

# TRANSPORTATION ALTERNATIVES PROGRAM

2021-22

Guidance

## **I. Purpose & Eligibility**

The Transportation Alternatives Program (TAP) provides funds for projects that advance non-motorized transportation facilities, historic transportation preservation, and environmental mitigation and vegetation management activities. ODOT encourages adding alternatives to planned transportation projects rather than stand-alone projects. TAP funded activities must be accessible to the general public or targeted to a broad segment of the general public.

ODOT's TAP funds are for those projects sponsored by local governments outside the county boundaries of Metropolitan Planning Organizations (MPOs), unless the local is within a small MPO (population less than 200,000) that has opted to join the ODOT program. There are four (4) counties that return their TAP funding, these counties are Allen, Belmont, Licking and Washington.

If warranted, a project could be awarded Safety funding in addition to TAP funding. Safety funding, unlike TAP funds, can be used by the project sponsor in the Preliminary Engineering, Design or Right-of-Way phase of the project. A Safety section of the TAP Application is an opportunity to provide information on how a proposed project might improve roadway safety.

ODOT is providing this guidance to those eligible entities who completed an online Letter of Interest (LOI) for which ODOT determined met the minimum eligibility guidelines. The application must be for the same project scope submitted in the LOI and be, for rating purposes, submitted under only one of the qualifying categories as follows:

### **Bicycle and Pedestrian Facilities**

For the purposes of the TAP Program, a pedestrian is not only defined as a person traveling by foot but also "any mobility impaired person using a wheel chair." Projects proposed under this category that connects activity centers such as businesses, schools, libraries, shopping areas, recreational areas, etc. will receive higher priority.

Provision for Bicycle and Pedestrian Facilities - This may include activities such as shared use paths, bike lanes, paved shoulders, geometric improvements, turning lanes, traffic signs, new sidewalks, and sidewalk gap closures. Also eligible are bicycle parking racks, bicycle lockers, designated areas with safety lighting, and covered bicycle shelters.

Upgrading facilities to meet Federal, State and/or local responsibilities for compliance with ADA requirements (such as ramps, and/or other necessary design features) is also eligible. This category may also include traffic calming improvements to reduce conflicts in heavy pedestrian areas. Traffic calming improvements could include roundabouts, bulb-outs, speed humps, raised crossings, raised intersections, median refuges, narrowed traffic lanes, lane reductions, full- or half-street closures, automated speed enforcement, variable speed limits, and demarcations with color, texture, and/or pattern.

Some amenities that make these facilities safer or more accommodating to users, such as vegetative management (see eligibility description below), street furnishings for pedestrians (including lighting, trash receptacles, and seating apparatuses) are also eligible. Street parking construction costs, stand-alone parking lot projects for future bicycle or pedestrian facilities are ineligible, however, parking facilities (with restrooms) at a trailhead of an existing bicycle/pedestrian are eligible for funding.

For all bicycle and pedestrian projects please review the following criteria outlined in [The Guide for the Development of Bicycle Facilities, 2012](#) and [ODOT's L & D Manual](#), and [A Policy on Geometric Design of Highways and Streets](#), where applicable. Pedestrian facility projects must be American's with Disabilities Act (ADA) compliant.

## **Abandoned Railway Corridors (Rails-to-Trails)**

Conversion of abandoned railway corridors for the purpose of creating shared use paths (includes acquisition and construction) - This category includes the acquisition, rehabilitation and development of corridors for bicycle and pedestrian use. The acquisition of right-of-way can be a stand-alone project; however, there must be a planned trail use. Eligible railway corridors must either have been authorized for abandonment, have abandonment proceedings pending or have been set aside for future transportation use under applicable federal or state laws. Preservation of an abandoned rail corridor must lead to the development of a pedestrian and/or bicycle facility and is not intended to solely preserve the rail corridor for future use. Sponsors must comply with federal regulations involving property acquisitions contained in the "Uniform Act." (Talk to your ODOT District representative. Also, see [https://www.fhwa.dot.gov/real\\_estate/uniform\\_act/index.cfm](https://www.fhwa.dot.gov/real_estate/uniform_act/index.cfm)).

## **Community Improvement Activities**

**Archaeological planning and research** - This category is limited to research on sites relating to impacts from implementation of a transportation project eligible under United States Code of Federal Regulations Title 23 – Highways. This category is not for routine excavations. All work must be done in compliance with the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* or the *Secretary of the Interior's Standards for Historic Preservation Projects* and must be managed under the direction of qualified professionals who are educated and experienced in archaeology.

**Construction of turnouts, overlooks and viewing areas**- This category allows for the construction of overlooks, turnouts and viewing areas that allow for the visual enjoyment of significant scenic or historic view sheds. Significant view sheds can include Ohio Scenic Byways and recognized historic districts or historic sites.

**Historic Preservation and Rehabilitation of historic transportation facilities** - Historic transportation buildings are buildings or structures associated with the operation, passenger and freight use, construction, or maintenance of any mode of transportation where such a building is listed in or eligible for listing in the National Register as determined by SHPO. Historic structures and facilities include, but are not restricted to, tunnels, bridges, trestles, canals, viaducts, stations, rails, non-operational vehicles, and other transportation features related to the operation, passenger and freight use, construction, preservation or maintenance of any mode of transportation. Funds for operation of historic transportation facilities are ineligible. Any Historic structure or site must be on or eligible for the National Register of Historic Places. If the structure or site is found not to be on or eligible for the National Register the project will not be eligible. All work must be done in compliance with the *Secretary of the Interior's Standards for Historic Preservation Projects*.

**Vegetation management**- Practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control. Routine maintenance of landscaping / vegetation is not eligible.

## **Environmental Mitigation Activity**

Including pollution prevention and pollution abatement activities and mitigation to address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in 23 U.S.C. 133(b) (11), 328(a), and 329; or to reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

## **Recreational Trails**

Includes projects that will provide and maintain recreational trails for both motorized and non-motorized recreational trail use. This category provides funds for all kinds of recreational trail uses. Examples are pedestrian uses like hiking, running, and wheelchair use, bicycling, in-line skating, equestrian use, cross-country skiing,

snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles.

Eligible projects under Recreational Trails category can include maintenance and restoration of existing recreational trails, development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails, and construction of new recreational trails (with restrictions for new trails on Federal lands). Recreational trail projects offering a transportation component will take priority over those that are only recreational.

### **Safe Routes for Non- Drivers**

The construction of infrastructure-related projects that will improve safety connectivity, and accessibility for non-drivers, including children, older adults, and individuals with disabilities to access daily needs and projects that are otherwise eligible under ODOT's Safe Routes to School Program. These projects be either infrastructure or non-infrastructure in nature. However, funding for a Safe Routes to School Coordinator is not eligible for TAP funds.

## **II. Ineligible Costs**

Though not a comprehensive list, these are some activities that will not be funded with federal dollars and are the sponsor's responsibility. Items that are ineligible for funding by the TAP program can be included in the construction contract as nonparticipating items with the funding provided by the sponsor.

Landscaping and scenic enhancements as independent projects- However, landscaping and scenic enhancements could be eligible as part of the construction of any Federal-aid highway project under 23 U.S.C. 319, including TAP-funded projects.

Acquisition of scenic easements and scenic or historic sites.

Administrative costs - Some examples of actions considered to be administrative are application preparation; consultant selection and management; coordination with ODOT, etc.

Public art - Items of public art include, but are not limited to: statuary, decorative banners, flag displays (including flagpoles), murals, fountains, clock towers, etc.

Standard roadway or bridge infrastructure items, such as roadway paving or structural work, will not be considered for funding unless incidental to the TAP project.

Parking - The exception is if the facility is related to a bicycle trailhead, or to access a turnout, overlook, viewing area, or historic transportation facility.

Mitigation - A work item that serves to mitigate (compensate for) an environmental impact (including historic, natural, or cultural).

Operation of historic transportation facilities

Transportation Museums

**Any action or work taken prior to FHWA project authorization will make the entire project ineligible for compensation.**

### **III. Funding Provisions**

The TAP program is not a grant program but a cost reimbursable, pay-as-you-go program. Prior to construction the project must be approved by ODOT and authorized by the Federal Highway Administration (FHWA). ODOT will provide up to 95 percent (this is due to the use of Toll Revenue Credit) of the construction cost up to a maximum amount. The use of Toll Revenue Credit has been extended to projects scheduled to begin in State Fiscal Year 2027 or sooner. Projects that are scheduled to begin construction in State Fiscal Year 2027 will return to the regular 80/20 Federal/Local split. The applicant is required to provide a minimum of 5 percent of the construction cost, and all costs associated with the engineering plans, environmental studies and documentation, right-of-way plans, right-of-way acquisition and environmental remediation, if necessary. Right-of-way acquisition costs are only allowable for conversion of abandoned railway corridors to shared use path facilities. The local government match must be in cash. In-kind contributions will not be accepted. Should the project be sold and administered by ODOT, the match amount must be provided prior to advertising for bids.

### **IV. Sponsor Responsibilities**

Upon funding notification, the project sponsor shall meet with an ODOT Transportation Alternatives representative to review project development requirements, and Federal and State laws, rules and regulations.

To comply with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act, projects must have an environmental review to assess and/or mitigate effects on social, economic and environmental factors. Similarly, work involving sensitive historic structures or archaeological sites must conform to the U.S. Secretary of the Interior's standards and guidelines for archaeology and historic preservation.

The sponsor must carry out and comply with all Federal, State and local laws, and acquire environmental approvals and any required permits from the appropriate Federal, State and local agencies. Also, the sponsor must acquire building and other local permits, if applicable.

Engineering and architectural designs for all facilities must conform to the Americans with Disabilities Act.

The sponsor must provide all plan development and design work.

The sponsor is responsible for "all costs" over and above the approved awarded funding amount. Funding for project costs in excess of those awarded initially will not be provided. Therefore, obtaining realistic cost estimates for the services to be performed are extremely important to insure that adequate funding is provided. For this reason, the services of a professional engineer, architect, or contractor must be obtained to assist in the development of the required project services and cost estimates. Costs for professional services associated with preparation of the application are not eligible for reimbursement. Sponsors should carefully control increases and overruns as they may jeopardize completion of the entire project. If the Sponsor decides not to complete a project, the applicant will reimburse all federal expenditures to ODOT.

The sponsor must adhere to the original project scope. Make sure the application provides for the complete termini and a detailed project description.

If a plaque or sign is used on the project, ODOT must be identified as providing part of the funding for the project.

The applicant must commit to manage and maintain the project after completion. A facility must be open to the public for a period of not less than 10 years, or an otherwise agreed to term depending on the project.

Proceed to project development as quickly as possible if awarded funds.

## V. Application Process

Each annual solicitation for new projects will consist of a two-step application process, beginning with the Letter of Interest (LOI). The LOI will serve to provide information on the applicant, the project, and criteria (items 1 through 10 below) to determine project eligibility. The [LOI Online Form](#) must be completed on or before November 1, 2021. The district is responsible for reviewing the information in order to determine the project's eligibility. If the project does not meet all eligibility criteria, the LOI is incomplete, or any information is found to be false the project will be deemed to be ineligible. Project eligibility will be determined according to the information provided on the LOI as follows:

1. Applicant must be a local governmental entity, Regional Transportation Authority, Transit Agency, Natural Resource or Public Land Agency.
2. Proposed project must have a direct relationship to surface transportation, or well-defined benefits as a recreational trail facility. The proximity to a transportation facility alone is not sufficient to establish a relationship. In order to determine if there is a direct relationship to surface transportation, the applicant may have to ask and answer some questions. For example, how is the project related to surface transportation through present or past use as a transportation resource? Is there a direct connection to a person or event nationally significant in the development of surface transportation? What groups and individuals benefit? Is a relationship substantial enough to justify the investment of transportation funds?
3. Proposed project must demonstrate a clear public benefit
4. Proposed project must be accessible to the general public or targeted to a broad segment of the general public, and be available for public use throughout its reasonable life
5. Proposed project must meet criteria for at least one of eligible categories
6. If the project is categorized as historic, it must be listed on or been determined by the State Historic Preservation Office to be eligible for the National Register of Historic Places
7. If the project is not categorized as an acquisition project, all proposed work must be on existing public right-of-way, owned by the project sponsor
8. Local cash match must be committed and identified
9. Applicant must demonstrate a commitment to maintain the project after construction is complete
10. Applicant must have no maintenance issues with past performance concerning liability, negligence or safety

The TAP Program Manager will review all LOIs to determine eligibility.

Sponsors of proposed projects that have been determined eligible will be sent an email with a link to the online application. The email will contain both the application form and guidance to help complete the application.

## VI. Process Timeline

Funding rounds take place annually according to the following timeline:

**September-** Each cycle will begin with an announcement of the solicitation and a due date for the LOI (generally the first of November). The LOI will serve to provide information on the applicant, the project, and criteria to determine project eligibility.

**November** - The LOI must be received by the deadline, Monday November 1, 2021. If the project does not meet all eligibility criteria or the LOI is incomplete, the project will be deemed to be ineligible. The Central Office Alternatives Program Manager will review LOI to determine eligibility.

**December-** Sponsors of proposed projects that have been determined eligible will be sent an email with a link to the online application. The email will contain both the application form and guidance to help complete the application. Sponsors are to complete online application by deadline.

**January - Applications are due no later than Monday January 31, 2022.** The district will contact the applicant to discuss the project and may schedule a field review requesting applicant attendance. The projects will be reviewed and scored according to established criteria.

**February** - Upon completion of the field review, the district will then complete the District assessment and evaluation and forward to the Office of Local Programs. Concurrently with the review and evaluation by the districts, the Office of Local Programs will review and score applications based on category-specific criteria.

**March** - Final project evaluation and selection by the Project Selection Committee will be made up of Office of Local Programs' personnel, at least three district Transportation Alternative Program Coordinators. The district members will be taken on a volunteer basis. The committee will review the combined district and Office of Local Programs' scores and make funding recommendations to the Deputy Director based on scores, merit and availability of funds. It should be emphasized that the ranking process does not require the selection committee to fund projects in order of their ranking. The ranking is a means to help the committee generally prioritize and rank projects. Other factors the Selection Committee determines to be relevant may be taken into consideration such as geographical distribution and whether the project is stand alone or in conjunction with another planned project.

**March/April** - After project evaluation and selection, letters will be sent out to both award recipients and to those applicants whose projects were not selected for funding. Announcement of awards is expected late winter/early spring 2022. From the time that the project award notification is made the sponsor will have one month to contact the District TAP Manager to begin the process of programming the project with ODOT. Final approval is pending a review of the project and estimate with the ODOT District Office.

**Attachment A**  
**SELECTED\* FEDERAL REQUIREMENTS**

**National Environmental Policy Act (NEPA)**

This act requires Federal agencies to disclose and consider, through an Environmental Assessment and, sometimes, through an Environmental Impact Statement, any significant effect a project may have on the environment (including cultural, natural, social and historical resources). Except in unusual circumstances, a TE project will be processed as a categorical exclusion (CE). A CE does not mean that no environmental work is required, only that there is not a significant environmental effect; therefore, less documentation is required.

**Section 4(f) of the U.S. Department of Transportation Act**

The FHWA cannot approve a project that uses land from a Section 4(f) resource (publicly owned parks, recreation areas, wildlife and waterfowl refuges, and national, state, or local historical sites) unless the project sponsor is also the owner/administrator of the park, or FHWA determines that no feasible alternative exists. In such a case, all efforts must be made to minimize harm to the resource. Note that this Section does not apply to restoration, rehabilitation or maintenance of historic transportation facilities if the work does not adversely affect the resource's historic qualities.

**Section 106 National Historic Preservation Act (NHPA) of 1966**

Federal agencies are required to consider the potential effects of a project on a property that is listed in or eligible for the National Register of Historic Places.

**Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, As Amended**

This act provides requirements in the real property acquisition and provides for relocation payments. Note that all Transportation Alternative projects are subject to the Act except those that do not involve acquisition of additional property or relocations.

**Brooks Act**

Federally assisted consultant contracts for engineering and related design services must use qualification-based selection procedures, which disallow price as a factor in the selection process. Note that Ohio's procedures mirror the Brooks Act.

**Competitive Bidding**

Construction projects must be advertised and awarded to the lowest responsible and responsive bidder through open competitive bidding.

**Predetermined Minimum Wage (Davis-Bacon)**

The minimum prevailing wage rate must be paid to all workers on Federal-aid highway projects that exceed \$2,000. Note that if the project is a transportation facility and is eligible solely on function (e.g., restoration of a railroad station, an independent bike path, etc.), then this Act does not apply unless the project is physically located within the existing right-of-way of a Federal-aid highway.

\*This list is by no means comprehensive. Federal requirements should be discussed with the District Transportation Alternatives Coordinator.



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