



May 1, 2009

Office of Federal Financial Management  
Office of Management and Budget  
725 17th Street NW, Room 6025  
Washington, DC 20503

ATTN: Ms. Marguerite Pridgen

Dear Ms. Pridgen:

On behalf of the nearly 1,500 member organizations of the American Public Transportation Association (APTA), I write to provide comments on the Office of Management and Budget (OMB) proposed Standard Data Elements for Reports under Section 1512 of the American Recovery and Reinvestment Act (ARRA) of 2009, Public Law 111-5 (Grants, Cooperative Agreements and Loans), announced April 1, 2009, at 77 FR 14824.

### ***About APTA***

APTA is a non-profit international trade association of nearly 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***

While we fully support the goal of transparency in the ARRA program, we believe the data elements calling for narrative descriptions of project purposes, outputs, outcomes, and results (Item ARRA-2-02), employment impacts (Item ARRA-2-04), and contributions to ARRA purposes (Item ARRA-2-06) would prove overly burdensome on public transportation agencies performing under multiple grants and the contractors that provide supplies and services to those agencies while providing data that cannot be collated, compiled, or compared in any objective manner.

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We suggest instead that recipient public agencies be allowed to choose from among a list of general, pre-drafted purposes to satisfy ARRA-2-02. These general purposes could easily be drafted by the federal agencies administering grants, saving hundreds of grant recipients thousands of hours of paperwork while assuring greater consistency in the data .

To satisfy ARRA-2-04, we believe federal agencies should instead be directed to compile sound, defensible studies to identify the jobs created or maintained as result of typical activities in their industries. As an example, this would allow a public transportation agency to report the purchase of a 40' hybrid bus and, through a calculation approved at the US Department of Transportation's Federal Transit Administration, easily result in consistent reporting of the jobs impact throughout the manufacturing community. This would account for jobs created at the hundreds of small businesses providing specialized parts and services necessary to build a bus, many of which would not be captured otherwise. It would be consistent and not subject to the vagaries of interpretation by hundreds or thousands of vendors. Finally, it would free businesses, small and large, of the substantial burden of determining specific impacts on a contract by contract basis.

We suggest ARRA-2-06 could be satisfied by directing federal agencies to simply allow grantees to select from among the five purposes described in the instructions. There is no need to require or even allow narrative comments beyond those five stated objectives.

### *Specific Issues*

#### Item ARRA-1-03

The parenthetical "Federal Share of Expenditures" appears inconsistent with the description of data described in the instructions. The instructions describe a measurement of "cash out" to compare to the "cash in" measure in Item ARRA-1-02. Since all of the expenditures described are of federal funds, there is no federal or local share to report.

#### Section 3

We believe the \$25,000 threshold is unduly burdensome, particularly as applied to small government agencies and contractors at various levels. This threshold is less than the federal government's small acquisition threshold and the reporting triggers for the vast majority of statutory oversight programs, including lobbying disclosure under 31 USC 3152, contract work hours and safety standards under 40 USC 3701, et seq., and the Copeland Act under 18 USC 874. Many of the small businesses and other entities likely to be identified as sub-recipients under this approach have not registered in the Central Contractor Registration system and to do so would require significant expenditures to have counsel review the certifications and assurances required. Many may well not be able to economically participate and this reporting requirement would thus make the program less effective. We believe these ill effects can be avoided without loss of program transparency by raising the threshold.

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We appreciate the opportunity to assist OMB in its efforts to improve the efficiency and transparency, as well as the public confidence in, the federal recovery process. For additional information, please contact James LaRusch of my staff at 202-496-4808 or [jarusch@apta.com](mailto:jarusch@apta.com).

Sincerely,

A handwritten signature in black ink that reads "William W. Millar". The signature is written in a cursive style with a large, sweeping initial "W".

William W. Millar  
President

WWM/rk