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PUBLIC  
TRANSPORTATION  
ASSOCIATION**

March 5, 2021

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Acting Administrator Nuria Fernandez  
Federal Transit Administration  
United States Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Acting Administrator Fernandez,

On behalf of America's public transportation industry, which directly employs more than 435,000 workers and supports millions of private-sector jobs, I write to urge you to rescind the changes to the risk assessment process of the Capital Investment Grants (CIG) Program instituted by the prior Administration on June 29, 2018.

We applaud your recent action to rescind the June 29, 2018 CIG Dear Colleague letter. Since 2018, the American Public Transportation Association (APTA) has expressed deep concern with the policy changes outlined in the Dear Colleague letter and we appreciate you eliminating the uncertainty concerning standards for Federal Transit Administration (FTA) review caused by the letter.

At the time FTA issued its 2018 Dear Colleague, it also separately changed the risk assessment process of CIG projects through a set of Questions and Answers on FTA's website. A Risk Assessment Fact Sheet with the changes was subsequently circulated to project sponsors. The changes included: (1) conducting the risk assessment prior to entry into the engineering phase; and (2) increasing the cost probability threshold from 50 percent to 65 percent. [See FTA Fact Sheet: Updated Risk Assessment Process for Capital Investment Grants Projects, dated July 2018.](#)

Although FTA described these changes to the risk assessment process as "improvements" to the program, they never discussed them with APTA or our project sponsors in advance of making these significant changes to the CIG program. Moreover, current law requires FTA to issue policy guidance each time significant changes are made to the CIG process and criteria. *See 49 U.S.C. 5309(g)(5)*. Despite this statutory requirement, FTA did not issue new CIG policy guidance reflecting these changes.

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**PRESIDENT AND CEO**

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Acting Administrator Nuria Fernandez

March 5, 2021

Page 2

Most importantly, these changes resulted in unnecessary delays and increased costs to project sponsors. This one-size-fits-all approach for the timing of the CIG risk assessment is not suitable for the broad variety of projects in the program. Allowing the project sponsor to request a risk assessment in the project development or engineering phase, at the sponsor's discretion and with assistance from FTA, would help balance the differing needs of project sponsors. In addition, the increase to the probability threshold did not appropriately weigh the cost to project sponsors of complying with the new threshold.

We strongly urge you to rescind the June 2018 changes to the CIG risk assessment process to ensure that important transit capital projects are not unnecessarily delayed. We are grateful for your commitment to public transportation and your partnership with APTA.

Thank you for your consideration.

Sincerely,



Paul P. Skoutelas  
President and CEO