

MAP-21 - Moving Ahead for Progress in the 21st Century

Transportation Alternatives Program (TAP) Questions & Answers

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Transportation Alternatives Program (TAP): General Information

Suballocation and Competitive Process

1. Which agencies select projects for the suballocated TAP funds?

MAP-21 requires the following with respect to the selection of projects:

- For TAP funds suballocated to urbanized areas with populations over 200,000, the MPO representing the urbanized area(s) is responsible for selecting TAP projects through a competitive process, in consultation with the State (23 U.S.C. 213(c)(3)). The MPO may make these funds available for projects anywhere within the boundaries of the applicable MPO area.
- For TAP funds suballocated to small urban areas (i.e., areas with populations of 5,001 to 200,000), the State is responsible for selecting TAP projects through a competitive process (23 U.S.C. 213(c)(4)(A)).
- For TAP funds suballocated to nonurban areas (i.e., areas with populations below 5,000), the State is responsible for selecting TAP projects through a competitive process (23 U.S.C. 213(c)(4)(A)).
- For TAP funds available to any area of the State, the State is responsible for selecting TAP projects through a competitive process (23 U.S.C. 213(c)(4)(A)). These funds are available for any area of the State: large urbanized areas, small urban areas, or nonurban areas.

2. For funds suballocated to urban areas with populations of 5,001 to 200,000 and to areas with populations of 5,000 or less, that may be located within the boundaries of an MPO representing an urbanized area with a population over 200,000: May a State suballocate these funds to the MPOs and allow the MPOs to run competitive processes on behalf of the State?

No. MAP-21 does not authorize the State to suballocate the small urban area funds, nonurban area funds, or any area funds to individual MPOs, counties, cities, or other local government entities. MAP-21 requires the State to be responsible for the competitive process for these funds. However, the State's competitive process may include selection criteria to ensure a distribution of projects among small MPOs, other small urban areas, and nonurban areas across the State. The State may consult with MPOs to ensure that MPO priorities are considered.

3. How is a boulevard defined?

A boulevard is defined as a:

Walkable, low-speed (35 mph or less) divided arterial thoroughfare in urban environments designed to carry both through and local traffic, pedestrians and bicyclists. Boulevards may be long corridors, typically four lanes but sometimes wider, serve longer trips and provide pedestrian access to land. Boulevards may be high-ridership transit corridors. Boulevards are primary goods movement and emergency response routes and use vehicular and pedestrian access management techniques. Curb parking is encouraged on boulevards.

Source: Institute of Transportation Engineers, [Designing Walkable Urban Thoroughfares: A Context Sensitive Approach](#), page 52, Table 4.2.

An eligible "boulevard" project should demonstrate some of the following elements:

1. Traffic calming measures.
2. Context-sensitive bicycle and pedestrian facilities.
3. Compliance with accessibility requirements and guidelines.
4. Promotion of transit corridor through additional protected stops and routes.
5. Environmentally efficient lighting, landscaping, and water-saving systems.

Transportation Improvement Program

TAP projects follow the same transportation planning requirements as other Federal-aid highway program projects. Transportation projects must be programmed in a MPO's Transportation Improvement Program (TIP) and the Statewide Transportation Improvement Program (STIP). Except in unusual circumstances, TAP projects will not be considered regionally significant as defined by 23 CFR 450.104 and may be grouped each program year by function, geographic area, and/or work type in a MPO's TIP and the STIP, rather than listed individually. See 23 U.S.C. 134(j)(3) for TIP. See 23 U.S.C. 135(g)(5)(C) for STIP.

Competitive Process for Project Selection

1. Are there Federal requirements or minimum standards on how to set up competitive processes described under 23 U.S.C. 213(c)?

No. A competitive process is required but TAP does not establish specific standards or procedures for the competitive process. FHWA's [TAP Guidance webpage](#) has links to competitive process examples. Also note that State DOTs and MPOs are not eligible entities as defined under Section 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.

2. Is landscaping and scenic enhancement eligible as an independent project?

Under the "community improvement activities" category, projects such as streetscaping 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.

Recreational Trails Program (RTP)

1. How does the Recreational Trails Program (RTP) change under MAP-21?

MAP-21 makes RTP funding a set-aside from the TAP. Unless the Governor opts out in advance, an amount equal to the State's FY 2009 RTP apportionment is to be set aside from the State's TAP funds for recreational trails projects. RTP requirements under 23 U.S.C. 206 continue to apply to RTP set-aside funds. (23 U.S.C. 213(f)(g)).

2. Are there new Recreational Trails Program (RTP) requirements that apply to the RTP set-aside funds?

Yes. Under 23 U.S.C. 213(f)(2), each State shall "return 1 percent of those funds to the Secretary for the administration of that program." This is comparable to the requirement under SAFETEA-LU for FHWA to take funds off the top of the RTP funding for this purpose before apportioning the funds to the States.

Each State shall "comply with the provisions of the administration of the recreational trails program, including the use of apportioned funds." (23 U.S.C. 213(f)(3)). Therefore, RTP requirements under 23 U.S.C. 206 continue to apply to RTP set-aside funds.

"A State may opt out of the recreational trails program [set-aside] if the Governor of the State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year." (23 U.S.C. 213(g)).

3. Did MAP-21 change what agency manages the RTP set-aside?

No. The statute requires the State Governor to designate the State agency or agencies to administer the RTP. (23 U.S.C. 206(c)).

4. Do the provisions in 23 U.S.C. 206, which governed RTP before MAP-21, still apply to the RTP under MAP-21?

Yes. While RTP funds will be a set-aside of TAP funds, MAP-21 provides that States must comply with the provisions of section 206 when using the MAP-21 set-aside funds. (23 U.S.C. 213(f)(3)). This includes following the provisions in section 206(d) relating to the use of funds. It also allows use of the Federal share provisions in section 206(f) and project administration provisions in section 206(h).

5. Is the State Recreational Trail Advisory Committee still required?

Yes. For a State to be eligible to use funds set aside for the RTP under 23 U.S.C. 213(f), the State must comply with the requirements of 23 U.S.C. 206, including the requirement under 23 U.S.C. 206(c)(2) that "...the State shall establish a State recreational trail advisory committee that represents both motorized and

nonmotorized recreational trail users, which shall meet not less often than once per fiscal year." If a State does not meet this requirement, it is not eligible to use RTP set-aside funds.

6. What is the RTP Opt-Out Provision?

MAP-21 allows the Governor of the State to opt out of the set-aside for the RTP on an annual basis. (23 U.S.C. 213(g)). Instructions on how to opt out of the program for FY 2013 were included in a Notice to the States. See the following webpage: www.fhwa.dot.gov/legsregs/directives/notices/n4510755.cfm for additional information.

7. If a State opts out of the RTP, can it fund recreational trail projects with TAP funds?

Yes. Recreational trail projects are eligible for TAP funds, but the RTP provisions and requirements under 23 U.S.C. 206 would not apply. (23 U.S.C. 213(c)(4)(b)). Recreational trails projects funded with TAP funds other than the RTP set-aside are subject to the requirements in 23 U.S.C. 213, including selection through a competitive process. The "treatment of projects" provision under 23 U.S.C. 213(e) would apply; this means that projects would have to be treated as projects on Federal-aid highways.

8. What happens to the funding if a State opts out of the RTP?

The funds remain part of the TAP.

9. If a State opts out of the RTP, will it still have access for administrative funds to administer projects from previous years?

No. The ability to use RTP funds for State administrative costs is limited to a percentage "of the apportionment made to the State for the fiscal year" (which would include the RTP set-aside funds). (23 U.S.C. 206(d)(2)(H)). If there is no program to administer, then the administrative funds cannot be permitted.

10. Are recreational trails projects eligible under other Federal-aid programs?

Yes. Recreational trail projects that would be eligible under the RTP will be broadly eligible under STP and TAP. (23 U.S.C. 213(b)(2), 23 U.S.C. 133(b)(20)). TAP provisions and requirements under section 213 would apply to recreational trail projects using TAP funds (other than RTP set-aside funds). STP provisions and requirements apply to STP funds used for recreational trails projects.

11. Does the transferability provision apply to the RTP? Can a State transfer funds from the RTP to TAP?

No. MAP-21 does not have a transferability provision for the RTP set-aside. Some projects may be eligible both under the RTP and TAP, and a State can choose whether to obligate RTP or TAP funds for such projects. Also, States have broad discretion to use STP funds for projects eligible under TAP or RTP. Note that if a State opts out of the RTP, such funds remain TAP funds, and the transferability provisions pertaining to TAP would apply.

Safe Routes to School (SRTS)

1. Are Safe Routes to School Program (SRTS) coordinators required as under SAFETEA-LU Section 1404(f)(3)?

No. SRTS coordinators are not required under MAP-21 but are eligible for funding under TAP.

2. Does the requirement from SAFETEA-LU Section 1404(f)(1)(B) that States allocate "not less than 10 percent and not more than 30 percent..." of SRTS funds for noninfrastructure activities still apply?

No. This division of funding between infrastructure and noninfrastructure projects does not exist in MAP-21. It does apply to remaining SRTS funds from SAFETEA-LU.

3. Is travel for SRTS project-specific site visits or to conferences an eligible activity?

Yes. Travel directly related to a specific project is eligible under SAFETEA-LU Section 1404(f)(2)(A). Travel related to "training, volunteers, and managers of safe routes to school programs" is eligible as a noninfrastructure-related activity.

4. Is a local SRTS coordinator position an eligible expense?

Yes, this eligibility is maintained in MAP-21. SAFETEA-LU Section 1404(f)(2)(A) lists "managers of safe routes to school programs" as eligible under the noninfrastructure projects.

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