



# **EASTGATE**

Regional Council of Governments

## **TRANSPORTATION ALTERNATIVES PROGRAM**

**Criteria and Application**

**September, 2021**

City Centre One  
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Youngstown, Ohio 44503

## Introduction

Eastgate is now accepting Transportation Alternatives Program (TAP) applications for construction Fiscal Years 2024-2025. Eastgate is responsible for the overall administration of this urban area component of the TAP, including recognition of sponsor and project eligibility; development of local program policies and schedules; and project evaluation, ranking, and final allocation of awarded project funding. It is important to note that sponsors of awarded projects are required to enter into a contract with the Ohio Department of Transportation (ODOT) for the implementation phase of the project.

Eligible TAP projects must demonstrate a direct relationship to the surface transportation system. The TAP program is intended to; encourage transportation related activities that go beyond the customary cultural or environmental mitigation required when developing a transportation improvement project and creatively integrate transportation improvement facilities into their surrounding communities and the natural environment. TAP projects can be either supplemental to a planned roadway project, or in limited cases stand alone project. Both Eastgate and ODOT encourage adding alternatives to planned programmed projects.

The project selection process and the eligible project sponsor requirements apply for all TAP eligibility. Activities eligible under TAP are eligible for STP funds (23 U.S.C. 133(b)(11)). Some aspects of activities eligible under TAP also may be eligible under other Federal-aid highway programs. TAP projects are not required to be located along Federal-aid highways.

Under 23 U.S.C. 213(b), eligible activities under the TAP program consists of:

1. Transportation Alternatives as defined in 23 U.S.C. 101(a)(29) (MAP-21 §1103):
  - 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 (42 USC 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 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 storm water 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 of title 23; or
  - ii. reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.
2. Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

TAP funds cannot be used for:

- State or MPO administrative purposes, except for SRTS administration, and administrative costs of the State permitted for RTP set-aside funds.
- Promotional activities, except as permitted under the SRTS.
- General recreation and park facilities, playground equipment, sports fields, campgrounds, picnic areas and pavilions, etc.
- Routine maintenance and operations.

Careful consideration should be given to whether an activity falls within the eligibility created under TAP. Section 1103 of MAP-21 eliminated the definition of transportation enhancement activities in section 101 of title 23 and inserted a definition of transportation alternatives. The transportation alternatives definition contained in 23 U.S.C. 101(a)(29) created different categories of activities than those included under the previous transportation enhancement definition. As a result, some activities that were previously eligible as independent transportation enhancement projects are no longer eligible; some categories of eligibility remain, but for a different range of activities. In some cases, activities that are no longer eligible for funding as independent TAP projects may be eligible for Federal Highway Administration (FHWA) participation under other title 23 provisions, such as project mitigation measures when determined necessary to mitigate project impacts (including the impacts of a TAP project). Transportation enhancement categories that are no longer expressly described as eligible activities under the definition of transportation alternatives are:

- Safety and educational activities for pedestrians and bicyclists. **Exception:** Activities targeting children in Kindergarten through 8th grade are eligible under SRTS (an eligible activity under the TAP funding). **Note:** Some of these activities may be eligible under HSIP. Non construction projects for bicycle safety remain broadly eligible for STP funds.
- Acquisition of scenic easements and scenic or historic sites (including historic battlefields), and scenic or historic highway programs (including tourist and welcome center facilities). **Exceptions:** A few specific activities under this category are eligible for funding as TAP projects, including construction of turnouts, overlooks, and viewing areas; historic preservation and rehabilitation of historic transportation facilities; and bicycle and pedestrian facilities.
- Landscaping and other scenic beautification. However, under the "community improvement activities" category, projects such as street scaping and corridor landscaping may be eligible under TAP if 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 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 under 23 U.S.C. 319, including TAP-funded projects.

- Historic preservation, and rehabilitation and operation of historic buildings, structures, or facilities (including historic railroad facilities and canals). Historic preservation activities now are limited to historic preservation and rehabilitation activities relating to a historic transportation facility. See section 101(a)(29)(E). Operation of historic transportation facilities is not eligible under TAP.
- Archaeological planning and research. Under TAP, archaeological activities must relate to impacts from implementation of a transportation project eligible under title 23.
- Establishment of transportation museums. There is no eligibility for this activity under TAP.

TE funds apportioned in prior years will continue to be available for their specified period of availability under the same terms and conditions in effect prior to the effective date of MAP-21.

If there are insufficient TE funds to cover all previously selected TE projects, then a State may use old TE funds on projects that were eligible under TE, but are no longer eligible under TAP, and use TAP funds for previously selected TE projects that remain eligible. Note that TAP projects must be selected through a competitive process.

## **Eligibility Guidelines**

### **Eligible Applicants**

Under 23 U.S.C. 213(c)(4)(B), the **Eligible Entities** to receive TAP funds are:

- Local governments;
- Regional transportation authority's;
- Transit agencies;
- Natural resource or public land agencies;
- School districts, local education agencies, or schools;
- Tribal governments; and
- Any other local or regional governmental entity with responsibility for oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of subsection (c) of section 213 of title 23.

State DOTs and MPOs are not eligible entities as defined under 213(c)(4)(B) and therefore are not eligible project sponsors for TAP funds. However, State DOTs and MPOs may partner with an eligible entity project sponsor to carry out a project.

Nonprofit organizations are not eligible as direct grant recipients for TAP funds unless they qualify through one of the eligible entity categories (e.g., where a nonprofit organization is a designated transit agency or a school). Nonprofits are eligible to partner with any eligible entity on a TAP project, if State or local requirements permit.

- Local government entities include any unit of local government below a State government agency, except for a Metropolitan Planning Organization. Examples include city, town, township, village, borough, parish, or county agencies.

- Regional transportation authorities are considered the same as the Regional Transportation Planning Organizations defined in the statewide planning section (23 U.S.C. 135(m)).
- Transit agencies include any agency responsible for public transportation that is eligible for funds under the Federal Transit Administration.
- Natural resource or public land agencies include any Federal, Tribal, State, or local agency responsible for natural resources or public land administration. Examples include:
  - State or local park or forest agencies
  - State or local fish and game or wildlife agencies
  - Department of the Interior Land Management Agencies
  - U.S. Forest Service
- School districts, local education agencies, or schools may include any public or nonprofit private school. Projects should benefit the general public, and not only a private entity.

The Recreational Trails Program (RTP) set-aside funds retain the RTP eligible project sponsor provisions under 23 U.S.C. 206. (23 U.S.C. 213(f)(3))

### **Eastgate Funding Provisions**

The TAP is not a grant program. The federal-aid program operates on a reimbursement basis as work progresses. In no case will cost be eligible for reimbursement until the project is approved by Eastgate, ODOT and FHWA.

Cost estimates documented in the sponsor's application must be certified by a professional engineer, or other appropriate professional discipline. The funding amount will be capped at the cost estimate used in the original application. Applicants are cautioned to be thorough in the development of cost estimates, as requests for supplemental funding to cover cost overruns may not be considered.

The TAP will provide up to 80% of the total construction cost for the project, including construction engineering and inspection. The applicant is required to provide a minimum, 20% cash match, for the construction cost. The applicant additionally shall finance the architecture/engineering plans, environmental assessment studies, right-of-way plans, right-of-way purchase and environmental remediation, if necessary. These expenses cannot be credited toward the applicant's 20% local share of the construction or implementation costs.

### **Eastgate Project Eligibility**

To be eligible for funding through the Eastgate TAP, a transportation alternatives proposal must meet the criteria established and the following requirements:

- Minimum estimated construction cost of \$50,000.00
- Landscaping and scenic enhancement features must be part of the construction of a currently programmed FY2021 – FY2024 TIP Federal-aid highway project.
- Applicant is permitted to submit more than one project for TA funds. If submitting more than one project the sponsor is required to prioritize submittal.

- All proposed projects must have a direct relationship to transportation.
- The applicant is responsible for all plan development, project planning, design, architecture, environmental studies and remediation (if necessary) and certified engineering cost for the project.
- Federal law requires that federally-funded projects conform to the National Environmental Protection Act and the National Historic Preservation Act. To comply with these laws, 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 archeological sites must conform to the U.S. Secretary of the Interior's standards and guidelines for archeological and historic preservation.
- Any property acquisition must conform to the Uniform Relocation Assistance and Real Property Acquisition Act, as amended.
- Engineering and architectural designs for all facilities must conform to the Americans with Disabilities Act.
- The local match is required to be cash. In-kind contributions cannot be accepted as part of the local share.
- The proposed alternative project must be publicly-owned and on existing publicly owned property.
- The applicant must demonstrate ability and commitment to maintain the enhancement project.
- The structure or site must be on the National Register of Historic Places to be eligible for Historic and Archaeological Transportation Enhancements.
- All bicycle/pedestrian facilities projects must conform to the requirements of the *Guide for the Development of Bicycle/Pedestrian Facilities*, published by the American Association of State Highway and Transportation Officials (AASHTO).

## **Evaluation Guidelines**

Project submittals will be evaluated and prioritized by a Transportation Alternatives Selection Committee. The selection committee will prepare a list of prioritized TAP projects to be funded, with recommendations advanced to Eastgate's Technical Advisory Committee (TAC), Citizens Advisory Board (CAB), and General Policy Board (GPB) for their approval.

## **Project Evaluation**

Projects will be evaluated on a wide range of factors, including but not limited to the following:

- Inclusion in Eastgate's 2040 Metropolitan Transportation Plan
- Enhancement of an applicant's programmed project in Eastgate's current Transportation Improvement Plan
- Overall project application
- Project readiness to proceed to construction/implementation
- Priority for projects of "regional significance", whose benefits will objectively extend beyond a single jurisdiction

## **Application Format**

The applicant shall complete the application and include the following information:

1. A complete detailed description and general scope of the proposed project and its relation to the intermodal transportation system. Location maps, elevations, and photographs should be included, to fully illustrate the project.
2. A complete and detailed breakdown of the funding source and cost for the proposed project, certified by a professional engineer, or other appropriate discipline. The estimate should include 6 percent for inspections. If the project is approved for funding, the cost estimate will be used to cap the project amount. Cost must be forecast for two years into the future considering the time element to bring a project to construction.
3. A complete and detailed description of the proposed project's characteristics and benefits.
4. The date (month and year) when the project will be ready to proceed to construction. Include the present status of property ownership and status of plan preparation, if applicable.
5. A certified copy of a resolution from the applicant's governing body authorizing the submission of the application, agreeing to share in the project cost, and the future maintenance of the proposed project.

Eight copies of the completed application must be received at the Eastgate office no later than 3:00 p.m. on 9/17/2021.

The above criteria will be used to generally evaluate and compare all of the proposals submitted. In addition, each proposal will be evaluated by criteria which are specific to each TA categories. Additional information about category-specific evaluation criteria is available from the Eastgate staff.

### **Ohio Department of Transportation District 4 Review Meeting**

Project sponsors recommended to receive TA funds through Eastgate's evaluation process will be required to meet with representatives from Eastgate and ODOT District 4. The purpose of this meeting is to discuss project time lines, project cost and actions taken for the project to be identified in Eastgate's Transportation Improvement Program (TIP).

### **Requirements for Awarded Projects**

Transportation Alternative projects approved by the General Policy Board for funding must meet the following requirements:

- A project sponsor will have 30 days after receiving written notification of selection from Eastgate to submit a Programming Package to ODOT District 4. If it is the intention of the project sponsor to use the LPA process, District 4 should be notified at this time. If the programming package is not submitted to ODOT District 4 within 30 days, this matter will be brought to the attention of Eastgate's TAC for review and possible cancellation of the project and redistribution of funds to other unfunded TA project sponsor.
- A project sponsor is required to have their project ready for sale in the Fiscal Year they applied for construction in the enhancement application. If it becomes a concern to Eastgate that this time frame cannot be met this matter will be brought to the attention of Eastgate's TAC for review and possible cancellation of the project and redistribution of funds to other unfunded TA project sponsors.

It is in the best interest of the project sponsor to review all necessary aspects of their project to insure the above requirements can be met. Special detail must be given to the Fiscal Year the project sponsor commits to construction and their readiness to proceed at that milestone.

### **Program Timetable**

9/17/21 - Deadline for application submission to Eastgate Office no later than 3:00 p.m.

10/29/21 - Project application reviewed by selection committee

12/2/21 - EASTGATE announces projects selected to receive TAP funding allocations

2/3/22 - Notification of awarded funding projects in writing to project sponsor

3/3/22 - Deadline for program package to ODOT District 4

For Further Information Contact:

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EASTGATE REGIONAL COUNCIL  
OF GOVERNMENTS

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## **TRANSPORTATION ALTERNATIVES PROGRAM APPLICATION**



<b>Applicant:</b>		<b>Date:</b>			
<b>Address:</b>		<b>City:</b>	<table border="1"> <tr> <td><b>State:</b></td> <td><b>Zip:</b></td> </tr> </table>	<b>State:</b>	<b>Zip:</b>
<b>State:</b>	<b>Zip:</b>				
<b>Contact Person:</b>	<b>Title:</b>		<b>Telephone:</b>		
<b>Project Name:</b>		<b>Project Category:</b>			
<b>Project Location (Include county-route section number, if applicable)</b>					
<b>Project Description:</b>					
<b>Total Project Cost:</b>		<b>Construction Date:</b>			

Eight copies of the completed application must be received at the Eastgate office no later than 3:00 p.m. on 9/17/21.

Transportation Alternative Funds Requested: \$ \_\_\_\_\_ = 80 % of Total

Local Funds Committed to Project: \$ \_\_\_\_\_ = 20 % of Total

Total: \$ \_\_\_\_\_ = 100 %

I \_\_\_\_\_ (Project Sponsor) \_\_\_\_\_ (Date) have read, understand and agree to the guidelines and requirements regarding the Eastgate Regional Council of Governments Transportation Alternatives Program.