



August 22, 2016

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

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Richard A. White

**RE: FHWA-2013-0054**

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 Federal Highway Administration (FHWA) Supplemental advance notice of proposed rulemaking (NPRM) and request for comments on its National Performance Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program, published on April 22, 2016 at 81 FR 23806.

**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.

**General Comments**

We appreciate the performance-based planning approach promoted in both MAP-21 and the Fixing America's Surface Transportation Act (FAST). However, the proposed rule presents measures and other Congestion Mitigation and Air Quality Improvement (CMAQ) program revisions that are not in line with the goals, direction, policy outcomes, or multi-modal strategies upon which federal transportation programs are established. These measures and revisions would ultimately discount transit's role in congestion reduction efforts and discourage transit's participation in them altogether.

**Proposed Congestion Measure**

With its emphasis on vehicle-throughput rather than person-throughput, the proposed performance measure for traffic congestion under CMAQ fails to account for the efficiencies that a multi-modal transportation system provides in moving greater numbers

of individuals and mitigating congestion. While the proposed measure applies to the National Highway System (NHS) in applicable areas, transit operators run service along the NHS ranging from suburban commuter to local buses. Counting a bus that can transport 30 or more passengers the same as a single-occupant vehicle (SOV) fails to acknowledge the number of vehicles that the transit service displaced from the roadway. The proposed measure would instead encourage greater SOV use by incentivizing faster travel speeds to move more vehicles through the NHS.

This would, ultimately, run counter to the goals of the CMAQ program and FHWA's logic in proposing this measure. While a vehicle-throughput measure purports to reduce congestion by incentivizing faster automotive speeds, a person-throughput measure would ultimately lead to air quality improvements by reducing the number of automotive vehicle miles traveled (VMTs) traveled and congestion reduction by freeing space on the roadway for other users. This approach would better allow traffic to flow more evenly and consistently along NHS roads at designed speeds.

As a result, we ask FHWA, in its revisions of the calculation methods, to consider the measures proposed by Mountainland Association of Governments, Utah Department of Transportation, Utah Transit Authority, and Wasatch Front Regional Council in their joint comments to the Federal Docket. APTA believes that allowing Metropolitan Planning Organizations (MPOs), transit agencies, and state Department of Transportations (DOTs) to move beyond volume-to-capacity ratios will help them better address issues related to travel patterns that lead to congestion:

- Vehicle trip rate per household
- Transportation efficiency based on distance
- Miles traveled per employee
- Vanpool passenger mileage
- Number of employment locations reachable during rush hour within the travel time of the average commute
- Average home to work commute time
- Number of households able to reach businesses during off-peak hours within a reasonable time, or time required to go from place to place

We otherwise ask that states and MPOs with average vehicle occupancy data for private vehicles and transit buses that travel through their sections of the NHS, along with average pedestrian and bicycle counts on these sections, to include these figures in their estimate of the number of individuals traveling on the NHS.

### **CMAQ Program Modifications**

APTA asks for FHWA to not modify the CMAQ program so transit agencies have to participate in a similar cost/benefit analysis with complicated methods to receive CMAQ funding. Setting targets in CMAQ for transit will make it difficult for agencies to provide services that ultimately improve air quality by reducing regional VMTs and their associated emissions. We support the current system that allows for a qualitative rather than quantitative description of the benefits that transit provides in addressing regional air quality issues and with being in attainment. Additionally, we ask that transit projects are not dissuaded from CMAQ if these projects are involved in State and regional targets.

## Accessibility Measure

We support the position for FHWA to identify a timeline for concluding its internal research to develop and test a national accessibility performance measure in the final rule. We propose that U.S. DOT implement this measure no later than January 1, 2019. In developing this measure, we recommend that states and MPOs measure multimodal access to essential destinations, setting targets by mode and geography (e.g. Transportation Analysis Zones from regional models). Such targets might include better non-auto access to jobs, education, and health care.

In the interim, before the accessibility performance measure is finalized, we recommend that U.S. DOT provide guidance in the final rule for states, MPOs and cities to voluntarily adopt a multimodal performance measure.

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

Sincerely yours,



Richard A. White  
Acting President & CEO

RAW/jpl;jr