

January 9, 2006

Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, N.W.
New Executive Office Building
Room 9013
Washington, DC 20503

Re: Proposed Bulletin for Good Guidance Practices

On behalf of the 5,000 members of the American Road and Transportation Builders Association (ARTBA), I respectfully offer comments on the Office of Management and Budget's (OMB) Proposed Bulletin for Good Guidance Practices (GGP).

ARTBA's membership includes public agencies and private firms and organizations that own, plan, design, supply and construct transportation projects throughout the country. Our industry generates more than \$200 billion annually in U.S. economic activity and sustains more than 2.2 million American jobs.

ARTBA supports the suggested changes to the process of issuing guidance documents contained in the GGP. The daily activities of ARTBA members in many instances can be directly affected by the issuance of agency guidance. Most recently, ARTBA is in the process of working with the Federal Highway Administration (FHWA) on several guidance proceedings relating to the recently passed "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users."

The proposed changes in the GGP would enable ARTBA to not only to better represent our members, but also to better inform them about federal regulatory actions that impact their businesses. By establishing clear guidelines as to what constitutes agency guidance, the GGP will enable ARTBA to better inform our members as to their responsibilities in regards to the various federal agencies under which they are regulated. Clearly defined guidance will also improve the regulatory process by facilitating increased participation from stakeholder communities and providing an identifiable standard to follow.

ARTBA also welcomes the opportunity for the public to comment on guidance as proposed by the GGP. Public comment is an integral part of the regulatory process, and it should be extended to guidance development. Currently, when guidance is issued by regulatory agencies, there is often no request made for public comments. Although

ARTBA frequently makes concerns of its members known with respect to relevant guidance, a universal blueprint for requesting comments would be an improvement to the process.

Often times, guidance has the force and effect of regulation. Thus, it is only fair that those affected by the guidance have a chance to offer input on its effect. Also, allowing for public comment could reduce the amount of regulatory litigation agencies face as a result of issuing guidance. From ARTBA's perspective, our members are eager to have the chance to offer their perspective on guidance which directly affects their day to day business activities. Allowing this type of interaction will ultimately result in the agencies being better informed and overall guidance that is more effective.

Once again, ARTBA is extremely supportive of the GGP and feels that it represents a significant step forward in the regulatory process. It will engender fairness and improved dialogue between agencies and those that have a vital stake in the guidance they issue. ARTBA and our members are eager to take advantage of the new opportunities for involvement in the guidance process offered by the GGP and help OMB make the GGP standard agency practice.

Sincerely,

A handwritten signature in black ink that reads "T. Peter Ruane". The signature is written in a cursive style with a large, stylized initial "T".

T. Peter Ruane
President & C.E. O.