

January 15, 2016

Honorable Therese McMillian  
Acting Administrator  
Federal Transit Administration  
United States Department of Transportation  
1200 New Jersey Avenue SE  
Washington, DC 20590

Re: Response to Comments on National Transit Database (Docket Number FTA– 2015–0029)

Dear Administrator McMillian:

The American Association of State Highway and Transportation Officials (AASHTO) is pleased to provide comments on the Federal Transit Administration's (FTA) "Response to Comments on National Transit Database" (Docket Number FTA–2015–0029) Notice of Proposed Rulemaking (NPRM) published in the Federal Register on November 18, 2015. Representing all 50 states, the District of Columbia, and Puerto Rico, AASHTO serves as a liaison between state departments of transportation (DOT) and the federal government.

AASHTO agrees that some data should be collected and reported to the National Transit Database (NTD) but recommends that FTA modify its proposal and take a more limited approach. Specifically, AASHTO requests that FTA's approach take into consideration that the funds are apportioned to a designated recipient on behalf of subrecipients and strongly urge FTA to take a program level approach.

AASHTO is concerned about the addition of the Section 5310 program to NTD reporting as well as the increased obligations being placed on the Section 5311 program. We believe it is important that regulations placed on this segment of the industry to be commensurate with its relative contribution. To put the services—and as such, the infrastructure—that these segments contribute in context we note that according to the American Public Transportation Association (APTA)'s Fact Book, "Transit agencies in urbanized areas carried more than 98 percent of all transit passenger trips in 2013, those in rural areas carried about *1½ percent of passenger trips*, and non-profit senior citizen and persons with disabilities transit service providers carried *less than one-half of one percent of all passenger trips*".

Our three primary recommendations, as detailed below include are:

- Approach NTD reporting for the Section 5310 program at the designated recipient, not subrecipient level
- Reduce the level of detail needed for Section 5310 assets
- Reduce the level of detail needed for Section 5311 assets

## **1. Approach NTD reporting for the Section 5310 program at the designated recipient, not subrecipient level**

A particular concern is the proposed collection of data with respect to section 5310. This data should be limited to vehicles providing transit service, preferably those paid for with FTA funds at least in part, and reported at the recipient level, not the subrecipient level. Some state DOTs have one hundred or more Section 5310 subrecipients. An illustrative list includes Arkansas (120), Illinois (225), Wisconsin (101), and California (215). Based on our discussions with State DOTs, many if not most Section 5310 subrecipients are not already subject to NTD reporting. (For example, in California less than 7 percent of Section 5310 subrecipients are also 5311 subrecipients; in South Carolina 12 percent, and in Wisconsin 4 percent. In Arkansas, only one of the 120 Section 5310 subrecipients is a 5311 subrecipient and in Montana none of its 17 Section 5310 subrecipients receives Section 5311 funds.) So, the proposal for 5310 reported data to be at the subrecipient level would truly be new and a new burden. The level of effort needed for the states and FTA to collect, validate and manage data at the subrecipient level is not necessary for the NTD to collect meaningful and useful information.

More importantly, this reporting requirement places additional administrative burdens on our subrecipients. These subrecipients are often not transportation professionals, but non-profit agencies that provide transportation services in support of their core mission of meeting the basic needs of elderly individuals and individuals with disabilities – employment, training, medical care, shopping, community engagement, etc. Overwhelming them with data collection (and validation) may result in many of them leaving the program and a loss of services to the individuals the Section 5310 program is trying to assist. Those subrecipients that remain will find the data collection effort burdensome and difficult to meet, taking time away from their core mission of providing essential services to elderly individuals and individuals with disabilities. For all of these reasons, NTD reporting for the Section 5310 program should be rolled up at and reported as a total for each designated recipient.

## **2. Reduce the level of detail needed for Section 5310 assets**

AASHTO recommends the following data be reported for the Section 5310 program.

**Revenue Vehicles:** Only FTA and/or State DOT (transportation funded) vehicles. For each of these vehicles, the year of manufacture and vehicle type only, not vehicle length or seating capacity. These two pieces of information provide FTA with sufficient information to use NTD to measure the extent, condition and replacement value of Section 5310 revenue vehicles. Limiting reporting to these two pieces of information substantially reduces the amount of data that FTA has to validate annually. Also, as noted above, the vehicles would be reported for the designated recipient as a whole (i.e., not reported by each individual subrecipients).

**Service Vehicles:** AASHTO recommends the same approach for revenue vehicles with the addition that only those service vehicles with an original acquisition cost of \$50,000 or more be included in NTD.

**Facilities:** AASHTO strongly recommends that Section 5310 facilities not be reported into NTD. We believe the number of facilities that are used within the Section 5310 program that are: a) dedicated to public transportation and b) likely to be funded with FTA funds is too small to warrant the collection effort. If they are to be included, they should be limited to those that have had over \$50,000 in FTA funds invested in the last five years. If the facility does not meet that threshold they would be added to NTD only when a request is made to invest over \$50,000 of FTA funds to substantially reconstruct or replace. NTD reporting for facilities should not include an estimated replacement cost for facilities. Also,

asset condition rating should not be required to be reported to NTD until one year after TERM training has been conducted for the state.

### **3. Reduce the level of detail needed for Section 5311 assets**

AASHTO suggests FTA consider transitioning NTD reporting for the Section 5311 program to designated recipient level reporting. If this is not possible, we recommend that the level of detail for revenue vehicles and service vehicles mirror our recommendations for the Section 5310 program. For facilities, we agree that Section 5311 facilities be included in NTD and that the requirements mirror those we outline above for Section 5310.

Finally, while not addressed in this NPRM AASHTO would like to note that we believe none of the following should be reported to NTD:

- Equipment
- Any asset with an initial cost of less than \$50,000 (as determined by the provider) or a useful life benchmark of less than five years Useful Life Benchmark (ULB) of at least five years or greater
- Performance measurement reporting for the Section 5310 program
- Financial or service data for the Section 5310 program

The rules should not mandate that contractors' assets be reported.

In addition, AASHTO is concerned that FTA has described its proposal as calling for reduced reporting for providers that "exclusively receive 5310 or 5311 funds." (Federal Register Vol. 80, page 72140) The receipt of funding pursuant to section 5339 does not change the basic nature of transit service for section 5310 and 5311 providers. Such entities should not have their reporting burden increased if they should also receive funding under the new 5339 bus and bus facility provision (either formula or discretionary). Accordingly, the final rule in this docket should make clear that if an agency (i.e., subrecipient) receives its formula funds exclusively under Section 5311 or 5310, the NTD reporting requirements for any assets funded under the Section 5339 bus and bus facilities program would follow the provisions in place for Section 5311 and 5310 programs.

Lastly, we agree that the proposal does not appear to require reporting of equipment (other than vehicles providing transit service) with respect to either the section 5310 or 5311 program and as noted above we believe that this is the appropriate approach. As to the reporting of facilities with respect to the 5311 program, as noted we recommend limiting reporting to those supported with an initial cost of at least \$50,000 in FTA funds.

We appreciate the opportunity to provide these comments. If you would like to discuss the issues raised in this letter, please contact Shayne Gill, AASHTO's Program Manager for Aviation, Passenger Rail, and Public Transportation at (202) 624-3630.

Sincerely,



Bud Wright  
Executive Director