



January 31, 2013

The Honorable Peter M. Rogoff
Administrator
Federal Transit Administration
1200 New Jersey Avenue SE
E46-312
Washington, DC 20590

Dear Administrator Rogoff:

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's (FTA) efforts to craft a comprehensive State of Good Repair (SGR) program and the parameters of a strong Transit Asset Management (TAM) plan.

About APTA

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

We commend FTA on its extensive outreach on these fundamental components of MAP-21. Our members have found the National Online Dialogue, informational webinars, and pilot efforts to be informative. We encourage FTA to continue its outreach to agencies through future webinars, video conferences and in-person knowledge exchanges.

However, even with this dialogue we remain concerned about the implementation dates outlined in MAP-21. As an example, twelve months is insufficient time for the Secretary to issue a final rule establishing performance measures based on state of good repair standards. Moreover, establishing targets within three months of defining the measures themselves is not reasonably attainable. Finally, the production of annual performance reports will greatly challenge the staffing capabilities and capacity of FTA grantees. By comparison, FHWA has been allotted eighteen months to define performance measures, with their state DOT grantees afforded one year to set targets. FHWA grantees will not file the first biennial performance reports until four years after the passage of MAP-21. We encourage FTA to seek extensions that provide equal time between highway and transit legislative provisions and not to sacrifice quality in favor of these extremely burdensome time frames.

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Specific Issues

Defining SGR

We believe the definition of SGR should be simple and short, so that it is easily understood and able to be applied to the full breadth of FTA grant recipients, from large and urban to small and rural, as well as old, medium, and new systems. It is also essential that safety terminology be excluded from any SGR definition and measures. The state of an asset is linked to safety, but does not determine if an asset can operate safely.

The definition of SGR and the elements of a sound TAM plan are the subjects of two APTA standards projects that have been underway since January 2012. Each of those project working groups is expected to produce and release a draft definition in the near term that we believe will provide comprehensive, consensus based answers to these questions. Each working group includes FTA personnel, as well as a cross section of industry and related interests. The standards will be subjected to a public review process before they are finalized but we expect these drafts to be essentially final given the level of interest and input.

Moreover, the working groups are monitoring the FTA-sponsored dialogue and will review their work in light of comments posted there as well. We encourage FTA to look to these draft standards as the basis for notice and comment to take advantage of the lengthy, inclusive process used to create them.

The Elements of a Transit Asset Management Plan

As noted above, our FTA-supported standards working groups will soon release a consensus-based standard that will define the elements of a sound TAM plan. Like the SGR work, we believe this document will easily form the basis for FTA's notice and comment and encourage FTA to take advantage of this extensive work.

Inventory and Conditions Reporting

We support FTA's efforts to clearly demonstrate the benefit of public investment has on the condition of transit assets however, the NTD pilot project demonstrated that collecting asset condition data can be onerous, even for very sophisticated, sound transit agencies. We recommend FTA phase in any request for asset condition data starting with the most critical and significant portion of assets (e.g., vehicles). The NTD pilot project clearly showed that additional testing is necessary before any increase in reporting requirements be implemented.

Aligning TAM Plans with FTA Requirements and Required Revisions of TAM Plans

We believe it is premature to establish how a TAM plan will meet the ultimate requirements, or what might trigger a required revision, since those requirements have yet to be defined. We encourage FTA to adopt an iterative process, reopening the National Dialogue and

other outreach efforts once the requirements are fully defined. We believe the definitions will go far in answering both questions and that the subsequent outreach can be accomplished quickly and efficiently. Given the rulemaking requirements of MAP-21 we recommend FTA adopt a phased rulemaking approach similar to FHWA's three phased approach to defining performance measures.

The Value of TAM Plan Requirements Tailored to Agency Size

Given that transit agencies have a wide range of capital needs, resources and system complexity, a single TAM plan requirement could prevent agencies from developing an asset management approach that is most appropriate for their unique set of circumstances. Therefore, FTA requirements should be written to encourage common asset management principles but, be flexible in nature to allow agencies to augment current practices and promote future maturation.

Technical Assistance Needs of the Industry

FTA should facilitate the sharing of tools across the industry, including the TAM guide under development, as well as the results of the National Transit Database (NTD) asset management pilots. As TAM plan requirements are defined, these tools can be likewise tailored to optimize the value across the industry but, to help ensure the ultimate success of the program, we encourage FTA to provide these resources as quickly as possible, even if they are still in draft form.

FTA should modernize TEAM and TERM to address and incorporate new performance and reporting requirements and to avoid duplicative reporting where ever possible.

As the TAM process is new for the industry as a whole, FTA should remain cognizant of the need for clear guidelines on how auditors should be rating each agency. Unclear guidelines may complicate and lengthen the audit process.

FTA staff should be trained on transit asset management in general to ensure a consistent application of the law across multiple regions. Given FHWA's expansive experience in asset management, we encourage FTA and FHWA to share approaches and apply lessons learned from the implementation of asset management at State DOTs.

Integrating SGR Performance Measures with the Performance-Based Planning Process

SGR performance measures are a component of a performance-based planning process which evaluates agency progress towards strategic goals using performance measures. Therefore, by definition SGR will be integrated into PBPP. However, the SGR measure used for internal agency decision-making may be different than the SGR measure defined by the Secretary.

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We appreciate the opportunity to assist the Administration in crafting these important programs and would be happy to provide any additional information necessary to complete this process. For additional information, please contact James LaRusch, APTA's chief counsel and vice president corporate affairs, at (202) 496-4808.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Melaniphy". The signature is fluid and cursive, with a long, sweeping underline.

Michael P. Melaniphy
President & CEO

MPM/JPL/rk