

TRANSPORTATION ENHANCEMENTS

Eligibility Guidance

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Transportation Enhancements Project Eligibility

Project Qualifications

Transportation Enhancements were originally created as part of ISTEA in 1991 and later re-affirmed in TEA-21. There were originally 10 eligible categories of projects, later expanded to 12 in TEA-21. The list of qualifying activities can be located in 23 USC 133(a)(35) and is intended to be exclusive, not illustrative, meaning that *only* those activities listed are eligible as TE projects. To comply with the federal guidelines for eligibility, there are two basic considerations:

- Is the proposed action one of the listed activities?
- Does the proposed action relate to surface transportation? (*Surface transportation is defined as all modes except aviation and military transportation.*)

Transportation enhancement projects are intended to go beyond the normal required environmental mitigation of a transportation improvement project. Activities already required by federal law may not be funded as transportation enhancements. The process of determining which activities will be considered as normal mitigation and which will be considered TE activities may at times be difficult.

Relationship to Surface Transportation

Transportation enhancement projects must have a relationship to surface transportation. The definition of TE activities includes the phrase, *“transportation enhancement activities means, with respect to any project or the area to be served by the project, any of the following activities, if such activity relates to surface transportation...”*. Proximity to a roadway or transportation facility alone is not sufficient to establish a relationship to surface transportation. Project sponsors should provide a clear and credible description of this relationship in their project's proposal.

The answers to the following key questions may provide some insight into the relationship to surface transportation:

- In what way(s) is the project related to surface transportation through present or past use as a transportation resource?
- Is there a direct connection to a person or event nationally significant in the development of surface transportation?
- What is the extent of the relationship(s) to surface transportation?
- What groups and individuals are affected by the relationship(s), when did the relationship(s) start and end, or do the relationship(s) continue?
- Is the relationship substantial enough to justify the investment of transportation funds?

Eligible Transportation Enhancement Activities

The 12 eligible activities are:

- 1) Provision of facilities for pedestrians and bicyclists;
- 2) Provision of safety and educational activities for pedestrians and bicyclists;
- 3) Acquisition of scenic easements and scenic or historic sites;
- 4) Scenic or historic highway programs (including the provision of tourist and welcome center facilities);
- 5) Landscaping and other scenic beautification;
- 6) Historic preservation;
- 7) Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals);
- 8) Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails);
- 9) Control and removal of outdoor advertising;
- 10) Archaeological planning and research;
- 11) Environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity;
- 12) Establishment of transportation museums.

Many projects are a mix of elements, some on the list and some not. *Only those project elements that are on the list may be counted as TE activities.*

Activities that are not explicitly on the list may qualify if they are an integral part of a larger qualifying activity. For example, if the rehabilitation of a historic railroad depot required the construction of new drainage facilities, the entire project could be considered for TE funding. Some TE projects, such as restored historic facilities, may have parts of the space used for activities that are leased for a fee. Examples are restaurants, leased office space, etc. These spaces may or may not be open to the public. In these cases, a partnership should be established to allow federal funds to be used only for the portion of the facility that is for public use. Privately or commercially used segments of a project should be developed with private investment dollars.

All funded activities (projects) must be accessible to the general public or targeted to a broad segment of the general public.

Provision of Safety and Educational Activities for Pedestrians and Bicyclists

The provision of safety and educational activities for pedestrians and bicyclists includes non-construction safety-related activities and the costs to provide safety and educational activities, such as bike/pedestrian safety training and/or costs of facilitators and classes. It may also include related training materials – brochures, videotapes, etc. as well as rent for leased space and limited staff salaries. Long-term salary participation is not eligible. There should be a definitive period of TE participation. Sponsors should be encouraged to coordinate these activities with the National Highway Traffic Safety Administration and other modal administrations. This TE activity is not intended to replace or duplicate existing Section 402 funding opportunities currently available.

Scenic or Historic Highway Programs (including the provision of tourist and welcome centers)

The following language was provided by Congress to assist in interpreting this category:

*“... In order to be eligible under the enhancement program, the tourist or welcome center (whether a new facility or existing facility) does **not** have to be on a designated scenic or historic byway, but there must be a clear link to scenic or historic sites.”*

A historic site (and all historic TE projects) should be either on or eligible for the National Register of Historic Places. If a tourist or welcome center provides substantial information about a particular scenic or historic site, this could be considered part of the justification for the link to the site and to surface transportation. The tourist or welcome center should be within close proximity to the scenic or historic site (within a reasonable walking distance).

TE funding for the provision of tourist and welcome centers may be used for the construction of a new facility and/or the restoration of an existing facility. Funds can be used to purchase and install items which support or interpret the scenic or historic highway program or site, including brochure racks (for interpretive materials), maps, or kiosks. Funds cannot be used for statewide programs, marketing, or promotion not related to the scenic or historic highway program. Funds cannot be used for staffing, operating costs, or maintenance.

The intent is not to use funds to repair and restore what are clearly rest areas.

Historic Preservation

There is no provision for replication of a historic structure in the list of eligible TE activities. Rehabilitation and restoration of historic structures is eligible. Building a replica of a historic structure is not the equivalent of restoration of an existing structure.

Environmental Mitigation to Address Water Pollution due to Highway Runoff or Reduce Vehicle-Caused Wildlife Mortality While Maintaining Habitat Connectivity

The environmental mitigation for water pollution due to highway runoff and reduction of vehicle-caused wildlife mortality while maintaining habitat connectivity can be either stand-alone projects or part of a larger existing or proposed project under the TE activities as long as the activity is

related to surface transportation. The TE activities are intended to go beyond what is considered normal environmental mitigation for a project. TE projects are not to replace mitigation currently eligible or required under regular Federal-aid funded projects.

Establishment of Transportation Museums

Transportation Museums established using TE funds must meet the following definition of a museum:

- 1) Be a legally organized not-for-profit institution or part of a not-for-profit institution or government entity;
- 2) Be essentially educational in nature;
- 3) Have a formally stated mission;
- 4) Have one full-time paid professional staff member who has museum knowledge and experience and is delegated authority and allocated financial resources sufficient to operate the museum effectively;
- 5) Present regularly scheduled programs and exhibits that use and interpret objects for the public according to accepted standards;
- 6) Have a formal and appropriate program of documentation, care, and use of collections and/or tangible objects; and
- 7) Have a formal and appropriate program of presentations and maintenance of exhibits.

This TE category is interpreted to mean funding of capital improvements. Funds are not intended to reconstruct, refurbish, or rehabilitate existing museums or portions of museums **that are not for transportation purposes**. Operation and maintenance activities are not eligible. Eligible items could include the costs of the structure and the purchase of artifacts necessary for the creation and operation of the facility. TE funds may be used to build a new facility, add on a transportation wing to an existing facility, or convert an existing building for use as a transportation museum.

The museum must be open to the public and run by a public, no-profit or not-for-profit organization meeting the definition of museums. If entrance fees are charged for the museum, a portion of the fee should be provided for the long-term maintenance and operation of the facility.

Since TE funds are only eligible for projects related to surface transportation, funds are not eligible to be used to preserve aircraft or create an airport or air museum.

Planning Documents

The TE guidance recommends not funding statewide planning and related documents, except under the eligible category “archaeological planning and research”. Planning that is an integral part of the development of a specific project may be considered eligible.

Additional Resources

Additional information is available from the Website for the National Transportation Enhancements Clearinghouse at www.enhancements.org.

Although the list of eligible activities is exclusive, eligibility questions are common and should be directed to the Iowa Department of Transportation’s Office of Systems Planning at 515-239-1621 or e-mail Jim Nervig at jim.nervig@dot.iowa.gov. A primary concern is to maintain consistency within the program statewide.