



November 22, 2010

Mr. Timothy Trainor
Chief, Geography Division
U.S. Census Bureau
Washington, DC 20233-7400.

RE: Docket Number 100701026-0260-02

Dear Mr. Trainor:

On behalf of the more than 1,500 member organizations of the American Public Transportation Association (APTA), I write to provide comments on the U.S. Census Bureau's (Bureau) Proposed Urban Area Criteria for the 2010 Census (Notice), published August 24, 2010, at 75 FR 52174.

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

In its Notice, the Bureau has proposed to split large urban agglomerations where populations exceed 1,000,000 and considers whether that threshold should be set at 500,000 or 250,000. As explained below, we believe the bureau should instead adopt a threshold of 200,000.

The *Federal Transit Act*, codified at Title 49, United States Code, Chapter 53, includes a number of funding formulas on a threshold of 200,000. Additionally, those communities under 200,000 enjoy greater flexibility in their use of federal funds, including authority to use a portion of their federal funding for operating expenses – a vital aspect of public transportation in many small communities and one that is particularly important during the current economic crisis. Not dividing agglomerations of up to 1,000,000 threatens to disrupt the funding patterns of small transit authorities throughout the nation.

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The *Federal Transit Act* provisions affected include:

- 49 USC 5336(a)(1) Urbanized Area Formula program funds for urbanized areas with populations less than 200,000 persons which uses urbanized area population and density data;
- 49 USC 5336(c)(1)(A) Urbanized Area Formula program funds for urbanized areas with populations of 1,000,000 persons or more which uses urbanized area population and density data;
- 49 USC 5336(c)(1)(B) Urbanized Area Formula program funds for urbanized areas with populations of 200,000 to 999,999 persons which uses urbanized area population and density data;
- 49 USC 5336(j) Small Transit Intensive Cities program formula funds for small transit intensive cities in urbanized areas with populations less than 200,000 persons which uses urbanized area population data;
- 49 USC 5311 Outside of Urbanized Areas formula funds for places outside of urbanized areas which uses urbanized area population and land area data;
- 49 USC 5309(d) Metropolitan Area Planning funds are apportioned among the states using urbanized area population data and urbanized area population data are a consideration of apportionment of funds to Metropolitan Planning Organizations within each state;
- 49 USC 5305(e) State Planning and Research funds are apportioned among the states using urbanized area population data; and
- 49 USC 5340 Growing States and High Density States formula funds for urbanized areas and places outside of urbanized areas apportionments which use urbanized area population data.

Additionally, several programs categorize funding recipients by urbanized area size. Urbanized area data for those program provisions are not used in the apportionment of funds to individual urbanized areas but are used to determine the amount of funds to groups of urbanized areas and to determine which provisions of the funding program apply to recipients in specific urbanized areas. Those programs and the urbanized area data they use are:

- 49 USC 5336(b)(2)(A)(ii) provides that commuter railroads in urbanized areas with populations of 750,000 or more receive a minimum apportionment percentage which uses urbanized area population data;
- 49 USC 5303(j) identifies urbanized areas of 200,000 or more to be Transportation Management Areas which uses urbanized area population data;
- 49 USC 5307(b)(1)(D) and 49 USC 5307(b)(1)(E) allow additional eligible uses for Urbanized Area Formula funds apportioned urbanized area below a specific population sizes;
- 49 USC 5307(d)(1)(K) requires urbanized areas with populations of 200,000 or more to spend a minimum amount of their Urbanized Area Formula program apportionment on a specific use;
- 40 USC 5311(c)(3) apportions funds for Public Transportation on Indian Reservations program among states based on land area and populations outside of urbanized areas;

- 49 USC 5316 apportions funds for Job Access and Reverse Commute program among states in groupings of urbanized areas with populations of 200,000 or more and less than 200,000;
- 49 USC 5317 apportions funds for the New Freedom program among states in groupings of urbanized areas with populations of 200,000 or more and less than 200,000; and

We urge the Bureau to consider the downstream consequences of not splitting agglomerations in excess of 200,000 as it finalizes its urban area criteria.

We appreciate the opportunity to assist the Bureau 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 cursive script, appearing to read "William Millar".

William Millar
President

WM/rk