

Questions and Answers

Corrections-

- Bike/Ped education funding
- CMAQ and sub-allocation

Transportation Alternatives

- Eligibilities
- Funding
- Transfers, opt outs, current balances and rescissions
- Rec Trails funding

CMAQ

Safety

Transit

Action

CORRECTIONS/FURTHER EXPLANATION TO ANSWERED QUESTIONS

BIKE/PED EDUCATION-

Q. Is funding for bicycle and pedestrian education available under STP? What was the thinking for eliminated the education usage under Transportation Alternatives.

A. Bike/Ped education money IS available under the Surface Transportation Program (STP) because Safety programs are eligible and those allow for safety programs including education. Bike/ped non-infrastructure is also eligible under Congestion Mitigation and Air Quality (CMAQ).

Under Transportation Alternatives (TA), it is available as a Safe Routes to School project (SRTS). We will have to wait for guidance from the US DOT to see if it is available as a 'Safe Routes to Non-Drivers' use. In writing MAP-21 Congress put a heavy emphasis on construction uses of TA.

CMAQ and SUB-ALLOCATION

Q. Is CMAQ only eligible for non-attainment areas? And are MPO still awards that funding, or does the state DOT?

A. Under the Congestion Mitigation and Air Quality program (CMAQ) , a state that has a non-attainment area can use a portion of its CAMQ in non-attainment areas. That amount is based on/ similar to what it was under SAFETEA LU.

In states without a non-attainment area, the state can use its CAMQ funds for any CMAQ or STP eligible project.

MPOs- The federal law does not sub allocate CMAQ. That is a state-by-state decision.

TRANSPORTATION ALTERNATIVES QUESTIONS

ELIGIBILITIES-

Q. What exactly does acquisition of scenic and historic sites mean?

A. Under MAP-21 acquisition of scenic easements and historic sites is no longer eligible, but operating and rehabilitating historic building, structures and facilities is. We read that to mean that the state cannot use the money to buy land as an easement (to protect the view shed) or buy a new historic site. However, they can maintain an existing site they own.

Guidance from US DOT will further clarify the answer.

Q. Can you tell me more about the converting of underused highways into boulevards?

A. Yes, this is a new eligibility under Transportation Alternatives and introduces the ability of states to use this funding for road projects.

The language in the bill is: "Planning, designing, or constructing boulevards, and other roadways largely in the right-of-way of former Interstate System roads or other divided highways."

We believe the intent of this was to rehabilitate former interstate into complete street type projects. However, the language is not as clear, and its vagueness could lead to opening the funding. One such project could suck up all of the Transportation Alternatives funding.

Q. Clarify the statement that SRTS Coordinators are eligible.

A. We are working with SRTS to clarify the issue specific to SRTS coordinators. They are not eliminated, but the language of TA is unclear the way Congress drafted it.

Q. Are MPOs allowed to hire consultants to do programming work under TA?

A. The law doesn't answer this question. The law also does not allocate any funding to MPOs to carry out Transportation Alternatives, so while it will be up to the MPO how to do it, there are no additional funds available.

TRANSPORTATION ALTERNATIVES FUNDING

Q. How can I find out how much funding my MPO will get under Pot 1 of TA?

A. I would refer you to the maps on the Rails to Trails website
http://www.railstotrails.org/resources/documents/ourWork/MPOs_by_state/

A couple of notes on this. These maps identify Transportation Management Areas, which almost directly overlap with MPOs. The DOT uses TMAs to determine population size, but MAP-21 gives the decision making to the MPOs.

Q. If a state has only one MPO over 200,000 how will Pot 1 funding be split up?

A. The MPO will get a percentage of that funding to do their own competitive grant program based on the population of the MPO area.

The State will disperse the rest of the funding through a grant program. However the state must ensure that the percentage of grant funding that goes to applicants of communities with less than 5000 residents is equal to the percentage of population in those rural areas. For instance if a state's population is such that :

- 20% of the population lives in the MPO,
- 50 % live in communities that have populations between 5000 and 200,000; and
- 30% live in rural communities with a population of less than 5000

Then

- 20% will go to the MPO to run a grant program
- The state will run a grant program with the rest of the money, of which
 - 50% will fund grant projects in Communities with a population of 5000- 200,000
 - 30% will fund grant projects in rural areas.

This does not mean every community gets a small sliver, it means that rural communities will compete with rural communities for 30% of the funding; and the larger communities that are not in the MPO will compete for 50% of the funding.

Q. The MPOs must run a grant program?

A. Yes.

Q. If a municipality is within an MPO getting sub-allocated funds, can it apply in two ways?

A. Yes, under pot 1 it can apply to the MPO for funding. Under pot 2 it can apply to the state.

TRANSFERS, OPT-OUTS, EXISTING FUNDING AND RESCISSIONS

Q. It seems that states have a lot of opportunities to remove funds for the use in any other project. Are there any obstacles in place to encourage states to use the funds for Transportation Alternatives?

A. Yes, there a couple of things to consider.

First, the way the funds are distributed give local governments an interest in keeping the funds in TA. This was the result, and the purpose, of the Cardin-Cochran amendment. Mayors, County officials and others were very much in support of the Cardin-Cochran amendment, and should also be in support of ensuring that funding stays available for these projects. Please work with your State coordinator to engage powerful local government officials in advocating for states to fund the program.

Second, the new emphasis on bike/ped safety should also be a hook in the bill. We will talk about this more in a later webinar.

Third, the overwhelming popularity of these programs, and the voice of advocates can be a huge incentive for states to fund these programs. Doing show me events, creating media buzz, and thanking local officials who support these projects can make the difference.

Q. Can states transfer money INTO Transportation Alternatives?

A. Yes, and we know some are thinking about it as a way to bring funding back to higher levels, or to reinstate Safe Routes to School. If you have a supportive state it may make sense to ask them to preserve or increase funding to current levels. Again, we would ask that you check in with your State coordinator to discuss the strategy in your state.

Q. What happens to the current unexpended balances of TE, SRTS?

A. Those funds are still available under the rules under SAFETEA LU rules. This means that the states could be using that money now, and can still use it even as they are figuring out their new program under MAP-21. The DOT just published an FAQ on this here: <http://www.fhwa.dot.gov/map21/qa.cfm>

These funds could go away-so using them sooner rather than later is important. TE funds technically expire after 4 years. SRTS funds never expire so should be available.

However, Congress has the ability to recall/ rescind unobligated funds. Getting these funds awarded and obligated is the best way to show these projects are wanted and needed.

Q. Are these funds under threat of being rescinded?

A. Congress can rescind- or pull back unspent funding- in two ways. One is in the long-term bill like Map-21 and the other is in the annual budget process.

Congress did not put in any provisions for rescinding funds under MAP-21. As of now, there is no rescissions in the FY 2013 funding bill (which would continue funding for 6 months until March 21, 2013. This bill will be taken up in September so is subject to change.)

However, it is always possible that they will rescind funds at a later date. This past year they rescinded old earmark funding which Secretary LaHood announced last week will be available for states. They could do something like this again.

RECREATIONAL TRAILS PROGRAM/ TRAILS QUESTIONS

Q. Do you have any information for grants through the recreational trail program for multi- use trails?

A. The Rec Trails program is largely unchanged by MAP-21. (assuming the Governor does not opt out of the program.) You should check with your state DOT for project selection and RFPs in your state.

Q. Where can I learn more about getting a rails-with-trails in my state? (a multi-use trail within an active railroad corridor?)

A. I would check in with Rails to Trails Conservancy for best practices. I would also point you towards the Virginia Bicycle Coalition as they have had some success building rails-with –trails and are committed to the idea.

CLEARINGHOUSES

Q. Where will the information on the PBIC and SRTS clearinghouses be available after their funding runs out?

A. First, DOT could decide to continue the clearinghouses under their budget (vs. a Congressional dedicated funding which they had under SAFETEA LU).

As to housing the data, we don't know where it will go, but we know DOT is thinking about that as well.

CONGESTION MITIGATION AND AIR QUALITY

Q. What specific impact on CMAQ funding changes will impact bicycling and walking?

A. The biggest change is that states can now transfer up to 50% of CMAQ to another program (up from ~21% in SAFETEA LU). We expect that states that are good about using CMAQ will continue to do so.

Q. What will be required in the Health Impact Assessment? Where can I find information on what should be included or guidelines/suggestions on how to set that up?

A. The US DOT is still interpreting this, but last week released the following information:<http://www.fhwa.dot.gov/map21/cmaq.cfm>

CMAQ outcomes assessment study

- The Secretary, in consultation with EPA, will assess emission reductions, air quality and health impacts of actions funded under the CMAQ program since the enactment of SAFETEA-LU.
- To be performed by an independent scientific research organization.
- Scoping report due within 1 year; final report within 2 years of enactment.
- Funded by up to \$1 million set aside from the amount authorized for FHWA's Administrative expenses.

HIGHWAY SAFETY IMPROVEMENT PROGRAM

Q. Who currently tracks bicycling /pedestrian crashes and who will track it in the future under the new law?

A. The National Highway Traffic Safety Administration tracks bicycle and pedestrian crashes and fatalities now and will under the new law as well.

One of the problems with bike/ped data is that NHTSA gets its data from police reports. Bike/ped crashes are not always recorded, and therefore not included in US DOT/NHTSA numbers.

Q. What do you mean by a nonmotorized representative?

A. Under MAP21 the State has to consult with a nonmotorized representative while writing their safety plan. Its unclear in the law whether this means a state employee or could mean an advocate. We do know the intent of the Senator who offered this amendment was for an advocate (Sen. Udall from New Mexico). This is something US DOT guidance will help interpret.

Both MAP-21 and SAFETEA LU also allow for safety stakeholders to be consulted. In California, this was used to get a bicycle advocate (or 2) at the table. This resulted in CA spending HSIP money on bike/ped infrastructure.

TRANSIT FUNDING

Q. Are bike/ped projects still eligible under transit programs? What changes to transit effect bike/ped?

A. Bike/ped projects are still eligible under a myriad of transit programs (please see attached chart.) The major change is on federal lands where the Sarbanes Transit in the Parks Program was eliminated. This program provided 100% federal funding to bike/ped projects in national parks.

ADVOCACY QUESTIONS

Q. Is there an opportunity in the next two years to get back what bike/ped lost, and if so how will the national bike/ped groups' strategy change?

Our focus will be on state and regional advocacy to make sure that MAP-21 funds are spent on bicycling and walking to demonstrate the continued popularity and demand for these projects. At the federal level, we are broadening our coalition and making the case the active transportation needs to be a federal priority.

Q. Should we write to state legislators to raise their awareness and ask them to set legislation requiring DOTs to devote Transportation Alternatives funding to Bike/ped?

Please coordinate with your state contact about the most effective and appropriate action for your state. They can be found here:

<https://docs.google.com/spreadsheets/ccc?key=0AglKAVh4bgYVdFNoNTdPVGhWb0lrLTBacGIQMUxraHc#gid=0>

Q. Do you have any strategies or ideas for convincing state governments that are openly hostile to biking and walking to not transfer TA funds?

We need to show public support bicycling and walking. This can mean grassroots support and "grasstops" support from mayors and other influential people in the state.