



**AMERICAN
PUBLIC
TRANSPORTATION
ASSOCIATION**

November 14, 2011

Richard Thomas
Associate General Counsel
Office of Government Ethics
1201 New York Avenue, NW Suite 500
Washington, DC 20005-3917

RE: RIN 3109-AA04

Dear Docket Clerk:

On behalf of the more than 1,500 member organizations of the American Public Transportation Association (APTA), I write to provide comments on the Office of Government Ethics (OGE) Notice of Proposed Rulemaking (NPRM) related to Standards of Ethical Conduct for Employees of the Executive Branch; Proposed Amendments Limiting Gifts From Registered Lobbyists and Lobbying Organizations; published September 13, 2011 at 76 FR 56330.

About APTA

APTA is a non-profit international trade association of more than 1,500 public and private member organizations, including public transit systems; high-speed intercity passenger rail agencies; planning, design, construction and finance firms; product and service providers; academic institutions; and state associations and departments of transportation. More than ninety percent of Americans who use public transportation are served by APTA member transit systems.

APTA has joined hundreds of other non-profit organizations in opposing OGE's proposed restrictions limiting executive branch employees from accepting invitations to widely attended events or using other established exceptions to the existing gift rules when the source is a "lobbying organization." We have joined those associations in the comments filed by the American Society of Association Executives (ASAE) and endorse the ASAE comments.

Additionally, we believe OGE's statement that the "primary concern of such associations generally is not the education and development of members of a profession or discipline" is not merely narrow but short sighted. APTA's activities go far beyond lobbying and, in fact, in our last fiscal year less than 6 percent of our annual expenditures were for lobbying activities. The vast majority of our efforts are on those very education and development activities OGE ignores.

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APTA is a standards development organization. Our efforts have produced over 200 standards in a broad array of areas including bus, rail and commuter rail, accessibility, fare media, procurement, sustainability, and urban design. These widely accepted consensus based standards improve the safety and security of operations and services as well as reduce operating and maintenance costs. We develop these standards in close coordination with the US Department of Transportation (DOT), the Federal Transit Administration (FTA), and the Federal Railroad Administration (FRA), as well as the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA), among other federal partners.

APTA provides peer review and safety audit services for our members around the world. These services bring collective knowledge and experience to bear on local transit agency operations and promote the safety, security, and efficiency public transportation riders demand.

APTA provides a series of committees for our members to learn and share information. Our committees, subcommittees, and technical forums run the gamut from general, cross cutting topics such as sustainability and mobility management to highly specialized areas such as our track and noise/vibration technical forum. These committees offer our members unique information and, by including our liaisons from DOT, FTA, FRA, and other federal agencies, we ensure those members have access to the best information available.

Of course, APTA offers conferences. Our conferences are intense, educational sessions that serve to highlight the hot topics of the day, whether emerging technology, lessons learned, regulatory requirements, or other similar areas. Our federal partners often serve as presenters to ensure our members obtain balanced, accurate, and complete information regardless of the topic. To exclude these executive branch employees from full participation in APTA programs – including conferences – would be to hobble the public transportation industry's ability to evolve and continue transit's vital role in society.

We appreciate the opportunity to assist OGE in this important endeavor. For additional information, please contact James LaRusch, APTA's chief counsel and vice president corporate affairs, at (202) 496-4808 or jlarsch@apta.com.

Sincerely yours,



Michael P. Melaniphy
President & CEO

MPM/jpl