

January 10, 2014

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Ave., SE
West Building, Ground Floor
Room W12-140
Washington, DC 20590-0001

Re: Docket No. FTA-2013-0019, “Notice of Availability of Draft Guidance on the Application of United States Code to Corridor Preservation”

On behalf of the 6,000 members of the American Road and Transportation Builders Association (ARTBA), I respectfully offer comments on the Federal Highway Administration’s (FHWA’s) and Federal Transit Administration’s (FTA’s) proposed rule regarding “Environmental Impact and Related Procedures—Programmatic Agreements and Additional Categorical Exclusions.”

ARTBA’s membership includes public agencies and private firms and organizations that own, plan, design, supply and construct transportation projects, including transit projects, throughout the country. Our industry generates more than \$380 billion annually in U.S. economic activity and sustains more than 3.3 million American jobs.

ARTBA members undertake a variety of activities that are subject to the environmental review and approval process in the normal course of their business operations. ARTBA’s public sector members adopt, approve, or fund transportation plans, programs, or projects. ARTBA’s private sector members plan, design, construct and provide supplies for these federal transportation improvement projects. This document represents the collective views of our 6,000 member companies and organizations.

ARTBA supports FTA’s proposed guidance as part of the U.S. Department of Transportation’s (DOT’s) effort to continue working towards the Moving Ahead for Progress in the 21st Century Act’s (MAP-21’s) bipartisan goal of reducing the amount of time it takes to deliver sorely needed transportation improvements. The proposed guidance allows for the acquisition of a right-of-way (ROW) prior to the completion of the environmental review process for transit capital projects. As stated in the proposed guidance, FTA defines a ROW in part as “any real property in a linear configuration needed for a core capacity improvement project.” Previously, early ROW acquisition was only allowed for railroad projects; however MAP-21 extends this opportunity to other public transportation projects.

Identifying and acquiring a ROW is an essential part of any transportation project. Allowing this process to be undertaken while the environmental review process is still ongoing, as opposed to waiting until after it has been completed, should save time by allowing multiple tasks to be



accomplished at once. This type of multi-tasking could reduce the delays by allowing more work to be completed earlier in the construction process, which would shorten the overall time needed for delivery of transit projects.

Further, acquisition of a ROW is a focus of multiple sections of MAP-21. Specifically, MAP-21 also created a new categorical exclusion (CE) for projects being built within an existing ROW. ARTBA previously submitted comments to DOT supporting this new CE which stressed themes of flexibility and broad application. ARTBA makes the same recommendation with respect to FTA's proposed guidance. FTA should strive to apply the guidance to as wide a range of ROWs as possible in order to maximize its potential. As more transit projects take advantage of initiating the ROW acquisition process earlier, the greater the time-saving benefits of the guidance will be.

ARTBA looks forward to continuing a dialogue with FHWA and FTA in order to continue the implementation of MAP-21 and improve the project delivery process for transportation improvements.

Sincerely,

A handwritten signature in black ink, reading "T. Peter Ruane". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

T. Peter Ruane
President & C.E.O