



January 12, 2010

U.S. Department of Transportation  
Docket Operations  
1200 New Jersey Avenue, SE  
M-30 West Building Ground Floor  
Room W12-140,  
Washington, DC 20590-0001

**RE: Docket Number FTA-2009-0052**

Dear Docket Clerk:

On behalf of the 1,500 member organizations of the American Public Transportation Association (APTA), I write to provide comments on the Federal Transit Administration's (FTA) Proposed Policy Statement on the Eligibility of Pedestrian and Bicycle Improvements Under Federal Transit Law, published November 13, 2009 at 74 FR 58678.

***About APTA***

APTA is a non-profit international trade association of 1,500 public and private member organizations, including public transit systems; high-speed 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.

**General Comment**

APTA and its members support the concept of providing bicycle and pedestrian access to transit and intermodal stations. These greenest of transportation modes help solve the "first mile" and "last mile" issues that sometimes limit transit riders and are a useful adjunct to some transit projects. In promulgating and enforcing its policy related to bicycle and pedestrian ways, we believe FTA must remain cognizant of the need for any such project funded with public transportation resources to provide access to transit in a substantial, necessary, and meaningful way and to guard against uses with a limited, attenuated, or unnecessary link to transit facilities.

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## Specific Concerns

We believe the statement on the proposed policy concerning improvements within the expanded cachement area to “have a de facto physical and functional relationship to public transportation” is overly broad. Physical and functional relationship varies greatly under the widely divergent circumstances transit agencies find themselves in. Density, weather patterns, and the proximity of other significant transit facilities all impact whether an improvement is likely to be used for transit access. That said, we can agree that a functional relationship to transit should be applied and that mere distance alone should not disqualify bicycle/pedestrian projects from eligibility. For example, a three mile cachement may be entirely reasonable in a suburban setting overlaid with roadways or other impediments to pedestrians, bicyclists, or people with disabilities that limit their mobility. That same cachement may be patently unreasonable in a dense, transit rich urban setting where transit stations are often less than one half mile from each other. Similarly, a bicycle or pedestrian path that leads to an intermodal center may be quite reasonable but one that leads to a roadside bus stop with limited service may not be.

One way to help ensure expenditures are appropriately targeted to projects that would support transit ridership would be to insist that the transit agency or agencies providing service to the targeted access point certify a good faith belief that the improvements would support ridership.

Expanding the cachement areas for access routes would likely mean creating those routes on property outside the control of the transit agency. Maintenance and liability for incidents on or defects in the pathways, as well as the statutory requirement for satisfactory continuing control must be evaluated in any such case.

We believe the intermodal nature of pedestrian and bicycle improvements and their tendency to support far more than transit access suggest a preference for Surface Transportation Program or Congestion Mitigation and Air Quality Program funding wherever possible and suggest FTA embody such a preference in the policy. Bicycle and pedestrian paths should ideally be funded by a combination of intermodal public money and private investment to reflect the universal nature of likely use.

APTA supports reasonable expenditures for bicycle and pedestrian improvements in connection with transit projects. Whether within the current amounts dedicated to enhancements or expressed separately, the limits should be reasonable in relation to the expenditures and benefits associated with the transit project.

We would welcome and support FTA’s leadership in strengthening the relationship between the agency, APTA, our colleagues at the League of American Bicyclists and other transit and bicycling interests so that the benefits of integrating bikes and transit can be more fully realized in the years ahead. FTA should facilitate the compilation and presentation of best practices in this area – both from US and international experience – together with a fresh dialog on joint policy initiatives between non-motorized and transit leaders.

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As always, we appreciate this opportunity to work with FTA on this important aspect of public transportation policy. For additional information, please contact James LaRusch, APTA's chief counsel and vice president corporate affairs, at (202) 496-4808 or [jlarsch@apta.com](mailto:jlarsch@apta.com).

Sincerely yours,

A handwritten signature in black ink, appearing to read "William Millar". The signature is fluid and cursive, with a prominent initial "W" and a long, sweeping tail.

William Millar  
President

WM/rk