KYOVA INTERSTATE PLANNING COMMISSION
PROJECT ELIGIBILITY GUIDELINES

(Please use only as a guide)

SURFACE TRANSPORTATION BLOCK GRANT (STBG) PROGRAM
TRANSPORTATION ALTERNATIVES – TA (STBG SET-ASIDE PROGRAM)
CONGESTION MITIGATION AND AIR QUALITY (CMAQ) IMPROVEMENT PROGRAM – OH

SURFACE TRANSPORTATION BLOCK GRANT PROGRAM (STBGP)

The Surface Transportation Block Grant (STBG) Program provides flexibility that may be used by States and localities for projects to preserve and improve the conditions and performance on any Federal-aid highway, bridge and tunnel projects on any public road, pedestrian and bicycle infrastructure and transit capital projects including intercity bus terminals.

STBGP Eligible Activities

1. Construction, reconstruction, rehabilitation, resurfacing, restoration, preservation, or operational improvements for highways, including designated routes of the Appalachian Development Highway System (ADHS) and local access roads under 40 U.S.C. 14501.
2. Replacement (including replacement with fill material), rehabilitation, preservation, protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) and application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing compositions for bridges (and approaches to bridges and other elevated structures) and tunnels on public roads of all functional classifications, including any such construction or reconstruction necessary to accommodate other transportation modes, and anti-icing/deicing for bridges and tunnels on any public road, including construction or reconstruction necessary to accommodate other modes.
3. Construction of new bridges and tunnels on a Federal-aid highway.
4. Inspection and evaluation of bridges, tunnels, and other highway assets as well as training for bridge and tunnel inspections. This includes, but is not limited to, signs, retaining walls, and drainage structures.
5. Capital costs for transit projects eligible for assistance under Chapter 53 of title 49, including vehicles and facilities used to provide intercity passenger bus service.
6. Carpool projects, fringe and corridor parking facilities and programs, including electric and natural gas vehicle charging infrastructure, bicycle transportation and pedestrian walkways, and ADA sidewalk modification.
7. Highway and transit safety infrastructure improvements and programs, installation of safety barriers and nets on bridges, hazard eliminations, mitigation of hazards caused by wildlife, railway-highway grade crossings.
8. Highway and transit research, development, technology transfer.
9. Capital and operating cost for traffic monitoring, management and control facilities and programs, including advanced truck stop electrification.
10. Surface transportation planning.
11. Transportation alternatives – newly defined, includes most transportation enhancement eligibilities.
12. Transportation control measures.
13. Development and establishment of management systems.
14. Environmental mitigation efforts (as under National Highway Performance Program).
15. Intersections with high accident rates or levels of congestion.
16. Infrastructure-based ITS capital improvements.
17. Environmental restoration and pollution abatement.
18. Control of noxious weeks and establishment of native species.
19. Congestion pricing projects and strategies, including electric toll collection and travel demand management strategies and programs.

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20. Recreational trails projects eligible for funding under 23 U.S.C. 206.
21. Construction of ferry boats and terminal facilities eligible for funding under 23 U.S.C. 129(c). Approach roadways for these terminals are eligible as projects to accommodate other transportation modes (pursuant to 23 U.S.C. 142(c)) and as project that provides access into and out of port under paragraph (25)(23 U.S.C. 133(b)(25)).
22. Border infrastructure projects.
23. Development and implementation of State asset management plan for the NHS, and similar activities related to the development and implementation of a performance based management program for other public roads.
24. Surface transportation infrastructure modifications within port terminal boundaries, only if necessary to facilitate direct intermodal interchange, transfer and access into and out of the port.
25. Construction and operation improvements for a minor collector in the same corridor and in the proximity to an NHS route if the improvement is more cost-effective (as determined by a benefit-cost analysis) than an NHS improvement and will enhance NHS level of service and regional traffic flow.
26. Workforce development, training and education that are in accordance with 23 U.S.C 502(e).

For detailed information on the STBG Program please refer to: http://www.fhwa.dot.gov/fastact/factsheets/stbgfs.cfm

TRANSPORTATION ALTERNATIVES – TA (STBGP Set-Aside Program)
The Transportation Alternatives (TA) STBG Set-Aside Program replaces the MAP-21 Transportation Alternatives Program (TAP). The new funding category includes all projects and activities that were previously eligible under TAP, encompassing a variety of smaller-scale transportation projects such as pedestrian and bicycle facilities, recreational trails, safe routes to school projects, community improvements such as historic preservation and vegetation management and environmental mitigation related to stormwater and habitat connectivity.

TA STBGP Set-Aside Eligible Project Sponsors
Under FAST Act Section 1109, 23 U.S.C. 133 (h) the TA Set-aside eligible entities are:

- Local governments;
- Regional transportation authorities;
- Transit agencies;
- Natural resource or public land agencies;
- School districts, local education agencies, or individual 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 State agency) that the State determines to be eligible, consistent with the goals of subsection (c) of Section 213 of Title 23.

TA STBGP Set-Aside Eligible Activities
Funds apportioned to a State to carry out the TA STBG Set-aside program may be obligated only for the activities described below. There is no requirement for projects to be located along Federal-aid highways. Safe Routes to School (SRTS) projects must be within approximately two miles of a school for kindergarten through eighth grade as specified and carried forward in SAFETEA-LU Section 1404.

Eligible activities under for TA STBG Set-Aside projects remains the same as those under the prior MAP-21 TAP as listed below:

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.

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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 turnouts, overlooks, and viewing areas.
E. Community improvement activities, including:
    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 stormwater 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. The Recreational Trails Program under Section 206 of Title 23.
3. The Safe Routes to School Program under Section 1404 of the SAFETEA-LU.
    A. Infrastructure related projects – planning, design, and construction of infrastructure-related projects on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvement, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.
    B. Non-infrastructure related activities to encourage walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and funding for training, volunteers, and managers of safe routes to school programs
    C. Safe Routs to School coordinator.
4. Planning, designing, or constructing boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

TA Set-Aside Ineligible Activities

Section 1103 of MAP-21 which has been carried forward with the FAST Act, eliminated the definition of transportation enhancement activities in Section 104 of Title 23 and inserted in its place a definition of transportation alternatives, which does not include eligibility for certain activities that were previously eligible as transportation enhancements:

A. Safety and education activities for pedestrians and bicycles. Exception: Activities targeting children in Kindergarten through Grade 8 are eligible under SRTS (eligibility under the TA funding).
Note: Some of these activities may be eligible under HSIP. Non-construction projects for bicycle safety remain broadly eligible for STBG funds.
B. Acquisition of scenic easements and scenic or historic sites.

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C. Scenic or historic highway programs (including visitor and welcome centers).
   i. *Note: A few specific activities under this category (construction, turnouts, overlooks and viewing areas) remain eligible under Section 101(a)(29)(D) of Title 23.*
D. Historic preservation as an independent activity unrelated to historic transportation facilities.
   i. *Note: Historic preservation and rehabilitation of historic transportation facilities are permitted as one type of community improvement activity; see Section 101(a)(29)(E).*
E. Operation of historic transportation facilities.
F. Archaeological planning and research undertaken for proactive planning. This category now must be used only as mitigation for highway projects.
G. Transportation museums.

For detailed information on the STBG TA Set-Aside Program please refer to:
http://www.fhwa.dot.gov/fastact/factsheets/transportationalternativesfs.cfm

CONGESTION MITIGATION AND AIR QUALITY (CMAQ) IMPROVEMENT PROGRAM

The Congestion Mitigation and Air Quality (CMAQ) Improvement Program continues with the FAST Act to provide a flexible funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. Funding is available to reduce congestion and improve air quality for areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter (nonattainment areas) and for former nonattainment areas that are now in compliance (maintenance areas).

CMAQ Eligible Activities

Funds may be used for transportation projects likely to contribute to the attainment or maintenance of a national ambient air quality standard, with a high level of effectiveness in reducing air pollution, and be included in the Metropolitan Planning Organization's (MPO) current Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP) or the current state transportation improvement program (STIP) in areas without an MPO.

Each project must meet three basic criteria: (1) It must be a transportation project: (2) it must generate an emissions reduction; and (3) it must be located in or benefit a nonattainment or maintenance area.

Some specific eligible projects are described below:

A. Establishment or operation of a traffic monitoring, management, and control facility, including advanced truck stop electrification systems, if it contributes to attainment of an air quality standard.
B. Projects that improve traffic flow, including projects to improve signalization, construction of HOV lanes, improve intersections, add turning lanes, improve transportation systems management and operations that mitigate congestion and improve air quality, and implement ITS and other CMAQ-eligible projects, including projects to improve incident and emergency response or improve mobility, such as real-time traffic, transit, and multimodal travel information.
C. Purchase of integrated, interoperable emergency communications equipment.
D. Projects that shift traffic demand to nonpeak hours or other transportation modes, increase vehicle occupancy rates, or otherwise reduced demand.
E. Purchase of diesel retrofits or conduct related outreach activities.
F. Facilities serving electric or natural gas-fueled vehicles (except where this conflict with prohibition on rest area commercialization) are explicitly eligible.

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G. Some expanded authority to use finds for transit operations.
   i. Capital Investments:
      - Capital investments may be used to establish new or expanded transportation projects or programs that reduce emissions, including capital investments in transportation infrastructure, congestion relief efforts, vehicle acquisitions, diesel engine retrofits, or other capital projects.
   ii. Operating Assistance:
      - The intent is to help start-up viable new transportation services that can demonstrate air quality benefits and eventually cover costs as much as possible. Other funding sources should supplement and ultimately replace CMAQ funds for operating assistance, as these projects no longer represent additional, net air quality benefits but have become part of the baseline transportation network.
      - Operating assistance includes all costs of providing new transportation services, including, but not limited to, labor, fuel, administrative costs, and maintenance.
      - With the focus on start-up, and recognizing the importance of flexibility in the timing of financial assistance, the 3 years of operating assistance allowable under the CMAQ program may now be spread over a longer period, for a total of up to 5 sequential years of support. Grantees who propose to use CMAQ funding for operating support may spread the third-year amount not to exceed the greater of year 1 or year 2) across an additional 2 years (i.e. years 4 and 5). This will provide an incremental, taper-down approach, while other funding is used for a higher proportion of the operating costs as needed.

CMAQ Ineligible Activities

A. Light-duty vehicle scrappage programs.
B. Projects that add new capacity for SOVs are ineligible unless construction is limited to high occupancy vehicle (HOV) lanes. This HOV lane eligibility includes the full range of HOV facility uses authorized under 23 U.S.C. 166, such as high-occupancy too (HOT) and low-emission vehicles.
C. Routine maintenance and rehabilitation projects (e.g., replacement-in-kind of track or other equipment, reconstruction of bridges, stations, and other facilities, and repaving or repairing roads) are ineligible as they only maintain existing levels of highway and transit service and therefore do not reduce emissions.
D. Administrative costs of the CMAQ program may not be defrayed with program funds.
E. Projects that do not meet the specific eligibility requirements of Titles 23 and 49, U.S.C.
F. Stand-alone projects to purchase fuel.
G. Models and Monitors-acquisition, operation, or development of models or monitoring networks. Modeling or monitoring emissions, traffic operations, travel demand or other related variables do not directly lead to an emissions reduction.
H. Litigation costs surrounding CMAQ or other Federal-aid projects.

For detailed CMAQ information please refer to: http://www.fhwa.dot.gov/fastact/factsheets/cmaqfs.pdf