

REFERENCE SERIES: Transportation in Connecticut

ARTICLE NO. 03 FHWA Transportation Enhancement Program

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Introduction

This simple guide provides insight on how Connecticut administers the Transportation Enhancement Program as a subcomponent of the Federal Highway Administration's (FHWA) Transportation Alternatives Program (TAP). The article focuses on the program funds typically available to local project administrators through regional planning organizations (RPOs) and sources of additional information on the program.

The Transportation Enhancement (TE) Program is administered by the State of Connecticut Department of Transportation (Department) on behalf of the Federal Highway Administration (FHWA). The TE Program offers a source of funds for addressing the needs of non-motorized transportation users. A focus of the State's program is safety, accessibility and connectivity.

The provisions of the federal transportation bill, Moving Ahead for Progress in the 21st Century (MAP-21), went into effect on October 1, 2012, for federal fiscal years 2013 and 2014. This act replaces the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Many non-motorized transportation activities that were previously eligible in some form under individual SAFETEA-LU programs, including TE-like initiatives, are now recognized under the MAP-21 Transportation Alternatives (TAs) apportionment via 23 U.S.C. 213.

The greatest change for the TE Program with the passage of MAP-21 is the reduction in the funding level available to the State of Connecticut's non-motorized transportation users for activities under the Transportation Alternatives Program (TAP), which is in addition to alterations to the program structure. Moving forward, the Department will continue to manage a TE Program that leverages TAP funds as well as other available Federal-aid, as available. Recent solicitations for TE project proposals by the Department, in concert with the regional planning organizations (RPOs), identified initiatives that will remain eligible under the TAP. Some modifications of project scopes and budgets may still be necessary, however, to fit within MAP-21 rules and available funding. The Department is currently working diligently with Project Sponsors from the most recent solicitation to implement projects.

This article serves as an outline for understanding the TE Program as it is administered in the State of Connecticut at this time. The influence of MAP-21 and any subsequent federal guidelines will likely result in changes to program administration over the next two years. Administration of the program and associated processes are also subject to change with future cycles. As information becomes available, the Department's TE web page (www.ct.gov/dot/tep) will be updated.

MAP-21 Transportation Alternatives Program

TAP will be apportioned as a single program under which the Recreational Trails Program (RTP), Safe Routes to School (SRTS) Program, TE-like and boulevard initiatives will be eligible. As a whole, the three programs combined suffered a 30 percent loss in funding that will require reevaluation of priorities and focus to ensure that the essential needs of non-motorized transportation system users are met, including persons with disabilities, seniors and children.

Additional information on TAP and the subcomponents of the program are explored in the Reference Series: Transportation in Connecticut under separate articles:

- Article No. 12 FHWA Transportation Alternatives Program (TAP)
- Article No. 07 FHWA Safe Routes to School (SRTS) Program
- Article No. 11 FHWA Recreational Trails Program (RTP)

These articles can be accessed from the Department's website (www.ct.gov/dot/pamphlets).

Our Commitment

Safety and preservation of the existing system are the main priorities of the Department. However, the Department fully recognizes the benefits of, and public support for, activities that enhance our communities, as well as our transportation system.

The Department's policy on the Transportation Enhancement Program affirms our commitment to use the program to both serve the goals of the State's long range transportation plan, and to promote, healthy, safe, livable communities.

The Transportation Enhancement Program should give more emphasis to bicycle and pedestrian initiatives. Of special importance are initiatives that (1) address gaps in major multi-use trail networks and modal integration with transit, and (2) improve pedestrian and bicycle access to, and accommodations at, transit centers.

Key Players in the Process

The Transportation Enhancement Program process is a coordinated effort between the Department, other State agencies, RPOs, FHWA and Federal Transit Administration (FTA). Each project must have a designated Project Sponsor, defined as a representative of a regional planning organization, transit district, tribal nation, or a government agency that also qualifies under the eligible entity definition in Section 213.

- In most instances, this will be a municipality. The Project Sponsor will be responsible for the project application and implementation of TE activities under this program, including entering into an agreement with the Department for receipt of project funds.
- In some cases, the identification of the project will originate from a Project Advocate, an entity, either an individual or an organization, which does not qualify as a Project Sponsor. In these cases, the Project Advocate must secure a Project Sponsor.

Eligible entity within Section 213 is defined as follows:

- a local government;
- a regional transportation authority;
- a transit agency;
- a natural resource or public land agency;
- a school district, local education agency, or school;
- a tribal government; and
- any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of this subsection.

MPOs and the Department, although no longer “eligible entities” under MAP-21 can continue to administer TA projects on behalf of an eligible entity – i.e. Project Sponsor. This is particularly relevant for larger, complex projects that cross municipal boundaries or require the advanced technical assistance and project management skills of MPO and Department staff. Additionally, nonprofits are not eligible as direct grant recipients of TAP funds but may also partner with any eligible entity on an eligible project type.

Conversely, agencies like DEEP will qualify as direct recipients as a natural resource or public land agency. Rural RPOs and transit districts also appear to generally qualify as eligible entities. Transit districts, MetroNorth and Amtrak will also likely qualify as transit agencies.

Programming Funds

Program funds allocated to the State of Connecticut from the federal government are made available for statewide and regionally supported projects through competitive processes, both formal and informal. After a set-aside for the RTP, the remaining TAP funds in Connecticut remain available for TA eligible project types under Section 213(a). Fifty percent of the remaining TA funds may be obligated in any area of the State for FFY2013, referred to in Connecticut as the State Allocation. The remaining 50 percent) will be distributed to areas based on population; this portion is referred to in Connecticut as the RPO Allocation.

RPO Allocation

The Department reserves 50 percent of the State's federal apportionment for the Transportation Enhancement Program for the RPOs. The RPO Allocation is available for obligation to any eligible entity in proportion to their relative shares of the State's population. Distribution will be to (1) urbanized areas in the State with an urbanized population over 200,000, (2) in areas of the State other than urban areas with a population greater than 5,000 and (3) other areas of the State.

Program funds suballocated by population will remain constrained by suballocation rules and non-transferable to other Federal-aid programs. However, these funds may be used in combination with other Federal-aid to split fund projects. Title 23 rules relating to required match for federal funds remain applicable with split funded projects.

State Allocation

The Department programs the remaining 50 percent of the State's federal apportionment for the Transportation Enhancement Program – referred to as the State Allocation. Connecticut may utilize the 50 percent available for use anywhere in the State to support an eligible project type under Section 213(b). State Allocation projects are identified by the Department based on statewide need and significance in coordination with other State agencies, local and regional stakeholders.

Project Funding Structure and General Rules

Selected projects will be administered as federal-aid projects. The funds provided by this program are on a cost reimbursement basis for eligible activities. The policy and procedural requirements that apply to the Title 23 highway projects also apply to the provisions for funding and implementation of TAP funds, excluding the RTP set-aside.

As such, Project Sponsors must comply with all federal requirements of Title 23. Examples of Title 23 requirements would be Davis Bacon prevailing wage rate, competitive bidding such as Quality Based Selection (QBS), and other contracting requirements. Any expenses, including the value of donated services, incurred prior to project authorization is not eligible for reimbursement or credit (23 U.S.C. 323).

- **Federal Share**—Generally, the federal share allows for reimbursement of up to 80 percent of allowable costs. Refer to 23 USC 133(e)(5) for additional detail.
- **Non-Program Matching Funds**—A minimum of 20 percent match against federal dollars towards project elements eligible under the program is required. For projects funded under the RPO Allocation, the Project Sponsor will be responsible for securing a 20 percent match to the federal funds in accordance with program guidelines as well as funds for any federally nonparticipating components. A preliminary commitment or resolution of intention to provide the 20 percent match from the appropriate fiscal entity is required as part of the funding authorization process.

Application Solicitations

The Transportation Enhancement Program does not have open enrollment for applications. Applications under the RPO Allocation must be timed in coordination with a formal solicitation from the Department through the RPOs. The timing of such solicitations is dependent upon several factors including the availability of federal funds, program balances and staff resources.

In late 2011, a formal solicitation for projects anticipated to be funded with RPO Allocation shares was organized by the Department and RPOs. Projects identified as regional priorities by the RPOs were presented to the Department. Over thirty projects were forwarded for consideration and possible implementation. These projects were identified for potential obligation during federal fiscal years 2013-2016, making up a four-year program. The Department is actively working with the RPOs and Project Sponsors to initiate eligible activities.

The solicitation assumed that federal support for TE activities will continue through reauthorization legislation similar to prior years and estimated funding levels. In the event that the program structure, federal guidance or funding levels are modified from the existing program and estimated levels, the related program policies and associated administration, including available allocations/sub-allocations and, ultimately, project programming, may need to be revisited.

The Department is currently working diligently with Project Sponsors from the most recent solicitation to implement projects. The recent solicitation identified initiatives that will remain eligible under the TAP. Some modifications of project scopes and budgets may still be necessary, however, to fit within MAP-21 rules and available funding.

Eligible Activities

The two most basic considerations for complying with the federal Transportation Enhancement Program are:

- Does the proposed action relate to surface transportation? Refer to the transportation relationship discussion.
- Is the proposed action one of the listed activities in the definition in 23 U.S.C. 101(a)(35)? Refer to the federal enhancement category discussion.

Beyond these two fundamental questions are additional program criteria established at the regional planning organization and State level to maintain a consistent vision for our communities. Activities funded under the program must be accessible to the general public or targeted to a broad segment of the general public.

Transportation Relationship

The project must relate to surface transportation by function, impact or both.

- **Function**—A project can establish a relationship by function if it serves a purpose for the existing surface transportation system. Facilities originally designed as a part of the system, including historic bridges and railroad depots, or facilities that complement the system, such as facilities for bicycles and pedestrians, serve the surface transportation system through function. Operation of visitor centers or transportation related museums are other examples of projects that relate to the surface transportation system by function.
- **Impact**—A candidate project can establish a relationship by impact if it creates a beneficial effect on the existing surface transportation system. Activities such as aesthetically improving a roadway median through landscaping or creating wetlands by filtering pollution from highway water runoff will serve the surface transportation system through impact.

Federal Enhancement Categories

MAP-21 Section 101(a)(29) has replaced the definition of “transportation enhancement activities” provided under SAFETEA-LU Section 101(a)(35) with a new definition referred to as “transportation alternatives”. At first glance, the TA definition shows a strong foundation in moving the TE activities forward under the new legislation. Modifications in several areas equate to expansions as well as scale backs on previously allowed activities.

MAP-21 transportation alternatives under 23 U.S.C. 101(a)(29) are as follow.

- A. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
- B. Construction, planning, and design of infrastructure- related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
- C. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.
- D. Construction of turnouts, overlooks, and viewing areas.
- E. Community improvement activities, including— (i) inventory, control, or removal of outdoor advertising; (ii) historic preservation and rehabilitation of historic transportation facilities; (iii) vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and (iv) archaeological activities relating to impacts from implementation of a transportation project eligible under this title.
- F. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to— (i) address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 133(b)(11), 328(a), and 329; or (ii) reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

Project Phase Activities

TE funds are available for various project development activities from survey, preliminary engineering and design to property acquisition and construction. However, routine maintenance is not eligible as a TAP activity except under the RTP. Feasibility studies are not eligible for reimbursement under the program. Projects should incorporate context sensitive solutions and complete street concepts.

Sensitive Resource Considerations

Transportation enhancement projects sometimes require consideration of other resources. Project Sponsors will be responsible for carrying out any required studies and/or obtaining necessary permits and approvals, including but not limited to historic and archaeological surveys and reports, State inland wetland and tidal wetland permits, and Coastal Area Management and Corps of Engineers permits.

Public Involvement

Public involvement is an integral part of the Federal-aid planning, programming, and project implementation processes. While there are no specific public involvement requirements for TE projects, the metropolitan and statewide transportation planning processes have general requirements for public involvement and participation, as does the project development process under the National Environmental Policy Act (NEPA).

The Department encourages RPOs and Project Sponsors to incorporate methods to foster effective communication, information gathering, and feedback during the proposal and development stages of a TE project. The public involvement process should include representation from federal, State, regional, and/or local agencies, tribal nations and other interested parties. Additionally, people from various social and economic backgrounds should benefit from TE projects and be provided an opportunity to comment on the project and its components. Correspondence, brochures, websites and other project related materials should clearly describe the project as well as identify contact persons and opportunities for providing input.

Successful Implementation

In advance of the preparation of application materials, Project Advocates and Project Sponsors are strongly encouraged to review the State Program Guide in full, including the reference materials listed at the end, and become familiar with the resources and direction provided. There are milestones that Project Sponsors must continue to meet to avoid losing the funding. Reasonable estimations of project costs at the time of application, maintaining the project schedule, and meeting milestone dates are key to preventing unnecessary cost overages and risking loss of funding.

Upon execution of the project agreement, the Project Sponsor will begin working closely with the RPO and the Department to develop the project in accordance with the community and project vision, program policies and applicable local, State and federal laws to meet schedules and milestones.

Although the Department will provide support throughout the project implementation to facilitate the process and assist the Project Sponsor in meeting project milestones, it is imperative that Project Sponsors secure knowledgeable technical support at the project level to assist in meeting State and federal requirements. These resources will be needed during every aspect of the project from application to construction. Having experienced assistance, whether these are permanent employees, volunteers or hired consultants, working with the Project Sponsor throughout the process is necessary to implementing a successful project.

Successful implementation of a project is dependent upon all parties communicating effectively and regularly. Any issues should be immediately coordinated and addressed to avoid undue delay or cost increases. Projects, for which Project Sponsors are unable to deliver products or produce evidence of a viable financial plan to implement, will be subject to dismissal from consideration or cancellation and possible payback requirements of expended funds.

Operations and Maintenance

Operating and maintaining transportation systems are costly. SAFETEA-LU regulations require that the STIP demonstrate that appropriate funds are available to adequately operate and maintain the transportation system, as a whole. The majority of funds used to pay operations and maintenance costs are State funds.

Connecticut has many systems and processes that are required to monitor, analyze, and disseminate roadway/infrastructure data for operational, maintenance, and managerial uses as reflected in the Department's estimated budget. Connecticut also uses intelligent transportation systems (ITS) to assist in managing roadway maintenance efforts and to enhance safety on the transportation system. Relative to operations and maintenance, ITS focuses on integrated management of maintenance fleets, identifying when specialized service vehicles are required, determining when hazardous road conditions require remediation, and improving work zone mobility and safety.

Other Notes and Resources

The *Reference Series: Transportation in Connecticut* is comprised of short articles on transportation topics pertinent to Connecticut. The series is provided as a first step in understanding the transportation planning, development, design and implementation process.

Many article topics focus on elements particularly relevant to locally administered transportation projects. These simple guides are the product of coordination between the Federal Highway Administration, the University of Connecticut's CTI-Technology Transfer Center and the State of Connecticut Department of Transportation.

The full detail of transportation programs and processes, particularly rules of eligibility, special provisions, requirements, or constraints is not within the purview of these reference documents. It is imperative that municipal staff contact their RPO early in the process for guidance. In addition to the CT DOT website, www.ct.gov/dot, the Local Project Administration website, www.t2center.uconn.edu, of the University of Connecticut's CTI-Technology Transfer Center provides many resources for municipal staff and managers of local projects.

Find more articles on transportation topics specific to Connecticut at www.ct.gov/dot/pamphlets.

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