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January 2, 2014

Honorable Peter Rogoff
Administrator, Federal Transit Administration
U.S. Department of Transportation
1200 New Jersey Avenue S.E. 5th Floor, Suite E-57
Washington, DC 20590

Re: Docket No. FTA-2013-0030

Dear Administrator Rogoff:

The American Association of State Highway and Transportation Officials (AASHTO) is pleased to provide comments on FTA's "National Public Transportation Safety Plan, Public Transportation Agency Safety Plan and Public Transportation Safety Certification Training Program; Transit Asset Management" Advance Notice of Proposed Rulemaking (ANPRM), published in the Federal Register on October 3, 2013. Representing all 50 states, the District of Columbia, and Puerto Rico, AASHTO serves as a liaison between state departments of transportation and the federal government.

AASHTO's comments have been developed through an extensive effort of coordinating comments from the AASHTO Standing Committee on Public Transportation, Standing Committee on Performance Management, Standing Committee on Planning, and the Subcommittee on Asset Management. AASHTO also worked closely with the American Public Transportation Association and the Association of Metropolitan Planning Organization in reviewing the ANPRM. We urge FTA to give serious consideration to these comments.

AASHTO and the State DOTs are supportive of the MAP-21 requirements and FTA's efforts to ensure the safety of the Nation's public transportation systems, maintain they are in a state of good repair and provide increased transparency. It is AASHTO's position that the implementation of performance and asset management principles within the transportation industry will be a positive step towards a safer and more efficient transportation system. However, this is only the beginning of a long journey that we will complete together as partners. There are some recognized challenges ahead and AASHTO and the State DOTs will continue to engage with FTA on addressing these challenges and working together.

AASHTO recommends the following four overarching principles be used by FTA in developing any rules or guidance in follow up to this ANPRM:

1) **Transit is a Safe Mode**— FTA safety rulemaking should be commensurate with historical modal risk. Even without heavy federal oversight, transit systems are inherently

safe. More layers of federal requirements will not likely significantly improve an already very safe mode of transportation. The regulatory burden of rules in this area should be minimized.

2) **One Size Does Not Fit All**— Small operators are different than larger operators. There are many different size operators of transit systems ranging from large bus and rail systems serving denser urban areas to small rural providers serving sparsely populated areas and smaller cities with smaller buses and vans. FTA should recognize this difference by ensuring its rules are not so rigid or prescriptive that FTA will be forced to issue different rules for different size agencies. FTA should establish minimal universal requirements that can be applied across all agencies, allowing for flexible and scaled implementation at the agency level. However, if the minimal rules are not truly minimal, a separate and less burdensome approach should be developed for State DOT's subrecipients and other small systems.
3) **Do Not Recreate the Wheel**—Use existing processes and data collection mechanisms when and where appropriate. For example, FTA should rely on the existing Triennial and State Management Review process for compliance oversight. Data should be submitted through the National Transit Data Base (NTD) and reports submitted outside of NTD. Embrace existing best practices that are already delivering exceptional results, such as the current approach to bus safety.
4) **SGR and Safety Complement Each Other but Should be Advanced Independently**— AASHTO understands there is a strong relationship between safety and SGR, however, an "unsafe" transit asset can meet the targets of SGR measures and vice-versa. We are concerned that FTA will needlessly link the two efforts in the rules. Individual recipients will consider their SGR targets alongside with their safety targets as they make investment and operational decisions. FTA does not need to prescribe how agencies will do that.

There are a few additional comments that AASHTO would like to provide that cross-cut the topic areas of this ANPRM. First, defining a regulatory federal framework for safety management, asset management, and performance management is a fairly new proposition. AASHTO believes it is important that FTA resist the inclination to issue rules based upon a final picture of how these requirements will be implemented. For many of these requirements, in particular asset management, AASHTO recommends an evolutionary/phased-in approach. An evolutionary approach will allow both FTA and the transit industry to learn from our successes in each step of the process. It will also allow for transition time for agencies to understand, implement, and develop successes in response to the new rules that follow this ANPRM.

Second, AASHTO suggests that FTA does not need to answer all questions with a federal rule. There are many decisions that an individual agency will need to make as it implements the new federal requirements. FTA illustrates many of these decisions in the exhaustive list of questions in the ANPRM. While FTA asked a lot of the right questions, many of these questions should remain within the discretion of each agency to answer as part of their decision-making process and the answers do not need to be pre-defined by the federal rules.

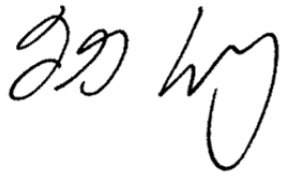
Finally, it is important to reiterate AASHTO's position on the use of performance management principles at the national level. AASHTO believes that the performance measures reported by state and local agencies should not be used to apportion, allocate or grant funds. And, as states and transit agencies begin establishing targets and reporting on their progress in achieving those targets, FTA should not impose any type of sanctions or penalties to either punish or reward the states and local agencies. Decision-making is an inherently complex process and the performance measures and targets being reported on for purposes of this ANPRM are but one of many such considerations a state and transit agency must address.

AASHTO's comments on the ANPRM are set forth in this letter and two attachments. The first attachment, *AASHTO Key Points* is structured around the FTA ANPRM major sections concerning: National Public Transportation Safety Plan, Transit Agency Safety Plan, Public Transportation Safety Certification Training Program, National Transit Asset Management System, Certification of Transit Agency Safety Plans and Transit Asset Management Plans, Coordination of Targets and Plans with Metropolitan, Statewide and Non-Metropolitan Planning, and Estimating the Benefits and Costs of Requirements. These key points provide a general construct of AASHTO's response to these major sections.

The second attachment, *AASHTO Response to FTA ANPRM Questions,* goes into more specific details for particular questions and provides a concise and convenient manner for FTA staff to review AASHTO's response. The responses to specific questions are intended to be read in the context of the overview points made in this letter and the *Key Points* document.

We appreciate the opportunity to provide these comments and look forward to working with FTA in developing proposed and final rules. If you would like to discuss the issues raised in this letter, please contact Shayne Gill, AASHTO's Program Manager for Aviation, Passenger Rail & Public Transportation at (202) 624-3630 or Matthew Hardy, AASHTO's Program Director for Planning and Policy at (202) 624-3625.

Sincerely,



Bud Wright
Executive Director
AASHTO

Shailen Bhatt
Secretary, Delaware Department of Transportation
Chair, AASHTO Standing Committee on Public Transportation

Attachments (2)

AASHTO FTA ANPRM COMMENTS – KEY POINTS

NATIONAL PUBLIC TRANSPORTATION SAFETY PLAN

Embedded in our Key Points on safety and within our responses to specific safety questions, are the following strongly held AASHTO positions:

For its subrecipients, the States' current approach to safety is yielding exceptional results. State DOTs have robust safety programs in place for their subrecipients focused on: driver training, drug and alcohol compliance, vehicle maintenance and specification standards, and the collection and reporting of safety data to the National Transit Database. Many State DOT efforts follow the voluntary bus safety program that emerged from the Memorandum of Understanding (MOU) signed by FTA, AASHTO, the American Public Transportation Association (APTA), and the Community Transportation Association of America (CTAA) in 2003 and have led to very safe rural transit operations. The 2003 MOU spelled out a voluntary program. It is this program, with its proven record of success that the new rules should codify.

AASHTO does not support the application of Safety Management System (SMS), as laid out in the ANPRM, as the mandated approach to safety, especially for that portion of the nation's transit network that is delivered by State DOT subrecipients. AASHTO is opposed to any rulemaking that requires the adoption of a mandatory SMS for all transit systems. In the ANPRM, FTA makes the case for SMS based on the need for a "*new* approach to safety in light of high profile rail accidents." FTA has also noted that SMS has emerged from the work of TRACS which has entirely focused on large rail systems. A *new* approach to bus safety is not needed. Codifying the existing efforts of State DOTs in rule is the most effective approach to bus safety.

PERFORMANCE CRITERIA

The performance criteria and measures should be the safety outcomes already reported to NTD: i.e., reportable incidents, fatalities and injuries. These safety criteria and measures are consistent with FHWA and NHTSA's major measures that have been developed over decades and are focused on the desired end results. Considering transit fatalities are far fewer in number, it would not be reasonable for the transit mode to have vastly more complex measures.

Given FTA's acknowledgment that "transit agencies have very low collision rates," AASHTO was surprised that the ANPRM asked whether new rules should require measuring and tracking near-collisions (or "close-calls"). Such a requirement would be extremely burdensome to rural transit agencies and seems to be a solution in search of a problem. The data would be subjective, impossible to validate, and not applicable at the regional or national level.

STATE OF GOOD REPAIR

As we will present later in this document, AASHTO recommends the definition of State of Good Repair, known as SGR, be "fit for intended purpose" and measured solely by revenue vehicle age and/or miles. While AASHTO understands the relationship between safety and SGR, we do not recommend a separate safety- based definition of or separate safety-based targets for SGR.

Each transit property will integrate safety objectives and SGR target setting into their investment and operational decisions. Integration will also take place in the statewide transportation planning process and development of the statewide transportation improvement program. FTA does not need to prescribe a specific approach to integrating these principles in the new National Safety Plan.

MINIMUM SAFETY PERFORMANCE STANDARDS FOR VEHICLES

State DOTs currently set bus vehicle maintenance and performance standards as part of their existing oversight. This method has a proven-track record of safety success and should continue to be utilized.

PUBLIC TRANSPORTATION AGENCY SAFETY PLAN

In the requirement to develop an Agency Safety Plan, the FTA needs to be mindful of multi-modal agencies that have to comply with the requirements of other regulatory agencies such as the FRA. These agencies are already subject to developing system safety plans through the FRA, whether it is a commuter rail operations or a shared-use light rail system. Therefore, we support FTA's effort to not provide redundant requirements where a cognizant federal agency already has jurisdiction.

PLAN REQUIREMENTS

As noted in our introductory remarks, in development of the Public Transportation Agency Safety Plan requirements, FTA should not mandate the application of SMS. For bus systems, AASHTO recommends the rules codify the approach developed in response to the 2003 MOU, specifically a plan which lays out a program of: driver training, drug and alcohol compliance oversight, vehicle maintenance and specification standards and current NTD reporting. This current approach has led to excellent rural transit safety record.

The requirement for an annual update of Safety Plans is excessive and burdensome. An annual review and status report is less resource intensive. Updates should be driven more by a change in condition or policy that warrants an update.

AASHTO reminds FTA that under MAP-21 it is the State DOT, as the recipient, that will prepare the agency safety plan. State DOTs do not have boards of directors and as such within each state DOT, the CEO should be able to designate an appropriate individual to certify the safety plan. This can be done in the same manner that state DOTs are allowed to designate an individual to sign annual certifications and assurances. Individual subrecipient safety plans are <u>not</u> required under MAP-21 and FTA should avoid any language within the rules that pre-supposes there will be individual safety plans for State DOT subrecipients. As such, in most states, boards of State DOT subrecipients will <u>not</u> be approving individual safety plans.

Also, state oversight of its subrecipients is often done by multiple individuals – such as various program or project managers. In their role of funding recipient, State DOTs should not be required to have a specific employee designated as the "safety officer" that reports to the CEO.

This MAP-21 requirement should be met by having the State DOT's safety plan list the various positions within the State DOT that are responsible for plan implementation. These individuals will not likely report to the CEO.

To further elaborate on the points above, AASHTO is concerned that FTA is setting the stage for a much more elaborate role for State DOTs in the area of transit safety than what is required in the law. FTA should keep separate the role of State DOTs as the State Safety Oversight Agency from the role they play as recipients of federal funds. The need does not exist and as such AASHTO is opposed to expanding the SSOA approach to the entire transit network within each state.

THE STATE'S ROLE

As part of their existing oversight responsibilities to receive and distribute FTA grants funding, State DOTs currently provide robust safety programs. State DOTs deliver programs of driver training, drug and alcohol compliance oversight, vehicle maintenance standards and vehicle specifications, and national transit database reporting for their subrecipients. This approach has led to very safe rural transit operations throughout the country and should be the extent of what is required of State DOTs in the rules. Going beyond this approach results in greatly diminishing returns for costly risk assessment and safety planning that is not needed to maintain the existing excellent safety record.

Additionally, it is vital that flexibility be provided for each State DOT to use its own methods to provide oversight to its subrecipients in meeting the goals the state sets forth in its safety plan.

While some states may require its subrecipients to each have its own standalone Agency Safety Plan certified by the State, this is not a requirement under MAP-21 and should not be required nor encouraged by the rules. For small urban Section 5307 agencies, each State DOT should be allowed to define the role it will play based on whether these agencies are direct recipients of FTA or subrecipients of the State. The only obligation regarding agency safety plans that should be placed on the state in the rules should be for its subrecipients.

State DOTs have been successful in their approach to safe operations of their subrecipient systems. If this current approach is codified in the rules, State DOTs will not be in be in need of additional expertise, training or technical assistance. Lack of adequate staff resources to meet these new federal requirements is of concern to AASHTO and its members as we imagine it is of concern to FTA, both within headquarters and its regional offices. Keeping the mandates consistent with the significant staffing constraints that both FTA and its recipients face is critical.

PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM

As noted above, it is critical that FTA keep separate the role of State DOTs as the State Safety Oversight Agency, per §5329(e) from the role they play as recipients of federal funds per §5329(d). For State DOTs, AASHTO sees the Public Transportation Safety Certification Training Program as serving states with SSOA responsibilities. The rules should not presume

that State DOTs will perform safety audits or provide formal safety oversight of its subrecipients that are not subject to the State Safety Oversight Program in §5329(e). Under §5329(e), State DOTs will develop and certify a safety plan, take specific actions to implement the plan and provide guidance and oversight to its subrecipients to further implement the plan. We do not envision the State DOT staff that develop and implement the state's safety plan required under §5329(d) needing to participate in the national safety certification training program. On a related point, for most State DOTs, the training program required in a recipient's safety plan (under §5329(d)(1)(G)) would not be applicable, since most states do not operate transit services and as such do not have staff directly responsible for transit safety.

NATIONAL TRANSIT ASSET MANAGEMENT SYSTEM

AASHTO sees the initial proposed rules related to transit asset management that follow this ANPRM as the first step of an evolutionary process to implement asset management. Because asset management is a fairly new concept for many transportation agencies, only an evolutionary approach to federal rulemaking will yield meaningful results. First, the definition of State of Good Repair (aka SGR) should be "fit for intended purpose." Second, SGR definitions and the TAM Plans developed by transit agencies should be limited to revenue vehicles as the asset class. Individual transit properties may go beyond revenue vehicles; however, FTA regulations should not mandate this. Only after the nation's transit properties have established effective transit asset management practices and FTA and its recipients have been successful in several rounds of SGR reporting should FTA propose to define SGR for additional asset classes through future rulemakings. Finally, SGR for revenue vehicles should be defined by age and/or miles.

OVERVIEW AND CONSIDERATION FOR SMALL OPERATORS

Within this section and throughout the ANPRM, it appears FTA is using the term "small operator" to refer to a subset of Section 5307 agencies as well as all Section 5311 agencies. AASHTO prefers to be more specific in its references, and in its comments, will refer to Section 5307 small operators and Section 5311 subrecipients and Section 5310 subrecipients. This distinction is important to AASHTO because Section 5307 small operators may or may not be subrecipients of the state. The final rule should not include language that pre-supposes or encourages State DOTs to play any role in fulfilling the TAM requirements for Section 5307 small operators that are not subrecipients.

AASHTO strongly encourages FTA to issue a rule framework that allows State DOTs to develop a state-level /system-level TAM Plan for all of its subrecipients in a given program (i.e., a TAM Plan for the Section 5311/Rural Assets and/or the Section 5310/Specialized Assets). FTA stated in the ANPRM that it interprets the statute to "specifically exclude" a statewide transit asset management plan. 78 Federal Register 61265. Yet, in question 62, FTA asks whether FTA should allow States to develop a Statewide TAM Plan. AASHTO is pleased FTA asked this question, and the answer to question 62, is "yes," the final rule should clearly allow for, perhaps encourage, but not require, State DOTs to approach asset management for its Section 5311 and 5310 subrecipients at the system-level.

AASHTO disagrees with FTA's conclusion that the statute precludes a state from developing a TAM Plan for all of its subrecipients. 49 USC 5326(a)(1) defines a transit asset management plan as a plan developed by a "recipient" of funding. Later, while the law does refer to a requirement that recipients and subrecipients develop a "transit asset management plan," because the term "TAM Plan" is defined as "developed by a recipient" the law appears to envision the possibility that a recipient will fulfill the obligation for its subrecipients via a system-wide plan. A final rule that allows the state to develop the TAM Plan for its subrecipients is not only allowed under the law, it makes sense. Specifically, in making its case for TAM, FTA notes that each transit agency has a process by which it budgets, allocate funds and for which it plans for the future. However, for transit agencies that are subrecipients of the state, it is the state, not the transit agency, that allocates federal funds. MAP-21 recognizes the significance of the state's role *vis-a-vis* its subrecipients, in that it requires condition reporting and target setting at the recipient (i.e., state) level. For these reasons, state level TAMs are an allowable and effective approach.

It is critical for State DOT subreicpient programs, that revenue vehicles be limited to those acquired with federal funds. While some FTA recipients may opt to include non-federally funded vehicles in their TAM Plans and SGR determinations, the FTA mandate should not go beyond those revenue vehicles that were acquired with FTA funds. This is particularly important for the Section 5310 program, which has subrecipients that are not full-time transit providers and whose FTA-funded transportation services may be a very small portion of their overall suite of transportation services.

FTA states that TAM Plan requirements for small operators should be relatively simple. AASHTO agrees. MAP -21 makes it clear there is a federal interest in the nation's transit systems being safe and in a state of good repair. In this rulemaking, the federal interest is best expressed through a simple approach focused on revenue vehicles.

There is substantial rationale for starting with revenue vehicles, especially for the rural and specialized transit systems that are subrecipients of State DOTs. Specifically, revenue vehicles represent the single largest category of asset for the rural and specialized transit systems; their condition has the single largest impact on safety and they have the single largest impact on quality of the rider experience.

DEFINING STATE OF GOOD REPAIR

AASHTO recommends that SGR be defined as "fit for intended purpose" and measured in terms of vehicle age and/or miles for revenue vehicles. Again, this definition of SGR is one that can be easily communicated along with specific measures that are straightforward, limited, and objective. Age and miles are the only measures that can be objectively and consistently collected and reported for all transit vehicles in the nation. While FTA expressed concern about the lack of precision of using age as a condition measure, it is unrealistic to assume any other measure can be consistently reported such that it will yield meaningful results at the national level.

Further, AASHTO wants to reinforce that any definition of SGR and projections on funding needed to maintain assets in a SGR should be for informational purposes only (e.g., telling a national story of transit SGR), not programming and budget purposes.

TRANSIT ASSET MANAGEMENT PLANS

MAP-21 is clear that the federal interest is for a transit system that is safe, in a state of good repair, and investments are managed through data driven asset management systems. Rural transit providers currently have many processes to manage their assets and make investment decisions. A robust trade off analysis between operations, maintenance and expansion is a difficult, human judgment exercise that is difficult to document and track adherence. FTA should allow states to mature into the documentation of balancing competing priorities.

As noted previously, AASHTO presumes MAP-21 allows for State DOTs to develop a state-level/system-level TAM Plan for its subrecipients. State DOTs will report the total number of revenue vehicles in the state's Section 5311 fleet and the average condition of that fleet based on age and perhaps miles.

It is essential that the final rule sees SGR and safety as critical factors in setting investment priorities, but not the sole factors. In fashioning the proposed rule, the important point is to not include language regarding the safety or asset management data or targets that suggests that those inputs dictate planning products or project selection.

PERFORMANCE MEASURES

AASHTO and the State DOTs have been active in the development and deployment of transportation performance management principles. There are many examples of the successful implementation of performance management as highlighted in Florida DOT, Washington State DOT, and Maryland DOT, to name a few. Through this experience, the member states of AASHTO have provided valuable input for the U.S. DOT to consider as part of the implementation of the performance management provisions in MAP-21. A central theme of this input was the identification of overarching principles that should be considered in developing the performance management rules. The following six overarching principles on how national-level performance measures should be developed and implemented were developed:

- **There is a Difference -** National-level performance measures are not necessarily the same performance measures State DOTs will use for planning and programming of transportation projects and funding.
- **Specificity and Simplicity -** National-level performance measures should follow the SMART and KISS principles:
    - SMART - Specific, Measurable, Attainable, Realistic, Timely
    - KISS - Keep it Short and Simple
- **Possession is 9/10ths of the Law -** National-level performance measures should focus on areas and assets that States DOTs have control over.
- **Reduce and Re-use -** The initial set of national-level performance measures should build upon existing performance measures, management practices, data sets and reporting

processes so that transit assets can be queried uniformly across all states, by all transit stakeholders.

- **Ever Forward** - National-level measures should be forward thinking to allow continued improvement over time.
- **Communicate, Communicate, Communicate -** Messaging the impact and meaning of the national-level measures to the public and other audiences is vital to the success of this initiative.

AASHTO believes that these principles are just as appropriate to the FTA ANPRM as they are to the MAP-21 highway performance management provisions. In keeping with these six principles, AASHTO recommends that FTA limit to a very few the number of performance measures that are developed following this ANPRM for both safety and SGR. For example, for SGR, FTA should focus on revenue vehicle miles and age as key national-level measures for all systems and recipients. For safety, performance measures should be based upon data already reported to the NTD: fatalities and reportable incidents. In the highway portion of MAP-21, safety measures are to be limited to fatalities and serious injuries. The lower volume and lower fatality rate of transit should not have a more complex measurement system than the highway mode.

For those transit systems that have the need and resources available, these systems may include a larger suite of performance measures as part of their business practices; but, this is at the sole discretion of an individual transit agency or recipient. This must be completely voluntary and not required; nor should it be part of the FTA rule.

With regard to target setting, AASHTO emphasizes that target setting is to be the prerogative of the transit agency, State DOT or (as applicable) local entity receiving FTA funds, even in the context of Federal measures[1]. AASHTO requests:

1. Maximum flexibility when setting performance targets. Every transit agency, State DOT, and subrecipient faces different constraints and opportunities affecting their transit system. Funding levels and sources vary, as do environmental conditions, population growth trends, and legislative and gubernatorial mandates and priorities. Flexibility in target setting allows each transit system, State DOT, and local entities to face the realities of their unique situations. Furthermore, accountability should be based on what states can accomplish with their shares of federal funding.
2. FTA to encourage transit agencies, States DOTs, and local entities to adopt performance targets that are attainable and realistic. These targets should be periodically reevaluated and adjusted to reflect risks, revenue expectations, and strategic priorities.

AASHTO does acknowledge that consistent data collection and analysis methods are essential to ensure that national-level measures and reporting use comparable data. However, it is important that the entire data reporting effort on performance not be "lost" in a larger data collection activity

[1] These two requests are based upon the March 2013 AASHTO Standing Committee on Performance Management report called *SCOPM Task Force Findings on MAP-21 Performance Measure Target-Setting* that provides a detailed discussion on the intricacies associated with target setting. The report can be downloaded at http://scopm.transportation.org.

that does not improve transit safety or SGR. In other words, data collection and reporting should be beneficial and not burdensome. Public transportation agencies already report extensively through the NTD and we urge FTA to consider the collection, compilation, and reporting burden, and compare it against the value of the information to both FTA and the individual agencies.

Furthermore, FTA should examine the best mechanism for state and local agencies to report making progress towards target achievement. Performance reporting is not simply reporting numbers but telling the story that goes along with those numbers. As such, NTD is not the appropriate venue for reporting and collecting this information. Narrative reports attached to TEAM, as is done for DBE, would be an effective approach. AASHTO would suggest FTA work with their counterparts in FHWA in developing a joint mechanism whereby State DOTs, MPOs, and transit agencies can submit performance management reports that are required of all agencies as part of MAP-21. If the goal of MAP-21 is to be able to tell a true national story on the condition of the transportation system, a joint effort by FTA and FHWA may be in the best interest of all organizations involved.

TECHNICAL ASSISTANCE AND TOOLS

FTA should not assume State DOTs will require each of its Section 5311 and 5310 subrecipients to conduct a scaled down version of the asset management process laid out in FTA's October 2012 Asset Management Guide. However, some states may want to take this approach and as such FTA should immediately scale down this guide for use by rural transit agencies and non-profit agencies whose primary asset of concern - in terms of SGR and safety - is revenue vehicles.

CERTIFICATION OF TRANSIT AGENCY SAFETY PLANS AND TRANSIT ASSET MANAGEMENT PLANS

MAP-21 only requires recipient certification of both plans. Based on AASHTO's proposed approach to the TAM Plan, we anticipate most states will prepare a state-level/system level TAM Plan for all subrecipients within a given program. FTA rules should not be based on the assumption that states will require individual subrecipient plans. Even if a state takes the approach of subrecipient plans, MAP-21 does not require state certification of subrecipient plans.

COORDINATION OF TARGETS AND PLANS WITH METROPOLITAN, STATEWIDE AND NON-METROPOLITAN PLANNING

An important aspect of how FTA should respond to the integration of the transit safety and asset management information and targets is made clear in both the metropolitan and statewide planning statutory provision. At 49 USC 5304(d)(2)(D) (and its counterpart in 23 USC 134 & 135), the law provides that performance measures and targets "shall be considered by a State when developing policies, programs, and investment priorities reflected in the statewide transportation plan and the statewide transportation improvement program (STIP)."

As the final rules are developed it is important that the wording respect that the performance data is a consideration for the decision makers in finalizing both the long range plan and STIP. That

information is not to become a formula that dictates the substance of the long range plan or the STIP. The comments received through the public involvement process, for example, are among the other inputs to be considered before long range plans and TIPS/STIPs are finalized. The information is to be provided to the planning process, and given consideration. The contents of plans and TIPs/STIPs are essential state and local prerogatives. The rules that will emerge from this ANPRM must not undercut those fundamental state and local prerogatives.

Once any federally required performance measures for transit safety and asset management are developed, and targets set, the information related to those performance measures and the targets will be incorporated into the planning process, thereby achieving the requirement that they be "integrated" into the planning process. FTA should ask the State DOT and MPO, as applicable, to certify that the material was considered.

Lastly, FTA titled one subhead in the ANPRM as concerning "coordination" of measures and targets with planning. "Coordination" is a planning term of art and we suggest that FTA instead speak to the "relationship" of performance measures and targets to planning rather than create some possible implication, through use of the term "coordination," of a stronger Federal role in the content of the long range plans and TIPs/STIPs.

ESTIMATING THE BENEFITS AND COSTS OF REQUIREMENTS

AASHTO will not at this time offer specific comments on particular cost and benefits but wishes to emphasize that the more complex the data requirements or other aspects of any FTA rule, the more costly it will be to implement. We appreciate that FTA has stated in the ANPRM that it wants to minimize costs imposed by any rules in this matter to the extent possible, noting particular concern for the impact on small operators. However, FTA must emphasize minimizing the regulatory burden and provide administration/oversight resources necessary for state and transit agencies to carry out the responsibilities ultimately identified in the final rulemaking.

The extremely high number of questions included in the ANPRM, and the number of concepts under consideration, has caused concern among the states that a complex and burdensome rule could be contemplated. Funding is scarce for many agencies and we noted with some concern points in the ANPRM that seem to attempt to allay cost concerns by pointing out the potential for using certain federal transit funds to help implement certain potential requirements. For example, "FTA recognizes that meeting the new requirements for transit asset management will not be easy and may require additional resources and expertise." 78 Federal Register 61266. While we appreciate that the intent of such parenthetical comment by FTA is to indicate a willingness to help meet the cost burden, the problem is the apparent admission of a cost burden.

We suggest that FTA, in developing proposed and final rules in follow up to this ANPRM, keep regulatory requirements to a minimum. Increased costs for regulatory compliance, combined with the current budget environment, mean that, as the issues addressed in the ANPRM evolve into rules or guidance through further FTA action, FTA recipients (and subrecipients) may well be faced with shifting funds from the provision of transit service to meeting regulatory

requirements. Reducing transit service in order to attend to regulatory compliance is NOT an attractive proposition. And it would not be a cost beneficial result.

AASHTO RESPONSE TO FTA ANPRM QUESTIONS

1. What types of safety performance criteria do transit agencies already use?

State DOTs utilize many different performance criteria, to varying degrees by each State, however uniform use of current NTD data is prefered for federal direction.

2. What types of performance criteria should FTA consider?

It is recommended that the safety performance criteria not become more complex than currently reported via defined thresholds of the NTD: reportable incidents, fatalities and injuries.

3. Although FTA is not proposing specific performance criteria at this time, TRACS has suggested the following categories for which performance criteria should be set: (1) Casualties; (2) Operations; (3) Systems and Equipment; and 4) Organizational Culture and Human Performance. TRACS chose these categories because it believed that each was clearly associated with safety, and could be effectively integrated into decision making at the three levels of public transportation safety responsibility (Federal, State, and operating agency). Moreover, TRACS felt that initially, it may be necessary to limit safety performance measures to those for which adequate national-scale data exists, which tend to concern casualties and crashes. However, the plan should also define categories for leading indicators of safety risk, which the industry is encouraged to measure, and which FTA will work towards measuring at the national level as part of its overall SMS approach to transit safety. To what extent do these performance criteria categories sufficiently address the relevant safety information pertaining to public transportation agencies? Are there other safety performance categories that should be included?

The categories proposed, especially in reference to rural transit agencies is excessive and overreaching. Safety measures for transit should not be considered for rural transit agencies beyond the results of safety efforts, specifically the reportable incidents, fatalities and injuries currently reported in the NTD. This is consistent with FHWA and NHTSA's major measures that they have developed over decades. Considering transit fatalities are far fewer in number, it would be incongruous for the transit mode to have vastly more complex measures. Up to this point the work of TRACS has been focused primarily on large rail systems, and therefore is not applicable to smaller bus systems.

4. What experience can transit agencies share on establishing desired outcomes, controls, and indicators to identify and track casualties, as well as safety issues related to operations, systems and equipment, and organizational culture and performance?

AASHTO defers to the comments of individual agencies.

5. Are there specific performance criteria that FTA should consider establishing and tracking within each of those four categories listed in question 2, above?

No. AASHTO does not recommend application of these four categories in its approach to safety. The categories proposed, especially in reference to the nation's rural transit network are excessive and overreaching. Safety measures should focus on the results of our safety efforts, specifically the reportable incidents, fatalities and injuries currently reported in the NTD. AASHTO does not support applying the work of TRACS, which has been focused on large rail systems, to all transit systems. TRACS's work thus far is not applicable to the nation's bus systems, especially smaller bus systems.
FTA should limit performance criteria to the outcome data already reported to the NTD and adopt a very simple approach of requiring a system (or a state for the system) to certify that it has a safety plan that includes driver training and vehicle inspection.

6. Because transit agencies typically have very low collision rates, should FTA consider establishing measures of near-collisions (or "close calls") to help identify circumstances that pose an increased risk of collisions? If so, how?

If "transit agencies have very low collision rates," what would be the reason for collecting "near-collision" data? This question seems to be a solution in search of a problem. Not only would measuring and tracking near-collisions (or "close-calls") be extremely burdensome to rural transit agencies, the data would be subjective, impossible to validate, and not applicable at the regional or national level.

7. How should FTA streamline or improve existing reporting of safety information to the NTD?

To reiterate from the response to #2, it is recommended that the safety performance criteria not become more complex than the results data currently reported to NTD: reportable incidents, fatalities and injuries.

8. How should the requirement for a definition of state of good repair and SGR performance measures be integrated into the new National Safety Plan?

Each transit property will integrate and balance their safety objectives (i.e., driver training, vehicle maintenance, etc.) and their SGR target setting (vehicle age and miles) into their investment and operational decisions. Integration will also take place in the statewide transportation planning process. FTA does not need to prescribe a specific approach in the new National Safety Plan.

9. How should safety considerations be addressed in the SGR performance measures and targets?

While AASHTO understands the relationship between safety and SGR, we do not recommend a separate safety- based definition of or separate safety-based targets for SGR. AASHTO recommends revenue vehicle age and miles be used to determine SGR. Individual agencies might opt for more faceted methodologies that include factors such as safety, but this should be at discretion of each agency.

10. Should the safety SGR performance targets be the same as the SGR performance targets that will be required under the National TAM System?

AASHTO does not recommend rules that require separate safety-based SGR measures or targets. This should be within the discretion of individual agencies.

11. In addition to APTA's voluntary consensus standards, what other sources of safety performance standards for transit vehicles are available that FTA should consider?

No AASHTO comments.

12. What criteria should be used to identify, prioritize and develop performance-based vehicle standards?

No AASHTO comments.

13. To what degree should existing voluntary consensus standards be considered or used in developing and implementing a performance-based vehicle standards regime?

No AASHTO comments.

14. Specific to rail vehicle standards, what areas or categories of standards would yield the greatest safety improvement if required as a minimum safety performance standard for the public transportation industry? What areas or categories of standards would yield the most cost effective safety improvements?

No AASHTO comments.

15. Specific to bus vehicle standards, what areas or categories of standards would yield the greatest safety improvement if required as minimum safety performance standards for the public transportation industry? What areas or categories of vehicle standards would yield the most cost effective safety improvements?

No AASHTO comments.

16. What NTSB recommendations or industry leading practices should FTA consider most urgently? To date, the NTSB has only issued recommendations to FTA for rail transit vehicles, including the following:

No AASHTO comments.

17. Are there barriers or challenges to adopting SMS principles by recipients for any particular mode of transit? If so, which mode, and what are the barriers or challenges?

As we have explained in the Key Points document, AASHTO does not support the adoption of SMS principles as the required approach to safety. Great weight should be given to the existing

excellent safety record of subrecipient and small systems that has resulted from implementation of existing safety-related State DOT programs, including: driver training, drug and alcohol compliance oversight, and vehicle specification and maintenance standards. In short, the States' current effective and proven safety practices with respect to subrecipient systems should be codified in the Safety Plan requirements--not SMS. FTA has not made the case for requiring an additional layer of regulation in the form of SMS.

18. What type of information and technical assistance would the public transportation industry need from FTA in order to facilitate the adoption and implementation of SMS practices?

AASHTO does not support SMS as the mandated approach for all transit systems. State DOTs have been successful in their approach to safety of their subrecipient systems. If this current approach is codified in the rules, State DOTs will not be in need of additional expertise, training or technical assistance. Lack of adequate staff resources to meet these new federal requirements is of course of concern to AASHTO and its members as we imagine it is of concern to FTA, both within headquarters and its regional offices. Keeping the mandates consistent with the significant staffing constraints that both FTA and its recipients face is critical.

19. If SMS or elements of SMS are currently being practiced within your agency, how is it being carried out? What are the most effective means to implement SMS and how should it be scaled to accommodate both large and small public transportation systems? FTA also seeks examples and ideas from smaller agencies using SMS.

AASHTO does not support SMS as the national mandate for all transit systems.

20. Are there alternative safety management approaches that FTA should consider?

AASHTO recommends codifying the existing, highly successful methods being used by the State DOTs and their subrecipients – programs that focus on driver training, drug and alcohol compliance, vehicle maintenance and standards and the outcome data reported to NTD.

21. Risk-based analysis can be applied in analyzing human factors such as employee fitness for duty (e.g. being physically and mentally qualified, not suffering from acute or cumulative fatigue, not being impaired by use of alcohol and controlled substances, etc). Agencies should also consider how to address situations where medical intervention may be appropriate (such as screening for sleep disorders and providing treatment for persons with sleep disorder diagnoses), as well as situations where progressive remedial interventions, up to and including termination, might be needed for certain safety-sensitive positions. Do agencies currently apply a risk based-approach in managing safety risks related to human factors? If so, how? What are the challenges associated with adopting a risk-based approach to these management functions?

AASHTO defers to the comments of individual agencies.

22. Many rail transit agencies also operate bus systems. FTA seeks comment from those rail transit agencies that already include bus or other public transportation mode operations in one agency plan. Has inclusion improved safety of the non-rail modes? What are the benefits and costs to including all transit mode operations into one Transit Agency Safety Plan?

AASHTO defers to the comments of individual agencies.

23. What attributes, functions, and authorities should FTA require of an "equivalent entity" when there is no board of directors? If a transit agency is not governed by a board of directors, what additional authorities would an "equivalent entity" need to properly review and approve a Transit Agency Safety Plan?

State DOTs do not have boards as such their plans should be approved by the same individual within the State DOT that signs annual certifications and assurances.

24. How should performance milestones, targeted safety risks, and costs be considered in developing and evaluating risk mitigation strategies? FTA seeks examples of how public transportation agencies have engaged in such activities.

AASHTO defers to the comments of individual agencies.

25. Public transportation agencies must establish a process and timeline for conducting an annual review and update of the transit agency safety plan. 49 U.S.C. 5329(d)(1)(D). These plans will be self-certified, allowing the public transportation provider's board of directors (or equivalent entity) to determine whether the public transportation provider's agency safety plan is adequate. FTA intends to maintain the authority to review transit agency safety plans during triennial reviews or in the event that FTA identifies circumstances posing a significant risk. FTA seeks comment regarding the appropriate role, if any, for States and FTA in the Transit Agency Safety Plan annual review process.

The requirement for an annual update of Safety Plans is excessive and burdensome. An annual review and status report is less resource intensive. Updates should be driven more by a change in condition or policy.

26. For those public transportation providers that are currently required to have safety plans pursuant to 49 CFR part 659, how is the effectiveness of the safety plan measured?

AASHTO defers to the comments of individual agencies.

27. In accordance with 49 U.S.C. 5329(d), public transportation agencies will develop a comprehensive safety training program for operations personnel and personnel directly responsible for safety. What essential core competencies are needed to adequately train public transportation agency operations personnel and personnel responsible for safety of the agency? Should a transit agency's personnel training requirements be scaled based on the size of the agency? In what ways can FTA minimize the costs of implementation (e.g. allowing for shared development of curricula)?

For most State DOTs, the training program required in a recipient's safety plan (under §5329(d)(1)(G)) will not be applicable, since most states do not operate transit services and as such do not have staff directly responsible for transit safety. State DOT s will determine and lay

out in their safety plans the training requirements for subrecipients. FTA does not need to prescribe the requirements states place on their subrecipients.

28. What training do transit agency operations personnel and personnel directly responsible for safety currently receive? What is the curriculum? How long does it take to complete? When and where is it completed? Who provides the training? How is the effectiveness of these training programs evaluated?

AASHTO defers to the comments of individual agencies.

29. Each public transportation provider must identify a chief safety officer who is responsible for operational safety and who reports directly to the general manager or equivalent officer. FTA seeks comment on what other responsibilities might be combined with this role, particularly in smaller operations where the same individual may function as the provider's general manager, operations manager and safety officer? FTA also seeks comment on how the combination of such roles causes any conflict between safety and any other interest in the transit system's operation?

In their role of funding recipient, State DOTs should not be required to have a specific employee designated as the "safety officer" that reports to the CEO. For State DOTs, this MAP-21 requirement should be met by having the State DOT's safety plan list the various positions within the State DOT that are responsible for plan implementation. These individuals will not likely report to the CEO. Individual subrecipient safety plans are not required under MAP-21 and as such the smaller agencies that are subrecipients of the state are not required to have a chief safety officer and FTA should avoid any language within the rules that pre-supposes they will.

30. What strategies could reduce the burden of producing and updating the Transit Agency Safety Plan, as well as transmitting key safety information to FTA and the States?

The burden will be reduced by rules that are not prescriptive and that allow for discretion of each recipient as to how to approach the plan requirement. The requirement for an annual update of Safety Plans is excessive and burdensome. An annual review and status report would be less resource intensive.

31. While the statute sets minimum plan requirements, FTA seeks comment on whether to establish less stringent regulatory requirements for small public transit providers, and what specific areas may be most conducive to different requirements based on the transit agency's size. For example, should regulations permit smaller transit providers to employ less expensive methods for identifying and evaluating safety risks than larger entities? Should FTA's regulations establish different safety performance criteria for smaller transit providers? Should the training requirements be different for smaller transit providers? If so, how?

FTA should not regulate methods. AASHTO is concerned that FTA proposes that the rules might require some agencies to employ expensive methods, such that FTA rules could allow others to use less expensive methods.

The existing outcome results reported in NTD – reportable incidents, fatalities and injuries should be the performance criteria for all systems, regardless of size.

The training requirements should pertain only to those recipients that are transit operators and/or SSOAs and should be written broadly enough that recipients can implement them at a scale appropriate for their size. As stated in our cover letter, FTA should recognize the "one size does not fit all" problem by ensuring its rules are not so rigid or prescriptive that FTA will be forced to issue different rules for different size agencies. FTA should establish minimal universal requirements that can be applied across all agencies, allowing for flexible and scaled implementation at the agency level.

32. FTA is required to notify the DOT Crisis Management Center (CMC) of significant newsworthy events affecting public transportation (such as transit collisions that include casualties, rail transit derailments, emergency evacuations, major crimes, significant revenue service disruptions and other related transit events). Currently, rail transit agencies are required to provide such notifications (within two hours of the incident) to their State Safety Oversight Agency, per 49 CFR 659.33. However, bus transit agencies provide incident notifications to FTA on a voluntary basis, typically as requested from FTA regional offices. FTA seeks to implement a requirement that all modes of transit agencies provide FTA with near real-time event notifications (within the two-hour timeframe). For rail transit agencies this could be accomplished by copying FTA on their required notifications to their SSOAs. For bus and other non-rail modes of public transportation, this may require using a new template or form for notifying FTA. What methods might transit agencies best use to comply with such a requirement? Are there more effective or efficient methods or processes to report these incidents in real time? Should FTA consider alternative requirements for small transit providers?

Reporting requirements must be limited. A simple requirement to expeditiously report serious incidents to FTA regional offices, without attempting to detail every variation of whether something was or was not serious and avoiding second guessing filed determinations would make the system much more responsive and practical.

33. How should FTA define small 5307 provider? Should the definition be based on the size of the agency (e.g., number of vehicles, annual passenger counts, annual revenue miles, annual budget, etc.)? Please provide the basis for your suggestion.

The definition of small 5307 provider can either be a function of buses in peak service or simply defined that they receive 5307 funds through the less than 200,000 population threshold. Regardless of the definition, it is vital that each state be given the discretion as to what role they will play for small Section 5307 recipients.

34. How might States draft a single state-wide Transit Agency Safety Plan that reflects implementation of SMS at the individual transit agency level? How would compliance with a single State plan work? Given the need for the plan to reflect individual agency processes, what technical assistance might FTA provided to States or agencies drafting and

certifying plans? Can the number of transit providers seeking either option be predicted or quantified?

As a recipient, the State is only required to prepare a single plan. AASHTO does not foresee states preparing a state-wide safety plan that covers more than its subrecipients and does not believe the rules need to provide for this option.

35. Do some States lack sufficient technical expertise or resources to draft or certify individual Transit Agency Safety Plans for small section 5307 and section 5311 public transit providers? If so, please explain?

Not only do States have insufficient staff resources to draft individual subrecipient plans, MAP-21 does not require individual safety plans for State DOT subrecipients. The rules should not require nor pre-suppose that State DOTs will prepare or certify individual subrecipient plans. The States need only to prepare and certify their own plan.

36. How many plans would each State be expected to prepare?

One.

37. If the State's role was limited to the certification of individual Transit Agency Safety Plans, what administrative burden would be imposed upon the State?

MAP-21 does not require individual safety plans for State DOT subrecipients. The rules should not require nor pre-suppose that State DOTs will prepare or certify individual subrecipient plans. The states need only prepare and certify its own plan.

38. Would it reduce the overall administrative burden if each State prepared a standard Transit Agency Safety Plan template or model plan that could be used by each small urban and rural transit provider within its jurisdiction?

MAP-21 does not require individual safety plans for State DOT subrecipients. There is no requirement and as such FTA does not need to provide relief from a requirement that is not in the law. The States need only prepare and certify their own plan.

39. Is it practicable to create a multi-state or nation-wide model plan that could be shared between States?

A national model is practicable and would prove extremely beneficial. Because of the non-binding optional nature of such a template or templates, FTA could work with AASHTO and its state DOT members, among others to create such a model, without a cumbersome advisory committee process.

40. If a State were to implement a standardized plan for small transit providers within its jurisdiction, would any safety factors be risked by adopting a one-size-fits-all approach, or must each plan be customized for each transit provider?

MAP-21 does not require individual safety plans for State DOT subrecipients. The state DOT plan does not need to be specific to individual providers.

41. Should States that write and certify Transit Agency Safety Plans provide oversight of those agencies?

MAP-21 does not require individual safety plans for State DOT subrecipients. The rules should not require nor pre-suppose that State DOTs will prepare or certify individual subrecipient plans. The states need only prepare and certify their own plan.

42. Should FTA require State DOT's to maintain a list of certified subrecipients that have established safety plans or that are covered by the statewide plan? If so, how should this list of certified subrecipients be maintained and updated?

MAP-21 does not require individual safety plans for State DOT subrecipients. The rules should not require nor pre-suppose that State DOTs will prepare or certify individual subrecipient plans. Therefore, no such list would exist.

43. How should FTA apply the safety plan provisions to recipients of the section 5307 Tribal Transit Formula Program and Tribal Transit Discretionary Program?

FTA should take the lead on this even if the State provides the tribal agency Section 5311 funds, because tribal agencies no longer provide their rural NTD report to State DOT's.

44. What resources will States need to carry out the drafting or certification functions?

Without some idea of the general contours of the plan, calculating resource requirements is left to guessing.

45. Should States have a role in providing oversight of non-rail transit systems within their jurisdiction and, if so, what would be an estimate of the time required to perform such a role?

The need does not exist for, and as such AASHTO is opposed, to expanding the SSOA approach to the entire transit network within each state.

46. How are States that are currently performing this function carrying out their oversight responsibility for non-rail modes? Could this role be streamlined by combining the bus oversight duties into each State's existing rail oversight program?

AASHTO defers to the responses from individual agencies.

47. If States did have a role in providing oversight of bus-only systems, how would States without rail fixed guideway systems (and therefore no established SSO Program) provide that oversight?

The need does not exist for, and as such AASHTO is opposed to, expanding the SSOA approach to the entire transit network within each state.

48. What other safety-related competency areas or training outcomes should be identified?

AASHTO does not see a role for State DOTs in the Public Transportation Safety Certification Training Program, other than in application to the State Safety Oversight Program and defers to those states with SSOA obligations. AASHTO reminds FTA that individual subrecipient safety plans are not required and therefore the requirements for a safety officer and for a comprehensive training program does not automatically pass down to individual transit providers that are subrecipients of the state.

49. Are all of the specific competencies already identified necessary?

AASHTO defers to the comments of transit operators and states with SSOA obligations. AASHTO does not see a need for the rules to prescribe specific training requirements for State DOT staff involved in managing federal funds and passing them on to subrecipients.

50. Should personnel be required to obtain certification prior to starting a position, or should they be given a specific time frame to obtain safety certification after starting a position? What are the pros and cons of each option?

AASHTO defers to the comments of transit operators and states with SSOA obligations. AASHTO does not see a need for the rules to prescribe specific training requirements for State DOT staff involved in managing federal funds and passing them on to subrecipients.

51. How often should personnel be required to receive refresher training?

AASHTO defers to the comments of transit operators and states with SSOA obligations. AASHTO does not see a need for the rules to prescribe specific training requirements for State DOT staff involved in managing federal funds and passing them on to subrecipients.

52. Which transit agency positions are directly responsible for safety oversight of bus and/or rail? When answering this question, please refer to the table of competencies posted in the docket for this ANPRM.

AASHTO defers to the comments of transit operators and states with SSOA obligations.

53. Which transit agency operational positions are directly responsible for safety oversight? What are their job duties? What type of training do these employees currently receive?

AASHTO defers to the comments of transit operators and states with SSOA obligations.

54. Do members of transit agency board of director's or other equivalent entity currently receive any type of safety or risk management training? If so, what does the training cover?

AASHTO defers to the comments of transit operators and states with SSOA obligations.

55. How are personnel with transit safety oversight responsibility currently trained? How long does the training take? How is the effectiveness of the training evaluated? What type of training do oversight personnel need that is not already easily available within the transit industry?

AASHTO defers to the comments of transit operators and states with SSOA obligations.

56. How should the requirements for the TAM Plan be tailored to different sized operators? Small operators will inherently have fewer assets and less-complex asset inventories, but what other steps can FTA take to minimize the burden on them?

For those small operators that are subrecipients of the state, the burden can be reduced by allowing the state DOT to develop a system-wide plan for all its subrecipient (i.e., for the combined assets of the states' subrecipients, not the individual assets of each subrecipient). AASHTO strongly encourages FTA to take an iterative approach in what is mandated for a TAM Plan. The initial FTA requirements for all recipients, regardless of size, should limit TAM Plans to revenue vehicles. In the future, if FTA proposes to add other assets to its requirements, the burden on the smaller operators in the Section 5311 and 5310 programs should remain low by continuing to limit TAM Plan (and SGR) requirements to revenue vehicles acquired with federal funds.

57. How should FTA define small operator for purposes of the TAM Plan requirements? Please be as specific as possible. Should this definition use the same criteria for determining a small operator for purposes of a Transit Agency Safety Plan that is developed or certified by a State?

The term Small Operator does not need to be defined for the purpose of TAM Plans. MAP-21 does not include any provisions for small operators in regards to TAM Plans. The only provision for small operators are for Safety Plans.

58. How should the requirements for a TAM Plan be handled for subrecipients of the section 5307 program—including both subrecipients of State Departments of Transportation (DOTs) and of individual large transit systems, for subrecipients of the section 5311 program, and for subrecipients of the Enhanced Mobility of Seniors and Individuals with Disabilities Program (section 5310)?

Except in those states that have opted to directly apply for the small urbanized Section 5307 funds these agencies will conduct individual TAM Plans the same as large Section 5307 recipients and FTA, not states, will provide direct oversight to the agencies.

59. Should FTA require State DOT's and urbanized area designated recipients to maintain a list of certified subrecipients that have established? If so, how should this list of certified subrecipients be maintained and updated?

No. MAP-21 only requires recipients to certify compliance with the TAM Plan requirements. Subrecipient plans do not have to be certified. Subrecipient compliance will be monitored and tracked by states in accordance with the processes that state already has in place to oversee subrecipient compliance with federal regulations.

60. How should FTA apply the various TAM provisions to recipients of the section 5311 Tribal Transit Formula Program and Tribal Transit Discretionary Program?

Consistent with how they approach other recipients.

61. How should the requirements for a TAM Plan apply to grant recipients who use an asset that is owned by a third party? Responses should consider that these assets may or may not have been purchased with Federal funds. Also, the grant recipient may indirectly contribute to the capital maintenance of the asset through a rental or lease payment, or in some cases the grant recipient may not make a payment to the owner or operator of the asset.

Allow each recipient to determine which assets should be included in the TAM Plan. For those assets the recipients does not own or operate, each recipient will need to make a determination based on the relationship between the recipient and the owner of the asset and the recipient's determination of whether the asset represents future capital liabilities for the recipient. FTA may want to set forth some factors a recipients could take into consideration in making such a determination, but should not prescribe a specific approach.

62. Should FTA allow States to develop a Statewide TAM Plan?

Yes. State DOTs should clearly have the option to develop a state-level/system-level plan that addresses their subrecipients assets (i.e., the rural fleet and the specialized fleet) in total. States should also retain the option of requiring individual subrecipient plans.

63. What is the appropriate balance that FTA should strike in defining state of good repair between achieving precision in measuring state of good repair vs. minimizing the cost of measuring state of good repair?

The cost of measuring SGR combined with the difficulty of gathering consistent and accurate data from all of FTA's recipients, leads to the following as the only reasonable approach: 1) An iterative/phased approach that begins with a definition of SGR for revenue vehicles; 2) a definition of SGR of "fit for intended purpose" and 3) the definition further provides that SGR is to be measured solely by reference to the average age and/or miles for the fleet of revenue vehicles. Based on this measure, AASHTO will develop a specific recommendations on how age and miles should translate to a fleet being considered as “in” or “out”of a state of good repair and will submit its recommendations to FTA at a later date.

64. What are the relative merits and drawbacks of each approach for defining state of good repair for FTA grant recipients and subrecipients of varying sizes, and/or with different modes? Should FTA consider implementing different approaches for different transit modes, or for grant

recipients and subrecipients of different sizes? If so, what modal delineations or size distinctions should FTA adopt?

Age (and/or miles) is the only methodology that can be consistently reported to reflect SGR ("fit for intended purpose") of the revenue vehicle fleet. It is the only measure that will lead to reliable data when rolled up nationwide. Therefore, this measure should be used for all recipients regardless of size and mode.

65. What are the relative merits and drawbacks of each approach for defining state of good repair for different classes of transit assets? Should FTA consider implementing different approaches for different asset classes? If so, what distinctions should FTA adopt between asset classes?

AASHTO strongly recommends a phased/iterative approach such that in the initial rulemaking TAM Plans and the definition of SGR will be limited to revenue vehicles. Individual transit properties may go beyond revenue vehicles, however, FTA regulations should not mandate this. Only after the nation's transit properties have established effective transit asset management practices and after FTA and its recipients been successful in several rounds of SGR reporting should FTA consider proposing additional assets through subsequent rulemakings. (For the Section 5311 and 5310 programs, AASHTO recommends SGR reporting and TAM Plan requirements remain limited to revenue vehicle fleets.)

66. Should FTA implement different approaches for defining state of good repair based on a combination of the size of the recipient and the class of asset, particularly given the role of state of good repair in the SMS prescribed risk management process? If so, what delineations should FTA make?

AASHTO strongly recommends a phased/iterative approach such that the revenue vehicle fleet of each recipient is the only asset covered by the initial rules. Individual transit properties may go beyond revenue vehicles, however, FTA regulations should not require any other assets. Only after the nation's transit properties have established effective transit asset management practices,should FTA propose adding other assets with subsequent rulemakings.

67. What are the relative merits and drawbacks of each approach for purposes of implementing the required performance measures and performance targets?

Age (and for revenue vehicle, miles) is the only consistent and objective measure available.

68. If a condition-based approach (or the comprehensive approach) is adopted in whole, or in part, for certain asset classes or for certain recipients, what requirements and procedures should FTA establish for the requisite condition inspections?

AASHTO does not recommend use of a condition-based approach. Any measure that goes beyond age and miles requires judgments to be made by individual recipients and subrecipients, which will cast serious doubt on the consistency and accuracy of the data when rolled up nationwide.

69. If a performance-based approach (or the comprehensive approach) is adopted in whole, or in part, for certain asset classes or for certain recipients, what requirements and procedures should FTA adopt for collecting the necessary performance data to implement this approach?

AASHTO does not recommend use of a performance-based approach.

70. How should the definition of state of good repair balance the benefits of improved safety, performance, comfort, and other factors?

AASHTO recommends age and/or miles as the measure for revenue vehicles. Therefore, these additional factors or any others would be considered at the discretion of individual recipients. The national measure of SGR should be "fit for intended purpose" as measured by age and/or miles.

71. If the comprehensive approach is selected for one or more classes of assets, how should FTA define the weights between various aspects of this approach?

AASHTO does not recommend the comprehensive approach.

72. To what extent should FTA include measures of the intensity of usage of an asset in its measure of state of good repair?

AASHTO does not recommend this as a factor.

73. How do transit agencies currently evaluate the state of good repair of their systems? What criteria are used for this evaluation? What are the costs of the evaluation?

It varies across State DOTs and AASHTO defers to the comments of individual states. AASHTO recommends that age and/or mileage be used as the criteria for purposes of this rulemaking effort regardless of what is currently being used."

74. Are there any other approaches that FTA should consider?

No.

75. Some current recipients or subrecipients may currently have Federally-funded assets with a Federal interest remaining in the asset, but these recipients may not be seeking FTA funding in the future. Should these recipients be required to develop TAM Plans?

Yes.

76. What other elements of a good TAM Plan should FTA consider as either requirements or as a suggested best-practice (e.g. a risk analysis, or a consideration of life-cycle costs)?

None.

77. How should the requirements for a TAM Plan apply to transit systems that operate using a full-service contractor, where the contractor both provides the assets and operates the assets? What requirements for state of good repair and a TAM Plan should FTA require to be included in such full-service contracts, if any?

Same as #61.

78. How should the TAM Plan apply to assets that are owned and operated by an entity other than the recipient, but upon which the recipient's operations relies?

Same as #61.

79. How should the requirements for a TAM Plan apply to grant recipients who purchase an asset with Federal funds, and then lease that asset to a third party who operates the asset? Should the requirement for a TAM Plan apply to the party that is leasing the asset? Or should the requirement for a TAM Plan only apply to the grant recipient that is the lessor of the asset?

Same as #61.

80. What level of detail should be required for the capital asset inventory in a TAM Plan? What type of categorization of assets should be required? Please be as specific as possible as to what requirements FTA should propose to ensure that capital asset inventories included in the TAM Plan support an effective transit asset management process.

Lowest level of detail as possible - specifically the total number of revenue vehicles in the recipients fleet. For its subrecipients' assets, state DOT should have the option of a TAM Plan that addresses the total fleet for all its is subrecipients by program (i.e., Section 5311, 5310). AASHTO reminds FTA that states remain obligated to maintain sufficient records and oversight of its subrecipients' federally-funded assets to meet its continuing control obligations.

81. What parameters should be required for the condition assessments included in the TAM Plan? Should these parameters be based on FTA's definition of state of good repair and the SGR performance measure?

For revenue vehicles, age and/or miles should be the sole parameters required by FTA to be used in establishing asset condition. Individual recipients may opt to include other parameters, however the only method that should be codified in federal regulations is age and/or miles.

82. Should FTA construct one or more TAM Plan templates for recipients to use? If so, should these templates be based upon asset type, recipient size, and/or some other factor? Should FTA develop professional certification or training courses related to TAM Plan development?

Templates are always helpful, however, they need to be examples only and not be construed to be guidance or required content.

83. How specific should the investment prioritization section be in the TAM Plan? Should it include specific projects, or just groups of assets to be addressed? How should this requirement align with the requirement that all projects funded by the SGR Formula Program (section 5337) be identified in the TAM Plan?

In the initial rulemaking, the TAM Plan will already be prioritized in that it will focus on the single most significant asset - the fleet of revenue vehicles. In the prioritization section of the TAM Plan, State DOTs will likely identify how federal funds will be used to meet its SGR targets for revenue vehicles while maintaining the existing level of transit service (via use of federal funds for operating assistance). AASHTO understands that Section 5337 eligible recipients will need to provide additional information in their TAM Plans, however, the specific requirements of that grant program should not drive the TAM Plan requirements for the many transit systems that are not eligible for the program. AASHTO would also like to comment on the statement FTA made in the Federal Register that the TAM Plan should reflect priorities for funding from all available sources - FTA, State, Local, FHWA. For TAM plans that state DOTs develop for the rural and specialized systems, the plans will likely focus on the FTA available funds under the Section 5311 and 5310 programs. These funds drive the SGR for the rural and specialized fleets. Other sources of state and local funding may be available, but they play a significantly smaller role in most states and for the most part are matching the federal funds, so it is the federal funds that are driving the results.

84. What time period should the investment prioritization in the TAM Plan cover?

Should be at the discretion of the recipient.

85. What processes or procedures should FTA recommend or require for balancing competing priorities for operations, maintenance, and expansion projects with rehabilitation and replacement projects in development of TAM Plans? How should these trade-offs be reflected in final, certified TAM Plans?

None.

86. What processes or procedures should FTA recommend or require to ensure that the investment prioritization reflects an organization-wide perspective towards establishing priorities?

None.

87. What processes or procedures should FTA recommend or require to ensure that the investment prioritization identified in the TAM Plan match the actual investment decisions that are made?

None.

88. At what level of detail should transit system safety be linked to or included as part of a transit system's TAM Plan? In particular, what procedures or requirements should FTA establish for incorporating safety into the asset inventory, condition assessment, and/or investment prioritization components of a TAM Plan?

FTA should simply require the TAM Plan to include a discussion of how the recipient incorporates safety into its condition assessment and investment prioritization. FTA does not need to prescribe a specific approach, methodology or required content.

89. Do transit agencies currently use any type of risk-based process to make investment decisions? If so, please describe that process.

AASHTO defers to the comments of individual agencies

90. How might a risk-based process change going forward to systematically ensure that each agency's greatest safety vulnerabilities are addressed first?

Individual recipients will change their processes as appropriate. This issue does not need to be addressed in the FTA rulemaking.

91. What are some other possible SGR performances measures that would have significant practical utility? Please be as specific as possible, using the format for the examples, above.

The definition of SGR should be "fit for intended purpose" and initially measured by revenue vehicle age and/or miles. This definition of SGR is one that can be easily communicated along with specific measures that are straightforward, limited, and objective. Individual transit properties may opt for more multi-faceted measurement methods that incorporate additional factors, but the federal requirements should establish age and/or miles as the "standard" for all recipients. As part of rulemaking, FTA should promote collaboration between Transit Systems and MPOs so that SGR is a component of regional long range planning and TIP development.

92. Should FTA consider a purely performance-based approach, i.e. rather than establishing direct SGR measures, instead establishing indirect SGR measures of in-service failures, maintenance break-downs, and track slow zones?

No. SGR targets should be locally developed and maintained. Federal indirect measures should not be a requirement, particularly for subrecipients. Such measures can be an option for individual systems for internal management purposes. FTA could always provide technical assistance to those systems that voluntarily choose to develop and use such measures and involve MPOs and State DOTs in such a process to the extent practical and mutually beneficial.

93. Should FTA propose different measures for smaller agencies? How should FTA develop different measures for different sized entities?

No. Small operators should follow the same basic guidance and requirements, except that reporting should be simplified in recognition of the less complex nature of small operations'

inventories. AASHTO recommends age and/or miles as the measure for determining if revenue vehicles are in a state of good repair, i.e., fit for their intended purpose. This measure should be used for all recipients, regardless of size.

AASHTO appreciates this question and commends FTA for recognizing that one size does not fit all. However, if FTA limits the initial rulemaking to revenue vehicles, no agencies, regardless of size will need relief from burdensome federal regulations. As we stated in response to #65, FTA may propose adding asset classes with subsequent rulemakings, however, for the smaller agencies that are subrecipients under the Section 5311 and 5310 programs, AASHTO recommends TAM and SGR requirements remain limited to revenue vehicles.

94. Should FTA collect the SGR performance targets through its National Transit Database? Or should SGR targets be collected through some other system?

SGR targets should be collected via the annual report submitted to FTA as required under 5326(c)(3)and outside of NTD. NTD is not an appropriate method for this reporting for a number of reasons which AASHTO can elaborate on if needed, but foremost, is the following: Targets and progress toward meeting those targets are not "hard" data and as such they should not viewed by FTA or others as the same as "hard" data (annual budget, number of vehicles, etc.) that are in NTD. Through a narrative annual report, the recipient has the option of telling the story that goes along with the reported targets and progress. These narrative annual reports might be submitted using the same capacity within TEAM used now for other annual agency narrative reports, such as DBE. AASHTO also wants to be clear that these annual reports should not be connected in any way to the annual grant making process and we remind FTA that State DOTs need to report at the recipient level, not the subrecipient level.

AASHTO suggests FTA work with their counterparts in FHWA in developing a joint mechanism by which the two agencies use the performance management reports that are required of all transportation agencies under MAP-21 to tell the true national story on the condition of the transportation system.

If FTA insists on using NTD, it is critical that the overall structure and purpose of it be reexamined. For example, the NTD's format would need to be enhanced to accommodate other data, narratives, and discussions that are critical components to performance reporting (again, it is not solely about the number or a specific target). As part of this reexamination, FTA must provide clear expectations, resources, and training. In addition, if major revisions to the NTD are considered as part of the new transit asset management reporting requirements, this should be done with the input of states and transit providers so that the design of the NTD reflects input of key users and stakeholders.

95. Should SGR targets be set on a system-wide basis? Or should SGR targets be set on a per-mode basis, per asset class, or both? Or on some other basis?

SGR targets should be set on a system-wide basis and not on a per mode or asset class basis. MAP-21 requires condition reporting to be done at the recipient's system level and therefore, recipients are likely to set targets on a system-wide basis. Thus, based on AASHTO's

recommended approach, targets will be set for the recipient's revenue vehicle fleet. AASHTO reminds FTA that targets are set by recipients and FTA need not prescribe how this is done. FTA should focus on achieving the intent of MAP-21 for performance measurement through technical assistance to states and recipients and not on establishing targets.

96. Should the SGR performance measures and performance results be based on data reported through the NTD? Should the SGR performance measures and performance results be based on data reported separately?

The two performance measures for SGR recommended by AASHTO, revenue vehicle age and/or miles, should be based upon the age and miles data already being reported to the NTD. Performance results (i.e., recipients reports on where they stand in meeting their SGR targets) should not be reported in NTD.

97. What should be the time horizon for the SGR performance targets? Although the SGR targets must be set annually, as required by law, should separate short-range (one year) and long-range (greater than one year) targets be established?

Beyond the required annual target setting, it should be a matter of recipient discretion as to whether to set longer range targets. Every transit agency, State DOT, and subrecipient faces different constraints and opportunities affecting their transit system. Funding levels and sources vary, as do environmental conditions, population growth trends, and legislative and gubernatorial mandates and priorities. Flexibility in target setting allows each transit system, State DOT, and local entities to face the realities of their unique situations. Thus, the time horizons for agencies will likely vary greatly based on a variety of factors unique to individual agencies. While MAP-21 requires annual target setting, AASHTO does see the benefit of having long-range targets as part of a performance-based planning process. The extent to which State DOTs and MPOs establish long range targets should remain within the discretion of state and local agencies and not be part of federal rulemaking.

A more detailed discussion on target setting is provided in the March 2013 AASHTO Standing Committee on Performance Management report called SCOPM Task Force Findings on MAP-21 Performance Measure Target-Setting that can be downloaded at http://scopm.transportation.org.

98. How should the SGR performance measures and performance results be connected to the requirement for applicants to the Pilot Program for Expedited Project Delivery? Section 20008(b) of MAP-21. How should applicants certify to FTA that their existing transit system "is in a state of good repair" in order to be eligible for the Pilot Program?

Individual states that are involved with fixed guideway capital investment grants are best situated to provide comments regarding this question. However, in keeping with the goal of FHWA's Every Day Counts Initiative and the expediting project delivery in general, AASHTO believes that FTA should help expedite project delivery generally and make the process as easy as possible.

99. What specific tools and resources should FTA develop to ease the implementation of these requirements? Please be specific as to what tools or resources would be most useful to you and your transit system, such as guidebooks, classroom training, webinars or online training, peer-to-peer exchanges, etc.

MAP-21 requires FTA to provide technical assistance to recipients. For state DOTs this assistance should be focused on how to approach SGR at the system level. FTA guidance documents should not pre-suppose that state DOTs will require each of its Section 5311 and 5310 subrecipients to conduct scaled down version of the asset management process laid out in FTA's October 2012 Asset Management Guide.

100. A number of private companies offer software tools for compiling and maintaining an asset inventory. Are there gaps in what is currently offered for these purposes that FTA should consider filling?

State DOTs already have systems in place to track their subrecipients' federally funded assets. Additional assistance from FTA is not needed.

101. A number of private companies already offer software tools to assist transit systems with taking an organizational approach to investment prioritization. Are there specific gaps in what is currently available for these purposes that FTA should consider filling?

None that AASHTO can identify at this time.

102. FTA has currently developed TERM-Lite to assist transit systems with estimating capital investment needs over time. Are there additional tools that FTA should develop to assist transit systems with estimating capital investment needs?

None that AASHTO can identify at this time.

103. Are the various guidebooks and reports listed above useful to your transit system in preparing to conduct transit asset management planning? Are there other guidebooks or reports that FTA should develop to support planning for transit asset management?

None that AASHTO can identify at this time.

104. Are there any other support tools or resources not mentioned here that would be helpful for recipients to have access to?

None that AASHTO can identify at this time.

105. What decision support tools for investment prioritization and/or analytic processes for capital investment needs estimation does your transit agency already use?

AASHTO defers to the comments of individual agencies.

106. What research should FTA be conducting or sponsoring to support improved TAM analysis?

None that AASHTO can identify at this time.

107. Should certification be done through the annual Certification and Assurance process and a requirement to receive a grant? How should subrecipients certify? Is there another process to consider?

Recipients should use the annual Certifications and Assurance process. There should be no specific requirement for subrecipient certification. MAP-21 does not require subrecipient certification and states may take an approach to TAM and Safety that does not result in individual subrecipient documents.

108. Should FTA establish a self-assessment or other set of procedures for recipients to follow before certifying their Transit Agency Safety Plan and TAM Plan?

This would be helpful, however, it is critical that self-assessment tools make it clear what components of the TAM or safety plan are required by law and what components are at the recipient's discretion.

109. After recipients have certified they have plans that comply with FTA requirements, should FTA review the plans prior to grant approval, as part of the Triennial/State Management Review, or at some other time?

The plans of individual recipients should be not be reviewed as a part of grant approval process. They should be reviewed as part of the triennial/SMR process.

110. FTA is considering reviewing certification of Transit Agency Safety Plans and TAM Plans on the basis of a weighted random sample of recipients as an alternative to reviewing all plans. Would this be a suitable alternative to reviewing all certifications?

Certifications need only be reviewed by FTA during Triennial and State Management reviews.

111. What requirements and procedures should FTA establish for States and urbanized area designated recipients to review the TAM Plans of their subrecipients before certification?

None. MAP-21 does not require subrecipient TAM Plans to be certified.

112. What requirements and procedures should FTA establish for States that develop and certify Transit Agency Safety Plans for rural providers and small urban providers?

MAP-21 does not require rural providers (i.e., subrecipients of State DOTS) to develop safety plans. A template for states to use for their rural transit safety plans would be helpful. As stated previously, AASHTO does not support the mandatory application of SMS for rural transit safety plans.

113. How frequently should TAM Plans be updated? How frequently should FTA review a recipient's updated TAM Plan? How should the certification be updated when the TAM Plan is updated?

TAM Plans should be revisited every three years. The revisiting should be documented and subject to FTA review as part of the Triennial/SMR. Certification of updates should not be required.

114. For all grant recipients, should FTA require the certification of the TAM Plan to be signed by the Chief Executive Officer of transit operations, and/or the Chief Executive Officer of the legal entity receiving grants from FTA?

No.

115. For grant recipients with a board of directors, should FTA require the TAM Plan be approved by the Board before certification?

No.

116. What procedures or requirements should FTA establish to ensure that Transit Agency Safety Plan and TAM Plan goals, measures, and targets from individual transit systems are integrated into the metropolitan transportation planning process?

FTA should not establish any new procedures or requirements. Existing procedures are already in place as part of the transportation planning process for the Transit Agency Safety Plan and TAM Plan goals, measures and targets to be integrated into the long range plans and TIP. MAP-21 specifically says that MPOs shall integrate into the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets in other State transportation plans and transportation processes. In addition, the FTA is preparing new guidance regarding representation of transit on MPO boards.

117. Should MPO's be required to set a region-wide target for transit state of good repair, or should MPO's be required to incorporate the both safety and transit state of good repair targets from each transit system within their jurisdiction into the performance-based planning process, or should have MPO's have discretion to choose between these two approaches?

MAP-21 calls for MPOs to incorporate measures and targets from other transportation plans into the metropolitan planning process as part of the performance-based planning process.

118. What procedures or requirements should FTA establish to ensure that Transit Agency Safety Plan and TAM Plan goals, measures, and targets from individual transit systems are integrated into the statewide and nonmetropolitan transportation planning process? Since States are already setting the transit SGR performance targets for rural area grants received by the State, are any additional steps needed for integration into the planning process?

FTA should not establish any new procedures or requirements. Existing procedures are already in place as part of the transportation planning process for the Transit Agency Safety Plan and TAM Plan goals, measures and targets to be integrated into the long range plans and TIP. MAP-21 specifically says that State DOTs shall integrate into the statewide transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets in other State transportation plans and transportation processes. This existing framework is sufficient and no additional steps are needed for integration into the planning process.

119. Should FTA establish procedures or requirements to ensure that Transit Agency Safety Plan and TAM Plan goals, measures, and targets from individual transit systems are integrated into other metropolitan planning products, such as the Unified Planning Work Program ("UPWP") and Congestion Management Process ("CMP")?

No. MAP-21 specifically states that as part of the performance-based planning process that goals, measures and targets from other plans are to be integrated. Requiring Transit Agency Safety Plan and TAM Plan goals, measures, and targets into the UPWP and CMP are not necessary is an overreach of authority and what is required in MAP-21.

120. FTA is interested in hearing recipient and stakeholder perspectives on how the investment priorities set forth in can be most-effectively reflected in the prioritization of projects, strategies, and resources—including Federal, state, and local funds—in MPO Plans and Transportation Improvement Programs, as well as the Long-Range Transportation Plans of States and Statewide Transportation Improvement Programs. Specifically, how should transit state of good repair needs identified in be addressed alongside other investment goals in these financially-constrained plans?

FTA regulations allow for the Section 5311 and Section 5310 programs to be listed in the STIP as "one aggregate project" and therefore the annual investment decisions made by the states for these very small programs are not necessarily reflected in the STIP. Likewise, the state of repair of the rural and specialized transit infrastructure is a relatively small issue to be addressed/reflected in a State Long Range Transportation Plan. It might warrant a single sentence, if that.

121. How should safety targets be considered in the planning process by State's and MPOs? Should MPO's be required to set a region-wide safety target? Or, should MPO's be required to incorporate each of the safety targets from each transit system within their jurisdiction into the performance-based planning process? Or, should MPO's have discretion to choose between these two approaches? How would each approach make the planning process easier or more difficult for transit agencies?

Transit agencies are already part of the transportation planning process. And, existing procedures are already in place as part of the transportation planning process for safety targets to be integrated into the MPO and statewide long range plans and STIP/TIP. MAP-21 specifically says that MPOs and State DOTs shall integrate into the statewide transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets in other State transportation plans and transportation processes.

122. FTA seeks information from the public in order to assist it in assessing the cost of alternative regulatory approaches for implementing the National Safety Program and the National TAM System. For example, for commenters who suggest that FTA consider adopting certain safety performance criteria, minimum safety standards for vehicles, or objective standards for measuring the condition of capital assets, or training standards, what information do you have to assist FTA in assessing the incremental cost of adopting your suggestion? FTA is interested in information to assist it in assessing the full cost of the suggestion, such as the cost for transit agencies to collect and assess information and the cost to take action based on the information.

FTA must recognize any alternative regulatory approaches to implement National Safety Program and National TAM System will be costly for transit systems. Any collection and assessment of information will be costly in the use of staffing and resources at a time when staffing and resources are currently stretched. The more information collected and assessed the more costly the process. At a time when allowable administrative cost have been reduced from 15% to 10% any additional costs to recipients will be burdensome and result is less service to the traveling public.

123. Likewise, FTA seeks information from the public to assist FTA in assessing the potential benefits of alternative regulatory approaches for implementing the National Safety Program and the National TAM System. For example, for commenters who suggest that FTA consider adopting certain safety performance criteria, minimum safety standards for vehicles, objective standards for measuring the condition of capital assets, or training standards, what information do you have to assist FTA in assessing the incremental benefit from adopting your suggestion?

With transit as the safest mode of transportation it is difficult to envision that there are will be any additional benefits that emerge from these rules. FTA should take into consideration the potential loss of service to the traveling public due to burdensome requirements.