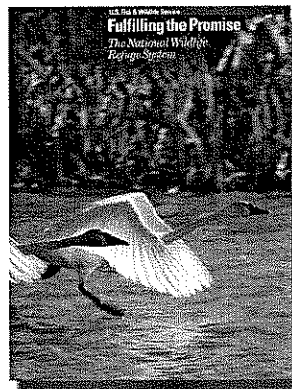


Guide to Seeking

***TRANSPORTATION
ENHANCEMENT PROGRAM
FUNDS***

*In Partnership With State & Local
Governments*



INTRODUCTION

The purpose of this guide is to help Federal agencies gain a basic understanding of the *Transportation Enhancements* (TE) program and how the funding process works. Increasingly, Federal agencies often require multi-government and private partnerships to fund transportation projects.

Federal agencies and their neighboring States and communities must provide transportation systems capable of serving multiple users and uses while achieving environmental, cultural, economic, and social objectives. These objectives can help create a more balanced transportation system and foster transportation facilities that respect and enhance the communities they serve.

The Federal Highway Administration's (FHWA) TE program typifies this new approach. The TE program is the catalyst for creating nontraditional transportation-related activities that are increasingly bringing communities together across the Nation.

Under the Transportation Equity Act for the 21st Century (TEA-21, Public law 105-178), State transportation departments allocate funds. States must set aside or "reserve" a percentage of annual TE funds for 12 eligible activities according to the law.

Since 1991, the Federal and State governments have invested more than \$2.4 billion around the country in transportation facilities for walking, bicycling, historic preservation, scenic beautification, scenic easements, landscaping, and environmental mitigation through the TE program.

Through 2003, the FHWA will provide State transportation agencies with at least \$620 million in TE funds each year. Any Federal land management agency (i.e., National Park Service, U.S. Forest Service, U.S. Fish and Wildlife Service, Bureau of Indian Affairs, Bureau of Land Management, etc.) may apply through the states for TE funds.

TE FUNDING

In most cases, the FHWA pays 80 percent of the TE project cost, and the project sponsor is responsible for the remaining 20 percent match. Over the years, new innovative financing measures have made the TE funding process more flexible for Federal agencies.

Title 23 United States Code (23 USC) section 120 allows a State to use TE funds (or any funds under section 104) for up to 100% of the cost of individual projects on Federal lands without a corresponding match.

However, it is up to the individual State to set policy regarding the matching project requirements. If a State requires Federal agencies to provide a local match on Federal lands, then the agencies can use any one or a combination of the following for the matching portion:

- Federal agencies can match the TE program with Federal Lands Highway Program funds or from other agency sources of funds; or
- The Federal agencies and States can use an increased Federal ratio of participation (also known as the “sliding scale,” requiring less than the 20 percent match) by jurisdiction with nontaxable Native American lands (individual and Tribal), public domain lands (both reserved and unreserved), national forests, national parks, and monuments; or
- Federal agencies can use the value of the services provided by their staff as part of the non-Federal match contribution, which can include costs associated with planning, design and project management of a TE activity; or,
- Federal agencies can use contributions by outside parties such as local governments, non-profit organizations, foundations, businesses, and other sources as part of the non-Federal match.

Title 23 U.S.C. §132 provides an advance payment option for TE activities. As with most FHWA programs, the TE program, typically works on a reimbursable basis. That is, the project sponsor pays the costs up front and then requests reimbursement from the State.

However, states have the flexibility to allow projects to proceed using the advance payment option. This way the Federal agency does not have to budget agency funds for the full estimated cost of the project in order to advertise the contract (since the State advances the TE funds to the agency).

This enables Federal agencies to expeditiously pay contractors/consultants in a timely fashion. One advantage of the advance payment option is that it helps States to obligate and receive reimbursement of TE funds within a short period of time.

Title 23 USC §133(e)(5)(ii)(II) allows the States to calculate the non-Federal share of a project on a project, multiple-project, or program basis. This means that if one project exceeds non-Federal match requirements, a State may apply the excess non-Federal share to other grouped projects or to the TE program as a whole.

A particular benefit in seeking TE projects as an addition to an already funded agency/local project is that a State may use any excess match resulting from the agency/local project to meet the non-Federal match requirements for other projects.

This can increase the potential for having other TE projects which are 100 percent Federal funding. This can help local governments or other agencies lacking non-Federal match to qualify for TE projects.

Another innovation under section 1108(g) of TEA-21, is that States are encouraged to enter into contracts or cooperative agreements with Youth Conservation Corps programs to implement TE projects. This allows the TE program to meet more community needs by encouraging job training for youth and young adults. Cooperative agreements are discussed later in this paper.

ELIGIBLE ACTIVITIES

Though the Federal statute describes eligible categories for the TE program with interpretive guidance from FHWA, State transportation agencies have the responsibility for administering the program. Each State develops its own application and selection process, establishes selection criteria, matching fund policies, and adopts methods to streamline the development and management of TE projects.

Transportation enhancement coordinators administer the program at the State level, offering guidance on State-specific funding processes and project implementation. This necessitates having a close relationship with the respective State TE coordinators.

You can find information, including the names and address of the State TE Coordinators and the Federal Highway Administration Division TE Coordinators, about each State's program selection procedures and policies by going to the National Transportation Enhancements Clearinghouse at <http://www.enhancements.org/profile.htm>. You can find additional information on the Federal Highway Administration web site at <http://www.fhwa.dot.gov/environment/te.htm>.

There are 12 eligible Transportation Enhancements activities defined in TEA-21 (with selected examples of Federal/State partnership projects) as follows:

- **Pedestrian and Bicycle Facilities** [*Fort Washakie Pedestrian and Bicycle Facilities – Bureau of Indian Affairs and Wyoming Department of Transportation (DOT) partnership in Washakie, Wyoming*].
- **Pedestrian and Bicycle Safety and Education Activities** [*Black Hills National Forest – U.S. Forest Service and Wyoming DOT partnership in Crook County, Wyoming*].
- **Acquisition of Scenic or Historic Easements and Sites** [*Antietam National Battlefield – Maryland DOT partnership with the Maryland Department of Natural Resources to create scenic easement to National Park Service (NPS) Civil War battlefield sites, in Sharpsburg, Maryland*].
- **Scenic or Historic Highway Programs, Including Tourist and Welcome Centers** [*Bryce Canyon Visitor Center – U.S. Forest Service near Bryce Canyon National Park, in Utah*].
- **Landscaping and Scenic Beautification**
- **Historic Preservation** [*Chesapeake and Ohio Canal retaining wall reconstruction – District of Columbia government and NPS partnership in Georgetown, Washington, District of Columbia*].
- **Rehabilitation and Operation of Historic Transportation Buildings, Structures, or Facilities** [*Restoration of historic fish car at D.C. Booth Historic Fish Hatchery – U.S. Fish and Wildlife Service, South Dakota Department of Game, Fish and Parks, and South Dakota DOT, Spearfish, SD*].
- **Preservation of Abandoned Railway Corridors** [*Cape Cod Rail Trail corridor – Massachusetts' DOT partnership with NPS and towns in Cape Cod, Massachusetts*].

- **Control and Removal of Outdoor Advertising** [*Gold Belt Scenic Byway Sign Resolution - BLM partnership, US 50 near Canon City, Colorado*].
- **Archaeological Planning and Research**
- **Mitigation of Highway Runoff and Provision of Wildlife Connectivity** [*Florida Panther Underpasses on "Alligator Alley" (I-75) – Fish and Wildlife Service, Florida Fish and Wildlife Conservation Commission, Florida DOT*]
- **Establishment of Transportation Museums**

Activities, which are not on the list, may qualify if they are an integral part of a larger qualifying activity. For example, if the rehabilitation of a historic railroad station required the construction of new drainage facilities, the State could consider the entire project for TE funding.

Similarly, environmental analysis, project planning, design, land acquisition, and construction activities are eligible for funding. Agencies can use TE funds in connection with Federal Lands Highway Program projects and alternative transportation program projects. For example, a federal agency road project can compete for State TE funds for landscaping improvements.

MEETING FEDERAL REQUIREMENTS FOR ELIGIBILITY

The basic Federal requirements for TE projects are that they consist of one or more of the 12 defined activities and that they must be related to surface transportation. Federal land managers are encouraged to develop TE project proposals that demonstrate a strong relationship to transportation (land and water).

Also, TE-funded activities must be accessible to the general public or targeted to a broad segment of the general public. In addition to meeting the Federal requirements, each State may have additional eligibility requirements (for example, a State may require agencies to list historical sites on the National Register for Historic Places for TE eligibility, or a State may require the project sponsor to be a taxing authority, i.e., city or county).

Discussions with the State TE coordinator will help you determine whether there are additional requirements within the TE process. You can find a profile of each state's program selection procedures and policies by going to the National Transportation Enhancements Clearinghouse at <http://www.enhancements.org/profile.htm>.

STATE TRANSPORTATION IMPROVEMENT PROGRAM AND METROPOLITAN PLANNING ORGANIZATION TRANSPORTATION IMPROVEMENT PROCESS

Federal agencies are encouraged to participate in the local, State, and Metropolitan Planning Organizations (MPOs) transportation planning process. This can be done through the metropolitan and statewide annual or bi-annual development of the Transportation Improvement Program (TIP). To receive funding proposed TE activities

must be included in the appropriate metropolitan and statewide transportation improvement programs.

Local MPOs conduct transportation planning for metropolitan regions. The MPOs are the designated planning groups for urbanized areas of at least 50,000 residents. Since many of the Federal land management agency lands are in less urbanized areas, most of the transportation coordination and planning activities will be done on a statewide rather than regional basis.

It is important to note that a State must sponsor any Federal agency TE project in their State Transportation Improvement Plans (STIPs). The State is responsible for coordinating TE project listings with the MPO TIP.

The metropolitan and statewide planning processes should occupy a central role in the identification, planning, and funding of TE activities. In particular, the planning processes are the appropriate mechanisms for determining funding priorities among competing TE activities, including those not part of larger transportation projects.

The TIP development process involves considerable coordination with public agencies, transportation providers, and members of the public. The Transportation Act requires STIPs and TIPs to include strategies that address a number of broadly defined transportation policy areas such as economic vitality, safety and security, and environmental protection.

While it is the responsibility of the State to sponsor a TE project, it should be emphasized that projects funded out of the Federal Lands Highway Program should be coordinated and included with appropriate State and MPO plans and TIPs.

The Politics of Enhancements

Although TE funds account for a small percentage of the total transportation funds available to States, these investments have the potential to make a considerable improvement in people's lives by adding to the vitality and identity of the community.

However, there are challenges in balancing new roles among Federal, State, and local partners. TE proposals require extensive work by the project sponsor to network, communicate, and advocate for the projects.

It is important to promote your project by garnering public and political support. The broader the support you develop among professionals, elected officials, and residents, the more likely your proposed project will be successful. Federal agency personnel must promote their TE projects and effectively communicate how they benefit the greater community.

Seek early involvement and endorsement of your MPO, or equivalent. Conduct and document public meetings with area residents. Inform the media of your project and invite them to visit your site and to attend public events. Obtain as many letters of

support as possible from both local and statewide groups, elected officials, planning commissioners, and advisory boards.

Ascertain how projects are approved, find out who makes the final decision and inform them of your project. You may wish to use all forms of media and marketing as an opportunity to raise additional contributions, awareness and support toward the matching funds.

Keep in mind that not only is each State program different, but applying for TE funds is a competitive process. Find out the State's TE submission calendar and expect the application process to take at least 6 to 12 months. Learn as much as possible about your State program so that you can navigate around potential obstacles. Always solicit help from TE coordinators.

Many times the State TE coordinator will hold workshops and seminars to help you with the TE applications. As you move ahead, meet your key contacts in your local government. Solicit their advice to guide your project through the regional planning process. Work with State and MPO staffs involved with the preparation of the TIP.

Finally, bring projects that are well thought through and designed. Most states are looking for a project that has been designed and is ready for construction Plans, Specifications, and Engineering Estimate (PS&E). FHWA requires PS& E package before a State can obligate a project for construction.

Being prepared demonstrates the Federal agency's commitment to the project, the project is ready to be built, and is attractive to the State from the standpoint of obligating and receiving reimbursement (through the advance payment option) of TE funds in a short period of time.

COOPERATIVE AGREEMENTS

Federal agency personnel are encouraged to develop an interagency/intergovernmental cooperative agreement with every TE project that occurs on Federal lands. Federal agencies advocate cooperative agreements to transfer funds, property, services, or anything else of value from the agency to a partner.

Developing a cooperative agreement for TE projects can do the following:

- Provide the purpose and foundation of the partnership;
- Define roles and responsibilities of partners;
- Define any special provisions;
- Establish obligations, responsibilities, and funding requirements;
- Anchor legislative requirements;
- Cover period of performance, project termination, and liability; and,
- Reaffirm terms and conditions such as nondiscrimination.

The format and requirement for such agreements vary depending upon the situation. Check with your agency for specific guidance as to what to include. Be sure that you have your contracting office review the agreement before it is finalized.

RECOMMENDED TE CHECKLIST

- Find out the State's TE submission calendar and application process
- Seek the early involvement and endorsement of your MPO, or equivalent
- Include all elements of the application the State requests
- Provide a clear statement demonstrating the transportation link
- Describe each transportation enhancement activity
- Define a scope of work and include preliminary studies, land acquisition, or construction
- Include a workplan with a timeline
- Reflect the scope of work in your budget
- Identify the source of the matching funds with a letter verifying their availability
- Explain how the community would benefit from the project
- Include letters of support, minutes from public meetings, and newspaper clips about the project
- If available, include photographs of the site, preliminary sketches, or plans
- Include a plan for project maintenance
- Work with State and MPO staffs involved with the preparation of the TIP

CONCLUSION

Federal agencies seek to provide compatible transportation improvements in and around all Federal lands, while balancing the protection of the cultural and natural resources and providing for public enjoyment. Protecting resources while providing for safe, efficient, and enjoyable access to and travel within Federal lands is one of the greatest challenges we face in our stewardship.

Successful alternative transportation systems share one essential component: partnerships. Federal lands do not exist in isolation.

While they are national areas, they are at the same time extensions of local communities. Their operations and their well-being impact not only the visitor experience but also capital requirements at the State and local level.

Community transportation can play a role in facilitating the goals of all partners.

Many use the TE program to acquire, restore, and preserve scenic or historic areas. TE can be a connection between resource protection and visitor enjoyment, which is often the platform for opportunity in achieving the various agency mandates.

The TE program addresses a wide variety of needs within Federal lands. The program provides an opportunity for Federal agencies to enhance their ability to work with partners outside their boundaries, such as State, MPO, local governments, and gateway communities.

The TE program also helps Federal agencies to use innovative, nontraditional transportation solutions that preserve natural resources and improve access for our

visitors. Federal land managers are encouraged to take advantage of the TE program—a Federal initiative that focuses on enhancing the traveling and visitor experience.

FOR FURTHER INFORMATION

To learn more about the TE program, please use the following resources:

- National Enhancement Clearinghouse website at www.enhancements.org
- FHWA website at www.fhwa.dot.gov/environment/te.htm
- FHWA Guidance on Transportation Enhancement Activities (12/17/99) at www.fhwa.dot.gov/environment/te_final.htm
- Transportation Fact Sheet at www.fhwa.dot.gov/tea21/factsheet/te.htm
- Communities Benefits booklet at www.apbp.org/ntec/resources.html
- A Quick Guide to Transportation Enhancements brochure at www.apbp.org/ntec/resources.html
- A Guide to Transportation Enhancements Case Studies booklet at www.apbp.org/ntec/resources.html
- Connections TE newsletter at www.apbp.org/ntec/resources.html

You can find other information about road and transportation related topics by visiting the Fish and Wildlife Service web site at refuges.fws.gov/roads/ and the National Park Service web site at www.nps.gov/transportation.