

## Transportation Enhancement Program

### History

- 1991, the United States Congress passed the **Intermodal Surface Transportation Efficiency Act (ISTEA)**
- **ISTEA** encouraged investment in multiple modes of transportation, such as mass transportation and pedestrian and bicycle facilities.
- **ISTEA** promoted balanced, multi-modal transportation was through the creation of the "**Transportation Enhancements**" (TE) program.
- Mandatory **10% set-aside** of the **Surface Transportation Program** - The Surface Transportation Program provides flexible funding that may be used for projects on any Federal-aid highway, including the NHS, bridge projects on any public road, transit capital projects, and intra-city and intercity bus terminals and facilities.

### History (continued)

- The **Transportation Equity Act for the 21st Century (TEA-21)** (1998), expanded this list to twelve (12) eligible activities while requiring that all TE projects specifically relate to surface transportation.
- The **Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)** (2005) continued the TE program as a mandatory 10% set-aside of the Surface Transportation Program.
- SAFETEA-LU expired on September 30, 2009. The TE program is currently funded through an extension of SAFETEA-LU.
- The program provides funds for innovative, community-based projects to enhance the travel experience by all modes: walking, biking, taking transit, and riding in a car. The program has helped communities protect scenic vistas, create bike paths, develop walkable downtowns and protect the environment.

### History (continued)

- Projects can include creation of *bicycle and pedestrian facilities, streetscape improvements, refurbishment of historic transportation facilities, and other investments that enhance communities and access.*
- In general:  
TE projects are projects that go beyond what is routinely provided in transportation projects or in mitigation requirements associated with transportation projects.

## History (continued)

- **Surface transportation** - means all elements of the intermodal transportation system, exclusive of aviation. For the purposes of TE eligibility, surface transportation includes water as surface transportation and includes as eligible activities related features such as canals, lighthouses, and docks or piers connecting to ferry operations, as long as the proposed enhancement otherwise meets the basic eligibility criteria.

## TE Eligible Activities

- 1. **Pedestrian and bicycle facilities**
- 2. **Pedestrian and bicycle safety and educational activities**
- 3. **Acquisition of scenic or historic easements and sites**
- 4. **Scenic or historic highway programs including tourist and welcome centers**
- 5. **Landscaping and scenic beautification**
- 6. **Historic preservation**

## TE Eligible Activities (continued)

- 7. **Rehabilitation and operation of historic transportation buildings, structures or facilities**
- 8. **Conversion of abandoned railway corridors to trails**
- 9. **Inventory, control, and removal of outdoor advertising**
- 10. **Archaeological planning & research**
- 11. **Environmental mitigation of runoff pollution and provision of wildlife connectivity**
- 12. **Establishment of transportation museums**

## TE Eligible Activities

1. **Pedestrian and bicycle facilities-**  
Sidewalks, walkways or curb ramps;  
bike lane striping, wide paved  
shoulders, bike parking and bus racks;  
off-road trails; bike and pedestrian  
bridges and underpasses.

## TE Eligible Activities

### **2. Pedestrian and bicycle safety and educational activities**

Campaigns promoting safety awareness; safety training activities and classes; training materials.

## TE Eligible Activities

### **3. Acquisition of scenic or historic easements and sites**

Acquisition of scenic lands or easements; purchase of historic properties or buildings in historic districts, including historic battlefields.

## TE Eligible Activities

### **4. Scenic or historic highway programs including tourist and welcome centers**

Construction of turnouts and overlooks; visitor centers and viewing areas; designation signs and markers.

## TE Eligible Activities

### **5. Landscaping and scenic beautification**

Improvements such as street furniture, lighting, public art and landscaping

## TE Eligible Activities

### **6. Historic preservation**

Preservation of buildings and facades in historic districts; restoration of historic buildings for transportation-related purposes; access improvements to historic sites.

## TE Eligible Activities

### **7. Rehabilitation and operation of historic transportation buildings, structures or facilities**

Restoration of railroad depots, bus stations and lighthouses; rehabilitation of rail trestles, tunnels, bridges and canals.

## TE Eligible Activities

### **8. Conversion of abandoned railway corridors to trails**

Acquisition of railroad rights-of-way; planning, design and construction of multi-use trails and rail-with-trail projects.

## TE Eligible Activities

### **9. Inventory, control, and removal of outdoor advertising**

Billboard inventories and removal of illegal and nonconforming billboards. Inventory control may include, but not be limited to, data collection, acquisition and maintenance of digital aerial photography, video logging, scanning and imaging of data, developing and maintaining an inventory and control database, and hiring of outside legal counsel.

## TE Eligible Activities

### 10. **Archaeological planning & research**

Research, preservation planning and interpretation; developing interpretive signs, exhibits and guides; inventories and surveys.

## TE Eligible Activities

### 11. **Environmental mitigation of runoff pollution and provision of wildlife connectivity**

Runoff pollution studies; soil erosion controls; detention and sediment basins; river clean-ups; wildlife underpasses.

## TE Eligible Activities

### 12. **Establishment of transportation museums**

Conversion of railroad stations or historic properties into museums with transportation themes; construction of new museums; purchase of exhibit materials.

## TE Program Basics

- TE Program is a “reimbursement” program. *Not a grant program!*
- That is, the project sponsor is expected, in most cases, to pay the full cost of the project up front and will be later reimbursed by the federal government through the state department of transportation (DOT).
- Generally, the federal government will reimburse up to 80% of a TE project cost (local match is 20%).
- *Reimbursable costs* vary from state to state but usually include: project feasibility, planning and engineering plans, environmental reviews, land acquisition and construction.

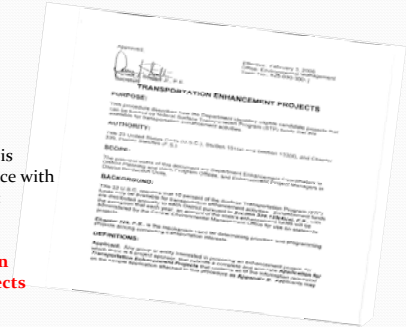
## TE Program Basics (continued)

- In-Kind Services: The value of donated materials, services and land; funds from other state or non-DOT federal programs; the value of local and state government services, and the value of preliminary engineering prior to project approval may be counted towards the matching requirement in most states.
- Florida:
  - Program is “soft-matched”
  - No 20% local match requirement
  - No In-kind services

## Florida’s TE Program

Florida’s TE program is managed in accordance with the FDOT Procedure:

Topic: **525-030-300**  
Title: **Transportation Enhancement Projects**



## Florida’s Program

- Authority:
  - 23 USC 101 and 133
  - Florida Statutes Chapter 339 (F.S. 339)
- Enhancement Funds are distributed to Districts pursuant: Section 339.135(4)(a) F.S.  
“allocate funds.....based on equal parts of population and motor fuel tax collections”  
Except – An amount will be administered by the Central Environmental Management Office for use on “statewide “ projects.  
*This is in the process of being reviewed and revised.*

## Florida’s Program

- Some Definitions:
  - **Applicant:**  
Any group or entity interested in proposing an enhancement project (for which there is a project sponsor) that submits and a complete an accurate “Application for Transportation Enhancement Projects”  
  
May include (but not limited to): Central Office and Districts, state agencies, federal agencies, statewide or national interest groups, Indian Tribal Councils, MPOs, county commissions, municipalities, and local interest groups.

## Florida's Program

- More Definitions:

- **Project Sponsor:**

Any recognized government entity willing to –

- (1) Provide any funding match (if any)
- (2) Enter into a maintenance agreement with FDOT
- (3) Support other actions necessary to fully implement the project.
- (4) A project sponsor may also be the applicant or the FDOT

## Florida's Program

- More Definitions:

- **Statewide Project** – A TE project that: (1) has statewide significance or a part of larger system or network and is sponsored by a state or federal agency; or (2) is required to implement any FHWA statewide programs (e.g. non-conforming billboard removal)

## Florida's Program

- Program Coordinators:

- One Statewide (Central Office) Transportation Enhancements Coordinator – serves as program administrator.
- One District Transportation Enhancements Coordinator per District.

## Solicitation of Applications

- Solicitation:

- By letter to potential applicants
- By workshop offered to potential applicants
- Solicitation will include the level of funding available and the Fiscal Year that the funds are available.
- Solicitation should be timed so that projects can be incorporated into the 5-year Work Program.

## Solicitation of Applications

- In general, projects need to be identified by the end of September to be included in the *gaming cycle* that begins the development of the 5-year Work Program.
- Solicitation for applications should be early in the year to allow for: application reviews, eligibility and feasibility determinations, TIP updates, and tentative work program activities.

## Applications

- All applications are to be submitted by the project sponsor.
- Applicants that cannot serve as the project sponsor must obtain a sponsor for the project and have the sponsor submit the application.
- Applications for projects within an MPO must be submitted through the appropriate MPO.
- The MPO will review the applications, rank them and submit them to the District for consideration.

## Applications (continued)

- For projects outside MPOs the applications should be submitted by the sponsor to the appropriate county commission for ranking and submission to the District.
- For projects where the sponsor is a local government, other than the county, the application may be submitted directly to the District for an eligibility determination – but the projects will still have to be reviewed by the county as part of the Work Program development process.
- County review is not required for projects sponsored by Indian Tribal Councils.

## Applications (continued)

- Applications for “statewide” funds should be submitted directly to the CEMO Manager.
- The CEMO shall ensure that the applicant has coordinated with the MPO on projects located within an MPO.
- If a “statewide” is determined eligible and feasible, the District or CEMO should inform the applicant and sponsor.



## Eligibility

- All proposed projects shall be reviewed by the District or CEMO for eligibility and feasibility. Eligibility will be determined in accordance with Appendix A of the procedure.
- Determination of eligibility does not ensure selection of a project for funding. Selection depends on the funding available.
- Selection must take into consideration the prioritization of projects by the MPOs, county commissions, state agencies and federal agencies.

## Eligibility

- Project must relate to surface transportation.
- This relationship may be expressed in terms of:
  - Function – the project’s function
  - Impact – the project’s impact on “the bigger” transportation “picture”.
  - Proximity – relationship to another transportation facility.

## Eligibility

- It is not necessary that each TE activity be associated with a specific highway or transportation facility to be eligible. Example the rehabilitation of a historic train structure, the provision of bicycle and pedestrian trails, or establishment of a transportation museum.
- Proximity to a highway or transportation facility alone is not sufficient to establish a relationship to surface transportation. (Example: A historic building next to a highway.)

## Eligibility

- Projects are not eligible for funding as TE projects if the proposed activity is a requirement or a standard portion of the construction for the proposed facility.
- This includes: environmental mitigation, sidewalks for urban highways, and other standard pedestrian and bicycle features.
- Routine maintenance is not eligible for funding.

## Implementation

- Enhancement Program projects are administered through the Department's *Local Agency Program (LAP)* for local agency managed work in accordance with the *LAP Manual*.
- All projects are subject to the *National Environmental Policy Act (NEPA)* requirements.
- Many TE projects will qualify as *Type 1 Programmatic Categorical Exclusions*. See Part 1 Chapter 2 of the PD&E Manual.

## Implementation

- Projects can be implemented as part of a larger transportation project or as stand alone projects.

## Implementation Process

- After project selection and programming, a project follows the following steps:
  - 1- Authorization of the funds by the Federal Highway Administration (FHWA). This is usually done through the FDOT's Federal Aid Office. An environmental document should have been prepared prior to requesting authorization of the funds for each phase.
  - Encumbrance of the funds to a contract by the Comptroller's Office.

## Implementation Process (cont.)

- Once the funds are encumbered a Reimbursement Agreement (LAP Agreement) is prepared for execution.
- The agreement is initially reviewed and signed by an attorney in the FDOT's Office of General Counsel.
- Then the agreement is sent to the "local agency" for signature by their attorney and executed by the agency.
- Once it is executed by the agency, the agreement is then executed by the FDOT.
- The time it takes to execute the agreement depends on each agency's "expeditious" handling of the document.
- Agreements are usually for one phase of work. Future phases are added by addenda to the agreement.

## Implementation Process (cont.)

- PD&E Phase (usually authorized under preliminary engineering):
  - Issue Notice to Proceed
  - Review of various documents for compliance with NEPA documentation (depending on the type of document).
  - Once Environmental document is approved, a Notice to Proceed with design is usually issued.

## Implementation Process (cont.)

- Design Phase:
  - Preparation of plans
  - Review and approval of plans to ensure compliance with FHWA requirements, environmental commitments, design guidelines and criteria.
  - Review and approval of contract and specifications package.
  - Preparation, review and approval of LAP Construction Checklist
  - Review and approval of cost estimate.

## Implementation Process (cont.)

- Construction Phase:
  - Obtain authorization and encumbrance of construction funds.
  - Prepare amendment to the agreement to include construction phase.
  - Issue Notice to Proceed with construction.
  - Make construction inspections depending on size of project.
  - Make Final Inspection and accept project.