

January 21, 2016

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

Re: Public Transportation Safety Certification Training Program (Docket Number FTA–2015–0014)

Dear Administrator McMillian:

The American Association of State Highway and Transportation Officials (AASHTO) is pleased to provide comments on the Federal Transit Administration’s (FTA) “Public Transportation Safety Certification Training Program” (Docket Number FTA–2015–0014) Notice of Proposed Rulemaking (NPRM) published in the Federal Register on December 3, 2015. Representing all 50 States, the District of Columbia, and Puerto Rico, AASHTO serves as a liaison between State departments of transportation (DOT) and the Federal government.

In these comments, AASHTO addresses the proposed rule solely from the bus transit perspective and in particular as it relates to the transit programs that State DOTs deliver to its rural and specialized subrecipients. These comments are not intended to address the proposed rule from the rail perspective.

In the NPRM, FTA is clear that its provisions are mandatory with respect to rail under FTA jurisdiction and voluntary with respect to bus. FTA states at the outset of the NPRM that:

The proposed rule would reflect the interim program in that mandatory participants would continue to be State Safety Oversight Agency (SSOA) personnel and contractors, and designated personnel of rail transit agencies not otherwise regulated by another Federal agency. Employees or contractors of entities providing safety oversight of bus operations would be permitted to participate on a voluntary basis. (80 Federal Register, 75640-41, from December 3, 2015).

In that SSOAs are, by definition, limited to States with rail transit service (see 49 USC 5329(e)), FTA has clearly stated that the proposed rule does not apply to bus transit. See also 80 Federal Register at 75646, where FTA explains that mandatory aspects of the proposed rule are limited to the rail context and are “*voluntary*” (emphasis by FTA in original) in the bus context.

We strongly support this decision by FTA to exclude the bus context from requirements under this proposed rule. This is highly warranted because the States' current approach to bus 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 signed by FTA, AASHTO, the American Public Transportation Association, and the Community Transportation Association of America in 2003 and have led to very safe bus transit operations, including rural transit operations.

In addition, given current excellent safety performance in the provision of bus transit service, AASHTO does not see a need for rules to prescribe specific training requirements for State DOT staff involved in managing federal funds and passing them on to subrecipients with respect to bus service.

In sum, the excellent safety record of bus transit fully justifies FTA's proposal to exclude bus transit from the scope of the rule in this docket. The final rule should follow that approach and the notice in the Federal Register of the final rule should clearly affirm that approach.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Trombino III". The signature is fluid and cursive, with a prominent initial "P" and a stylized "T".

Paul Trombino III
President, American Association of State Highway and Transportation Officials
Director, Iowa Department of Transportation