



October 10, 2006

Docket Management System
U.S. Department of Transportation
400 Seventh Street, S.W.
Nassif Building
Room PL-401
Washington, D.C. 20590-0001

Re: Comments to Docket No. FTA-2006-25750

Dear Sir/Madam:

The Washington Metropolitan Area Transit Authority (WMATA) is the largest mass transit provider in the Washington, D.C. metropolitan area and the second largest subway and fifth largest bus system nationally. On average, we provide 720,000 rail trips, 439,000 bus trips, and 4,400 paratransit trips every weekday. WMATA is pleased to provide the following comments on the policy statement on classification of HOV lanes converted to HOT lanes as fixed guideway miles published on September 7, 2006 (at 71 Fed. Reg. 52849) by the Federal Transit Administration (FTA).

Designation of HOV lanes converted to HOT lanes as fixed guideway miles

WMATA supports the use of HOV and HOT lanes as another "tool" in the transportation "toolbox" by which localities can move people and reduce growing congestion. However, as the major public transportation provider of the national capital area, WMATA has a number of concerns with the proposed policy for HOV to HOT conversion and the designation of those miles as fixed guideway miles for FTA funding formulas.

As the Washington, DC area continues to grow, so does WMATA's ridership and costs. At the same time, WMATA's proportional share of the fixed guideway modernization program is declining, despite the modest growth in the program. This decline in program dollars is a function of an increasing number of fixed guideway miles (primarily rail transit) becoming eligible for these funds, as rail systems mature. Consequently, WMATA is opposed to

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Metropolitan Area
Transit Authority**

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Washington, D.C. 20001
202/962-1234

*By Metrorail:
Judiciary Square-Red Line
Gallery Place-Chinatown
Red, Green and
Yellow Lines*

*A District of Columbia,
Maryland and Virginia
Transit Partnership*

the addition of new HOV/HOT miles that would further reduce funds available for critical rail capital maintenance and rehabilitation needs.

Despite the fact that there are many HOV/HOT proposals in the Washington region, as other regions across the country add HOV/HOT miles and projects into the FTA funding formulas, WMATA is extremely concerned that its proportional share of fixed guideway modernization funding will decline. Funding for fixed guideway modernization program is not growing at a large enough rate to offset the dilution of the program by HOV/HOT miles from across the country being added to the formulas. Therefore, WMATA recommends that in addition to the requirement that they be reported in the National Transit Database, HOV lanes must have been operated as HOV lanes for seven years (similar to the requirement for rail projects) prior to conversion to HOT lanes and prior to qualification as eligible miles for FTA funding under 49 U.S.C. §5307(b).

Although HOV and HOT lanes are another "tool" in the transportation "toolbox," FTA needs to keep in mind that not all lane miles are equal. A transit lane mile (assuming 8-car trains, at 2.5 minute headways) carries approximately 18,000 - 20,000 people/hour. By contrast, an HOV-3 lane mile carries approximately 6,000 people/hour. At a time when transit capital dollars are so desperately needed, WMATA believes this proposed policy is a slippery slope whereby transit program dollars would increasingly be used for highway projects--with little or no protection for transit properties of existing FTA formula funds and no promise of funding growth.

Therefore, WMATA urges FTA to ensure that all federal funds generated from the fixed guideway miles of HOV lanes converted to HOT lanes be directed to the designated recipients for funding eligible public transit capital expenditures.

FTA policies regarding HOV lanes converted to HOT lanes

WMATA agrees with other commenters that prior to the conversion to HOT, a study should be done to ensure that the conversion will not degrade traffic flow or transit service on the facility. In addition, there should be continuous monitoring of HOT facilities to ensure free flow of traffic and no degradation of transit service.

WMATA feels strongly that HOV to HOT conversion should require the provision of transit service on the facility and that transit vehicles should not be subject to HOV/HOT tolls.

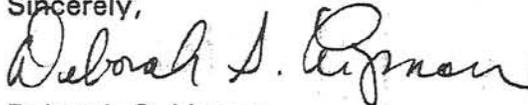
FTA's policy should include a provision that program income from the HOT lane facility, including all toll revenues, should be used solely to provide capital and operating funds to support the operation of transit service and not to finance operating losses of the HOT lanes. If toll revenues are insufficient to cover these expenses, public transit operators should not be penalized by diverting transit funds to finance HOT lanes.

Overall comment on September 7 FTA policy statement

For the reasons enumerated above, WMATA suggests that FTA defer a final policy decision on this issue. WMATA agrees with other commenters that FTA should first study likely trends and forecast the impacts of the various policy options available, then publish both the methodology used and the likely results of various courses of action that are available to FTA. Finalizing a policy before such steps are taken will likely result in a number of unintended consequences on transit agencies that already face increasing costs and declining federal funding dollars.

WMATA appreciates the opportunity to provide comments on this proposed policy, which could greatly affect transit authorities across the country.

Sincerely,



Deborah S. Lipman

Director

Office of Policy and Intergovernmental Relations