



August 24, 2015

U.S. Department of Transportation,  
1200 New Jersey Avenue, S.E.  
West Building, Ground Floor, Room W12-140  
Washington, DC 20590-0001

**RE: Docket No. FTA-2005-0019**

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 (FTA) request for comments on the notice of proposed rulemaking (NPRM) Bus Testing: Establishment of Performance Standards, a Bus Model Scoring System, a Pass/Fail Standard and other Program Updates, published on June 23, 2015 at 80 FR 36112.

**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**

The overall proposal is sound, tied to existing industry standards, and is a logical extension of the existing bus testing regimen. We offer minor comments to assist FTA in further strengthening the system and creating value for FTA grantees.

We are concerned that, without further analysis, a grantee could be tempted to choose one model over another based solely on final scores, notwithstanding that small changes within a tested model, variations to suit a particular operating environment, or improvements after testing could have a significant impact beyond the test score. We believe FTA should caution against relying solely on overall test scores in the procurement process and instead motivating grantees to use those scores within a broad analysis in selecting the best solution for their agency.

*Executive Committee*

*Chair*  
*Phillip A. Washington*

*Vice Chair*  
*Valarie J. McCall*

*Secretary-Treasurer*  
*Doran J. Barnes*

*Immediate Past Chair*  
*Peter Varga*

*Members-at-Large*  
*Michael A. Allegra*  
*Christopher P. Boylan*  
*Nathaniel P. Ford Sr.*  
*Huelon A. Harrison*  
*Angela Iannuzziello*  
*Paul C. Jablonski*  
*Jeanne Krieg*  
*Donna P. McNamee*  
*Rosa Navejar*  
*Keith T. Parker*  
*Thomas F. Prendergast*  
*Michael A. Sanders*  
*Patrick J. Scully*  
*Carl G. Sedoryk*

*President & CEO*  
*Michael P. Melaniphy*

We are concerned that FTA appears to be extending its Buy America requirements, not applicable to private property in which there is no federal interest, to buses submitted for testing. Many bus manufacturers prefer to construct test vehicles separate from their production facilities since these vehicles are, by nature, pre-production. We point to the language of the Buy America provisions and strongly encourage FTA to remove any US content and production provisions from this rulemaking.

FTA asked for comment on testing of remanufactured buses marketed to new owners. We have noted some issues within the trucking industry related to remanufactured equipment that could compromise safety and reliability of vehicles. We believe the best way to address these issues would be to provide a strong definition of what constitutes a major change, triggering testing requirements for a remanufactured bus. Under no circumstances should FTA seek to extend testing requirements to buses where owners have elected to overhaul, rebuild, remanufacture, or otherwise modify vehicles already in their inventories, regardless of whether such work is accomplished in-house or by a contractor.

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, appearing to read "Michael P. Melaniphy". The signature is fluid and cursive, with a prominent flourish at the end.

Michael P. Melaniphy  
President & CEO