



AMERICAN  
PUBLIC  
TRANSPORTATION  
ASSOCIATION

April 29, 2016

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

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Michael P. Melaniphy

**RE: Docket No. FTA-2015-0030**

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 Transit Administration's (FTA) Notice of Proposed Rulemaking (NPRM) and request for comments on its Award Management Requirements: Proposed Circular, published on February 29, 2016 at 81 FR 10358.

**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.

**General Comments**

While we generally support the updates to the circular as proposed, there are some very specific areas, explained below, that we believe FTA must amend to ensure the circular serves its intended purpose without imposing new, onerous requirements on grantees.

The definition of Capital Asset must be amended to avoid unintended consequences. This definition will necessarily be read in conjunction with the Transit Asset Management regulation and National Transit Database reporting requirements now in draft, as well as the maintenance plans discussed in this proposed circular. This definition will be a key to reporting and management requirements for all public

transportation agencies and must be defined in a way that will not cause those agencies to track mundane, non-essential assets such as trash dumpsters. We reiterate our earlier comments on this topic, that no individual asset with an initial value below \$50,000 should be deemed capital for FTA purposes, or tracked as a unit of equipment.

The treatment of remanufactured buses should not be changed via this or any circular. FTA's proposal to require remanufactured buses to meet all requirements for new bus models would prove devastating to a significant segment of the public transportation community. Many small properties that are unable to obtain new buses rely on remanufactured equipment to keep up with service demands in an affordable manner. The equipment is available at greatly reduced prices, has proven reliable over many years, and provides value to the communities served. Application of full new bus rules to this limited, specialized market would effectively shut it down.

The definition of repowering should be expanded to include replacement with a similar technology.

The award management process should be streamlined, particularly with the debut of FTA's new award management software. ALIs should be generalized to avoid the granularity now demanded of grant applicants, ease the burden on those applicants, and return the concept of a grant application providing a 'general understanding of the project.'

FTA should clarify its draft language in Chapter II (page I-10, the chapter pages seem to have inadvertently been numbered "I" rather than "II") that grantees are obligated to obtain approvals and waivers prior to incurring costs. The draft should explicitly recognize the special circumstances of pre-award authority.

In the discussion of Disadvantaged Business Enterprise requirements, the requirement to report rolling stock contract awards should be limited to revenue vehicles, as well as limiting reporting requirements to those awards made with Federal participation. The apparently new requirement to report on the exercise of options or 'piggybacking' should not be added to the final text unless and until 49 CFR Part 26 is amended to add such a requirement. FTA should work with the industry to provide guidance for purchases of equipment other than rolling stock from Transit Vehicle Manufacturers.

Chapter III discusses, among other topics, real property acquisition. The requirements in that section should be limited to FTA-funded acquisitions.

FTA has asked for input on spare ratios to address emerging technology such as zero emission technology buses. We believe this circular is the appropriate place for such guidance and note that spare ratios in general have been a topic of great concern for many years. Our comments on DOT's Regulatory Review of Existing DOT Regulations, filed April 1, 2011, urged FTA to update its antiquated spare ratio rules to exempt the smallest (under 50 buses) agencies altogether, to allow up to 25% for agencies up to 250 buses (and greater percentages where warranted by individual circumstances), and to remove small and advanced technology vehicles from the spare ratio calculation. This would be consistent with industry's long discussions with FTA, as well as TCRP Synthesis 109, System-Specific Spare ratio Bus Update

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We appreciate the opportunity to assist FTA 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 [jlarsch@apta.com](mailto:jlarsch@apta.com).

Sincerely yours,

A handwritten signature in black ink that reads "Richard A. White". The signature is written in a cursive, flowing style.

Richard A. White  
Acting President & CEO

RAW/jpl:jr