should be balanced with the downstream consequences of these adjustments. Moreover, FTA must ensure that the values selected are sufficient to maintain consistency in the testing program for an extended period to avoid multiplication of those downstream consequences.

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Current Bus Designs

FTA's implementation schedule must be tempered by the fact that buses produced today are safe and reliable under actual conditions. We know of no instance where buses have failed to meet FTA's minimum useful life standards based on design failures. Those instances where buses have failed to meet the established minimum useful life standards appear to stem from maintenance issues or extraordinary driving conditions unrelated to passenger loads.

Public transportation agencies are experiencing intense budgetary pressures. While the nation's economy is beginning its long recovery, local operating budgets are depressed by lingering drops in sales tax and other funding mechanisms relied upon by those agencies. Concurrently, skyrocketing gasoline prices are pushing ridership increases. Implementation must be sufficiently deferred to avoid adding the costs of design changes and other downstream consequences of the proposed testing changes.

Implementation Concerns

The most likely impact of the proposed changes appears to be a reduction in advertised passenger capacities. While buses operated under the crush loads described in the NPRM will continue to be safe and reliable, these passenger capacity reductions may lead some agencies to impose passenger limitations and exacerbate issues of "leaving passengers at the [bus] stop" recognized by FTA in this NPRM.

The longer term impacts are likely to include the sort of engineering changes FTA envisioned in this rulemaking such as changes to tires, wheels, axles, and other structural and operational components. Economically addressing these design changes is necessarily time consuming. Designs must be integrated with networks of suppliers, secondary impacts of those design changes must be calculated and accounted for, supply contracts must be amended and production lines updated. Implementation within one year of a final rule does not allow sufficient time to reasonably and economically address these issues.

These long term impacts will most certainly lead to additional burdens on public transportation providers. The initial cost of buses is likely to increase. The weight of enhanced components will increase the overall weight of buses and invariably depress fuel economy (and increase emissions). These economic impacts on transit agencies' capital and operating budgets are best deferred while the economy and agency budgets continue to recover.

Proposed Implementation

We believe implementation of these changes should be spread over a five year period. Five years would allow delivery of buses under existing contracts without the need to renegotiate contracts, disrupt agencies' long term budgets, or disrupt existing supply chain contracts. The public transportation industry is in a far too precarious a position, with depressed revenues, increasing demands, and authorization of the federal program long overdue, to hurry implementation.

Docket Management Facility

May 13, 2011

Page 3

We appreciate the opportunity to assist DOT 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 "William Millar". The signature is fluid and cursive, with a prominent initial "W" and a long, sweeping tail.

William Millar
President

WM/jpl