Transportation Alternatives Set-Aside Guidance
Federal Highway Administration

June 1, 2022
Disclaimer

Except for any statutes or regulations cited, the contents of this presentation do not have the force and effect of law and are not meant to bind the States or the public in any way. This presentation is intended only to provide information regarding existing requirements under the law or agency policies.
FHWA Policy

• Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America
• Prioritizing Safety
• Complete Streets
• Americans with Disabilities Act
• Equity
• Transit Flex
• Transferability
• Relationship to Other Highway Programs
• Also relevant: Climate Change and Sustainability, Labor and Workforce
Prioritizing Safety

Proportion of Fatalities by Road User, 1975-2019

- **Inside Vehicle:** Occupants of cars, light trucks, large trucks, buses, and other vehicles
  - 71% (1975)
  - 80% (1997)
  - 66% (2019)

- **Outside Vehicle:** Motorcyclists, pedestrians, pedalcyclists, and other nonoccupants
  - 29% (1975)
  - 20% (1997)
  - 34% (2019)

Complete Streets / Complete Networks

- “A complete street is safe, and feels safe, for everyone using the street.” - FHWA Deputy Administrator Stephanie Pollack
- Complete Streets create a *safe*, *connected*, and *equitable* transportation network for travelers of all ages and abilities, particularly those from underserved communities facing historic disinvestment.
- Webpage: [https://highways.dot.gov/complete-streets](https://highways.dot.gov/complete-streets)
• USDOT Equity Action Plan: https://www.transportation.gov/priorities/equity/equity-action-plan
• TA Guidance webpage resources: https://www.fhwa.dot.gov/environment/transportation_alternatives/guidance/
  • Transportation Disadvantaged Census Tracts
  • EJ Screen: Environmental Justice Screening and Mapping Tool
  • Screening Tool for Equity Analysis of Projects (STEAP)
• Resources through advocacy organizations
Continuing Federal Transportation Program Sources for Pedestrian and Bicycle Facilities and Trails

Legacy Programs

- Transportation Alternatives (TA) Set-Aside
- Surface Transportation Block Grant Program (STBG)
- Congestion Mitigation and Air Quality Improvement Program (CMAQ)
- Recreational Trails Program (RTP)
- National Highway Performance Program (NHPP)
- Highway Safety Improvement Program (HSIP)
- Federal Lands Transportation Program (FLTP)
- Federal Lands Access Program (FLAP)
- Tribal Transportation Program (TTP)
- National Scenic Byways Program (discretionary)
New programs

- Bridge Formula Program (formula)
- Carbon Reduction Program (formula)
- PROTECT (formula and discretionary)
- Reconnecting Communities Pilot Program (discretionary)
- Safe Streets and Roads for All (discretionary)
- Thriving Communities Initiative (discretionary)
Background

• Nearly 40,000 projects since 1992: $14.6 billion
• TA projects eligible for Surface Transportation Block Grant Program (STBG): [https://www.fhwa.dot.gov/environment/transportation_alternatives/](https://www.fhwa.dot.gov/environment/transportation_alternatives/)
• Fact Sheet on BIL website
• Guidance (issued March 30, 2022)
### Apportionments

- **TA Set-Aside is 10% of STBG.**
- **Increased from $850 million.**

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Transportation Alternatives Set-Aside (23 U.S.C. 133(h))</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>$1,383,540,438</td>
</tr>
<tr>
<td>2023</td>
<td>$1,411,211,247</td>
</tr>
<tr>
<td>2024</td>
<td>$1,439,435,472</td>
</tr>
<tr>
<td>2025</td>
<td>$1,468,224,182</td>
</tr>
<tr>
<td>2026</td>
<td>$1,497,588,662</td>
</tr>
</tbody>
</table>

- **Up to $84.1 million set-aside for Recreational Trails Program**
## Suballocation

### State’s Transportation Alternatives Set-Aside

Set-Aside for Recreational Trails Program (unless Governor opts out)

<table>
<thead>
<tr>
<th>59% Suballocated to sub-State areas based on relative population size.</th>
<th>41% any area of State: State competitive process.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Cannot be transferred to other categories.</td>
<td>• State may develop process to suballocate 100%.</td>
</tr>
<tr>
<td></td>
<td>• Funds available for transfer only after State holds a competitive process.</td>
</tr>
</tbody>
</table>

Urbanized areas with populations over 200,000.
- Suballocated to each urbanized area over 200,000 by relative population.

Urbanized areas with population 50,000 to 200,000.

Urban areas with population 5,000 to 49,999.

Areas with population less than 5,000.
NEW: Local Control

- State may suballocate up to 100 percent with DOT-FHWA approval.
- Submit plan to describe:
  - How funds to be suballocated
  - How entities will have competitive process
  - Capacity to manage suballocations
  - Program compliance
  - Program reporting
NEW: State Technical Assistance

- State may use up to 5% of funds to provide technical assistance.
- **Purpose:**
  - Administer program.
  - Provide technical assistance to potential applicants.
  - Assist application process, planning, design, NEPA, permits, project management.
- State may hire staff or issue contracts to other entities.
  - State may assist MPOs with their processes.
- May include a State Safe Routes to School coordinator.
Transfers to other Federal-aid programs

• **NEW:** Transfers out only allowed from the 41% not suballocated.

• **NEW:** Before a State may transfer funds out, it must:
  • Hold competitive grant opportunity.
  • Offer and provide technical assistance to applicants.
  • Demonstrate lack of suitable applications.
Other Transfers

- States may transfer other funds to TA without new restrictions.
- Transit Flex: States may transfer selected projects to FTA to administer.
Federal Share: New Flexibility

• Generally: 80% Federal share, with *sliding scale*
• **New flexibility:**
  • HSIP funds credited toward non-Federal share
  • Programmatic Federal share
  • Financial controls
Federal Share: Continued Flexibility

- Federal Share Flexibility
  - Some Safety projects may be up to 100%
  - Projects on Federal lands
  - Tribal and Federal land transportation funds may match
- In-kind match permitted (23 U.S.C. 323(c))
Federal Share: Trails, Other Match

Recreational trails using FHWA apportioned funds
• **New:** Any recreational trail project uses RTP match provisions.
  • Any trail project using NHPP, CMAQ, HSIP, STBG, TA Set-Aside, CRP, etc.
  • RTP funds may match or be matched by other Federal funds.

Other match provisions
• HUD Community Development Block Grant funds as match.
• AmeriCorps funds may be matched under some conditions.
Transportation Alternatives
Competitive project selection process

• TA Set-Aside projects must be selected through a competitive process submitted by eligible entities.
• Metropolitan Planning Organizations (MPOs) select projects for large urbanized areas (over 200,000).
• State DOTs select projects for “any area”, small urbanized, small urban, and rural funds.
  • New: May develop a process to further suballocate.
• New: Prioritization for high-need areas.
• Recreational Trails Program: No change.

Top photo source: Red Creek Bridge over I-75, near MI-134. Coalition for Recreational Trails, www.americantrails.org/awards/CRT05awards/redcreek.html.
Eligible Project Sponsors

- Local governments;
- Regional transportation authorities;
- Transit agencies;
- Natural resource or public land agencies;
  - May include Federal, State, or local public land agencies
- School districts, local education agencies, or schools;
- Tribal governments;
- **New:** Metropolitan Planning Organization for small urbanized area (under 200,000);
- Nonprofit entity (**New: restrictions removed**)
- Any other local or regional governmental entity with responsibility for oversight of transportation or recreational trails (other than an MPO or a State agency) that the State determines to be eligible...
- **New:** State DOT, only at request of another eligible entity.
- *RTP project sponsors determined by States.*
The TA Set-Aside authorizes funding for programs and projects defined as *transportation alternatives*, including:

- On- and off-road pedestrian and bicycle facilities, including trails for nonmotorized use.
- Construction of turnouts, overlooks, and viewing areas.
- Community improvement activities:
  - Historic preservation
  - Vegetation management
- Environmental mitigation for stormwater and habitat connectivity
- Recreational trail projects
- Safe routes to school projects (previously eligible, now codified)
- **New:** Vulnerable Road User Safety Assessments

TA eligibility includes:
- All projects eligible under SRTS and RTP
- All pedestrian and bicycle projects eligible under 23 U.S.C. 217

23 U.S.C. 217 includes:
- **New:** Shared micromobility; new definition for electric bicycles

STBG eligibility includes:
- All projects eligible under TA Set-Aside
- **Newly Clarified:** STBG allows recreational trail maintenance and restoration
Transportation Alternatives
HSIP Eligibility

Ensuring consistency with SHSP

Using a data-driven process

Focusing on Safety Performance

Investing in all public roads

Additional Considerations:
- Vulnerable Road User Projects
- Specified Safety Projects
- Automated Traffic Enforcement Systems
- Projects to Maintain Minimum Levels of Retroreflectivity
- Workforce Development

Treatment of Projects

• Generally: STBG projects, including TA Set-Aside, must be treated as projects on a Federal-aid highway.
• Excludes: Recreational Trails Program (RTP) projects.

New under BIL:
• Any recreational trail funded under 23 U.S.C. 104(b) to use same procedures State uses for RTP projects.
Youth Corps and Workforce Development

• MAP-21 Section 1524, Youth Corps, is still in effect.
• DOT encourages States to have contracts and cooperative agreements with qualified Youth Service and Conservation Corps.
• TA projects, trails, pedestrian and bicycle, safe routes to school, byways.
• Corps provide workforce development training.
• Agencies can sole source contracts and agreements to qualified Corps.
• The Corps Network: [Trails and Transportation](https://www.fhwa.dot.gov/environment/transportation_alternatives/guidance/youth_workforcedev_2018.cfm) webpage
Recreational Trails Program Purpose

- Provides funds to the States to develop and maintain recreational trails for all trail uses.
- Up to $84.1 million/year, apportioned at 2009 levels.
- Represents part of $281 million in Federal motor fuel excise tax paid by OHV users (including snowmobilers).
- Project sponsors are encouraged to use Youth Corps.
- [https://www fhwa dot gov environment recreational trails rtpstate cfm](https://www.fhwa.dot.gov/environment/recreational_trails/rtpstate.cfm)
- No changes in BIL except for the new provision to treat any recreational trail project as an RTP project.

State Trail Administrators build a boardwalk, White Clay Creek State Park, DE, September 21, 2005. Source: FHWA.
RTP Funding

• Up to $84.16 million per year.
• States may opt out (funds remain TA funds)
• Usually administered through a State resource agency.
• States solicit and select projects for funding.
• 80% Federal share, with flexibility.
  • RTP funds may match or be matched by other Federal funds.
  • Some in-kind may be donated prior to project approval.

Photos source: Bull Run Ranch, Cascade MT
RTP Eligible Projects

- Maintain and restore existing trails (and bridges).
- Develop and rehabilitate trailside and trailhead facilities.
- Purchase and lease trail construction and maintenance equipment.
- Construct new trails (limits on Federal lands).
- Acquire easements or property for trails (willing seller only: Condemnation is prohibited).
- Trail assessments for accessibility and maintenance.
- Trail safety and environmental protection education.
- State administrative costs.
- RTP projects also eligible under TA Set-Aside and STBG.

Top left: Meduxnekeag River Bridge (Maine): [www.americantrails.org/awards/CRT09awards/Meduxnekeag-Trail-Maine-09.html](http://www.americantrails.org/awards/CRT09awards/Meduxnekeag-Trail-Maine-09.html)
Top right: Western Wyoming Avalanche detection. [www.americantrails.org/awards/CRT04awards/WWyoAvalanche.html](http://www.americantrails.org/awards/CRT04awards/WWyoAvalanche.html)
Bottom: NOHVCC Trailer (Tom Umphress, NOHVCC)
RTP Project Examples

Recreational Trails Program Annual Report

https://www.fhwa.dot.gov/environment/recreational_trails/

• $1.5 billion for 26,500 projects since 1993

Recreational Trails Program Database

• More than 26,500 project examples
• Searchable by State or project type
• See http://recreationaltrailsinfo.org/

Photo source: Peter Axelson, Beneficial Designs
Safe Routes to School (SRTS)

- **New:** SRTS codified as 23 U.S.C. 208
- **New:** Expanded to K-12 (from K-8)
- **New:** Expanded eligibility under HSIP
- No dedicated SRTS funding, so references in section 208 related to apportionments cannot be required.
- SRTS projects broadly eligible under STBG and TA Set-Aside.
Questions and Answers

• TA Guidance retained a Q&A Section.
• Added Q&A:
  • Bike Sharing and Scooter Sharing
  • Electric bicycles
Open Discussion

Post questions in Q&A pod.

**FHWA BIL Website**  
https://www.fhwa.dot.gov/bipartisan-infrastructure-law/

**Transportation Alternatives Website**  
https://www.fhwa.dot.gov/environment/transportation_alternatives/

**FHWA Complete Streets Initiative**  
https://highways.dot.gov/complete-streets