

# Iowa's Transportation Alternatives Set-aside (TAP) Program

Program Guidance

May 11, 2017

## **Program Background**

### **Legislative History**

The Transportation Alternatives Set-aside (TAP) program was authorized by the most recent Federal transportation authorization act, Fixing America's Surface Transportation (FAST) Act, which was signed into law on December 4, 2015. The TAP program is a new iteration of the program that was included in the last transportation authorization act, Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), which was in effect from 2013 to 2015. The MAP-21 program redefined the former Transportation Enhancements (TE) activities and consolidated these eligibilities with the former Safe Routes to School (SRTS) program, Recreational Trails Program (RTP) and some types of projects that were previously funded through the discretionary National Scenic Byways (NSB) program which were all originally authorized under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and continued through two successive laws, TEA-21 and SAFETEA-LU.

### **Iowa Implementation**

On September 13, 2016, the Iowa Transportation Commission approved the implementation of the FAST Act as it relates to the TAP program. After much consideration and through the gathering of stakeholder and general public input, the decision was made to emphasize geographic equity and the consideration of regional priorities in selecting projects for funding by continuing to work closely with Iowa's Metropolitan Planning Organizations (MPOs) and Regional Planning Affiliations (RPAs). Under previous transportation authorization acts and in support of the state's long history of encouraging regional planning through these organizations, a majority of TAP funding was distributed to the MPOs and RPAs to directly select projects locally. Under the FAST Act, the Iowa DOT will select all projects for award. With the goal of distributing funding as equitably as possible across the state, the Iowa DOT will retain \$1 million for the Statewide TAP program, a program geared toward statewide or multi-regional projects, while targeting the remaining funding to geographic areas based on the MPO and RPA boundaries through the Local Projects TAP program.

The goal of the Local Projects TAP program is the selection of regional projects based on regional priorities. This is consistent with the state's 2017 long range transportation plan, Iowa in Motion – 2045. In the past, the statewide bicycle/pedestrian planning framework was set within a network of statewide priority corridors with inconsistent local demand or support; however, experience has shown that most successful bicycle/pedestrian projects seize on opportunities and depend on local organization, commitment, and momentum to see a project through to completion. Each MPO and RPA has an adopted long-range transportation plan that outlines goals and priorities for the transportation system in the region. Many of these organizations have also undertaken a variety of TAP-related bicycle/pedestrian planning activities which can help further define regional priorities for bicycle/pedestrian funding. Relying on the MPO and RPA regional planning processes will result in a better overall Local Projects TAP program by selecting the local projects most likely to be successful.

Iowa DOT will calculate regionally directed TAP funding targets for each geographic area initially on a per capita basis. The TAP funding targets may be adjusted based on actual awards from previous years. The

regionally directed TAP funding targets will be made available on the Iowa DOT website annually. Targeting funding on an annual basis does not guarantee an area will be awarded the targeted amount or preclude an area from receiving more than the targeted amount in any given year. MPOs and RPAs will conduct an initial solicitation of Local Projects TAP program project applications, pre-screen the applications, and recommend projects for funding to the Iowa DOT. Projects for areas located within the boundaries of a Transportation Management Area (TMA) will not be eligible to apply for the Local Project TAP program and instead will apply directly to their TMA. The TMA will solicit and select projects for the funds sub-allocated directly to them via statute. TMAs in Iowa include the Iowa portions of the metropolitan planning areas surrounding Davenport, Des Moines, and Council Bluffs.

### **Reimbursable Nature of the Program**

The TAP program is a part of the Federal-aid Highway Program. Although the program is a “grant” program under federal regulation, it is not an “up-front” grant program and funds are available only on a reimbursement basis. This means project sponsors must incur the cost of the project prior to being repaid. Only after a project has been approved by the Iowa DOT and the Federal Highway Administration (FHWA) division office, can costs become eligible for reimbursement. Costs must be incurred only after FHWA division office project approval or they are not eligible for reimbursement. Requests for reimbursement will be made to the Iowa DOT and must be accompanied by sufficient documentation to show that the project costs have already been paid.

### **Treatment of Projects Requirement**

The FAST Act requires that projects funded by the TAP program must be carried out under the same rules and procedures as a highway project on a federal-aid highway. These rules will be available to successful applicants through the Federal-Aid Project Development Guide as well as through the Iowa DOT Instructional Memorandums. Both of these references can be found on the Iowa DOT website at <http://www.iowadot.gov>.

## **Iowa’s TAP Program**

### **Eligible Activities**

The following categories of activities are eligible for funding under the TAP Program:

- Transportation Alternatives (as defined by 23 U.S.C. 101(a)(29), in effect under MAP-21),
- Infrastructure-related or non-infrastructure-related projects formerly eligible through the Safe Routes to School program (as defined under Section 1404(f) of the SAFETEA-LU), and
- Projects eligible through the Recreational Trails Program under 23 U.S.C. 206.

### ***Transportation Alternatives***

Eligible projects must meet one or more of these eligibilities and must relate to surface transportation.

1. Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized 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 U.S.C. 12101 et seq).

2. 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.
3. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.
4. Construction of turnouts, overlooks, and viewing areas.
5. Community improvement activities, which include but are not limited to:
  - a. Inventory, control, or removal of outdoor advertising.
  - b. Historic preservation and rehabilitation of historic transportation facilities.
  - c. Vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control.
  - d. Archaeological activities relating to impacts from implementation of a transportation project eligible under this title.
  - e. Streetscaping and corridor landscaping.
6. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to:
  - a. Address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in Title 23 sections 133(b)(11), 328(a), and 329; or
  - b. Reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

#### ***Infrastructure-Related Safe Routes to School Projects***

The planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including:

1. Sidewalk improvements,
2. Traffic calming and speed reduction improvements,
3. Pedestrian and bicycle crossing improvements,
4. On-street bicycle facilities,
5. Off-street bicycle and pedestrian facilities,
6. Secure bicycle parking facilities, and
7. Traffic diversion improvements in the vicinity of schools. (section 1404(f)(1)(a))

#### ***Non-Infrastructure Related Safe Routes to School Projects***

Activities to encourage walking and bicycling to school, including:

1. Public awareness campaigns and outreach to media and community leaders,
2. Traffic education and enforcement in the vicinity of K-8 schools,
3. Student sessions on bicycle and pedestrian safety, health, and environment, and

4. Funding for training, volunteers, and managers of safe routes to school programs. (section 1404(f)(2)(a))

### **Recreational Trails Program Projects**

Eligible Recreational Trails Program projects include:

1. Maintenance and restoration of existing recreational trails;
2. Development and rehabilitation of trailside and trailhead facilities and trail linkages;
3. Purchase and lease of recreational trail construction and maintenance equipment;
4. Construction of new recreational trails (with some restrictions for new trails on Federal lands);
5. Acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;
6. Assessment of trail conditions for accessibility and maintenance;
7. Development and dissemination of publications and operation of educational programs to promote safety and environmental protection, (as those objectives relate to one or more of the use of recreational trails, supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training), but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year.

### **Ineligible Activities**

- State or MPO administrative activities.
- Promotional activities, except as permitted within an eligible SRTS project.
- Routine maintenance and operations, except trail maintenance as permitted by the Recreational Trails Program.
- General recreation and park facilities, playground equipment, sports fields, campgrounds, picnic areas and pavilions, etc.

### **Eligible Applicants and Project Sponsors**

The FAST Act authorizes the following entities to apply for TAP program funding:

- Local governments.
- Regional transportation authorities.
- Transit agencies.
- Natural resource or public lands agencies.
- School districts, local education agencies or schools.
- Tribal governments.
- A non-profit entity responsible for the administration of local transportation safety programs (such as a local program implementing 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 or a SRTS program.)
- 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).

- A non-eligible project sponsor may partner with an eligible co-sponsor in applying for funds.

## **Eligible Costs**

Only certain costs are eligible for reimbursement through the TAP program. An obligation of funds occurs when a project is approved and a project agreement is executed between the federal government (FHWA division office) and the Iowa DOT. This is called FHWA authorization. This does not generally occur until a project has cleared a number of steps in the project development process including the execution of a project agreement between the project sponsor and the Iowa DOT. Although considerable time and money may have already been spent developing a project, the obligation of funds upon FHWA authorization marks the beginning of project costs which are eligible for reimbursement. Any costs incurred prior to receipt of a notice to proceed from the Iowa DOT are not eligible for reimbursement.

After obligation and FHWA authorization, many project specific costs are eligible. Preliminary and final engineering work including project development, acquisition of right-of-way, environmental work, cost estimates, construction plans, and architectural work are eligible after approval is granted by the Iowa DOT. Utility relocations as permitted under Iowa Code, construction engineering, and construction costs would also be eligible. Any administrative, maintenance, or general planning studies would not be eligible. Upon award, each project will be assigned a dedicated contact person within the Iowa DOT who will work with the project sponsor through each step of the project development process.

## **Local Match**

TAP program funds may pay for up to 80 percent of eligible project costs or up to the approved grant maximum, whichever is less. A local match is required to pay for 20 percent or more of the remaining project costs. This match requirement also applies to Safe Routes to School projects. Federal funds cannot be used as matching funds, unless expressly permitted by law. State funds may be eligible for use as match to federal funds. Services, materials, or real property donated by a third party to the project sponsor may also be counted as match under certain circumstances and with Iowa DOT approval.

## **Application Process**

### **Solicitation and Application Deadline**

#### ***Statewide and Multi-regional Projects***

Applications for projects with a scope that is statewide or multi-regional in nature may be considered for funding through the Statewide TAP Program. Applications are due to the Iowa DOT annually by October 1 and must include the completed application, Iowa DOT *Form 240004 Request for Transportation Alternatives Program (TAP) Funds*, and all required attachments. Email submissions of the completed application by the stated deadline are allowed.

#### ***Local Projects***

The first step for projects with a local city or county focus will be submitting an application for the Local Projects TAP program to the local MPO or RPA. Each MPO and RPA will announce submittal deadlines for

eligible project sponsors within their area and will verify that submitted applications are complete. MPO and RPA staff will work directly with local project sponsors in identifying proposed projects and assisting project sponsors with completing the application. Upon receipt, the MPOs and RPAs will forward all applications received to the Iowa DOT for project selection. Contact information for local MPOs and RPAs as well as submittal deadlines can be found on the Iowa DOT website.

## **Project Selection**

### ***Statewide or Multi-regional Projects***

In addition to meeting TAP program eligibility requirements, projects funded under the Statewide TAP program are intended to have statewide or multi-regional significance. As such, applications for projects such as community or county trails that could be considered primarily local impact projects will not be scored favorably. These types of projects with a local impact should be submitted to the MPO or RPA in your region according to that MPOs or RPAs application deadline for the Local Projects TAP program.

An assessment of the relative statewide significance of a project may be made by considering the following:

- Statewide or multi-regional impact of the project,
- Degree of enhancement of the quality or utility of the state's overall surface transportation system,
- State or multi-regional tourism benefits,
- Degree of statewide or multi-regional planning implemented, and
- Iowa DOT priority project type (SRTS or Iowa Byways).

Applications will be reviewed by the Iowa DOT according to the above criteria. Projects recommended for funding will be presented to the Iowa Transportation Commission for approval. Following Commission action, project sponsors will be notified of their award, and details concerning initiating project development will be provided. The Iowa DOT reserves the right to reduce or adjust grant requests.

### ***Local Projects***

The Iowa DOT will review each application upon receipt from the MPOs and RPAs and confirm that the application is eligible to receive Local Projects TAP program funding according to the federal program guidance. The Iowa DOT will return confirmation of eligibility and provide comments on the applications back to the MPOs and RPAs. Each MPO and RPA will review each application received, consider the comments received by Iowa DOT, and assess each project for consistency with local/regional plans and priorities. This may be done through the use of a regional review committee or other means and may consider such factors as are relevant to the regional planning priorities. The MPOs and RPAs will provide applications and recommendations for award to the Iowa DOT by October 1. The Iowa DOT will complete the selection of projects to receive funding considering the following factors:

- Equitable distribution of projects geographically around the state;
- Priority of the project at a regional level;
- Project readiness, feasibility, timeline, and local match commitment;

- Connectivity with existing transportation facilities and access provided to populations;
- Quality of stewardship of past projects by the project sponsor; and
- Availability of funds sub-allocated per 23 U.S.C. 133(d).

### **Application Submittal**

In order to assess an application’s consistency with regional priorities and because different factors are important in different regions, individual MPOs and RPAs may require additional information for the Local Projects TAP program beyond those listed below. The MPO or RPA will include a request for additional information in the notice of their solicitation. A complete application will, at minimum, consist of the following as applicable:

1. A completed application form. *Form 240004 Request for Transportation Alternatives Program (TAP) Funds* is available on the Iowa DOT website.
2. A narrative assessing existing conditions, outlining the concept of the proposed project, and providing adequate project justification as described in the application form. The narrative also requires a discussion of topics like how the project will enhance connectivity, project readiness, and environmental conditions among others.
3. A detailed map identifying the location of the project.
4. A sketch-plan of the project, including cross-section for bicycle or pedestrian facilities.
5. Digital photographs
6. An itemized breakdown of the total project costs.
7. A time schedule for the total project development.
8. An official endorsement of the project from the authority to be responsible for its maintenance and operation according to the requirements included in the application form. For infrastructure projects, this includes assurance that the facility will be adequately maintained in public use for a minimum of 20 years. For cities, counties, or other political subdivisions, this endorsement is required to be in the form of a fully executed resolution by the elected body or board as applicable.
9. If applicable, a letter of support for the project from the scenic or historic byway board.
10. If applicable, information about the affected school(s) and student travel information for a SRTS project.
11. A narrative discussing the public input process that was followed and public acceptance as well as a discussion of local and regional planning efforts, partnership, and stakeholder involvement.
12. If the project will include construction within Iowa DOT right-of-way, a letter of support from the Iowa DOT District Office is required.
13. Minority Impact Statement

### **Funds Awarded**

Statewide TAP program funds may be awarded for up to 80 percent of the estimated eligible total project costs except for the following categories of projects:

- If a project is located along an Iowa Byway, has the endorsement of the appropriate byway organization, and has received or been recommended for 50 percent of the estimated total eligible project costs through either the Local Projects TAP Program selection process or the Surface Transportation Block Grant (STBG) program, the project may be eligible to receive an additional award of 30 percent of the estimated total eligible project costs of Statewide TAP program funding.
- SRTS projects that have received or been recommended 50 percent of estimated total eligible project costs through the Local Projects TAP Program selection process or the STBG program, may be eligible to receive an additional award of 30 percent of estimated eligible total project costs of Statewide TAP program funding.

Actual federal funds applied to a project will not exceed 80 percent of total project costs, or the maximum award amount, whichever is less. A Local Projects TAP application for a SRTS or Iowa Byways project recommended for funding will automatically be included in the selection process for the concurrent Statewide TAP program funding cycle. A second application is not required to be submitted to Iowa DOT.

## **Contacts**

Applicants interested in the Statewide TAP program should contact the Iowa DOT for additional information:

Pamella Lee  
 Transportation Alternatives Program Manager  
 Iowa Department of Transportation  
 Office of Systems Planning  
 800 Lincoln Way  
 Ames, IA 50010  
 Phone 515-239-1810  
 Pamella.Lee@iowadot.us

Applicants interested in the Local Project TAP program should contact their local MPO or RPA. A list of these organizations and their contact information is available on the Iowa DOT website.

## **Reporting Requirements**

Iowa DOT is required to compile annual statistics regarding project selection for submission to the FHWA per 23 U.S.C. 133(h)(7). This statute requires that the following be included in the report:

- The number of project applications received for each fiscal year,
- The aggregate cost of the projects,
- The types of projects, and
- The number of projects selected for funding, including aggregate costs and project location.

## **Federal Requirements, Standards, or Guidelines**

Since the TAP program is a part of the federal-aid highway program, awarded projects are subject to certain federal laws and regulations including but not limited to:

1. Involvement of the public, including the adjacent property owners, in the development of the project.
2. Compliance with the Uniform Relocation Property Assistance and Real Property Acquisition Policies Act (the Uniform Act) for the acquisition of easements or the purchase of land in fee simple. This includes fair treatment practices and may include the completion of an appraisal on parcels to be acquired. This requirement applies whether or not federal funds will be used for the acquisition costs.
3. National Environmental Policy Act (NEPA). This requires verification the project is not harmful to the environment including in the following areas:
  - Noise - impacts of noise during and after construction.
  - Air Quality - compliance with Iowa's state implementation plan for maintaining its attainment status relative to the national ambient air quality standards. Conformity with the requirements of the Clean Air Act must be verified.
  - Cultural Resources - disturbances to areas of archaeological or historical significance. Properties proposed for rehabilitation or preservation must be eligible for or on the list of the National Register of Historic Places. (Section 106 of the National Historic Preservation Act)
  - Water Quality - impacts to water quality.
  - Wetlands - impacts to wetlands.
  - Floodplains - impacts to regulatory floodways or to a 110-year floodplain.
  - Farmland Protection - impacts to surrounding farmland.
  - Hazardous Waste Sites - location of and impacts to hazardous waste sites.
4. Americans with Disabilities Act (ADA). Projects must conform to the Americans with Disabilities Act, which allows for reasonable access to the project for persons with disabilities.
5. Disadvantaged Business Enterprises (DBE) and Minority Business Enterprises (MBE). Verification must be received that efforts have been made to solicit bids from disadvantaged and minority business enterprises.
6. Davis-Bacon Wage Requirements. Projects will be required to comply with Davis-Bacon wage requirements, which state that contractors will conform to federal minimum wage requirements.
7. Competitive bidding requirements. Construction projects are required to be let through the Iowa DOT or according to procedures for a public letting as per Sections 26.3 through 26.13 of the Code of Iowa.
8. Permits or Other Approvals. It is the project owner/sponsor's responsibility to obtain all permits or other approvals that may be required as a result of the activities proposed as part of the project.