

purpose of this notice is to propose a radius around a public transportation stop or station within which FTA will consider pedestrian and bicycle improvements to have a *de facto* functional relationship to public transportation.

FTA's existing guidance on the eligibility of joint development improvements serves as the foundation for this proposed policy. According to that guidance, "the functional relationship test of activity and use permits the use of FTA funds for joint development improvements [including pedestrian and bicycle improvements] located outside the structural envelope of a public transportation project, and may extend across an intervening street, major thoroughfare or unrelated property, [but] should not extend beyond the distance most people can be expected to safely and conveniently walk to use the transit service."<sup>27</sup>

Relying on this guidance, in most circumstances FTA has considered pedestrian improvements within about 1,500 feet of a public transportation stop or station to be functionally related. Improvements beyond a 1,500 foot radius were considered functionally related to public transportation only if they satisfied a test of activity and use.

The distance stated in FTA's existing guidance is too short. "While distance is very important for pedestrians, on average they will walk further than the anecdotal rule of thumb of 400 meters used in many planning applications."<sup>28</sup> Research indicates that pedestrians are willing to walk at least one-half mile to train stations or other forms of reliable public transportation when the environment surrounding the station is safe and well-designed.<sup>29</sup> That equals a fifteen minute walk at a pace of two miles per hour. A one-half mile catchment area is a conservative estimate of the distance a pedestrian is willing to travel to a public transportation stop or station. FTA has reason to believe that pedestrians are willing to spend more than fifteen minutes walking to public transportation stops and stations: A study published in the American Journal of Preventative Medicine concluded that Americans who use public transportation spend a median of

nineteen minutes daily walking to and from public transportation; and people in high-density urban areas were more likely to spend approximately thirty minutes walking to and from public transportation daily.<sup>30</sup>

Applying the same timeframes to bicyclists yields at least a three mile catchment area. Bicycle paths would extend further than a pedestrian facility and still be functionally related because "bicyclists are willing to travel much longer distances than pedestrians, largely due to higher average speeds attainable by bicycle."<sup>31</sup> Inasmuch as the average bicycle commuter travels at ten miles per hour,<sup>32</sup> FTA proposes a bicycle catchment area of three miles from public transportation stops and stations.

#### *b. Proposed Policy*

For purposes of determining whether a pedestrian or bicycle improvement has a physical or functional relationship to public transportation, regardless of whether it is funded as a capital project or public transportation enhancement, all pedestrian improvements located within one-half mile and all bicycle improvements located within three miles of a public transportation stop or station shall have a *de facto* physical and functional relationship to public transportation. According to a test of activity and use, pedestrian and bicycle improvements beyond these threshold distances may be eligible for FTA funding if the improvement is within the distance most people can be expected to safely and conveniently walk or bicycle to use that particular transit service.

FTA seeks comment from all interested parties. After consideration of the comments, FTA will issue a second **Federal Register** notice responding to comments received and noting any changes made to the policy statement as a result of comments received.

Issued this 6th day of November 2009.

**Peter M. Rogoff,**

*Administrator, Federal Transit Administration.*

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<sup>27</sup> FTA guidance on the *Eligibility of Joint Development Improvements under Federal Transit Law*, 72 FR 5790 (Feb. 7, 2007).

<sup>28</sup> Kevin J. Krizek, Ann Forsyth and Laura Baum, *Walking and Cycling International Literature Review*, Victoria Department of Transport, 2009, at 29.

<sup>29</sup> Schlossberg, M. *et al.*, How Far, By Which Route, and Why? A Spatial Analysis of Pedestrian Reference, Mineta Transportation Institute, June 2007.

<sup>30</sup> L.M. Besser and A.L. Dannenberg, *Walking to Public Transit: Steps to Help Meet Physical Activity Recommendations*, Am. J. Prev. Med., November 2005, at 273.

<sup>31</sup> Kevin J. Krizek, Ann Forsyth and Laura Baum, *Walking and Cycling International Literature Review*, Victoria Department of Transport, 2009, at 18.

<sup>32</sup> League of American Bicyclists. Retrieved From: <http://www.bikeleague.org/resources/better/commuters.php>.

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

November 6, 2009.

The Department of the Treasury is planning to submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11020, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before January 12, 2010 to be assured of consideration.

#### Terrorism Risk Insurance Program (TRIP)

*OMB Number:* 1505-0190.

*Type of Review:* Extension.

*Title:* Terrorism Risk Insurance Program Rebuttal of Controlling Influence Submission.

*Description:* 31 CFR 50.8 specifies a rebuttal procedure that requires a written submission by an insurer that seeks to rebut a regulatory presumption of "controlling influence" over another insurer under the Terrorism Risk Insurance Program to provide Treasury with necessary information to make a determination.

*Respondents:* Businesses or other for-profit institutions.

*Estimated Total Reporting Burden:* 400 hours.

*Clearance Officer:* Howard Leiken, 202-622-7139, 1425 New York Avenue, Room 2113, Washington, DC 20220.

**Robert Dahl,**

*Treasury PRA Clearance Officer.*

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 1099-OID

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort