



October 3, 2014

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue SE.
Washington, D.C. 20590

RE: Docket No. FHWA–2013–0018

Dear Docket Clerk:

On behalf of the more than 1,500 member organizations of the American Public Transportation Association (APTA), I write to request for extension of the comment period on the Federal Highway Administration (FHWA) Notice of Proposed Rulemaking (NPRM) on Congestion Mitigation and Air Quality Improvement (CMAQ) Program, published August 4, 2014 at 79 FR 45146.

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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The Basis for the Proposed Weighting Factor is Unsupported

While MAP-21 requires use of a weighted population, FHWA correctly notes that the statute does not specify a value to be applied. In proposing a factor of 5, FHWA makes unsupported presumptions concerning the relative health risks of particulates, carbon monoxide, and ozone. Setting the factor at 5 appears arbitrary. FHWA has not explained the purpose in adding the weights for carbon monoxide and ozone, let alone more than doubling that weight for particulates. Moreover, the sample calculation provided does not include areas where carbon monoxide levels are at a maintenance measure, or explain application areas with mixed attainment status for the three measures.

As proposed, this weighting could threaten funding of projects that reduce fine particulate matter (PM 2.5) but also provide a broad range of other benefits, such as a new transit service that would reduce emissions from single occupant vehicles. Additionally, the proposal provides no indication of whether such a project would qualify under the set-aside as reducing PM 2.5 or if there is some unstated threshold of benefit required.

We believe FHWA should more fully explain their methodology and intent, and subject those explanations to public review prior to finalizing this action.

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 jlarsch@apta.com.

Sincerely yours,



Michael P. Melaniphy
President & CEO

MPM/jpl