

Transportation Alternatives Program (TAP) Questions & Answers

Revision January 21, 2015

See endnotes for legislative and regulatory citations.

FHWA revised the TAP Questions and Answers to address questions and comments received from June 2013 through October 2014. This Q&A supplements the [TAP Program Guidance](#) released in June 2013.

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Transportation Alternatives Program (TAP) General Information

Suballocation and Competitive Process

1. Which agencies select projects for the suballocated TAP funds?

The Moving Ahead for Progress in the 21st Century Act (MAP-21) requires the following with respect to the selection of TAP projects:

- For TAP funds suballocated to urbanized areas with populations over 200,000, the metropolitan planning organization (MPO) representing the urbanized area(s) is responsible for selecting TAP projects through a competitive process, in consultation with the State.¹ The MPO may use these funds for projects anywhere within the boundaries of the applicable MPO area, but may choose to restrict these funds only for projects within the urbanized area boundary.
- For TAP funds suballocated to small urban areas (i.e., areas with populations of 5,001 to 200,000), the State is responsible for selecting TAP projects through a competitive process.² The State may make these funds available for projects anywhere within the metropolitan planning area boundaries of an MPO serving an urbanized area with a population less than or equal to 200,000. For small urban areas not within MPOs, the State may make these funds available for projects anywhere within the municipal boundaries of the applicable small urban area, for example, within a town or township. Eligible entities within any small urban area also may apply to the State for “any area” funds.
- For TAP funds suballocated to nonurban areas (i.e., areas with populations below 5,000), the State is responsible for selecting TAP projects through a competitive process.³
- For TAP funds available to any area of the State, the State is responsible for selecting TAP projects through a competitive process.⁴ These funds are available for any area of the State: large urbanized areas, small urban areas, or nonurban areas.

2. For funds suballocated to urban areas with populations of 5,001 to 200,000 and to areas with populations of 5,000 or less, that may be located within the boundaries of an MPO representing an urbanized area with a population over 200,000: May a State suballocate these funds to the MPOs and allow the MPOs to run competitive processes on behalf of the State?

No. MAP-21 does not authorize the State to suballocate the small urban area funds, nonurban area funds, or any area funds to individual MPOs, counties, cities, or other local government entities. MAP-21 requires the State to be responsible for the competitive process for these funds.⁵ However, the State's competitive process may include selection criteria to ensure a distribution of projects among small MPOs, other small urban areas, and nonurban areas across the State. The State may consult with MPOs to ensure that MPO priorities are considered.

3. For funds suballocated to urbanized areas with populations over 200,000, where two or more areas are within one MPO, may an MPO suballocate funds among the urbanized areas with populations over 200,000?

Yes. MAP-21 requires suballocation of funds to urbanized areas with populations over 200,000.⁶ The State, MPO, and the local government entities representing the urbanized areas with populations over 200,000 should develop an agreement about how to suballocate funds among the urbanized areas with populations over 200,000. A State may obligate the funds based on other factors if the State and MPO jointly apply to the Secretary for the permission to base the obligation on other factors and the Secretary grants the request.⁷

4. May a State or MPO suballocate or set-aside funds for small businesses, youth corps, or other priorities?

No. MAP-21 does not authorize a State or MPO to suballocate or set-aside funds for small businesses, youth corps, or other priorities prior to project selection. The State (or MPO, as applicable) must select projects submitted by eligible entities and chosen through a competitive process.⁸ The competitive process may include criteria giving priority to projects that meet desired goals. See also: [Youth Service and Conservation Corps Questions and Answers](#), #7.

5. Are there Federal requirements or minimum standards on how to set up competitive processes described under 23 U.S.C. 213(c)?

TAP does not establish specific standards or procedures for the required competitive process.⁹ However, FHWA's [TAP Guidance webpage](#) has links to [competitive process examples](#), which discuss illustrative selection criteria such as connectivity to essential services, safety, equity for disadvantaged populations, and the extent of community support for the project. Also note that State DOTs and MPOs are not eligible entities as defined under Section 213(c)(4)(B) and therefore are not eligible project sponsors for TAP funds. State DOTs and MPOs may partner with an eligible entity project sponsor to carry out a project.

6. Should the FHWA Division office ensure that the State and MPOs have competitive project selection processes?

Yes. The FHWA Division office should ensure that the State and MPOs have competitive project selection processes, but there are no formal criteria, checklists, or certification requirements. The State and MPOs should ensure adequate public involvement and transparency as they develop their competitive processes. A competitive process should allow project sponsors to understand the project selection evaluation criteria.

Financial: Federal Share, Match, Transfers, Flexibility, and Treatment of Projects

1. May a Tribal project use 100 percent Federal share under 23 U.S.C. 120(f)?

Yes. The 100 percent Federal share for Tribal projects within Indian Reservations using TAP funding is allowable. Under 23 U.S.C. 120(f), funds apportioned under 23 U.S.C. 104 may be used at 100 percent Federal share for Federal-aid Highways within Indian Reservations. Because TAP funds are a set-aside of funds apportioned under 23 U.S.C. 104, they are eligible for this application. Also, under 23 U.S.C. 213(e), TAP projects are treated as “projects on a Federal-aid highway” and therefore are eligible under 120(f) regardless of whether they technically are on a Federal-aid highway as long as the project is within an Indian Reservation. (This provision does not apply to recreational trail projects carried out under 23 U.S.C. 206 or 213(f)).

2. May other Federal programs match TAP funds?

In general, funds from one Federal program cannot provide the non-Federal share to match funds from another Federal program, *except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs.*¹⁰

The [TAP Guidance](#) lists three exceptions to allow Federal-to-Federal match.

- Projects funded under the Recreational Trails Program (RTP) set-aside from TAP retain the Federal share and flexible match and donation provisions available under 23 U.S.C. 206(f) and 23 U.S.C. 206(h). These provisions also remain in effect for prior year RTP funds. See [RTP Federal Share and Matching Requirements](#). Please note that recreational trail projects funded from other TAP funds (not from the RTP set-aside) are subject to the general match requirement for TAP funds.
- Section 120(j) allows Federal agency funds to pay the non-Federal share of the cost of any transportation project that is within, adjacent to, or provides access to Federal land, for projects funded under title 23 or under Chapter 53 of title 49.
- Section 120(k) allows Federal land and tribal transportation funds to pay the non-Federal share of the cost of any project that is funded under title 23 or under Chapter 53 of title 49 that provides access to or is within Federal or tribal land.

A few other Federal programs may allow their funds to match other Federal program funds, or to be matched with other Federal program funds. Two programs relevant for TAP are:

- U.S. Department of Housing and Urban Development [Community Development Block Grants](#).¹¹
- Federal programs for youth conservation or service corps, such as [AmeriCorps](#) under [42 U.S.C. 12571](#), may receive funds from other Federal programs as match. See [AmeriCorps Authorization to Use Other Federal Funds as Match](#). Note: There is not necessarily authority to use Federal funds for youth corps programs to match Federal-aid highway program funds.

3. May a State transfer funds to or from TAP?

Yes. See [FHWA Order 4551.1: Fund Transfers to Other Agencies and Among Title 23 Programs](#). FHWA publishes the amounts that may be transferred in Supplementary Tables. [FY 2013](#) / [FY 2014](#) / [FY 2015](#)

Up to 50 percent of funds apportioned to the National Highway Performance Program (NHPP), Surface Transportation Program (STP), Highway Safety Improvement Program (HSIP), and Congestion Mitigation and Air Quality Improvement Program (CMAQ) may be transferred to the TAP. Note that projects eligible under TAP are eligible for STP funds, and STP funds may be used for any project eligible under TAP without making a transfer.¹²

A State may transfer up to 50 percent of its total TAP funds to NHPP, STP, HSIP, and/or CMAQ. This amount must come from the portion of TAP funds available for use anywhere in the State (no transfers of suballocated TAP funds or funds set aside for the RTP are permitted).¹³

4. How will FHWA implement the Flexibility of Excess Reserved Funding provision (23 U.S.C. 213(d))?

Beginning August 1, 2014, section 213(d) gives authority for a State to use excess TAP funds either for any TAP-eligible activity or for any activity for which the Secretary has approved the obligation of funds for any State under the Congestion Mitigation and Air Quality Improvement (CMAQ) Program (23 U.S.C. 149).

a. How is the flexible funds amount calculated?

Beginning August 1, 2014, and each year thereafter, FHWA will calculate each State's flexible funds authority under section 213(d). The FHWA Chief Financial Officer will compare: (1) the State's unobligated balance of available TAP funds as of August 1, and (2) 100 percent of the amount reserved for the State for TAP for that fiscal year. The State flexible funds authority is equal to the amount by which the former exceeds the latter. Any excess TAP funds that are the result of accumulation of unobligated funds over two or more years of the program will be available for this additional eligibility.

The term "reserved" means the funds set aside for that fiscal year for TAP from each State's apportionment from the National Highway Performance Program, Surface Transportation Program, Highway Safety Improvement Program, CMAQ Program, and Metropolitan Planning Program, that is, the amount "reserved" from those programs for the formula distribution of TAP funds to the States. The "reserved" amount is a statewide amount that includes both suballocated TAP funds and those available for use in any area of the State. In

this calculation, FHWA will use the total TAP amount net of funds set aside for the Recreational Trails Program, which is consistent with how FHWA treats the transferability provision (see www.fhwa.dot.gov/legsregs/directives/notices/n4510776/n4510776_t17.cfm).

b. What additional eligibility is provided for the flexible funds amount?

In addition to the eligibilities provided under TAP, a State may obligate an amount of its TAP funds equal to the flexible funds amount for any activity for which the Secretary has approved the obligation of funds for any State under the CMAQ Program. The FHWA [CMAQ Program Guidance](#) incorporates eligible activities including projects such as bicycle and pedestrian programs, transit, traffic and congestion management, etc. TAP flexible funds that are CMAQ-eligible do not require a demonstration of emissions reductions, but they should be located in nonattainment or maintenance areas in States that have them.

c. Do other TAP requirements apply to a State's flexible funds amount?

Yes. Except for the extension of eligible activities, all other requirements of the TAP continue, including the requirements in section 213(c) for suballocation of funds to areas based on population, a competitive project selection process, and entities eligible to compete for TAP funds.

d. How are decisions to use flexible funds authority made?

Flexible funds authority is an option available to qualifying States, but Federal law does not require a State to use that option. Furthermore, section 213(d) does not address the manner in which the State may allocate flexible funds authority within its boundaries. However, because all other requirements of the TAP program still apply, suballocated funds must remain in the suballocated region. For large urban areas over 200,000, the MPO for the area selects the TAP projects; for all other areas the State selects the TAP projects. In a State with excess reserve funds, the State, and the MPOs, determine how much of the flexible authority to devote to any given project as long as the calculated flexible funds amount is not exceeded statewide.

e. How will States account for projects using flexible funds?

The FHWA Chief Financial Officer will establish procedures and program codes to account for flexible funds obligations in separate correspondence.

f. How will the public learn about the flexibility of excess reserve funding?

The FHWA will notify each State of its flexible funds amount, and will post the State-by-State amounts on its website. States should notify MPOs of the flexible funds amount and include the information in the call for applications.

5. Are resources available to assist with the Treatment of Projects requirement?

Yes. See:

- [Federal-aid Essentials for Local Public Agencies](#), a transportation resource designed to help local agency professionals navigate the Federal-aid Highway Program;
- Federal-aid Highway Program [Policy & Guidance Center](#); and
- [MAP-21 Section 1524](#) provides exceptions related to Youth Service and Conservation Corps.

Planning Requirements and Transportation Improvement Program

Are there specific planning or public involvement requirements or provisions for TAP projects?

No. TAP projects follow the same transportation planning and public involvement requirements as other Federal-aid highway program projects. The TAP planning and project selection process must comply with civil rights laws and regulations, should address environmental justice principles throughout the planning and decisionmaking processes, and should ensure adequate public involvement and transparency.

Transportation projects must be programmed in an MPO's Transportation Improvement Program (TIP) and the Statewide Transportation Improvement Program (STIP).¹⁴ Except in unusual circumstances, TAP projects will not be considered regionally significant as defined by 23 CFR 450.104 and may be grouped each program year by function, geographic area, and/or work type in an MPO's TIP and the STIP, rather than listed individually. See 23 U.S.C. 134(j)(3) for the TIP. See 23 U.S.C. 135(g)(5)(C) for the STIP.

Project Eligibility

See [TAP Eligible Projects Legislation](#) for the text from 23 U.S.C. 213(b) and 101(a)(29). Eligible TAP projects must be sponsored by an eligible entity and selected through the competitive process.

1. Is planning eligible as an independent TAP project?

Yes. Planning for pedestrian and bicycle activities is eligible as an independent TAP project.¹ Section 101(a)(29) does not specify if "construction, planning, and design" limits planning to a component of a TAP project, or whether planning may be an independent project related to projects eligible under TAP. Title 23 has sections that use "and" to describe both related and unrelated types of activities, therefore FHWA believes that section 101(a)(29) can support both planning components and independent planning projects.

2. Is landscaping and scenic enhancement eligible as an independent project?

Under the "community improvement activities" category, projects such as streetscaping and corridor landscaping may be eligible under TAP if sponsored by an eligible entity and selected through the required competitive process. States may use TAP funds to meet junkyard screening and removal requirements under 23 U.S.C. 136 if sponsored by an eligible entity and selected through the competitive process. Landscaping and scenic enhancement features, including junkyard removal and screening, may be eligible as part of the construction of any Federal-aid highway project, including any TAP-funded projects.¹⁵

3. Is lighting eligible using TAP funds?

Yes. Lighting is eligible for bicycle and pedestrian facilities¹⁶ and may be appropriate as part of other eligible TAP categories. Project sponsors should consider [energy-efficient](#) methods and options that [reduce light pollution](#).

4. Is utility relocation eligible using TAP funds?

Utility relocation that is necessary to accommodate a TAP-eligible project may be eligible for Federal reimbursement only if permitted under State law or policy. Federal law and regulation (23 U.S.C. 123, *Relocation of utility facilities*, and [23 CFR 645, Utilities](#)) recognize that some States, by State law or policy, prohibit using public funds to relocate utilities; in these States, it is illegal to use TAP funds to relocate utilities.¹⁷

5. Are road diets eligible using TAP funds?

[Road Diets](#) are among FHWA's [Proven Safety Countermeasures](#). If work to benefit eligible TAP activities would cause impacts to a highway, requiring reconstruction resulting in a road diet, then TAP funds may cover most costs of a road diet.

6. Are bike sharing systems eligible for TAP funds?

Yes. Bike sharing systems are eligible for Federal-aid highway program funds, including TAP funds. See [Frequently asked Questions and Answers concerning Bike Sharing](#). In addition to bike sharing docks, equipment, and other capital costs, FHWA funds from several sources, including TAP, may be used to purchase bicycles that are integral to a bike sharing system. Federal-aid highway program funds cannot be used for operational costs.

7. What is eligible under “construction of turnouts, overlooks, and viewing areas”?

The activity “construction of turnouts, overlooks, and viewing areas” may use the criteria for “scenic overlooks” described in [23 CFR 752.6](#): “Scenic overlooks may provide facilities equivalent to those provided in safety rest area[s]” described in [23 CFR 752.5](#).¹⁸

8. Does the transportation purpose requirement in 23 U.S.C. 217(i) apply to trail projects funded under TAP or STP?

No. MAP-21 revised 23 U.S.C. 133(b) (STP) and added transportation alternatives and recreational trail projects as eligible STP projects and enacted §213(b) (TAP) to allow eligibility for recreational trails projects eligible under the RTP. This conflicts with 23 U.S.C. 217(i), which requires that bicycle facilities “be principally for transportation, rather than recreation, purposes”. Effective under MAP-21, the requirement in 23 U.S.C. 217(i) does not apply to bicycle facilities using STP or TAP funds. However, Section 217(i) continues to apply to bicycle facilities using other Federal-aid highway program funds (NHPP, HSIP, CMAQ, etc.). Note that Section 217(i) makes the transportation requirement applicable only to bicycle projects; it does not apply to any other trail use or transportation mode.

9. Are resilience improvements eligible for TAP funds?

Making transportation systems more resilient to changing environmental conditions is an important aspect of maintaining a state of good repair. Federal-aid highway planning and projects, including activities funded via TAP, may include climate and extreme weather resiliency elements to make transportation systems more reliable. For further information, please see [FHWA guidance](#) on funding climate adaptation.

Recreational Trails Program (RTP)

1. How does the RTP change under MAP-21?

MAP-21 makes RTP funding a set-aside from the TAP. Unless the Governor opts out in advance, an amount equal to the State's FY 2009 RTP apportionment is to be set aside from the State's TAP funds for recreational trails projects. RTP requirements under 23 U.S.C. 206 continue to apply to RTP set-aside funds.¹⁹

2. Are there new RTP requirements that apply to the RTP set-aside funds?

Yes. Under 23 U.S.C. 213(f)(2), each State shall "return 1 percent of those funds to the Secretary for the administration of that program."²⁰ This is comparable to the requirement under SAFETEA-LU for FHWA to take funds off the top of the RTP funding for this purpose before apportioning the funds to the States.

Each State shall "comply with the provisions of the administration of the recreational trails program, including the use of apportioned funds."²¹ Therefore, RTP requirements under 23 U.S.C. 206 continue to apply to RTP set-aside funds.

"A State may opt out of the recreational trails program [set-aside] if the Governor of the State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year."²²

3. Did MAP-21 change which agency manages the RTP set-aside?

No. The statute requires the State Governor to designate the State agency or agencies to administer the RTP.²³ States should have Stewardship and Oversight Plans to outline the roles and responsibilities of the FHWA and the State agency or agencies that administer the RTP. See an Example ([HTML](#) / [PDF](#)).

4. Do the provisions in 23 U.S.C. 206, which governed RTP before MAP-21, still apply to the RTP under MAP-21?

Yes. While RTP funds will be a set-aside of TAP funds, MAP-21 provides that States must comply with the provisions of section 206 when using the MAP-21 set-aside funds.²⁴ This includes following the provisions in section 206(d) relating to the use of funds. It also

allows use of the Federal share provisions in section 206(f) and project administration provisions in section 206(h). See the [RTP Guidance](#).

5. Is the State Recreational Trail Advisory Committee still required?

Yes. For a State to be eligible to use funds set aside for the RTP under 23 U.S.C. 213(f), the State must comply with the requirements of 23 U.S.C. 206, including the requirement under 23 U.S.C. 206(c)(2) that "...the State shall establish a [State recreational trail advisory committee](#) that represents both motorized and nonmotorized recreational trail users, which shall meet not less often than once per fiscal year." If a State does not meet this requirement, it is not eligible to use RTP set-aside funds.²⁵

6. What is the RTP Opt-Out Provision?

MAP-21 allows the Governor of the State to opt out of the set-aside for the RTP on an annual basis.²⁶ Notice [N4510.755](#) provided instructions on how to opt out of the program for FY 2013 and Notice [N 4510.767](#) provided instructions for FY 2014.

7. If a State opts out of the RTP, can it fund recreational trail projects with TAP funds?

Yes. Recreational trail projects are eligible for TAP funds, but the RTP provisions and requirements under 23 U.S.C. 206 would not apply.²⁷ Recreational trails projects funded with TAP funds other than the RTP set-aside are subject to the requirements in 23 U.S.C. 213, including selection through a competitive process. The "treatment of projects" provision under 23 U.S.C. 213(e) would apply; this means that projects would have to be treated as projects on Federal-aid highways.²⁸

8. What happens to the funding if a State opts out of the RTP?

The funds remain part of the TAP.

9. If a State opts out of the RTP, will it still have access for administrative funds to administer projects from previous years?

No. The ability to use RTP funds for State administrative costs is limited to a percentage "of the apportionment made to the State for the fiscal year" (which would include the RTP set-aside funds).²⁹ If there is no apportionment, then there is no program to administer, and the administrative funds cannot be permitted.

10. May a State carry over and use RTP administrative funds from previous years?

No. Under 23 U.S.C. 206(d)(2)(H), RTP administrative funds are limited to "costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State *for the fiscal year*" (emphasis added). The limitation is subject to the amount necessary within a fiscal year, and does not carry over. A State cannot carry over administrative funds from Year 1 because that would increase the administrative funds available

in Year 2. RTP funds obligated for administrative costs but not expended within a fiscal year must be deobligated and used for on-the-ground trail projects. The restriction applies to all RTP funds, including funds apportioned prior to the enactment of MAP-21. Note: The [RTP Guidance](#) from 1999 stated: “If a State uses less than 7 percent for administrative costs or less than 5 percent for educational costs, the funds must be used for trail projects.”

To cover administrative costs at the beginning of a fiscal year, States may request authorization to obligate administrative costs as an Advance Construction project, which is allowable under 23 U.S.C. 115 and [23 CFR 630 Subpart G](#).

11. If a State opts out of the RTP, will it still have access for educational funds? Is there a limit on how much may be used for education?

Yes. States may use TAP or STP funds for recreational trail educational programs. The educational activities eligible under the RTP do not depend on the existence of a program. Therefore, even if a State opts out of the RTP, it may fund recreational trail educational programs under TAP or STP. Because there is no specific apportionment for a State that opts out of the RTP, there is no limitation on the funds available for recreational trail educational programs using TAP or STP funds.

12. May a State carry over and use RTP educational funds from previous years?

No. Under 23 U.S.C. 206(d)(2)(G), RTP educational funds are limited to the “development and dissemination of publications and operation of educational programs to promote safety and environmental protection, (as those objectives relate to one or more of the use of recreational trails, supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training), but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year”. The limitation is subject to the amount necessary within a fiscal year, and does not carry over. RTP funds obligated for educational costs but not expended within a fiscal year must be deobligated and used for on-the-ground trail projects. This restriction applies to all RTP funds, including funds apportioned prior to the enactment of MAP-21.

13. How does a State account for the 40-30-30 percentage requirements if the sum of the percentages based on the apportionment exceeds the funds available to the State?

MAP-21 created a potential conflict for the requirements for 40 percent diverse use, 30 percent motorized use, and 30 percent nonmotorized use, because the 40-30-30 percentage requirements apply to the full apportionment before the return of 1 percent to the USDOT for administrative purposes. The [RTP guidance for State Suballocations](#) explains how States can meet the [40-30-30 requirements](#) by selecting projects that qualify simultaneously under the motorized and diverse categories or the nonmotorized and diverse categories.

14. Are recreational trails projects eligible under other Federal-aid programs?

Yes. Recreational trail projects that would be eligible under the RTP are broadly eligible under STP and TAP.³⁰ TAP provisions and requirements under section 213 apply to recreational trail

projects using TAP funds (other than RTP set-aside funds). STP provisions and requirements apply to STP funds used for recreational trails projects.

15. Does the transferability provision apply to the RTP? Can a State transfer funds from the RTP to TAP?

No. See [FHWA Order 4551.1](#): *Fund Transfers to Other Agencies and Among Title 23 Programs*. MAP-21 does not have a transferability provision for the RTP set-aside. Some projects may be eligible both under the RTP and TAP, and a State can choose whether to obligate RTP or TAP funds for such projects. Also, States have broad discretion to use STP funds for projects eligible under TAP or RTP. Note that if a State opts out of the RTP, such funds remain TAP funds, and the transferability provisions pertaining to TAP would apply.

MAP-21 removed the authority to transfer funds to or from the RTP. MAP-21 revised 23 U.S.C. 126 and (among other changes) replaced “under section 104 or 144” with “under section 104(b)”. RTP funds apportioned prior to MAP-21 were apportioned under section 104(h) (which MAP-21 removed), not under section 104(b).³¹

Safe Routes to School (SRTS)

1. Are Safe Routes to School Program (SRTS) coordinators required as under SAFETEA-LU Section 1404(f)(3)?

No. SRTS coordinators are not required under MAP-21 but are eligible for funding under TAP.

2. Does the requirement from SAFETEA-LU Section 1404(f)(2)(B) that States allocate “not less than 10 percent and not more than 30 percent...” of SRTS funds for noninfrastructure activities still apply?

No. This division of funding between infrastructure and noninfrastructure projects does not exist in MAP-21. It does apply to remaining SRTS funds from SAFETEA-LU.

3. Is travel for SRTS project-specific site visits or to conferences an eligible activity?

Yes. Travel directly related to a specific project is eligible under SAFETEA-LU Section 1404(f)(2)(A). Travel related to “training, volunteers, and managers of safe routes to school programs” is eligible as a noninfrastructure-related activity.

4. Is a local SRTS coordinator position an eligible expense?

Yes, this eligibility is maintained in MAP-21. SAFETEA-LU Section 1404(f)(2)(A) lists “managers of safe routes to school programs” as eligible under the noninfrastructure projects.

5. May States prioritize SAFETEA-LU SRTS funds for low-income neighborhoods?

Yes. States may give priority for SAFETEA-LU SRTS funds (available at 100 percent Federal share) for communities and projects that benefit low-income neighborhoods.

Boulevards from Divided Highways

How is a boulevard defined?

A boulevard is defined as a:

Walkable, low-speed (35 mph or less) divided arterial thoroughfare in urban environments designed to carry both through and local traffic, pedestrians and bicyclists. Boulevards may be long corridors, typically four lanes but sometimes wider, serve longer trips and provide pedestrian access to land. Boulevards may be high-ridership transit corridors. Boulevards are primary goods movement and emergency response routes and use vehicular and pedestrian access management techniques. Curb parking is encouraged on boulevards.

Source: Institute of Transportation Engineers, [Designing Walkable Urban Thoroughfares: A Context Sensitive Approach](#), page 52, Table 4.2.

An eligible “boulevard” project should demonstrate some of the following elements:

- Traffic calming measures.
- Context-sensitive bicycle and pedestrian facilities.
- Compliance with accessibility requirements and guidelines.
- Promotion of transit corridor through additional protected stops and routes.
- Environmentally efficient lighting, landscaping, and water-saving systems.

See [Boulevards from Divided Highways](#) examples on FHWA’s TAP website.

TAP Eligible Projects Legislation

Title 23 U.S.C. 213(b)

(b) ELIGIBLE PROJECTS.—A State may obligate the funds reserved under this section for any of the following projects or activities:

- (1) Transportation alternatives, as defined in section 101.
- (2) The [recreational trails program](#) under section 206.
- (3) The [safe routes to school program](#) under section 1404 of the SAFETEA-LU (23 U.S.C. 402 note; Public Law 109-59).
- (4) Planning, designing, or constructing [boulevards](#) and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

Title 23 U.S.C. 101(a)(29)

(29) TRANSPORTATION ALTERNATIVES.—The term “transportation alternatives” means any of the following activities when carried out as part of any program or project authorized or funded under this title, or as an independent program or project related to surface transportation:

- (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.

Note: For §101(a)(29)(E), FHWA defines “including” as “which include, but not limited to”.

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- ¹ 23 U.S.C. 213(c)(3)
² 23 U.S.C. 213(c)(4)(A)
³ 23 U.S.C. 213(c)(4)(A)
⁴ 23 U.S.C. 213(c)(4)(A)
⁵ 23 U.S.C. 213(c)(4)(A)
⁶ 23 U.S.C. 213(c)(3)
⁷ 23 U.S.C. 213(c)(3)(B)
⁸ 23 U.S.C. 213(c)(4)
⁹ 23 U.S.C. 213(c)(4)
¹⁰ [2 CFR 200.306\(b\)\(5\)](#)
¹¹ 42 U.S.C. 5305
¹² 23 U.S.C. 126 and 133(b)(11)
¹³ 23 U.S.C. 126(b)(2)
¹⁴ 23 U.S.C. 134(j)(3) [TIP] and 23 U.S.C. 135(g)(5)(C) [STIP]
¹⁵ 23 U.S.C. 319
¹⁶ 23 U.S.C. 101(a)(29)(A)
¹⁷ 23 U.S.C. 123, *Relocation of utility facilities*, and [23 CFR 645, Utilities](#)
¹⁸ [23 CFR 752.5](#) and [23 CFR 752.6](#)
¹⁹ 23 U.S.C. 213(f) and (g)
²⁰ 23 U.S.C. 213(f)(2)
²¹ 23 U.S.C. 213(f)(3)
²² 23 U.S.C. 213(g)
²³ 23 U.S.C. 206(c)
²⁴ 23 U.S.C. 213(f)(3)
²⁵ 23 U.S.C. 206(c)(2) and 23 U.S.C. 213(f)
²⁶ 23 U.S.C. 213(g)
²⁷ 23 U.S.C. 213(c)(4)(b)
²⁸ 23 U.S.C. 213(e)
²⁹ 23 U.S.C. 206(d)(2)(H)
³⁰ 23 U.S.C. 213(b)(2), 23 U.S.C. 133(b)(20)
³¹ 23 U.S.C. 126