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April 22, 1992

Mr. Brian Clymer  
Administrator  
Federal Transit Administration  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Dear Brian:

At our Midyear meeting in Long Beach, a number of APTA committees met to review developments concerning implementation of the Intermodal Surface Transportation Efficiency Act of 1991 ("ISTEA"). Our review focused not only on the steps taken by the Federal Transit Administration ("FTA") but also actions taken by the Federal Highway Administration ("FHWA"), and at the Departmental level. As a result of these meetings, I was asked to share with you our observations and to reiterate the transit industry's willingness to continue to work with you on ISTEA implementation issues.

First of all, everyone that has taken even a cursory look at the ISTEA statute is aware that the job of implementing it is a formidable task. The complexity of issues and sheer volume of new regulations and guidance required will present a significant challenge for you, FHWA Administrator Larson, and Secretary Card.

Our members are aware that the industry needs to move forward quickly and provide you our views on implementation of some elements of the ISTEA, especially on issues that we supported as the legislation was being developed in Congress. Among these issues are changes in the way Section 9 projects are administered including the certification process, comments on the new planning provisions, recommendations on how the authority for transit systems to conduct multi-year procurements should be implemented, and more. We are working at the committee level to flesh-out our views on these issues and will share them with you as they become available over the next few weeks.

In this regard, one area where we have shared our views, and that seems to be moving along well, is the statutory provision providing for State regulatory authority over the safety of fixed guideway systems. I understand a hearing may be held at our Rapid Transit Conference in Los Angeles in June on this provision. This is a very positive

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April 22, 1992

development and our rail systems certainly look forward to continuing to work with the FTA as it develops implementing regulations.

One recommendation we would make on the guidance already issued under the ISTEA is for FTA, FHWA, and the Department to make more frequent and consistent use of the Federal Register process. We believe this technique would help insure that your target audience actually receives the guidance you issue and, more importantly, that those organizations and individuals who are not part of the traditional clientele of FHWA or FTA would also have access to the implementation guidance.

Enclosed is a list of the guidance we are aware of issued by the FTA or FHWA or jointly by both agencies to date. You will note that its format varies from a letter to a single grant recipient, to "dear colleague" letters, to undated and unsigned Q and As, etc. The guidance to date has gone to different audiences and has been stated at varying levels of formality. One of our member's reactions to this information makes the point very well. The member said, "I don't think all the players have the same rulebook."

Use of the Federal Register process, including the notice and comment process for more significant items, could also generate useful ideas and options for you to consider. For example, as far as I can tell, there is not a consensus position within the transit industry on the cross-cutting issues addressed in your letter of March 3, 1992, to Dallas Area Rapid Transit. However, there was unanimity on one point among the members I talked with--that all would have liked to have been afforded the opportunity to provide their views and comments on this very significant policy announcement before it was issued in final form. Our members would also have liked to provide views and comments with respect to your initial determination, now under review, concerning the local share for transit projects under Title 23.

The point of this letter is not to criticize the Department, FHWA or FTA for the significant steps each of your organizations have taken in implementing the ISTEA legislation. We know that you and your staff have spent many long hours trying to do your very best at implementing these provisions in a way that is sensitive to the intent of Congress and in the best interests of our industry and the people who rely on our service.

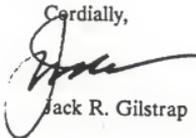
Mr. Brian Clymer

- 3 -

April 22, 1992

We do believe, however, that more frequent use of at least the Federal Register Notice procedures would help you as well as the people you are trying to reach in your implementation steps. We would greatly appreciate the opportunity to discuss this letter and offer our views in person.

Cordially,

A handwritten signature in black ink, appearing to read "Jack R. Gilstrap", written over a circular stamp or mark.

Jack R. Gilstrap

JRG:lb

Enclosure

cc: APTA Executive Committee

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