



AMERICAN
PUBLIC
TRANSPORTATION
ASSOCIATION

May 2, 2016

Docket Operations Facility,
U.S. Department of Transportation,
1200 New Jersey Avenue S.E., W12-140
Washington, DC 20590

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RE: Docket No. FTA-2016-0013

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 Equal Employment Opportunity Program Circular, published on March 3, 2016 at 80 FR 11348.

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 have reviewed the draft circular and offer the following comments.

We strongly object to the new requirements in draft section 2.2.3. Specifically, the draft circular, citing no law or regulation, would require grantees to separate their human resources and Equal Employment Opportunity (EEO) functions. While we understand and agree with the concept of avoiding conflicts of interest, FTA should not attempt to dictate how individual agencies avoid such conflicts. With the simple phrase “[t]his means separating the EEO Officer from human resources officials(s),” FTA would greatly inflate the costs of compliance, especially for its smallest grantees. Grantees have been successfully recognizing and avoiding conflicts of interest in these matters since the last iteration of this circular was issued almost 28 years ago. Agencies typically deal

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with conflicts or the appearance of conflicts by designating senior personnel – often the agency’s General Counsel or General Manager – as the substitute when conflicts arise. We believe this local option is vital, allows for organizational differences, and well serves the intended function without the substantial costs FTA’s draft language would entail. The entire sentence quoted above should be excised from the draft.

In addition, the provisions set out in Section 2.2 Dissemination are far more prescriptive than those included in the current Circular. For example, under the Proposed Circular, (1) the frequency of required meetings to discuss the EEOP and its implementation increases from semiannually to quarterly; (2) applicants are required to conduct “EEO training for all new supervisors and managers within 30 days of their appointment” (evidently, without regard to when individual supervisors or managers actually report to work); and (3) applicants are required to have and maintain sign-in sheets and agendas for meeting during which the EEO policy and its implementation are discussed. These additional requirements appear overly restrictive and pose a potentially significant burden on smaller transit agencies without necessarily providing a more effective means of EEO dissemination than those transit agencies would develop if left to their own initiatives.

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.

Sincerely yours,

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

Richard A. White
Acting President & CEO

RAW/jpl:jr