

Comments of the Transportation Departments of
Idaho, Montana, North Dakota, South Dakota, and Wyoming
to the
Federal Transit Administration
Docket No. FTA-2015-0029
Notice of Proposed Rulemaking
Regarding
National Transit Database
January 13, 2016

The transportation departments of Idaho, Montana, North Dakota, South Dakota, and Wyoming (“we” or “our”) respectfully submit these joint comments in response to the Notice of Proposed Rulemaking in this docket, published by the Federal Transit Administration (FTA) at 80 Federal Register 72137 *et seq.* (November 18, 2015).

Each of the five departments is a member of the American Association of State Highway and Transportation Officials (AASHTO). We were actively involved in the development of the comments filed by AASHTO in this docket, are in broad agreement with AASHTO’s comments, and elaborate below on some of the points made by AASHTO.

We also briefly address the relationship between FTA’s proposal in this docket and FTA’s transit asset management rule that is being developed in docket number FTA-2014-0020. In particular, even if FTA should increase NTD reporting requirements so that more must be reported than we support, that does not mean that all assets that must be reported to the NTD should be subject to the requirements of the transit asset management rule. Asset management is a time consuming and important process, and is properly limited to only very important assets.

Overview – The Excellent Safety Record of Rural Transit Warrants a Limited Approach to Data Reporting Regarding Rural and Small Bus Systems

FTA should limit data reporting burdens associated with the rural transit program, 49 USC 5311. This approach is warranted because of the excellent safety record of rural transit. In addition, this approach will enable 5311 subrecipient operators to focus scarce resources on delivery of transit services, not on data reporting (and the related data gathering) or other regulatory compliance.

Any diversion of the limited funds available to rural or small bus systems to data gathering and reporting efforts or to regulatory work would, over time, have potential for negative consequences. Rural and small transit agencies, operating within very tight budgets, provide vital public transportation in their service areas, allowing the elderly and disabled to remain in their own homes and maintain active lifestyles in their communities. Additionally, they offer access to dialysis and other medical services, connect people to employment opportunities, transport children to educational and recreational activities, and keep the general public connected and mobile. We do not want

to see a reduction in these vitally important services due to new requirements to gather and report data on minor assets or equipment.

From these perspectives, we offer below specific recommendations.

Specific Recommendations

Section 5310 program. We agree with AASHTO that any NTD reporting for the section 5310 program be at the designated recipient level, not at the subrecipient level. We further agree that any section 5310 reporting should be limited to vehicles providing transit service, preferably those paid for at least in part with FTA funds.

AASHTO has noted that the overwhelming majority of section 5310 subrecipients do not receive section 5311 funding. So, the extension of NTD requirements to the section 5310 program would represent a meaningful new burden.

Moreover, section 5310 subrecipients are often not transportation entities, but non-profit agencies that provide transportation services as an adjunct to their other services for elderly individuals and/or individuals with disabilities. Imposing new data collection and reporting burdens on these entities will detract from their efforts to serve individuals in great need of help.

For all of these reasons, any NTD reporting for the Section 5310 program should be reported as a total for each designated recipient, not on a subrecipient basis, and limited to vehicles proving transit service, preferably those paid for at least partly with FTA funds.

Should FTA require reporting of vehicles used in the 5310 program that provide transit service, that reporting should be limited to the vehicle's type and year manufactured.

We also agree with AASHTO that, other than vehicles providing transit service, section 5310 assets (facilities or other) not be reported to the NTD. If they are to be included, they should be limited to significant assets -- those with an initial cost of at least \$50,000.

Section 5311 program. For the section 5311 program, we support the reporting of vehicles used in providing transit service. That reporting should be limited to the vehicle's type and year manufactured. As to any other assets, any reporting requirement should be limited to those with an initial cost of at least \$50,000.

Relationship of section 5339 funds to section 5310 and 5311 programs for NTD purposes.

Small and rural bus systems potentially can receive funds pursuant to the 49 USC 5339 bus and bus facilities program. Just as the receipt of some additional funds for vehicles pursuant to section 5339 does not change the basic nature of a section 5310 or 5311 service provider, the receipt of section 5339 funds should not change the NTD reporting

obligation with respect to reportable assets of providers in the section 5310 or 5311 programs. Accordingly, the final rule in this docket should be clear that NTD reporting requirements for the section 5310 and 5311 program entities will not increase (no additional obligations) if a section 5310 or 5311 recipient (or subrecipient) also receives funding under the section 5339 bus and bus facilities program. For example, any additional vehicles that provide transit service that a section 5311 entity receives through section 5339 funds would be reported to the NTD in the same manner as if received via section 5311 funds.

Contractors' Assets. The final rule in this docket should not mandate that contractors' assets be reported.

Relationship to Transit Asset Management Requirements. As noted at the outset, just because something is required to be reported to the NTD, that does not mean that the vehicle or other asset should be subject to transit asset management requirements (under development by FTA in docket number FTA-2014-0020). Asset management is a time consuming and important process, and is properly limited to only very important assets. In our comments in docket number FTA-2014-0020 we recommended, as to bus only systems, limiting transit asset management requirements to vehicles used to provide transit service and to assets with an initial cost of at least \$50,000. FTA should not expand asset management requirements to include all assets required to be reported to the NTD unless FTA determines in the final rule in this docket to similarly limit reported assets (at least as to bus service) to vehicles used to provide transit service and to assets with an initial cost of at least \$50,000.

Conclusion

The transportation departments of Idaho, Montana, North Dakota, South Dakota, and Wyoming thank FTA for its consideration. We respectfully request that any further action by FTA in this docket be in accord with our comments.
