



March 12, 2010

Deputy Secretary Ron Sims
Department of Housing and Urban Development
Office of Sustainable Housing and Communities
451 7th Street, SW
Room 10180
Washington, DC 20410

RE: Docket Number FR-5396-N-01

Dear Deputy Secretary Sims:

On behalf of the almost 1,500 member organizations of the American Public Transportation Association (APTA), I write to provide comments on the Department of Housing and Urban Development's (HUD) Advance notice and request for comments on the Sustainable Communities Planning Grant Program, published February 10, 2010, at 75 FR 6689.

About APTA

APTA is a non-profit international trade association of almost 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 Comment

APTA applauds HUD and the Administration on its commitment to building sustainable communities and its recognition of the importance of including public transportation in that process.

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HUD Should Consider Transit Agencies Eligible for Funding

The Notice discusses “units of general local government” as entities eligible for funding. This phrase could inadvertently preclude public transportation agencies—often constituted as special purpose government agencies—from participation. We urge HUD to explicitly note the eligibility of public transit agencies under the program without regard to whether they are constituted as general, special purpose, or some other form of government agency.

Additionally, HUD asked “whether there should be a minimum number of member organizations” within an eligible entity. We believe the wide variation in local government organizational structures across the country strongly suggest that a minimum number of member organizations would be an ineffective measure of the breadth or depth of a community’s commitment. HUD should not dictate any minimum number.

The Program Should Recognize and Accept Variations in Planning Processes

APTA recommends that this language be modified to reflect that the Regional Plan for Sustainable Development be “consistent with” (rather than “meet the requirements of”) other planning documents. There are several important policy reasons for this small, but crucial, clarification.

First, the development of long range transportation plans (“LRTPs”) is required as a condition of Federal transportation funding under both Chapter 53, Title 49, United States Code (USC) for public transportation projects and Chapter 1, Title 23, USC, for highway projects. A Regional Plan for Sustainable Development and/or implementation strategy funded by a Sustainable Communities Planning Grant would ideally influence the development and adoption of the relevant LRTPs in a particular urban area but, as a matter of existing federal law, could not substitute for the statutorily mandated MPO planning process. The Sustainable Development Plan would provide guidance for the development of the LRTPs in order to guide the LRTPs toward more integrated, coordinated and sustainable regional planning. Requiring the LRTPs to meet the requirements of the Sustainable Development Plan would unnecessarily layer additional costs on transportation planning processes without concomitant improvement of the final product.

Similarly, transportation plans, under Section 5303, Title 49, USC or Section 134, Title 23, USC, must be fiscally constrained based on anticipated funding resources. Requiring the final product of sustainability grants to “meet” this financial requirement under transportation law may not be achievable, particularly if full funding for on-the-ground implementation is not part of the Sustainable Communities Planning Grant.

HUD should recognize and accept the differences among transportation, housing, and other planning processes and accommodate those differences as it shapes the Sustainable Communities Program. Additionally, performance measures, participants, and even the

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definition of what a region is must remain flexible to account for the substantial differences in local conditions, laws, existing infrastructure, and other factors.

Implementation and Catalytic Projects

APTA supports the implementation portion of the program as a key funding source to promote sustainable communities. We believe that the inclusion of transit must be a key requirement for any plan to qualify as a catalytic project. Concentrating population growth around transit stops enhances the investment already made in public transit, improves housing and transportation affordability, and reduces automobile use, thereby reducing pollution.

The Option of In-Kind Match Should Be Preserved in the Final Program

We appreciate HUD's proposal to allow in-kind contributions to serve as local match for these grants. Public transportation agencies and other likely participants have a great deal of in-house expertise and will doubtlessly contribute extensive staff resources to planning activities supported by this program. Allowing in-kind contributions as local match will ensure cash strapped agencies are not dissuaded from proposing what may well be some of the most promising projects.

As always, we appreciate this opportunity to work with HUD to help outline this very important program, and we look forward to supporting your continued efforts to create sustainable communities. For additional information, please contact Rich Weaver of my staff at (202) 496-4809 or rweaver@apta.com.

Sincerely yours,



William Millar
President

WM/rk