



October 29, 2013

U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Docket Operations, M-30  
West Building Ground Floor  
Room W12-140  
Washington, DC 20590-0001

**RE: Docket No. FHWA-2013-0022**

Dear Docket Clerk:

On behalf of the more than 1,500 member organizations of the American Public Transportation Association (APTA), I write to provide comments on the Notice of Proposed Rulemaking (NPRM), jointly issued by the Federal Highway, Transit, and Railroad Administrations, concerning Surface Transportation Project Delivery Program Application Requirements, which was published on August 30, 2013, at 78 FR 53712.

*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.

APTA speaks for its members. Its Board of Directors reiterated that fact on March 9, 2013, when it adopted the following statement: “While APTA encourages its members to provide specific examples or impacts in support of the association's positions, APTA crafts its comments to represent those of all APTA members. The association goes to great lengths to ensure its regulatory comments represent the consensus views of our members. Every APTA member has the opportunity to review drafts, participate in discussions, and assist in crafting those consensus comments. In short, we speak with a single voice and, when the rare instance occurs that we cannot reach consensus, we do not speak at all. APTA's comments are those of our more than 1,500 members. This consensus-based method of crafting regulatory comments is a factor underlying APTA's selection as one of Washington's most trusted brands in a broad survey conducted by the National Journal and we encourage all federal agencies to recognize the representative nature of the association's regulatory comments.”

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Assignment of environmental responsibilities under MAP-21 section 1313 is limited to states and the agencies have recognized as much in draft section 773.103. While public transportation agencies, metropolitan planning organizations, councils of governments, and other entities that deliver transit projects are not eligible for this assignment, the statute does specifically authorize them, as recipients of 49 USC Chapter 53 funding, to request US DOT maintain otherwise delegable responsibilities for public transportation projects.

This statutory opportunity to object to assignment should be given maximum effect. States proposing to assume responsibility for environmental actions related to public transportation projects should be required to solicit the views of affected public transportation project sponsors and to include those views in application packets. Moreover, the Secretary should give those views considerable weight and deference by providing public transportation project sponsors an opportunity to opt out of the States' delegations on a project or programmatic basis.

Finally, when public transportation projects are excluded from an assignment to a State, that exclusion should clearly and unambiguously be included in assignment documents.

We appreciate the opportunity to assist the agencies in this important rulemaking. For additional information, please contact James LaRusch, APTA's chief counsel and vice president corporate affairs, at (202) 496-4808 or [jlarsch@apta.com](mailto:jlarsch@apta.com).

Sincerely yours,



Michael P. Melaniphy  
President & CEO

MPM/jpl

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