



US Department  
of Transportation

The Administrator

400 Seventh St. S W  
Washington, D.C. 20590

Federal Transit  
Administration

MAY 6 1992

Jack R. Gilstrap  
Executive Vice President  
American Public Transit Association  
1201 New York Avenue, NW  
Washington, DC 20005

Dear Jack:

Thank you for your letter of April 22nd. I appreciate APTA's support in the formidable task of implementing the Intermodal Surface Transportation Efficiency Act of 1991 ("ISTEA"). Before addressing your specific suggestions, however, I would like to clarify my letter of March 3rd to Dallas Area Rapid Transit ("DART") concerning cross-cutting requirements, to which you refer.

Applying cross-cutting requirements to federally funded contracts and grants is not new to ISTEA, nor is it limited to transit. Certain cross-cutting requirements have been included in the Federal Transit Act ("FT Act") for decades, as in the case of competitive procurement, environmental policy, and labor standards. Other statutes and regulations are applicable to all federally financed projects although not referenced in the FT Act, such as the Americans with Disabilities Act and the Common Grant Regulation, 49 CFR Part 18 (1971).

My disposition of the cross-cutting issues affecting DART is consistent with Federal Transit Administration ("FTA") policy over the years. The one or two efforts to distinguish exceptional situations in applying the Federal cross-cutting requirements have failed to create a viable alternative. I hope that this amplification clarifies that this issue is not an ISTEA matter, and should not be confused with any of the array of implementation concerns. Neither should my letter to DART be viewed as articulating any new policy or alteration of existing policy.

Your suggestion that greater uniformity and wider distribution of guidance under ISTEA could be achieved by broader use of the Federal Register process is one that I believe has significant merit. In fact, I have asked the Offices of Technical Assistance and Safety, Grants Management, Budget and Policy, and Chief Counsel to review the issue and to develop a new system for disseminating information and engaging communication with the industry. I will also ask Tom Larson to do the same so that FTA and the Federal Highway Administration will be coordinated in this endeavor.

I anticipate great strides as the transit industry and the FTA mutually progress towards full implementation of the ISTEA.

Sincerely,



Brian W. Clymer

cc: APTA Executive Committee  
DART

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