
Regional Transportation Commission TRANSPORTATION ALTERNATIVES (TA) SET- ASIDE PROGRAM

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1.0 Purpose and Eligibility

The mission of the Transportation Alternatives (TA) Set-Aside Program is to improve our Nation's communities through leadership, innovation, and program delivery. The vision of the program is to create safe, accessible, attractive, and environmentally sensitive communities where people want to live, work, and recreate. The TA Set-Aside Program provides funds for projects that improve non-motorized mobility, historic preservation, scenic accessibility, Safe Routes to School programs, and environmental management. TA projects may be included into existing planned transportation projects or may be stand-alone projects. TA funded infrastructure projects must be legally accessible to the general public. Safety is an important consideration in the development of projects. Projects must be consistent with the current Regional Transportation Plan and RTC Bicycle and Pedestrian Master Plan.

The entities eligible to receive TA funds, as defined under 23 U.S.C. 133(h)(4)(B) include:

1. a local government
2. a regional transportation authority
3. a transit agency
4. a natural resource or public land agency
5. a school district, local education agency, or school
6. a tribal government
7. a nonprofit entity responsible for the administration of local transportation safety programs
8. other local or regional governmental entity with responsibility for, or oversight of, transportation or recreational trails

TA projects must be located within the RTC's metropolitan planning organization (MPO) boundaries. Eligible entities may only submit up to one application per Federal fiscal year of available funding.

Applications are available at www.rtcwashoe.com or by contacting the RTC Department of Metropolitan Planning at 775-332-2148. A description of eligible uses is provided in section 1.1.

1.1 Project Eligibility

The following types of projects are eligible for the TA program:

- A. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized 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.
- 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 non-motorized transportation users.
- D. Construction of turnouts, overlooks, and viewing areas.

- E. Community improvement activities, *which include but are not limited to*:
 - 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 title 23.
 - 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, or
 - ii. reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.
2. The safe routes to school program eligible projects and activities:
 - o Infrastructure-related projects.
 - o Non-infrastructure-related activities.
 - o SRTS coordinator. SAFETEA-LU section 1404(f)(2)(A) lists “managers of safe routes to school programs” as eligible under the non-infrastructure projects.
 3. Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

Other project types identified as eligible under U.S.D.O.T guidance include the following:

- Capital costs for bike share programs, including docks, equipment, and bikes. Federal-aid Highway Program funds cannot be used for operational costs.
- Lighting for bicycle and pedestrian facilities. Projects should consider energy-efficient methods and options that reduce light pollution.
- Planning for pedestrian and bicycle activities.
- Safety education activities targeting children in kindergarten through 8th grade.

TA Set-Aside projects must benefit the general public (23 CFR 1.23 and 23 CFR 460.2). Eligible projects must demonstrate a relationship to one or more of the National Performance Goals initially established under MAP-21 and codified in title 23 (23 U.S.C. §150(b)). Table 1 below identifies the National Goals in relation to TA considerations.

Table 1 – National Goals and Relationship to TA Considerations

Goal Area	National Goal	Sample TA Consideration
Safety	To achieve a significant reduction in fatalities and serious injuries on all public roads	Improve safety for all project users
Infrastructure condition	To maintain the highway infrastructure asset system in a state of good repair	Maintain good to excellent pavement quality on shared-use paths and key

		bicycle facilities; ensure accessible pedestrian facilities
Congestion reduction	To achieve a significant reduction in congestion on the National Highway System	Reduce vehicle travel by providing non-motorized alternatives
System reliability	To improve the efficiency of the surface transportation system	Expand bicycle infrastructure in congested urban core areas to provide a more reliable alternative to driving
Freight movement and economic vitality	To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development	Improve non-driver access to jobs, education, services, public transit, and community amenities
Environmental sustainability	To enhance the performance of the transportation system while protecting and enhancing the natural environment	Reduce emissions and energy use by encouraging non-motorized travel Improve stormwater management, vegetation management, and ecological performance of the transportation system
Reduced project delivery delays	To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices	Many projects will qualify as categorical exclusions or can use programmatic agreements. Most TAP projects benefit the environment

1.2 Ineligible Activities

This is not a comprehensive list, but some of the activities that will not be funded under the TA program include:

- State or MPO administrative purposes.
- Promotional activities, except as permitted under the SRTS (200 CFR 200.421(e)(3)).
- Routine maintenance and operations.

- General recreation and park facilities, playground equipment, sports fields, campgrounds, picnic areas and pavilions, etc.

2.0 Process

The RTC will issue a call for projects as funding becomes available. The call for projects will be placed on the agendas of all RTC Advisory Committees including the Technical Advisory Committee and the Citizens Multimodal Advisory Committee. A notice will also be posted on the agency's website. Eligible sponsors may submit one application per Federal fiscal year of available funding.

Applications will be reviewed by RTC staff for eligibility and completeness. If an application is incomplete or ineligible for TA funds, it will be returned to the applicant who will have a maximum of thirty (30) days to make the required revisions.

Completed applications will be presented to the RTC advisory committees for ranking and recommendation to the RTC Board. Factors to consider in the evaluation process include consistency with adopted RTC plans and policies, safety benefits, project readiness, and public input. RTC staff will compile the recommendations of the advisory committees and present this to the RTC Board. The Board will make the final selection of TA projects.

General responsibilities of the project sponsor are outlined below:

- Verify eligibility of the project sponsor and proposed project. Potential sponsors are encouraged to contact the RTC TA Coordinator with any questions regarding eligibility.
- Complete TA application.
- If the sponsor's project is selected, attend project kick off meeting to determine appropriate contracts are completed and the project is included in the Statewide Transportation Improvement Program (STIP).
- Provide quarterly updates on project status to RTC.
- Attend quarterly project status meetings with RTC.
- Ensure projects are completed on time and within budget.
- Complete a final report that includes scope, before and after photos (not necessarily applicable to non-infrastructure projects), final budget and duration of project.
- The project must be advertised for construction or issue a notice to proceed within 3 years of receiving the funding notification.

3.0 Implementation of Funded Projects

The TA Set-Aside Program is a cost reimbursement program. Prior to the initiation of the project, it must be included in the Regional Transportation Improvement Program (RTIP) and authorized by the Federal Highway Administration (FHWA). RTC will determine, in collaboration with the project applicant, whether it is most appropriate for RTC or the applicant to be the lead implementing agency. If the project applicant will be the lead implementing agency, a fully executed legal agreement is required prior to the RTC's issuance of a Notice to Proceed. The TA Set-Aside Program will provide up to 95 percent of the project costs. The applicant is required to provide a minimum of 5 percent of the project costs. It is the project applicant's responsibility to ensure that the cost estimate is realistic and will fully meet the project's needs. Any increase in federal funding will require an amendment to the original project agreement.

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/tasks to be performed are extremely important to insure that adequate funding is provided. 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 TA expenditures of federal monies to RTC.

Project sponsors are required 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 comply to the Americans with Disabilities Act. Projects that involve acquisition of right of way (ROW) or NEPA documentation generally require additional funding and time to complete. ROW acquisition can also include temporary construction easements and sometimes involves utilities relocation. These additional costs should be carefully considered and factored in any cost estimates.

Selected projects must demonstrate significant progress toward implementation within two years of the selection date. Project progress will be assessed at the quarterly meetings referenced in Section 2.0 above. Should circumstances prevent a project from moving forward within the two-year timeframe, the funding that was allocated to that project may be reallocated to another project submittal that was not selected during the competitive process, or a new call for projects may be issued if there are not any viable project applications previously submitted.

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 TA 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 design services must use qualification-based selection procedures, which disallow price as a factor in the selection process.

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. For the full listing of federal regulations please visit <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>