



November 10, 2014

Docket Management Facility  
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. FHWA–2014–0031; FHWA RIN 2125–AF66;  
FTA RIN 2132–AB21**

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), and Federal Transit Administration (FTA) Notice of Proposed Rulemaking (NPRM) on Additional Authorities for Planning and Environmental Linkages, published September 10, 2014 at 79 FR 53673.

### ***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.”

*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*

## GENERAL COMMENTS

We believe the concept of planning and environmental linkages to be sound and helpful in improving and simplifying the overall project development process. These linkages also support the pre-National Environmental Policy Act (NEPA) project development process now that the stand alone Alternatives Analysis process has been eliminated and should help simplify and reduce the NEPA effort. We do have some specific concerns as discussed in the following paragraphs.

## SPECIFIC COMMENTS

The requirement for approval by State, local, and tribal governments and applicable Metropolitan Planning Organizations (MPO's) after a 60-day review requirement (section 450.318) with the possibility of extension for due cause seems excessive and subject to abuse. A shorter 45-day period would seem more reasonable.

Early planning work often cannot resolve every issue surrounding major project decisions and the requirement for explicit or implicit approval (also section 450.318) could prove troublesome. Our experience is that some local jurisdictions may feel that it is in their best interest to raise issues or objections solely to protect their interests in the NEPA process to follow. This could lead to situations in which work and documents are not used merely as a result of minor or even frivolous objections. As an alternative we would suggest a means of noting objections that could be addressed later as part of more detailed NEPA studies.

We appreciate the opportunity to assist FHWA and 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 [jarusch@apta.com](mailto:jarusch@apta.com).

Sincerely yours,



Michael P. Melaniphy  
President & CEO